



**TOWN OF SALISBURY**  
*Office of the Board of Appeals*  
Colchester Room, Town Hall 5 Beach Road

**MEETING MINUTES – PUBLIC HEARING**

**Hearing Date: May 22, 2018 @ 7:00 pm**

**Members Present:** Susan Pawlisheck (Chairperson), Derek DePetrillo (Secretary), Linda

**Additional Persons Present:** Scott Vandewalle, Zoning Officer/Building (Inspector)

(Chair) person Pawlisheck called the meeting to order @ 7:00 pm.

**1. NEW PUBLIC HEARINGS**

- 1. Case No. 18-10 Petition for Relief by Variance:** regarding splitting a lot into two separate lots and building two single family homes.

**Address:** 42 Commonwealth Ave.

**Applicant:** Raymond and Donna Champagne

(Mr. Raymond Champagne), applicant, approaches the podium to give current information on the 42 Commonwealth Ave. location. Stating it is a single lot containing a two family structure. He wishes to split the lot into (2) separate lots and build (2) single family homes.

(Mr. Champagne) states the assessor and the building inspector did some research to determine that it indeed was a legal two family. The two family home now rests completely on the front location, Lot 44 at 42 Commonwealth Avenue. He continues that at one time the land was (2) separate distinct lots; some sort of ruling erased the line, so to speak and made them common ownership.

(Chair) asks Mr. Champagne to please explain to the Board what he exactly wants to do, rather than all the circumstances.

(Mr. Champagne) responds that he wants to demolish the (2) family home and separate the (2) uses by putting them onto (2) separate lots. He also wants to re-establish the line that was taken away. Mr. Champagne refers to a handout which shows a line between 2 separate lots.

**(Chair)** states that when you separate the two lots, they become (2) nonconforming lots. Are they nonconforming by area? **(Mr. Champagne)** replies yes.

**(Mr. Champagne)** states he would like to take the nonconformity of the two families house which encroaches on setbacks , front yard, and side yard and demolish that and propose 2 new single family homes. He would not be seeking any variances for side, front yards or parking. The new homes would conform 100 percent to current zoning.

**(Chair)** states except for lot coverage and size.

**(Mr. Champagne)** states the building size would conform to the setbacks, there would be off the street parking for 2 cars per unit. He will be going to the Conservation Board, planning to tear up all the hot top and conform to all of the regulations.

**(Chair)** asks while speaking to the Building Inspector, was there a conversation about going to the Planning Board to have this lot subdivided?

**(Mr. Champagne)** replied No; he was under the impression that it was under the Building Inspector's jurisdiction for a one and two family,

**(Chair)** begins discussion on Zoning Board jurisdiction/authority over the division of the lot. The Zoning Board does not have the authority to split a lot.

Historically the Board has not been able to grant anything that would divide the ownership of a lot because it's not in our purview to do so.

**(Inspector)** states he can provide a bit of clarification of Chapter 48. It has been a basic tenet of Zoning that anytime two undersized lots are in common contiguous ownership, they are automatically combined in order to make the lot more conforming. So that's how they were joined somewhere deep in the past. Also, the Planning Board can subdivide it under an ANR but they do not have to consider lot coverage.

**(Chair)** states this could turn into a two-step process.

**(Mr. Champagne)** states he was not aware he would have to go to the Planning Board also. He states his other option is to leave it as one lot, tear the house down and build two separate houses on one lot.

**(Chair)** confirms the applicant understands the two step process. If you want the Board to look at the proposal of putting two houses on the lot as it stands and the variances required to accommodate that, we're happy to hear that portion of it, but the part that splits the land into we can't do.

**(Inspector)** states that concerning the Planning Board, as long as he has the frontage, which he does, there will not be any opposition.

**(Mr. Henderson and Mr. DePetrillo)** discuss the way the deeds were drawn up; and what may be registered at the Registry of Deeds.

**(Chair)** asks if they need to go before the Planning Board if separate buildings were built on each piece of land?

**(Ms. Lisa Pearson, Planning Director)** states that if the question pertains to the plan presented to her just now, it is a pre-existing land court lot therefore, they would not have to come back to the Planning Board, as it has been done in land court already. The actual 'line' has not been erased.

**(Chair)** asks if any abutters? None

**(Chair)** asks if any questions from the Board. **(Ms. Tremblay)** asks clarification if Mr. Champagne has designed the house yet?

**(Mr. Champagne)** responds no; only the footprint presented in the package.

**MOTION:** Mr. Stucker made a motion to grant the finding for Lot 44 and a variance on Lot 4 on the grounds that it becomes less non-conforming and it is not significantly more detrimental to the neighborhood. The hardship is the lot size. **Mr. DePetrillo** seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Henderson and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally. (5-0)

**2. Case No. 18-11 Petition for Relief by Variance:** regarding a front yard setback.

**Address:** 110 Elm Street

**Applicant:** Christopher DeLuca

**Brian Knowles**, representing the applicant approaches the podium. He states the applicant is proposing to remove an existing (2) family residential dwelling on Elm Street and replace it with an approximate 1500 square foot one story commercial use building. The current building is 24 and a half feet off the front sidelines; the proposed building would be 26 feet off.

**(Chair)** confirms the intent of the case is to knock down the current rental building and put a commercial building there, it needs to be 50 feet back from the. **(Mr. Knowles)** responds that in looking at other buildings in the area, they are less than 50 feet also such as Chris' Auto is 22 feet off, the bait shop off by 15, etc.

**(Chair)** asks what is the reason that you can't move it further back? **(Mr. Knowles)** responds that it could be moved back but then it would start encroaching into the buffer zone in the wetlands. The applicant is trying to keep everything close to where the existing building is now.

**(Mr. Stucker)** questions the 'boxes' in the back (on the presented plan) as being parking spots?

**(Mr. Knowles)** replied they are existing boat storage slips that were permitted about 10-15 years ago.

(Chair) requests that the buffer zone be pointed out to the Board from the plans. (Mr. Knowles) points this out and explains the applicant is trying to maintain a certain setback, the softer side of 40 feet so it can hold parking along that line as well as an access out. The 40 feet would also keep it away from the existing bait shop and garage. (Mr. Henderson) explains you cannot build on the same footprint without a variance; (Mr. Knowles) stated the applicant tried to rehab the existing building but too far gone. (Inspector) explains that applicant has the right to build within (2) years. This right refers to one and two family homes only. (Mr. Knowles) states the required setback is 50 feet so the applicant is looking for a variance of 26 feet. (Inspector) states that since it is a change of use, they will need a variance from the setback. (Ms. Tremblay) asks the intended use. (Mr. Knowles) replies a car rental building/business. (Chair) asks if any abutters? None.

**MOTION:** Mr. DePetrillo made a motion to grant the variance. The hardship is the size of the wetlands on the property and layout location. Mr. Henderson seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Stucker and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally. (5-0)

**3. (Continued) Case No. 18-14 Major Modification** to a Comprehensive Permit (40B) originally granted to 54 Beach Road LLC in 2008.

**Address:** 54 Beach Road

**Applicant:** 54 Beach Road LLC

Applicant (Mr. Paquette) approaches the podium and explains the background of the 54 Beach Road Project. The project was first approved in 2008 and after many years it was finished about two years ago. He explained the two lots in question; one home is 56 Beach Road and the other is 60 Beach Road; both are part of the front parcel. These two front commercial lots were left out of the development originally. Conversations have been held with the homeowners of the Sheffield Village Association who are very much opposed to any commercial development. The Board of Selectmen were approached and we requested to modify the existing approval to instead of commercial development, add additional townhouse units on the two front lots. This is what we are proposing here tonight. Tonight we have filed a complete application copies of which have gone to the different departments for review. The drainage design for the six proposed units on the 60 Beach Road lot have already been taken into consideration with the sizing of this space. We have proven by drainage design that the existing

drainage structures will more than accommodate a drainage system for the six units on this lot. Plans have been submitted for the 56 Beach Road lot.

**(Mr. Paquette)** continues to outline the benefits of building the new residential units as opposed to commercial use. A concern was visitor parking, to which he has proposed more parking in the plans; a total of (6) additional. There will be additional signage and entry landscaping at the entrance. Mr. Paquette has received letters of support from the Selectmen to modify the application and support from the Sheffield Village Condo Board.

**(Mr. Paquette)** states he is looking for a waiver in the Table of Use regulations to build a multifamily in the existing zone.

**(Chair)** confirms the percent affordable units? The original project required 8, the additional building will add 3 more.

The following abutters approached the podium:

**Abutter 1: Mary McGhee, 62 Beach Road;** next to #60. Her concerns are privacy, sunlight being blocked to her backyard as the 6 units will back up to her. Would there be any fence or tree line for separation as the new buildings are exactly 25 feet from her property line.

**Abutter 2: Jeannette Lazarus, Sawyer Lane,** Trustee at Sawyer Village. Light pollution -Residents have concerns about more light into the back of the Sawyer Lane development. Car lights now shine in residents windows when parking; lamp post light also shines on the back property of Sawyer Lane. Car lights go in their windows. Need to block light in back there. **Abutter 3: Grace Marchese, 50 Beach Road,** her home abuts the new project. Her main concerns are what the traffic will be like, (3) level homes among mostly (1) level. What will the frontage be?

**(Mr. Paquette)** responds that he will talk to the abutters individually and get their phone numbers tonight.

**Resident: MaryAnn Fitzgerald, 5 Mudnock Road** Would like to see elevational street drawings. She would like to envision a view from the street to see if it is an enhancement to the area/street. It is her opinion that the current Sheffield Village seems void of pleasure to look at.

**(Mr. Paquette)** will have elevation plans for the next meeting.

**Resident: Susan Allison.** She is not an abutter. Questions if the Board checks the engineering calculations concerning drainage?

**(Chair)** responds that the Town has an independent review with an engineer who looks at all the plans.

**Abutter 4: 45 Beach Road resident.** Comments on how close to the road the buildings will be and ask to make them more appealing from the street.

**Abutter 5: Robert Road resident.** Asks for clarification on the whole project. His concern is with noise and that there is only one entrance.

**Lisa Pearson, Planning Director** explains the 40B housing. The Town has exceeded the 10 percent as required so this review process is a little bit different than the 40 B's that have been reviewed in the past. This creates a lot more negotiation that can happen between the Board and developer.

(Ms. Pearson) states that the Town and departments have the same concerns as those stated by the abutters. The various departments will look at privacy and architectural concerns; actually all concerns of the neighbors. The Town will want additional benefits from this project and can negotiate more with the developer. She will work with DHCD in Boston and the Board.

(Mr. Paquette) inquires as to how long will it take for the different departments to review the new plans?

(Inspector) and (Ms. Pearson) – both agree within 30 days.

(Chair) and the Board discuss the future schedule and agreement is made for the next meeting to be on July 10, 2018.

(Chair) advises the Board to set up a site visit before the next meeting. Ms. Pearson or her staff can accommodate them.

**MOTION:** Mr. Stucker made a motion to continue this case to July 10, 2018 for purposes of receiving comments and feedback from all Department Heads and to allow time for a site walkthrough and engineer review of the plans. Mr.DePetrillo seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Henderson and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally. (5-0)

**A. Minutes**

NONE

**B. Correspondence and Other Board Business**

None

**C. Items Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting**

None

**Motion** for adjournment was made by Mr. DePetrillo and approved by a 5-0 vote. Meeting is adjourned at 8:35 pm.

- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**Next Public Hearing: June 12, 2018**

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the July 10, 2018, meeting of the Zoning Board of Appeals.

Accepted as Presented;

A handwritten signature in cursive script that reads "Susan M. Pawlisheck".

Chairperson Susan Pawlisheck

Cc: Town Clerk

