



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: February 14, 2023 @ 7:00 pm

Members Present: John Schillizzi (Vice Chair), Drew Dana, CJ Fitzwater, and Stephen Rossetti & Tim Johnson

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

John Schillizzi called the meeting to order at 7:05pm.

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

Representative Ron Laffely of Fulcrum Architects was present. Mr. Laffely requested to discuss Case #s 22-000030 and 22-000031 jointly. Mr. Vandewalle recommended they discuss the cases jointly, but issue separate votes. Mr. Schillizzi opened Case # 22-000031 for discussion with Case # 22-000030. Mr. Laffely provided the Board with updated graphics. He described the proposal, stating they want to combine the existing two buildings into a single structure. There will be a 0 setback between buildings. They would like to combine the structures for ease of use and maintenance. They intend to keep the two separate addresses to maintain market value. Mr. Laffely added that a majority of properties at the beach are non-conforming, and noted that the Board had requested an opinion from Town Counsel. Mr. Vandewalle asked the Board if they would like to waive attorney client privilege and discuss Town Counsel's opinion.

MOTION: Mr. Dana motioned to waive Attorney Client Privilege for Case No. 22-000030 at 160 North End Blvd and Case No. 22-000031 at 162 North End Blvd. Mr. Fitzwater seconds the motion

VOTE Mr. Rossetti, Mr. Schillizzi, Mr. Dana, Mr. Fitzwater, and Mr. Johnson vote in favor of the motion. Members express their vote individually and verbally

Mr. Vandewalle stated the matter was sent to counsel, and that they did not receive a written opinion, but one can be requested. He discussed the options explored by Town Counsel. The property line can't be dissolved as doing so would create a new lot, and the new lot would need to conform to zoning. If the applicants obtained an ANR, they would end up with a two family home

in a single-family zone, and they wouldn't be able to obtain a building permit. In theory, they could request a use variance, but they are not allowed by Massachusetts General Laws chapter 40A. Dissolving the lot line is not a viable option. Requesting a variance for a 0 setback is the best option. Mr. Dana asked if the applicant would like the opinion in writing. Mr. Laffely replied that it wasn't needed.

MOTION: Mr. Fitzwater makes a motion to approve Case No. 22-000030 at 160 North End Blvd. because the structure is affected by the shape of the lot, soil conditions & topography. Mr. Dana seconds the motion.

VOTES: Mr. Schillizzi, Mr. Dana, Mr. Fitzwater, and Mr. Johnson vote in favor of the motion. Mr. Rossetti votes against the motion. Members express their vote individually and verbally. 4 in favor, 1 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

MOTION: Mr. Fitzwater makes a motion to approve Case No. 22-000031 at 162 North End Blvd.. because the structure is affected by the shape of the lot, soil conditions & topography. Mr. Johnson seconds the motion.

VOTES: Mr. Schillizzi, Mr. Dana, Mr. Fitzwater, and Mr. Johnson vote in favor of the motion. Mr. Rossetti votes against the motion. Members express their vote individually and verbally. 4 in favor, 1 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

Mr. Schillizzi stated the applicant has requested a continuance to the February 28, 2023 meeting.

MOTION: Mr. Fitzwater makes a motion to continue Case No. 22-000032 at 172 North End Blvd. to February 28, 2023. Mr. Dana seconds the motion.

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

Minutes

January 24, 2023 Meeting Minutes

Mr. Schillizzi stated they were not ready to be voted on yet.

Correspondence and Other Board Business

Mr. Schillizzi congratulated Salisbury resident Gavin Marengi on his new album

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. Schillizzi, Mr. Dana, Mr. Fitzwater, and Tim Johnson vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed.

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