



**TOWN OF NEWBURY  
ZONING BOARD OF APPEALS  
12 KENT WAY, SUITE 100  
BYFIELD, MA 01922  
978/465-0862 x304**

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
THURSDAY, JUNE 20, 2024  
TOWN HALL, 12 KENT WAY, 2<sup>ND</sup> FLOOR HEARING ROOM, 7:30 PM**

Members Present: Chair Eric Svahn, Member Mario Carnovale; Member Jack Kelly, and Associate Member Michelle Weidler

Others Present: Martha Taylor, Planning Director, Larry Murphy, Planning Board Liaison; Chrissy Beaupre, ZBA Administrator

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

Member Kelly reads the first agenda item:

**Public Hearings – Continued:**

**Tim & Anna Drost (76 Northern Boulevard) re: property at 80 Northern Boulevard:** The Office of Attorney Jeffrey L. Roelofs, P.C. has filed a **Notice of Appeal** on behalf of Tim and Anna Drost of 76 Northern Boulevard, **against the Town of Newbury's Director of Inspectional Services for his Zoning Enforcement Decision dated November 29, 2023 issued to the Wards of 80 Northern Boulevard**, as being legally deficient. This appeal is brought pursuant to M.G.L. c. 40A, §8 and §15, and the Town of Newbury's Zoning Bylaw §97-11(B), with regard to the property located at 80 Northern Boulevard, Plum Island, Newbury, MA (Assessor's Map U03-0-181).

*Continued from 2/15/24, 3/14/24, 4/18/24, and 5/16/24 meetings; review of draft ZBA Decision.*

Chairman Svahn recaps: at the last hearing, we requested the creation of a draft Decision; everyone has reviewed it, voting members Jack, Eric, Michelle.

Member Kelly makes motion to accept the Decision as drafted with the one edit being to correct the address in the title block on the first page.

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

**Christopher and Meghan Mercier (31 Rolfes Lane):** The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-10D(2)(c) (detached accessory apartments) 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 detached accessory unit for use as an accessory apartment, on the property located at 31 Rolfes Lane, Newbury, MA 01951 (Assessor's Map U06, Lot 124).

*Continued from 5/16/24 meeting; supplemental submittal of revised plan requested; review of draft ZBA Decision.*

Meghan Mercier is representing herself. Review of the revised site plan continues, reflecting parking spots, utilities and adjacent houses. Electric from garage, water goes up above garage and was capped off for future hook up. Both are connected to a meter in the house. Proximity of other houses, path, positioning of house and pool, fence. Confirmation received from water and sewer dept on number of bedrooms allowed, paid for – 6 – all set.

We will close the public hearing and request final drawings be submitted showing the walkway on the plan.

Member Weidler makes motion to accept the Decision with the edits noted and the updated drawings attached.

Member Kelly seconds, all in favor, none opposed, 3:0:0.

#### **Public Hearings – New:**

**George & James Simas, Simas Realty Trust (5 Cinder Avenue):** The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 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, non-conforming single-family dwelling and garage on the lot and reconstruct a new single-family dwelling, on the property located at 5 Cinder Avenue, Plum Island, Newbury, MA 01951 (Assessor's Map U05, Lot 82).

Attorney Douglas Deschenes is representing the Simas. Gives description of the project; Finding is required for additional height being sought. Submit supplemental drawings, FAR, lot coverage, setbacks.

Member Carnovale makes motion to continue the public hearing in order to receive the supplemental information requested, to Thursday, July 18, 2024 at 7:30 pm here at Town Hall, 12 Kent Way, 2<sup>nd</sup> Floor Hearing Room, and to draft an approval Decision.

Member Kelly seconds, all in favor, none opposed, 3:0:0.

Chairman Svahn adds that Member Weidler will be the third voting member as Member Kelly will be on vacation next month.

**Other Business:**

**Cricket Lane / 55 R Pearson Drive Project:** Project status & update.

Attorney Douglas Deschenes representing the applicant Walter Ericksen, Cricket Lane, LLC. Regulatory Agreement has been signed.

No need to come before the Board each month unless something needs to be addressed.

Discussion ensues on a Public Records Request for 10 10<sup>th</sup> Street from Attorney Paul Novak, for all ZBA approved meeting minutes of the project, as the two year appeal period from the appeal submitted two years ago expires in two weeks.

Next Meeting/Hearing Date: Thursday, August 15, 2024, Town Hall offices, 12 Kent Way, 2<sup>nd</sup> Floor Hearing Room, Byfield, MA at 7:30 pm.

Member Carnovale makes motion to close the meeting. Member Kelly seconds, all in favor, none opposed, 3:0:0.

Meeting adjourned 9:20 pm