



TOWN OF SALISBURY
Office of the BOARD OF APPEALS
5 BEACH ROAD
SALISBURY, MASSACHUSETTS 01952
978-462-7839

June 9th, 2015

7:00 P.M.

MINUTES

Members Present:

Susan Pawlisheck, Linda Tremblay, Beth Gandelman, Joseph Stucker, Kevin Henderson

Old Business

Case No. 15-03

Todd Wallace

65 Folly Mill Rd (Map 13 Lot 45)

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

Todd Wallace with Dewey Plus Construction appears on behalf of the two owners. They are requesting an accessory apartment for Maria Pearson who wants to live there full time with her son's family.

Variance: side setback violation; moving the potential accessory apartment to the left would be in a greater violation. The rear has the septic system. They are proposing to put on the accessory apartment in place of the deck.

Susan: Have you spoken to the Planning Board? Yes they have. They have a letter from the Planning Board that involves asking the Zoning Board to condition the plan. The Board of Health also asked that it be conditioned based on future needs for updated septic system and other potential needs.

Linda: How much is the side setback? This would affect the abutters directly. Mr. Wallace explains that the required is 20' and they're asking for 10.8'.

QUESTIONS FROM THE BOARD

Beth asks if the deck will be removed but a common deck on the rear will be added. Yes it will be added to the rear. The deck on the rear does not require a Variance. Susan asks if it is the only encroachment. Mr. Wallace explains that the entire Variance and Special Permit is an encroachment.

Mr. Wallace shares pictures of the property that show the foliage providing privacy between the applicants and the abutters that would help to cover the close proximity of the new accessory

apartment. Windows on the accessory apartment were minimized for the sake of the abutters. Joseph asks about the existing setback on the current deck. The accessory apartment would become more nonconforming than the deck.

Susan explains that the Special Permit is for the apartment and the Variance for the setback. The two play into each other; both must be accepted in order for this applicant to be given official permission.

Joseph motions to grant the Special Permit for the accessory apartment with the conditions set forth by the Board of Health to review the septic system and upgrade as necessary. Beth seconds. Susan, Linda, Kevin approve. Vote 5,0 opposed. Motion passes.

Linda motions to grant the Variance based upon the hardships of the topography. Joseph seconds. Susan, Beth, Kevin motion to approve. Vote 5,0 opposed. Motion passes.

New Business

**Case No. 15-04 Dale & Lori Brasseur
97 Forest Rd (Map 21 Lot 113)**

Request for a Variance to add a foyer to the front door entry and a 24'x24' garage.

Ron Laffley, the architecture, is asking for a minimum of a 10' setback. The foyer will meet the setback. Lot is a preexisting nonconforming property and has preexisting pavement that affects the placement of the foyer. There is a nonconforming side setback of 14'. Susan asks about making a smaller garage. Mr. Laffley explains that the garage holds "A car and a half" in order to hold a motorcycle in addition to a vehicle. They have compromised from a two car garage to a 1.5 to accommodate their needs with the requirements of the Board.

ABUTTERS

Justin Cole

95 Forest Road

Mr. Cole completely supports his neighbor's efforts and does not see as harmful to the neighborhood.

QUESTIONS FROM THE BOARD

Linda questions the size of the garage. Mr. Laffley explains the need for storage space as well as future use.

Susan asks if a single car garage would be conforming. It would not be. It also would not be practical as all of the storage would be outside.

Kevin asks if the garage went straight back, how far would they be from the property line? It would be at the original 2 car garage with a side setback of 4.8'.

Joseph asks how close any existing property on the right is. There is a septic system directly in that yard almost directly next to the property line. Garage can also not be in the back of the property.

Linda motions to grant the Variance for a side setback that should be 20' but will be 10' and the front setback due to the shape of the land. Kevin seconds. Susan, Joseph, Beth motion to approve. Vote 5,0 opposed. Motion passes.

Case No. 15-07 Sheryl M. Quinn
43 Commonwealth Ave (Map 36 Lot 64)

Request for a Special Permit to operate a hair salon as a home occupancy (after the fact.)

Sheryl M. Quinn needs a permit from the town to say that she has a business in town. She has had the business for 29 years. She has not been asked for this permit in the past.

ABUTTERS

Lisa Alexandra

37 Commonwealth Ave

This has not infringed on their neighborhood or parking. She finds the Quinn's to be wonderful neighbors who run a subtle business.

Steve Denahoo

45 Commonwealth Ave

He has never had an issue with the business.

QUESTIONS FROM THE BOARD

Linda asks about the signage and parking. It is in front of the house and run by word of mouth with no signage. She also asks about the reference to an apartment entry on the map. Mr. Quinn explains that the building inspector provided the drawing. Scott explains that an appraiser wanted to verify the legality of the basement. The Town did not have a special permit. Scott wanted to clarify the elements including the smoke detectors and that the record will clarify that this is a single family home. It will not be considered a single family home after the complete case. The drawing is from 1999. Everything in the drawing is currently existing. Beth asks if it is considered an apartment because there is a kitchen and everything in the basement. The daughter

exists in the basement and they do not use the basement as an apartment. The entries are from the side and from the deck in the rear. Patrons enter directly from the street.

Susan asks if the basement is really an accessory apartment. Mrs. Quinn explains that it has always been the immediate family in the house. Susan asks Scott that if this needs a Special Permit for an accessory apartment that it come before the Board again. Scott agrees and says that if their Special Permit is violated in some way or misused, it will be addressed. Susan asks if she has employees. Mrs. Quinn does not.

Kevin motions to grant the Special Permit as the applicant meets the requirements. Joseph seconds. Susan, Linda motion to approve. Beth motions to deny. Vote 4,1 opposed. Motion passes.

**Case No. 15-08 Louie R. & Leanne Lavoie
 9 Palis Drive (Map 10 Lot 254)**

Request for a Special Permit to construct an accessory apartment.

Ron Laffley, the architect, explains that they have met with the Health Officer who has approved the design of a single floor unit with a common entry way. This is not an in law apartment but an accessory apartment. The door connecting the two can be locked when nonfamily members live in the accessory apartment, and the garage door will not be used. They meet all the setbacks, square foot requirements, and it is designed to look like a single family home.

QUESTIONS FROM THE BOARD

Beth asks about setbacks. This is completely compliant, but an accessory apartment can only be granted by Special Permit. Does it put a limit on future tenants? Mr. Laffley explains that the common door is because of elderly parents needing to communicate within the house. There are two means of egress from the accessory apartment. One portion of the property must have the owner. Both spaces could not be rented out at one time.

Linda asks if this is disturbing the lot. This would be in the current backyard. The parking will be tandem. In the future, there is a reserved field that could be used to create a driveway leading to the rear of the house. This has been before the Board of Health and the septic is desirable. The Planning Board also approved the plan.

Joseph motions to approve the Special Permit acknowledging the Planning Board approved without restriction. Beth seconds. Susan, Kevin, Linda motion to approve. Vote 5,0 opposed. Motion passes.

Minutes

May 26th, 2015

Beth motions to approve the minutes of May 26th, 2015. Linda seconds the motion. Susan, Joseph vote to approve the minutes. 5,0.

Correspondence

CHAPA: 111 Beach Road

They cannot get in contact with the original contractor. Scott explains that the original contractor may have dissolved the company that began the process. Beth asks if they can inforce the production of the records. Scott explains the records are probably long destroyed and he probably earned more than he should have so he owes the town money. Susan asks if the town has any legal recourse. Scott has brought this to Neil Harrington's attention and they are waiting to hear from him.

Kopelman and Paige: Mario Iannuccillo, Jr., Trustee v. Salisbury Zoning Board of Appeal, et al.

The case has been in existence since 1997. It has closed and the case was found in the Board's favor.

Adjourn

Beth motions to adjourn. Joseph seconds. Susan, Kevin, Linda motion to approve. Vote 5,0 opposed. Motion passes.

Date: _____

Susan Pawlisheck—Chairperson

Derek DePetrillo – Clerk

Kevin Henderson

Beth Gandelman

Linda Tremblay

Joseph Stucker

Respectfully submitted by Catherine Scott

Catherine Scott

Date