

TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd
Meeting held remotely via Zoom

MEETING MINUTES- PUBLIC HEARING

Hearing Date: April 13, 2021 @ 7:00 pm

Members Present: Susan Pawlisheck (Chair), Derek DePetrillo (Secretary), Drew Dana, Paul Descoteaux & John Schillizzi

Additional Persons Present: Scott Vandewalle, Building Commissioner, Kate White ZBA Admin

Chair Pawlisheck called the meeting to order at 7:00 pm.

Chair Pawlisheck entertains a motion to move the continued case, Case No. 20-30 to the end of the agenda and hear the new public hearings first.

MOTION: Mr. DePetrillo makes a motion to move the continued case, Case No. 20-30 for the 40B project on Forest Rd to the last item on the agenda. Mr. Dana seconds the motion.

VOTES: Mr. DePetrillo, Mr. Descoteaux, Mr. Schillizzi, Mr. Dana and Chair Pawlisheck vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

1. New Public Hearing

Case No. 21-09 Petition for Relief – Finding to allow for the extension/alteration of a pre-existing, non-conforming structure to maintain side and rear setback.

Address: 40 Brissette Ave

Map: 32, **Lot:** 350

Applicant(s): Todd Fitzgerald

Representing the applicant is Bill Nolan of Savoie Nolan Architects LLC. Mr. Nolan summarizes the proposed project for the property at 40 Brissette Ave and the request for the Finding and Variance. The property owner is proposing to replace the existing 14-unit structure with a 6-unit structure. The new structure will not eliminate any non-conformities regarding setbacks, but it will decrease the intensity. The applicant is also looking for relief by variance for the front-yard setback.

Zoning Analysis - 40 Brissette Ave - R3 Zone

Setbacks

	Allowed	Existing	Proposed
Front	20'	37.6'	16.5'
Right Side	10'	0.7'	1.5'
Left Side	10'	1.5'	3.2'
Rear	10'	0.7'	4.2'

Lot Calculations

	Allowed	Existing	Proposed
Min Lot Size	10,890 SF	6,556 SF	6,556 SF
Max Lot Coverage	60%	42%	58%
Max Height	35'	±24'	±34.6'
Min Parking	2 per unit	10	12

Madam Chair asks the Board if they have any questions.

Mr. Schillizzi asks about snow removal.

Mr. Nolan responds not as of yet. The Zoning Board is the first Board that they have prepared for, but they will have a plan in place if/when they are to go in front of Planning and Conservation.

Mr. Dana asks if there are visuals of the lot and the abutting lots to show the proximity of the existing property structures to the new structure.

Mr. Nolan did not have that image available, but was able to find it online.

Tom Pizzuto, 42 Brissette Ave: expresses his concerns with the density of the project.

John Burgess, 100 Railroad Ave: expresses his concerns with parking.

Mr. DePetrillo asks if there is a way to make a compromise.

Mr. Nolan requests a continuance in order to have the opportunity to speak with to the neighbors and perhaps make the structure more conforming.

MOTION: Mr. Dana makes a motion to continue Case No. 21-09 at 40 Brissette Ave until the April 27, 2021 meeting. Mr. Descoteaux seconds the motion.

VOTES: Mr. Descoteaux, Mr. Dana, Mr. DePetrillo, Mr. Schillizzi and Chair Pawlisheck, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 21-10 Petition for Relief – Variance to request relief from the front-yard setback requirement.

Address: 40 Brissette Ave
Map: 32, **Lot:** 350
Applicant(s): Todd Fitzgerald

MOTION: Mr. Descoteaux makes a motion to continue Case No. 21-10 at 40 Brissette Ave until the April 27, 2021 meeting. Mr. Schillizzi seconds the motion.

VOTES: Mr. DePetrillo, Mr. Dana, Mr. Descoteaux, Mr. Schillizzi and Chair Pawlisheck, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 21-11 Petition for Relief – Variance to allow the head house to exceed height requirements to accommodate safe roof access.

Address: 529 No End Blvd
Map: 36, **Lot:** 10
Applicant(s): 529 North End Blvd LLC c/o Lisa Mead of Mead,
Talerman and Costa LLC

Representing the applicant is Attorney Lisa Mead of Mead, Talerman & Costa LLC.

Attorney Mead presents the request for a variance at 529 No End Blvd. The applicant seeks a variance to allow the proposed head house to exceed the maximum height requirement by 4.25 feet. The head house will allow for safer access to the rooftop deck. The locus contains wetlands and is located in FEMA Flood Zones X and AE. In addition, the Salisbury Conservation Commission issued an Order of Conditions for the property confirming the resource area delineation making the area of outdoor space limited.

MOTION: Mr. Dana makes a motion to approve the Variance for Case No. 21-11 at 529 No End Blvd due to the soil conditions and topography of the lot. Mr. Descoteaux seconds the motion.

VOTES: Mr. DePetrillo, Mr. Descoteaux, Mr. Dana, Mr. Schillizzi and Chair Pawlisheck, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

2. Continued Public Hearing

Case No. 20-30 Petition for Relief – Comprehensive Special Permit to construct a residential development of 76 units in accordance with M.G.L. Ch. 40B.

Address: Forest Rd, 6 Forest Rd, 10 Forest Rd & 18 Forest Rd

Map: 20, **Lots:** 45, 44, 43 & 91 (Respectively)

Applicant(s): 6 Forest Rd, LLC

Applicant Steve Paquette summarizes the changes and improvements to his proposed site plan for Meadowbrook Condominiums. The changes are as follows:

- A change on project density from the original 76 units to 64 units; a 15% reduction.
- A comparison to those areas that were of most concern to neighbors of the site, both originally and post design changes. Roadways moved 25' to the south to maintain tree buffer, walking trail shifted further to the north and away from the property line.
- The change from Cape Cod bituminous berm to vertical granite curbing along sidewalks.
- The comments relative to traffic impacts and the Towns peer review consultants' findings. The Towns peer review consultant agrees with the methodologies and findings prepared by our traffic engineer. Additionally, he agrees that Schoolhouse Lane would be better served as a one-lane road.
- Conversations with the Town's affordable housing trust have culminated with our revising our proposal to provide 31% of the projects affordable units to applicants earning no more than 60% of area median income.

Abutters Tim Neal - 28 Gerrish Rd, Mike Gabrian – 35 Forest Rd, Michael Reusch – 16 Gerrish, Stewart Mobray – 3 Garafalo Dr, Shai Woodman – 46 Forest Rd, Welch – Lafayette Rd, Jessica Pacetta – 62 Baker Rd, Ryan & Kristen Spinney – 2 Morgan Ave, Charlie Keenan – 6 Caitlin Cir, Lisa Conti – 4 Gardner St, Doreen – 47 Forest Rd, Val Ryan – 5 Lincoln Ave, Kim Baxter – 24 Forest Rd, Kelly Burke-Anderson – 16 Forest Rd, Steven Pivacek – 14 Forest Rd all voiced their concerns with the project. Concerns brought to the Boards attention: traffic calculations, concerns with traffic entering from Lafayette Rd, added traffic scope on Gerrish Rd and Forest Rd, Lighting impact/luminaire plan, road entry impact on Forest Rd, storm water, impact on well water, and children in the schools.

MOTION: Mr. DePetrillo makes a motion to continue Case No. 20-30 for the 40B project on Forest Rd until the May 25, 2021 meeting. The Board requests the water study, noise pollution, socio-economic impact, school bus safety, neighborhood impact, lighting analysis,

proof that the well water will not be contaminated, feedback on 28 houses opposed to 64 and extended traffic study. Mr. Schillizzi seconds the motion.

VOTES: Mr. DePetrillo, Mr. Descoteaux, Mr. Schillizzi, Mr. Dana and Chair Pawlisheck vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

3. **Minutes**

March 23, 2021 Meeting Minutes

MOTION: Mr. Descoteaux makes a motion to approve the March 23, 2021 meeting minutes as written. Mr. Dana seconds the motion.

VOTES: Mr. DePetrillo, Chair Pawlisheck, Mr. Descoteaux, Mr. Schillizzi and Mr. Dana vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

4. **Correspondence and Other Board Business**

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

6. **Adjournment**

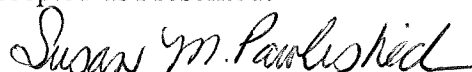
- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MOTION: Mr. Dana makes a motion to adjourn the meeting. Mr. Schillizzi seconds the motion.

VOTES: Mr. DePetrillo, Mr. Schillizzi, Mr. Descoteaux, Mr. Dana and Chair Pawlisheck vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Kate White, Board Secretary and accepted at the May 25, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson Susan Pawlisheck

Cc: Town Clerk