

**ZONING BOARD MEETING
AMESBURY CITY HALL AUDITORIUM
THURSDAY, JANUARY 24, 2013**

MEETING CALLED TO ORDER AT 7:15 P.M.

PRESENT: Donna Collins, Matt Sherrill, Bill Lavoie, Bob Orem, Olyce Moore.

ABSENT: Sharon McDermott, Ben Osgood.

ALSO PRESENT: Susan Yeames, recording secretary.

Denis Nadeau, building inspector.

MINUTES: Sept. 27, 2012 Motion by Bob Orem to approve, seconded by Olyce Moore. Vote was all in favor.

Carol Ann Yebba: Seeking Special Permit / Finding, 5 River Court, to construct a two car garage with second floor to an existing single family home, in R8 Zoning District, Precinct 1.

Carol Ann Yebba seeking this finding. Husband has a brain injury due to severe accident. Family must mobilize to live on one floor. We'd extend living space to the one floor over the garage, attached to the house with one wall taken out, with a bedroom and bathroom to be added above the garage. The garage will be basement level dug into the ground with a one story addition above, with the roof like an A-frame.

Matt Sherrill: You have given us lots of dimensions in your proposed plan, but not the most important ones, which are the distance between your building and the sidewalk, the building in your rear lot, the building in your front lot...those are the dimensions that I need. Carol Ann explained that they are on the front page, not typically done this way, but she explained them to Matt and he understood.

Denis Nadeau, building inspector, explained what is needed. It will be 6 feet out of the ground or 1/3 has to be 4 feet above ground, and will be approx. up to the second story windows.

Carol Ann Yebba: We would like to have space for an in-law apartment, but we cannot change the application as presented tonight. My mother-in-law in Italy has volunteered to come over to help care for her son, since I have an opportunity to return to work for the first time in 7 years. She would like her own space to live, hence the in-law apartment. She would use the second floor, we'd add a kitchen. It must meet in-law apt. codes.

Matt Sherrill: We can hear your plan tonight, but cannot vote on it tonight. You'll need to apply with another application for the in-law apartment, along with modifications listed. Set back needs to be 15 feet minimum, and it is.

FINDING:

No new non-conformities.

Motion by Donna Collins to close and discuss. Second by Bill Lavoie.

1. Predates zoning: Yes, 1880
2. Non conforming: area frontage and left side setback.
3. More or less detrimental to the neighborhood? No impact.
4. Does it create any new non-conformity? No.
5. Any stipulations? No.

Vote: Bill Lavoie:, yes. Olyce Moore, yes. Bob Orem, yes. Donna Collins, yes. Matt Sherrill, yes.

Application is approved.

Alan Corey: Seeking Special Permit / Finding, for an extension and alteration to reconstruct and improve a single family home at 60 Pleasant Valley Road in R80 Zoning District, Precinct 1.

Paul Otchman, Joppa Design, representing Alan and Diane Corey, owners in this finding.

I have drawings to pass out. Existing house that is non-conforming with many respects to the zoning. We are building, not expanding on the building from a one story to a 1 ¾ story house. No new non-conformities extending in any direction on the property. We've already been before the Planning and Conservation boards and will visit them again after this meeting. The previous owner did not do some of the administrative things and we are dealing with those. There was a deed restriction, and a certificate of compliance that was not filed with the Salem deeds by the previous owner. We're planning on keeping the existing foundation but incorporating flood vents into the CMU wall of the house so that the basement will be on occupied space and will allow water to flow into and out of the basement freely back to the river. There is also a part of construction that is a rubble wall with wood posts coming out of it, that supports the existing structure. We plan on replacing that with concrete foundation and piers to better allow water to flow to and around the main house and help the flood vents work properly. Utilities will be in the basement, but the homeowners understand the consequences of that. We will raise them off the floor to the highest practical elevation that we can. Flood insurance in this situation won't cover a damaged boiler, for example, in that event. The PLB is dealing with building code, and because it's in a flood plain area, they are interested in flood vent technology that we're using. The top of the foundation is 2.48 feet above the flood level. The requirement is only 2 feet. PLB and ConCom have heard arguments, but it is in process to see everything getting filed properly, so its in progress. There was a Certificate of Compliance done in respect to the septic system after it was installed was inspected and approved, but the certificate of compliance similar to that for the EPA was never filed and recorded and we have to deal with that retroactively now. We're in the process of filing that. We are building on the existing footprint, going up from there. We're not increasing any non-conformities on the lot in any respect. We are making the building higher, but still well below the allowable height restriction on the property. Care has been used to make it beautiful but blend and not overpower the neighborhood. An arborhist stated that most of the trees were either dead or in bad shape. Denis saw them also. We'll work with ConCom on those. Alan Corey spoke, saying an arborhist said most will have to be taken out.

Vote to close and discuss: **Motion by Donna Collins** to close, seconded by Olyce Moore.

1. Predates zoning? Yes, 1930.
2. Non-conforming? Yes, everything except the rear setback. Area frontage, front and both side setbacks.
3. More or less detrimental to the neighborhood? No, it would be an improvement.
4. Extension or alteration create any new non-conformity? None as presented.
5. Any stipulations? No.

VOTE:

Bill Lavoie: Yes.

Olyce Moore: Yes.

Bob Orem: Yes.

Donna Collins: Yes.

Matt Sherrill: Yes.

Application is approved.

Patrick Creamer: Seeking Special Permit / Finding, to construct a deck on a two family home at 7 Albion Street in R8 Zoning District, Precinct 2.

This will be a Finding.

Patrick Creamer, owner, spoke of his wishes to build a 16 by 16 foot pressure treated wooden deck off the back side of the property. The back door of the house is my second means of egress on the first floor which goes out to a landing and set of stairs. I wish to build the deck off of that. The backyard is limited with a steep drop off, maybe 60 feet down to Clarks Pond. It leaves limited space for the yard. The house was built in 1860, so it doesn't meet the original zoning, its only 3 feet off the property line. So the non conforming part of the deck would follow the line of the existing house and stairs now.

On the mortgage inspection paperwork, there are dotted lines and says DECK. This is where the proposed area is located. Parking is one car in the front, and on the far side of the house, because it's a two family house, there is parking for four cars. My parking is in front.

There will be no new non-conformities.

Motion to close and discuss by Bob Orem, seconded by Donna Collins.

1. Predates zoning? Yes, 1860.
2. How is this building non-conforming? Front and right side setbacks.
3. Would this be more or less detrimental to the neighborhood? No change.
4. Does this alteration create any new non-conformity? No.
5. Stipulations ? No.

Motion to close and vote by Donna Collins, seconded by Bill Lavoie.

Bill Lavoie: Yes.

Olyce Moore: Yes.

Bob Orem: Yes.

Donna Collins: Yes.

Matt Sherrill: Yes.

Application is approved.

Motion to adjourn public portion of the meeting by Bob Orem, seconded by Olyce Moore. Vote was all in favor at 7:55 P.M.

Portion Not Recorded at end of meeting:

Letter discussion with a 6 month extension with a plan to go ahead, rather than another two year extension.

Meeting is over at 8:10 P.M.

Minutes transcribed by Paul Bibaud.