

**Decision of the Newbury Zoning Board of Appeals**  
**Under the Zoning Bylaw**  
**Upon petition of**  
**Plum Island Grille, Mark Friery**  
**2 Plum Island Blvd.**

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The Zoning Board of Appeals (ZBA) held a public hearing Thursday, March 5, 2015 at 7:30 p.m. at the Newbury Town Hall, 25 High Road, Newbury, MA 01951 on the petition of The Plum Island Grille, c/o Mark Friery, 2 Plum Island Blvd., Newbury, in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40 A, as amended, and the Zoning Bylaws of the Town of Newbury.

Applicant petitioned the ZBA for a FINDING for relief from section 97-4.D (4) (c) of the Zoning Bylaws to re-construct or make a structural change to a non-conforming structure (extend existing front deck approximately 250 square feet) and per Section 97-6 for the proposed construction not meeting the required setbacks for the dwelling on the property located on 2 Plum Island Blvd. (Assessors Map U02-0-132).

Representing the Plum Island Grille/Mark Friery was Michael D. Paige, Esq. and Ty Porter his architect. Appearing in favor of the applicant was Mark Friery. Abutter George Jonaitis of 4 Plum Island Blvd. was present. Mr. Jonaitis asked if the tent will be removed if this project is approved; the applicant stated that they were not opposed to the removal if this project were to pass. Appearing in opposition of the applicant there was no one.

After due deliberation and consideration, the Board of Appeals voted unanimously on a Motion to Deny by Eric Svahn, seconded by Rick Salmonson on the petition of Plum Island Grille/Mark Friery for the property located at 2 Plum Island Boulevard for seeking relief from Newbury By-law 97-4(D) (4) to construct an uncovered deck on the side of the building that would increase the size of the structure.

As 97-4(D) (4) states: Nonconforming uses and structures within the PIOD shall not be enlarged or extended;

The current use of a restaurant/business is prohibited in the PIOD zoning district as stated in section 97-4(D) (2) & (3).

(2) Allowed Uses:

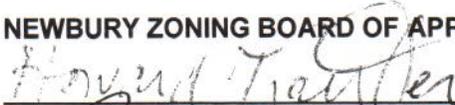
- (a) Municipal uses owned or operated by the Town of Newbury;
- (b) Single family dwellings, subject to the dimensional requirements set forth in the table below:

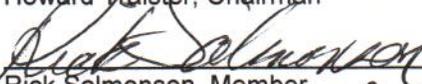
(3) Prohibited uses: Any use not set forth in § 97-4D (2) is prohibited in the PIOD.

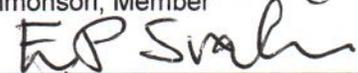
Dimensional requirements of the proposed addition were not reviewed.

Notification is hereby given that appeals, if any, shall be made pursuant to G.L. Chapter 40A §17, as amended by Chapter 808 of the Acts of 1975, within twenty days after which this decision is filed with the Newbury Town Clerk.

**NEWBURY ZONING BOARD OF APPEALS**

  
Howard Traister, Chairman

  
Rick Salmonson, Member

  
Eric Svahn, Member