

Office of the Zoning Board of Appeals
The Town Of MERRIMAC
Massachusetts, 01860

Committee: ZBA

Meeting Date: December 14, 2011

Meeting Place: Merrimac Public Library, 86 West Main Street Merrimac, MA 01860

Members Present: Arthur Amirault, Gordon Broz, Ron Dandurant, Josh Jackson,
Kathleen Walker

Members Excused: Maria DeLeo

Non Members present: Robert Sinibaldi, Inspectional Services

7:00 p.m. Administrative Business. Co-Chairman Jackson opened the meeting at 7:00 p.m.

Gordon made a motion to have Josh Jackson or Ron Dandurant sign the payroll warrants for the Secretary of the board. Payroll Warrants are to be left in mailbox at Town Hall. Payroll Warrants are to be brought before the board at the next meeting. Arthur Amirault 2nd the vote: 5:0

Josh Jackson made a motion to accept the Vendor Warrant for the purchase of ink cartridges as submitted, \$59.98 Total. Ron Dandurant 2nd vote: 5:0

Josh Jackson made a motion to approve minutes as presented from the November 14, 2011 meeting. Arthur Amirault 2nd vote: 5:0

Correspondence:

Christiansen & Sergi-review of phase I document. Robert Sinibaldi stated that the document looks accurate. Tasks 1, 2 and 3 were detailed. Robert thinks that it might be more beneficial to do without sidewalks. This work would total \$174,000. Robert Sinibaldi states that the financial numbers are real and accurate according to current marketplace. Robert thinks that the work request could go to bid and competitive numbers should be received.

Martin Casey , resident of the Village at Merrimac discusses sink hole and the issue of safety. The issue of safety is discussed and it has been a problem since year 1. The narrowness of the road adds to the safety issue. Robert Sinibaldi states that it has always been the responsibility of the developer to maintain the road.

There has been no contact with the bank other than the fact that they were waiting for documentation relating to funds that are being requested. No estimates have been received from contractors to date. Robert Sinibaldi wanted this review done so that the scope of work was clear.

Josh Jackson asks Robert Sinibaldi to address the bank. Robert Sinibaldi will report to the board at the next meeting. The town is looking to move forward and to secure funds.

Josh suggests to send a note electronically and a copy of the letter. Robert Sinibaldi will try to set up time and date to talk with bank representative. Engage Ash if needed.

Josh Jackson encourages the residents of the Village to reach out to the bank as well.

Discussion about blocking off road. It is suggested that the DPW could use jersey barriers in front and back and divert traffic down Gabriel lane. Snow could be plowed up to barriers.

Ron Dandurant asks if there is validity to what Attorney Flood stated about the residents owning the road. They have not. There is no legal existence of the Association. Ron Dandurant stated that it would be helpful to find out if there is legality to what Flood stated about ownership of road.

Discussion about finishing fence on Orchard Street.

The decision made by the ZBA states what Jack Kikorian is being held to. A copy can be received from Inspectional services. Josh Jackson encourages residents to review this document and to send a copy to Kathy Marshall. Kathy Marshall would forward to board members.

There are cease and desist orders on the remaining properties. There are many issues with property. Ron Dandurant states that these issues will come to the surface eventually and some movement should occur on behalf of the bank.

Ron Dandurant states that it might be helpful to purchase jersey barriers due to timing and the state of the sink hole. Discussion about fixing hole and placing lean on the rest of the property. The lean would place another red flag for those who are interested in purchasing the property. When the property sells, residents would be paid.

7:40 p.m. E.D.M Construction 125 East Main Street Merrimac MA 01860. It was requested that they attend the ZBA meeting. They denied attendance at the meeting. Arthur Amirault states that they are in violation of completing the work that is stated in the decision. Decision was announced July 29, 2011. Purpose of resident coming to meeting was to discuss schedule of completion. Arthur Amirault is to draft a letter requesting schedule of completion. Josh Jackson asks Arthur Amirault to draft a letter and to send to Kathy Marshall.

7:45 p.m. Administrative work request from resident of the Village at Merrimac Martin Casey has requested that Kathy Marshall type up and send to him the ZBA minutes from April, 2011-November, 2011. Board would need to approve the work and the residents would need to pay for work. Kathy Marshall to confirm what is the format of the minutes from the above mentioned meetings. There has not been any open meetings with the Village of Merrimac. There has only been discussion.

7:15 p.m. Josh Jackson opened discussion. The petitioner agreed to accept four (4) member board present.

Application of property owner: Gordon and Jayne Broz concerning the premises at 49 Orchard Street, Merrimac, Massachusetts 01860. The property is located in the Suburban Residential Zone. The residents are seeking a petition for a variance according to Article 23.1 of the Merrimac Zoning Bylaws. The Petitioner is seeking a variance to construct a 12'X24' carport attached to the side of an existing garage. Primary reason for building is to house boat.

Ron Dandurant made a motion to pass the petition for a variance. Arthur Amirault 2nd the Vote 4:0. Petitioner needs to get a certified plot plan. The Board has 14 days to develop a written decision, Town Clerk will receive; hold for the appeals period of 20 days. If no appeal is presented, a certificate stating as such and the decision copy will be sent to the petitioner. The petitioner needs to take the document to the registry of deeds for recording. This becomes a legal document with property. The petitioner will have one year to start the project and to complete it. If not completed, this variance becomes null and void. The Co-Chair needs to sign decision.

Approved as a single bay garage to be added onto the existing two car garage.

8:10 p.m. Inspectional Services Discussion of the property located at 40 and 42 Birchmeadow. The property has excessive number of farm animals, used cars etc. ZBA needs to bring owners of the property to a meeting and provide them a timeframe to clean up property. Inspectional services to issue another violation. This issue was referred to Inspectional Services by the Board of Health. Inspectional Services will send a 2nd violation to 42 Birchmeadow. Copies of violations will be brought to January, 2012 meeting.

Arthur Amirault made motion to adjourn, Kathleen Walker 2nd the motion. Board vote 5:0 in favor.

Time: 8:15 p.m.

Minutes to be approved by the Board at the next scheduled meeting.

Prepared by K. Marshall

