

Office of the Zoning Board of Appeals

THE TOWN OF MERRIMAC

Massachusetts, 01860



COMMITTEE: ZBA

Meeting date: December 10, 2018

Meeting location: Merrimac Town Hall

2 School Street, Merrimac, Ma 01860

Arthur Amirault, Ed Mills, Mitch Kostoulakos, Earl Baumgardner were present. Josh Jackson was excused

Amy Kessel, KP Law, Bob Sinibaldi present

Attorney Mark Bobrowksi and Raymond Cormier present

Scheduled Hearing

- 7:00 P.M.** Arthur Amirault made a motion to approve the October meeting minutes, Ed Mills 2nd the motion. Vote 4:0
- 7:02 P.M.** Mitch Kostoulakos made the motion to approve payment for the admin cell phone usage, Ed Mills 2nd the motion Vote 4:0
- 7:03 P.M** Mitch Kostoulakos made the motion to approve the payroll warrant for the Admin, Arthur Amirault 2nd the motion, Vote 4:0
- 7:05 P.M** Continuance 7 West Shore Rd Variance Request-Applicant present with Architect. The heated space is only being calculated. Exclude the stairwell and landing from the calculation.

A petition was filed by Peter Thistlewood to vary the terms of Merrimac Zoning bylaw. The property is located at 7 West Shore Road, Merrimac, MA 01860, in the Agricultural Residential (AR) zoning district. The neighborhood is a residential area. Notice of a Public Hearing scheduled for September 10, 2018 was mailed by first class mail to the petitioner, the abutters of record, and all parties interested as specified in M.G.L. c. 40A, s.11. Legal Notice of the Public Hearing was published in The Newburyport Daily News, a daily publication in the Greater Newburyport Area. Notice appeared on August 21, 2018 and August 28, 2018 announcing the hearing to be held at the Merrimac Town Hall 2 School Street, Merrimac, MA at 7:00 p.m. The Town Clerk posted notice of the meeting of the Board of Appeals in a timely manner. Public hearings were held as advertised. September 10, 2018 Chairman, Earl Baumgardner opened the hearing at 7:15 p.m. members present: Josh Jackson, Arthur Amirault, Earl Baumgardner (Chair), Mitch

Kostoulakos and Ed Mills. Chairman Baumgardner recognized the applicant, Peter Thistlewood, at which time he was given the opportunity to speak about the proposed project. The Petitioner requests a Special Permit for a building permit according to Merrimac Zoning By-laws Article 17.3.3.1 and 17.3.3.2: His mother wishes to move into the proposed (to be built) in-law unit to be added to the existing house. Board members reviewed the zoning bylaw, the plans and all material provided to them. The new structure for the in-law apartment exceeds the permitted 900 square feet. Applicant requested an extension to allow time to review the plans with his architect and revise if necessary. All those interested were given the opportunity to be heard either in favor or in opposition to the petition. Public Hearing was continued to December 10, 2018. The public hearing was reconvened on December 10, 2018 at 7:05pm. Board members present were Earl Baumgardner (Chair), Arthur Amirault, Mitch Kostoulakos and Ed Mills. The applicant was present with his architect. She explained how she arrived at the 900 square feet measurement for the addition. Board members accepted her explanation and agreed that the in-law addition space was at the permitted 900 square feet. Mitch Kostoulakos made a motion to grant the petition with conditions for a Special Permit as needed according to the Merrimac Zoning bylaw Article 17.3.3.1 and 17.3.3.2. The petitioner will be responsible to demonstrate the following: - The in-law apartment will remain at 900 square feet of living space, which is equal to the 900 square feet permitted. - The in-law apartment will remain in effect for as long as the petitioner's mother shall reside at 7 West Shore Road. In addition, any change in ownership or occupancy of the in-law unit or primary home will necessitate further consideration by the ZBA. This permit is null and void upon the vacancy of the petitioner's mother or the home is sold where it will immediately revert back to a single family home. - Clear passage throughout the home will remain in effect. - 2 means of egress will be demonstrated and maintained. - Petitioner will abide by Article 17 in the Merrimac Zoning By-laws, including but not limited to the accessory unit will be subordinate to the principal living quarters, the installation of a common wall or partition of the existing living space, no other living unit may be located at this address, a separate ingress and egress will be provided for each unit as determined by the Building Inspector which will not detract from the single family appearance of the dwelling. Ed Mills seconded the motion made by Mitch Kostoulakos The Board voted 4 votes in favor, no dissenting votes.

7:18 P.M RAMS HEAD LLC

Traffic -Bayside Engineering. The Town has provided all the documents that it has available relating to water and sewer. The format the Town has may need to be updated.

Mark Bobrowski Re: Letter from Bob Colledge

Ray Cormier-Woodard and Curran is working on the formatting issue. The goal is to determine the best water pressure. Ray will report back.

Scott Miller-Submitted info relating to flow testing. There are Archives that exist with SGC 2009. A conversation may need to be made.

Sewer-See letter relating to size, shape and depth of pump chamber. SCG may have information-if there is a cost associated with obtaining info-Applicant may need to pay.

An extension will be needed from the applicant.

Traffic-MDM-Peer Review-Bayside Engineering-Ken Cram

Provided a point by point review, updated crash analysis, some info relating to the Town of Amesbury and the sports park, he did not include the gas station/re zoning issue.

Longview-Georgetown-Comparison of 40B-see report

10 High Street-Nancy Messea-regarding trips per hour

30S Pleasant-Sherri Robbins-Questions trips per hr. River Street

MDM agrees with Bayside

Report use Traffic Institute estimates-concerns with road infrastructure and crash reports (exit 53)

Concerns with pedestrian access-historic district/narrow steep roads-safety

Pam Anderson-River Road concerns

Bob -Merrimac Huddle-Report submitted-Concerns regarding zoning issues, safety, environmental.

Colonial Drive-Cabot Smith-Discusses the Georgetown development, traffic, garages

9 Colonial Drive-Bill Neth-Concerns with the width and capacity of the roads, delays, software that was used-see report

18 S Pleasant-Mark Kelly-Submitted letter relating to public Safety-grading of roads/cuts. States that a Geotechnical Engineer could be needed for review

30 S Pleasant St-Sherry Robbins-Questioning response from Fire/police relating to the 8/6 meeting. Fire submitted letter

Colonial Drive-Cabot Smith-Comments on the easement-Bobrowski states the easement via Colonial is a "no go" no utility.

60 River Road-Seymour-Traffic Study-look at pedestrian issues, sidewalks

There is a bus shelter proposal High/Broad-there are concerns with this.

Dan Mills-MDM-there is a change in parking spaces-8384/327

Discusses improvements on High Street-need commitments-widening-extension of sidewalks to Broad-talk with Fire

Formal comment is forthcoming

95 River Road-concerns with children crossing roads

16 High Street-concerns for school children, bus traffic, looking for Police opinion

Little Pond Road-It is this resident's opinion that the complex in Georgetown is not comparable

10 High Street-concerns with sidewalk safety

Colonial Drive-Bill Neth-Bus shelter part of 6 High Street?/corner Broad /High St
Extension concerns with ownership/check title-isn't on plan

Amy Kwesell-KP Law-Garages-how will they be distributed? Bobrowski- 25% to
affordable units (proportionally) will work out a plan-possible lottery.

Kwesell-questions is garages are acting as retaining wall

Bobrowski-letter submitted 12/10/18

Meetings were set for 1/28, 2/25, 3/25, 4/22

There is a request for an extension-due to close on 2/2/19-90-day extension granted from
attorney. Written confirmation will be needed from applicant

Invoices were paid to:

MDM-Mitch Kostoulakos made the motion, Ed Mills 2nd the motion Vote 4:0

Horsley-Mitch Kostoulakos made the motion, Ed Mills 2nd the motion Vote 4:0

Haley Ward -Mitch Kostoulakos made the motion, Ed Mills 2nd the motion Vote 4:0

A motion was made to continue the hearing by Arthur Amirault, Ed Mills 2nd the motion.
Vote 4:0

Approved


