



TOWN OF SALISBURY
Office of the Board of Appeals
Colchester Room, Town Hall 5 Beach Road

MEETING MINUTES – PUBLIC HEARING

Hearing Date: March 27, 2018 @ 7:00 pm

Members Present: Susan Pawlisheck (Chairperson), Derek DePetrillo (Secretary), Kevin Henderson, Linda Tremblay, Joseph Stucker.

Members Not Present: None

Additional Persons Present: Scott Vandewalle, Zoning Officer/Building Inspector

(Chair)person Pawlisheck called the meeting to order @ 7:00 pm.

(Chair) requests a change in the order of the cases. The meeting will begin with Case 18-01 which was continued from the February 27, 2018 scheduled meeting; not the cancelled meeting of March 13, 2018 due to weather conditions.

2. CONTINUED PUBLIC MEETING

Case No. 18-01 Petition for Relief by Administrative Appeal: An administrative appeal of the Building Inspector Scott Vandewalle's Order dated November 8, 2017 pursuant to Section 300-31; 300-33 of the Town of Salisbury Zoning Bylaw (the "Bylaw")

Address: 5 Gerrish Road

Applicant: John Silva Jr. and Deborah Silva

(Chair) explained the case and asked if any questions.

(Ms. Tremblay) asked if there was any correspondence on this case?

(Chair) states a notification was received from the applicant's legal counsel that the applicant believes the 100 days has been exceeded. (Chair) expresses disagreement with that assessment, but states a vote is needed as Case 18-01 has been opened so needs to be closed.

(Mr. Stucker) asked if the Board received an opinion from town counsel. They have received an opinion from Town Counsel.

(Mr. Henderson) states the applicant is not in attendance.

(Chair) states once the legal notification was sent, they did not attend.

MOTION: Mr. Henderson made a motion to uphold the Building Inspectors decision with regard to 5 Gerrish Road. Mr. DePetrillo seconds the motion. Mr. Stucker opposes the motion.

VOTES: Ms. Pawlisheck and Ms. Tremblay vote in favor of the motion also. Motion passes four (4) votes in favor, one (1) opposed. All members express their vote verbally.

1. NEW PUBLIC HEARINGS

A. **Case No. 18-06 Petition for Relief by Finding by Special Permit:** Remove an existing two-family home and replace it with a new two-family home.

Address: 230 North End Boulevard

Applicant: Kathleen M. and Patricia A. Kennedy

Mr. Ron Laffely (**Mr. Laffely**) Fulcrum, Inc. Architects who is representing the applicants stepped to the podium. He states the applicants are present; the current structure has been in the family for a long time, it is an old/vintage cottage. To renovate the structure, it exceeds 50% of the market value so would have to go up on piles.

The applicants are asking to take down the current building and to build a new structure.

(**Mr. Laffely**) explains that the existing structure sits on the property line and goes over on the north side. He approaches the presented plan and shows the existing vs new structure property lines. He states the footprint will be smaller and there will be less lot coverage.

The structure will be built in the center of the lot. The applicants are asking for setbacks on both sides. They are allowed to have 2 units which gives more breathing room on the site; the plans are to go up 2 stories on the structure. The dunes need to be restored underneath the building; landscape planned for waves going through will help with erosion.

(**Chair**) asks if Mr. Laffely is looking for determination that is not more detrimental. Once this determination is made, he will continue with the variance request.

(**Mr. Laffely**) explains where the boardwalk/walkway will be and how it will be attached to the house, etc. (**Chair**) suggest this explanation/information be discussed with next case concerning the boardwalk variance petition.

(**Mr. Laffely**) states the new structures will be one unit with two bedrooms and the other unit with one bedroom. The intent is to replace what is currently there. The new result will no longer be a 'cottage'. It will be dwelling.

(**Chair**) states the zoning area is R3. The project would place a 2 family in single family zone.

(**Chair**) asks If they tear it down, don't they have to comply??

(Inspector) quotes section on Page 69. There is a special exemption on 1 and 2 family homes; the owner has 2 years to not lose zoning.

(Mr. Laffely) explained that there will be 3 parking spaces across front. Applicant is also asking for a 4th parking space. Approval needed by DEP and Conservation Board. It is a pre-existing non-conforming structure in use. It will still have a pre-existing non-conforming use. We are trying to make the structure meet all requirements except for side setbacks.

(Chair) questioned the side setbacks.

(Mr. Laffely) explained the setbacks are 5.3 on both sides; in the worse condition it would be 5.3. The plan would be over the property line over a foot on 1 side and 3 feet on the other side.

(Chair): questions??

Any abutters?

Ms. McDonald: 229 North End Blvd. is fully in favor of project. Ms. McDonald mentioned that they are pulling away from neighbor on north side going closer to a neighbor on the south side. It is a family compound. Nice project.

MOTION: Mr. Stucker made a motion to grant the Petition for Relief by finding for a Special Permit for 230 North End Blvd as it is not substantially more detrimental to the neighborhood. Mr. Henderson seconds the motion.

VOTES: Ms. Pawlisheck, Mr. DePetrillo and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally.

B. Case No. 18-07 Petition for Relief by Variance: Decreasing the right setback for the entry boardwalk.

Address: 230 North End Boulevard

Applicant: Kathleen M. and Patricia A. Kennedy

(Mr. Laffely) will again represent the applicants. He then shows the presented plans and shows what is allowed by Zoning.

(Inspector) clarified that it is not necessarily what is allowed but what is exempt. For egress stairs you are allowed 25 square feet of landing and steps that are exempt from zoning setbacks and other requirements. Not as much as allowed, but what is exempt for purposes of emergency egress.

(Mr. Laffely) continues showing the proposed boardwalk on plans. Applicant is requesting to tie the boardwalk to the entryway. It is comparable to the walkways over the dunes which the DEP and Conservation Department has approved. It is basically a means of egress to get and out of the home and to the front to the ocean. The elevation about ground is 6 feet due to the elevation they house has to be built at.

(Chair) states she does not see the hardship listed on the variance application.

(Mr. Laffely) states instead of going up 21 steps and then down 21 steps then up 21 steps again to get into house and that the lot is narrow at 25 feet, it has steep slope, long and rectangular, and loose boardwalks can move. The applicant meets the hardship because of shape, topography and soil conditions. This variance will connect the 2 homes.

(Chair) asks do you have any architectural drawings? (Mr. Laffely) goes to the drawing and explains the finished project and where boardwalk/entry will be. The 2 stairways will be connected.

MOTION: Mr. DePetrillo made a motion to grant the Variance at 230 North End Blvd due to soil conditions. Mr. Stucker seconds the motion.

VOTES: Ms. Pawlisheck, Mr. Henderson and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally.

C. Case No. 18-08 Petition for Relief by Finding by Special Permit: Demolish existing dwellings on the property and build a new structure consisting of 4 units.

Address: 158 Beach Road

Applicant: Kevin McDonald dba Coast Lane, LLC

(Attorney) Paul A. Magiocchetti will represent the applicant and approaches the podium and distributes a handout.

(Attorney) states there are currently 3 buildings on this parcel one of which is in the middle of Beach Road; no one has an explanation of how this happened. The 3 buildings currently house 4 units. The applicant is trying to consolidate the 3 buildings into one. The applicant has already met with the Planning Department and Town Manager, Neil Harrington. The plan is 1 building with 4 units. The current structures would be razed and consolidated on the existing lot. Any dimensional non-conformities will be substantially less than what we have now. Upon meeting with the Building Inspector, it was decided to apply for this finding and then onward to the Planning Board to see what that Board required.

(Attorney) states that having the house in the middle of Beach Road is more detrimental than what we are proposing. The applicant is not increasing the number of units, is tearing down 3 existing buildings that are scattered along the road and consolidating all into one building.

(Attorney) shows the Board the site plan showing where the new building will be. It also shows the new proposed parking as currently it is very limited. Under the proposed design, parking will be under each unit, with 4 visitor spots. Parking would increase to a total of 8 spaces which is more than what we have now.

(Attorney) states that for all these reasons, the applicant meets the criteria set forth in the Town's Zoning ordinance and request you grant the relief requested.

(INPSECTOR) clarifies: Attorney mentioned Bridge Road by mistake. Also, 95% of this project is on Washington Street (aka President's Streets neighborhood). 5% is on the state highway (Beach Road).

(Mr. Henderson) asks for clarification if the main entrance is where the garages are?

(Attorney) confirms that yes, the main entrance is on Washington Street rather than Beach Road; it is much safer.

(Chair) asks if the address will remain on Beach Road? **(Attorney)** believes the address will stay the same per meetings he has attended with the Town.

(Inspector) confirms that from conversations on addresses and street numbers on Washington Street, residents don't seem to want to change addresses. The Fire department is ok with that; easier if there are no number changes.

(Mr. DePetrillo) asks if the lot coverage is over?

(Attorney) states it is on the plan. Under the new proposal, it is right about at the zoning requirement. We are at 25.3, the requirement is 25%. The existing 9.4 does not include the third house that is on the street.

(Chair) states she sees the rear setback is becoming less conforming; side setback is becoming less conforming and front setback is becoming less conforming. **(Chair)** continues that normally non-conformities become less. If asking for a determination of not detrimental, there are so many non-conformities.

(Attorney) states this has been discussed at the first meeting with the Town Manager and the Planning Board. What is not showing on the plan is the house in the middle of the street. Actually, the setbacks are negative.

(Board) looks at presented plan where the house is in the street and not on the property at all. Discussion on the property/home by Board; when house built etc.

(Inspector) states a building permit was granted in 1980 to place a third house on the property. No survey was done.

(Ms. Tremblay) asks if any consideration was given to moving the house to be further away from Beach Road; instead of parallel with Beach Road.; pivot it; it is a quieter street.

(Attorney) will take it under consideration.

(Chair) summarizes the request; knock down 3 houses, taking one off the road, and replace with a 4 unit building. Removing 4 units; replacing with 4 units.

MOTION: Mr. DePetrillo made a motion to grant the Petition for a finding for a Special Permit for 158 Beach Road as it is not more detrimental to the neighborhood. Mr. Henderson seconds the motion.

VOTES: Ms. Pawlischeck, Mr. Stucker and Ms. Tremblay vote in favor of the motion also. Motion passes unanimously. All members express their vote verbally.

A. Minutes

February 27, 2018 meeting minutes needed to be approved and then signed by the (Chair). Mr. DePetrillo makes motion to accept as presented; Mr. Stucker second. Minutes approved by all Board Members.

B. Correspondence and Other Board Business

None

C. Items Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting

None

Motion for adjournment was made by Mr. Tucker and approved by a 5-0 vote. Meeting is adjourned at 7:50 pm.

- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Next Public Hearing: April 24, 2018

Respectfully submitted by Teresa Mahoney, Board secretary and accepted at the April 24, 2018 meeting of the Zoning Board of Appeals.

Accepted as Presented;

 4/24/18
Chairperson Susan Pawlisheck

Cc: Town Clerk