



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: July 28, 2020 @ 7:00 pm

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

Member (s) Absent:
Kevin Henderson

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

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

1. Continued Public Hearing

Case No. 20-06 Petition for Relief – Variance to request relief from dimensional setbacks for proposed rooftop deck that exceeds maximum height restrictions.

Address: 97 Atlantic Ave **Map:** 32, **Lot:** 141

Applicant(s): Gregg & MaryBeth Bonheur

Gregg Bonheur requests that Board Member John Schillizzi recuse himself from the vote.

Mr. Schillizzi agrees to recuse himself leaving a four member Board.

Chair Pawlisheck explains to the Bonheurs that they will now need a super majority vote.

Mr. Bonheur requests a continuance until the time that the Board will again have a five member voting Board.

MOTION: Mr. Descoteaux makes a motion to grant the requested continuance until the time that the Board will have five voting members as long as the continuance request form has been signed and returned prior to the next scheduled hearing. Mr. Drew seconds the motion.

Building Commissioner states that it is important to make the decision or the motion contingent upon the applicants signing the extension form without an extension of their timeframe. We do not want to become accidentally approved by going over the time frame

while we get a fifth member. We will send them the document and it must be signed before the next meeting otherwise you withdraw your motion for the continuance.

MOTION: Mr. Descoteaux makes a motion to continue the case based upon the applicant signing continuance documentation understanding that they are going to be waiting for a five member Board or will have to appear again before a four member Board. Mr. Drew seconds the motion.

VOTES: Chair Pawlisheck, Mr. Descoteaux, Mr. Drew and Mr. DePetrillo vote in favor of the motion. Members express their vote individually and verbally. 4 in favor, 0 opposed. Motion carries unanimously.

2. New Public Hearing

Case No. 20-19 Petition for Relief – Finding to request the allowance of the proposed structure that is not substantially more detrimental to the neighborhood than the existing structure.

Address: 28 Rabbit Rd **Map:** 10, **Lot:** 104

Applicant(s): ZAP Development LLC C/O Lisa Mead of Mead, Talerman & Costa LLC

Attorney Adam Costa of Mead, Talerman and Costa LLC is representing the applicant. Mr. Costa gives an overview of the request for relief. The applicants are proposing to remove a pre-existing, non-conforming single family home and construct a new single family home. The non-conforming lot has 81.60 feet of frontage on Rabbit Rd where 150 feet is required. The current northerly side yard setback is 4.7 feet where 30 feet is required. The proposed new construction will improve the northerly side yard setback to 19 feet but it will continue to be non-conforming, as the side yard setback requires 30 feet. Section 300-21(B) of the bylaw permits the alteration or extension of an existing non-conforming structure where there is (1) no new non-conformity and (2) where the Board finds that the proposed alteration is not substantially more detrimental to the neighborhood than the existing structure.

Chair: Thank you very much. Does the Board have any questions? Paul, questions?

Mr. Descoteaux: Just to clarify, there is only one non-conformity that we need to focus on and is this a residential or commercial structure?

Mr. Costa: The intention is to use the proposed building as a single-family dwelling.

Chair: Thank you. Drew, questions?

Mr. Drew: If the proposed building shifted one foot to the south, wouldn't that fix the northerly side yard setback so that it would be in compliance?

Mr. Costa: It would not only because in this district the residential side setback opposed to the commercial side setback of 20 feet is 30 feet.

Mr. Drew: Okay, this is proposed as a residential use. Ultimately, that is the only setback that is non-conforming and it better than the existing. No further questions.

Chair: Thank you. John, questions?

Mr. Schillizzi: No.

Chair: Derek, questions?

Mr. DePetrillo: No.

Chair: Are there any abutters? Scott do you have any comments?

Building Commissioner: No, not at this time.

Chair: Do we have a motion?

MOTION: Mr. DePetrillo makes a motion to approve the Finding for 28 Rabbit Rd., as the proposed structure is not substantially more detrimental to the neighborhood. Mr. Drew seconds the motion.

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

3. Minutes

None at this time

4. Correspondence and Other Board Business

None at this time

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

None at this time

6. Executive Session

Chair: I will entertain a motion to go into Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation regarding

1. Northeast Properties LLC v. Salisbury ZBA, 1977 CV 02164.

I declare that discussing these matters in open session may have a detrimental effect on the litigating position of the Board.

Derek: So moved.

Unanimously voted to move into executive session for the purpose of discussing strategy with respect to litigation regarding the aforementioned cases. Those present at the executive session will be members of the Board, the Building Commissioner, Robin Stein of KP Law and the admin to the Board. The Board will adjourn the meeting at the close of executive session and will not reconvene into open session.

Roll call vote: Mr. DePetrillo-yes; Mr. Descoteaux-yes; Mr. Drew-yes; Mr. Schillizzi-yes; Chairman Pawlisheck-yes.

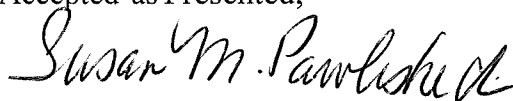
7. Adjournment

- 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.

Next Scheduled Public Hearing: August 11, 2020

Respectfully submitted by Kate White, Board Secretary and accepted at the **September 8, 2020** meeting of the Zoning Board of Appeals.

Accepted as Presented;



Chairperson Susan Pawlisheck

Cc: Town Clerk