



MINUTES of the ZONING BOARD OF APPEALS MEETING
THURSDAY, October 23, 2025

(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, John Rogers, Kendra Amaral

Absent: Donna Collins, Dave Haraske

Also in attendance: Community Development Coordinator Becky Frey

Call to Order

Chair Sharon McDermot called the meeting to order at 7:04 pm.

Roll Call/Attendance

Chair Sharon McDermot took roll call and introduced Kendra Amaral as the new associate member.

Chair Sharon McDermot noted that she would be voting tonight.

Minutes – 9-25-25

Chair Sharon McDermot tabled the minutes to the next meeting.

Topics for Discussion:

New Public Hearings:

1. 17 Fourth Street – Special Permit

Chair Sharon McDermot read the legal notice into the record.

James McDonagh commented that he was the general contractor and was representing the homeowner. The proposed addition would intensify the front setback of the home. The applicants have lived there for 3 years, and they are looking to expand the 986 square foot home. The single-family home is on a large irregular shaped lot. The proposed addition will bring the home to just under 2,000

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913

P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



square feet. The addition would be placed on the right side of the existing home. The current existing structure is 14.28 feet from the front setback. The proposed addition would be 23 feet from the front setback, which is 8 feet further back from the pre-existing non-conforming front setback. This proposal proved to be the most reasonable option given the lot shape. This is a large lot and many of the surrounding homes are non-conforming. The only non-conformity for the home is the front setback. The addition is placed further back from the existing structure to help it blend naturally. They received two letters of support from abutting homeowners for this application. The addition will allow the family to stay in their home, and it supports the character of the neighborhood.

Charles Basler questioned if the character of the addition was the same as the existing home. James McDonough responded that the existing home has low ceiling heights. The actual second floor has 6-foot ceilings. The proposed addition is in keeping with the character of the home and neighborhood. Charles Basler commented that he was just wondering about the way the roof would match, but noted they knew better how to do that.

The Board members did not have any other questions.

Chair Sharon McDermot opened the public hearing. No one spoke.

Charles Basler motioned to close the public hearing for 17 Fourth Street. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.

Chair Sharon McDermot commented that the application looked good, and she did not have a problem with it. Kendra Amaral noted that the expansion was less non-conforming than the existing structure.

Chair Sharon McDermot reviewed the findings. The proof that it predates zoning is that it was built in 1955. It is non-conforming in the front setback. It is less detrimental to the neighborhood. There are not any new non-conformities proposed with the project.

Given the findings, John Rogers motioned to approve the special permit finding for 17 Fourth Street. Seconded by Charles Basler. The motion passed unanimously by a 4-0 vote.

2. 282 Lions Mouth Road – Variance/Special Permit

Chair Sharon McDermot read the legal notice into the record.

There was no one present to speak to the application.

Charles Basler motioned to continue the Variance/Special Permit Finding for 282 Lions Mouth Road to the December 11, 2025, Zoning Board of Appeals Meeting. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.

3. 6 Lake Attitash Way – Variance

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



Chair Sharon McDermot read the legal notice into the record.

Jared Eigerman, Attorney, Applicant Nate Mallard, and Civil Engineer Brian Marchetti were present to speak to the application. Jared Eigerman commented that the variance is being requested for the front setback and the side setback. The lot is conforming. It is double the required size, but the challenge is the slope in the back and the wetland in the front of the property. Originally the owner had approached the town with a proposal that would fill in the wetland, but the preference of the town was to leave the wetland untouched. In order to do that the house needs to be built close to the street. They have managed to fit a three-bedroom home with a garage and a shed by lining them along the street. The zoning requires a 40 foot setback, but their proposal would have a 17.5 foot setback. They will also be encroaching on the 20-foot setback on the side. They are requesting the variance due to the topography of the site.

Brian Marchetti commented that they started this project in 2019. When the Mallards purchased this lot they had verbal confirmation that it was a buildable lot. They started to layout the house on the lot. The wetland on the site is isolated. It is not jurisdictional according to the state, but it is according to the local Ordinance. It is only 1,000 sf. They have filed with the Conservation Commission. The wetland in the middle has been created over time because of runoff from the property. The wetland has become problematic in the neighborhood. It ponds up and flows through the neighbors' backyards and ices driveways. The project they were proposing would help alleviate that. Initially they had graded the site to create a larger rain garden on the southside of the property. The stretch in front of the property has catch basins and discharges to Lake Attitash. They went to their first Conservation Commission Meeting in July and after that meeting they met with OCED to modify the plan and maintain the wetland as it is. They worked with OCED to lay out the plan as it is shown today. The wetland is at the bottom of the steep slope. There is no other place to put home if they are trying to avoid the wetland. The proposal is staying outside the 25-foot no disturb zone. They will plan to install a split rail fence following the 25 foot no disturb zone and have provided a landscape plan for the southern and northern side of the property. The house is located where it is because of the site topography and wetland location. The proposed home is consistent with other homes in the neighborhood. They are pursuing permits with the Conservation Commission and Planning Board of this project as well. There will be roof leaders and the driveway will be pervious pavers. The drainage plan is being reviewed with the Planning Board and DPW.

Chair Sharon McDermot asked if the Board any questions. The Board Members did not have any questions.

Chair Sharon McDermot opened public comment.

Sarah Lamson of 7 Beech Lane requested more clarity on what they mean when they say the wetland will be untouched. Ms. Lamson had a huge concern with the runoff that was spoken about.

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



In initial conversations there was talk about removing the bamboo, and she wanted make sure that happens. The storm water drainage should be maintained. The neighborhood deals with a lot of runoff today. The driveway is going to be permeable pavers, but they are adding more impervious surfaces that could impact the runoff. Ms. Lamson was also concerned about the wildlife that has already been pushed out due to a lot of construction on Kimball Rd. There have consistently been more deer in the neighborhood.

Brian Marchetti commented that the structures are only about 2,500 sf. The storm water permit they are getting from the Planning Board requires mitigation for the storm water on the site. They are mitigating in excess of what is required. The pervious pavers in the driveway have 5 times the runoff storage. The Conservation Commission has requested that they mitigate the invasive species. They are maintaining a 25-foot buffer and putting a conservation deed restriction in perpetuity for the land behind the split rail over 30,000 sf.

Sarah Lamson of 7 Beech Lane commented that she was also concerned about the health of the lake.

Jared Eigerman, the applicant's attorney, commented that this is in the water resource protection overlay district. That means they are laser focused on the storm water, and they need to show there is no impact on the lake. Given the size of the lot, the impervious is very small. Most of the engineering for this project is to deal with the bad problems that exist today. This project will be improving the area and helping the whole neighborhood. They will have an operation plan that will bind them to maintenance. They will need to maintain it and if it is not there can be enforcement action by the city.

Luke Guttadauro of 73 Lake Attitash Road commented that he lives diagonally to the development. The main concern he had was about the runoff coming from this house. The home and impervious surface will be pitching toward the street. The runoff for Lake Attitash Way comes down to a storm drain that it misses, then it comes in front of his house and misses that catch basin and ultimately does out to the lake. Mr. Guttadauro was concerned about having more water pitched into the street. The storm drains are already useless, where will the additional runoff go?

Kendra Amaral questioned what the pitch of the slope in the back was. Brian Marchetti responded that it was roughly a 3 to 1 slope.

Charles Basler motioned to close the public hearing for 6 Lake Attitash Way. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.

Chair Sharon McDermot questioned if the Board had any discussion on this. Charles Basler commented that it sounded like the neighbors' concerns will be addressed with this proposal, and it will be reviewed by other Boards. This Board is only looking at the front and side setbacks and decide if it could be non-

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913

P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



conforming. Anything the Board decides is contingent upon other Board's approvals as well. It sounds like the neighborhood has been through a lot of problems for many years. It seems like a lot of people are working things out. Chair Sharon McDermot agreed. They are not reviewing the storm water and wetland impact. That is for the Planning Board and Conservation Commission.

Kendra Amaral commented that she asked for topography slope to understand the hardship they are asking for with the back slope. That's the hardship they are considering.

Chair Sharon McDermot reviewed the summary of findings. The substantial hardship is the topography and location of the existing wetland. Due to the topography of the lot, they can only go in one spot. It does not generally effect the district. There would not be a substantial detriment to the public good if the variance was granted. The petition does not derogate from the bylaw.

Charles Basler questioned if there should be a stipulation with the variance. Becky Frey responded that this would be contingent on approvals from the Planning Board or Conservation Commission.

Given the findings, Charles Basler motioned to approve the variance for 6 Lake Attitash Way with the acknowledgment that this proposal was contingent on approval and conditions from the Planning Board and Conservation Commission. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.

4. 4 Brielle Way – Special Permit

Chair Sharon McDermot read the legal notice into the record.

Jared Spicer commented that he was the contractor and represented the applicant. The applicant is looking to convert an existing unfinished basement to an in-law apartment. Relatives are looking to utilize space in the basement as their own living quarters. The development was too far along in the process of to request that the developer create a finished basement while it was under construction. Other homes in the development have incorporated a finished basement. After talking with the Building Department, they decided this was the best way to utilize the process. There is sufficient parking on the site.

John Rogers commented that there were no windows in the bedroom. Jared Spicer commented that they talked to Jim Wilson in the building department and he believes it could meet code. There is no obstruction to the two means of the egress at the rear bulkhead and rear patio door. If for any reason they need to put in an egress window, then they will put it in. They are more than willing to comply if needed. They are not changing the footprint at all. They will be converting the existing bulkhead and adding additional windows to allow natural light. They will match the current windows.



Chair Sharon McDermot questioned what the size of the basement was. Jared Spicer responded that it was a little over 1,000 sf. This is the most streamlined way to permit the request. It's larger than what is allowed for an ADU.

Charles Basler questioned if the door at the top of the stairs has a lock. Jared Spicer responded it did not lock.

Chair Sharon McDermot opened public hearing. No one was present to speak.

John Rogers motioned to close the public hearing for 4 Brielle Way. Seconded by Charles Basler. The motion passed unanimously by a 4-0 vote.

Chair Sharon McDermot responded that the application looked straightforward. Charles Basler commented it was good to see multi-generational homes.

Chair Sharon McDermot commented that she was concerned about the window. Kendra Amaral responded that they would not be able to get a certificate of occupancy if it doesn't meet the building code.

Chair Sharon McDermot reviewed the findings. The use currently exists in the table of uses. It is a desirable use for the neighborhood. There would not be an increase in traffic or overload to the public system. The requirements for Section XI.K2 are satisfied. Chair Sharon McDermot read them into the record. The special permit is valid 5 years and renewable upon request.

Chair Sharon McDermot questioned if there was an additional off-street parking space to accommodate the additional unit. Jared Spicer responded that there was a 4-6 car driveway and 2 car garage.

Given the findings, John Rogers motioned to approve the Special Permit for 4 Brielle Way. Seconded by Charles Basler. The motion passed unanimously by a 4-0 vote.

5. 0 and 14 Mill Street – Variance

Chair Sharon McDermot read the legal notice into the record.

Joshua Lee Smith and Carly Gavin were present to speak to the application. Joshua Lee Smith commented that the site is in the downtown area. There is a current substation outlined in the plan in red. This has been in existence for decades. It is in the IC zoning district. The company is proposing downgrading this existing substation site. They are proposing a temporary mobile substation. There is a retaining wall at the existing substation, and it is in a state of disrepair. In 2022 it was identified through a soil investigation that it was in such a state of disrepair that the transformer had to be relocated. It was moved to the middle part of the site. That was supposed to

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



be a temporary fix. From that point the company has done close monitoring of the wall and the area around it. It was semi stable for a period of time. In 2024 there was further review by geo technical consultant and it was discovered there has been more movement and further degradation. In a critical state and they proposing to provide the temporary mobile substation down gradient. This substation includes feeders that feed downtown and beyond. There is an interplay with this temporary substation and the other substation off Alenclair Drive. The Alenclair Drive substation is being rebuilt and expanded. This mobile substation will be installed for about a 2-year period. It can be removed once the Alenclair Drive station is running. The temporary substation doesn't include all of the equipment you would see in a real substation. The site plan submitted shows it will be a 7,000-sf area. It will have somewhat typical security fencing with an 8-foot fence and 1-foot barbed wire on top. There will be crushed stone where the equipment will preside. There is an existing turnaround with an access point on the far right. There will be another access point added to provide direct access to the gate. They have had several discussions with city staff. They recently had a site visit with OCED and received productive feedback from them. They will be installing an evergreen line to provide some screening from the surrounding residential properties. Those details will be worked out with the Planning Board and Conservation Commission. The evergreens will be 10-12 feet in height and provide year-round screening. The fencing will also have privacy slats installed. In respect to the variance itself the lot extends all the way down and is long and narrow. The rear lot line requires a 40-foot minimum in the zoning and the proposal is 28 feet. It is a narrow lot and there are equipment standards the company has to adhere to for placement and safety. The lot is next to the river which is another constraint. The last constraint is the topography. The existing substation is up gradient and the land slopes down to a more level area. That is where they are proposing to put the temporary substation. It has to be in this location.

Charles Basler requested clarification that the rear of the location they are proposing does not suffer from the same soil deficiencies as the existing location. Joshua Lee Smith confirmed it did not. They are intentionally putting it in a flat area.

Carly Gavin commented that the upper existing property has a retaining wall and the area they are proposing does not have any retaining walls. They suffer from subsurface inadequacies in the current location. The proposed location is a solid subsurface and they will not be excavating. Charles Basler questioned if it was similar equipment and if the sound would be similar. Carly Gavin confirmed it was similar and would sound similar. The switchgear area is enclosed so that it will be quieter.

Chair Sharon McDermot questioned if there had been discussions with the neighbors in this location. Joshua Lee Smith confirmed there had been outreach.

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



John Rogers questioned what happened to this structure in two years. Joshua Lee Smith responded that it would be removed. It is mobile in nature. It will be placed on crushed stone, and it is not a permanent substructure. The site will be restored to grass.

Kendra Amaral questioned what happened to the permanent substation after 2 years. Joshua Lee Smith responded that the deteriorated wall will be removed and replaced with natural grade and rip rap. All of the equipment will be removed. It will be truly decommissioned.

Kendra Amaral questioned when it was appropriate to include a condition that equipment has to be removed and decommissioned. Becky Frey responded that the removal conditions would be captured in the Planning Board and Conservation Commission approvals.

Chair Sharon McDermot opened public comment.

Joan Lee Brown of 15 Curry St. questioned what the noise on the new temporary station would be like. Right now, the permanent substation hums 24 hours a day. This temporary station is moving closer to her house, and she was concerned about the humming noise.

Carly Gavin commented that they were removing the existing substation and putting the temporary one in. They were out there earlier this week with the equipment engineer. The new transformer will be quieter than the existing one. The temporary build out will occur and that affords the ability to decommission the existing site. Then temporary substation will stay in operation until Alenclair Drive substation is rebuilt.

Charles Basler motioned to close the public hearing for the variance request at 0 and 14 Mill St. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.

Chair Sharon McDermot commented that the request sounded reasonable. Charles Basler commented that given the temporary substation was smaller the hum should be less. It is for the greater good to get all the equipment out of there.

John Rogers commented that this project length was 2 years out and it will be much better for the neighborhood out there. The temporary substation will be quieter than what they are hearing right now. The evergreens will also help with that. Kendra Amaral agreed and noted they would be a good visual barrier as well.

Kendra Amaral commented that her only concern was that equipment will be left in place and not actually removed when the site is decommissioned.

Chair Sharon McDermot reviewed the findings. The hardship is the topography, soil, and lot shape. It does not generally affect the district. It would not be a substantial detriment if it was granted. It does not derogate from the bylaw.

Municipal Development Center • 39 South Hunt Road • Amesbury, MA 01913
P (978) 388-8110 • oced@amesburyma.gov

MAKE HISTORY HERE



Becky Frey commented that the ZBA did not need to add a stipulation about the equipment removal because that would be addressed with the Planning Board and Conservation Commission approvals.

Given the findings, John Rogers motioned to approve the Variance for 0 and 14 Mill St. with the acknowledgment that this proposal was contingent on approval and conditions from the Planning Board and Conservation Commission. Seconded by Charles Basler. The motion passed unanimously by a 4-0 vote.

Adjourn

Charles Basler motioned to adjourn the meeting at 8:25 pm. Seconded by John Rogers. The motion passed unanimously by a 4-0 vote.