

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

COMMITTEE: ZBA

MEETING DATE: September 14, 2020

Meeting Location: Merrimac Town Hall (REMOTE)

86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Matthew Passeri, Josh Jackson, Mitch Kostoulakos

Bob Sinibaldi, Phil Parry

Matt Johnson

Mike Bethmann

Donna Reslewic

**7:00PM**

Ed Mills, Chairman opened the meeting.

**7:01PM**

Josh Jackson made a motion to approve the payroll for the board secretary, Mitch Kostoulakos 2<sup>nd</sup> the motion, Roll call Vote: 4:0

**7:03PM**

Josh Jackson made a motion to approve the minutes from the August meeting, Mitch Kostoulakos 2<sup>nd</sup> the motion, Roll call Vote: 4:0

**7:05PM**

The Zoning Board of Appeals will hold a public hearing on September 14, 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 Gateway Funding Diversified Mortgage Services LP concerning the premises located at 10 Emery Street, Merrimac Massachusetts. This property is located in the Suburban Residential Zone. The Petitioner proposes a frontage variance to construct a single family home on the subject lot (Lotus). It is possible that this public hearing will be conducted under the "Executive Order suspending certain provisions of the Open Meeting Law GL c 30A Section 20."

Attorney Parry presented the application for a variance. The board has issues with the actual placement of the house which at this time is unclear. The garage is set to be 26X26 , the house 30X32. It should be 20FT from the side of 12 Emery Street.

An sbutter has issues with the close proximity of the home and the placement. Abutter-Reslewic has submitted a letter detailing her reasons why the home is not appropriate-who feels her privacy is being invaded. She sites frontage issues, noise, lights and traffic to be detrimental to her privacy and the area in general

**7:53PM**

The board would like the plans to be revised to show the exact placement of the home. Josh Jackson made a motion to continue the hearing to the next scheduled ZBA meeting 10/19, Matt Passeri 2<sup>nd</sup> the motion. Roll call vote: 4:0

**7:56PM**

Red Oak Acres Discussion/update

Matt Johnson and Mike Bethmann have come to an agreement regarding the use of the half pipe. Document enclosed in file. Ed Mills made a motion to withdraw the application without prejudice, Josh Jackson 2<sup>nd</sup> the motion. Roll call vote: 4:0.

**8:02PM**

Josh Jackson made motion to adjourn the meeting, Matt Passeri 2<sup>nd</sup> the motion, Roll call vote: 4:0.

Ed Mills

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Chairman Ed Mills

it was reported to the Zoning Board there are safety concerns with the five goats who sometimes get out of their enclosure and leave the Property.

It was also reported to the Zoning Board that a neighboring property owner had already sold their house and another property owner was intending to sell their house due to the negative impacts from the noise and odors generated by the animals on the Property.

The Zoning Board considered the information contained in the Cease and Desist Order and provided to it at the public hearing. A motion was made and seconded that the Zoning Board uphold the findings of the Building Commissioner/Zoning Enforcement Officer and uphold and affirm the issuance of the Cease and Desist Order.

The motion passed following a roll call vote with 4 votes in favor and 0 votes against.

Mr. Passeri Yes

Mr. Kostoulakos Yes

Mr. Jackson Yes

Mr. Mills Yes

Accordingly, the Applicant's appeal of the Cease and Desist Order failed.

Appeals of this Decision, if any, shall be made pursuant to G.L. c. 40A, §17 and shall be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

**MERRIMAC ZONING BOARD OF APPEALS**

Signed:

Edward Mills

Edward Mills - Chairman

**7:43PM**

Josh Jackson made a motion to adjourn the meeting, Matt Passeri 2<sup>nd</sup> the motion, Roll call vote: 4:0.

Ed Mills

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Chairman Ed Mills