

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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: July 11, 2023 @ 7:00 pm

Members Present: John Schillizzi (Vice Chair), Drew Dana, 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.

New Public Hearings

Case No. 23-000012 Petition for Relief – Variance to request relief from setback requirements to construct a deck.

Address: 27 Lafayette Road

Map: 6 **Lot:** 68

Applicant(s): Matthew Palmer, MMP Construction LLC

Matthew Palmer was present to discuss the project. The proposed deck will be 7.2 feet from the property line where 20 is required. Mr. Palmer noted the shape of the lot made it difficult to place a deck. The stairs will remain in the same footprint and terminate at the edge of the house.

MOTION: Mr. Fitzwater makes a motion approve Case No. 23-000012 at 27 Lafayette Road. As the land or structure is specifically and uniquely impacted by the shape of the lot. Mr. Dana seconds the motion.

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

Case No. 23-000013 Petition for Relief – Special Permit to request to allow a dog training and boarding facility.

Address: 16 Jak-Len Drive

Map: 18 **Lot:** 150

Applicant(s): Christos Parkiotis of Chrisparkk9 Dog Training

Applicant Christos Parkiotis was present to discuss the appeal. He plans to open a dog training and boarding facility where one previously existed. He has been in business for 20-25 years. There will not be a lot of traffic in and out of the property. The yard is already fenced, and he will upgrade the existing kennel area. He will install fake grass on the ground in the yard. Training will take place inside, and dogs will be supervised by trainers outside. Mr. Schillizzi asked what is behind the fence in the photos. Mr. Parkotis replied there are houses. Mr. Fitzwater

asked if he would be boarding dogs, and if so how many at one time. Mr. Parkiotis replied they would board up to 15 dogs, and it would be just for training purposes. Mr. Fitzwater asked if anyone would be living at the house on the property. Mr. Parkiotis stated that the manager will live there. Mr. Fitzwater asked what the business hours would be. Mr. Parkiotis stated 9am – 5pm, at the latest 6 pm. Mr. Schillizzi suggested conditioning the hours and asked how many hours a day the dogs are outside. Mr. Parkiotis replied they will take the dogs outside in groups rolling every few hours. Mr. Schillizzi asked how dog waste would be handled and whether he had contracted with a disposal company. Mr. Parkiotis replied he had not, but would once the business is ready to open. Mr. Fitzwater asked if he owned the property yet. Mr. Parkiotis replied he is in the process of buying the property. Mr. Dana asked if he boards any dog not being trained. Mr. Parkiotis replied he only boards dogs that are there for training. Mr. Dana asked if had anything showing the distance to neighboring buildings and the location of the kennel on the property such as a site plan. Mr. Parkiotis stated he did not have a site plan, but the building is maybe 30-40 feet to the neighboring buildings. Mr. Rossetti asked what the average length of time was for training. Mr. Parkiotis advised it depends on the dog, but typically it takes a couple of weeks. Mr. Johnson noted the presence of drains in the floor of the kennel and asked where they go. Mr. Parkiotis replied they currently go to the septic system, but they will need to go to the sewer once the property is hooked up. Any solid waste will be picked up and disposed of. Mr. Fitzwater asked Mr. Vandewalle whether the property was a kennel previously. Mr. Vandewalle explained that the property was previously a greyhound rescue, but hasn't been active for a few years, likely since 2018. Mr. Fitzwater asked if the use was permitted. Mr. Vandewalle advised that they didn't need one as the owner had demonstrated it was pre-existing non-conforming as it was in business prior to the start of Zoning in 1979. The animal inspector paid annual visits. He also noted that the owner passed away recently. Mr. Fitzwater asked what kind of license the owner would have held to board the dogs. Mr. Vandewalle stated they had a kennel license through the Town Clerk. Numerous abutters spoke against the project. Ryan Keller of 18 Jak-Len Drive commented that he's lived there for 18 years and always smelled and heard the dogs. The dogs were in and out of the kennel throughout the night. He doesn't want that many dogs next door in the process of being trained; it's not the place for it as it's a residential neighborhood. John Fullford of 17 Seaview Lane, Newbury spoke on behalf of his mother at 12 Jak-Len Drive. He stated they commonly heard howling every night. It's not good for a residential neighborhood. The peace and quiet has been nice. Leo Marchand of 19 Jak Len Drive stated that previously, when the dogs were walked, they used the neighbor's yards. He also stated they could hear them howling and barking at night. Mario Simons of 15 Jack Len Drive also had night time howling concerns. He also noted that there are often children playing in the street and expressed concern on what would happen if a dog got out. Miky Dascoli of 20 Jak-Len Drive stated it's a residential, family neighborhood and not a place for commercial uses. Sue Rutherford, also of 20 Jak Len Drive commented that the applicant won't be living there, an employee will be, and so he has no stake in the neighborhood. Kerry Monaghan of 14 Jak-Len stated that she could smell feces when the property previously housed dogs. She works over nights, and doesn't want to hear the dogs. Ryan Keller of 18 Jak-Len Drive spoke again, noting that the house is listed as a commercial property, and questioned the legality of advertising it as such. Mr. Fitzwater advised that is beyond the purview of the Board. Mr. Schillizzi stated the zoning of the property is what it is, despite how the property is advertised.

MOTION: Mr. Fitzwater makes a motion to deny Case No. 23-000013 at 16 Jak-Len Drive. Mr. Rossetti seconds the motion.

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

Case No. 23-000015 Petition for Relief – Finding to request to allow a pre-existing, non-conforming use and/or structure

Address: 89 Atlantic Ave.

Map: 32 **Lot:** 137

Applicant(s): Renee Burba

Mr. Fitzwater motioned to table the hearing until the end of the meeting to allow time for Representative Chris Crump to arrive. Mr. Dana seconded.

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

Representative Chris Crump of CWC Designs was present to discuss the project. The pre-existing non conformities are as follows: structure is a 3 family home; lot area is 6,878 square feet where 10,890 is required; the right side has a .4 foot encroachment, and the left side has a 7.4 setback where 10 feet is required. They propose to tear down the existing structure, and construct a new 3 family, 3 story structure, under the height requirements of 35 feet. The proposed structure will improve the right side encroachment to a setback of 6.2 feet, and 8.8 feet on the left, and improves the front and rear setbacks. Lot coverage will be slightly increased, but will remain under 60%. Mr. Johnson asked if they are adding a story. Mr. Crump replied they were. Mr. Dana asked for a clarification regarding the left side setback Mr. Crump replied it is currently 7.4 feet. The new structure will have a 5 foot setback, 8.5 feet not counting the stairs. Micky McGuire of 85 Atlantic noted that the structure is currently one story and the new structure will impact site lines, and the sunlight will be changed. He suggested they take the opportunity to make it conforming. Mr. Vandewalle offered a clarification noting that what is before the Board is both a pre-existing non-conforming use & structure and the Board should proceed with it as a finding, not a special permit. Christine McGuire, also of 85 Atlantic, stated she has concerns with solar access, and doesn't want to be staring at a wall. She thinks they should keep it within setbacks. Provides photos. They should use this opportunity to make it conform. Eileen McLaughlin of 85 Atlantic #4. Also voiced concern about changes to site lines and sunlight. Mr. Fitzwater asked the abutter where she will be losing her site lines. Ms. McLaughlin replied towards the south side of the beach. Joe Peluso of 86 Atlantic stated he was not opposed to the project, just concerned about losing his view of the ocean between the houses due to the stairs. He suggested putting them in front. Tom Underwood of 84 Atlantic stated he is not opposed to the project. Mr. Crump noted they will be moving the house back from the beach, and the first 6 feet will be decking. The new house will not be projecting any further to the beach to block site lines. They are trying to make the setbacks as even as possible for both sides and suggested looking into redesigning the egress stairs. He wasn't sure that abiding by the 10 foot setbacks will make difference to abutters or in shadow lines. Christine McGuire of 85 Atlantic #2 stated the building casts a shadow on the north side. She thought it makes more sense to move the stairs to the front or back. Mr. Schillizzi recommended continuing to investigate the suggested revisions. Mr. Crump requested the Board make a decision with regards to the use and continue the decision regarding the structure. He added they will take everything under advisement and investigate redesigning.

MOTION: Mr. Dana makes a motion approve the pre-existing, non-conforming use for Case No. 23-000015 at 89 Atlantic Ave. Mr. Rossetti seconds the motion.

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

MOTION: Mr. Dana makes a motion continue the pre-existing, non-conforming structure for Case No. 23-000015 at 89 Atlantic Ave. Mr. Johnson seconds the motion.

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

Minutes

May 23, 2023 Meeting Minutes

MOTION: Mr. Dana makes a motion to approve the May 23, 2023 meeting minutes as written. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana, Mr. Fitzwater, and Mr. Johnson 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. Dana stated he has some updates to send to the Board members for review.
- Memo from Town Manager RE Terms of Zoning Board Members – The Board discussed the memo. Mr. Vandewalle advised members should indicate their interest if they want to renew their term.
- Mr. Schillizzi stated that Movies on the Sand are taking place on Tuesdays, and the carousel is now open. There will be a beach cleanup event on Saturday July 15. Local musician Gavin Marengi is currently in Nashville. There will be a ribbon cutting at the new Skate Park located at Partridge Brook Park on Friday, July 14.

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. Dana makes a motion to adjourn the meeting. Mr. Fitzwater seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana, Mr. Fitzwater, and Mr. 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 August 8, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk