

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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: May 23, 2023 @ 7:00 pm

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

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

John Schillizzi called the meeting to order at 7:00pm.

Continued 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.

Attorney Scarano was present to discuss the appeal. He requested a continuance to the next meeting so the matter can be discussed before a full board.

MOTION: Mr. Fitzwater makes a motion to continue Case No. 22-000034 at 122 Rabbit Road to June 13, 2023. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

New Public Hearings

Case No. 23-000005 Petition for Relief – Variance to request relief from the rear yard setback requirements for a deck.

Address: 48 Commonwealth

Map: 36 **Lot:** 72

Applicant(s): Lori Ripa, 48 Commonwealth Avenue, LLC.

The applicant, Lori Ripa, was present to discuss the project. Ms. Ripa informed the Board that she replaced an existing deck, and continued it down 6 or 7 feet. It's longer, but it doesn't stick out any further towards the property line. Mr. Rossetti asked what the measurements to the property line are. Applicant estimated the deck is approximately 12 feet from the property line.

MOTION: Mr. Fitzwater makes a motion to approve Case No. 23-000005 at 48 Commonwealth, as the land or structure is specifically and uniquely impacted by the shape of the lot. Mr. Johnson seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Case No. 23-000006 Petition for Relief Finding to request to allow a non-conforming structure

Address: 172 North End Blvd.

Map: 33, Lot: 87

Applicant(s): Timothy Beauregard

Chris Crump of CWC Design represented the applicant. Mr. Crump reviewed the last application to modify the existing structure. He reviewed the existing nonconforming setbacks which are as follows: side setbacks are 8" over the property line on north side and 2.2 feet setback on the southerly side. The applicants found it would be better to tear down and rebuild due to existence of an easement with the property next door. The new structure would decrease the existing non conformities. The 8" encroachment will be a 2.7 foot setback and the easement no longer needed. The other side will also have a 2.7 foot setback, improving the existing setback by .5 feet. The rear setback will go from 57.5 feet to 62.3. The new structure will be under 60% lot coverage and 35 foot height. They will be maintaining the 2 family status but it will be used for family members. Mr. Fitzwater asked if the home is currently occupied. Mr. Crump replied they are renting it out for the summer. Mr. Vandewalle clarified that the motion should cover both the use and dimensions. Mr. Johnson asked whether adding ten feet would make the structure non-conforming. Mr. Crump confirmed that it would be less non-conforming towards the front of the property. Abutter Joe Tower of 174 NEB clarified the existing easement. He objects to the proposed project due to it not meeting the setback of 10'. The proposal is at least twice the size of the current house. Mr. Tower is concerned that the proposed structure will cast a shadow on his property, creating a damp area. He also noted that any maintenance will place ladders on his property. He is also concerned about the integrity of dune. Mr. Tower asked for rejection or deferment so they can do more research on how it will affect his property. Mr. Schillizzi advised the dune is out of the ZBAs jurisdiction, and the project is still subject to Conservation Commission review. Mr. Fitzwater asked if the abutter felt the proposal will be detrimental to the neighborhood. Mr. Tower replied he did, and that he felt it would be detrimental to his property. Mr. Fitzwater asked if he had an issue with the height. Mr. Tower replied it will cause shadows, and he's asking an architect to look at the plans. Mr. Fitzwater advised Mr. Crump that he would like to see comparison of the existing structure to the proposed. Mr. Crump replied that the difference in height is 3 feet. They also lowered a portion of the proposed roof in consideration for the neighbors. He noted that the new structure will be on pilings and sand will be filled in to expand the dune that's there. He also noted that maintenance can be done without going on the other property with the use of staging and pump jacks. Mr. Johnson asked how the water will be shed from the roof. Mr. Crump replied there will be less shedding to the neighboring property with the proposed structure. He also noted that this new proposal would be about 10-12 months to construct whereas the previously proposed renovations would take a couple of years. Mr. Fitzwater advised that the abutter is asserting that the proposed structure will be more detrimental and that the applicant should provide

information on how the new shadows will affect the neighboring property, and comparisons of what is existing and what is proposed.

MOTION: Mr. Fitzwater makes a motion continue Case No. 23-000006 at 172 North End Blvd. to June 13, 2023. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Case No. 23-000007 Petition for Relief – Finding to request to allow a non-conforming structure

Address: 100 Atlantic Ave.

Map: 32, **Lot:** 180

Applicant(s): Michael D'Angelo

Chris Crump of CWC Design represented the applicant. Mr. Crump discussed the pre-existing non conformities, which are as follows: lot area is 5000 square feet where 10890 is required; front set back is 14.1 feet where 20 feet is required; side set back is a .04 foot encroachment onto the property to the right where a 10 foot setback is required. The front set back will be changed to 14.4 feet, and the side with the encroachment will have a 3.1 foot setback, making both less non-conforming. He explained that the structure is currently a three-family and they are looking for a finding to keep the 3 family designation. The current structure will be torn down, and they will go through Conservation. Mr. Schillizzi asked about parking. Mr. Crump replied that there is parking on the right hand side. He also noted that they are pushing the house back further from the road and that might cause issues with Conservation.

MOTION: Mr. Fitzwater makes a motion approve Case No. 23-000007 at 100 Atlantic Ave. as the requested use and/or structure will not be substantially more detrimental to the neighborhood. Mr. Johnson seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Minutes

April 11, 2023 Meeting Minutes

MOTION: Mr. Fitzwater makes a motion to approve the April 11, 2023 meeting minutes as written. Mr. Johnson seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Correspondence and Other Board Business

- Zoning Board of Appeals Rules & Regulations update – Mr. Schillizzi stated it is still being worked on

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

Adjournment

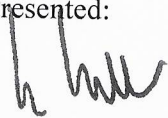
The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MOTION: Mr. Johnson makes a motion to adjourn the meeting. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, and Mr. Johnson vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Respectfully submitted by Jen Geary, Board Secretary and accepted at the July 11, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk