



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

MEETING MINUTES- PUBLIC HEARING

Hearing Date: August 8, 2023 @ 7:00 pm

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

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. 23-000017 Petition for Relief – Special Permit to request allow a home based business

Address: 2 Folly Mill Road

Map: 13 Lot: 101

Applicant(s): Craig & Alicia MacMillan

The applicants, Craig & Alicia MacMillan, were present to discuss the request. Mr. MacMillan described the nature of the business, which is a mobile vehicle repair business. The majority of work is conducted offsite, at people's homes or places of business. They would like to work in the garage if weather conditions are unsafe and would only work within certain hours. Chair DePetrillo noted they were before the Board in June, and asked if they plan to operate from 8am - 6pm seven days a week. Ms. MacMillan explained the garage would only be used in bad weather as Mr. MacMillan enjoys going to people's homes to fix their cars and doesn't want to be stuck in a garage all day. Mr. Johnson asked if he plans to use the garage on weekends. Ms. MacMillan replied it would be Monday to Friday only. Chair DePetrillo asked how many vehicles would be worked on at a time. Mr. MacMillan replied that there would be 3-4 cars on days with inclement weather. Mr. Johnson asked if it would only be lightweight vehicles, no heavier vehicles like campers. Mr. MacMillan agreed, there would be no boats or other large vehicles. Mr. Rossetti asked how long will the vehicles stay on the property, and advised that he doesn't want to see a lot of cars waiting to be picked up. Mr. MacMillan replied that nothing would be stored in the driveway, they would store in the garage for overnight. Ms. MacMillan added that they would not be affecting traffic, cars would be dropped off, there will be no customers loitering, and it would only be customers they know and trust. No cars will be stored in the front, they have a large driveway for pick up. There will be no selling of cars. Mr. MacMillan stated any large vehicles would be repaired off site. Mr. Dana asked if a car is being worked on, would the others be in the driveway. Mr. MacMillan replied that there is space in the garage for four cars. Mr. Dana asked if customers will be dropping off their vehicles. Mr. MacMillan answered that he usually picks up the vehicle, he doesn't want the flow of customers

in a residential neighborhood. Mr. Schillizzi asked if waste oil will be picked up for disposal Mr. MacMillan replied it would. Mr. Schillizzi asked if the Fire Department should be involved for fire suppression, etc. Ms. MacMillan added that the Fire Department had no concerns when they constructed the garage. Mr. MacMillan added he doesn't do body repair, so he won't be welding. Mr. Vandewalle advised that there are other bylaws in place that do restrict the allowed use in other ways. They would need a class 1, 2, or 3 license to sell or store vehicles. No more than 2 unregistered vehicles are allowed on a piece of property. He also suggested the Board condition the Decision to limit them to work on passenger vehicles only. Mr. MacMillan asked if that would cover a commercial pick-up truck, Chair DePetrillo replied that would be fine, just no large tractor trailers, etc. Audience member Mike Colburn suggests conditioning based on the gross vehicular weight and stated a passenger vehicle can be up to 10,000 lbs.

MOTION: Mr. Dana makes a motion approve Case No. 23-000017 at 2 Folly Mill Road. With the following conditions: no more than four (4) vehicles will be present at a time; allowed vehicles are passenger vehicles up to 10,000 lbs.; work is to take place inside the garage only; hours of operation are 8am – 6pm Monday - Friday. 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. Schillizzi seconds the motion

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

Case No. 23-000018 Petition for Relief – Special Permit to request to alter the existing electronic and internally illuminated signage

Address: 192 Elm St.

Map: 10 Lot: 149

Applicant(s): Ellen Emery, NH Signs

Peter March of NH Signs was present to discuss the project, as well as a representative of the company. Mr. March explained they are rebranding the gas station from Sunoco to Mobil, and will modify the canopy and street sign. They will be converting the lighting to LED from fluorescent. The street sign will include a digital sign which will toggle between the cash and credit gas prices. Changes will be every 10-15 seconds. It will be the same size and height. With regards to the canopy, it currently has two logos. The new logos will be smaller, with a plain blue canopy. They will also be adding a light bar. Site requires long site lines for traffic exiting Route 95, and the height and size of the sign is necessary for advertising the fuel prices. The changes will not have any negative effects on surrounding properties. He also noted that the new logos have a cleaner design, and that this project is following the trend of converting to digital signage. Mr. Rossetti asked if the sign will flash. Mr. March replied it will not, and it will feature light following technology, meaning it will dim when it gets dark. Mr. Johnson asked if the canopy lights currently turn off when the business is closed, and will it be the same with the new canopy. The company representative replied that the site goes dark after hours.

MOTION: Mr. Schillizzi makes a motion to approve Case No. 23-000018 at 192 Elm St. 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: Chair DePetrillo, Mr. Rossetti, Mr. Schillizzi, Mr. Dana, and Mr. Johnson vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed.

Minutes

July 11, 2023 Meeting Minutes

Chair DePetrillo recused himself as he wasn't present at the July 11 meeting.

MOTION: Mr. Rossetti makes a motion to approve the July 11, 2023 meeting minutes as written. Mr. Johnson seconds the motion.

VOTES: Mr. Rossetti, Mr. Schillizzi, Mr. Dana, and, Mr. Johnson, vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed, 1 recused.

Correspondence and Other Board Business

- Zoning Board of Appeals Rules & Regulations update – no update was given.

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

5. Executive Session

Pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy relating to pending litigation known as, **Tower et al. v Town of Salisbury Zoning Board et al.**, Massachusetts Land Court, Case No. 23 MISC. 000321 (GHP), if the Chair declares that discussing the matter in an open meeting may have a detrimental effect on the litigating position of the Board. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

MOTION: Mr. Schillizzi makes a motion that the Board go into executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation known as **Tower et al. v Town of Salisbury Zoning Board et al.**, Massachusetts Land Court, Case No. 23 MISC. 000321 (GHP) because the Chair has declared that discussing the matter in open session may have a detrimental effect on the litigating position of the Board and with the Board to not return to open session. Mr. Johnson seconds the motion.

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

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.

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