

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

COMMITTEE: ZBA

MEETING DATE: May 10, 2022

Meeting Location: Merrimac Town Hall and (REMOTE) via ZOOM

School Street, Merrimac, Ma 01860

**Members present: Matthew Passeri, Mitch Kostoulakos, Joanne Rodrigues
Ken Nobrega**

7:05PM

Matt Passeri opened the meeting.

Joanne made a motion to approve the April meeting minutes. Mitch Kostoulakos 2nd the motion. Roll call vote: 4:0

7:05PM

Mitch Kostoulakos made a motion to approve Board Admin Payroll 20 hours/month, Joanne 2nd the motion. Roll call vote:4:0

7:06PM

Mitch Kostoulakos made a motion to approve cell phone warrant for Board Admin \$24.75, Joanne Rodrigues 2nd the motion. Roll call vote: 4:0.

7:07PM

Mitch Kostoulakos made a motion to approve K P Law invoice for Azalia Realty \$960.00, Ken Nobrega 2nd the motion. Roll call vote 4:0.

7:07PM

Update on the Flats-working on the sewer/water plan to be discussed 5/12/22

7:10PM

The Zoning Board of Appeals will hold a public hearing on May 10, 2022 at 7:05PM remotely as amended on the application of Shawn Nicklas concerning the premises located at 5 Alnette Road, Merrimac, Massachusetts. This public hearing will be conducted under the "Executive Order suspending certain provisions of the Open Meeting Law GL c 30A Section 20." This property is located in the Lake Attitash Zone. The Petitioner seeks a variance from the terms of the Merrimac Zoning Bylaw and in accordance with Massachusetts General Law ("G.L.") Chapter 40A, 10, whereby the petitioner seeks to build an attached garage to the existing home.

7:15PM

Property: 5 Alnette Road, Merrimac, MA

Applicant and Property Owner: Shawn Nicklas

This is the **DECISION** of the Town of Merrimac Zoning Board of Appeals ("Zoning Board") to consider the petition of Shawn Nicklas for a variance from rear set back requirement of the Lake Attitash Zoning District of the Zoning Bylaw (the "Application") for the construction of an attached garage to the existing single-family residence, on the property located at 5 Alnette Road in the Town of Merrimac, Massachusetts (the "Property").

On May 10, 2022, the Zoning Board opened a duly noticed, posted and published remote public hearing on the Application pursuant to and consistent with the Merrimac Zoning Bylaw, G.L. c. 40A and Chapter 20 of the Acts of 2021. Specifically, notice of the public hearing was timely posted and was mailed to all required parties in interest, and was published in the Newburyport Daily News, a newspaper of general circulation in the Town of Merrimac, on or about May 5, 2022.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 20A, S18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the meeting of the Zoning Board was conducted via remote participation.

EXHIBITS

The following documents were submitted to the Zoning Board in connection with the Application:

1. Application for a Variance, dated March 18, 2022; and,
2. Two pages of plans depicting the proposed location for the garage and lot lines.

HEARING

The Zoning Board members present for and participating in the public hearing were Matthew Passeri, Mitch Kostoulakos, Joanne Rodrigues and Kenneth Nobrega. During the public hearing, the Applicant and members of the public were provided an opportunity to be heard regarding the Application.

Mr. Shawn Nicklas appeared on his own behalf, provided an explanation of the proposed construction of a two-story garage and the location of the rear lot line.

No members of the public spoke during the public hearing concerning the Application.

FINDINGS OF FACT

1. The Property is a single-family residence located in the Lake Attitash Zone.
2. The Applicant currently resides at the Property with his wife.
3. The Applicant proposes adding an attached garage to the Property. An open room will be located on the second floor of the garage.
4. The Applicant has no plans to build a bathroom on the second floor of the garage or otherwise create an accessory dwelling space.

5. Due to the irregular shape of the Property, particularly the rear lot line, the Applicant would suffer a substantial hardship if the application was not approved.

DECISION

The Zoning Board considered all the information presented with the Application and presented at the public hearing.

A motion was made by Mr. Nobrega and seconded by Mr. Koustoulakos that the Zoning Board approve requested variance in the Application.

The motion unanimously passed following a roll call vote with all 4 votes cast in favor of the motion.

Mr. Kostoulakos- Yes

Ms. Rodrigues- Yes

Mr. Nobrega- Yes

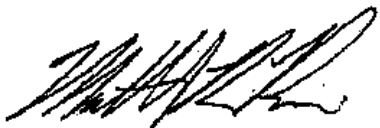
Mr. Passeri- Yes

Accordingly, the Applicant's petition for a variance for the rear setback requirements of the Lake Attitash Zoning District of the Town of Merrimac Zoning Bylaws is **ALLOWED**.

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.

TOWN OF MERRIMAC, MASSACHUSETTS

ZONING BOARD OF APPEALS



7:20PM

The chairman asked the members to consider their idea on remote /in person meetings. The town will check to see if the State makes any recommendation on remote meetings moving forward.

7:19PM

Mitch Kostoulakos made a motion to adjourn the meeting, Ken Nobrega 2nd the motion. Roll call vote 4:0

Matthew Passeri Board Chair
