



**TOWN OF NEWBURY
ZONING BOARD OF APPEALS
12 KENT WAY, SUITE 200
BYFIELD, MA 01922
978/465-0862 x304**

**ZONING BOARD OF APPEALS
MEETING MINUTES
THURSDAY, JANUARY 30, 2025
TOWN HALL, 12 KENT WAY, 2ND FLOOR HEARING ROOM, 7:30 PM**

Members Present: Chair Eric Svahn, Member Mario Carnovale, Member Jack Kelly, Associate Member Michelle Weidler, ZBA Administrator Chrissy Beaupre

ZBA meeting called to order at 7:30 pm by Chairman Svahn.

Public Hearings – Continued:

Gerald Fandetti (11 & 15 Sunset Drive): The Applicant is requesting a **VARIANCE/REVERSAL OF ADMINISTRATIVE DECISION** and a **SPECIAL PERMIT/FINDING** for relief from Newbury Zoning Bylaws, Section 97-4D(2)(b) and 97-6(B) regarding allowed uses and dimensional requirements, in order to correct the lot configurations, allowing for the creation of a legal non-conforming lot to be redeveloped, in order to raze the pre-existing non-conforming dwelling and for the construction of a new single-family dwelling with garage on pilings, on the properties located at 11 & 15 Sunset Drive, Plum Island, Newbury, MA 01951 (Assessor's Map U02, Lots 78 and 80).

Continued public hearing from 12/19/24 meeting; discussion to be had between Applicant, Building Inspector, and Town Counsel, discuss findings.

Applicant Jerry Fandetti is present. The Variance request discussion is continued. Lots are zoned for single-family use. Lots have issues, Lot 15, no frontage; can't build a single-family dwelling; house existing is on Lot 11 also – this creates a hardship for 11, having 1/3 of a house from 15 on it; Impossible to sell lot without relief through ZBA for variance.

11 Hardship: part of house on 15 Sunset is on 11 Sunset; by reconfiguring the lots, not detrimental to the neighborhood; acceptable use of variance. Lot 15 doesn't have frontage; letters to the Board coming next week. That's our argument and will present in the letters.

Chairman Svahn: map reflecting both lots and sizes of each. If the lot lines are moved, we want the newly created lots to comply with what is pre-existing in the neighborhood. Is there a motion to continue so that we can receive the official letters from the Applicants for the variance requests on both lots?

Member Kelly makes motion to continue the public hearing to ZBA's next regularly scheduled meeting, which when discussed, the Board picked Wednesday, February 19, 2025, here at Town Hall, 12 Kent Way, 2nd Floor Hearing Room, at 7:30 pm.

Member Carnovale seconds, all in favor, none opposed, 3:0:0

Susan & Thomas Costigan (3 37th Street): The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-4D(5)(c)(01) (increase in footprint) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, for renovations to the existing dwelling including decks, on the property located at 3 37th Street, Plum Island, Newbury, MA 01951 (Assessor's Map U04, Lot 165).

Approved & Closed public hearing from 12/19/24 meeting; draft approval Decision for Board review.

Board will review the draft Decision and suggest edits as the project was approved at the last meeting, and the public hearing was closed to additional comment. All edits reviewed.

Member Kelly makes motion to approve the Special Permit Decision with the edits incorporated. Member Weidler seconds, all in favor, none opposed 3:0:0

Tamar Pearlstein and Margaret Wallace (8 Plum Bush Downs): The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-4D-5(c)(02) (upward extension) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to construct a second floor onto the existing single-family dwelling utilizing the existing foundation and walls, on the property located at 8 Plum Bush Downs, Plum Island, Newbury, MA 01951 (Assessor's Map R51, Lot 8).

Approved & Closed public hearing from 12/19/24 meeting; draft approval Decision for Board review.

Board will review the draft Decision and suggest edits as the project was approved at the last meeting, and the public hearing was closed to additional comment. All edits reviewed.

Member Kelly makes motion to approve the Special Permit Decision with the edits incorporated. Member Weidler seconds, all in favor, none opposed 3:0:0

Chairman Svahn makes a second motion to sign the signature page of the Decision to move the project along; Member Weidler seconds, all in favor, none opposed 3:0:0

(Svahn, Kelly, Weidler are signing/voting members).

John Hartnett (59 Plum Island Turnpike): The Applicant is requesting a **SPECIAL PERMIT/FINDING** for relief from Sections 97-4D-5(c)(01) (increase in square footage) and (02) (upward extension) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to raze the existing dwelling and the construction of a new single-family dwelling with garage, on the property located at 59 Plum Island Turnpike, Newbury, MA 01951 (Assessor's Map R51, Lot 2).

Approved & Closed public hearing from 12/19/24 meeting; Draft approval Decision for Board review.

Member Kelly makes motion to approve the Special Permit Decision with the edits incorporated. Member Weidler seconds, all in favor, none opposed 3:0:0

Chairman Svahn makes a second motion to sign the signature page of the Decision to move the project along; Member Weidler seconds, all in favor, none opposed 3:0:0

Member Kelly makes motion to adjourn the meeting; Member Weidler seconds, all in favor, none opposed 3:0:0

Meeting adjourned 8:16 pm