



MANCHESTER-BY-THE-SEA

ZONING BOARD OF APPEALS

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

Telephone (978) 526-1410

MINUTES

ZONING BOARD OF APPEALS

Virtual On-line Meeting June 15, 2022

Members Present Online: Sarah Mellish (Chair), James Diedrich, John Binieris, Brian Sollosy, and James Mitchell.

Members Not Present: Sean Zahn and Kathryn Howe

Ms. Mellish called the meeting to order at 7:02 p.m. and stated the meeting was being recorded for accuracy in minutes. Ms. Mellish introduced herself and Board members present.

NEW APPLICATION

Ms. Mellish opened the public hearing for the Application of Richard Axel Magnuson for a Variance under Section 7.4.6 of the Zoning By-Law, and/or other relief as may be necessary, to construct an extension to the existing deck on this two family home (condominiums) to provide exterior space and egress to the apartment which will encroach into the side setback 9' 8.5" where 20 feet is required at 54 Masconomo Street, Assessor's Map 18, Lot No. 23A in District E, filed with the Town Clerk on May 5, 2022.

Mr. Magnuson stated the home has two condo units and he has a new tenant who has requested access to an outdoor space with a seating area. The placement of the patio will be to the side of the house with a staircase from the deck to the patio which is the most economical plan to access the space. Mr. Magnuson stated he had the support of his neighbors noting the closest neighbors were separated by a 14' hedge and septic field and the proposed patio would not be intruding on the neighbors. Mr. Magnuson stated he had letters of support from three abutting neighbors.

Ms. Mellish asked the Board if there were any questions. Mr. Sollosy, Mr. Diedrich, Mr. Binieris had no questions. Mr. Mitchell stated he had read the letters of support, reviewed the plans and had no questions. Ms. Mellish stated after going on the site visit and reviewing the space she would approve the variance for the deck. She is not usually inclined to approve variances, but this is an exceptional situation.

Ms. Mellish moved to close the Public Hearing and approve the application of Richard Axel Magnuson for a Variance under Section 7.4.6 of the Zoning By-Law, and/or other relief as may be necessary, to construct an extension to the existing deck at 52 Masconomo St to extend behind

54 Masconomo St to provide outdoor space and egress from the apartment/condominium at 54 Masconomo Street, Assessor's Map No. 18, Lot No. 23A in District E, filed with the Town Clerk on May 5, 2022, based on a finding that a 10' high thick hedge provides privacy along the side lot line and the location of the structure precludes the construction of a patio instead of a deck extension owing to circumstances relating to the shape and topography of the land especially affecting such land but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-Law would involve substantial hardship by not allowing outdoor space for the apartment/condominium in this two family dwelling, and that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law, based on the condition that the extension to the deck is constructed in accordance with the Preliminary Plan-East for 52 Masconomo St. prepared by Hillarie Holdsworth Design dated May 5, 2022. Mr. Diedrich seconded the motion. The motion passed unanimously by roll call vote.

ADMINISTRATIVE MATTERS

- **Review and approval of meeting minutes**

Meeting Minutes for April 20, 2022 and May 18, 2022

Ms. Mellish moved to approve the meeting minutes of April 20, 2022; Mr. Diedrich seconded the motion. The motion passed with Mr. Diedrich, Mr. Binieris, Mr. Sollosy, and Ms. Mellish voting affirmatively by roll call vote.

Ms. Mellish moved to approve the meeting minutes of May 18, 2022; Mr. Diedrich seconded the motion. The motion was tabled Mr. Zahn was not available to vote this evening.

To approve the May 18, 2022 meeting minutes Mr. Zahn, Ms. Mellish, Mr. Diedrich, and Ms. Howe need to be present.

- **Status of Decisions**

There are no outstanding Decisions this evening.

- **Any other administrative matters that could not reasonably have been anticipated in advance of the required 48-hour posting.**

There were no additional matters to be discussed this evening.

Ms. Mellish moved to adjourn the meeting; Mr. Diedrich seconded the motion. The motion passed unanimously by roll call vote.