

Office of the Zoning Board of Appeals
The Town of Merrimac
Massachusetts, 01860

Committee: ZBA

Meeting Date: January 11, 2012

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

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

Members Excused: Kathleen Walker, Maria DeLeo

Non Members present: Robert Sinibaldi, Inspectional Services

7:06 p.m. Administrative Business: Co-Chairman Jackson opened meeting
Board members reviewed paid Payroll Warrants for secretary for the following periods:
11/26/11-12/9/11, 12/10/11-12/23/11, and 12/24/11-1/6/12. The total was \$405.00.

7:10 p.m. Josh Jackson made a motion to approve the December 14, 2011 meeting minutes. Arthur Amirault 2nd the motion. Gordon Broz abstained from voting.

Vote: 3:1 abstention

7:15 p.m. Zoning by-law 2nd notice violation. 40/42 Birchmeadow Road. Issue was brought to the attention of the Board by Inspectional Services.
There are people living at 42 Birchmeadow Road. Robert Sinibaldi, Inspectional Services has spoken to the resident.
Jeff Hennessey, resident, present to discuss issues on the properties. He stated that his property value has diminished due to the state of 40/42 Birchmeadow Road. He talked of the changing of cars in the driveway via trailers and containers.
Board members did view the decaying state of the property. There is the question (on behalf of Inspection Services) of where do the funds come from to act on the property via filing a non criminal complaint. A letter had not been written to Ash regarding this issue. Inspectional services spoke to the Police Department. The police Department stated that they could look into this but could not tell Inspectional Services who the owned cars but could report if cars on the property were stolen. There can be 2 unregistered cars on the property with a 90 day window.

Inspectional Services stated that there are weak by-laws with no method of enforcement re: fines. Robert Sinibaldi, Inspectional Services, has tried to speak with Selectmen regarding putting more enforcement into by-laws. The Board of Selectmen has limited funds to bring forward issues therefore this issue will receive low priority.

Josh Jackson will write a letter to town council and will send copies to Boards of Health, Selectmen, Copelman and Page and the Police Department.

Robert Sinibaldi, Inspectional Services has provided the residents with the right to appear and appeal. Robert Sinibaldi states that there is a need for civil action. Arthur Amirault makes a motion to uphold Inspectional Services decision. Ron Dandurant 2nd vote: 4:0.

Jeff Hennessy, resident thanked Robert Sinibaldi, Inspectional Services and Deb Catchman, Board of Health for their efforts. There will be an updated report at the next ZBA meeting. The ZBA decision will be final and appeal would happen at the court level not before the ZBA.

7:32 p.m. Gordon Broz raises the issue of an illegal business being run at the property. He stated that there must be a clear title transfer for a vehicle to be bought and sold. Also at an auction the dealer must have a license to buy and sell. If vehicles go over seas vehicles do not need to have clear titles. Gordon Broz requests to have the police department conduct a vehicle identification search. Gordon Broz to reach out to Police Department regarding validity of business and the cars on property. This property is not appropriately zoned for this type of business.

Arthur Amirault provides an update to Board re: 125 East Main Street. He has spoken to the owner (Ms McGill) of the property who stated that she will comply with decision. The owner will have until June to complete assigned work. If the work is not completed by June, this issue will be brought before the Board. Arthur Amirault will write a letter in June if needed.

Board could not vote on the Broz petition modification due to only being a 3 member board at this meeting. Gordon Broz, petitioner is in need of 4 additional feet to complete work on garage. Original variance stated 12X 24 as established dimensions. Petition will be brought forward at the February meeting.

Discussion Village at Merrimac

Josh Jackson spoke to Attorney Mark Brobowski who does not want to work directly for the Homeowners Association at the Village; he feels that it would be a conflict of interest.

Attorney Mark Brobowski would like the Association to gift \$1000 to him in turn he would provide correspondence and ultimately get action from the bank and the trust. Arthur Amirault stated that this would be a poor use of \$1,000. Josh Jackson will talk with Attorney Mark Brobowski about what he plans to do that has not already been done. It must be determined what positive action from his services will be brought to the town. This conversation will happen before any funds are paid. Robert Sinibaldi, Inspectional Services suggested that this letter be written by Attorney Mark Brobowski to the bank in good faith. Funds should not be paid upfront until a satisfactory response is received.

Arthur Amirault made motion to adjourn, Gordon Broz 2nd the motion. Board vote 4:0 in favor.

Time: 7:50 p.m.

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

Prepared by K. Marshall