

The Office of the Zoning Board of Appeals  
THE TOWN OF MERRIMAC  
Massachusetts, 01860

COMMITTEE: ZBA  
MEETING DATE: April 9, 2018  
Meeting Place: Merrimac Town Hall  
86 West Main Street, Merrimac, Ma 01860

Members present: Chairman Josh Jackson, Ed Mills, Earl Baumgardner, Ellie Janelle, and Arthur Amirault  
Mitch Kostoulakos

Non Members present: Bob Sinibaldi

#### **7:05PM**

Chairman Jackson opened the meeting.

#### **7:05PM**

Applicant: Chris Elwell- 36 Hanson Drive, Merrimac Ma

A petition was filed by Chris Elwell to vary the terms of Merrimac Zoning bylaw. The property is located at 36 Hansom Dr., Merrimac, MA 01860, in the Suburban Residential (SR) zoning district. The neighborhood is a residential area. Notice of a Public Hearing scheduled for April 9, 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 March 19, 2018 and April 2, 2018 announcing the hearing to be held at the Merrimac Town Hall 2 School Street, Merrimac, MA at 7:05 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. April 9, 2018

Chairman, Josh Jackson opened the meeting at 7:05 p.m. members present: Josh Jackson (Chairman), Arthur Amirault, Earl Baumgardner, Elle Fowler, Mitch Kostoulakos and Ed Mills. Chairman Jackson recognized the applicant, Chris Elwell 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 in-laws wish to move into a intended to be finished in-law unit in the basement of the main residence.

Board members reviewed the zoning bylaw, the plans and all material provided to them. All those interested were given the opportunity to be heard either in favor or in opposition to the petition. 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 688 square feet of living space, which is less than the 900 square feet permitted. - Since no exterior construction is being undertaken all set-backs will remain in effect and continue to be met. - The in-law apartment will remain in effect for as long as the petitioner's in-laws resides at 36 Hansom Dr. 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 in-laws or Mr. or Mrs. Elwell sell 36 Hansom Dr. 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, and off street parking will be made available for both residents and guests that will be in keeping with the neighborhood. Ed Mills seconded the motion made by Mitch Kostoulakos.

The Board voted 6 votes in favor, no dissenting votes.

### **7:20PM**

Applicant: Laerte DeAssis

The Zoning Board of Appeals will hold a public hearing on April 9, 2018 at 7:10PM at the Merrimac Town Hall, School Street, Merrimac, Massachusetts, under General Laws, Chapter 40A, as amended on the application of Laerte DeAssis concerning the premises located at 2 Prospect Hill Street, Merrimac, Massachusetts. This property is located in the Village Residential Zone. The Petitioner seeks a Finding of Fact relating to the the provisions of Article 17.3.3.1 and Article 17.3.3.2 of Merrimac Zoning Bylaw and in accordance with Massachusetts General Law ("G.L.") Chapter 40A, 10, whereby the petitioner seeks to add an accessory dwelling section to the property.

After discussion, Bob Sinibaldi is going to seek legal counsel from Kopelman and Page relating to this filing. Ed Mills made the motion, Arthur Amirault 2<sup>nd</sup> the motion Vote: 6:0

Macella Vincent of 33 East Main was present and did discuss traffic concerns relating to this property.

This item will be continued to the April 9, 2018 meeting.

### **Discussion**

June Ryerson 10 Bear Hill Road-possibility of placing a 14X24 shed on existing garage slab/foundation. June will survey her property and if needed will come before the ZBA for future plans.

### **8:03PM**

Meeting Adjourned

Ellie Janelle made the motion to adjourn the meeting, Earl Baumgardner 2<sup>nd</sup> the motion

Vote: 6:0

The Office of the Zoning Board of Appeals  
THE TOWN OF MERRIMAC  
Massachusetts, 01860

COMMITTEE: ZBA  
MEETING DATE: March 12, 2018  
Meeting Place: Merrimac Town Hall  
86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Earl Baumgardner, Ellie Janelle, and Arthur Amirault  
Mitch Kostoulakos  
Non Members present: Phil Parry

**7:05PM**

Chairman Jackson was not present-Earl Baumgardner opened and ran the meeting.

**7:08PM**

**Applicant: Edwin Noone/Patrick**

March 12, 2018 Acting Chairman Earl Baumgardner opened the meeting at 7:05 p.m. members present: Earl Baumgardner (Acting Chairman), Ellie Fowler, Mitch Kostoulakos, and Edward Mills.

Notice of the Public Hearing scheduled for March 12, 2018 was submitted and posted in town hall within the legal parameters as specified in M.G.L. c. 40A, s.11. Legal Notice of a public hearing made on February 21, 2018 and March 6, 2018, in the Newburyport News announcing the original hearing to be held on March 12, 2018 at 7:05 p.m. at the Merrimac Town Hall, 2 School Street. This meeting was held at the Merrimac Town Hall, 2 School Street, Merrimac, MA, 01860.

The Town Clerk posted notice of the meeting of the Board of Appeals in a timely manner. Public hearings were held as advertised

A petition was filed by Edwin B. and Patrick M. Noone, to modify the terms of Merrimac Zoning bylaw for the application of a variance for side and back lot setbacks. The property is located at 45 East Main Street, Merrimac, MA 01860, in the Rural Highway (RH) zoning district.

Acting Chairman Baumgardner recognized the applicant's attorney, Phillip Parry, at which time he was given the opportunity to speak about the proposed project. The petitioner seeks a variance under Article 9.5 of the Merrimac Zoning Bylaw and in accordance with Massachusetts General Law ("G.L.") Chapter 40A, 10, whereby the petitioner seeks to construct an addition and deck to the rear of the existing residence for the purposes of making the home more handicapped accessible.

Board members reviewed the zoning bylaw, the plans and all material provided to them.

All those interested were given the opportunity to be heard either in favor or in opposition to the petition.

Ellie Fowler made a motion, to grant the petitioner a variance under Article 9.5 stating the west side of the addition will be no closer than 17' 6" to the western property boundary, the southern back of the addition will be no closer than 32' 6" to the southern property boundary as certified by Dennis G. Quintal, PE of Civil Construction Management, Inc.

This variance also does not nullify nor substantially derogate from the intent or purpose of the Bylaw.

Ed Mills seconded the motion made by Ellie Fowler. The Board voted 4 votes in favor with no dissenting votes.

**7:45 PM**

**Meeting Adjourned**