

**TOWN OF SALISBURY**  
**Zoning Board of Appeals**  
**5 Beach Road**  
**SALISBURY, MASSACHUSETTS 01952**  
**978-462-7839**

October 14<sup>th</sup>, 2014  
7:00 P.M.

**MINUTES**

**Members Present:**

Susan Pawlisheck, Derek DePetrillo, Kevin Henderson, Linda Tremblay, Joseph Stucker

**Old Business**

Case No. 14-20

Seabrook 16 Realty Trust, Joseph G. Hill

16 Seabrook Rd (Map 21 Lot 46)

Request for a Variance to build a 28'x40' residential dwelling unit on a lot that does not meet the frontage requirement. 5 member board.

Attorney Anthony Papoulias, representing Seabrook 16 Realty Trust, explains that since the last meeting, his client has filed with the Conservation Committee. The wetland specialist of the project plans to meet with Mary Rimmer, the town of Salisbury's wetland specialist, in order to visit the land together and discuss the project's potential impact. Attorney Papoulias claims there is no opposition from the Conservation Committee and claims the project has remained conservative about efforts to avoid harming the wetlands. In addressing the board's prior concerns about run off, Attorney Papoulias says the project attempted to contain run off as best as they could, and he expects a favorable vote from the Conservation Committee. Neither Ms McGlannah nor Mr. Merrill attended this meeting or the Conservation Committee meeting, and no other abutters offered opposition after the September 16<sup>th</sup> meeting.

NO ABUTTERS PRESENT.

**QUESTIONS FROM THE BOARD**

Susan discusses the Board's concern about run off and flooding in the area; drainage issues may be resolved in the future, but these concerns remain. Attorney Papoulias discusses the builder's efforts to help alleviate these concerns, which he believes have been satisfactory in addressing conservation concerns as well as those about run off and flooding. Susan explains that this lot requires a variance to build because it does not meet the frontage requirements and must meet required hardship in order to receive a permit.

**Derek DePetrillo motions to grant the Variance due to hardship related to lot size and shape. Kevin Henderson seconds the motion. Susan, Joseph, and Linda unanimously vote to approve the Finding. Vote, 5 in favor, 0 opposed. Motion passes.**

Case No. 14-21

Robin and Linda Arsenault

445 North End Blvd (Map 35-149 Lot 6A)

Request for a Finding to raze the pre-existing, non-conforming building and construct a single family home within the existing footprint. 5 member board.

The applicant addresses the board's previous concerns about the necessary elevation for the building creating a height variance. She provides proposed building plans that include the elevation, which would equal 14' or more, and filed for a Variance to reflect this change. Scott Vandewalle explains that this is still a Finding because the plan changed from building two floors in the pre-existing, non-conforming footprint to lifting the existing home onto pilings and adding two additions. They are extending the nonconformity, not razing the home and rebuilding inside a nonconformity. Susan asks whether they are extending the porch; the applicant explains that they are extending the porch so that it is longer and pushing out the bathroom to meet where the porch extension exists thus adding 4'. The additions would increase the nonconformity on the sides but would meet the frontage requirement. Susan Pawlisheck asks for the front to setback requirement, which according to the dimensional table is 20'. The porch is currently 16.9' back and nonconforming already. Therefore the porch extends into this requirement even before construction. Susan Pawlisheck explains that as a result, this Finding is based on whether the extension is more detrimental to the neighborhood.

#### ABUTTERS

William Creeley, 449 North End Boulevard: Mr. Creeley asks whether the property would extend onto the Boulevard. The applicant explains that the porch will not extend forward onto the Boulevard but rather to the side, therefore it does not get wider but longer on the sides. Mr. Creeley offers his support.

#### QUESTIONS FROM THE BOARD

Derek questions the proposed wood frame addition. The applicant explains that they intend to make the bathroom larger.

Linda states that the building lot coverage may exceed the maximum percentage of 60%. Susan explains that the existing homes are very close to one another because they exist prior to zoning laws regulating setbacks. Because the property does not extend on either side and does not encroach on the neighbors' houses, it does not affect egress or an ability for emergency services to reach the back of the house.

**Joseph Stucker motions to grant Finding as it is not more detrimental to the neighborhood. Derek DePetrillo seconds the motion. Susan, Kevin, and Linda unanimously vote to approve the Finding. Vote, 5 in favor, 0 opposed. Motion passes.**

#### Minutes

August 26<sup>th</sup> & September 16<sup>th</sup> minutes continued to the next meeting.

#### Correspondence

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**Motion to adjourn from Derek.  
Second from Kevin.  
All in favor.**

**Vote, 5 in favor, 0 opposed.**

Date: \_\_\_\_\_

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Susan Pawlisheck—Chairperson

\_\_\_\_\_  
Derek DePetrillo – Clerk

\_\_\_\_\_  
Beth Gandelman

\_\_\_\_\_  
Kevin Henderson

\_\_\_\_\_  
Joseph Stucker

\_\_\_\_\_  
Linda Tremblay

Respectfully submitted by Catherine Scott

\_\_\_\_\_  
Catherine Scott

\_\_\_\_\_  
Date