

**TOWN OF PERU  
PUBLIC HEARING NOTICE  
PERU ZONING BOARD OF APPEALS**

The Town of Peru Zoning Board of Appeals will hold a public hearing on Tuesday, July 11, 2023 at 6:00 PM in the Peru Community Center (ground floor), 3 East Main Road, Peru, MA to consider the Special Permit application of Maryellen and William Smith, Jr. regarding property located at 5 Haskell Rd. in the residential-agricultural district. The petitioner is seeking a Special Permit to construct an attached garage and covered porch under the provisions of Section 9 of the Peru Zoning By-Laws. Electronic and paper copies of the petition are available from the office of the Town Clerk whose office hours are Saturdays 10:30 AM to 12:30 PM and who is also available via telephone by leaving a voice mail message with complete contact information at 413-655-8312.

Samuel P. Haupt, Chair  
Peru Zoning Board of Appeals

6/23, 6/30

Posted 6/21.2023, Kim Leach , Town Clerk



## **Peru Zoning Board of Appeals ♦ Public Hearing**

**ZBA Meeting Minutes of July 11, 2023 at 6:00 p.m.**

**TOWN HALL | 3 EAST MAIN ROAD | PERU, MA 01235 ♦ COMMUNITY CENTER**

**Present: Maryellen and William Smith Jr., 5 Haskell Road, Peru, MA 01235**

**Guest: Terry Walker, Town Administrator, Secretary**

**Board Members Present: Sam Haupt, Chairman, Dave Strzepa, Bonny DiTomasso, Doug Haskins, Peter Shelsy**

**Recording status: N/A**

**Item I: Call to order & Open Meeting Law Statement**

Chairman Haupt called the ZBA Public Meeting to order at 6:02 P.M. and read the Open Meeting Law Statement.

**Item II: Introduction and Review of Statutory Requirements**

Each member of the ZBA introduced themselves to the audience and guests of the ZBA Public Hearing. Chairman Haupt informed everyone that the Town of Peru does have a Zoning By-law, although it's old and needs to be updated.

Chairman Haupt reviewed the statutory requirements relating to grant a special permit with everyone present and indicated that the Applicant is proceeding under **Section 9**, which allows the extension or alteration of a pre-existing non-conforming structure by Special Permit, provided the Board finds that such extension or alteration is in harmony with the general purpose and intent of the by-law, and not be offensive or detrimental to the neighborhood. He said **Section 12** of the by-law provides a mechanism for that. It outlines that the ZBA may hear and decide on applications for Special Permits upon which the ZBA is specifically authorized to act under the By-laws and **Massachusetts General Laws 40A**, which is the zoning enabling statute, and allows for uses which are in general harmony with the general intent of the by-law subject to conditions, safeguards and limitations necessary for protection of the applicable neighborhood.

Chairman Haupt said that Special Permits shall only be allowed following a Public Hearing in accordance with **Chapter 40A**. In accordance with General Laws **Chapter 40A**. Chairman Haupt informed everyone that the notice of this Public Hearing was posted in all the necessary places, sent to any abutters within 300 ft. and a legal advertisement was published in the Berkshire Eagle, not less than 14 days before the date of the hearing, which dates were June 23 and June 30, 2023. Copies of the notice were provided to the Planning Board and to every abutting city or town. The notice says that the ZBA is to consider the Special Permit Application of Maryellen and William Smith Jr. of 5 Haskell Road which is a residential, agricultural district. The petitioner is seeking a special permit to construct an attached garage and covered porch under the provisions of Section 9 of the Peru Zoning By-Laws. The addition is within the 65-foot set back from Haskell Road. The Smiths also purchased land from neighbor-abutter Justin Russell to meet the side set back requirement of 20 feet. TA Walker received the invoice for advertising the Public Notice as proof of publication.

Item III: Presentation by the Petitioner:

Maryellen Smith stated she purchased the property in 2015 and the prior structure had a porch. She plans to complete the reconstruction and extension of the preexisting addition ASAP. Maryellen Smith presented signed letters from all abutters showing support and encouragement.

Item IV: Questions and Comments from Interested Parties

None.

Sam Haupt requested a motion to end public hearing portion of the meeting, Doug Haskins so moved with a form Bonny DiTomasso, 5-0 unanimous vote to close public hearing.

Item V: Deliberation by the Board

After a brief discussion, Bonny DiTomasso moved to approve the petition of applicants, Doug Haskins second, no discussion. 5-0 unanimous vote.

Chairman Haupt said, "The Application for Special Permit for Maryellen Smith and William Smith Jr, for property located at 5 Haskell Road., is approved subject to our drafting a decision with a limited number of conditions and incorporating by reference the Plans, Specifications and Memorandum submitted today by the Petitioner for the project."

Item VI: Adjournment

Bonny DiTomasso moved to adjourn the Peru ZBA meeting at 6:16 p.m., on July 11, 2023, Doug Haskins second, 5-0 unanimous vote.

**Articles used:**

Meeting Agenda of 7/11/2023  
Sign in sheet of 7/11/2023  
Permit Application Documents

Respectfully submitted,

*Terry Walker*

Town Administrator

