

ZONING BOARD OF APPEALS IPSWICH, MASSACHUSETTS

Meeting Minutes
May 19, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Board members; the Ipswich Zoning Board of Appeals held a meeting on Thursday May 19, 2016 at 7:30 p.m. in room A at the Town Hall. Members attending were Chairman Robert Gambale, Roger LeBlanc, Ben Fierro, Lewis Vlahos, and Associate Robert Tragert. Also, Administrative Assistant Marie Rodgers. Bill Page and Becky Gayton were not present.

Citizen Queries: None.

Public Hearings:

6 Mill Road. (Map 53C Lot 23A) **Raymond Gosselin** request a retroactive **Variance** pursuant to Sections XI.K and VI.F Table of Dimensional and Density Regulations relative to an existing deck constructed one hundred and eighty (180) square feet, more than the sixty-four (64) square feet for an attached deck.

Chairman Gambale read the legal notice, opened the public hearing and read the request to withdraw without prejudice, in a letter dated May 11, 2016 signed by the Petitioner's Attorney Alan L. Grenier. He then read an email dated May 16, 2016 from Tony Torra the Building Inspector supporting the Petitioner's proposal to place roofing above the deck, except for the allowed sixty-four (64) square feet (hereby incorporated by reference into these minutes)

MOTION:

Mr. Fierro moved to close the public hearing; Mr. Vlahos seconded the motion passed unanimously. Mr. Fierro moved to withdraw the Petitioner's request without prejudice, Mr. Vlahos seconded; the vote was unanimously in favor.

84 High Street (Map 30DLot 152) **Ryan McShera** requests a Special Permit pursuant to §XI.J and VI.F Requirements for Accessory Buildings and Structures and V. D Table of Use Regulations for a **Private Guest House** in the same footprint as the existing barn.(continued from the February, March and April meetings)

Chairman Gambale read the legal notice, reopened the public hearing at 7:35 pm. The Petitioner was present and submitted four pages titled **EASEMENT AGREEMENT AND GRANT OF EASEMENT 82 and 84 High Street, Ipswich, Essex County, Massachusetts** (hereby incorporated by reference) It was not signed by either party. The Petitioner expressed his desire for the Board's feedback after review. In response to the Chair, the Petitioner said his neighbor Mr. Hegarty at 82 High Street was unable to attend the meeting, but agrees to the permanent solution and is ready to sign the easement. The Board reviewed the document. Discussion took place between the Board and the Petitioner on how to proceed.

Setbacks were discussed, front is 61' rear is 28' 7" the left side is 3and 5/8 inches over the neighbor's property line. Chair re-read a letter of support dated 2/2/2016 from his direct neighbor Hegarty at 82 High Street. Parking was discussed, the Petitioner has two cars and has always backed out onto High Street, there's no other solution. Petitioner agreed that all utilities will remain on one meter and that there would be no cooking facilities within the building.

In the interest of saving the Petitioner from coming back next month, Mr. Leblanc recommended that the Board grant the Special Permit subject to an executed easement agreement, recorded at the registry of deeds prior to issuance of building permit. The members concurred.

The Board reviewed the Special Permit criteria and found the guest house would improve the property, all utilities will remain on the same meter as the primary residence, there's sufficient parking and traffic will not be made more difficult than the present traffic flow. The Barn is existing and compatible with the neighborhood; no negative impacts on the natural environment.

As there were no further comments from abutters or others, Chairman Gambale closed the public hearing.

MOTION:

Mr. Fierro moved to grant the Petition requested by the Petitioner from the provisions of the Zoning Bylaw pursuant to sections XI.J and VI.F to convert the existing barn to a Private Guest House in accordance with plans titled RMc Designs 84 High Street dated 2.15.15; subject to no kitchen facilities within the structure, all utilities same as primary residence with the condition the EASEMENT AGREEMENT AND GRANT OF EASEMENT between McShera and Hagerty be submitted to this Board and is recorded at the registry of deeds prior to issuance of the building permit. Mr. Tragert seconded, the vote was unanimously in favor; Mr. Gambale, yes; Mr. LeBlanc, yes; Mr. Vlahos, Mr. Tragert, yes. *All documents and exhibits used by the Appeals Board in an open session follows:* Petition and associated documentation; Deed, Site Plan, Zoning District, Locus map, Assessors tax map and document titled EASEMENT AGREEMENT AND GRANT OF EASEMENT.

4 Upper River Road; Map 54A Lot 27A **Eric Levesque** requests a Special Permit pursuant to § XI.J and VI.B Table of Dimensional and Density Regulations to reduce the right side yard setback no more than 50% of the requirement to construct an addition to the existing dwelling. Mr. Fierro recused himself due to a perceived conflict.

Chairman Gambale read the legal notice and opened the public hearing at 8:00 pm. Larry Graham of H.L. Graham Associates was present to represent the Petitioner, who is in the process of purchasing the property. Chair noted that the owner Anne Gray signed the Petition. The lot comprised 14,000 square feet; the existing (1,150 S F) structure built in 1969, is non-conforming; the proposed 1,430 square foot; the existing left side set back is 25-feet and the front set back is 25-feet, the rear is over 70-feet. The current right yard setback is 29-feet the addition would reduce it down to 20-feet. It was noted that the sketch submitted was not a surveyed plan.

Chair recognized Chip Nysten from 2 Beechwood Road abutter to the south west of the property, who expressed his concerns about the height of the addition and asked the Board to ensure it is consistent with the neighborhood. Discussion took place regarding the use of the addition, as well as the use of the space above the garage.

The Board reviewed the Special Permit criteria and determined the benefit to the Town outweighs the adverse effects of the proposed addition, taking into account the characteristics of the site and the proposal in relation to that site; and the Petitioner's application materials include, in the Board's opinion, sufficiently detailed definite and credible information to show the project meets the intent of the bylaw.

MOTION:

Mr. LeBlanc moved that the Board grant the Special Permit and allow the reduction of the right side yard setback no more than 50% of the requirement to construct an addition to the existing dwelling, bring the new addition no closer than 20' to the right side lot line in accordance with the hand drawn plan titled PLAN to accompany Special Permit Request of 4 Upper River Road in Ipswich MA dated 4.26.16; Mr. Vlahos seconded, the motion passed unanimously. *All documents and exhibits used by the Appeals Board in an open session follows:* Petition and associated documentation; Deed, Site Plan, Zoning District, Locus map, Assessors tax map.

Approval of Minutes – Minutes 4/21/2016 were tabled to provide for additional clarification by Mr. Fierro.

Adjourn

MOTION: Mr. Tragert moved to adjourn at 9:30 p.m. Mr. Vlahos seconded and the motion passed unanimously.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved by the Board on June 16, 2016