



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: January 10, 2023 @ 7:00 pm

Members Present: Derek DePetrillo (Chair), John Schillizzi (Vice Chair), Drew Dana, and Stephen Rossetti

Additional Persons Present: Scott Vandewalle, Building/Zoning Commissioner and Jennifer Geary ZBA Admin

Derek DePetrillo called the meeting to order at 7:00pm.

New Public Hearings

Case No. 22-000030 Petition for Relief – Variance to request relief from the side yard setback requirements for the creation of a common wall between two existing non-conforming structures

Address: 160 North End Blvd.

Map: 33, **Lot:** 94

Applicant(s): Daniel Abdulla & Mark Moquin

Representative Ron Laffely of Fulcrum Architects was present. Mr. Laffely requested to tie the two hearings for 160 and 162 North End Blvd. together. Chairman DePetrillo informed Mr. Laffely that the board was in receipt of a letter from the Assessor with some questions that he would like addressed. Mr. Laffely reviewed the letter and requested a continuance to the next meeting in order to address the Assessor's concerns.

MOTION: Mr. Dana makes a motion to continue Case No. 22-000030 at 160 North End Blvd. to January 24, 2023. Mr. Rosetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Case No. 22-000031 Petition for Relief – Variance to request relief from the side yard setback requirements for the creation of a common wall between two existing non-conforming structures

Address: 162 North End Blvd.

Map: 33, **Lot:** 91

Applicant(s): High Tide Development, LLC and Colchester Breakers Realty Trust

Representative Ron Laffely of Fulcrum Architects was present. He requested a continuance to the next meeting in order to address the Assessor's concerns.

MOTION: Mr. Dana makes a motion to continue Case No. 22-000031 at 162 North End Blvd.. to January 24, 2023. Mr. Rosetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Case No. 22-000032 Petition for Relief – Finding to request to remodel and extend an existing, non-conforming structure.

Address: 172 North End Blvd.

Map: 33, Lot: 87

Applicant(s): Timothy Beauregard

Chris Crump of CWC Design represented the applicant. Pre-existing non-conformities are as follows: Lot area of 8,663 square feet where 10,890 is required; side set back has a .7 foot encroachment where 10 feet is required. Applicants are proposing to remove the existing roof, reframe the second floor, and extend it upwards. They will not be extending the encroachment. Remodel activities will be within the existing footprint of the house. The proposed changes will remain under height limit restrictions. Mr. Crump Reviewed the proposed roof line and photos of existing conditions and noted that the neighbors have expressed some concerns. Chairman DePetrillo noted the zoning table has x's through the proposed column. Chris replied that could be because the site plan isn't changing. Chairman DePetrillo advised that the proposed figures are still helpful. Mr. Schillizzi asked what the layout of the structure would be. Mr. Crump replied it would be a duplex, with one side being one larger. Mr. Schillizzi asked if there would be off street parking. Mr. Crump replied there would be. Abutter Joe Tower of 174 NEB referred to an indenture which allowed the encroachment. However; the document does not apply to additions or modifications of the structure and he feels the proposed project doesn't conform to the Indenture. He is opposed to the project. Mr. Dana asked if the rest of the work is any concern. Mr. Tower replied that it will change sight lines from their property to the beach. Chairman DePetrillo advised that when projects like this come up, the applicants usually try to fix any encroachments and asked if they tried to improve the condition. Mr. Crump replied they can't move the foundation. They wanted to keep the easement so as to continue to be able to maintain that portion of the structure. Their interpretation of the indenture was that it just applied to the portion of the home over the property line, not the whole home. Chairman DePetrillo recommended they meet with the abutter and come to a compromise.

MOTION: Mr. Dana makes a motion continue Case No. 22-000032 at 172 North End Blvd. to January 24, 2023. Mr. Rosetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Case No. 22-000033 Petition for Relief – Finding to request to replace a 4-unit building with a 3-unit building.

Address: 76 Atlantic Ave.

Map: 32, **Lot:** 191

Applicant(s): 76 Atlantic Avenue, LLC.

Representative Ron Laffely of Fulcrum Architects was present. He noted they received approval from the Board in 2007 to replace the existing 4 unit building with another 4 unit building, and the permits have since lapsed. They are now starting the project over. Pre-existing non conformities are as follows: lot area is 5000 square feet where 10890 is required; side setbacks are 2.6 and 5.2 feet where 10 feet are required; rear setback is 8 feet where 10 is required. Applicants are seeking to replace the existing 4-unit building with a 3-unit building in a single family zone. The new structure will meet all zoning setbacks. Chairman DePetrillo asked about the parking situation. Mr. Laffely stated there is currently parking for 8 vehicles, and will stay the same.

MOTION: Mr. Dana makes a motion to approve Case No. 22-000033 at 76 Atlantic as the proposed project removes all existing setback nonconformities. Mr. Rosetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Minutes

December 13, 2022 Meeting Minutes

MOTION: Mr. Rosetti makes a motion to approve the December 13, 2022 meeting minutes as written. Mr. Schillizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Correspondence and Other Board Business

Zoning Board of Appeals Rules & Regulations update Mr. Schillizzi advised they are having a hard time getting together to discuss.

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

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: Mr. Schillizzi makes a motion to adjourn the meeting. Mr. Rosetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed.

Respectfully submitted by Jen Geary, Board Secretary and accepted at the January 24, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:

A handwritten signature in dark ink, appearing to read 'Derek DePetrillo', written over a faint horizontal line.

Chairperson, Derek DePetrillo

Cc: Town Clerk