RECEIVED
By City Clerk at 10:37 am, Oct 23, 2026

16 68
AMESBURY
COMMUNITY & ECONOMIC DEVELOPMENT

MINUTES of the ZONING BOARD OF APPEALS MEETING
THURSDAY, September 24, 2026

(Posted in accordance with the provisions of MGL Ch. 39, Sec. 23A, as amended)

City Hall – 7:00 p.m.

62 Friend St.

Amesbury, MA 01913

Attendance: Sharon McDermot (Chair), Charles Bassler, Donna Collins, John Rogers, Kendra Amaral
Absent: Dave Haraske
Also in attendance: Community Development Coordinator Becky Frey

Call to Order

Chair Sharon McDermot called the meeting to order at 7:01 pm.

Roll Call/Attendance

Chair Sharon McDermot took roll call. Charles Basler arrived late.

Minutes – 8-27-26

Dave Haraske motioned to approve the minutes from 8-27-26 as amended. Seconded by Donna Collins. The motion passed unanimously**.**

Chair

Topics for Discussion:

New Public Hearings:

Chair Sharon McDermot commented that they would take the 5 Ellis Court Appeal Application out of order first.

1. **5 Ellis Court – Appeal**

Chair Sharon McDermot commented that Donna Collins, Dave Haraske, John Rogers, Kendra Amaral, and herself would sit on this case. Charles Basler recused because he is an abutter.

Attorney Carolyn Murray from KP Law commented that before the Board tonight is an appeal of a denial of a request for administrative action. Abutters at 5 Ellis Court submitted a request for administrative action for 102R Friend St. The use of the garage bays has become a commercial repair operation. The Building Commissioner, in a letter dated 8/11/26, denied enforcement because, in his opinion, it is a pre-existing nonconforming use. Under the Zoning Act and the Zoning Ordinances, a pre-existing nonconforming use is rendered nonconforming because of some sort of zoning change. This is a commercial property in a residential zone. A use that becomes nonconforming due to a zoning change is allowed to continue and is allowed to be altered or expanded, subject to a finding by this Board that the proposed alteration or extension is not substantially more detrimental to the neighborhood. Putting aside whether or not the use has changed, we need to focus on tonight's question. When looking at whether a use can be altered or changed, it can also change its operation in a way that causes it to lose the protected status it enjoys. There is no question that commercial activity existed prior to the zoning change, and it continues to operate commercially. We need to focus on making a determination: Is this still the prior nonconforming use that is continuing? Is this something different from the prior nonconforming use that would cause it to lose that status? The Board should keep a three-prong test in the back of their minds:

1. Identify whether the use reflects the nature and purpose of the use when the bylaw took effect.
2. Determine whether there is a difference in the quality, character, or degree of that use.
3. Consider whether or not the current use is different.

An increase in the amount of business alone is not necessarily enough to lose that protected status. The Board needs to get information tonight about the prior use and the existing use. Is this a natural continuation of the prior use, or has it changed in some way? Some parts may be consistent, while others may have changed. At the end of the hearing, assuming the Board makes a decision tonight, the decision will be whether or not to uphold the determination of the Building Commissioner. Is this a natural continuation of the prior nonconforming use of the site? The Board could also decide to reverse the Building Commissioner's decision. There may be something in between the two as well. The Board could agree with certain uses of the site while recognizing that new uses may not relate back to prior use. The Board can determine what can and cannot continue. Provisions in the ordinance may apply even if there have been changes in use and those changes are no longer protected. This does not stop the owner from filing for a finding at a later date to determine whether that use may be permitted. The vote of the Board has to be a supermajority which would mean four out of five members.

Jim Wilson, Building Commissioner, commented that prior to writing the letter, he was familiar with the property because he is a resident. He has known renters over the years. He went back to the zoning and looked at how the zoning applies to the property. In his opinion, the use hasn't changed. The tenants have changed over time, but they all go in and use their garage bay for that purpose.

Kendra Amaral questioned what information he had about the prior use.

Jim Wilson responded that he has been in the area since the 1980s. It used to be an AMC gas station. When Ellis Court came in, the property was sold. That was around 2015. The owner of the property kept the storage units because he was still working on cars. When the gentleman passed away, Ricky LaPlante, a tenant, bought the garage. Ricky LaPlante had been a tenant for a long time. The garage bays are used by guys who store and work on cars.

John Rogers commented that the use has not changed, but the tenants have changed. Did they use it for the same purpose? Jim Wilson confirmed that t's always been tenants storing and working on cars and boats.

Kendra Amaral questioned under the code, how would he define the use. Jim Wilson responded the original use was an accessory use to the auto dealership. They would store cars in there, including old cars, and did machine work.

Kendra Amaral questioned how he would categorize it as a use today. Jim Wilson responded it was an accessory use to the dealership.

Kendra Amaral noted that the dealership hasn't been there since the 1980s. Jim Wilson responded the AMC went out in the 1980s, but the owner kept this structure as a working garage.

Krista Grennell, from Lyons Law Office represented the owners at 5 Ellis Court and handed out a packet to help the Board follow along with her presentation. Tonight, we are asking the Board to reverse the determination for 102R Friend St. The Amesbury zoning bylaw took effect in 1971. The burden is on the owner of the lot to prove that this use is lawful. Today, this use is not permitted in R-8 District. The use has changed from commercial to storage. My client will briefly explain what they have experienced. Section 6 of Chapter 40A notes that a use is protected only when the ordinance takes effect. Ms. Frey confirms the record submitted by the Building Commissioner was the one-page letter. The are no permits for 102R Friend St. The records show residential use only. The Table of Use Regulations lists the rear lot in the R8 district. The Table of Use Regulations does not allow auto repair or storage. Today it would not be allowed. The only question is whether it is grandfathered, and no record of that exists. Mr. LaPlante's own letter states that the building is used for storage and upkeep of vehicles. Then he says that multiple tenants use it for commercial repairs. The change from storage to commercial repair is a change in use. It should lose its protection. When the use changes, the old use does not carry over to

the new one. The owner submitted a photograph of the gas station. The tenant says the building was demolished to create Ellis Court.

Michael Minehan, of 5 Ellis Court, commented that he appreciated the Board's time and consideration. My wife, Brittany, and I live at 5 Ellis Court, directly behind 102R Friend St. I respect Mr. LaPlante and the history of Amesbury. In June 2022, 5 Ellis Court became our first home. We did a considerable amount of due diligence. We wanted to see what was behind us because there is only a fence line and arborvitae separating the properties. A lot has changed since Mr. LaPlante purchased the rear lot at 102 Friend St. We found in the public records that 102 Friend St. Rear was zoned R8. We were excited because we were nervous that it was a commercial property. We were assured that it was just used for storage. In March 2023, I went over to Mr. LaPlante's property to be neighborly. He assured me it would be used for storage. It has been used and operated for car, boat, lawn mower, and bike repair and restoration from sunrise to sunset. We have two kids. Whether we are outside or inside our home, the sounds of cutting metal and the solutions coming from 102R Friend St. prevent us from being outside. The kids run inside in fear because of the noise. As parents, our greatest concern is what an auto-body shop is doing to a three-year-old and an 18-month-old. We don't know about the long-term effects. My ask tonight is simple: I ask you to uphold what we purchased, which is a home in a residential area. It was a residentially zoned area. We did not purchase a house behind an auto body repair shop.

Brittany Minehan commented that she lives at 5 Ellis Court with her kids. We spend a lot of time in the backyard, but they get scared from the loud noises, and we have to go inside. They ask, "What's that smell?" It is the fumes from exhaust running. I have autoimmune issues that can be triggered by that. I am asking for it to stop. It is seven days a week, all the time. I am tired of it.

John Rogers commented that they acquired the property in 2023. What was happening throughout 2022? Has this been going on since 2023?

Brittany Minehan: confirmed that was correct. On July 27th , we were sitting out in the backyard. We heard them saying that someone was supposed to be retired but was out here working 40 hours a week. John Rogers questioned what was happening in 2022? Brittany Minehan responded it was Storage.

John Rogers clarified that this property did not have this operation in 2022. Brittany Minehan confirmed that was correct. It was just storage.

Caroline Minneci commented that she lives at 4 Ellis Court. When we moved into our first house, the garage used to be a gas station and an autobody shop. We had a line of sight to the garage behind it. My dad passed away, and I inherited a Mustang. I was told that people behind us stored cars there. I went over and asked about it, and they said they weren't really doing that anymore but would let me know. In 2022–2023, they held a giant garage sale. I asked the woman why they were liquidating

everything, and she said, “Oh, we’re not going to do storage anymore.” Since then, it’s been loud. There is metal cutting, with big booms coming from something over there. Something is going on. We don’t have a complete line of sight. If it is zoned residential and has been zoned that way the entire time, that matters. We were told they stored cars for friends only. If a business has been operating in a residential area for that many years, then that is a problem. Regardless of how this turns out, it needs to be looked at under the zoning laws, not because somebody knows somebody, but because it is the law.

Dave Haraske questioned when they moved in. Caroline Minneci responded that she moved there in 2014.

Dave Haraske questioned what the condition of the garage was. Caroline Minneci responded that the garage was behind the rubble of the old AMC station. The garages were behind it, and the builder told us that they stored cars back there and that I might be able to store my car back there.

Dave Haraske questioned if the condition of the garages were as they are today. Caroline Minneci responded that it was just for storage. Now people go in and out. There are garages on one side and containers back there. They are like small shipping containers. It doesn’t seem like a residential use of the space. It has changed over the last several years. It was not like that before.

Thomas Mosier commented that he was Brittany’s father. I run a business in the state of Massachusetts that does auto repair, boat repair, storage, and recycling. When the property was purchased, it was used for storage. My daughter has autoimmune issues, and environmental factors can wreak havoc on her health. This is starting to affect their family. I did some research into whether the businesses are registered there and whether they meet the requirements. A tax number is required, and the Department of Environmental Services is very strict about auto repair shops. I have past experience with mergers and acquisitions and am very well-versed in buying commercial properties. I am the funding agent behind the attorney, and there is no amount of money I won’t spend to protect my daughter. No one in this room can tell me what damage this will cause my daughter and grandchildren. We have no idea what is on that property. We cannot just take his word for it. Employees of the City of Amesbury need to ensure that the business is registered with the Department of Environmental Services. Ignorance is not an excuse. This is a very hard situation. From a father’s point of view, please look into this. From everything I can see, this company does not comply with the requirements. If you have kids, you understand why I am up here. I appreciate your time.

Krista Grennell played three short sound recordings submitted by the petitioners displaying loud machinery noise. That is what the neighbors hear every day, seven days a week. Mr. LaPlante’s letter addresses noise attenuation. I am asking the Board to set rules and impose conditions. We did receive the letter and appreciate the effort. There are three closing points. Those conditions do not answer the question of whether this is a lawful preexisting nonconforming use. A Section 6 finding is required to make it lawful if the use has changed. In the original letter, it said there was no business operating out

of the unit. Then, in another letter, it says there is a business operating there. Condition 2 allows the storage containers to remain on the rear property line. The owner would be responsible for enforcing the conditions themselves. If the Board is inclined to consider the conditions, we would ask for a continuance so we can respond in writing. We are asking the Board to reverse the Building Commissioner's determination without considering the proposed conditions.

Ricky LaPlante, owner of 102R Friend Street, commented he purchased the property in 2023. I have worked at the property a long time, and my dad worked there too. I have one tenant who is retired. He purchases old lawn tractors, restores them, and resells them on Facebook or in front of his house. I hired a contractor to cut down a tree to protect the garage. That is the sound from one of the videos that was played. I agree the lawnmower tenant can be noisy at some times and I want to address that situation. There is no commercial business being run out of there. I store and restore antique cars. It is a typical garage with tools and spray cans of paint. There is no bodywork and no drums of paint. There are a lot of antique cars there. My wife has an antique business, and she was the one who had the yard sale. She is a collector and purges inventory when it's full. She usually has the yard sale at our house. I suggested having the sale right there. The previous owner had a storage facility there for years. As he declined with age, things did slow down. Now he is gone, and I took over ownership. I would love to work with the neighbors to keep it down. I agree there is some noise there, but they can try to keep it to a minimum.

John Rogers requested clarification about the use being storage. Ricky Laplante responded in the years he was a tenant; it was storage and use by other tenants. It was rented garage space to work on your car that is being stored there.

Kendra Amaral questioned if he had a business license. Ricky LaPlante responded that he did not for that address.

Kendra Amaral questioned if he had any documentation for business operations at that address. Ricky LaPlante responded he did not because there's no business being operated out of there. Guys rent them as garages. Kendra Amaral responded if he was renting bays to people, then it is a commercial operation, so it is a business.

Donna Collins commented that she has lived here for 51 years and knows it's been in business longer than that. The biggest concern she has heard is whether or not they need a business license. That's the only thing she would question. She was satisfied with the stipulations submitted by Ricky LaPlante.

Chair Sharon McDermot commented that if this use was grandfathered in and allowed to continue, then would you apply for a business license? Ricky LaPlante confirmed he would.

John Rogers questioned if there were business licenses for the preexisting nonconforming use.

Attorney Carolyn Murray responded based on what we have heard about the auto dealership, gas station, garage bays, there would have been business licenses at the time. The AMC car dealership requires licenses and permits for flammable storage. There could have been a variety of licenses at the site.

John Rogers clarified that the emphasis for this Board's review was the use of the site. Attorney Carolyn Murray confirmed that was correct.

Chair Sharon McDermot opened public comment.

Jennifer Moughan of 102 Friend Street commented that she has lived there since 1982. She raised her children there when it was a gas station and repair shop. In 1925, Phil Michaud Sr. and her husband's great-grandparents bought the property on that site. The rear garage was preexisting when Phil Michaud bought it. Those are the buildings we are talking about. It is twenty feet from her bedroom window. They do not have the luxury of privacy here. At the end, Phil Michaud was in his 90s. He was not there every day; he was not supposed to be there every day. There has always been cars going in and out of there. It is safer now than it was then. 5 Ellis Court had a boathouse back there. They were refurbishing boats. In the late 1980s, there was a landscaping company that ran a business out of those bays. There were landscaping materials and noise before business hours. She could appreciate autoimmune conditions. She has a rare one and has had it for a long time. It is not fun, and my life sucks because of it, but it is hereditary. They are not there seven days a week. They were not there on Labor Day. No one was complaining when the previous people at 5 Ellis Court used it as their own parking space previously. When I moved there, the whole neighborhood was my in-laws. Some days the noise is actually coming from the apartments next door. They can't do anything about that or G Mello slamming the dumpster on Friday mornings. This is part of being part of a community, and something has been going on there since the 1920s. Three times now, when there was a leak, they watched the EPA take tanks and when the building was torn down. I've been in Amesbury since 1977 and worked at 100 Friend Street. There has always been noise in the downtown area. There are school buses and fire trucks. There has to have been a better way to handle this. This is very frustrating. They are not there seven days a week. There are days when it can have loud moments. There has to be a better way to compromise.

Bob Boothroyd commented that he lives at 104 Friend Street, a two-family house. Friend Street is one of the busiest streets in town. There is so much noise on Friend Street, and they don't hear anything from the garage. He did hear the chainsaw when they were cutting down the trees. He was there when Phil used the place. He used to store his overstock in some of those garages when he had an AMC dealership and had to do some repairs there sometimes. Ricky LaPlante is not doing anything wrong here. This is not a commercial business.

Chair Sharon McDermot questioned what the next steps were procedurally.

Attorney Carolyn Murray responded that they could close the public hearing. If the Board is inclined to find some uses to protect and considering the stipulations. The petitioners attorney did ask for time to respond to those proposed stipulations. If the Board is inclined to admit that time, then Attorney Carolyn Murray would recommend not closing the public hearing to continue.

Kendra Amaral commented that she was still confused on the use. Is it storage or is it auto repair? If it is storage, are there restrictions on commercial storage use? If It was auto repair, then goes to storage, then she was assumed it could not go back to auto repair.

Nick Cracknell commented that he was on the abutters list for full disclosure, and asked if he could speak.

Attorney Carolyn Murray confirmed he could speak. He is not a member of the Board.

Nick Cracknell commented that he lived on Pickard Street and was the Director of the Office of Community and Economic Development in Amesbury. He has lived at that address since 2000. In 2014, he was a land-use consultant and did the permitting and design work for Ellis Court as well as the development across the road. He only knows about the property from doing the project, not any time before. Mr. Cracknell reviewed the complaint, the Building Commissioner's note and has met with the property owner to suggest the con and reviewed the complaint, reviewed the building inspector, met with the property owner, and suggested conditions that were offered up. The open questions are what is the current use? And was this use, whatever it was, lawful at the time zoning was adopted? I would agree it would be a lot easier if a business license had been in place in 1971. The evidence at this point is anecdotal and affidavits. People who were here running nonconforming businesses when zoning was adopted have nonconforming auto repair and paint shops all over the city. Zoning is forward-looking. There is no rear view. The goal is to determine whatever ultimately is allowed in the building. It's to determine whether they are lawfully protected uses when the zoning was adopted. Absence of a business license does not disqualify the use.

Kendra Amaral questioned if it was storage, auto repair, or both? And if it was nonconforming, then what was the most recent nonconforming use? Nick Cracknell responded that what has been purported as the use is not one thing. It's multiple uses, that are all nonconforming. They are going on today and have been going on at some point at some level of frequency over the past 50 years. Storage is the undisputed commercial storage. It is not allowed under current zoning, but that is clear that's been ongoing for 50-plus years. The debate is about the other uses. He knew that a landscaping company has been there. Clearly, it would make sense that many people have come and gone, doing a variety of things. It is reasonable to conclude there have been multiple commercial uses. No one is saying there are on-premises sales. A variety of commercial uses occurred in the facility in the past 50 years.

The Board needs to determine whether this use has substantially changed or if they are performing a preexisting nonconforming use. An owner has four years before losing that protected status. If the tenants are doing auto repair and then they stop for four years, they would lose that protected use. Whether it is a period of nonuse for more than four years or a brand-new use that was never there is not easy to determine. Just because something is zoned a certain way doesn't mean that's what's happening next-door. Richdale's is on Friend St.; Elm Street has a gas station and paint shop, all of those are nonconforming protected uses. I can't tell you definitively what this use is. Clearly it is preexisting nonconforming, but I don't have enough information. The change since 2022 doesn't mean it is a new use or that it was abandoned.

Chair Sharon McDermot commented that the Board has some options. They can continue to the next meeting, they can vote to reinforce the decision made by the Building Commissioner, or vote to not reinforce the decision.

Donna Collins commented that she agreed with the Building Commissioner's position. It has always been a business. The only thing she was not clear on was if Ricky LaPlante needed a business license. This Board can determine zoning and has no jurisdiction over business licenses.

John Rogers commented that it sounded to him that, with the exception of 2022, the business has been operating as it has for many, many years.

Kendra Amaral commented that she continued to be cloudy on those four years. If there was a lull, does that constitute abandonment?

Chair Sharon McDermont commented that it was for private auto repair, not a business.

Kendra Amaral questioned what the use definition was.

Dave Haraske commented that if he is being paid for storage but not being used for repairs, then it is a business. It is not a classic auto repair shop but that doesn't mean there aren't repairs going on.

Chair Sharon McDermot noted Mr. Laplante is willing to enter into the stipulations to help mitigate the issues.

John Rogers commented that it takes four years to achieve abandonment; they only heard about one year in 2022. Donna Collins noted that neighbors said it has been going on continuously.

Chair Sharon McDermot questioned if the Board felt comfortable voting on this tonight or if they wanted to continue it.

Dave Haraske questioned what they would discover.

Chair Sharon McDermot responded they may not discover anything, but the attorney asked the Board for a continuance to respond to the stipulations.

Nick Cracknell commented that he would suggest the Board continue for one more meeting. I think the suggested stipulations are productive, helpful, and good for everyone. The operator is required to obtain a business license if needed; that should be the sixth stipulation. It is important for the neighborhood to review the letter. This would give everyone an opportunity to understand what is being offered. It is worth some consideration in framing the use, and I would like the opportunity to work with the Building Commissioner and owner to better define the use going forward. We are getting the right words on this. This is important for Mr. Laplante and the neighbors. The zoning ordinance has limited utility in this situation because the use does not fit easily into the table of uses. It would save everyone time and money to get better information instead of going to litigation. We should get a little more time to work on this.

Kendra Amaral questioned if the Board could define the understood preexisting nonconforming use so that, in 20 years, if the property is sold, there will be a record of how it was identified.

Attorney Carolyn Murray confirmed they could and that would be helpful going forward.

Krista Grennell commented that she has done a lot of research on this property. I have the maps and deeds, which indicate that it is residential. Abandonment is two years not four years.

Attorney Carolyn Murray clarified that the abandonment standards were changed in July, and now it is four years. The Massachusetts state legislature established four years and M.G.L. Chapter 40A, Section 6, was amended.

Dave Haraske commented that he agreed with Nick Cracknell. There is no harm in continuing the hearing, and it would be a good idea.

Donna Collins did not think we will get more information.

Kendra Amaral motioned to continue the appeal hearing filed by 5 Ellis Court to the October 22, 2026 Zoning Board of Appeals Meeting. Seconded by Dave Haraske. The motion passed 4–1, with Donna Collins voting against the motion.

2. 9 Sanborn Terrace – Variance

Chair Sharon McDermot commented that Donna Collins, Dave Haraske, John Rogers, Charles Basler, and herself would sit on this case.

Olivia Heim represented Dierdra Casey of 9 Sanborn Terrace. They are applying for a variance at 9 Sanborn Terrace which is in the R8 district. They have a couple non-conformities with the left side setback and front setback. The right-side setback at 1.4 feet where 15 feet is required. They are proposing a single story 330 sf addition. This would be a primary suite to allow the owners to age in place. The addition would have a storage closet, bathroom, and bedroom. The addition would go on the back of the house and does not infringe on the rear setback. The addition is proposed on the back right rather than the left. No work is proposed on the front. The floor plans show the hallway with a primary bedroom and bathroom. The proposed plot plan shows they are not infringing more than they already are. There is an existing generator in the back that they do not want to move. That is why the addition is placed where it is. The height of the addition is 14 feet 8 inches. The purpose for this variance is to allow for the primary suite to allow the current owners to age in place. If they move the addition to a different location, then it would be a substantial hardship. It would require the relocation of an existing generator the associated electrical, solar, and gas. The lot shape is the substantial hardship. The house was built in 1920 before the Zoning Ordinance went into effect. The setbacks are already non-conforming. The existing utilities prevent them from moving it anywhere else. The proposed addition is not detrimental to the public. The existing setbacks are not impacted. They are not encroaching on the left setback. It is a small addition to the property, and it will enhance the value and allow the owners to age in place. The addition will not be visible from the front of the house or encroach on the left side. They have letters of support from the abutters.

Chair Sharon McDermot asked the Boad if they had any questions. They did not.

Chair Sharon McDermot asked if there was any public comment. There was not.

Dave Haraske commented that they were asking for a variance because the right-side setback encroached on inch further. Dierdre Casey responded that the property line isn't straight. In the front of our house it is further away, then it angles diagonally. They wanted to keep the addition in line with the existing structures. That is why they designed it that way.

Donna Collins motioned to close the public hearing for 9 Sanborn Terrace. Seconded by Charles Basler. The motion passed unanimously.

Chair Sharon McDermot reviewed the summary of findings. The hardship is the setbacks due to the lot shape and generator location. This does not generally affect the neighborhood. There is no detriment to the public good. none. It does not derogate the intent of the bylaw.

Given the findings, Donna Collins motioned to approve the variance application for 9 Sanborn Terrace as presented. Seconded by Charles Basler. The motion passed unanimously.

3. **40 Merrimac Street – Special Permit**

Chair Sharon McDermot commented that Donna Collins, Dave Haraske, John Rogers, Charles Basler, and herself would sit on this case.

Attorney Jeff Roelofs represented the applicant, Karin Tremblay. She is a licensed massage therapist and lives at 40 Merrimac St. The property includes a half-house on the street and a single-family home set back from the street, which is where Karin lives. She is seeking a special permit to allow a massage therapy business in her home. Clients would access the room through the main entrance, turning directly into the massage room. There is also a bathroom clients can use. There are no proposed changes to the building. This is a low-volume business. There would be no overlap between clients, with one vehicle parked in the four available spaces. This is a modest proposal. There will be no impact on the neighborhood.

Dave Haraske questioned if the business would operate in the back building. Jeff Roelofs confirmed it is in the back building. Clients would park in front, walk to the front door, and turn right to enter the room. The floor plan submitted shows only the front part of the property. Karin has four parking spaces available to her. The tenants and owner are supportive of the business.

Charles Basler questioned What the proposed parking arrangements were for the business? Would someone entering or leaving drive directly into the street? Jeff Roelofs confirmed any client coming to the house would park on the property. Karin Tremblay added there was space to turn around in the driveway. No one needs to back out into the street. Clients can turn around.

Chair Sharon McDermot opened public comment.

Paul Moscardini, of 39.5 Merrimac St. commented that his main concern is maintaining the integrity of the neighborhood and avoiding a business environment. The proposed hours of operation are 8:00 a.m. to 6:00 p.m., which seem a little intrusive. I would suggest starting at 9:00 a.m. to avoid rush hour. Is this a seven-day-a-week operation? Will there be any signage? I would oppose signage because it would detract from the residential nature of the neighborhood. If there were a sign, where would it be placed? If a tenant were to move and the business stopped operating, would this use continue with another person, or would a new application have to be submitted? As far as parking is concerned, there is considerable space. Three cars were parked there. People can turn around if there are not many cars, but if there are, they may need to back out into the street.

Jeff Roelofs clarified that they are not talking about a full-time massage therapy business. It would be occasional, averaging four to eight clients per week. It is a very low-volume operation, and Karin has a separate job, so this will not be a full-time business. In reality, the property will look much as it does now, with such a negligible change that it will be barely noticeable. We are not proposing any time limitations, and weekends would work best. The activity will be imperceptible. Regarding signage, if there were any sign at all, it would be very small and placed on the building so that someone coming to

the front door could be sure they had the right house. We are not proposing any signs. We did not propose limitations on the days of operation, and the proposed hours are 8:00 a.m. to 6:00 p.m. The special permit would be specific to Karin. This can be clarified in the decision.

Charles Basler questioned if they anticipated having more than one client at a time. Jeff Roelofs responded that Karin never schedules clients less than 30 minutes apart, and there would be no other employees.

Paul Moscardini, of 39.5 Merrimac St. commented he would like to see some limitations on the hours of operation. I am concerned about the tenants of the building and the integrity of the residential neighborhood.

Karin Tremblay commented that she physically cannot do more than two appointments a day. The environment will remain exactly as it is now. National Grid has a grandfathered arrangement on the property, and no one has ever parked there. Clients can always turn around. Weekend hour availability is important.

Donna Collins motioned to close the public hearing for the special permit application at 40 Merrimac St. Seconded by Charles Basler. The motion passed unanimously.

Charles Basler commented that he thought the proposal was fine, but did not support a sign. Donna Collins commented that a sign may be allowed under the bylaw.

Dave Haraske commented that the point about weekend hours is well taken, but I do not think this will be any different from what you probably experience now. At most, there would be two clients a day, so I do not see it as an issue.

Chair Sharon McDermot reviewed the findings**.** The use is listed in the table of uses. It is desirable to the public. It will not create traffic. It will not overload public systems. It will not impair the character of the district. It will not create excess uses in the neighborhood.

Donna Collins read the home occupation special permit provisions outlined in section XI.F of the Amesbury Zoning Ordinance. The Board found the special conditions were satisfied.

Donna Collins motioned to approve the special permit application for 40 Merrimac St. as presented. Seconded by Dave Haraske. The motion passed unanimously.

Continued Hearings:

4. **27 Kimball Road – Comprehensive Permit**

Donna Collins motioned to pay the invoices outlined below from BSC. Seconded by Charles Basler.

1. An invoice from BSC for 27 Kimball Road in the amount of $540.
2. An invoice from BSC for 27 Kimball Road in the amount of $2,506.67

The motion passed unanimously.

Donna Collins motioned to accept the applicant's request to continue the 40B application to the October 22, 2026, Zoning Board of Appeals meeting and extend the public hearing deadline through November 30, 2026. Seconded by Charles Basler. The motion passed unanimously.

Adjourn

Donna Collins motioned to adjourn the meeting at 9 pm. Seconded by Dave Haraske. The motion passed unanimously.