



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: July 25, 2023 @ 7:00 pm

Members Present: Derek DePetrillo (Chair), John Schillizzi (Vice Chair), CJ Fitzwater, 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.

Continued Public Hearings

Case No. 23-000015 Petition for Relief – Finding to request to allow a pre-existing, non-conforming use and/or structure

Address: 89 Atlantic Ave.

Map: 32 **Lot:** 137

Applicant(s): Renee Burba

Mr. DePetrillo advised that he has completed a Mullins form for the hearing, and noted that there are sufficient members present to vote on a decision. Representative Chris Crump of CWC Designs was present to discuss the project. He reviewed the updates with the Board. He stated they listened to the abutters concerns from the previous meeting and made adjustments. They shrunk width of house by a foot, taking off about 120 square feet of living space, in order to address setback concerns on the left hand side. They elongated house towards street, and the right side setback will stay at 6.2 feet. Abutter Chris McGuire of 85 Atlantic Ave. #2 stated she appreciates them moving the building, but they didn't move the stairs. She questioned whether the height of the stairway safe, especially in bad weather. Mr. Vandwalle advised that the stairs meet code, which is the minimal standard for safety. Ms. McGuire stated she is concerned about people falling. She also noted that the abutters across the street will have views impeded, and suggested a middle front stairway instead. Abutter John McLaughlin of 85 Atlantic Ave., # 4 stated that he bought the condo for the views and asked if he will just see building once it's built. Eileen McLaughlin also of 85 Atlantic Ave. # 4 noted that it is a three-family now, and the new structure will be a lot bigger. Mr. Crump stated that while they kept the stairs in same place, the corridor will be wider between the houses. He noted the abutters at 85 Atlantic Ave. have similar stairs on the side of their home. The stairs will not be solid, they will be see through, and they are a necessity for a means of egress. Ms. Maguire of 85 Atlantic #2 noted that the property owner's family owns the property on the other side and suggested they put the stairs over there. Mr. DePetrillo asked if it is safe to stack stairs on top of each other. Mr. Vandewalle replied that as long as they can be navigated in an emergency, they meet required dimensions. Mr. McLaughlin of 85 Atlantic Ave., # 4 asked what he will see. Mr. Crump stated the structure will be in line with his building, and he will see a portion of the deck. Ms. McGuire asks what the distance is

from the bottom of the stairway to the corner of building, and questioned whether it was safe having the second means of egress lead to the same area as the first in case there's a fire. Mr. DePetrillo advised egress issues are not in the jurisdiction of the Zoning Board of Appeals. Mr. Crump stated it is about 15-20 feet and added that the means of egress will be a building department issue. Mr. McLaughlin asked if there is any means of recourse if the structure meets building code. Mr. DePetrillo stated he can appeal the Board's decision. Ms. McLaughlin stated they don't feel the exterior stairs going up to the 3rd floor on their own building are safe either.

MOTION: Mr. Fitzwater makes a motion approve Case No. 23-000015 at 89 Atlantic Ave. as the proposed structure is not more detrimental to the neighborhood. Mr. Rossetti seconds the motion.

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

New Public Hearings

Case No. 23-000016 Petition for Relief – Special Permit to request to allow an accessory apartment

Address: 61 Elm St.

Map: 1 **Lot:** 15

Applicant(s): Paul Hogg

Attorney Douglas Deschenes was present to represent Paul Hogg. He reviewed the property in question, which is currently a bait and tackle shop and a two-unit residential structure, one of which is the subject of this hearing. Attorney Deschenes reviewed the history of the property, noting the previous owner used it as a mixed use structure with a business on the first floor, and a residence on the 2nd floor. The property owner worked with the Board of Health and Building Inspector to bring it up to code. They have gone to the Planning Board for their recommendation. The use is allowed by the Table of Uses, it is essential and desirable for the public convenience, there will be no undue traffic as a result, no issues with pedestrian safety, it won't overload utilities, special regulations have been satisfied, it won't impair the character of the district, and won't cause an excess of that use in the district. Attorney Deschenes noted that the Planning Board was supportive, and voted to recommend it to the ZBA. They asked them to provide 9 parking spaces on the site plan for the apartments and the bait shop. There is plenty of room on the site for parking. Attorney Deschenes noted that a sketch was provided, but some spaces didn't meet size requirements. The plan was redone and resubmitted today, but was still not what the Planner was looking for, and they need to speak with an engineer. No letter of support has been issued yet. Attorney Deschenes stated the apartment meets the accessory apartment standards. Mr. DePetrillo asked if they have received approval from the Board of Health. Ms. Geary stated they reviewed the application and signed off on it on the permitting portal. He suggested conditioning the decision for the parking. Mr. DePetrillo noted that Mr. Schillizzi recused himself from the vote at the Planning Board meeting. The Board discussed how to condition the decision Mr. Vandewalle suggested the condition that an Occupancy Certificate will not be issued by the Building Department until Planning receives a sufficient parking plan and issues their letter of recommendation. Mr. Rossetti asked what the issue was with the Parking Plan. Attorney Deschenes replied there were sizing issues. Mr. Vandewalle added that the minimal size for a parking spot is 10 feet by 20 feet, but 9 feet by 18 feet is acceptable at the beach. The Parking Plan can't be approved with the 9 x 18 spaces, it needs to show 10x20 spaces.

MOTION: Mr. Fitzwater makes a motion to approve Case No. 23-000016 at 61 Elm St. with the condition that an Occupancy Permit will not be issued until a parking plan is approved. The use is essential and/or desirable to the public convenience or welfare, the use will not create undue traffic congestion or unduly impair pedestrian safety; the requested use will not overload any public water, drainage or sewer or other municipal system so as to adversely affect health, safety and general welfare of the Town; The requested use will not impair the integrity or character of the district so as to adversely affect the health, safety and general welfare of the neighborhood; the requested use will not cause an excess of that use that could be detrimental to the neighborhood. Mr. Rossetti seconds the motion.

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

Minutes

June 13, 2023 Meeting Minutes

MOTION: Mr. Fitzwater makes a motion to approve the June 13, 2023 meeting minutes as written. Mr. Schillizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, 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 is waiting for additional comments from Mr. Dana. Mr. Rossetti suggested a deadline for supplemental materials ahead of meetings. The Board discussed potential deadlines. Mr. Vandewalle asked the Board whether he should start reviewing applications as they come in, in order to catch any errors or omissions. The Board agreed to institute a review period for new applications.

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. Rossetti makes a motion to adjourn the meeting. Mr. Schillizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Fitzwater, 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 September 12, 2023 meeting of the Zoning Board of Appeals.

Accepted as Presented:

A handwritten signature in dark ink, appearing to read 'Derek DePetrillo', written in a cursive style.

Chairperson, Derek DePetrillo

Cc: Town Clerk