



# TOWN OF WEST NEWBURY

381 Main Street, West Newbury, MA 01985

## ZONING BOARD OF APPEALS

### Meeting Minutes 01-19-2022

**Approved 04-06-2022**

**APPLICANT(S):** Alex & Dorothy Moerlein

**OWNER(S):** Alex & Dorothy Moerlein

**ADDRESS:** 40 Maple Street, West Newbury, MA 01985

**ASSESSOR MAP:** R-10

**PARCEL:** 45

**DEED REF.:** BK. 32257, PG. 238

**DEED DATE:** 3/1/2013,

**DOC.#** 2013030100366

**ZONING DISTRICT:** Res C, **REQUEST:** Finding for relief from Section 4.A.1 of the West Newbury Zoning Bylaw, specifically to allow for the change in use from one-family dwelling to a two-family dwelling by converting the garage to a dwelling that includes the enlargement of the pre-existing structure on a non-conforming lot. Located in a Residence Zoning District C which requires 150' of frontage, the non-conforming lot has a frontage of 71.45' and Lot Area = 18,490 s.f. (20,000 s.f. Required), Front Yard Offset = 18.8' (40' required), Side Yard Offset = 5.3' (20' required).

### Meeting Minutes of Continued Hearing 01-19-2022 for:

#### Finding for relief from Section 4.A.1 requirements

#### Application of Alex & Dorothy Moerlein

#### 40 Maple Street, West Newbury, MA 01985

Previously, Alex & Dorothy Moerlein, owner/applicant of the property located at 40 Maple Street, West Newbury, MA 01985, filed an application for a building permit to "replace existing garage with in-law apartment", the West Newbury Building Commissioner denied the application on September 20, 2021, pursuant to Section 4.A.1 of West Newbury Zoning Bylaw. On October 4, 2021, Alex & Dorothy Moerlein, owner/applicant of the property located at 40 Maple Street, West Newbury, MA 01985, filed an application for a Finding for a relief from Section 4.A.1 of West Newbury Zoning Bylaw as per Section 8.A.1 and M.G.L. 40A §8. The applicant proposes to replace the existing non-conforming (20'x24') garage with a new expanded combination garage and 2<sup>nd</sup> dwelling unit structure (48'x28'/22') to be attached to the rear right corner of the existing non-conforming single-family dwelling and the addition would be used as an in-law apartment. During the December 8, 2021 Hearing, the Board voted to continue the Hearing to January 19, 2022.

West Newbury Zoning Board of Appeals Chairman Paul O. Kelly opened the public meeting and continued the hearing at 7:10 PM on Wednesday, January 19, 2022. In attendance were, Chairman Paul O. Kelly, members: Richard Davies, Kim Monahan Borgioli, Patrick Higgins, and Dennis Lucey was remotely participating. It is duly noted that requirements for posting and notice of the continued public hearing on the application for Finding were sufficiently met.

Alex Moerlein, owner/applicant, was in attendance.

(1B) Brian & Claudia Conn, of #38 Maple Street, were in attendance, confirmed that they are adamantly opposed to application and there is no middle ground, they believe that the scale and style of the addition is not in keeping with the neighborhood.

The West Newbury Inspectional Services Department had forwarded an email from the applicants confirming in writing that they wanted to withdraw their application for the Finding for relief from Section 4.A.1 of the West Newbury Zoning Bylaw without prejudice. Alex Moerlein confirmed to the Board that the applicants wanted to withdraw their application without prejudice.

West Newbury Zoning Board of Appeals members voting: Chairman Paul O. Kelly, Richard Davies, Kim Monahan Borgioli, Patrick Higgins, and Dennis Lucey (remote).

After affording all interested parties present an opportunity to speak on the application for the Finding for relief in the application, a motion to close the hearing on the application that was withdrawn by the applicant without prejudice was moved and seconded, and voted 5-0 to close the hearing.

The Board responded to various questions from Brian Conn related to other ZBA applications, meeting minutes and where the decisions were recorded and available.

The ZBA reviewed and discussed the amended Meeting Minutes for the following hearing: West Newbury ZBA Meeting Minutes for 08-10-2021, Vote: (5-0-0) Approved.

A call to close the meeting was seconded, Voted 5-0 to close the meeting, Meeting was adjourned at 7:24pm. Respectfully submitted, Patrick Higgins, ZBA Member.