



Building, Plumbing, Gas, Electric, Zoning, & Health

APPROVED: 4.4.24

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MINUTES of the ZONING BOARD OF APPEALS MEETING
THURSDAY, January 25, 2024

(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), Donna Collins, David Haraske, & Charles Bassler

Also in attendance: Building Inspector Vincent Tirone, Recording Admin. Asst. Donna Lickteig

Call to Order

Roll Call/Attendance

Minutes for Approval – September 28, 2023

Topics for Discussion:

1. Stephen & Alison Watt, 7 Old County Rd., seeks a unanimous vote to convert a single-family dwelling to a two-family dwelling. The applicant is required to show both a unanimous Planning Board approval, along with material changes made to the plans to be accepted. A unanimous decision will grant the applicant rights to re-apply at a future date at a regularly scheduled public hearing with a new application.

2. David & Victoria Sherwood of 66B Lake Attitash Rd. is seeking a Special Permit/Finding under Amesbury Ordinance Section XI B to enable them to alter a pre-existing non-conforming parcel/structure within an R-20 Zoning District. They seek to add a 2nd floor and enlarge the rear deck.

Vinny Tirone, Director
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Chair McDermot called the meeting to order at 7:03pm

Chair McDermot read the agenda items.

Chair McDermot asked the board if they had any changes to the meeting minutes.

Chair McDermot motioned to approve the minutes from September 28, 2023.

Motion by Donna Collins, seconded by David Haraske. **All in favor.**

PUBLIC HEARINGS

Stephen & Alison Watt, 7 Old County Rd., seeks a unanimous vote to convert a single-family dwelling to a two-family dwelling. The applicant is required to show both a unanimous Planning Board approval, along with material changes made to the plans to be accepted for a re-hearing. A unanimous decision will grant the applicant rights to re-apply at a future date at a regularly scheduled public hearing with a new application.

Mr. & Mrs. Watt addressed the Board with their and provided Planning Board approval, along with substantial material changes to their originally submitted plans of September 28, 2023.

Vinny addressed the Board to recap the denial of the original application, and to explain to the ZBA why the Planning Board was involved. Mr. Tirone also noted that based on the requirement to have the structure substantially altered for it to appear before the Board for another hearing, he feels that the new plans represent this change.

Charles questions why building plans were not presented for review prior to the meeting, and Sharon conveyed her concern that not viewing plans prior to the meeting could hinder a vote. Vinny conveyed to Charles and Sharon that the Planning Board approval confirmed substantial changes to the plans to receive a unanimous vote, and that complete review of the new plans would occur when a new hearing is scheduled. However, Stephen & Alison Watt brought plans to the meeting and were able to briefly show the Board members the substantial changes made.

Chair McDermot asked the Board to vote to allow the Watt's to reapply without prejudice (no fee for application) at a future date:

Donna Collins – approve

Sharon McDermot – approve

Charles Basler – approve

David Haraske – approve

The Board voted unanimously to approve a re-submission of an application with substantial changes to plans previously submitted and denied to convert a single-family dwelling to a two-family dwelling located at 7 Old County Rd.

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David & Victoria Sherwood are seeking a SPECIAL PERMIT/FINDING under Amesbury Zoning Bylaws Section IX.B to enable them to alter a pre-existing non-conforming parcel within an R-20 Zoning District, add a 2nd floor and enlarge the rear deck.

Atty. Paul Gagliardi is representing the Sherwood's and addresses the Board. Atty. Gagliardi reads the application submitted. Atty. Gagliardi states that the changes being made are not changing the existing non-conformities. The Sherwood's are requesting to add a 2nd floor within the same building footprint.

Dave Haraske asks whether the upper and lower decks, and retaining wall, will be condensed into one deck, to which Atty. Gagliardi states that they will.

Dave Haraske asks about parking. Mr. Sherwood explains that a walkway at the entrance, and one at deck will be made, and the existing pavement parking presently there will remain the same. Presently, the paved area is for 2 cars but Mr. Sherwood states that additional vehicles can park with enough room on what is currently there.

There are no more questions from the Board. The Board opens the meeting up to public comment.

An abutter inquires about a right-of-way and whether the city will provide a survey to make sure that the right-of-way is upheld. Sharon states that this is not something that is addressed through the Zoning Board. Atty. Gagliardi comments that the lot was created in 1956 and the lot line between the two houses goes into the middle of the right-of-way presently. Atty. Gagliardi states that nothing new is being built in the right-of-way and the alterations will not impede the rights of others.

An abutter is questioning the height of the 2nd story and having this addition block their water view. Atty. Gagliardi states that currently 66B Lake Attitash sits four feet below street level and some view of the water may be lost, but not all of it. Atty. Gagliardi also states that there is not a provision in local by-laws stating the Zoning Board needs to consider impacted water views, and states that even if there was, the entire neighborhood would have to be impacted to cause concern. Atty. Gagliardi, and members of the Board, also noted that many homes in the Lake Attitash area have added second stories that have impacted views, and what the Sherwood's are requesting to do is in line with the other modifications in the area.

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Chair McDermot makes a **motion to discuss**: Donna Collins, seconded by Charles Bassler

The Board discusses the following:

The Board agrees that the requested addition is not out of character with the neighborhood. Additionally, Dave states that within the zoning restrictions, this is a well-designed plan, and the height does impact the view but not to the extreme and the Sherwood's are within their legal right as owners to improve their lot.

Summary of Findings read by Chair McDermot

Chair McDermot made a **motion to approve/deny**: Charles Bassler, seconded by Donna Collins

Charles Bassler – approve
Donna Collins – approve
Sharon McDermot – approve
David Haraske – approve

The Board voted unanimously to approve the application for a 2nd story with expansion of the rear deck at 66B Lake Attitash Rd.

YEAR 2024 CALENDAR:

The Board voted unanimously to approve the meeting calendar for Year 2024 with minor edits.

THE MEETING ADJOURNED AT 7:50PM

NEXT MEETING: February 29, 2024

Vinny Tirone, Director
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