



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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: September 25, 2018 @ 7:00 pm**

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

**Member (s) Absent:** None

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

**(Chair)** person Pawlisheck called the meeting to order @ 7:05 pm. 29 minutes

**1. New Public Hearings**

**Case No. 18-20 Petition for Relief by Special Permit:** regarding the creation of a hidden storage facility on a portion of the property.

**Address: 28 Rabbit Road Map 10, Lot 94-108, 111-117, 123-124**

**Applicant: ZAP Development LLC**

**(Attorney Brian Winner)**, from Mead, Talerman and Costa, LLC approaches the podium representing the applicant David Pearson of ZAP Development, who is present, along with Eric Botterman from Millennium Engineering.

**(Mr. Winner)** explains the application itself and the legal framework. He states that under the table of uses, there is a use called hidden storage and that town meeting allowed this in this district. There does not seem to be a definition of hidden storage. He explains it as an overflow lot. The applicant's operation is elsewhere, outside of Salisbury but a site is needed to store materials and some equipment. **(Mr. Winner)** explains the 7 criteria for a special permit under Zoning Bylaw 300-35. He describes the surrounding property uses such as boat storage, solar, residential, etc. He states the applicant's use would fit in nicely. **(Mr. Winner)** continues to explain that pedestrian safety is not a concern as there is not much traffic. A truck may come in one day and not leave for awhile as things are dropped off and picked up at a later time. There is no use for public utility services or water or sewer. ZAP Development will be filing with the Conservation Board later concerning storm water.

(Mr. Winner) states that there are no special conditions or regulations for use and the proposed use will not be detrimental to the neighborhood and it is consistent with uses of adjacent properties.

(Mr. Botterman) approaches the podium; he is the engineer for the project. (Mr. Botterman) explains the proposed site; it abuts a solar farm, and is approximately 14 acres made up of numerous lots. The house at 28 Rabbit road is on a (1) acre lot. This new project will use about 6 acres; the rest will remain as a separate parcel which is mostly wetlands.

(Mr. Botterman) then presents a plan drawing which shows the 6 acres being used and a design of the area. He explains the access will remain the same and will be gravel. The applicant still has to go before both conservation and planning.

(Mr. Botterman) states an important feature to know is that a landscape architect was hired, K. Turner from Newburyport. Ms. Turner has developed a landscaping plan which Mr. Botterman shows to the Board. He shows the planned landscaping along Learned Lane and Denrael Drive in the rear of the property. This is part of the buffering system to block views. (Mr. Botterman hands out copies to the Board).

(Mr. Stucker) questions a double line along the right side perimeter. (Mr. Botterman) explains that this is elevation of water draining.

(Mr. Henderson) asks exactly what hidden storage is. (Mr. Betterment) states it is not really defined but is storage that is hidden from the road and surrounding properties.

(Mr. Winner) also states it is not really defined. He reads aloud the definition and explanation listed under the by-law.

Applicant (Mr. Pearson) describes his demolition business to the Board. They have a need to store equipment and materials in between jobs. He explains the different types of things that would be stored. He explains it is very expensive to move equipment. His equipment could sit there for weeks or months; so not a lot of traffic will go in and out of the storage area.

(Chair) inquired about the height of the 18 wheelers and will the screening make sure it is not visible to neighbors on the other side.

(Mr. Botterman) states that the plantings would take this into account. Big trees would be planted and there are existing trees there. They will block the sight completely.

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**(Ms. Tremblay)** inquires if there will be any structure at all? Or any future structures?

**(Mr. Pearson)** replies no.

Abutters:

**Mr. Paul Costa**, 22 Rabbit Road. Mr. Costa states his main concern is that all storage remains hidden. He states he does not want to see a debris pile as he lives about 50 feet from the boundary line. He is hoping there is no traffic noise or hazardous materials.

**(Chair)** responds that it is a requirement that all materials are hidden; it is part of the bylaw.

**(Chair)** asks the applicant if he lives at 28 Rabbit Road. **(Mr. Pearson)** responds that the home is currently not lived in. His son intends to renovate and move there in the future.

**(Chair)** confirms that trucks will enter the property at side of the house. Is there shielding between 28 Rabbit Road and the storage.

**(Mr. Botterman)** confirms there are all kinds of landscaping there.

**(Mr. Henderson)** inquires what the bulk of the storage is.

**(Mr. Pearson)** explains the storage would mostly be attachments for excavators, the weights themselves plus shears and pulverizers. Once taken off the machine, they would stay at the storage.

**(Mr. DePetrillo)** inquired about the time of day that things are moved. **(Mr. Pearson)** replied later in the day; not at busy times.

**(Mr. Pearson)** explained that no nuisance materials would be stored; trash is segregated and there is nothing hazardous.

**(Mr. Henderson)** noted concern about highly stacked condex boxes; Mr. Pearson replies there is no intention to do that.

**(Mr. Pearson)** states that he spoke to abutters Mr. Weis and Mr. Knight who told them they did not have a problem with the plan. Neither abutter attended tonight.

**(Ms. Tremblay)** asks if this will be an attraction to kids.

**(Mr. Pearson)** replies the area is fenced, and has much shrubbery and wetlands.

**(Mr. Botterman)** replies there is a fence at the solar farm, the wetlands are thick and there is a secured gate at the entryway.

**MOTION:** Mr. Stucker made a motion to grant the appeal to Case 18-20 for 28 Rabbit Road, Applicant ZAP Development LLC seeking relief under a Special Permit regarding the creation of a hidden storage facility on a portion of the property. Ms. Tremblay seconds the motion.

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

**A. Minutes**

**August 14, 2018** meeting minutes needed to be approved and then signed by the (Chair).

Mr. Stucker makes a motion to accept the minutes; Mr. DePetrillo seconds. Minutes approved by all Board Members.

**August 28, 2018** meeting minutes needed to be approved and then signed by the (Chair).

Mr. Henderson makes a motion to accept the minutes; Mr. DePetrillo seconds. Minutes approved by all Board Members.

**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. Stucker seconds and approved by a 5-0 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: October 9, 2018**

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the September 25, 2018, meeting of the Zoning Board of Appeals.

Accepted as Presented;



Chairperson Susan Pawlischeck

Cc: Town Clerk