



TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd
Meeting held remotely via Zoom

MEETING MINUTES- PUBLIC HEARING

Hearing Date: April 27, 2021 @ 7:00 pm

Members Present: Susan Pawlisheck (Chair), Derek DePetrillo (Secretary), Drew Dana, Paul Descoteaux & John Schillizzi

Additional Persons Present: Scott Vandewalle, Building Commissioner, Kate White ZBA Admin

Chair Pawlisheck called the meeting to order at 7:00 pm.

Chair Pawlisheck informs the Board that the applicant for Case No. 20-30 for the 40B project on Forest Rd has asked for a continuance until the next scheduled meeting on May 25, 2021 in order to gather all information that has been requested. Madam Chair asks for a motion to continue this case and then proceed with the rest of the agenda.

MOTION: Mr. Descoteaux makes a motion to continue Case No. 20-30 for the 440B project on Forest Rd until the May 25, 2021 meeting. Mr. Schillizzi seconds the motion.

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

1. Continued Public Hearing

Case No. 21-09 Petition for Relief – Finding to allow for the extension/alteration of a pre-existing, non-conforming structure to maintain side and rear setback.

Address: 40 Brissette Ave

Map: 32, **Lot:** 350

Applicant(s): Todd Fitzgerald

Representing the applicant is Bill Nolan of Savoie Nolan Architects LLC. Mr. Nolan summarizes the revised proposal for the property at 40 Brissette Ave. The property owner originally proposed to replace the existing 14-unit structure with a 6-unit structure now proposes a 5-unit structure. The five units have been reduced in size and will eliminate the non-conformities regarding the front and side yard setbacks. The reduced sized of the structure allows for three additional parking spaces. Due to the modification of the original request, the applicant no longer seeks a variance for the front-yard setback.

Zoning Analysis - 40 Brissette Ave - R3 Zone

Setbacks

	Allowed	Existing	Original Proposed	Revised Proposal
Front	20'	37.6'	16.5'	20'
Right Side	10'	0.7'	1.5'	10'
Left Side	10'	1.5'	3.2'	10'
Rear	10'	0.7'	4.2'	1' - 4.6'

Lot Calculations

	Allowed	Existing	Original Proposed	Revised Proposal
Min Lot Size	10,890 SF	6,556 SF	6,556 SF	6,556 SF
Max Lot Coverage	60%	42%	58%	49%
Max Height	35'	±24'	±34.6'	±34.6'
Min Parking	2 per unit	10	12	>15

Madam Chair asks the Board if they have any questions.

Mr. DePetrillo asks if the applicant contacted any of the abutter's that raised concerns at the April 13, 2021 meeting.

Mr. Nolan states that Todd Fitzgerald was in contact with both Mr. Pizzuto and Mr. Burgess.

Michelle Durand of 105 Cable Ave has concerns with the rear decks.

Tom Pizzuto of 42 Brissette Ave has concerns with the density of project and the rear decks..

Laura a rear abutter has concerns with the rear decks.

John Conway of 107 Cable Ave has concerns with the rear decks and with rainwater on the rooftop decks.

Charles Takesian of 9 16th St suggests changing the size of the rear decks.

Mr. Nolan explains that the intention of the rear decks are for a second means of egress not for entertaining purposes. The rear decks cannot be built in the front of the building because it would interfere with parking if they will in fact going to be used for a second means of egress.

Building Commissioner Vandewalle explains to the Board that egress landing and stairs are exempt from zoning.

Mr. Fitzgerald expresses that he is not opposed to removing the balconies; however, they may be required for a second means of egress.

MOTION: Mr. DePetrillo makes a motion to grant the Finding for Case No. 21-09 at 40 Brissette Ave as the new structure is not substantially more detrimental to the neighborhood with the condition that the proposed balconies are removed. Mr. Dana seconds the motion.

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

Case No. 21-10 Petition for Relief – Variance to request relief from the front-yard setback requirement.

Address: 40 Brissette Ave
Map: 32, **Lot:** 350
Applicant(s): Todd Fitzgerald

MOTION: Mr. Descoteaux makes a motion to withdraw the Variance application for Case No. 21-10 at 40 Brissette Ave. Mr. Schillizzi seconds the motion.

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

2. New Public Hearing

Case No. 21-12 Petition for Relief – Variance to request relief from the front-yard setback requirement.

Address: 53 Mudnock Rd
Map: 17, **Lot:** 142
Applicant(s): Dawn Ames

Ms. Ames explains to the Board her request of relief from the front-yard setback requirements so that she may extend her deck by adding 25 square feet.

Building Commissioner Vandewalle further explains that the Ms. Ames's house was previously located on another lot and moved to its current location in the 1980's. No documentation to support why the house was not placed in accordance to zoning requirements at that time.

Madam Chair asks what the new setback would be.

Ms. Ames explains that the road curves so at on one end of the deck it would be 28.5' and the other 27.2' where 40' is required.

MOTION: Mr. Dana makes a motion to grant the Variance for Case No. 21-12 at 53 Mudnock Rd. Mr. DePetrillo seconds the motion.

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

3. **Minutes**

4. **Correspondence and Other Board Business**

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

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

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

Respectfully submitted by Kate White, Board Secretary and accepted at the May 25, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson Susan Pawlisheck

Cc: Town Clerk