

Town of Shirley

Zoning Board of Appeals



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MINUTES
ZONING BOARD OF APPEALS
APRIL 6, 2015
(Town Offices – 2nd Floor, Land Use Conference Room)

MEMBERS PRESENT: Chip Guercio (Chair), Lora Prescott (Vice Chair), Kevin Kelly, Laurel Hayes and Josh Bedarian

Mr. Guercio called the meeting to order at 7:00pm.

PUBLIC HEARING: 265 Great Road
Owner & Applicant: Estate of Stanley McNiff

Mr. Guercio opened the hearing at 7:00pm and read the legal notice that was published in the Shirley Volunteer on 3/17/15 and 3/24/15. Documents in the folder include an original copy of the application with deed and letter from David E. Ross Associates, Inc. detailing the history of the property with supporting documents, certified copy of abutters list (12 abutters), proof of mailing and comments from other town boards as follows:

- Tax Collector - FY2015 taxes for Nov. and Feb. are past due.
- Conservation Commission - The back 100' of this property is in the 100-year flood plain and wetlands buffer. Development of this property may require filing with the Conservation Commission.
- Board of Health - Will need soil tests before any construction begins. If future town water is available, we suggest connecting to it.
- Sewer Commission – This property is not located in the Sewer District, therefore, the Sewer Commission has no concerns with this request.
- Planning Board – no comment

Presentation:

- Michael Mortarella, P.L.S. with David E. Ross Associates, Inc., who representing the Applicant, is requesting a variance with for minimum lot frontage and lot width.
- Mr. Mortarella gave a history of how this lot as shown on Assessor's Map 78 Block A Lot 4 was created.
- The minimum lot frontage at the time when the lot was first created was 175 ft. When the zoning requirements changed in 1995, the lot was changed to meet the new 80,000 sq. ft lot size

requirement but the frontage could not be increased to the new 225 ft. requirement because the lots on either side were no longer owned by Stanley McNiff.

Board Comments and Questions:

- Ms. Prescott asked if the lot was in compliance when it was first created. Mr. Mortarella answered yes.
- Mr. Kelly asked if the building would meet all dimensional setbacks. Mr. Mortarella commented it would and this lot is characteristic of other lots near it which also have only 175 ft. of frontage. Once they did soil testing for the septic system, they would have a better idea of where to place the house, but it will meet all the current setbacks.

Abutters:

As there were no comments from the public, the hearing was closed at 7:11pm

Voting:

Mr. Kelly made the motion to GRANT the variance for minimum lot frontage and width per Sections 3.1.2(a) & (d) of the Shirley Protective Zoning Bylaws. Seconded by Ms. Prescott. Board voted to (5-0) to GRANT the variance.

INVOICES: The board approved and signed invoice for:
Citizen Planning Training Collaborative (CPTC) for \$65

PUBLIC HEARING: 15 Munson Ave.

Owner: John C. Guthrie IV

Applicant: John & Neal Guthrie

Mr. Guercio opened hearing at 7:16pm and read the legal notice that was published in the Shirley Volunteer on 3/17/15 and 3/24/15. Documents in the folder include an original copy of the application with deed, certified copy of abutters list (18 abutters), proof of mailing and comments from other town boards as follows:

- Zoning Officer – Has not received any complaints regarding this business, therefore, he has no issues with renewing this permit.
- Sewer Commission – This property is not located in the Sewer District, therefore, the Sewer Commission has no concerns with this request.
- Tax Collector – Taxes current.
- Board of Health – No issues.
- Planning Board – No comments.
- Conservation Commission – No comments.

Presentation:

Neal Guthrie stated that he is front of the Board to ask for a renewal of the current Special Permit. They would like to just continue what they have been doing since 2005 when the original Special Permit was issued. Mr. Guthrie asked if it was a possibility of extending the Special Permit more than 5 years.

Board Questions and Comments:

- Mr. Guercio mentioned that the barn is currently being used only for storage of equipment.
- Ms. Prescott commented that the conditions on the current Special Permit looked the fine. Mr. Guercio read the conditions.
- Mr. Kelly commented he is okay with the 5 year extension but weary of longer than 5 years.

Abutters:

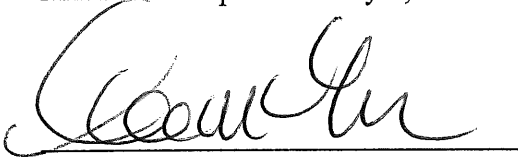
As there were no comments from the public, the hearing was closed at 7:20pm

Voting:

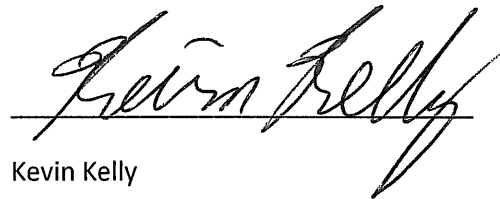
Mr. Kelly made a motion to GRANT the Special Permit under Section 4.6.3 of the Shirley Protective Bylaws for another 5 years with the current conditions. Seconded by Ms. Hayes. The board voted unanimously (5-0) to GRANT the Special Permit.

ADJOURNMENT: Meeting adjourned at 7:24pm.

Minutes Accepted on May 4, 2015



Leonardo Guercio



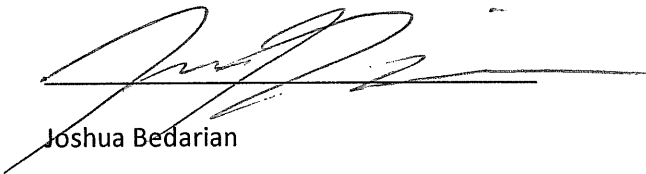
Kevin Kelly



Lora Prescott

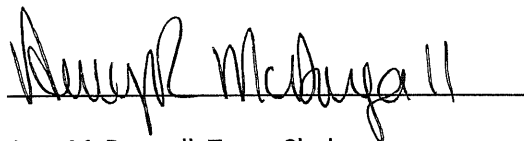


Laurel Hayes

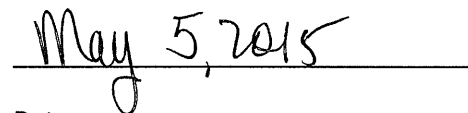


Joshua Bedarian

Filed and received in the office of the Town Clerk:



Amy McDougall, Town Clerk



Date