



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: June 9, 2020 @ 7:00 pm

Members Present: Susan Pawlisheck (Chair), Derek DePetrillo (Secretary), Paul Descoteaux, Linda Tremblay, 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 @ 7:00 pm.

1. Continued Public Hearing

Chair opens case:

Case No. 20-16 Petition for Relief – Variance to request the extension of the pre-existing, non-conforming structure (lot area) and the alteration of the pre-existing, non-conforming structure (setbacks)

Address: 27 11th Street **Map:** 35, **Lot:** 127

Applicant(s): Gregg & Julie Ristuben

Members voting are: Chair Pawlisheck, Derek DePetrillo, Linda Tremblay, Paul Descoteaux and Drew Dana.

Matt Steinel of Millennium Engineering, representing the Ristubens: the Ristuben's are looking to demolish their pre-existing non-conforming single family home and replace with a single family home. The proposed home will not be conforming, but it will be more conforming than the current structure. The front yard setback will increase from .87' to 7.87', the rear setback will increase from 9' to 10', and the side yard setback will increase from 9' to 18'. The proposed house will be built on pilings to conform to conservation requirements and FEMA flood requirements. The lot itself is nonconforming, but it is not being altered.

Chair: The only non-conformity would be the 7.8' front yard setback and the lot size?

Mr. Steinel: The lot size is non-conforming as the lot is under sized. The front yard setback will be more conforming than previous structure, but the proposed structure will be within the front yard setback. The side yard setback will increase from 9' to 18' bringing this into compliance. The frontage, the rear setbacks and the building height will all meet zoning requirements.

Chair: Thank you.

Chair: Derek, questions?

Mr. DePetrillo: No

Chair: Linda, questions?

Ms. Tremblay: No

Chair: John, questions?

Mr. Schillizzi: No

Chair: Paul, questions?

Mr. Descoteaux: No

Chair: Drew, questions?

Mr. Dana: No

Chair: Are there any abutters present?

MOTION: Mr. DePetrillo makes a motion to approve the variance due to soil conditions and topography of the land. Mr. Dana seconds the motion.

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

2. New 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

MOTION: Ms. Tremblay makes a motion to approve the request to continue case 20-06 until July 28, 2020. Mr. DePetrillo seconds the motion.

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

Case No. 20-13 Petition for Relief – Administrative Appeal to appeal the Building Commissioners decision to deny the use of the structure as exists.

Address: 278 No End Blvd **Map:** 34, **Lot:** 114

Applicant(s): Freckle International LLC

C/O Susan Gavin

Members voting are: Chair Pawlisheck, Derek DePetrillo, Paul Descoteaux, John Schillizzi and Drew Dana.

Attorney Daniel Vieira of Vieira & DiGianfilippo representing Susan Gavin: Brief background, in June of 2019 my client, owner and operator of Freckle International, which is the company used to acquire the property at 278 No End Blvd. At the time of the purchase and as it exists now the property is improved by two structures; the first is a two-family and the second is a three family. Sue made her rounds to the Building Department and the Assessing Department and there was every indication that everything that is there was either conforming or pre-existing non-conforming. She went through the process of doing renovations and pulling permits and at the completion stage from her end and it was her intention to convert these into condos, but for the fact that the Land Court was delayed and subsequently closed she would have likely sold all of these units. As it turned out, she received a letter March 9, 2020 from the Building Commissioner, which is the decision that is being appealed. Two ways of looking at this issue; one has to do with pre-existing, non-conforming because at least based upon the violation written by the Building Inspector it appears to be largely based upon Assessors records that are ten years apart and are at best are sparse in nature. The question is whether or not this structure was in existence as of 1978 and what was the actual status at that time? According to an abutter who moved there in 1977, the structure as it exists now from an exterior standpoint from an egress and access it is the same as it was then which would have predated the zoning that is applicable here as to what it is now. There is a permit from 1980, two years after the local zoning, for adding a second floor, but that second floor does not now and has never had any interior access from the second floor to the first floor. Looking at it from a development standpoint, I think it would have been difficult for the Building Inspector, at that time and assuming that structure hadn't been there, to make the determination that your adding a second floor but surprisingly it's not connected to the first floor because that's simply not a layout that would normally exist. If the structure did not exist, then from a record-keeping standpoint, it still would have made no sense. That is it would have been the intention at that time, that it would have been a second unit. Perhaps at that point it would have been a violation, but as long as the Building Department was issuing that permit for the purpose of occupancy of that second floor as a second unit, even if it's done in error, after ten years it's completely fine, it's now pre-existing, non-conforming. Under the current statute, it would be treated that way going forward. In 1993, the then owner, filed to separate the utilities. From a timing standpoint, it's still much different looking back at it now,

thirty years later and trying to assimilate what facts may have existed. Our best evidence is the affidavit from the abutter.

The other argument that we want to point out in regards to change of use. Is adding that extra unit a cause for the change in use. What is unique about the definitions is that when it comes to use, use is measured either by the dwelling or by the lot and the reason that is important is if you interpret those bylaws, they are to be interpreted in a way that is the least restrictive to the applicant not the most. Here we have a single lot with a three unit structure and a two unit structure, even if we view that two unit structure as one that really meant that at whatever point zoning went into effect, this is four units. It's not one and three, it's four. So the movement of the addition of the second floor of the unit that had one unit to two units, in this context, you would move from four units to five units. According to the Salisbury Zoning Bylaws, this is not a change in use. We believe that this is a pre-existing, non-conforming structure.

Chair: Thank you. At this time, I would like for the Building Commissioner to summarize his findings so that we have a basis to compare to your interpretation of them.

Building Commissioner: I tried to outline in the letter as much as I could, this was brought to my attention by the Chief Assessor whose records didn't seem to match up over time. She had a list of items that did not make sense. Really comes down to the fact that the second floor, which is the dwelling unit in discussion was added by permit in 1980, at least two years after zoning changed and there really wasn't a mechanism to allow for additional dwelling units. The assessor's apartment bylaw would not apply; you would not be able to grant more uses because it's an R3 zone, and there is no record that this property ever went before the Board. The permit of 1980 is not in doubt and most Assessor's records are designed to support that fact. It is my determination that it did not exist at the time of zoning; therefore, it is not a protected use. It may be a protected structure because the statute of limitations does apply, but that statute of limitations does apply through use if it created without proper use of permits. I can't speak to the inspectors at that time, but I have been able to identify it as an issue because I have no idea if they had a chance to look at it at time of completion. It's common they are not called back, there is no Occupancy Certificate on file although there are Occupancy for other structures that age, there is no final card in the file.

Chair: They were issued a permit in 1980?

Building Commissioner: To add a second floor, yes.

Chair: If you could clarify, it was for an addition of a second floor?

Building Commissioner: Yes, it does not define it any deeper than that.

Chair: At That Point, we do not know if it is another living space or just more living space for the people who are on the first floor?

Building Commissioner: We do not have that clear by the permit, no.

Chair: Thank you, Scott. Mr. Vieira you wanted to respond.

Mr. Vieira: Yes, even if the permit was issued in 1980, if the Board determines that it was for an additional unit, even if that violated the zoning in 1980 after ten years the statute of limitations applies to both to the use and to the dwelling itself. If the permit has been issued, it cuts off both of those claims, if there is no permit for that use then I believe the Building Inspector is correct that the use is not protected just the structure.

Chair: The permit that was issued does not discuss the use.

Building Commissioner: The exact language is to construct a 24 x 34 second floor addition to the existing building.

Chair: Thank you.

Building Commissioner: Chapter 40A states that only a use created by a permit may be protected. The use as another dwelling unit is not addressed in that permit. I would argue that the use was not created by a permit and is not protected by the statute of limitations.

Chair: Thank you, Scott.

Chair: Do any of the Board members have questions? Derek, questions?

Mr. DePetrillo: Scott maybe you could answer this one, I saw in your Notice of Violation letter "that a building permit application was submitted on September 30, 2017 and an email regarding follow up questions of clarification the application was forwarded on October 16, 2019; no permit has been approved". What exactly was that in regards to?

Building Commissioner: There had been a series of permits on that building for several units. The front three units have been going through major remodeling; we have been going back and forth with some FEMA Flood regulations and resolving that. I do not recall that we have a permit for this particular unit. In 2017, this property was owned by a different owner, at that time we had several issues going but were able to resolve those issues.

Mr. DePetrillo: It also states, "The determination that a violation has occurred is based upon, but not necessarily limited to a site visit on October 16, 2019"

Building Commissioner: You are looking at a Violation Letter for the same address but different building; that was for the three family.

Mr. DePetrillo: Okay

Chair: Paul, do you have any questions?

Mr. Descoteaux: Unfortunately, nothing specific enough in the permit of 1980 that would give us direction one-way or the other to go with the decision tonight.

Building Commissioner: All we have is the language from the building card, which is to construct a second floor addition to an existing building.

Mr. Descoteaux: Did the applicant do her due diligence prior to acquiring the property?

Building Commissioner: I have no recollection of Ms. Gavin coming in to speak to me, so I cannot speak to that

Mr. Descoteaux: Attorney Vieira, when did you get involved with the case?

Mr. Vieira: Only after the violation letter, but the applicant is here so she can speak to that.

Chair: Drew, do you have any questions?

Mr. Dana: I want to be clear, the violation that we are discussing is whether the second story that was constructed in 1978 constitutes a change in use to become a two family dwelling?

Chair: Yes, because they pulled a permit in 1980 to add a second floor addition, which has either then or since then, has become an additional living unit as opposed to additional living space. The building permit does not provide us with enough detail that we would know more than that and Scott's investigation hasn't turned up an occupancy permit so it is unclear if there was ever an inspection of the work that was done.

Mr. Dana: So we do not have any positive evidence that states definitively when this went from a one family to a two family?

Chair: Because we do not know when somebody started living on the second floor

Sue Gavin: Sadly no plans on file either.

Chair: Drew, anything else?

Mr. Dana: No.

Chair: John, do you have questions?

Mr. Schillizzi: It is just confusing that the addition was permitted, but there is no interior staircase, the staircase is on the outside of the unit so it looks like it was built as an apartment and not extra living space.

Chair: Was there ever an interior staircase?

Building Commissioner: We have no knowledge if there was one or not.

Mr. Schillizzi: And there are no plans to say whether there was or there was not?

Building Commissioner: No.

Mr. Dana: The permit was in 1980, was there anything in the zoning prior to that or around that time when building a second floor would trigger the owners to come before the Zoning Board?

Building Commissioner: There has been a period of time when use variances were allowed. In theory I have not researched if the use variance was allowed at that time, but they would have had to get a use variance to add a dwelling unit. The assessory apartment bylaw was around as well and they would have had to apply for a special permit. Based on the history they would have had to apply before the ZBA for some form of relief in order to have a second dwelling unit.

Mr. Dana: So the mechanisms did exist back then for the variances.

Building Commissioner: Yes.

Chair: Ms. Gavin?

Sue Gavin: Tom Saab is here with some first-hand knowledge as well. I think he has been waiting to speak if that is okay with everyone.

Chair: All right, Tom.

Tom Saab: Tom Saab of Tom Saab Real Estate, I am not an abutter or Sue's broker, I am here as a friend trying to share with you folks some information. In 1980, I began renting the second floor unit for the owners at that time. They purchased this property somewhere in the time of the blizzard in 1978 and the second unit was already in existence. The family occupied the first floor unit on the street side, I rented the three units on the ocean side for the entire summer and the top floor unit the family would use part of the time and I would rent this unit for certain weeks during the summer when the family wasn't using it. There was never an interior stairway of any kind, it was always an exterior stairway. There is no way that I could have been renting that in June of 1980 if that second floor was just constructed starting in February of 1980. In 2014, I put this property on the market for the owners. At that time, I went to the Assessors who researched the property; the property was assessed as five units and had been for as long as her records showed. The Chief Assessor reached out to all Town Departments for input as to why this

property was assessed as five units, but were only being charged four EQR's (sewer fees). The issue was not resolved and the property sold as a five unit and sold again in 2019 as a five unit.

Chair: Thank you for your input, I appreciate it. Do we have other abutters here? Anyone else who is looking to speak on this issue this evening?

Mr. Vieira: Madam Chai, I had one follow up question for the Building Inspector.

Chair: Of course.

Mr. Vieira: Scott, did you have any opinion in regard to the second issue that I raised, if you view it as a lot, going from four units to five units is not a change of use on the Use Table.

Building Commissioner: I do not concur with that.

Mr. Vieira: Okay. Is it because of the unit count or do you think the Use Table has a separate entry for four units or five units?

Building Commissioner: I think there is a long established history of case law practiced by this Board that would clearly say that this is a change in use.

Chair: Do any of the members of the Board have questions?

Mr. DePetrillo: The premises are currently unoccupied so does this mean Ms. Gavin is not presently subject to any use violations?

Building Commissioner: The property was clearly used in prior history. I have been there, I have met with tenants, I had been advised that it sold with a new tenant to come.

Chair: Why wasn't this trigger pulled in 2017?

Building Commissioner: I certainly would not have known that it was an issue; I presume that when someone pulls a permit that it is correct. We do not go back and reread all the records to see what the true whole story is. We just accept their permit based on the facts. It wasn't until the Assessor brought it to my attention and asked me to investigate it, I had no reason to suspect otherwise.

Chair: Since the property has been assessed as a five unit for so long, yet they have only have four EQR's will the property owner be liable to pay for the fifth EQR going back all those years?

Building Commissioner: In past practice yes, the sewer commissioners have gone back to seek fees never paid. I presume they will seek to negotiate with Ms. Gavin, some fee to pay for what was never paid for the use of the system should you turn over my decision.

Chair: Thank you. Paul, you have a question?

Mr. Descoteaux: Would the applicant be entitled to repercussion for the tax assessment for the five units if we are calling it four units?

Building Commissioner: I cannot answer to that. I do not know how the Assessing Department views that. I think they view it as, if they are using it as five units they are properly assessing it as five and they were getting the benefit of using it as such.

Chair: Do we have any other questions?

Mr. DePetrillo: Scott, if we uphold your decision what happens to the applicant?

Building Commissioner: In theory, it is a four unit and they will have to be allowed to use it as fifth dwelling unit ever again or they have ability to take it to the next level, court.

Chair: In the event that we upheld your decision is there a way that the applicant can move forward to make a request for a use variance to allow the second floor to become a separate unit?

Building Commissioner: Not that I know of no.

Chair: So the only way that she gets to keep the second floor as its own unit is if we over turn your decision and find that it is a pre-existing, non-conforming use.

Building Commissioner: Correct

Chair: On a permit that was pulled in 1980 and has been living since then.

Building Commissioner: Right, as you know we have a lot of buildings down there with multiple illegal units and this is a common problem that we wrestle with. We have had these kind of conversations before and they will come up again

Chair: Do we have a motion?

MOTION: Mr. DePetrillo makes a motion to uphold the Building Inspectors decision for 278 No End Blvd. Mr. Dana seconds the motion.

VOTES: Mr. DePetrillo and Mr. Dana vote in favor of the motion. Mr. Descoteaux, Mr. Schillizzi and Chair Pawlisheck vote in opposition. All members express their vote individually and verbally. 2 in favor, 3 opposed. Motion fails.

Case No. 20-14 Petition for Relief – Special Permit to request the allowance of boat storage, selling, repairing and servicing in a commercial zone.

Address: 61 Elm Street **Map:** 1, **Lot:** 15

Applicant(s): Paul Hogg

Members voting are: Chair Pawlisheck, Derek DePetrillo, Linda Tremblay, Paul Descoteaux and Drew Dana.

Paul Hogg: What I am looking to do is add boat storage, selling, servicing and repairing boats in the approved commercial zoned area on the property. I have spoken to some of the neighbors and just to clarify on the plans it does show a building in the rear of the property, the residential portion, but at this time we are not looking to build on the property. The proposed storage is 100' off the buffer zone; I have shown the plans to the Fire Department and received their approval as you will see on the submitted plans. I am requesting a maximum of 35 boats to be stored and requesting hours of operation to be 8:00am to 8:00pm.

Chair: Thank you very much. Linda, do you have any questions?

Ms. Tremblay: No

Chair: Drew, questions?

Mr. Dana: No questions.

Chair: Derek?

Mr. DePetrillo: This is seven days a week, correct.

Mr. Hogg: Correct.

Mr. DePetrillo: Throughout the entire year or seasonal?

Mr. Hogg: Roughly how it works is in the summertime there will be a little bit more traffic than in the winter due to boating season. Generally, in the wintertime the boats will be shrink-wrapped and stay on the premises and pretty much shut down.

Chair: Thank you very much. Paul, do you have any questions?

Mr. Descoteaux: I do not.

Chair: We have some abutters tonight.

Greg Dunkel: 62 Mudnock Rd abutter to the south. I want to try to protect my property value and my quality of life. Mr. Dunkel is seeking clarification that the residential portion of the property is not being addressed at the meeting; the proposed building on the residential portion of the property would impact the storm water management on his property. He does not have any issues with storing and selling but is concerned with noise and fuel pollution that comes along with the servicing and repairing of boats on this property. There are two boats already being stored on the residential piece of property. Mr. Dunkel's last concern is the hours of operation seven days a week and the noise on the weekends from grinders and buffers.

Chair: Thank you very much. Who else is hear for this case?

Doug Tatro: 66 Mudnock Rd. Mr. Tatro was mainly concerned with the residential portion of the property that abuts his property and the storing of boats on that portion now and in the future.

Chair: Mr. Hogg can you answer to that both the abutters addressed that you have boats stored on residential land?

Mr. Hogg: The boats stored on the residential portion are my own personal boats. If this is an issue, I can move them immediately.

Chair: Thank you. Are there any other abutters here that would like to talk about this?

Nora Duggan: 70 Mudnock Rd. Nora has no objection to if they are only using the commercial portion of property; her concern is if he was constructing a building on the residential portion of land.

Chair: Today he is only asking for the special permit on the commercial portion of the property. Do we have any more questions from the ZBA?

Mr. DePetrillo: I would like the applicant to address the abutters concerns in regards to the noise and storm water drainage.

Mr. Hogg: As far as the storm water, so you think there is going to be extra water coming down because of what we would be doing?

Chair: The storm water seems to be in concern if you were putting another building on the residential property. Concerns were about repair and the scope of the repair that you might do and about noise on Saturdays and Sundays and the impact that it might have to your neighbors.

Mr. Hogg: The weekends are a big part of the short seasonal business and I have proposed the set hours. The building in the rear is not being presented tonight, but when I do decide to move forward with that I will have a storm water plan in place.

Chair: The other question was the scope of repairs that you will do.

Mr. Hogg: I am not looking into getting into major repairs; just shrink wrapping, buffing and light mechanical work.

Chair: Does that answer your questions, Mr. Dunkel?

Mr. Dunkel: He actually said, "in this meeting we are not discussing that" so he knows my feelings moving forward about any commercial activity and I have already talked to the Town about this and it is not going to be allowed. Beyond that I just wish you would address my concerns, I do not want buffers, grinders and everything running. I think you need to limit that part of your business to something more reasonable like 4 o'clock or 5 o'clock, maybe not at all on a Sunday. So that I can at least have some piece of mind the best part of the year, which is the summertime; so eight to eight does not work for me seven days a week for all four options. I remember in the last meeting you guys said you could put conditions on everything. And the last part is you guys are really going to put me in a bad place because I am going to have to be the policeman and bad cop for this or go to the city because I just have a bad feeling that that's what's going to happen. I don't like calling and complaining, I have never complained in all the properties that I have owned. So again, it is really about the hours and the scope of repair.

Chair: Thank you very much. Do we have any other questions from the Board?

Mr. Dana: The question is for the applicant, when you say it is seven days a week, eight to eight, is that both the storage and service/repair aspect or is there a differentiation?

Mr. Hogg: Keep in mind they are small 110 electric buffers, they are not huge machines making a lot of noise; these are not a loud type of equipment.

Chair: The point is, a reasonable request would be that that service and repairs do not happen on the weekends or at least Sunday am I being over simplistic.

Mr. Hogg: Just to clarify and being in the business for a long time, the weekends are busier because people aren't working and like to go down on a Saturday or Sunday and clean up their boats; during the week they face time restraints. Generally when people are doing this type of activity it is on the weekends.

Chair: I apologize. My assumption was that you and people who work for you would be doing this work, not the people own the boats.

Mr. Hogg: It is a mixture of both.

Chair: If we limit when you can do that, how can you make sure that the people who own boats are in compliance?

Mr. Hogg: Every boat that is on the property signs a contract with us, we have all their information, I have rules that I can put into place, and I make sure that they are all fully insured on top of our insurance. There are rules that we have on the yard, we do not want it to be a free for all, I like to keep it organized.

Chair: You own another establishment that does this?

Mr. Hogg: My family does.

Chair: Have you been successful at limiting hours of operation and activity?

Mr. Hogg: Yes, we have had zero complaints.

Chair: Thank you very much. Other questions?

Mr. Descoteaux: Just to clarify also, you have 35 potential boats being stored there and in addition to that there would be other people bringing their boats there to be serviced?

Mr. Hogg: Correct.

Mr. Descoteaux: How often does somebody buff a boat?

Mr. Hogg: Not very often, generally in the springtime when people are preparing their boats for the water.

Ms. Tremblay: I don't think it is reasonable to expect to curtail the use of power equipment on weekends, certainly not in the spring it could hurt his business.

Chair: But we can limit his hours and operations.

Mr. Dunkel: We have a lot of car dealers, locally, and they have facilities that actually enclose everything and they are not running on the weekends, so I think it is reasonable to because these are outdoor activities and not very professional for lack of a better word.

Board discusses hours of operations.

Chair: Mr. Hogg if we impose time restrictions or limitations, is that something that would still make a viable business for you? Because we are trying to make sure that if you have a business you can succeed as well as your abutters and neighbors can enjoy their property. So right now what is on the table is looking like: storage seven (7) days a week 8:00am – 8:00pm, service/repairs seven (7) days a week; Monday – Friday 8:00am – 5:00pm, Saturday and Sunday 8:00am – 4:00pm. What is your feedback?

Mr. Hogg: Can I request an extension for Saturdays?

Chair: If it were Monday – Saturday 8:00am – 5:00pm is that livable?

Mr. Hogg: Yes

Chair: Greg Dunkel?

Mr. Dunkel: I guess.

Chair: Do we have motion?

Mr. Descoteaux: The abutter also raised an environmental issue. Does the Board get involved with that at all?

Chair: There are laws that we discussed last time that are in place that control waste management and what you can and cannot have on your property, what you can use to clean. The applicant needs to comply with those laws.

Chair: Do we have a motion?

MOTION: Mr. DePetrillo makes a motion to approve the Special Permit, as it is essential or desirable to the public welfare, it will not create undue traffic congestion, it will not overload any public water, drainage or sewerage, it will not impair the integrity of the district and it will not be detrimental to the neighborhood, with the following conditions: Maximum number of boats to be stored is 35, boat storage seven (7) days a week 8:00am – 8:00pm, service/repair hours Monday – Saturday 8:00am – 5:00pm and Sunday 8:00am – 4:00pm. Mr. Dana seconds the motion.

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

Case No. 20-15 Petition for Relief – Finding by Special Permit to request the allowance for the extension or alteration of a pre-existing, non-conforming structure.

Address: 557 No End Blvd **Map:** 36, **Lot:** 25

Applicant(s): Erick & Ellen Kuchar

Members voting are: Chair Pawlisheck, Derek DePetrillo, Linda Tremblay, Paul Descoteaux and John Schillizzi.

Ken Savoie and Rebecca Hardin of Savoie Nolan Architects, LLC representing the Kuchars summarizes the proposed improvements to the existing building.

The proposed improvements to the front of building include siding, windows and new front entry door to lower unit and the open stairs and landing to the front door will remain and be repaired as needed.

The proposed improvements to the right side are to remove the second floor open deck, a two level addition will be placed above the existing first floor porch, the existing open egress stair from upper unit will be replaced with a new switch back stair and a walkway will be added to connect it to the rear deck.

The proposed improvements to the rear will include the reconfiguration of the open stair leading up to the raised decks and the deck at the second level will be slightly expanded.

The proposed improvements to the left side include replacing the existing open deck at the second level over the enclosed entry with a larger covered deck extending towards the rear.

Chair: Board, questions? Derek?

Mr. DePetrillo: No

Chair: John, questions?

Mr. Schillizzi: Does the height stay the same?

Mr. Savoie: Yes, we are not changing the ridge at all.

Chair: Linda, questions?

Ms. Tremblay: No

Chair: Drew, questions?

Mr. Dana: No

Chair: Paul, questions?

Mr. Descoteaux: What is the cost of this project?

Mr. Savoie: We understand that we have to stay within a certain construction guideline, so we may have to scale back some of the improvements that we proposed in order to stay within the 50% threshold, but what we wanted to propose tonight was all of the changes that we are suggesting so the Board will see the overall approach.

Mr. Descoteaux: That was the purpose of my question.

Chair: You are improving one aspect of the zoning requirements and you are not making anything worse, is that the summary of your proposal?

Mr. Savoie: yes it is, we are not expanding the footprint.

Chair: Does anyone have any other questions? Abutters?

Mr. DePetrillo: Reads letter received from the applicant's abutter in support of the proposed upgrades to the property.

Chair: Do we have a motion?

MOTION: Mr. DePetrillo makes a motion to approve the request for a Finding by Special Permit as the alteration is not substantially more detrimental to the neighborhood. Mr. Schillizzi seconds the motion.

VOTES: Mr. Descoteaux, Ms. Tremblay, Mr. Schillizzi, Mr. DePetrillo and Chair Pawlisheck 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. 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. Dana seconds the motion.

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

Next Scheduled Public Hearing: June 23, 2020

Respectfully submitted by Kate White, Board Secretary and accepted at the July 28, 2020 meeting of the Zoning Board of Appeals.

Accepted as Presented;

A handwritten signature in cursive script that reads "Susan M. Pawlisheck".

Chairperson Susan Pawlisheck

Cc: Town Clerk

