



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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date:** December 12, 2017 @7:00pm in the Colchester Meeting Room

**Members Present:** Susan Pawlisheck(Chairperson), Kevin Henderson, Joseph Stucker,  
Derek DePetrillo, Linda Tremblay.

**Members Not Present:** None

**Staff Present:** Scott Vandewalle, Zoning Officer/Building **(Inspector)**.

Chairperson Pawlisheck **(Chair)** called the meeting to order @ 7:15pm.

**1. New Public Hearing**

- A. Case No. 17-20 Petition for Finding by Special Permit** A request for relief to modify a pre-existing non-conforming structure by removing condemned structure and replace it with a new single family home.

**(Chair)** stated the Notice of Hearing was incorrect as Relief by Variance was listed not a Finding by Special Permit. **(Inspector)** stated the Board can modify this as meeting progresses.

**Address:** 114 Railroad Ave.

**Applicant:** Maria Alcala-Herrera **(Applicant)**  
**(Attorney)** Mead will represent applicant.

**(Attorney)** stepped to podium on behalf of applicant, stating also present were Matt Steinel, Engineer from Millennium Engineering and Al DeBasio, Architect for the project. She showed the existing conditions; a multi-family structure that is under condemnation with the Town; **(Inspector)** explained that this property is only on a list for receivership; which is a stepping stone to condemning the property. **(Attorney)** explained that both the Health and Building Departments have worked with applicant.

**(Attorney)** stated the existing home was constructed in the 1920's and is still in the family. The property is currently non-conforming for lot area, front and side setbacks and parking. There is currently no parking on the property. The applicant wants to remove the home and reconstruct a new home. She is not creating any new non-conformities and is slightly improving current non-conformities. The applicant is currently working with the Conservation Committee.

**(Attorney)** explained improvements to be made to all the setbacks and bringing parking onsite under the building.

**(Attorney)** under Zoning Bylaw 300-21B, , there is a 2 step approval needed from the Board; the first is that there be no increase in non-conformity and second is whether the proposed alteration will not be substantially more detrimental to the neighborhood than the existing structure.

**(Attorney)** handed out revised plans to the Board and indicated the only change to the plans in their package was the shape of the deck on top of the structure to provide room for spiral staircase.

**(Attorney)** summarized that all setbacks are slightly improved, meets the flood plan requirements and the architecture is consistent with that in the neighborhood.

**(Chair)** asks for confirmation that this is a total knockdown and if it is built in the same footprint?

**(Attorney)** states the house is more squared off and meets zoning requirements. It is off the footprint a bit.

**(Board Member Tremblay)** wanted to confirm that the height is at 35 feet; home will be 4 levels and the deck is actually below the roofline?

**(Attorney)** There are 3 levels of living space. Deck at top is open.

**(Board Member Henderson)** states the plans show the front is higher than the back.

**(Attorney)** explained that Railroad Ave. is higher and Brissette Ave. is at lower elevation.

**(Chair)** Where is the 35ft measured from?

**(Mr. Steinl)** explained the elevations of the building and how the starting point was determined.

**(Board Member Tremblay)** notes the home is in the flood plain regardless if in back or front yard.

**(Mr. Steinl)** explained the home is split by 2 different flood zones. He explained FEMA elevation levels.

**(Attorney)** because of this we decided to plan for the worst flood plan and the height of the building has nothing to do with the flood plain elevation.

**Abutters:** None

**(Inspector)** wants to confirm applicant is looking for a finding by special permit rather than a variance.

**(Attorney)** confirms that is the correct finding.

**(Chair)** states there will be (2) motions.

**MOTION:** Mr. Stucker made a motion to amend the request to a finding by Special Permit as requested. Mr. Henderson seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. DePetrillo, Ms. Tremblay vote in favor of the motion. Motion passes

unanimously. All members express their vote verbally.

**MOTION:** Mr. Stucker made a motion to grant the finding by Special Permit as the extension of the pre-existing non-conforming structure is not significantly detrimental to the neighborhood and does not intensify any of the non-conformities. Mr. DePetrillo seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Henderson, Ms. Tremblay vote in favor of the motion. Motion passes unanimously. All members express their vote verbally.

**A. Minutes**

Meeting minutes needed to be approved and then signed by the **(Chair)**.

August 8, 2017. Mr. DePetrillo motion to accept as presented; Mr. Stucker second. Minutes approved by all Board Members.

September 12, 2017. Mr. Stucker motion to accept as presented; Mr. Henderson second. Minutes approved by all Board Members.

October 24, 2017. Mr. Henderson motion to accept as presented; Mr. Stucker second. Minutes approved by all Board Members.

November 6, 2017. Mr. Stucker motion to accept as presented; Mr. DePetrillo second. Minutes approved by all Board Members.

All presented minutes unanimously approved; **(Chair)** officially signs minutes.

**B. Correspondence and Other Board Business**

Ms. Tremblay announced the Board had received correspondence regarding 10 Beach Road; the ZBA Decision has been appealed and Board has been served.

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

There were no items brought forth for review

**D. Adjournment**

**Motion** for adjournment was made by Mr. DePetrillo and approved by a 5-0 vote. Meeting is adjourned at 7:40pm.

- 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.

**Next Regularly Scheduled Public Hearing:** Tuesday, January 2, 2018

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the 1/23/2018 meeting of the Zoning Board of Appeals.

Accepted as Presented;

A handwritten signature in black ink, reading "Susan M. Pawlisheck". The signature is written in a cursive, flowing style.

Chairperson Susan Pawlisheck

Cc: Town Clerk