



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

MEETING MINUTES – PUBLIC HEARING

Hearing Date: January 23, 2018 @ 7:00 pm in the Colchester Meeting Room

Members Present: Susan Pawlisheck (Chairperson), Derek DePetrillo (Secretary), Kevin Henderson, Joseph Stucker

Members Not Present: Linda Tremblay

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

Chairperson Pawlisheck (**Chair**) called the meeting to order @ 7:00 pm.

MOTION: Mr. DePetrillo made a motion hear the second case on the agenda first (**Case No. 18-02**) Mr. Stucker seconds the motion.

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

(**Chair**) announced the presence of only a (4) member Board. The applicant must have a unanimous vote tonight to get approval. The applicant has the right to continue the Case to when a 5 member board is present.

1. NEW PUBLIC HEARING

- A. Case No. 18-02 Petition for Relief by Variance:** Request for a Variance for construction of a single-family dwelling (Front and side setbacks). Pursuant to Section 300-34 of the Town of Salisbury Zoning Bylaw (the “Bylaw”)

Address: 15 CCC Road

Applicant: Peter Natsios, Trustee of the 15 CCC Rd, RT

(**Attorney**) James Haroutunian stepped to the podium on behalf of the applicant. He represents the 15 CCC Road Realty Trust. He explained the relations between various trusts of the property, and why the current variance went past the one year shelf life. The variance was never exercised, although it was recorded. This application is for the same variance; no change in circumstances from the original.

Since 2015, the Trust has worked with the Conservation Commission, filing for extensions, seeking financing and working with an Engineer. The Trust was denied a building permit due to the lack of exercise of a physical nature on the variance.

(Attorney) stated the current application contains the same facts, hardships, soil conditions, topography, general improvement to area, information as the original. The site is primarily a wetland except for the front corner on the road. The land drops very steeply in the back. Part of the process would be to pave the roadway and add water and sewer into the roadway. The Order of Conditions through Conservation and DEP requires a retaining wall and demarcation.

(Chair) inquired if the Trust is ready to build since it seems all obstacles have been resolved.

(Attorney) responds that construction financing is in place.

(Mr. Stucker) asked if the Trust had to appear before any other Boards.

(Attorney) response is no.

(Chair) asks if there are any Abutters present; none present.

MOTION: Mr. Stucker made a motion to grant the variance based on topography, soil condition and lot shape. Mr. DePetrillo seconds the motion.

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

2. CONTINUED PUBLIC HEARINGS

(Chair) announce the presence of only a (4) member Board. The applicant must have a unanimous vote to get approval. The applicant has the right to continue the Case to when a 5 member board is present.

- B. Case No. 18-01 Petition for Relief by Administrative Appeal:** An administrative appeal of the Building Inspector Scott Vandewalle's Order dated November 8, 2017 pursuant to Section 300-31; 300-33 of the Town of Salisbury Zoning Bylaw (the "Bylaw")

Address: 5 Gerrish Road

Applicant: John Silva Jr. and Deborah Silva

(Attorney) Mark Griffin steps to the podium on behalf of the applicant inquiring if the absent Board Member could view the tape/documents of the meeting, if held tonight, and then vote at the next meeting.

(Chair) responds that is possible; but again, only 4 members present tonight.

(Attorney) states his clients wish to continue the Case to the next meeting.

MOTION: Mr. DePetrillo made a motion to grant the continuance of Case No. 18-01 to the next meeting. . Mr. Stucker seconds the motion.

VOTES: Ms. Pawlisheck and Mr. Henderson 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).
December 12, 2017. Mr. Stucker motion to accept as presented; Mr. DePetrillo second.
Minutes approved by all Board Members.

B. Correspondence and Other Board Business

There was no correspondence presented for consideration.

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 to adjourn was made by Mr. Stucker and approved by 4-0 vote. Meeting is adjourned at 7:20 pm

Next Regularly Scheduled Public Hearing: Tuesday, February 13, 2018

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the February 13, 2018 meeting of the Board.

Accepted as Presented

Susan M. Pawlisheck Date 2/13/18
Susan Pawlisheck, Chairperson