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CITY OF AMESBURY, MA

AMESBURY ZONING BOARD OF APPEALS APPLICATION FOR SPECIAL PERMIT / FINDING

Filing Fee: \$200.00 plus abutter notification postage @ \$1.16/per abutter

The following documents are required to complete this application:

- ☒ **A certified list of abutters** and parties in interest (issued from the Assessor's Office).
- ☐ A **letter of denial** issued from the Inspectional Services Dept. if applicable.
- ☒ **Deed** or other that demonstrates the applicant holds a vested non-contingent interest in the property.
- ☒ Attach a **Certified Plot Plan** that describes, in detail, the following:
 1. The location of all existing buildings, structures, driveways, or similar manmade improvements to the proposed property;
 2. The dimensions of all the existing building, structures, driveways, or similar manmade improvements to the proposed property;
 3. The dimensions of the proposed property, i.e.; area, boundaries, front/rear/side yard setbacks;
 4. The location and dimensions of proposed buildings, additions, or structures;
 5. The location and dimensions of any private ways, easements, or right of ways that abut the subject property;
 6. The location and dimensions of any private ways, easements, or right of ways that cross the subject property;
 7. A scale of measurements in the lower right-hand corner of the plan;
 8. Also, the lower right-hand corner the address of the property and the Applicant's name, and if different the property owner's name;
 9. The name of the person or entity preparing the plan; and the other pertinent information, locations, or dimensions.

In the event the Applicant has appeared before any other City Board, Commission, or Authority (either directly or indirectly) in connection with a petition for Variance, application for Special Permit/Finding, or Notice of Appeal pending before the Board, the Applicant shall disclose such appearance. The Applicant shall include the petition for Special Permit/Finding, any Decision, Order, or similar Determination as issued from the other City Board, Commission or Authority.

Please be advised if the application for Special Permit is submitted with incomplete information or is not filled out completely, the Zoning Board of Appeals reserve the right to dismiss, without prejudice.

Vinny Tirone, Director

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 300-8151 • tironev@amesburyma.gov

MAKE HISTORY HERE



AMESBURY

INSPECTIONAL SERVICES

AMESBURY ZONING BOARD OF APPEALS APPLICATION FOR SPECIAL PERMIT / FINDING

Filing Fee: \$200.00 plus abutter notification postage @ \$1.16/per abutter

1. Name of Applicant: David Sherwood & Victoria Sherwood
2. Applicant's Address: 28 Emery Street, Merrimac, MA 01860
3. Applicant's Phone Number: 978 265-7127
4. Applicant's Email: sherwood66@comcast.net
5. Name of Property Owner: David Sherwood & Victoria Sherwood
6. Address of Property Owner: 28 Emery Street, Merrimac, MA 01860
7. Address of Subject Property: 66B Lake Attitash Road, Amesbury, MA
8. Precinct: (Voting District) 5
9. For what purpose do you request the special permit:
Add a second floor to the existing single family home and enlarge the rear deck

10. Provision(s) of the Zoning By-laws which relates to the requested Special Permit. Please cite the Article & Section: Section IX B
11. Has a Variance, Special Permit, and/or Finding ever been requested of the Property: No
If Yes:
 - a. Date approved or denied: _____
 - b. Name of previous owner/applicant: _____
 - c. Attach a copy of decision and any pertaining information.
12. Has the applicant, or representative for the applicant appeared before any City Board, Agency, Commission, or other Authority (either directly or indirectly) on connection with the proposed Special Permit/Finding: No _____
If Yes:
 - a. Date of appearance: _____
 - b. Name of Owner/Applicant: _____
 - c. Name of Board, Commission, or Authority: _____



13. Property Characteristics:

- a. Square Footage of Area Existing: 4,125 sq. ft. Proposed: 4,125 sq. ft.
- b. Frontage Existing: 34.1' Proposed: 34.1'
- c. Zoning District: R-20
- d. Dimensional Requirements:
 - i. Front: Existing: 33.9' Proposed: 33.9'
 - ii. Rear: Existing: 34.5' Proposed: 28.8'
 - iii. Left Side Existing: 8.8' Proposed: 8.4'
 - iv. Right Side Existing: 3.2' Proposed: 2.8'
 - v. Height: Existing: 17.0' Proposed: 30.5'
 - vi. Stories: Existing: 1 Proposed: 2
 - vii. Building Area: Existing: 24.3% Proposed: 24.3%
 - viii. Open Space: Existing: 44.7% Proposed: 54.9%
- e. Present use of Property: Single Family Residential

14. If the Special Permit relates to a proposed home occupation, provide the following information: (please refer to Sec. II – Definitions, and Section XI-F - Home Occupations)

- Is the proposed home use customary within the City of Amesbury? Describe fully:

- Is the proposed use of property something other than any of the following prohibited uses: Beauty Parlor, Barber Shop, Clinic, Bakery, Gift Shop, Tea Room, Tourist Home, Animal Hospital, or Kennel:

- Where, in the home will the proposed home use be carried out:



- Will the proposed home use be carried out within the principal building: **No** _____
- Will the proposed home use be carried out within a multi-family dwelling: **No** _____
- Describe all sources of parking that may be utilized in connection with the proposed home use:

- State the hours of operation of the proposed home use:

- State the anticipated average number of customers, clients, patients, people, or entities that shall utilize the services offered by the proposed home use during hours of operation on a daily basis: _____
- Describe, explain and itemize any materials, chemicals, or inventory to be utilized by the proposed home use:

- State whether the proposed home use requires any license, action, decision, application, consideration, or other formal or informal review from any federal, state, or municipal board, agency, commission, authority, or similar organization:

- Will there be more than one non-resident employee in connection with the proposed home use:



15. In the event the Special Permit relates to a proposed alteration, modification, extension, or change to a pre-existing non-conforming use or structure, provide the following information.

- The current pre-existing non-conforming use or structure:

The existing lot does not meet the frontage open space or area requirements. The existing structure does not comply with the front, side, and rear yard requirements.

- Provide proof that the current pre-existing non-conforming use or structure is a legal non-conforming use or structure:

According to the records in the Amesbury Assessor's office, the existing structure was built in 1900. According to the attached recorded plan, the lot was created in 1956.

- Describe the proposed alteration, modification, extension, or change to a pre-existing non-conforming use or structure:

Addition of a second story and enlargement of the existing rear deck.

- State whether the current pre-existing non-conforming use or structure is located in a residential zoning district:

It is located in the R-20 Zoning District.

- Describe whether the proposed change will be different from the current use/structure:

The use will remain the same but the house and deck will both be enlarged.



- Indicate, if applicable, whether the current pre-existing non-conforming use or structure had been abandoned or not used for two (2) or more years:

It has not been abandoned.

- Describe in detail any anticipated impact or effect upon the surrounding neighborhood that would result if the proposed Special Permit were to be allowed:

The applicant does not anticipate any impact on the surrounding neighborhood. The existing structure sits below the elevation of the street so the addition of a second story should have no measurable impact.

- Indicate whether the proposed alteration, modification, extension, or change relates to billboards, signs, or other advertising subject to M.G.L. Ch. 93, 29-33 and/or M.G.L. Ch. 93D:

It does not.

- Indicate whether the proposed alteration, modification, extension, or change relates to adult bookstores, adult motion picture theaters, adult paraphernalia shops, or adult video stores subject to M.G.L. Ch. 40A, 9A:

It does not.

16. Describe why the applicant believes that there would be no loss/or damage to the public good if the Special Permit were to be granted:

The proposed addition of a second story and the enlargement of the existing deck will not create any new non-conformities.



17. Describe why the applicant believes if the Special permit were to be granted, that neither the intent nor the purpose of the By-laws would adversely impacted:

The Code contemplates the modification of pre-existing nonconforming structures. The
applicant's proposal is merely to add a second story on the existing structure with no change
to the footprint. The enlarged deck is in the rear, on the lake side, of the house and will replace
an existing non-conforming deck.

Paul G. Giffelle Atty for
Signature of Applicant

12-21-23
Date