



TOWN OF WEST NEWBURY

381 Main Street, West Newbury, MA 01985

ZONING BOARD OF APPEALS

Draft Meeting Minutes 08-10-2021 Draft

APPLICANT(S): Ryan McShera, of Red Barn Architecture
OWNER(S): Eric Correnti & Nicole Grasso-Correnti
ADDRESS: 5 Summer Sweet Lane, West Newbury, MA 01985
ASSESSOR MAP: R-1 **PARCEL:** 81
DEED REF.: BK. 39742, PG. 101
DEED DATE: 4/07/2021,
DOC.# 20210407001860
PLAN REF.: Plan BK. 225, PLAN 11 of 1986, Essex.So.D.R.D.

ZONING DISTRICT: Res B, **REQUEST:** Finding for relief from Section 4.A.1 of the West Newbury Zoning Bylaw, specifically to allow for the addition of a second story over the existing garage for use as an in-law apartment that includes the enlargement of the pre-existing structure on a non-conforming lot. The non-conforming lot has a frontage of 80' (granted as part of a special permit of original subdivision) located in a Residence Zoning District which requires 200' of frontage.

Meeting Minutes of Decision of August 10, 2021 for:

Finding for relief from Section 4.A.1 requirements

Application of Eric Correnti & Nicole Grasso-Correnti

5 Summer Sweet Lane, West Newbury, MA 01985

On June 30, 2021, Eric Correnti & Nicole Grasso-Correnti, owner/applicant of the property located at 5 Summer Sweet Lane, West Newbury, MA 01985, filed an application for a building permit to construct a "second story garage addition for an in-law apartment", the West Newbury Building Commissioner denied the application on June 30, 2021 pursuant to Section 4.A.1 of West Newbury Zoning Bylaw. On June 30, 2021, Ryan McShera, of Red Barn Architecture, the applicant for the property located at 5 Summer Sweet Lane, West Newbury, MA 01985, filed an application for a Finding for a relief from Section 4.A.1 of West Newbury Zoning Bylaw. The applicant proposes a second story addition to the existing garage structure to be used as an in-law apartment.

West Newbury Zoning Board of Appeals Chairman Paul O. Kelly opened the public at 7:00 PM on Tuesday, August 10, 2021. In attendance were, Chairman Paul O. Kelly, members: Richard Davies, Kim Monahan Borgioli, Patrick Higgins, and Dennis Lucey. It is duly noted that requirements for publication & posting, and notice of the public hearing on the application for Finding were sufficiently met.

Ryan McShera, of Red Barn Architecture, introduced to the Board the layout of the current home and existing garage & driveway, and where the proposed garage second story addition would be, and the fact that the building footprint would not be enlarged. Ryan McShera described the reasons for the request for the relief (existing location & layout of the home and garage), the site plan showing the existing home & garage, as were the garage and in-law addition design plans prepared by Ryan McShera, of Red Barn Architecture. Board members asked a series of

questions to better understand the constraints, design and reasoning behind the request. It was noted that the applicants/owners were planning on adding more visual buffer between their home and immediate neighbor's home. It was noted that the existing home and garage were located on a properly permitted reduced frontage lot via Special Permit during subdivision approval, and the location of the existing home & garage structure comply with zoning dimensional requirements. It would be a substantial hardship to add the proposed in-law apartment within the layout of the existing home structure. It would be a substantial hardship if the requested findings for relief from Section 4.A.1 of West Newbury Zoning Bylaw requirements were not approved. The proposed garage second story in-law apartment design plans are in keeping with the nature & harmony of the neighborhood. No neighbors spoke against the relief requested.

The Board concluded that (1) lot being pre-existing reduced frontage lot (previously approved by Special Permit), location and layout of existing home & garage structure being compliant with zoning dimensional requirements and in keeping with the rest of the neighborhood, (2) there is sufficient evidence of hardship to the applicant (in-laws) to justify granting the relief, given the second story in-law apartment designs and reconfiguration were done so to maintain aesthetics in the neighborhood while allowing for home care of relatives, (3) and that granting the proposed finding for relief from the Town of West Newbury Zoning By-Law Section 4.A.1 shall not be a substantially more detrimental to the neighborhood. The Board made this determination based upon the fact that the Finding for relief would not alter the essential character of the neighborhood (house & garage second story addition) and would be in keeping with the purpose and intent of the bylaw and in-law apartments are allowed by right in this zoning district. As stipulated by the Board, the Applicants/Petitioners shall have the West Newbury Zoning Board Decision recorded at the Essex So. District Registry of Deeds, and proof of recording will be submitted to the Building Commissioner, Town Clerk and the West Newbury Zoning Board of Appeals. West Newbury Zoning Board of Appeals members voting: Chairman Paul O. Kelly, Richard Davies, Kim Monahan Borgioli, Patrick Higgins, and Dennis Lucey.

After affording all interested parties present an opportunity to speak on the application, there being no objections (in person or in correspondence) to the Finding for relief in the application, 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 from the Town of West Newbury Zoning By-Law Section 4.A.1 as requested in the application for the reasons set forth above, with said stipulation of recording the Decision a requirement, the motion was seconded; so voted; By a unanimous 5-0 decision, the board voted to grant the Finding for relief to the Petitioners with required stipulations, therefore, the motion carried.

The Board therefore granted the requested Finding for Relief from the Town of West Newbury Zoning By-Law Section 4.A.1 requirements, as requested in the application & depicted on the design plans. After the appeal period, this Decision dated August 10, 2021 shall be stamped by the Town Clerk and recorded at the Essex South District Registry of Deeds.

The ZBA reviewed and approved the amended Meeting Minutes for the following hearing: West Newbury ZBA Meeting Minutes for 06-29-2021, Vote: (5-0-0) Approved.

A call to close the meeting was seconded, Voted 5-0 to close the meeting, Meeting was adjourned at 7:50pm. Respectfully submitted, Patrick Higgins, ZBA Member.