



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: April 9, 2019 @ 7:00 pm

Members Present: Susan Pawlisheck (Chairperson), Derek DePetrillo (Secretary), Kevin Henderson, Linda Tremblay

Member (s) Absent: None

Additional Persons Present: Scott Vandewalle, Building (**Inspector**)/Zoning Officer, Lisa K. Pearson, Planning Director

(**Chair**) person Pawlisheck called the meeting to order @ 7:04 pm.

(**Chair**) explains to applicants that there is only a (4) member board so the decision has to be unanimous.

1. New Public Hearings

Case No. 19-05 Petition for Relief- Variance regarding dimensional relief for the construction of a 16' X 16' deck.

Address: 405 North End Blvd. **Map 35, Lot 33**

Applicant(s): Alan J. Sicard

(**Mr. Sicard**) owner and applicant approaches the podium. (**Chair**) explains the difference between a four (4) and five (5) member board. (**Mr. Sicard**) requests a few minutes to think about whether to open the case tonight or wait; he will announce his decision after the next case.

Case No. 19-06 Petition for Relief- Administrative Appeal regarding opposition to a building permit and the renumbering of house lots.

Address: 47 Baker Road **Map 10, Lot 65**

Applicant(s): Robert R. Zaino

(Mr. Zaino), applicant, approaches the podium and **(Chair)** asks if he wants to proceed and open his case tonight. **(Mr. Zaino)** asks if the Board is waiting for someone to be appointed? **(Chair)** states the Board is waiting for an appointment as additional people are needed. **(Mr. Zaino)** inquires as to when a new member will be chosen. **(Chair)** states she does not know the timing but knows the Town Manager has interviewed some people and has some people under consideration.

(Mr. Robert Brunault), 41 Baker Road, joins Mr. Zaino at the podium. He asks that if they (the applicants) wait to have someone appointed to the Board, what will happen if they wait/hold off until there is a 5th member? Does the case stop or continue on or would they have to have the case reheard when there are 5 members? **(Chair)** states this is the applicant's decision. If a decision is made to wait, then the applicant can come back when there is a (5) member board or come to next meeting for the (4) member board. **(Mr. Brunault)** asks if this is frozen in time. Would the matter be tabled. **(Chair)** states it has not been opened; once the case is opened, the clock starts ticking. The Board has a certain amount of time to act on it. **(Mr. Brunault)** states that if they are trying to make the right decision, about whether to proceed or not to proceed, the important thing is what is the likelihood that the Board will hear this when they get a 5th member and will it be in time for them to address their concerns for this whole issue.

(Inspector) states to be aware of the time that goes along as the Board will have to hear the case with (4) members over the applicant's objections because the board has to meet with timetables. The Board cannot guarantee there will be a 5th member in time for the case.

(Mr. Brunault) inquires as to what is the time limit? **(Chair)** replies it is either (65) or (100) days.

(Mr. Brunault) inquires as to what the days mean? **(Inspector)** replies the case has to be opened and a decision made within the 100 or 65 day period; unless you agree to waive that in an Extension of Time in writing between you and the Board.

(Mr. Brunault) states that Mr. Zaino began the process in January; then it went on to March.

(Chair) inquires as to the filing date.

(Mr. Zaino) states the initial filing date was January 16, 2019 but the case could not be filed because the Building Permit was not approved.

(Inspector) states March 6, 2019 is the day of the filing.

(Mr. Brunault) states their concern is that they want this to be addressed and would like to discuss it tonight but they want to exercise their right to make sure there is a full board. However, no one knows when the Board will be full so that they can have the benefit of the 5th member.

(Chair) states she cannot speak to when the 5th member will be appointed. She does not have that information.

(Mr. Brunault) states that if there is not a 5th member within 100 days, they will be heard by the current 4-member board? **(Chair)** confirms yes.

(Mr. Zaino) states the applicants have made a decision to wait for the 100 day period in the hopes there will be a 5th member on the Board. He asks if he will be informed by mail.

(Inspector) states no, this is the full extent of notification the applicant would receive. **(Mr. Zaino)** asks if that date is known now. **(Chair)** replies there is a schedule of meetings but she cannot guarantee there will be a 5th member.

(Mr. DePetrillo) states the next (2) meeting dates will be April 23rd and May 28th.

(Mr. Brunault) inquires as to when the 100 day period ends?

(Lisa Pearson) states the case has to be opened within (65) days of March 6' 2019.

(Mr. DePetrillo) states that date would be May 10' 2019.

(Chair) states best thing to do would be to continue to 4/23; at that time the case can be continued.

(Lisa Pearson) states the case can also be heard tonight; under the Mullins Rule

(Chair) states the Board can also make a decision tonight, which would then close the case and it wouldn't matter if there was an appointment. The decision would hold.

(Mr. Zaino) states his decision is to wait until the April 23, 2019 meeting. **(Chair)** confirms the case will be opened on that date and the clock will start. **(Mr. Zaino)** thanks the Board: **(Chair)** now goes back to first case and Mr. Sicard approaches podium and states he will go the same route as prior applicant; he will return on April 23, 2019.

Case No. 19-07 Petition for Relief- Finding (by Special Permit) regarding allowing for the extension or alteration of a pre-existing, non-conforming structure.

Address: 84 Rabbit Road **Map 10, Lot 30**

Applicant(s): Peter Leighton

(Mr. Peter Leighton) approaches the podium and explains the house has been there for 70 years on 2 acres of property; he is requesting to put an addition on the back of the property. It will not affect the front of the property at all. He continues to explain the property right now is 40 feet from street; the new zoning rules say it has to be 50 feet. He points to the map of the property and the layout of the house.

(Chair) asks the applicant to explain exactly how dimensionally you are increasing this?

(Mr. Leighton) explains the front of the property is not going to change at all, the existing building will not be touched, the new building behind it will be an addition of about 40 feet by 40 feet. It will be a single story building with a two car garage beneath it. It is all one floor.

(Chair) confirms applicant currently has a non-conforming home sitting on a lot that does not meet the front setback? (Mr. Leighton) confirms that is his understanding. (Chair) inquires if any of the back is going to be non-compliant with the zoning bylaws? (Mr. Leighton) replies not to his knowledge. He refers to the setbacks on the drawings presented.

(Mr. Leighton) explains the plan is to expand out to the grass area; he has appeared before Conservation and no trees are being touched. No trees are coming down

(Chair) requests the dimensions for the total coverage of the lot. (Mr. Leighton) responds 1.89 acres.

(Chair) states that what he wants to build doesn't require a variance. The applicant is already non-conforming and is not extending the nonconformity. She seeks clarification from the Inspector of what the Board is looking at?

(Inspector) the applicant is not extending it, but is altering the size. The non-conformity is less than 10 feet on the front setback; he just technically has to go through the finding process.

(Mr. Henderson) states the applicant is altering the existing building. (Inspector) states he is altering the use by expanding the use.

(Chair) asks for abutters; there are none.

MOTION: M.Tremblay made a motion to approve the Petition for Relief by Finding for the Special Permit for 84 Rabbit Road because it is not more detrimental to the neighborhood. Mr. DePetrillo seconds the motion.

VOTES: Ms. Pawlisheck and Mr. Henderson vote in favor of the motion. All members express their vote individually and verbally. (4-0). Motion passes.

A. Minutes

February 26, 2019 meeting minutes needed to be approved and then signed by the (Chair).

Ms. Tremblay makes a motion to accept the minutes; Mr. Henderson seconds. Minutes approved by all Board Members.

B. Correspondence and Other Board Business

(Inspector) states there is correspondence for Case No. 19-05 however, the case did not open so it cannot be read.

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

None

D. 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 for adjournment was made by Mr. DePetrillo, Ms. Tremblay seconds and approved by a 4-0 vote. Meeting is adjourned at 7:40 pm.

Next Scheduled Public Hearing: May 28, 2019

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the April 23, 2019, meeting of the Zoning Board of Appeals.

Accepted as Presented;



Chairperson Susan Pawlischeck

Cc: Town Clerk