



TOWN OF SALISBURY
Office of the Board of Appeals
Colchester Room, Town Hall 5 Beach Road

MEETING MINUTES – PUBLIC HEARING

Hearing Date: February 28, 2017 @ 7:00 pm

Members Present: Derek DePetrillo (Secretary/Acting Chairperson), Linda Tremblay, Kevin Henderson, and Joseph Stucker (alt.).

Members Not Present: Susan Pawlisheck (Chairperson)

Additional Persons Present: Scott Vandewalle, Zoning Officer/Building Inspector, Secretary & Acting Chairperson DePetrillo called the meeting to order at 7:00 pm.

Case #17-01 66 Main St – Modify Special Permit for Drive Through

DP notified the Applicant that there are only 4 board members available this evening, a successful decision would require a 4-0 vote, do you wish to proceed?

Brian Levey, Attorney for Applicant – yes, we will proceed but I wish to get a feel of how the board is reacting and reserve the right to withdraw to another hearing.

DP – I cannot say how other board members might vote. BL said he was fine with that.

BL - Dan Berry from Bursaw, the Owner, is here. We are here to modify a special permit for the Fast Freddie's Convenience Store and Gas station on Main St.

BL - The building was designed with a drive thru which it still presently has. In 2004 the ZBA granted a permit to allow '*a drive thru that is owner operated but not subleased*'. Bursaw now wishes to lease to Burger King and we are here to seek clean-up of that zoning issue.

BL - The sight was built to handle a drive-thru. There are other retail drive thru's in the neighborhood, such as Dunkin Donuts across the street.

SV – The underlying zoning was changed to LMA in 2016 and I consider the property to be pre-existing, non-conforming. A restaurant is allowed by approval of the Planning Board.

LT – Why was there a restriction?

SV – I have researched the limited record and no specific reason was noted.

Voting members: Mr. DePetrillo, Mr. Henderson, Ms. Tremblay, Mr. Stucker

MOTION: Mr. Stucker moved to grant the '*motion to modify the original special permit conditions and remove the owner operated condition*'. Mr. Henderson seconded.

VOTES: 4 in favor, 0 opposed. Motion carries.

1. CONTINUED PUBLIC HEARINGS

none

2. MINUTES

Voting members: Mr. DePetrillo (Secretary/Acting Chair), Mr. Henderson, Ms. Tremblay, and Mr. Stucker

MOTION: Mr. Henderson moved to accept the minutes from January 10, 2016 as presented. Ms. Tremblay seconded.

VOTES: 4 in favor, 0 opposed. Motion carries.

MOTION: Mr. Henderson moved to accept the minutes from January 24, 2016 as presented. Mr. Stucker seconded.

VOTES: 4 in favor, 0 opposed. Motion carries.

3. CORRESPONDANCE AND OTHER BUSINESS

None

4. ADJOURNMENT

MOTION: Move to adjourn, seconded.

VOTE: 4 in favor, 0 opposed. Meeting is adjourned.

Respectfully submitted by Scott Vandewalle, Interim Secretary and accepted at the _____ meeting of the Board.

Accepted as Presented

Susan Pawlisheck, Chairperson