

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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: December 13, 2022 @ 7:00 pm**

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

**Additional Persons Present:** Scott Vandewalle, Building/Zoning Commissioner and Jennifer Geary ZBA Admin

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

**Continued Public Hearing**

**Case No. 22-000027 Petition for Relief – Special Permit** for the removal of an existing externally illuminated sign and installation of an internally illuminated sign

**Address:** 183 North End Blvd.

**Map:** 34, **Lot:** 5

**Applicant(s):** 183 NEB Salisbury, LLC

Applicant David Touma was present with Glen Schadlick of NEOPCO Signs. The applicant seeks to replace an externally illuminated sign with a smaller, internally illuminated sign. Mr. Touma reviewed the previous meeting of October 25, 2022, stating the meeting was continued to see if the brightness of the sign could be reduced. Mr. Shadlick displayed an example of the sign cabinet, illuminated, one side an example of the current brightness, the other fitted with a film to make the light 30% dimmer. Abutter, Rich Rigoli of 180 North End Blvd. stated it was an improvement, but that he's not sure 30% is enough. He was hoping for a dark panel with white lettering. An audience member commented it's an improvement. Lawrence Kady 260 North End Blvd. asked if an additional layer of 20% can be used to make it a 50 % reduction, Mr. Shadlick stated that it would become fuzzy and the layers would peel. He also noted that the film is the most cost effective solution. Kareem Wiley, owner of the Laundry Express explained he didn't think the original sign was effective, and the new one is beautiful. He tracks analytics for his business, and he has noticed an increase since the new sign has been installed, and thinks dimming is fair. Darlene Joslin, the former owner of the plaza voiced her support for the sign and stated the brightness doesn't bother her. Applicant David Touma discussed the hardship letters and petition submitted to the Board and advised that the Hideaway Pub wants the lights on until closing at 1 AM. Mr. Touma requested they be allowed to come on at dusk and remain on until no later than 1 AM. Chairman DePetrillo read a letter from Wilma McDonald of 229 North End Blvd. into the record which voiced support for the sign. Mr. Rosetti stated the sign is bright. CJ replied he thought the lights from the building are almost as bright as the sign, and that the area is very well lit. Mr. Rigoli commented that the dimmed sign looks ok, and expressed concern with the possibility that it doesn't solve the problem once it's installed. He asked that the Board make sure the film on display now for the meeting is the same film to be used on the sign. Mr.

Shadlick stated the brand was Oracal. And it was dimmable translucent film. Gerry Downs of 107 Ferry Rd. spoke, stating his wife's family were the original owners of the plaza and he is in support of the sign.

**MOTION:** Mr. Fitzwater makes a motion to approve Case No. 22-000027 at 183 North End Blvd. with the following conditions: a dimmable translucent film is to be applied to all slides; the sign is permitted to be illuminated until 1 AM, 7 days a week. The requested 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; all special regulations for the use, as set forth in the Special Permit Table, or within the Bylaw section listing requirements for this permit, fulfilled and completed; the requested use will not impair the integrity or character of the district or adjoining districts so as to adversely affect health, safety and general welfare of the neighborhood; and the requested use, by its addition to a neighborhood, will not be more detrimental to the neighborhood. Mr. Dana 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.

#### **New Public Hearings**

**Case No. 22-000026 Petition for Relief – Special Permit** to request to allow an additional internally illuminated sign.

**Address:** 143 Lafayette Road.

**Map:** 18, **Lot:** 52

**Applicant(s):** Extra Space Storage

Representative James Fisher of I.D. Sign Group was present. The applicant seeks to install an illuminated shed style awning. Only the white lettering will be illuminated. Mr. Rosetti asked what function of kiosk is. Mr. Fisher replied he didn't know as he is with the sign manufacturer.

**MOTION:** Mr. Fitzwater makes a motion to approve Case No. 22-000026 at 143 Lafayette Road. The requested 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; all special regulations for the use, as set forth in the Special Permit Table, or within the Bylaw section listing requirements for this permit, fulfilled and completed; the requested use will not impair the integrity or character of the district or adjoining districts so as to adversely affect health, safety and general welfare of the neighborhood; and the requested use, by its addition to a neighborhood, will not be 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. 22-000028 Petition for Relief – Finding** to request to construct a new single family home on a non-conforming lot.

**Address:** 7 Florence Ave.

**Map:** 35, **Lot:** 38

**Applicant(s):** Jodi and Kevin Ahern, Jr.

Chairman DePetrillo advised those present that Mr. Rossetti is an abutter to the project. Attorney Ben Taylor of Mead, Talerman, and Ryan represented the applicant. The applicants Jodi and Kevin Ahern and Matt Steinel of Millennium Engineering were also present. The applicants seek to construct a new single family home on a non-conforming lot. The two pre-existing non-conforming cottages were removed in December 2021. The pre-existing non-conformities of the now removed structures are as follows: 6,799 square foot lot where 10,980 square feet is required; .6 feet over the front property line where a 20 foot setback is required; and no side setback where 10 feet is required. The proposed structure would improve the following setbacks, however they will remain non-conforming: front setback is proposed to be 12 feet; side setback is proposed to be 9.9 feet. No other non-conformities will be created. Attorney Taylor reviewed the prior conditions of the lot and of the proposed single family home. He advised that the presence of resource areas affected the location of the proposed structure. Attorney Taylor then reviewed the structure side elevations. Abutter AJ Pappas of 7 12th Street West voiced his support for the project.

**MOTION:** Mr. Dana makes a motion to approve Case No. 22-000028 at 7 Florence Ave. as the requested extension or alteration of the pre-existing non-conforming structure is not substantially more detrimental to the neighborhood as it improves existing non-conformities. Mr. Rossetti seconds the motion.

**Case No. 22-000029 Petition for Relief – Finding** to request to allow the installation of a roof dormer and water table.

**Address:** 462 North End Blvd.

**Map:** 36, **Lot:** 52B

**Applicant(s):** Thomas Gagne

Ronald Laffely of Fulcrum, Inc. Architects represented the applicants. The applicant seeks to install a roof dormer and water table above the garage doors. They plan to change out windows to better weather proof the house, and redesign the interior to make a larger kitchen. Adding dormers will allow higher ceilings. They will not be going over existing foot print. The building is closer than 20 feet to North End Blvd., and the dormer will be an extension of an existing non conformity. The water table will be installed over garage doors and entry ways to redirect water shedding down side of the structure and will stick out 8 inches. Mr. Schillizzi asked what the roof height of the structure was. Mr. Laffely replied 23.9 feet Mr. Schillizzi asked what height the cupola added. Mr. Laffely replied about 8 inches and that it was a single story structure.

**MOTION:** Mr. Dana makes a motion to approve Case No. 22-000029 at 462 North End Blvd.. as the requested extension or alteration of the pre-existing, non-conforming structure is not substantially more detrimental to the neighborhood, and will not further disproportionately impact the non-conformities. Mr. Rosetti seconds the motion.

### Minutes

October 25, 2022 Meeting Minutes

**MOTION:** Mr. Fitzwater makes a motion to approve the October 25, 2022 meeting minutes as written. Mr. Dana? seconds the motion.

**VOTES:** Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Mr. Dana abstained. Members express their vote individually and verbally. 4 in favor, 0 opposed. 1 abstain Motion carries.

### Correspondence and Other Board Business

**Zoning Board of Appeals Rules & Regulations update** Mr. Schillizzi informed the board they haven't had a chance to meet yet and hope to earlier in the new year.

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

### Adjournment

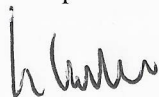
The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**MOTION:** Mr. Fitzwater makes a motion to adjourn the meeting. Mr. Rosetti 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 Jen Geary, Board Secretary and accepted at the January 10, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk