



MANCHESTER-BY-THE-SEA

ZONING BOARD OF APPEALS

Manchester-by-the-Sea, Massachusetts 01944-1399

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MINUTES

ZONING BOARD OF APPEALS (ZBA)

Virtual Meeting June 2, 2021

Members Present: Sarah Mellish (Chairperson), Brian Sollosy, John Binieris, Kathryn Howe and Sean Zahn were present.

Members Not Present: James Mitchell and James Diedrich

Ms. Mellish called the meeting to order at 7:03 p.m. Ms. Mellish indicated the meeting was a virtual meeting per order of the Governor, explained the hearing procedures and noted the meeting was being recorded. Ms. Mellish also introduced herself and the Board.

CONTINUED APPLICATION

Ms. Mellish started the meeting with the Continued Application of Abigail and Peter Considine.

Application **Abigail & Peter Considine** for a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a screened-in porch on an existing non-conforming deck which encroaches in the side setback, at **25 Pleasant Street**, Assessor's Map No. 40, Lot No. 5 in District D, filed with the Town Clerk on March 15, 2021.

Brendan O'Donoghue, Ebben Creek Architecture, Beverly MA presented the project. Mr. O'Donoghue stated the proposed screened-in porch would be placed on the existing platform of the deck in place and not increasing the scope of the side set back non-conformity. The proposed screened-in porch is 2 feet, 5 inches longer in the back. The new structure is a screened-in porch to the side of the homes three season room. The proposed porch will be on a raised deck with a roof and screens.

Ms. Mellish asked if the encroachment was 7.8 feet at the side where 10 feet is required. Mr. O'Donoghue stated that was correct and the existing deck is 7.7 feet on the site plan but the lot line is not perpendicular. Ms. Howe, Mr. Zahn had no questions. Mr. Binieris and Mr. Sollosy stated they were good with the plans as presented.

Ms. Mellish moved to approve the application of Abigail and Peter Considine for a Special Permit under sections 6.1.2 and 7.5.2 of the Zoning By-Law to construct a screened-in porch in

the location of an existing non-conforming deck which encroaches into the side set-back at 25 Pleasant Street, Assessor's Map No. 40, Lot No.5 in District D filed with the Town Clerk on March 15, 2021 based on the finding that the proposed project is in harmony with the purpose and intent of the By-Law, will not be more detrimental or injurious to the neighborhood, in which it is located, than the existing non-conforming structure and that all requirements and conditions under Section 7.5.2 of the Zoning By-Law have been met with the condition that the construction of the porch proceeds in accordance with the following plans:

- *Plot plan prepared by LeBlanc Survey Associates Inc. dated 2/25/2021*
- *Screen Porch Plans prepared by Ebben Creek dated 1/20/21: A2.0, A21.1 and A2.2.*

Mr. Zahn seconded the motion. The motion passed unanimously by roll call vote.

Mr. Sollosy will write the Decision and Mr. Zahn will review.

NEW APPLICATION

Ms. Mellish introduced the new application.

Application of **Robyn & Donald Seitzinger** for a Special Permit under Sections 4.1.10(f), 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to construct a tennis/sports court, at **17 University Lane**, Assessor's Map No.5, Lot No. 35 in District C, filed electronically with the Town Clerk on May 6, 2021.

Mr. Seitzinger stated he was proposing to build an asphalt tennis/sports court on his 3.8 acre property. The tennis court will be 114 feet by 5 inches in length with a width of 62 feet 4 inches. The court will be fenced with shrubs, trees and additional landscaping and low voltage down lighting. The tennis/sport court is located on the back half of his property which sits 85 feet below his home and away from the street.

Ms. Howe asked if Mr. Seitzinger had spoken with his neighbors. Mr. Seitzinger stated he had spoken with all his neighbors and they indicated they had no problems with the court. Additionally, he has extended an invitation to the neighbors to play on the court.

Ms. Lisa Wilk, 21 University Lane, expressed concern about the increased traffic on their Private Way noting the tennis/sports court was a big project. Ms. Wilk asked if Mr. Seitzinger was planning for a parking area. Mr. Seitzinger stated he is not planning for a parking area but needed to accommodate trucks turning around on the narrow way (University Lane) during construction.

Ms. Mellish asked for additional information about Mr. Seitzinger's landscaping plans. Mr. Seitzinger stated he plans to plant trees and tall hedges around the fence to obstruct the view from the road. Ms. Mellish requested hard copies of the landscaping plans noting the materials online were a bit blurry. Mr. Seitzinger indicated he was waiting for more formalized landscape design plans and would forward when they were available.

Board members had no additional questions.

Ms. Mellish moved to approve the application of Robyn and Donald Seitzinger for a Special Permit under sections 4.1.10(f), 6.1.2 and 7.5.2 of the Zoning By-Law to construct a tennis/sports court at 17 University Lane, Assessor's Map No. 5, Lot 35 in District C, filed with the Town Clerk on May 6, 2021, based on a finding that the tennis/sports court project is in harmony with the purpose and intent of the By-Law, the use will not be detrimental or injurious to the neighborhood, in which it is located and that all requirements and conditions under Section 7.5.2 of the Zoning By-Law have been met with the following conditions:

- *The tennis/sports court will be built in accordance with the site plan prepared by Gateway Consultant's Inc. dated 11/9/2020*
- *The tennis/sports court will contain no more than 4 low voltage down lights, will be enclosed with a fence, and shrubs will be planted to provide privacy for the neighbors at 15 University Lane as depicted in the document labelled Seitzinger Proposed Sport Court (Close Up View).*

Ms. Howe seconded the motion. The motion passed unanimously by roll call vote.

Mr. Binieris will write the decision and Ms. Mellish will review.

ADMINISTRATIVE MATTERS

ZBA Meeting Minutes:

Meeting minutes for November and December of 2020 were approved in February. Minutes for January 20, 2021, February 17, 2021, March 24, 2021 and April 28, 2021 will be recirculated.

Ms. Mellish stated the next ZBA Board meeting is scheduled for Wednesday evening, June 30, 2021.

Ms. Mellish moved to adjourn the meeting, Ms. Howe seconded the motion. The motion passed unanimously.