

The Office of the Zoning Board of Appeals  
THE TOWN OF MERRIMAC  
Massachusetts, 01860

COMMITTEE: ZBA  
MEETING DATE: March 14, 2016  
Meeting Place: Merrimac Town Hall  
School Street, Merrimac, Ma 01860

Members present: Chairman Josh Jackson, Arthur Amirault, Ed Mills, Gordon Broz,  
Members excused: Ron Dandurant, Steve Elwell  
Non Members present: Bob Sinibaldi, Inspectional Services, Philip Parry

**7:10 PM**

Chairman Jackson opened the meeting

**7:11 PM**

Board members reviewed escrow account for Village at Merrimac. The total is \$51,300. \$5,000 will remain in the account for one year Oct 2016. This money is being held for any paving issues that might arise. At the March, 2016 meeting board members will sign warrant to release funds.

**7:12 PM**

Board reviewed previously paid payroll

**7:13 PM**

Arthur Amirault made a motion to approve the February 2016 meeting minutes, Edward Mills 2<sup>nd</sup> the motion. Vote: 4:0

**7:16 PM**

**Petitioner: Robert Cormier**

Chairman Jackson recognized the applicant's representative, Atty. Philip Parry at which time he was given the opportunity to speak about the proposed changes. The Petitioner requested a modification of a Special Permit for a building permit according to Merrimac Zoning By-laws, Articles 23.5 and 14.8.3: Modifying the Special Permit to allow the construction of a two and half story single family dwelling on a pre-existing non-conforming lot while recognizing the easement on the neighboring property to the west, allowing the 28' x 36' structure to be rebuilt in a modified position, 5.4' from the eastern boundary as presented in site plans to the board with no permission for a deck or bulkhead setback incursion. All other setbacks must be maintained. In addition, under 14.8.3 of the Merrimac Zoning By-laws, a comprehensive water recharge system needs to be constructed and maintained which does not allow degradation of groundwater quality for the life of the structure or for as long as any use of the property will render impervious more than 15% or 2,500 square feet, whichever is greater. Motion was made by Gordon Broz and seconded by Arthur Amirault. Vote: 4:0

**8:09 PM**

Petitioner: Waterhouse Realty Trust 74 East Main Street, Merrimac Ma 01860

This property is located in both the Rural Highway (RH) Zone and the Agricultural Residential Zone (AR). The Petitioner seeks a Special Permit to correct deficiencies in the mapping of the Water Resource Protection District relating to section 14.5.1 of the Merrimac Zoning Bylaw and in accordance with Massachusetts General Law ("G.L.") Chapter 40A, 10, whereby the petitioner seeks to correct a mapping issue. The Board heard information presented by Phillip Parry, Attorney. It is determined that the burden of proof be placed upon the applicant. A professional will need to be engaged to work on the mapping issue as there is confusion with district boundaries. It is necessary to determine where the resource area starts and ends. Dennis Quintal will be working with Waterhouse on this issue. Continued to April 11, 2016.

**8:10 PM**

Owner: Estate of Charles Gove 4 Sawyer Street, Merrimac, Ma 01860

Applicant: Mary Cormier Inc.

This property is located in the Village Residential Zone. The Petitioner seeks a Special Permit for a rear yard setback pursuant to Article 23.5 of the Merrimac Zoning Bylaw and a finding of fact Special Permit pursuant to Article 3.3.4 that the proposed new reconstruction, alteration or extension of a pre-existing nonconforming single family residence by the Petitioner will not result in a substantial increase in the nonconforming nature of said structure and such reconstruction, alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and in accordance with Massachusetts General Law ("G.L.") Chapter 40A, 10, whereby the petitioner seeks to build a two-family residence on the premises. Attorney Phillip Parry representing the petitioner.

Chairman Jackson recognized the applicant's representative, Atty. Philip Parry at which time he was given the opportunity to speak about the proposed changes that will be made from the original planning. The Petitioner requested a Variance of Article 4.6.7 for a building permit according to Merrimac Zoning By-laws, Articles 25.13.1.2 and 25.13.2: Permitting a Variance to provide a 4' setback for a set of front steps which is desirable relief without substantial detriment to the public good as presented to the Board on the supplied plans. If at a future date the home is reconstructed or the front entrance is modified the home owner will need to represent to the Board under Article 25.13.2. All other setbacks must be maintained.

Motion was made by Arthur Amirault and seconded by Gordon Broz. Vote: 4:0

**8:36 PM**

33 Mill Street

The Board was presented with the plan and signed off accordingly.

**8:37 PM**

Gordon Broz made a motion to adjourn the meeting, Chairman Jackson 2nd the motion. Vote 4:0

Meeting adjourned.

