

APPROVED

**AMESBURY ZONING BOARD OF APPEALS  
OLD SENIOR CENTER, 9 SCHOOL STREET, AMESBURY  
MAY 28, 2015 AT 7:00 P.M.**

**PRESENT: Sharon McDermot, Bob Orem, Matt Sherrill, David Haraske, Donna Collins, Matt Vincent.**

**ABSENT: Bill Lavoie.**

**ALSO PRESENT: Building Inspector Denis Nadeau.**

**Susan Yeames, Recording Secretary. Minutes transcribed by Paul Bibaud.**

**MINUTES:**

**March 26, 2015: Motion to approve by Donna Collins, seconded by Sharon McDermot...AIF.**

**April 23, 2015: Motion to approve by Donna Collins, seconded by Sharon McDermot...AIF**

**PUBLIC HEARINGS:**

**10 John Street - Special Permit/Finding – to build a 12 X 14 foot addition to a pre-existing home at 10 John Street. Applicant: Maureen Crowley.**

**Sitting Matt Vincent, Bob Orem, Donna Collins, Matt Sherrill, Sharon McDermot.**

**Maureen Crowley, 10 John Street:** It will be an extension to my kitchen with a small mud room as well as a great room.

**Matt Sherrill:** The only thing on your application that confused me on were the dimensional requirements, the lot line set backs, the only thing that changed was building area, which it should've changed, but I was thinking there has to be some sort of a side yard or rear yard setback change, if you are coming off the side of the house, there has to be. So which one is it, because there are no changes on your application?

**Maureen Crowley:** Side yard. There is 90 feet now, and after the addition is put on, it will be 90 minus 18 feet (with the mud room).

**Matt Sherrill:** So if we could just amend that on the application from 90 to 72 feet for the left side, staying 90 feet on the right side. The building area changed from 768 to 936 feet. But we have to decrease the open space to 168 proposed. That comes to 5280.

**Bob Orem:** Confused by language. Kitchen is used for home use, not a business.

**Sharon McDermot:** Motion to close and discuss. Matt Vincent seconded the motion. AIF.

Finding work sheet:

Precedes Zoning Does not. New home in 1981. It needs to predate zoning for a finding. Any change might be considered a variance. (phone call from Matt Sherrill to Denis Nadeau, building inspector).

**Matt Sherrill:** OK, we're all set. Basically, when the house was built, it was an R8 zone, and in 2000, it was changed to IC, so as long as it was pre-existing before the zoning change, it is considered pre-existing. It is pre-existing prior to the change to the IC zone.

So, it was pre-existing before zoning changed to IC. So we can still hear it as a finding.

Non-conforming:

1. undersized area
2. front setback
3. rear setback
4. right side setback
5. Neutral to neighborhood
6. No new non-conformity

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**Motion by Sharon McDermot to close and vote. Motion seconded by Donna Collins.**

**Vote:**

Matt Vincent: yes

Bob Orem: yes

Donna Collins: yes

Matt Sherrill: yes

Sharon McDermot: yes

Application is approved.

**9 ELIZABETH STREET- VARIANCE- ROBERT ROCHENSKI**

**To construct a one story, 24 X 28 foot two car garage to the left side of a pre-existing house.**

**Bob Orem, Donna Collins, Matt Sherrill, Sharon McDermot, David Haraske.**

**Robert Rochenski, 9 Elizabeth Street:** My hardship for this variance is that there is no room on the right side of the house. It is 17' 6 '' in from the property line. This is the only place I can put the garage. I will install a driveway in front of the garage.

**Matt Sherrill:** If you moved the new garage back 20 feet, then it would not be non-conforming. Tell me why that doesn't work for you.

**Robert Rochenski:** I want to keep it uniform with the house.

**Matt Sherrill:** Variances are supposed to be difficult to get, and the condition on the property should be such that there is just no way you can do it any other way than just this way. But I understand it would look ridiculous for it to be built further back than the house. Are there any wetlands or anything behind you to prohibit you from being able to push that back?

**Matt Vincent:** I drove by and noticed wetlands in the area with a swale on the right.

**Robert Rochenski:** There is wetlands in the back, which means I can't put it any other place. So the wetlands preclude it from being moved back or placed anywhere else but where we propose. Height of the garage is going to be below the second story of the house. The garage will be about two feet lower than the house, which sits on a foundation. There will be no living space above the garage, and will have access to the main house on the first floor.

**Mildred Sanford, 8 Montcrief Street, abutter:** I want to make sure that it will not touch my property. It's fine if it stays on Elizabeth Street.

**Motion by David Haraske to close and discuss, seconded by Sharon McDermot. AIF.**

- 1. HARDSHIP: wetlands in rear and left side of property. Also shape of the lot.**
- 2. Does not affect the district? No.**
- 3. What is the substantial detriment to public good if granted? None.**
- 4. Does petition derogate from intent of bylaw? No.**

**Motion to close and vote made by Donna Collins and seconded by Sharon McDermot. AIF**

**Vote:**

Bob Orem: yes

Donna Collins: yes

Matt Sherrill: yes

Sharon McDermot: yes

David Haraske: yes

Application is approved.

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**FINDING EXTENSION REQUEST: 252 MAIN STREET, AMESBURY-  
APPLICANT/OWNER HOLLY BRADDY**

**Matt Sherrill:** She has come in front of us, looking for an extension twice for the extension for the addition to her house. It was like 2-3 years ago, she's asked for 2 extensions, and she is coming up on the end of her second two year extension.

**Denis Nadeau:** She got a variance, for some reason it hasn't been being done now. She got an extension a year ago. Now she is asking for another extension. She called late and I told Barbara that as long as the letter from her is dated prior to the expiration date, then you guys have the option to do it or not. The request letter did come in prior to the expiration date. She applied by letter, so she doesn't have to be here. But you don't have to issue it either. That's up to you guys.

**Matt Sherrill:** So for the record, I have a letter from Holly Braddy dated May 20, 2015, requesting an extension of her variance, which has been approved and is on file. "My current variance is due to expire on May 24, 2015. My construction project will begin within the next 90 days and my builder will be obtaining the applicable building permits."

So she is asking us to give her a one year extension. This variance will then expire on May 24, 2016.

She was in front of us and it was approved on May 24, 2012. It was a finding, so it isn't a variance, it is a FINDING. So she is requesting an extension of her finding, and it expires on May 24. Her letter is dated May 20, so we can vote on this. So this would be her second extension. So I feel comfortable giving her another year extension No further discussion was held. Vote was unanimous for a one year extension.

Extension for Holly Braddy has been approved.

**ADMINISTRATIVE:**

**Discussion regarding ZBA meeting attendance for scheduled meeting June 25, 2015**

**Matt Sherrill:** There are at least 3 of us that will not be at the June 25 meeting. That is the night of the block party. Do we have any applications?

**Denis Nadeau:** Not that I know of. I know one is the Bartley issue coming up.

**Matt Sherrill:** There will not be a meeting for June 25. The meeting will tentatively be re-scheduled for June 23<sup>rd</sup>, Tuesday, but this would get cancelled if there is nothing on the agenda, pending applications. I will send a request tomorrow to Barbara Foley, requesting that she change our meeting date from the 25<sup>th</sup> of June to the 23<sup>rd</sup> of June.

I will ask that if she doesn't get any agenda items, that she just send a memo to the ZBA members notifying that it will either be on the 23<sup>rd</sup> of June or that it is being cancelled.

**Motion to close the meeting was made by Sharon McDermot, and seconded by David Haraske. AIF.**

**Meeting was adjourned at 7:40 PM.**