

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

COMMITTEE: ZBA

MEETING DATE: May 29, 2019

Meeting Place: Merrimac Town Hall

86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Earl Baumgardner, Arthur Amirault, Mitch Kostoulakos, Josh Jackson-
absent. Holly Moran (BOS) Bob Sinibaldi

Phil Parry representing the applicants, Joe Higgins

7:00PM

Chairman Baumgardner opened the meeting. Ed Mills made a motion to accept the agenda, Arthur Amirault 2nd the motion. 5:0

7:01PM

Applicant-Joe Higgins

Ed Mills disclosed that the applicant has done work for him at his home.

May 29, 2019 Chairman Earl Baumgardner opened the hearing at 7:00 p.m. Members present: Arthur Amirault, Earl Baumgardner (Chair), Mitch Kostoulakos and Ed Mills. Alternate member present, Selectman Holly Moran. Alternate member Holly Moran participated in this hearing to allow for a full board.

Chairman Baumgardner recognized the applicant's attorney, Philip Parry, at which time he was given the opportunity to speak about the proposed project. The Petitioner requests variances from the provisions of the Merrimac Zoning Bylaw Articles 3.9, Lots Divided by Zoning Boundary; Article 15.9 et seq., Common Open Space, Use, Shape, Location; Article 16.3.1, Applicability for Over 55 Housing; Article 16.3.4.6, Common Open Space; Article 16.3.4.7, Setbacks. The petitioner also requests a Water Resources Protection Overlay District Special Permit under Zoning Bylaw Article 14.8.3, Uses and Activities Requiring a Special Permit The petitioner seeks approval to allow the removal of a single-family residence from 112 East Main Street, the removal of a two-family dwelling and detached bard from 114 East Main Street and its relocation to 112 East Main Street, the construction of ten Over-55 age restricted dwelling units an 114 East Main Street and the conveyance of lands from both 112 and 114 East Main Street to the Town of Merrimac for expansion of its well fields.

Board members heard Attorney Parry's presentation, reviewed the zoning bylaw, the plans and all material provided to them. The proposed plan complies with all other zoning requirements.

All those interested were given the opportunity to be heard either in favor or in opposition to the petition. Arthur Amirault made a motion to approve the petition for a variance from the provisions of the Merrimac Zoning Bylaw Articles 3.9, 15.9 et seq., 16.3.1, 16.3.4.6, 16.3.4.7, and approve the Water Resources Protection Overlay District Special Permit under Article 14.8.3.

Ed Mills seconded the motion made by Arthur Amirault. The Board voted 4 votes in favor of the motion and one vote against. The request for the 5 variances and special permit are approved.

Mitch Kostoulakos made a motion to close the hearing, Ed Mills 2nd the motion, 5:0

7:56PM

3A Central Street

Applicant-Bob Cormier

Chairman Baumgardner recognized the applicant's attorney, Philip Parry, at which time he was given the opportunity to speak about the proposed project. The Petitioner has modified the two previous applications and now requests a variance from the provisions of the Merrimac Zoning Bylaw Article 4.6.2 Minimum Frontage. The petitioner seeks to divide an existing lot into two lots of similar size and approximate equal frontage, upon each of which is to be constructed a single-family residence.

Board members heard Attorney Parry's presentation, reviewed the zoning bylaw, the plans and all material provided to them. The proposed plan complies with all other zoning requirements.

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 approve the petition for a variance from the provision of the Merrimac Zoning Bylaw Article 4.6.2.

Ed Mills seconded the motion made by Mitch Kostoulakos. The Board voted 4 votes in favor of the motion and no votes against. The request for the variance is approved.

8:15PM

Administrative Business

A 2nd mailing and legal ads needed to be run due to a posting error relating to the continuation of Town Meeting. The Chairman explained the issue to the Board and the abutters. Arthur Amirault made a motion to refund the fee to both applicants for the 2nd legal ad. The applicants had not yet paid for the 2nd mailings. Ed Mills 2nd the motion. 5:0

8:17PM

Arthur Amirault made a motion to approve the 1/28/19 meeting minutes. Ed Mills 2nd the motion. Vote:4:0.

8:23PM

Arthur Amirault made a motion to approve payroll for the Board Admin, Ed Mills 2nd the motion. Vote: 5:0

Arthur Amirault made a motion to approve the warrant for cell phone usage for the Board Admin- \$24.75, Ed Mills 2nd the motion. Vote 5:0

Bob Sinibaldi informally discussed with the Board a plan for a home on Merrimac Avenue. It relates to the issue of the plans creating a less non conforming lot. The board was in agreement.

8:30PM

Arthur Amirault made a motion to adjourn the meeting, Ed Mills 2nd the motion. Vote 5:0



Chairman