



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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: January 24, 2023 @ 7:00 pm**

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

**Additional Persons Present:** Jennifer Geary ZBA Admin

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

**Continued Public Hearings**

**Case No. 22-000030 Petition for Relief – Variance** to request relief from the side yard setback requirements for the creation of a common wall between two existing non-conforming structures

**Address:** 160 North End Blvd.

**Map:** 33, **Lot:** 94

**Applicant(s):** Daniel Abdulla & Mark Moquin

Chairman DePetrillo informed the Board that the applicant has requested a continuance to allow time to hear from Town Counsel.

**MOTION:** Mr. Dana makes a motion to continue Case No. 22-000030 at 160 North End Blvd. to February 14, 2023 Mr. Rossetti seconds the motion.

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

**Case No. 22-000031 Petition for Relief – Variance** to request relief from the side yard setback requirements for the creation of a common wall between two existing non-conforming structures

**Address:** 162 North End Blvd.

**Map:** 33, **Lot:** 91

**Applicant(s):** High Tide Development, LLC and Colchester Breakers Realty Trust

Chairman DePetrillo informed the Board that the applicant has requested a continuance to allow time to hear from Town Counsel.

**MOTION:** Mr. Dana makes a motion to continue Case No. 22-000031 at 162 North End Blvd.. to February 14, 2023. Mr. Schillizzi seconds the motion.

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

**Case No. 22-000032 Petition for Relief – Finding** to request to remodel and extend an existing, non-conforming structure.

**Address:** 172 North End Blvd.

**Map:** 33, **Lot:** 87

**Applicant(s):** Timothy Beauregard

Chairman DePetrillo informed the Board that the applicant has requested a continuance.

**MOTION:** Mr. Dana makes a motion to continue Case No. 22-000032 at 172 North End Blvd. Mr. Schillizzi seconds the motion.

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

### **New Public Hearings**

**Case No. 22-000034 Petition for Relief – Administrative Appeal** to reverse the Building Commissioner's determination that a violation has occurred.

**Address:** 122 Rabbit Rd.

**Map:** 18 **Lot:** 124

**Applicant(s):** Joanne & Robert Tindle, Jr.

Chairman DePetrillo stated the Building Inspector's recommended that the matter be referred to Town Counsel and the hearing be continued for 30 days to February 28, 2023.

**MOTION:** Mr. Dana makes a motion to continue Case No. 22-000034 at 122 Rabbit Road to February 28, 2023. Mr. Rossetti seconds the motion.

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

**Case No. 22-000035 Petition for Relief – Finding** to request to convert a mixed-use structure to a two-family dwelling

**Address:** 5 Lafayette Rd.

**Map:** 6 **Lot:** 25

**Applicant(s):** Jin Xi Huang

Applicant Jin Xi Huang was present to discuss the application. The structure previously housed a law office and three apartments. They propose to renovate the structure and change it to a 2-family structure with no office. Mr. Rossetti asked if the building is currently unoccupied. Ms. Huang replied it is unoccupied. Chairman DePetrillo asked about the parking situation. Ms. Huang explained there are two parking areas and that there is sufficient parking. The Board discussed the number of bedrooms, determining that there are 5 existing in the structure and they are proposing nine. Mr. Fitzwater asked if the parking configuration would change, and Ms. Huang replied it would not. Chairman DePetrillo asked if the Building Inspector had any comments regarding the submitted plans. Ms. Geary replied he had no concerns beyond the zoning issue being discussed. Mr. Fitzwater asked if the office was rolled into the plans. Ms. Huang replied it was. Abutter Joseph Deboisbriand of 5 Spring Street expressed concern about the possibility of this property and an adjoining property becoming condos. Ms. Huang explained the proposed two family home was for relatives. Mr. Fitzwater asked if the exterior of the building was changing at all. Ms. Huang replied it was not.

**MOTION:** Mr. Fitzwater makes a motion to approve Case No. 22-000035 at 5 Lafayette Road as the proposed alteration of the pre-existing, non-conforming use is not more detrimental to the neighborhood. Mr. Dana seconds the motion.

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

### **Minutes**

January 10, 2023 Meeting Minutes

**MOTION:** Mr. Fitzwater makes a motion to approve the January 10, 2023 meeting minutes as written. Mr. Rossetti seconds the motion.

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

### **Correspondence and Other Board Business**

**Zoning Board of Appeals Rules & Regulations update** Mr. Schillizzi and Mr. Rossetti provided some updates and are looking for comments from the board. The updates will be forwarded to counsel. The Board discussed including board organization, a cap on the number of hearings per meeting, and submittal requirements to the Rules & Regulations

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

**New Zoning Board Alternate** Chairman DePetrillo introduced Tim Johnson as the new Alternate member of the Zoning Board of Appeals

### **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 Jen Geary, Board Secretary and accepted at the February 28, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk