



TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd
Meeting was hybrid (in person and remote via Zoom)

MEETING MINUTES- PUBLIC HEARING

Hearing Date: August 10, 2021 @ 7:00 pm

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

Additional Persons Present: Applicants Attorney, Jay Talerman, Scott Vandewalle, Building/Zoning Commissioner and Kate White ZBA Admin

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

Mr. DePetrillo announces to the Board that Chair Susan Pawlisheck has resigned from the Zoning Board of Appeals.

MOTION: Mr. Fitzwater makes a motion for Derek DePetrillo to take the open chair position for the Board. Mr. Descoteaux seconds the motion.

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

MOTION: Mr. Fitzwater makes a motion for John Schillizzi to take the open vice chair position for the Board. Mr. Descoteaux seconds the motion.

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

Chair DePetrillo explains to the applicant that CJ Fitzwater is now the fifth member of the Zoning Board and currently an alternate that will be voting on both cases.

1. Continued Public Hearing

Case No. 21-14 Petition for Relief – Variance to request relief from the front and side-yard setback requirements to construct proposed single family home.

Address: 80 Cable Ave

Map: 32, **Lot:** 385

Applicant(s): Thomas Underwood, C/O Lisa Mead of Mead, Talerman & Costa LLC

Representing the applicant is Attorney Jay Talerman. Attorney Talerman requests that the Board hear cases 21-14 and 21-15 simultaneously.

Case No. 21-15 Petition for Relief – Variance to request relief from the front and side-yard setback requirements to construct proposed single family home.

Address: 86 Cable Ave

Map: 32, **Lot:** 28

Applicant(s): Thomas Underwood, C/O Lisa Mead of Mead, Talerman & Costa LLC

Attorney Talerman explains to the Board the existing conditions of 80 and 86 Cable Ave. Both lots are located almost entirely within protected salt marsh and related resource areas. Both lots are conforming as to the lot area and frontage allowed in R3 zone. The Conservation Commission and Wetlands Scientist requested that the structures be located as close to the front and right side lot lines as possible to remove from resource areas to greatest extent possible. To accommodate the Conservation Commission's request, the applicant proposes following:

80 Cable Ave, construct single-family home with 1.5ft front yard setback, 9.4ft left side setback where 10ft is required, 9.5ft right side setback where 10ft is required.

86 Cable Ave, construct single-family home with 1.5ft front yard setback, 9.5ft both left and right side setbacks where 10ft is required.

Abutters: Georgette and Philip Smith-81 Cable Ave, Pamela Goodwin-78 Cable Ave, Carol Holland- 77 Cable Ave, Mary Barraclough-91 Cable Ave, Matthew Makarawicz-92 Cable Ave, Mitch Makarawicz-92 Cable Ave express their opposition and concerns. The abutters have concerns with the lack of a hardship, extra flooding that two new structures would cause, signs located on property, integrity of the marshland and its inhabitants.

MOTION: Mr. Dana makes a motion to deny the request for a variance for Case No. 21-14 at 80 Cable Ave due to lack of establishing and presenting a hardship. Mr. Descoteaux seconds the motion.

VOTES: Mr. Dana, Mr. Descoteaux, 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.

MOTION: Mr. Dana makes a motion to deny the request for a variance for Case No. 21-15 at 86 Cable Ave due to lack of establishing and presenting a hardship. Mr. Descoteaux seconds the motion.

VOTES: Mr. Dana, Mr. Descoteaux, 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.

2. Minutes

July 27, 2021 Meeting Minutes

MOTION: Mr. Descoteaux makes a motion to approve the July 27, 2021 meeting minutes as written. Mr. Fitzwater seconds the motion.

VOTES: Mr. Dana, Mr. Descoteaux, 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.

3. Correspondence and Other Board Business

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

5. Adjournment

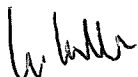
- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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

VOTES: Mr. Dana, Mr. Descoteaux, 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 Kate White, Board Secretary and accepted at the August 24, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson, Derek DePetrillo

Cc: Town Clerk