

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

September 16, 2014
7:00 P.M.

MINUTES

Members Present:

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

Old Business

Case No. 14-18

Timothy Barry

14 March Rd (Map 7 Lot 62)

Request for a Finding to raze an existing trailer home and construct a single family home on a pre-existing non-conforming lot.

5 member board.

Mr. Timothy Barry wants to purchase the property. The trailer does not meet the frontage, side setback, or total square footage, and the proposed single family home would not meet all of the setback requirements. It would have the same preexisting nonconforming in terms of frontage and total square footage.

QUESTIONS FROM THE BOARD:

Susan Pawlisheck questions whether the proposed single family home will meet the neighborhood's style. Timothy Barry explains that the neighborhood is of a cape style therefore the style of the proposed house would conform to the island style of the neighborhood. Derek DePetrillo asks about an issue with a porch, and Susan replies that the issue laid in whether the case was a finding or a variance. Mr. Barry and Mr. Scott Vandewalle, the building inspector, met and decided the request is a finding, meaning this case only requires a determination of whether it is detrimental. Scott Vandewalle explains that several houses in that neighborhood are also constructing, meaning the neighborhood is changing in unison and each house reflects the style of the whole neighborhood.

Kevin Henderson motions to grant the Finding stating that the new building is not more detrimental to the neighborhood. Derek seconds the motion. Joseph, Linda, Susan unanimously to approve the Finding.

Vote, 5 in favor, 0 opposed.

Motion passes. Finding granted.

New Business

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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 Jr., of Anthony Papoulias Jr. Esq, represents Seabrook 16 Realty Trust, Joseph G. Hill. Seabrook 16 Realty Trust, Joseph G Hill intends to purchase the property from Derek Wallace, the owner of the property. Attorney Papoulias states that the property presents as only having 32' of frontage and goes back 300' but is otherwise entirely landlocked. It can only be accessed by the 32' frontage on Seabrook Road. Despite being 4.7 acres, this lot is landlocked and can only be a buildable lot by building a driveway back 300'. The client only wants to build a single lot 28'x40' and an attached 22'x24' garage. The driveway would be built by Seabrook 16 Realty Trust, Joseph G Hill and would follow all required standards. The Fire Department signed conditional approval for the lot and building. Attorney Papoulias claims the hardship lies in the property being land-locked, which prevents the property from being used for building. Attorney Papoulias claims the client went to the neighbors to ask for their approval, and 34 individuals do not consider the construction more detrimental to the neighborhood as long as it remains a single residential building.

QUESTIONS FROM THE BOARD:

Susan Pawlisheck questions whether the single family residence was originally going to be multiple buildings. Attorney Papoulias claims the reiteration of the phrase 'single family residence' was meant only to reassure the neighbors and board that the owners do not intend to build an apartment complex. Kevin questions the hardship, which Attorney Papoulias explains is the landlocked nature of the lot. Attorney Papoulias explains that these properties become landlocked as a result of subdivision of properties. Plans from the property express the belief that the property would eventually need a variance to become buildable land, and the land has been taxed as a buildable lot insofar. The hardship was not created by the applicant or the owner but existed prior.

Linda asks about the Conservation Committee. Attorney Papoulias claims he has not gone to the Conservation Committee yet about the wetlands at the back of the property as well as the coverage of the driveway. Susan Pawlisheck explains that date meetings occasionally interact so cases go before the Zoning Board of Appeals before the Conservation Committee and vice versa. She reminds everyone that their scope of focus remains on the Finding and related hardship.

ABUTTERS:

Russell Merrill, 27 Gerrish Road: Mr. Merrill asked about the packets that the board received in regards to the case. Susan Pawlisheck explains the contents of the package. Mr. Merrill claims he abuts the right of way closest to Seabrook Road on Lot 21-49 and asks how this would affect the drainage. The right of way proposed for the driveway is next to Lot 21-47, not Mr. Merrill's property. Mr. Merrill then expresses his concern about drainage onto his property as related to the modification of Seabrook Road for the northern properties. He claims this modification affects the issue of drainage on that road further and would exacerbate the issues of drainage. He also expresses concern about how the drainage through 16 Seabrook Road would be addressed and change as a result of the building.

Patricia McGranahan, 5 Souther Lane: Mrs. Granahan wrote a letter to the board expressing her concern about the drainage and asks how fill-in would affect water flow. Mrs. Granahan also directly abuts the property and currently struggles with drainage from that property.

Attorney Papoulias introduces Ryan Knowles, the engineer of the project, who addresses the concerns of the abutters. Mr. Knowles claims only one right of way exists on Seabrook Road, so Mr. Merrill would not need to be considered about a right of way on his property because it does not exist. Mr. Knowles promises to contain all run off and treat the project as 100% contained as part of the project's conservation procedure. Susan Pawlisheck expresses her concerns about water run off and asks that the hearing be continued.

Joseph Stucker motions to continue the hearing until the October 14th meeting at which point the applicant will have a plan for water run off as it affects the neighborhood. Linda Tremblay seconds the motion. Susan, Kevin, and Derek unanimously vote to continue the hearing. Vote, 5 in favor, 0 opposed. Motion passes.

Kevin asks for clarification on the date of the subdivision. The property was subdivided in 1979. Joseph Hill addresses the drainage issue as it affects the lot and floods other properties. Mr. Hill says he was hired by the Town of Salisbury to recap Seabrook Road, and in 2015, he will reshape and recap Seabrook Road in order to address these numerous issues of drainage.

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.

Linda Arsenault addresses the board and asks for the information they need for her Finding. Linda and Robin intend to make this a permanent residence. Susan Pawlisheck asks about new rules regarding lifting the house as related to the flood zone. She asks Scott Vandewalle about required lifts; Scott Vandewalle explains the house is flat on the ground and says the house will probably need pilings. Scott Vandewalle explains that they do not have complete drawings in order to assess a need for pilings and that they wanted to address the setbacks before the need for flood zone precautions. Susan Pawlisheck claims the pilings might also affect the height requirement. She asks to see the entire drawings and plan before making a decision about a Finding on setbacks.

Michael Hartoonian, the project manager, says they did not get the engineering plans because they wanted to focus on the setbacks. Susan Pawlisheck asks the total height of the building with the second floor. Mr. Hartoonian claims they wanted to ask the Zoning Board about the height requirement as well as the necessary height for pilings. Susan Pawlisheck reminds him that the Board only deliberates, not provide engineering information. She asks to see the entire proposal to make a decision about the setback as well as about height requirements.

Kevin asks about how Scott reviews plans and whether the Board's approval of setbacks would affect a variance in height. Scott Vandewalle explains he would not give a building permit if the plan does not meet all requirements or have approval for a variance. Derek claims everyone would like to see the entire plan and its effect because it is more effective to have the entire set of plans when the Board makes a decision. Susan agrees and questions the validity of plans without pilings and the end result of the height change. She places the onus on the engineer to find the information about flood zones and the plan related to the resulting height.

Derek DePetrillo motions to continue the hearing until the October 14th meeting at which point the applicant will have information about the pilings and a potential height variance. Joseph Stucker seconds the motion. Susan, Kevin, and Linda unanimously vote to continue the hearing. Vote, 5 in favor, 0 opposed. Motion passes.

Case No. 14-22

George Jacobs

7 Maple St (Map 6 Lot 45)

Request for a Finding to construct a new entrance porch with a roof and steps on a pre-existing, non-conforming structure. 5 member board.

Brad Johnson, the builder, claims the alcove is detrimental to the house. It allows moisture to enter the home especially because it is made of concrete over wood. He wants to bring the porch out six feet, excluding the stairs, and turn the alcove into a closet. The alcove has no side rails and crumbling steps, which pose a danger. Mr. Johnson also explains that the pictures show the neighborhood as a whole does not conform to the setback, so the lack of setback would not be out of the ordinary in the neighborhood. The porch would be six feet closer to the sidewalk than the current alcove.

George Jacobs, the owner, explains that the door freezes shut in the winter as do the stairs. He wants to solve the safety issue. Kevin notes the alcove style is more appropriate for a warmer climate.

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

Correspondence

Koppelman & Paige put the Clear Channel application through the appeal process.

Minutes

August 26th minutes continued to the next meeting.

Motion to adjourn from Derek.

Second from Kevin.

All in favor.

Vote, 5 in favor, 0 opposed.

Date: _____

Susan Pawlisheck—Chairperson

Derek DePetrillo – Clerk

Kevin Henderson

Joseph Stucker

Linda Tremblay

Respectfully submitted by Catherine Scott

Catherine Scott

Date