



TOWN OF SALISBURY

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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: May 24, 2022 @ 7:00 pm

Members Present: Derek DePetrillo (Chair), John Schillizzi (Vice Chair), Drew Dana, Stephen Rossetti 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. 22-000009 Petition for Relief – Variance to request relief from the front and side yard setback requirements to install front and rear decks.

Address: 4 16th Street West

Map: 34, **Lot:** 18

Applicant(s): Marc Quinn

Thomas Quinn represents the applicant. The applicant is requesting relief from the westerly side setback for the construction of a rear decks 5.7' where 10' is required. The applicant is also requesting relief from the westerly side back and front yard setback for the construction of a front deck; 5.7' where 10' is required and 12.2' where 20' is required (respectively).

MOTION: Mr. Schillizzi makes a motion to approve the request for a Variance for Case No. 22-000009 at 4 16th Street due to the topography and the shape of the lot. Mr. Fitzwater seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 22-000010 Petition for Relief – Variance to request relief from the front and side yard setback requirements to replace pre-existing, non-conforming garage.

Address: 440 No End Blvd

Map: 34, **Lot:** 199

Applicant(s): Janet Harty

The applicant, Janet Harty, is requesting relief from the front and side-yard setback requirements to remove existing garage and replace with new garage. The new garage will not eliminate existing non-conformities, but will not create any new non-conformities. The applicant is proposing an improved side back from 11" to 1' 6" where 10' is required and a front setback from 2' 8" to 7' 2" where 20' is required.

Building Commissioner clarifies to the Board that the applicant should have applied for a Finding not for a Variance. However, it would be a financial burden to the applicant to reapply as a Finding.

MOTION: Mr. Dana makes a motion to approve the request for a Finding for Case No. 22-000010 at 440 No End Blvd due to the shape of the lot and the requested extension or alteration of the pre-existing, non-conforming use or structure will not be substantially more detrimental to the neighborhood. Mr. Schillizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 22-000011 Petition for Relief – Administrative Appeal to reverse the Building Commissioner's decision to approve the issuance of a building permit.

Address: 10 Old Elm St

Map: 10, **Lot:** 160

Applicant(s): Eric Logins

Representing the applicant is Attorney Steven Rosenbaum. The applicant feels that the building permit for 10 Old Elm Street was issued in error; the building permit request should have been for new construction or as an upgrade and not for maintenance.

Chair DePetrillo asks what the applicant would like to see as an outcome of this appeal.

The applicant would like for the Board to reverse the decision of the Building Commissioner and have the owner re-apply for a building permit under new construction.

The Building Commissioner, in good faith, approved the building permit request for the maintenance, as the work requested does not fall under new construction with respect to the Building Code.

MOTION: Mr. Dana makes a motion to uphold the Building Commissioner's decision to approve the issuance of the building permit for case No. 22-000011 at 10 Old Elm Street. Mr. Schillizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 22-000012 Petition for Relief – Special Permit to request the allowance of proposed accessory apartment.

Address: 23 Dock Ln

Map: 24, **Lot:** 47

Applicant(s): Sharon Bolduc

Applicant, Sharon Bolduc, is seeking relief by special permit to allow for the construction of proposed accessory apartment. The accessory apartment will be 600 square feet and will be occupied by the owner.

MOTION: Mr. Fitzwater makes a motion to approve the request for a Special Permit for Case No. 22-000012 at 23 Dock Lane. The use is essential and/or desirable to the public convenience or welfare, the use will not create undue traffic congestion or unduly impair pedestrian safety; the requested use will not overload any public water, drainage or sewer or other municipal system so as to adversely affect health, safety and general welfare of the Town; The requested use will not impair the integrity or character of the district so as to adversely affect the health, safety and general welfare of the neighborhood; the requested use will not cause an excess of that use that could be detrimental to the neighborhood. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Minutes

April 12, 2022 Meeting Minutes

MOTION: Mr. Fitzwater makes a motion to approve the April 12, 2022 meeting minutes as written. Mr. Schillizzi seconds the motion.

VOTES: Mr. Dana, Mr. Schillizzi, 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. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Kate White, Board Secretary and accepted at the June 14, 2022 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk