

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

COMMITTEE: ZBA

MEETING DATE: August 10, 2020

Meeting Location: Merrimac Town Hall

86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Josh Jackson, Mitch Kostoulakos and Holly Moran BOS

Bob Sinibaldi, Inspectional Services

This meeting was held remotely.

7:00PM

Ed Mills, Chairman opened the meeting.

7:01PM

The Zoning Board of Appeals will hold a public hearing on August 10, 2020 at 7:00PM at the Merrimac Town Hall, School Street Street, Merrimac, Massachusetts, under General Laws, Chapter 40A, as amended on the application for Matthew Johnson, concerning the premises located at 25 Red Oak Acres Street, Merrimac Massachusetts. This property is located in the Agricultural Residential Zone. The Petitioner requests a Finding of Fact pursuant to a decision relating to Article 3.1 of the Merrimac Zoning Bylaws. The applicant has installed a halfpipe on his property. Several abutters voiced their concerns regarding noise and the hours that it is used during the day. There were a few abutters who did not see an issue with the halfpipe.

The applicant has installed patio carpeting etc to lessen the noise and vibration. Bob Sinibaldi has visited the residence. His opinion stands.

The board grants the applicant a continuance without a finding until the next meeting (9-14-2020). This will allow the parties affected by the noise to talk and possibly come to an agreement on their own that works for all. The applicant will attend the next meeting and provide a report/documentation to what agreement including parameters they have come up with. Josh Jackson made a motion for the continuance without a finding, Holly Moran 2nd the motion Roll call vote: 4:0

At the next ZBA meeting there will be a vote or a notice to withdraw this application.

7:57PM

The Zoning Board of Appeals will hold a public hearing on August 10, 2020 at 7:10PM at the Merrimac Town Hall, School Street Street, Merrimac, Massachusetts, under General Laws, Chapter 40A, as amended on the application for Kevin and Meghan Reiter concerning the premises located at 5 Pine Bluff Ave, Merrimac Massachusetts. This property is located in the Lake Attitash Zone. The Petitioner requests a variance relating to constructing a deck pursuant to Article 3.3.4 of the Merrimac Zoning Bylaws.

Bob Sinibaldi stated that the deck would not be a detriment to the location or the neighbors. Many abutters expressed their approval of the addition.

Decision

This meeting was held under Gov. Baker's "Executive Order suspending certain provisions of the Open Meeting Law GL c 30A Section 20"

A petition was filed by Kevin and Meghan Reiter concerning the premises at 5 Pine Bluff Avenue located in the Lake Attitash Zone. The Petitioner requests a variance pursuant to Article 3 3.4 of the Merrimac Zoning Bylaws to permit the construction of an attached deck. The proposed deck is considered part of the existing structure and will not substantially increase the nonconforming nature of said structure and will not be more detrimental to the neighborhood than the existing nonconformance.

Notice of a Public Hearing scheduled for August 10, 2020 was mailed by first class mail to the petitioner and the abutters of record and all parties interested as specified in M.G.L. chapter 40A. Legal Notice of the Public Hearing was published in the Newburyport Daily News a daily publication in the Merrimac area on July 27, 2020 & August 03, 2020 announcing the hearing and giving the public all the access information necessary to join remotely.

The Town Clerk posted notice of the meeting of the Board of Appeals in a timely manner and the Public Hearing was held as advertised.

On August 10, 2020, Chairman Edward Mills opened the hearing at 7:00 P.M. Members present: Holly Moran, (Board of Selectman) Josh Jackson, Mitch Kostoulakos and Ed Mills (Chair).

Chairman Mills recognized the applicants Kevin and Meghan Reiter who presented their petition.

All those from the public that attended via remote participation were given the opportunity to be heard either in favor or in opposition to the petition.

A motion was made and seconded that in accordance with the Merrimac Zoning Bylaws Article 3, Section 3.4 that the petitioner's application meet the requirements of the bylaw.

The motion passed with 4 votes in favor and 0 votes against.

Ms. Moran Yes

Mr. Kostoulakos Yes

Mr. Jackson Yes

Mr. Mills Yes

8:08PM

Administrative Business

Alternate signer needed-send mins and vote to Anne O Jim.

Josh Jackson made a motion for Mitch Kostoulakos to be an alternate signer for warrants and payroll. Ed Mills 2nd the motion. Roll call vote 4:0