

**Decision of the Newbury Zoning Board of Appeals  
Under the Zoning Bylaw  
Upon petition of  
George Simas & James Simas**

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, September 17, 2015 at 7:30 p.m. at the Newbury Town Hall, 25 High Road, Newbury, MA 01951 on the petition of George Simas, 70 Alderbrook Drive, Topsfield, MA 01983 and James Simas, 125 Main Avenue, South Hampton, MA 03827, in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40 A, as amended, and the Zoning Bylaws of the Town of Newbury. ZBA members present were Eric Svahn, Rick Salmonson, Elaine Baker and Chairman Howard Traister. Applicant petitioned the ZBA for a FINDING for relief from section 97-4.D of the Zoning Bylaws to increase the height on the two dwellings on the lot located on 80 Southern Blvd. (Assessors Map U1-0-183).

Appearing in favor of the applicant was James & George Simas, John & Diane Mears and Margaret Saradjian. Appearing in opposition of the applicant there was no one.

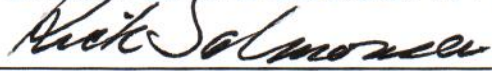
After due deliberation and consideration, the Board of Appeals voted unanimously (excluding Chairman Traister who was not present at the first hearing of Thursday, August 20, 2015) on a motion by Eric Svahn, seconded by Elaine Baker, to GRANT the FINDING under section 97-D.4 for an increase in height on the two existing dwellings on the non-conforming property, as they are not deemed to be more detrimental to the neighborhood. The proposed plan conforms to all set back, height, FAR and lot coverage requirements of the PIOD.

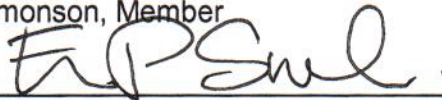
This finding is granted with the understanding that this decision, including the Easement Agreement and the Consent to Zoning Petition will be recorded at the Registry of Deeds in Salem, MA. The Zoning Board of Appeals makes no warranties regarding the Easement Agreement and the Consent to Zoning Petition as it relates to this decision. The Zoning Board of Appeals and the Building Inspector shall receive copies of the recorded document showing Book and Page of the recording prior to issuance of a building permit.

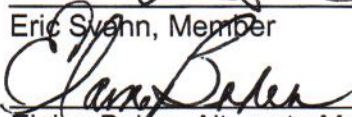
This finding is not to be construed as a sanction of the Town of any encroachments nor does it relieve the burden of the owner to obtain proper permits and approvals from all pertinent boards.

Notification is hereby given that appeals, if any, shall be made pursuant to G.L. Chapter 40A §17, as amended by Chapter 808 of the Acts of 1975, within twenty days after which this decision is filed with the Newbury Town Clerk.

**NEWBURY ZONING BOARD OF APPEALS**

  
\_\_\_\_\_  
Rick Salmonson, Member

  
\_\_\_\_\_  
Eric Svahn, Member

  
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Elaine Baker, Alternate Member

NEWBURY TOWN CLERK  
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