



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: August 23, 2022 @ 7:00 pm

Members Present: Derek DePetrillo (Chair), John Schillizzi (Vice Chair), Drew Dana, Stephen Rossetti and C.J. Fitzwater (Alternate)

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 Hearing

Case No. 22-000018 Petition for Relief – Finding to request the formal allowance of existing three family use in the R3 Zoning District.

Address: 80 Atlantic Ave

Map: 32, Lot: 188

Applicant(s): Anthony Montisanti C/O Gordon Glass of Johnson & Borenstein, LLC

Attorney Gordon Glass of Johnson & Borenstein, LLC represents the applicant. 80 Atlantic Ave contains a legally existing non-conforming two-unit multi-family dwelling that is in use as a three-unit multi-family dwelling. The property is located in the R3 zoning district where multi-family use is not permitted. In 1984, a building permit was issued to reconstruct a pre-existing, non-conforming two-family dwelling. In 1985, the property owner was issued a Certificate of Occupancy for the two-family unit. On or around November 30, 1989 the Building Department was made aware that the two-family structure had been converted into a three-family structure; no permits for this addition were applied for or issued, no permission was sought or granted from the Zoning Board of Appeals for this addition. There is a subsequent trail of enforcement paperwork that followed succeeding owners in an attempt to remove the third unit. The applicant purchased the property in 2000 and requests that the Board will allow the existing three family use in the R3 Zoning District. Attorney Glass summarized his interpretation of the opinion received from Town Counsel.

MOTION: Mr. Fitzwater makes a motion to approve Case No. 22-000018 at 80 Atlantic Ave. The requested extension or alteration of the pre-existing, non-conforming use or structure will not be substantially more detrimental to the neighborhood. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Fitzwater, and Chair DePetrillo, vote in favor of the motion. Mr. Dana and Mr. Schillizzi oppose the motion. Members express their vote individually and verbally. 3 in favor, 2 opposed. Motion carries.

New Public Hearing

Case No. 22-000021 Petition for Relief – Finding to request to allow for the extension/alteration of a pre-existing, non-conforming structure for a proposed addition.

Address: 556 No. End Blvd.

Map: 36, **Lot:** 113

Applicant(s): Donald & Margaret Timony

Contractor Bill Foster of Cote & Foster, Inc. represents the applicant. Chair DePetrillo states for the record that he is friendly with the applicant, but has no financial interest in the project. The pre-existing non-conformities are as follows: lot area is 3,485 square feet where 10,890 square feet is required; side yard setback is 2.6 feet where 10 feet is required; rear yard setback is 6.6 feet where 10 feet is required. The proposed addition does not extend any existing non-conformities nor will any new non-conformities. Mr. Foster states the addition will be on the south side and will be 6 inches further from the lot line than the existing non-conforming portion.

MOTION: Mr. Fitzwater makes a motion to approve the Case No. 22-000021 at 556 No. End Blvd. The requested extension or alteration of the pre-existing, non-conforming use or structure will not be substantially more detrimental to the neighborhood. Mr. Dana seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Minutes

July 12, 2022 Meeting Minutes

MOTION: Mr. Fitzwater makes a motion to approve the July 12, 2022 meeting minutes as written. Mr. Rossetti seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Correspondence and Other Board Business

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

Adjournment

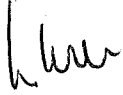
The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MOTION: Mr. Fitzwater makes a motion to adjourn the meeting. Mr. Schilizzi seconds the motion.

VOTES: Mr. Rossetti, Mr. Dana, Mr. Schillizzi, Mr. Fitzwater and Chair DePetrillo, vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Jen Geary, Board Secretary and accepted at the September 13, 2022 meeting of the Zoning Board of Appeals.

Accepted as Presented:

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

Chairperson, Derek DePetrillo

Cc: Town Clerk