

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

August 12th, 2014
7:00 P.M.

MINUTES

Members Present:

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

New Business

Case No. 14-14 & 14-15

Town of Salisbury

175 Beach Rd (Map 82 Lot 5)

Request for a Special Permit and a Variance to demolish the existing Water Department office structure and associated covered storage garage and construct a new Police Station, with an associated storage shed and surface parking lot, with a roof that will not exceed the height restriction of the BC District.

3 member board.

Due to Susan and Beth being direct abutters to 175 Beach Rd, they must recuse themselves. The ZBA does not have quorum to hear this case and thus 14-14 and 14-15 will be continued until the ZBA can obtain quorum.

Case No. 14-17

James & Susan Crooks

16 CCC Rd (Map 24 Lot 74)

Request for a Variance to construct a new 2-story single family home that does not meet the frontage setback.

5 member board.

The applicant is requesting a variance to construct a new 2-story home on a parcel of land; 150' of frontage is needed, the lot has 62.5' of frontage. In order to grant a variance certain conditions must be met; what is the hardship? Substantial hardship does not include needing a place to live, substantial hardship includes soil conditions, shape of the lot, topography of the lot, and size of the lot. Hardship is based on things outside of the applicant's control.

Scott Vandewalle suggested to the Board that he meet with the applicant and go over the application that was submitted.

Beth made a motion to continue 16 CCC Rd until September 9th. Derek seconded the motion. Susan, Kevin, Derek, Linda and Beth voted in favor of continuing the petition for a Variance. Vote, 5 in favor, 0 opposed.

Motion passes.

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 new single family home on a pre-existing non-conforming lot.

5 member board.

The applicant is requesting a Finding to raze an existing trailer home on a lot yet to be purchased. The lot is a little less than half an acre in size. The lot has 84.27' of frontage (as assessed by Millennium Engineering). The Assessor's office shows the lot having 103' of frontage (paper street). The current trailer home does not meet the side setbacks while the proposed new home will meet all of the zoning setbacks. Susan asked if this is actually a Finding or actually a Variance? Scott suggested meeting with the homeowner and determining what is appropriate, a Finding or a Variance.

Derek made a motion to continue 14 March Rd until September 9th. Beth seconded the motion. Susan, Kevin, Derek, Linda and Beth voted in favor of continuing the petition for a Finding. Vote, 5 in favor, 0 opposed.

Motion passes.

Minutes

July 22nd, 2014: **Derek made a motion to approve the minutes of July 22nd, 2014. Beth seconded the motion. Susan, Kevin, Derek, Linda and Beth voted in favor of approving the minutes. Vote, 5 in favor, 0 opposed.**

Motion passes.

June 24th, 2014: **Kevin made a motion to approve the minutes of June 24th, 2014. Derek seconded the motion. Susan, Kevin, Derek, Linda and Beth voted in favor of approving the minutes. Vote, 5 in favor, 0 opposed.**

Motion passes.

Correspondence

None.

Discussion about Police Station:

Ch. 40A governs the Zoning Board of Appeals. Section 9 deals with Special Permits. Scott read from Section 9.

The special permit granting authority shall hold a public hearing, for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application; provided, however, that a city council having more than five members designated to act upon such application may appoint a committee of such council to hold the public hearing. The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action, may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the city or town clerk. A special permit issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five

member board, and a unanimous vote of a three member board.

The Building Dept will draft an agreement in order to continue beyond the 65 days due to the lack of quorum – this will hopefully allow for more time to find two more ZBA members. Susan stated that she does not want the application to be approved simply by default, that the people of the Town of Salisbury deserve the time to voice their opinions in a public meeting.

Motion to adjourn from Derek.

Second from Beth.

Vote, 5 in favor, 0 opposed.

Date: _____

Susan Pawlisheck - Chair

Derek DePetrillo - Clerk

Kevin Henderson

Beth Gandelman

Linda Tremblay

Respectfully submitted by Jessica Mullen:

Jessica Mullen

Date