

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

April 28<sup>th</sup>, 2015

7:00 P.M.

**MINUTES**

**Members Present:**

Susan Pawlisheck, Derek DePetrillo, Kevin Henderson, Linda Tremblay, Beth Gandelman

**Old Business**

Case No. 14-25

James & Susan Crooks

16 CCC Road (Map 24 Lot 74)

Request for a Variance to build a two story single family home that does not meet frontage setback.

James Crooks, the owner, is looking for a Variance to build a two story single family home that does not meet frontage setback. This is in an effort to have a retirement home that is smaller than their current living space. There is not enough frontage at 16 CCC Road. The shape of the lot is affected by wetlands, so the new plans can only be drawn up that way. Property has wetland crossing. Everything else is in compliance besides frontage.

**QUESTIONS FROM THE BOARD**

Derek asks about the hardship--what is it? Application has listed soil, topography. Mr. Crooks explains that the lot is dictated by wetlands which surround it and shape it.

Susan asks if the indicated driveway is the only access point? Yes.

Linda asks about other house, which is his daughter's. Could he gain access from other frontage he owns on CCC Road? No access because of soil conditions due to pond and wetlands. The west side of the lot is also wetlands. He cannot go through other lot because he's planning on selling that house. Mr. Crooks has also gone before the Conservation Committee before, and they picked an appropriate location for the driveway.

Kevin wants to know where Mr. Crooks is obtaining the frontage? Shape of lot was obtained ten years ago. Not considered buildable lot--why he's asking for Variance. Susan asks if he's been paying taxes as a buildable lot. He says yes but no taxes available to prove or disprove that.

Susan asks Scott Vandewalle about proposed driveway, taxable lot. Board of Appeals sends paperwork off that trigger reactions, and the lot is assessed by ConCom and necessary information determined from there. Better for him to go to ConCom with approval/disapproval from Board.

Kevin wants to know why lot was inaccessible before. It is because of wetlands. The subdivision occurred in 1974, which created a need to access the lot without interrupting the wetlands. Mr. Crooks owns land his daughter's house was on and used to make access. He did not originally own all of that land.

**Derek motion to grant Variance based on condition of soil, shape, topography, size. Beth seconds the motion. Susan, Kevin motion to approve. Linda motions to oppose. Vote, 4 in favor, 1 opposed. Motion passes.**

### **New Business**

Case No. 15-02

Smart Sign Systems Inc

191 Beach Road (Map 28 Lot 8)

Request for a Variance to grade and build stone base to match clubhouse stone veneer and to elevate sign above low grade conditions.

Joel Kahn, representing 191 Beach Rd, with Jeffery Smart, owner, and Dan Mansur, attorney. In 2012, his client acquired rights to build 212 unit condominium.

There are restrictions on ground signage, but there is a need for proper signage for fire and police to find building. Town wants a limit on ground signage, and the application feels no other form of signage appropriate, especially in a stylized manner. Substantial hardship rests in their not being able to advertise project properly. Other projects in the beach district also have ground signage. Scott says zoning does not allow free standing ground signs. They are asking for an exemption from this.

Kevin recuses himself because of a mention of a company for which he works. The applicant states his preference that they continue before a five member board.

**Derek motions to continue to May 26<sup>th</sup>, 2015. Beth seconds. Susan, Linda motion to approve. Vote, 5 in favor, 0 opposed. Motion passes.**

Case No. 15-03

Todd Wallace

65 Folly Mill Rd Road (Map 13 Lot 45)

Request for a Special Permit to demolish an existing deck and construct a 20x28 addition with a rear common deck.

Susan asks about accessory apartment and deck, which require both a Special Permit and a Variance. Did applicant miss a step in the application process? Derek says they also

need to visit Planning and Health boards. Applicant should have filled out Special Permit as well as Variance. Accessory apartments are heavily discussed, and they require more information before the Board. The Zoning Board only received the Variance, not the Special Permit. Applicant was directed to complete applications before going before Planning Board and Board of Health. The case was not published as an accessory apartment, which may affect how abutters feel.

This is an appeal of Scott's denial of permit, so he cannot discuss this case further. Applicant must follow through with both the Planning Board and the Board of Health before reappearing before the Zoning Board of Appeals. Notice must be republished to reflect the request for an accessory apartment.

**Beth motions to continue case to May 26<sup>th</sup>, 2015. Kevin seconds. Susan, Linda, Derek approve. Vote, 5 in favor, 0 opposed. Motion passes.**

### **Minutes**

March 10<sup>th</sup>, 2015: **Beth motions to accept the minutes. Kevin seconds. Susan, Derek, Linda motion to accept the minutes. Vote, 5 in favor, 0 opposed. Motion passes.**

### **Correspondence**

Letter from Citizen's Housing and Planning Association Inc. dated March 23<sup>rd</sup>, 2015 stating that CHAPA is monitoring the development of 191 Beach Road. They want to tell the Board how they function and how they are looking for the complete audit from 191 Beach Road about affordable units. 191 Beach Road is a self-managed association so they do not have a property manager doing this audit. How can the Board press the owners for compliance? Scott can apply financial tickets for not doing audit. Beth suggests approaching Board of Finances. Susan asks Scott to look into the Board's ability to enforce this as the owners have received a Comprehensive Review from the Board previously, which had particular standards for the applicant to follow.

**Motion to adjourn from Derek.**

**Second from Kevin.**

**All in favor.**

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

8:18pm.

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

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Susan Pawlisheck—Chairperson

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Derek DePetrillo – Clerk

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Kevin Henderson

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Beth Gandelman

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Linda Tremblay

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Joseph Stucker

Respectfully submitted by Catherine Scott

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Catherine Scott

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Date