

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

April 23, 2013

MINUTES

Members Present:

Susan Pawlisheck, Derek DePetrillo, Charlie Mabardy, Tim Lamprey

Old Business:

Case No. 13-03
C&L Homes, LLC
15 CCC Rd (Map 24 Lot 160)
Request for a variance for construction of a single-family dwelling

New proposed plan, location of the home has been moved closer to the wetlands line, located 20' off the lot line and 26' off the pavement. Conditions for a variance, soil and topography: wetlands located in back of the lot, front area of the lot is the only area to build. Con Com has already walked the wetlands line and checked the flags. Question is whether or not zoning or conservation regulations should be violated. Zoning board has visited the site. Closest abutter is 110' away, not a compact neighborhood. 24' x 34' driveway, zoning compliant. Located along a dead end road, near campground, last home along the street. Applicant argues that without the variance the lot is unbuildable. Moved the location of the proposed home due to concerns from neighbors. The applicant will be going to Con Com after if ZBA approves. The foundation will act as a retaining wall, dealing with the drop off located in the front of the lot. Impact to the road is minimal if not non-existent, there is a 10-12' shoulder from the pavement, 10' behind the second parked car in the driveway.

ABUTTERS.

Tom Bashaw, 18 CCC Rd. Concerns of cars parking on the street. When camp opens, estimated 500 cars traveling back and forth down the street, with cars parked on the street, makes it almost impassable.

Concern with what the board allows for one, where do you draw the line.

Susan Crooks, 14 CCC Rd. Concern of cars parking on the street and whether or not fire and ambulance will be able to get down the street.

Jim Crooks, 14 CCC Rd. Says the proposed home is out of character for the street. If situated elsewhere on the lot, wouldn't need a variance.

Ben Tang, 16 CCC Rd. Concerned with character of the street. There will be no front and back lawns, no lawn means no kids. Says it is a family neighborhood, worried someone without a family will move in. Applicant argues that by moving the home elsewhere, a variance would still be needed, the left and right side of the lot are roughly the same. Blue line of the plan is the flagged wetlands line. Law allows for 5000' of wetlands fill, applicant would only need about 1000', would like to avoid filling because Con

Com tends to be very hesitant to give away filling the wetlands. 50' wetland setback, no matter where the home is built it will fall into the setback. Discussion over relocating the home on the lot to appease everyone.

Motion to continue until May 14, 2013 from Charlie
Second from Derek
Vote 4:0 in favor

Case No. 13-04
Stephen and Maureen Rossettii
13 Lewis Ave (Map 35 Lot 59)
Request for a variance to extend a second floor deck with easement

The applicant is requesting a variance to build an extension on an existing deck, the purpose being to create more recreational space. The flood water on the property limits the amount of recreational space on the lot currently. The flood issues have been a continuing problem for the past 20 years.
ABUTTER.

Mike Harrington. Feels like the deck extension will limit his privacy. He is a direct abutter.

Motion to grant the variance based on the hardship created by the lot flooding from Derek
Second from Charlie
Vote 4:0 in favor

New Business

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Case No. 13-07
Deborah Wilson
11 Second St (Map 7 Lot 42)
Request for a finding for the addition of a 3-season sunroom on a pre-existing non-conforming structure

The applicant is requesting a finding to construct a 10.0' x 16.0' three-season sunroom. The addition will create an additional entrance onto the home.

NO ABUTTERS PRESENT.

The neighborhood is tight on one side of house but where the sunroom will be built is an open area of land. Will extend 10' off the house.

Motion that the 3-season sunroom is not more detrimental to the neighborhood from Charlie
Second from Tim
Vote 4:0 in favor

Case No. 13-08
Outdoor Media Properties, Inc.
100 Elm St (Map 17 Lot 178)

Request for a special permit to relocate and rebuild a freestanding sign

Representing the applicant, Elisa from Outdoor Media Properties, Inc. works in large format advertising in Boston. Wants to relocate a sign and convert to a digital unit. State approved digital billboards recently. Would promote local and small business, along a main corridor in Salisbury, would also be used for a public service messages, town elections, amber alerts etc. Applicant has spoken with Neil Harrington, the fire chief, and police chief who all support it. Located at Chris's Autobody, when construction was being done, sign was taken down to finish roof. Never put back due to economic issues. Benefits would be advertising space for local businesses, no video or animation, dim not too bright, 10 second hold time, amber alert within a 50 mile radius, never a black screen. Original billboard predates zoning, was always a legal permitted billboard, was called a "freestanding" sign to be consistent with the Town's language.

NO ABUTTERS PRESENT.

Supporter of the billboard (not abutter). Robert Campbell: Thinks this is a good opportunity. Less cost – small business can advertise when they otherwise wouldn't be able to.

Glenn (Outdoor Media). Display has controls – security. Certain rules cannot be broken as designated by town authorities. Precedence given to town, not advertisers, example, amber alert trumps advertisement. From ground to top, 30', current on premise sign is 19' high.

Motion to continue until May 14, 2013 from Tim
Second from Charlie
Vote 4:0 in favor

Case No. 13-09
Kevin Cunniff
62 Central Ave (Map 33 Lot 150)
Request for a finding to expand an existing enclosed porch

The applicant is requesting a finding to expand an existing enclosed porch. The porch will extend 2.5'; the porch is being rebuilt.

NO ABUTTERS PRESENT.

Motion to find that the expansion of the enclosed porch is not more detrimental to the neighborhood from Charlie
Second from Derek
Vote 4:0 in favor

Case No. 13-10
Todd Fitzgerald
107 Railroad Ave (Map 32 Lot 205)
Request for a finding to raze existing structure and construct new

The applicant is requesting a finding to raze an existing structure and build a new one. The new home will conform with zoning regulations. The proposed building will meet the criteria for the velocity zone even though the building is not currently in the velocity zone. The proposed building will be moved off the property line to the center of the lot. Will be building a 3 bedroom, single family home. The current home predates zoning. ABUTTERS.

Janice and Christine, 109 Railroad Ave. No comments from abutters. Just curious to see how the process goes, curious what the applicant plans to build.

Motion to find that the razing and construction of a new dwelling is not more detrimental to the neighborhood from Tim

Second from Charlie

Vote 4:0 in favor

Minutes

August 28, 2012: Tim and Derek present. Tim motions to accept, Derek seconds. Vote 2:0 in favor.

September 11, 2013: Charlie, Susan, Derek and Tim present. Motion to accept from Charlie, Derek seconds. Vote 4:0 in favor.

March 28, 2013: Charlie, Susan, Derek and Tim present. Motion to accept from Charlie, Derek seconds. Vote 4:0 in favor.

Motion to adjourn from Charlie. Second from Derek. Vote 4:0 in favor.