



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

**MEETING MINUTES- PUBLIC HEARING**

**Hearing Date: August 27, 2019 @ 7:00 pm**

**Members Present:** Susan Pawlisheck (Chairperson), Derek DePetrillo (Secretary), Kevin Henderson, Paul Descoteaux, Drew Dana (Alternate), John Schillizzi (Alternate)

**Member (s) Absent:** Linda Tremblay

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

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

**1. New Public Hearings**

**Case No. 19-17 Petition for Relief- Variance regarding the re-establishment of (2) lots.**

**Address:** 42 Commonwealth Ave.      **Map 36, Lot 75**

**Applicant(s):** Raymond & Donna Champagne

**Applicant Raymond Champagne** approaches the podium and explains that 42 Commonwealth Ave contained (2) separate lots from 1922. The Town had merged those lots together as one. **(Mr. Champagne)** explains he petitioned the Board in April for a variance to re-establish the existing (2) lots that were registered land. The Board granted the variance but due to timing issues, he got a 6 month extension to December of this year. After a discussion with the Zoning Board and the Building Inspector, to eliminate the problem of satisfying this short timeframe, he would re-establish a new application to establish them as (2) lots. The Assessor has established (2) different addresses for these lots and there are (2) tax bills and there was a talk with DPW Director Lisa DeMeo about water

and sewer lines. **(Mr. Champagne)** states he is there to establish the wording that they are 2 buildable existing lots.

**(Chair)** inquires if he had talked to the Town Planner. **(Mr. Champagne)** responded that he had; but not the Planning Board. He states the Planner was at the previous meeting and the Board wasn't sure if the Zoning Board had the jurisdiction over this. **Lisa Pearson, Planning Director** explained that the Board did. The lots need to be established without the wording on the prior variance. **(Chair)** states the applicant is asking the Board to grant a variance to create the boundary again without any stipulations.

**Abutters:** None

**(Mr. Descoteaux)** makes a motion to approve the applicant's request as requested. **(Mr. DePetrillo)** seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Schillizzi and Mr. Henderson vote in favor of the motion. All members express their vote individually and verbally. (5-0). Motion passes

**Case No. 19-18 Petition for Relief by Special Permit-Accessory Apartment** regarding the addition of an accessory apartment.

**Address:** 67 Folly Mill Road

**Map 12, Lot 44**

**Applicant(s):** Paul & Erin Kohan

Applicant **Paul Kohan** approaches the podium and explains he is trying to legalize an accessory apartment; he did not know the apartment was not up to code so he is trying to correct it. **(Mr. Kohan)** explains he is making any modifications requested by the Town.

The Board takes note of the Planning Board letter in their package.

**(Mr. Descoteaux)** asks what needs correcting? **(Mr. Kohan)** replies that an egress had to be corrected as one of the egresses was passing through the existing dwelling. That will be blocked off and there will be (2) separate points of entry for each household.

**(Inspector)** explains that in the 80's many accessory apartments were built without any special permit process; they were called remodeling. If there is no Certificate of Occupancy permit he advises the homeowner to file for an Occupancy Permit and the **(Inspector)** will make a determination as to what type of apartment it is. In this case, it was a second dwelling unit. You can either remove it or apply for the permit.

This is one of those constructed under vague terms and he is trying to clear it up. This case meets all the requirements.

**(Chair)** confirms the main issue was an egress? A second one? **(Inspector)** confirms yes. There is enough room to create it.

**(Mr. Henderson)** inquires what the Planning Board's opinion was. After reading the criteria that the Board reviewed, **(Chair)** states this parcel meets all criteria and the Planning Board feels it should be granted. There is also input from the Board of Health concerning septic, which is also approved.

**Abutters:** None.

**(Mr. Henderson)** makes a motion to grant a Special Permit for an Accessory Apartment. **(Mr. Descoteaux)** seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Schillizzi and Mr. DePetrillo vote in favor of the motion. All members express their vote individually and verbally. (5-0). Motion passes

**Case No. 19-19 Petition for Relief – Variance** regarding the dimensions and setbacks of the lot.

**Address:** 35 Liberty Street

**Map 34, Lot 196**

**Applicant(s):** Thomas Patenaude/Tom Patenaude Homes, Inc.

**Applicant Tom Patenaude** and **Matt Steinel** from Millennium Engineering approach the podium. **(Mr. Patenaude)** states he wants to tear down the existing building and construct another building in its place. However it can't meet the setback requirements. His proposal is to put it on pilings and bring it up to code, and meet FEMA regulations. **(Mr. Stienel)** shows the plan table and states the lot needs 40 feet of frontage; it is now at 20 feet and the lot size requires a quarter of an acre, it is 2000 square feet. It is both the lot size and setback that is needed. The proposal is to pull the structure more onto the property; be more in compliance. The rear deck currently goes over the property line; the new deck will be entirely on the property and parking with 1 stall will be underneath.

**(Inspector)** states there are (2) mobile homes left on the street on these skinny lots. This is one of them and there is one on the right.

**(Mr. Steinel)** states they are contracted with that abutter also and may be back soon to bring that lot into compliance.

**Any abutters:**

**Abutter #1:** Mr. Doug Kennedy approaches the podium and states he lives to the right of the property. He states he is in contract with Millennium and this project will improve the neighborhood. He will be coming to the Board for approval also.

**Abutter #2:** Jeff Joaquin, 33 Liberty Street explains this plan will be the same as his house although he does not have a car underneath. This project will beautify the neighborhood as currently it is an eyesore.

**Abutter #3:** Jeff Scionti, 25 Liberty Street states he is in favor of the project. It is the same as the other row homes. It will improve the neighborhood as currently it is an eye sore and danger.

**(Mr. DePetrillo)** makes a motion to approve the variance due to the shape of the lot hardship. **(Mr. Descoteaux)** seconds the motion.

**VOTES:** Ms. Pawlisheck, Mr. Schillizzi and Mr. Henderson vote in favor of the motion. All members express their vote individually and verbally. (5-0). Motion passes

**A. Minutes**

**July 9, 2019** meeting minutes needed to be approved and then signed by the **(Chair)**.

Mr. Henderson makes a motion to accept the minutes; Mr. Descoteaux 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**

**New Business:** LD Russo to discuss the proposed freestanding sign to be added at 7 Park Street as part of the Residences at Salisbury Square apartments.

**Mr. Nat Russo from LD Russo** states that both the 29 Elm Street and Park Street projects have been completed. **(Mr. Russo)** states there was an oversight concerning a free standing project sign at Elm Street but not at 7 Park Street. He is here for any questions and approval from the Board.

(Mr. Descoteaux) inquires about the shrubs. (Mr. Russo) states that most people are happy. (Inspector) states that one neighbor had ongoing problems and efforts are being made to accommodate him.

(Mr. Russo) states the main sign is on the Park Street side; the main entry to the building and he passes out a picture of the sign. He is also requesting permission for a "Resident Only" sign to try to break the cycle of going by the Boys and Girls Club. He states this project is currently becoming occupied and 29 Elm is fully occupied.

(Chair) inquires if everything is complete. (Mr. Russo) responds that yes, it is. More screening was added and they had to move both parking and lighting for a Park Street neighbor.

(Chair) states the sign is not digital, it is a free standing sign.

Mr. DePetrillo makes a motion to approve the sign; Mr. Descoteaux seconds. Approved by all Board Members.

(Inspector) will release building permit.

## 6. 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, Mr. Descoteaux seconds and approved by a 5-0 vote. Meeting is adjourned at 7:40 pm.

### Next Scheduled Public Hearing: September 10, 2019

Respectfully submitted by Teresa Mahoney, Board Secretary and accepted at the November 12, 2019, meeting of the Zoning Board of Appeals.

Accepted as Presented;



Chairperson Susan Pawlischeck

Cc: Town Clerk