



TOWN OF WEST NEWBURY

381 Main Street, West Newbury, MA 01985

ZONING BOARD OF APPEALS MEETING MINUTES 03-30-2021

ZBA Members in attendance: Paul O. Kelly (Chairperson), Members: Richard Davies, Kim Monahan Borgioli, Patrick Higgins, and Associate Dennis Lucey. Associate Dennis Lucey was a voting member, as one-member position was vacated as Judith Gregg had submitted her resignation.

Remote Participation: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.ch. 30A 18, and Governor Baker's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Zoning Board of Appeals was conducted via remote participation to the greatest extent possible.

ZBA Meeting was called to Order at 6:30pm, via zoom remote participation, meeting was recorded via zoom.

1st Hearing: 6:30pm, via zoom remote participation, meeting was recorded via zoom.

APPLICANT: Paul A. Harnois

OWNER: 16 Steed Ave. Realty Trust, William D. Harnois, Paul A. Harnois, Trustees

ADDRESS: 16 Steed Ave.

ASSESSOR MAP: R-13

PARCEL: 46

DEED REF.: BK. 36643, PG. 222

PLAN REF.: PLAN 48 OF 1974, Essex.S.D.R.D.

ZONING DISTRICT: Res C

REQUEST: Finding for relief/variance from minimum from setbacks due to pre-existing nonconforming two story house deemed to be razed, relief/variance sought for proposed one story house replacement.

Paul A. Harnois, owner/Trustee of Realty Trust of the property at 16 Steed Ave., West Newbury, MA 01985, filed an application for a Finding for a relief/variance from the front setback requirements of the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A.4, Table of Dimensional Control & Sec. 6.A.4, which requires a minimum forty (40) foot front yard setback from the Street Right of Way in the Zoning District Res. C. The applicant requests Finding for relief/variance from minimum from setbacks due to pre-existing nonconforming two story house deemed to be razed, relief/variance sought for proposed one story house replacement that allows for one story living quarters, a new Subsurface Disposal System has been designed and sited as per Title IV requirements.

Paul Harnois & Peggie Poore introduced to the Board the varying limitations and current structural deficiencies of the existing home structure and discussed the proposed single floor

home and described the reasons for the request for the relief, the site plan showing the pre-existing nonconforming house (to be razed) and proposed single floor modular home & proposed septic system components were reviewed, as were the modular home design plans.

Materials Supplied & Reviewed: A completed ZBA Application for a Variance, Plot Plan of 16 Steed Ave. prepared by Williams & Sparages on January 27, 2021 and submitted with application was used for review. The application also included full Architectural Plans of the proposed modular home designed by Champion Modular, Inc., Excel Homes.

Abutter Comments: The proposed home design plans are in keeping with the nature & harmony of the neighborhood. Neighbors at #7 Steed Ave., John & Constance Gordon, and Neighbors at #15 Steed Ave., Joseph & Amanda Harding all support the relief requested & spoke in favor. All interested parties present were afforded an opportunity to speak on the application, there were no objections.

The ZBA reviewed and discussed the Plot Plan that depicted the pre-existing non-conforming two-story house and the proposed one-story modular home, the modular house design plans and the wetlands across the site on Bridge Street and the area needed for location of the subsurface disposal system. The Plot Plan would need to be updated and converted into Variance Plan that can be recorded at the registry of deeds.

The ZBA found there was sufficient evidence of hardship to the applicant to justify granting the relief requested due to lot shape/depth, soil conditions, the variance from the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A.4 will not be a substantially more detriment than the existing nonconforming use to the neighborhood.

A motion to close the hearing, was moved and seconded, and voted 5-0 to close. Chairman Paul O. Kelly called for a motion; a motion was made that the Board grant the Petitioner's request for Finding of relief/variances from front setback requirements as depicted on Variance plan as requested in the application for the reasons set forth in the decision Findings, with said stipulation of recording the Decision and Variance plan a requirement, the motion was seconded; so voted; By a unanimous 5-0 decision, the board voted to grant the Finding for relief/Variance to the Petitioners with required stipulations, therefore, the motion carried.

2nd Hearing: 6:58pm, via zoom remote participation, meeting was recorded via zoom.

APPLICANT: Mitchell J. Salkovitz

OWNER: Mitchell J. Salkovitz

ADDRESS: 188 Crane Neck St.

ASSESSOR MAP: R-4

PARCEL: 11C

DEED REF.: BK. 31483, PG. 339

PLAN REF.: PLAN 476 OF 1972, Essex.So.D.R.D.

ZONING DISTRICT: Res A

- Finding for relief/variance from minimum from front setbacks due to steep topography, relief/variance sought for garage addition.

Mitchell J. Salkovitz, owner/applicant of the property located at 188 Crane Neck St., West Newbury, MA 01985, filed an application for a Finding for a relief/variance from the front setback requirements of the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A.4, Table of Dimensional Control & Sec. 6.A.4, which requires a minimum forty (40) foot front yard setback from the Street Right of Way in the Zoning District Res. A. The applicant proposes a garage addition to the existing home structure.

Mitchell J. & Christina Salkovitz introduced to the Board the varying limitations of the steep slope that the current home was built on and that abuts the existing driveway where the proposed garage is to be sited, they described the reasons for the request for the relief (substantial change in vertical elevations). Due to the steep slope and change in vertical elevations from the street level (street view looks out over house roof standing on Crane Neck Street) to the existing driveway and entry to the first floor of the existing home and then steep grade that the hillside follows away from the existing home, the required 40 front yard setback from Crane Neck Street would require substantially more site work for stabilization of the foundations (tie backs) and additional structural retaining walls down slope.

Materials Supplied & Reviewed: A completed application for a Variance, Plot Plan of 188 Crane Neck Street prepared by John J. Decoulas on April 5, 2021, as were the home design plans prepared by Joel R.M. Gagnon of Architexture Residential Design.

Abutter Comments: None, no abutters were present on the zoom meeting, all interested parties present were afforded an opportunity to speak on the application, there were no objections via zoom or via correspondence.

The ZBA reviewed and discussed the Plot Plan that depicted the existing conforming house and the proposed garage addition, the steep slope and vertical grade/elevation changes on site and need for substantial retaining walls and structural tie backs if relief was not granted. Standing on the bituminous concrete pavement of the traveled portion of the street, the direct view is over the roof of the existing home, a substantial change in grade of the site. The proposed garage design plans are in keeping with the nature & harmony of the neighborhood. The Plot Plan would need to be revised and converted into a Variance Plan that can be recorded at the registry of deeds.

The ZBA found there was sufficient evidence of hardship to the applicant to justify granting the relief requested due to the change in vertical elevations on site and steep slope of the topography, given the additional structural designs and slope stabilization & grading (for foundation, tie backs and retaining walls) if relief was not granted, and that granting the proposed finding for relief for the variance from the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A.4 will not be substantially more detriment to the neighborhood.

A motion to close the hearing, was moved and seconded, and voted 5-0 to close. Chairman Paul O. Kelly called for a motion; a motion was made that the Board grant the Petitioner's request for Finding of relief/variances from front setback requirements as depicted on Variance plan as requested in the application for the reasons set forth above, with said stipulation of recording the Decision and Variance plan a requirement, the motion was seconded; so voted; By a unanimous 5-0 decision, the board voted to grant the Finding for relief/Variance to the Petitioners with required stipulations, therefore, the motion carried.

The ZBA reviewed and approved the Meeting Minutes submitted by Judith Gregg for the following two hearings:

A) West Newbury ZBA Meeting Minutes for 06-11-2020 Vote: (4-0-1)
Kim Monahan Borgioli abstained from voting.

B) West Newbury ZBA Meeting Minutes for 07-02-2020 Vote: (4-0-1)
Kim Monahan Borgioli abstained from voting.

ZBA discussed the need to schedule another ZBA meeting to approve the ZBA Meeting Minutes for the 03-30-2021 hearings, and to discuss updates for Variance plan submittal requirements and/or checklists.

A call to close the meeting was seconded, Voted 5-0 to close the meeting.

Meeting was adjourned at 7:35 P.M.

Respectfully submitted,
Patrick Higgins
Patrick Higgins
ZBA Board Member