



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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: January 25, 2022 @ 7:00 pm**

**Members Present:** Derek DePetrillo (Chair), John Schillizzi (Vice Chair), Drew Dana and C.J. Fitzwater (Alternate)

**Additional Persons Present:** Scott Vandewalle, Building/Zoning Commissioner and Kate White ZBA Admin

Derek DePetrillo called the meeting to order at 7:00pm.

**New Public Hearing**

**Case No. 22-000001 Petition for Relief – Finding** to request to allow for the extension/alteration of a pre-existing, non-conforming structure and/or lot to raze and reconstruct single family home.

**Address:** 9 12<sup>th</sup> Street

**Map:** 35, **Lot:** 82

**Applicant(s):** Douglas Deschenes of Finneran & Nicholson, P.C.

Representing the applicant is Attorney Douglas Deschenes of Finneran & Nicholson and Matthew Steinel from Millennium Engineering. The applicants are seeking to raze the pre-existing, non-conforming single-family home on the pre-existing, non-conforming lot at 19 12th Street and construct a new single-family home on the lot. The lot itself is pre-existing, non-conforming as to lot area; the lot is 7,501 square feet where 10,890 square foot is required. The existing dwelling is pre-existing, non-conforming as to the front and side yard setbacks; 2.8ft and 9.1ft respectively where 20ft and 10ft are required. The proposed new home would be non-conforming only as to the front yard setback, which is being increased (non-conformity being decreased), to 5.5ft the side yard setback non-conformity will be eliminated. No change of use is proposed.

**MOTION:** Mr. Dana makes a motion to approve the request for a Finding for Case No. 22-000001 at 9 12<sup>th</sup> St the requested use and/or structure will not be substantially more detrimental to the neighborhood. Mr. Schillizzi seconds the motion.

**VOTES:** Mr. Schillizzi, Mr. Dana, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed. Motion carries unanimously.

### **New Business**

**Case No. 19-11 Petition for Relief – Finding** to request to allow for the extension/alteration of a pre-existing, non-conforming structure and/or lot to raze the existing three-family dwelling and replace with two-family dwelling.

**Address:** 187 Atlantic Ave

**Map:** 31, **Lot:** 34

**Applicant(s):** Northeast Properties & Investments, LLC

By a decision filed with the Salisbury Town Clerk on August 16, 2019, the Town of Salisbury Zoning Board of Appeals (the “Board”) voted to deny the Application of the Applicant for a finding pursuant to Section 300-21B of the Town’s Zoning Bylaw relative to the Property. Specifically, the Applicant seeks to raze the existing three-family dwelling on the Property and replace that dwelling with a new two-family dwelling.

The Applicant appealed the Board’s decision denying its Application in the action known as Northeast Properties and Investments, LLC v. Town of Salisbury Zoning Board of Appeals, et. al, Essex Superior Court, Docket Number 1977 CV 01264 (the “Action”). On or about May 13, 2020, the Court in the Action issued a Remand Order remanding the matter back to the Board to hold remand public hearing. The Board filed its decision after remand, again denying the Application, with the Salisbury Town Clerk on July 15, 2020.

The final version of the plan submitted by the Applicant in support of its Application is entitled “A Proposed Residential Structure,” prepared by Millennium Engineering, Inc and dated January 23, 2019, revised July 24, 2019 (the “Plan”).

The Applicant moved for summary judgment in the Action and the Board opposed that motion. On December 8, 2021, the Court in the Action issued a Judgment annulling the Board’s decision and ordering that, “the requested Finding is to be issued by the Defendant Salisbury Zoning Board of Appeals.”

**MOTION:** Mr. Dana makes a motion, as directed by the Court; to approve the request for a Finding for Case No. 19-11 at 187 Atlantic Ave, as the proposed two-family dwelling, replacing the existing three-family dwelling will not be substantially more detrimental to the neighborhood. Mr. Schillizzi seconds the motion.

**VOTES:** Mr. Schillizzi, Mr. Dana, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed. Motion carries unanimously.

### **Minutes**

December 14, 2021 Meeting Minutes

**MOTION:** Mr. Fitzwater makes a motion to approve the December 14, 2021 meeting minutes as written. Mr. Schillizzi seconds the motion.

**VOTES:** Mr. Schillizzi, Mr. Dana, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed. Motion carries unanimously.

**Correspondence and Other Board Business**

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

**Adjournment**

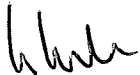
The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**MOTION:** Mr. Fitzwater makes a motion to adjourn the meeting. Mr. Dana seconds the motion.

**VOTES:** Mr. Schillizzi, Mr. Dana, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Kate White, Board Secretary and accepted at the February 8, 2022 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk