



Town of Salisbury  
Zoning Board of Appeals Hearing  
Colchester Room @ Town Hall, 5 Beach Rd

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: July 24, 2018 @ 7:00 pm**

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

**Member (s) Absent:** Joseph Stucker

**Additional Persons Present:** Scott Vandewalle, Zoning Officer/Building (Inspector), Lisa Pearson, Planning Director (L. Pearson)

(Chair) person Pawlisheck called the meeting to order @ 7:05 pm.

**1) New Public Hearings**

- A. **Case No. 18-18 Petition for Relief – Finding by Special Permit:** regarding a change to "Use Regulations" under Salisbury Zoning Bylaw Section 300-9.

**Address:** 92 Main Street

Map 12, Lot 48

**Applicant:** EDM Construction

(Chair) discusses the voting differences between a four and five member board. She continues to explain that the applicant has an opportunity to decide not to move forward in the event that you don't want to be heard by a four member board and you would prefer to be heard by the five member board which would not be until possible late August. **Applicant Jackie Magill** responds she will proceed and introduces herself as the President of EDM Construction. She continues to explain the company background and states she has plans to expand the manufacturing component. The building at 92 Main Street is in the commercial zone and allows for auto body repair service, among other uses; which uses similar tools her company would use (i.e. painting, torch, chemicals) which are all permissible. All storage will be hidden, fence around the property, products are loaded either on the side or in the back. (Ms. Magill) gives the members more pictures for review; some of the current building in Merrimac and its' proximity to neighbors. The current company has been there since 2006. To address concerns, she states there have been no issues with police, gasses or fumes. There are approximately 30 employees currently. The type of company is not changing; it would just be an expansion. Management and staff have doubled. The company was a \$3-\$5million company in sales; it is now doing \$10million.

**(Ms. Tremblay)** states a concern with the storage of materials on the property and what can be viewed from the street. She states it seems more agricultural in that part of town. **(Ms. Magill)** responds that all will be kept out of view.

**(L. Pearson)** approaches the podium and explains that this land is town owned and it is zoned as commercial. Bids and proposals were received for the property. There was discussion and communication with the Board of Selectmen.

**(L. Pearson)** continues that it was believed that this business was product assembly—similar to other businesses in this zone. After review by the **(Inspector)** it was determined that they use product assembly, but not the town's definition. **(Inspector)** stated in a letter, that his determination was light industry. **(L. Pearson)** mentions other similar businesses in that area allowed within the commercial district.

**(Chair)** asks for abutter(s) in audience.

**Abutter #1: Mr. Robert Bartlett** is the owner of a farm on the south end and west side of the school house (92 Main Street). Mr. Bartlett states concern about the type of building that would be erected in the neighborhood. He has not seen a plan as of yet.

**(L. Pearson)** explains that only a preliminary design was done and then stopped, because of this zoning issue.

**(Chair)** responds that the Planning Board works on the type of building and meeting compliance in the neighborhood, etc. after the zoning approval.

**Abutter #2: Drew Dana**, 90 Main Street; is east of 92 Main Street. Mr. Dana is concerned with the frequency of deliveries and any noise associated with this business. His wife owns a day spa and they also live on the premises.

**(Ms. Magill)** responds that her business is less restrictive; it is not any different from an auto body shop or car wash; most activity is inside the building.

**Abutter #3: Donna Bartlett**, requests an answer as to how loud it will be during working hours.

**(Ms. Magill)** responds that there may be noise from a fork lift when loading a truck. There will be times there will be noise as it is a commercial zone. All welding and compressors are electric and are inside the building.

**Mr. Dana** asked for the working hours? **(Ms. Magill):** 7AM to 5PM, Monday through Friday.

**(Chair):** wants to confirm there is no loading of trucks in the morning. **(Ms. Magill)** responds that may happen sometime but it is not a normal operating procedure.

**(Chair)** summarizes to the Board the different thoughts of the Town, the Planning Board and the Building Inspector. The Planning Board and Town believed the use was product assembly. The Building Inspector determined the use was light industry after observation at the current building in Merrimac.

(Chair) explained the Board will decide if the business is light industry or product assembly. The Board needs to determine if this business is a permitted use in this district or not.

**MOTION:** (Chair) Susan Pawlisheck made a motion to determine that the use of EDM Construction is a permitted use under the current table of use; it is a product assembly use. Mr. DePetrillo seconds the motion. Mr. Henderson and Ms. Tremblay oppose the motion.

**VOTES:** Ms. Pawlisheck and Mr. DePetrillo vote in favor of the motion. . Mr. Henderson and Ms. Tremblay oppose the motion. The motion fails. (2) votes in favor, (2) votes opposed. All members express their vote verbally.

## **2. Continued Public Hearings**

- A. Case No. 18-14 Major Modification** to a Comprehensive Permit (40B) originally granted to 54 Beach Road LLC in 2008. (As agreed upon by the Developer and the Board)

**Address:** 54 Beach Road

**Map 4, Lot 92**

**Applicant:** 54 Beach Road LLC

(Chair) makes a request to the Board to continue **Case No. 18-14**, 54 Beach Road to the August 14, 2018 ZBA Meeting.

**MOTION:** Mr. DePetrillo made a motion to continue Case No. 18-14, 54 Beach Road to the August 14<sup>th</sup> meeting. Mr. Henderson seconds the motion. All Board members vote in favor of the motion. (4-0) and express their vote verbally.

### **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

**D. Adjournment**

**Motion** for adjournment was made by Mr. DePetrillo, Mr. Henderson seconds and approved by a 4-0 vote. Meeting is adjourned at 7:50 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 Scheduled Public Hearing: August 14, 2018**

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the August 28, 2018, meeting of the Zoning Board of Appeals.

Accepted as Presented;

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

Susan Pawlisheck, Chairperson

CC: Town Clerk