



TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd

MEETING MINUTES- PUBLIC HEARING

Hearing Date: November 13, 2018 @ 7:00 pm

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

Member (s) Absent: None

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

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

(Chair) explains to the applicant that there is only a (4) member board as Mr. Stucker has recused himself from this case. Therefore the decision has to be unanimous. **(Mr. Stucker)** states he is recusing himself from this case and steps down from the dais.

1. New Public Hearings

Case No. 18-24 Petition for Relief- Finding (by Special Permit): regarding removing existing structures and replace the same square footage with new residential construction in a commercial zone.

Address: 33 Elm Street

Map 2, Lot 46

Applicant: Ray Pike

Applicant (Mr. Pike) approaches the podium and explains the current property has a breezeway connecting the house to a garage and an out building. It has been demolished by neglect and snow over the last 14 years. The Health and Building Departments have asked him to get rid of it. His plan has been approved by Conservation.

(Mr. Pike) explains that once the buildings are down to ground level, the land will be left cleared until the house is ready to build. He has presented a sketch although he is not sure what exactly will be built as this won't happen for a few years; it will be residential upstairs.

(Chair) confirms he is not ready to build yet and inquires if he is preserving the right for the same square footage by coming before the Board now?

(Inspector) states a special permit is good for 2 years.

(Chair) asks if the applicant would have to build within the 2 years or how long does the right exists.

(Inspector) states the special permit is good for (2) years. A permit will have to be pulled to begin to execute whatever the special permit granted him to do within that 2 year period or he would need to ask for a continuance.

(Mr. Henderson) confirms the job has to be started within a 2 year period.

(Inspector) confirms the applicant has to act upon whatever he/she has been conveyed by the special permit. He continues to explain that if this was a residential use, the applicant could preserve it for (2) years after taking it down. Commercial lacks that.

(Mr. DePetrillo) inquires if the Board were to grant this, are there limitations on what can be done?

(Inspector) states that currently the structure is non-conforming primarily due to setbacks. If he tore it down as a commercial use, he could not put it back in that spot; it would have to be moved to the left. Mr. Pike is attempting to preserve his rights to keep it there for a length of time and let the finding run its' course.

(Chair) asks the current use?

(Mr. Pike) explains the property has been abandoned since the mid-90's. The last use was residential. The setback issue is the frontage setback, plenty on both sides.

(Inspector) states he may not have 50 feet on the back house but that's not going anywhere, but the structure behind is more than 50 feet back.

(Inspector) confirms the main house not going anywhere; just the breezeway and barn behind it is going.

(Mr. Pike) confirms the new location would keep the same setback as the main house. The new construction would be further away from the wetlands and from the neighbor on the west side.

(Ms. Tremblay) confirms the applicant wants to preserve the right to build what is in red on the plan. **(Mr. Pike)** confirms: yes. **(Mr. Pike)** continues to explain that the intent is to take the existing house and make another one like it and connect it through the breezeway to the old house. His first job is to get the mess out of there; which will take a year.

(Chair) states the only non-conformity is the front setback; the applicant is reserving the right for a commercial use.

(Inspector) confirms that since the property is connected the existing rights are preserved for another 2 years. It is a mix of commercial and residential.

(Chair) states that Mr. Pike has made no suggestion of any commercial use and if he is contemplating it?

(Mr. Pike) states there may be commercial on the first floor and residential upstairs.

(Chair) states that he is before the Board right now just for clearing the land and preserving his right to use. (Chair) inquires if applicant has to come back before the Board once the design is final or has the Board given him the right to build?

(Inspector) confirms applicant is just asking for a finding which the Zoning Board ordinarily grants for an extension or expansion of an existing non-conformity. (Inspector) refers to the sketches that were submitted with the application for more information.

(Mr. DePetrillo) states a decision should be made on the proposed plans and the applicant will come back for a building permit. (Inspector) confirms within (2) years.

(Mr. Henderson) states if anything changes from the proposed plan the applicant would have to come back to the Zoning Board.

MOTION: Mr. Henderson made a motion to grant the finding as the project is not more detrimental to the neighborhood with the condition that the applicant does not exceed from the proposed dimensions in the submitted plans. Mr. DePetrillo suggests applicant does not *DEVIATE* from the proposed dimensions. Mr. DePetrillo seconds the motion.

VOTES: Ms. Pawlisheck and Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote individually and verbally. (4-0)

2. **No. 18-25 Petition for Relief- Special Permit:** regarding the addition of (1) boat to the current Special Permit which currently allows (2) boats for display on the property.

Address: 91 Bridge Road

Map 15, Lot 20

Applicant: Lloyd Reynolds, Jr.

(Mr. Stucker) rejoins the Board.

(Mr. Fortier and Ms. Unger) from South Port Marine approach the podium and state that the company has picked up another boat line. The company wishes to amend the previous special permit so that there can be (3) boats on display at all times.

(Chair) states the parking lot there looks like it is getting tight.

(Mr. Fortier) states the company has been renting there for three years now and has never utilized all of the parking lot. Larger vessels are not kept there and with the addition of another boat space it will alleviate the process of moving the boats constantly; all 3 would be on display at once.

(Chair) states she does not remember what the parking conditions were in the last permit. (Mr. Fortier) states that random people park there and there are other tenants at that address. He does not recall any parking conditions in the prior permit. (Mr. DePetrillo) inquired if it is always the same 3 boats on display? (Mr. Fortier) explained they could change every couple of weeks. (Chair) states the permit is not for boat storage, it for display.

MOTION: Mr. Stucker made a motion to grant the petition for relief by special permit which adds one boat to the current special permit which currently allows for two (2) boats. Mr. Henderson seconds the motion.

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

A. Minutes

October 9, 2018 meeting minutes needed to be approved and then signed by the (Chair).

Mr. Stucker makes a motion to accept the minutes; Mr. Henderson seconds. Minutes approved by all Board Members except Linda Tremblay who was not present.

October 23, 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 except Linda Tremblay who was not present.

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, Mr. Stucker seconds and approved by a 4-0 vote. Meeting is adjourned at 7:43 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: November 27, 2018

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the December 11, 2018, meeting of the Zoning Board of Appeals.

Accepted as Presented;

A handwritten signature in black ink, reading "Susan M. Pawlisheck". The signature is written in a cursive, flowing style.

Chairperson Susan Pawlisheck

Cc: Town Clerk