

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

June 24th, 2014
7:00 P.M.

MINUTES

Members Present:

Susan Pawlisheck, Derek DePetrillo, Kevin Henderson, Ed Hunt, Beth Gandelman

Old Business

Case No. 14-08

Norman Choquette

70 No. End Blvd (Map 33 Lot 230)

Request for a Finding to add a second floor to a pre-existing non-conforming structure.

5 member board. Continued from May 20th, 2014.

The applicant is requesting a Finding to build a second floor on a pre-existing non-conforming structure. The addition will include two bedrooms and a bathroom. Plans were not submitted in the original application and the hearing was continued from the May 20th meeting to June 24th. The home currently sits close to the rear property line – there will be no outward expansion of the footprint of the home.

Abutters:

Jon, 59 Central Ave: Would like to know if the home is being completely rebuilt – would also like to see the lot in front of 70 No. End Blvd. be combined in with the lot the home sits on. States that Mr. Choquette crosses the front lot to get to the rear. The Chair reminded him that this is a hearing regarding a Finding and that that is not relevant information.

Kevin made a motion to the grant the Finding stating that the proposed second floor addition will not be more detrimental to the neighborhood. Beth seconded the motion. Susan, Derek, Kevin, Beth, and Ed voted unanimously to approve the Finding.

Vote, 5 in favor, 0 opposed.

Motion passes. Finding granted.

Comprehensive Permit Extension

Steve Paquette

C/O SPL Development Group LLC

54 Beach Rd (Map 4 Lot 92)

Request for a **Comprehensive Permit Extension** due to expire on August 28, 2014.

5 member board. Continued from May 27th, 2014.

The Conservation Commission extended the permit until May 30th, 2015 – Planning's recommendation

was to extend the permit until May 30th, 2015 instead of granting a two year extension.

Upon such findings the board voted to grant an Extension of the Comprehensive Permit originally issued September 29th, 2008. The Extension will expire May 30th, 2015.

Derek made a motion to grant the Comprehensive Permit Extension to May 30th, 2015. Beth seconded the motion. Susan, Derek, Beth, and Ed voted to approve the Extension. Kevin voted against the Extension.

Vote, 4 in favor, 1 opposed.

Motion passes.

New Business

Case No. 14-10

Daniel Richard

4 Liberty St (Map 34 Lot 63 A-B)

Request for a Variance to build an 18'x32' deck over the existing driveway and add a door from the first floor to the proposed deck.

5 member board.

The applicant is requesting a Variance to build an 18' x 32' deck over the existing driveway. The home is situated on a lot that has very little usable land on it.

Abutters:

Laura Proiette, 6 & 8 Liberty St: She stated that the homes down on Liberty St are extremely close and the lots are very small, generally only 2000 ft². She supports the building of the deck saying that there is no other place to put the deck due to a lack of land. If the deck was built on the ground there would be no place to park cars.

Kevin made a motion to grant the Variance based on the size of the lot (being only 2000 ft²). Ed seconded the motion. Kevin, Beth, and Ed voted to approve the Variance. Susan, and Derek voted against the Variance.

Vote, 3 in favor, 2 opposed.

Motion passes. Variance granted.

Case No. 14-12

Jerry & Joan Klima

20 Second St (Map 7 Lot 2)

Request for a Variance to construct a 30'x22' residential storage barn (non-farm use) that does not meet the front-yard setback.

5 member board.

Lisa Mead representing the applicant. The applicant is requesting a Variance to build a storage barn (non-farm use). The front setback required is 40'; the storage barn would be built 15.5' from the lot line however due to where the lot line sits in relation to the road, the storage barn will be 38' away from the road. The storage barn cannot be built further back on the lot to the salt marsh that abuts the rear of the property. The average setback along Second St is 6.9' with some homes sitting right on the front lot line. The 15.5' would continue the appearance of the neighborhood as well as preserve the view of the salt marsh along the rear of the property.

No abutters.

Kevin made a motion to grant the Variance due to the soil conditions in the rear of the property. Ed seconded the motion. Susan, Derek, Kevin, Beth, and Ed voted unanimously to approve the Variance.

Vote, 5 in favor, 0 opposed.

Motion passes. Variance granted.

Beth Gandelman recused herself from Case No. 14-11 and Case No. 14-13.

- Case No. 14-11

Northvision LLC

75 Main St (Map 18 Lot 011)

Request for a Special Permit to build a 14'x48' freestanding LED electronic message board sign (2 sided), to face Interstate Route 95, not exceeding 89' in height.

4 member board.

Paul Crochiere, attorney representing Herman Fortin. Wayne Capolupo, Northvision LLC.

The applicant is requesting a Special Permit to construct a freestanding double-sided electronic message board to face Interstate 95. The overall height not exceeding 89' is requested to overcome the dip in the topography of the lot as well as the existing tree line; in order for the sign to be visible from the highway the sign would need to be between 80' and 89'. The sign would be located approximately 300' from the highway. The sign will comply with all state and federal regulations. The applicant argues that an electronic sign is superior to a traditional billboard in that instead of a static message that never changes, local businesses and Town events can be advertised, and Amber Alerts and PSAs disseminated.

Herman Fortin and his family stated that the hardship present for them is the inability to advertise their businesses to traffic along the highway; Mr. Fortin stated that the sign would be a positive feature for the Town.

Wayne Capolupo presented a Power Point presentation depicting what the sign would look like from different areas surrounding 75 Main St. He stated that the trees in the area and the building at the miniature golf facility will block out much if not all of the sign from local traffic. In answer to a board members question, the previous sign existing on the property was a gas station sign; the sign will be erected where the previous sign stood.

ABUTTERS & OTHER TOWN RESIDENTS.

Beverly Gulazian, 22 Bridge Rd: Ms. Gulazian stated that she is a part of the Friends at the Hilton Center and that Mr. Capolupo will be donating money from the sign to the senior center. She supports the approval of a digital billboard.

Laurie D'Arcy, 8 Lincoln Ave: Ms. D'Arcy stated that she has lived in Salisbury for 53 years and approves of the idea of a "Welcome to Salisbury" sign on the digital billboard and feels the billboard will be beneficial to the Town.

Mike, DDC Development Corp, 71 Main St: Stated that he feels a 40' tall sign would be better than an 89' tall sign and would like to see the sign proposal for 74 Main St approved over the proposal for 75 Main St.

Peter Flynn, attorney representing Mr. Pritchard (74 Main St): Mr. Flynn wanted to call attention to the fact that Northvision has not been granted a license from the State yet but is in the process of doing such. He would like to the board to take that into consideration when making their decision.

Fred Knowles, 38 True Rd: Mr. Knowles supports the sign.

Mr. Crochiere also stated that the State regulations in 700CMR3.17 require a 1000' space between digital billboards and that this would mean only one sign could be built. The ZBA can approve both; the final decision as to who will be given a license will come from the State.

Ed made a motion to approve the Special Permit due to the hardship created by the topography of the land. Kevin seconded the motion. Susan, Derek, Kevin and Ed voted unanimously to approve the Special Permit.

Vote, 4 in favor, 0 opposed.

Motion passes, Special Permit granted.

- Case No. 14-13

Clear Channel Outdoor

74 Main St (Map 12 Lot 50)

Request for a Special Permit to install a 2-sided 14'x48' digital billboard with an overall height not exceeding 55'.

4 member board.

John Pelrine, Clear Channel.

The applicant is requesting a Special Permit to install a 2-sided 14'x48' digital billboard with an overall height not exceeding 55'. A video presentation was made; the video states that there will be no moving animation, only static images will be displayed. Additionally, Clear Channel works closely with law enforcement, displaying Amber Alerts etc on their digital billboards. There are no trees that the sign will need to overcome so the overall height will not exceed 55'. The hardship comes from the 500' that must be given due to the off ramp for the highway. This hardship limits where the sign can be located on the property. Clear Channel currently owns eight (8) other billboards in Town, this would be the first digital one. Mr. Pritchard, who owns 74 Main St could use the digital billboard to advertise his business.

ABUTTERS & OTHER TOWN RESIDENTS.

Wayne Capolupo, Northvision LLC: Mr. Capolupo stated that 74 Main St is loaded with eyesores, and questioned why attention should be drawn towards it. Mr. Capolupo also stated that in dealings with Clear Channel in the past, after Clear Channel went private in 2006, he found their business practices to be concerning. Mr. Capolupo also stated that Clear Channel was not forthright in their application; the application submitted stated that there is only one building on the lot, Mr. Capolupo stated that there is more than one building on the lot.

Paul Crochiere, attorney representing 75 Main St: Mr. Crochiere stated that much of the application that 74 Main St submitted on May 21st was copied from the application that 75 Main St submitted on May 8th and stated that this raises concerns over credibility.

Peter Flynn, attorney representing Mr. Pritchard: Mr. Flynn stated that Clear Channel has a long history and a good reputation.

David Pritchard, owns 74 Main St: Mr. Pritchard stated that he was approached by Mr. Capolupo after he was already locked into the agreement with Clear Channel.

Gil Medeiros, 17 Rabbit Rd: Mr. Medeiros stated that he is in favor of a local Town business erecting a sign over a sign erected by an out of Town company.

Kevin asked about the yellow sign located on the lot and whether or not the digital billboard is taller.

Derek made a motion to approve the Special Permit Susan seconded the motion. Susan, and Derek voted to approve the Special Permit. Kevin and Ed Hunt against the Special Permit.

Vote, 2 in favor, 2 opposed.

Motion does not pass, Special Permit denied.

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Correspondence

- None.

Minutes

May 27th, 2014

Motion to approve from Ed. Second from Kevin. Susan, Derek, Beth, Kevin and Ed vote unanimously to approve the minutes.

Vote, 4 in favor, 0 opposed.

Motion passes.

Motion to adjourn from Derek.

Second from Kevin.

Vote, 4 in favor, 0 opposed.

Date: _____

Susan Pawlisheck - Chair

Derek DePetrillo - Clerk

Kevin Henderson

Beth Gandelman

Ed Hunt

Respectfully submitted by Jessica Mullen:

Jessica Mullen

Date