



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: April 23, 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

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

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

1. Continued 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) approaches the podium and states he will go forward with a (4) member Board. He explains he wants to put up a 16x16 deck and has already spoken to the Building Inspector and Conservation. He is now seeking approval from the Zoning Board. He needs approval for a side setback.

(Chair) asks if the proposed structure is inside the setbacks. (Mr. Sicard) replies yes.

(Chair) asks for the dimensions of the deck and what zone the property is in? (Inspector) replies that everything on the beach North is in the R3 Zone. (Chair) states the setback is 10 minimum and Mr. Sicard will be at 1.9. (Chair) and (Mr. Sicard) agree that the house is already over the property line. (Mr. Sicard) states it has been there since the purchase in 1996.

(Chair) inquires as to what the hardship is? **(Mr. DePetrillo)** inquires as to what the shape of the lot has to do with the hardship?

(Mr. Sicard) responds that he thought he was going to have enough room to put the deck there; he has plenty of room in the front, but is concerned with the side; he does not think it will be a hardship for neighbors.

(Mr. DePetrillo) states the applicant does not have a substantial hardship listed on his petition; does that mean that there is not a substantial hardship? **(Mr. Sicard)** states he does not know what that question means.

(Chair) gives different examples of hardships, such as land is unbuildable due to conservation concerns, etc. She continues that a neighbor has sent a letter stating they are not in favor of having an additional deck leaning up against their property. She states that the letter is from property owner Bernard Zannini, 403 North End Blvd.

(Mr. Sicard) states Mr. Zannini's deck on the back end of his house is just as close to his house.

(Chair) asks if any abutters: NONE

(Inspector) states Mr. Sicard was given some direction last year and because of the unusual property line on multiple sides he felt a variance would be more appropriate. You can bump it down if appropriate.

(Ms. Tremblay) inquired if Mr. Sicard has considered making this deck smaller than 16x16?

(Mr. Sicard) responds that the 16x16 is due to size of his family and would be more comfortable; he could make it smaller if he had to.

(Ms. Tremblay) states that prior to this there was just a set of stairs in the front of the house. **(Mr. Sicard)** responds yes; 4 foot wide set of stairs.

(Board) discusses the various setbacks and if a deck would comply. **(Ms. Tremblay)** states the steps are over the property line on Florence Ave. **(Mr. Henderson)** asks if he can split the 8 feet? Put 4 feet on one side and 4 feet on the other.

(Chair) states he will still need a variance.

(Mr. Henderson) suggests granting the variance for a 14 foot deck which involves a 5 foot setback on both sides. **(Mr. Henderson)** asks if this is a reasonable compromise. **(Chair)** states it is Mr. Sicard's decision on what he wants to present to the Board.

(Chair) states that in the event the applicant wants to resubmit revised plans then this case can be continued. **(Chair)** cannot guarantee it will pass either way; it is the applicant's decision if he wants to modify the drawing and come back.

(Chair) states the Board cannot vote on something not presented (i.e. new drawing, change in size).

(Mr. Sicard) states not much will change on that plan except the size of the deck.

(Chair) explains his proposal will be different than what we have in front of us now. She inquires from the applicant if he would like his case continued. (Mr. Sicard) responded yes.

(Ms. Tremblay) inquires about the cease and desist on the property. (Inspector) explained there was construction on the property when he found it; the foundations were poured already, without a permit, so he issued the order.

MOTION: Mr. DePetrillo made a motion to continue Case No 19-05. Ms. Tremblay 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.

(Inspector) requests the Board to make a motion which includes the exact date of the next meeting the case is continued to, because once the case is submitted which was March 6th, the Board has 100 days to hear the case. (Chair) states the date of the next meeting is May 28th.

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

(Chair) states the applicant has withdrawn his case. Mr. Zaino approaches the podium and (Chair) refers to a letter that an amicable resolution was determined so that the new address would be '51R'. (Mr. Zaino) explained he received a phone call from Town Manager Neil Harrington, who after discussion with his staff, announced the new address of 51R Baker Road and no other numbers will change. He requested a letter of withdrawal, which Mr. Zaino wrote and submitted.

(Chair) states the Board has a copy, the case is withdrawn, so it won't be opened. Good luck.

Request for Extension of Variance (Case No. 18-10)

Address: 42 Commonwealth Ave.

Map 36, Lot 75

Applicant(s): Raymond Champagne

(Mr. Champagne), 23 Commonwealth Ave. approaches the podium to explain he is seeking an extension of a variance which was granted to him for 42 Commonwealth Ave. Mr. Champagne explains the variance was for dividing one contiguous lot into or re-establishing the back existing lots that were established in the 1940's. On May 8' 2018 the Board granted the variance; which would expire after a year without an extension. **(Mr. Champagne)** states he is approaching the year. He had been notified by the Town Clerk on June 26' 2018, that there was no appeal filed. **(Mr. Champagne)** explains his ideas for the lots and what has happened since the variance was approved such as speaking to interested parties, listing it with a realtor, and there was not a tremendous amount of activity. Mr. Champagne states he met with the Building Inspector to discuss a few ideas, and also Conservation and an architect – to pursue different options. Mr. Champagne states he is moving towards a Notice of Intent and that is why is seeking the extension.

(Inspector) recalls that the applicant was given a variance from dimensional requirements to split the lot and asks if the applicant has taken any action to split the lots?

(Mr. Champagne) replies he has and it has been filed at the registry of deeds. He does have copies.

(Inspector) states this would satisfy the variance. The variance had nothing do with building houses or getting building permits.

(Chair) reads the decision and states it says more than just splitting; it includes building (2) family homes.

(Inspector) states if Mr. Champagne does not build (2) single family homes within the next six months, he may have to come for another variance or could lose this whole thing. The way the decision is worded, there are more conditions put on him than should be expected.

(Mr. Henderson) inquires if he should resubmit to just split the lot?

(Inspector) replies that would have been what the intent was; just to re-split the lot. Applicants cannot ask for indefinite extensions.

(Chair) suggests that the applicant submit a request for modification to a variance.

Resubmit the modification to the current variance to clarify the language that is in it. She does not believe the way it was worded is the intent of the original application.

(Inspector) says a concern may be that if the second lot actually gets built, someone could contend that is not what the variance was granted for,.

(Mr. Henderson) inquires that if he modifies the variance only for the separation of the land, when he wants to build a house on the other lot, would he need a variance?

(Inspector) replies applicant would maybe need dimensional consideration.

(Chair) states the Board will act upon what was brought before them tonight and then that gives the applicant time to ask for a modification.

(Mr. Champagne) inquires if it would be like another original application; abutters will be notified, etc.

(Mr. DePetrillo) confirms yes; it would be a whole new application even though it is just a modification.

MOTION: Mr. Henderson made a motion to grant an extension to the variance. Mr. DePetrillo seconds the motion.

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

A. Minutes

April 9, 219 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

None

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 7:35 pm.

Next Scheduled Public Hearing: May 28, 2019

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the May 28, 2019, meeting of the Zoning Board of Appeals.

Accepted as Presented;

A handwritten signature in black ink, appearing to read "Susan G. Pawlisheck".

Chairperson Susan Pawlisheck

Cc: Town Clerk