

SALISBURY ZONING BOARD OF APPEALS

REGULAR MEETING / PUBLIC HEARINGS

AUGUST 10, 2021 – 5:00PM (VIA ZOOM)

1. Call to Order. Present: Jeff Lloyd, Stacie Weiner, Steve Victory, Michael Alderman, David Maffucci (Alternate) and M.E. Freeman (Alternate). Absent: Roxanne Belter and Eugenie Warner (Alternate). In Attendance: Abby Conroy, Land Use Administrator and Georgia Petry, Secretary.
Seating of Members & Alternates: All regular members were seated; D. Maffucci was seated for R. Belter.
2. **Approval of Agenda. So Moved** by S. Weiner, seconded by M. Alderman and unanimously **Approved**.
3. **Approval of the Minutes of July 13, 2021. So Moved** by S. Weiner, seconded by M. Alderman and unanimously **Approved**.

Public Hearings

4. #2021-0135 / Marketplace of Salisbury (LaBonne's) / 22 Academy Street / Setback and Coverage Variance / Map 54 / Lot 25 / DOR: 06/08/2021.
The Legal Notice, as published in the Lakeville Journal, was read by S. Weiner. Bob La Bonne Jr. spoke as the applicant and described the proposed activity. They are looking to replace an existing 40' x 8' cooler with a same-size new cooler which would provide direct access to the store in the same location. They would also like to have a generator installed to deal with more frequent power outages. J. Lloyd asked if the portable office trailer is still needed; Mr. LaBonne answered, yes. S. Victory indicated that the proposed cooler and generator are two separate issues. A. Conroy noted that generators are structures and required to meet the setback regulations for the district. J. Lloyd asked about the property lines. Mr. LaBonne explained that the Church next door rents the rear parking area to the store and the proposed new generator would sit right up against the property line on the LaBonne's side. He added that there has been no communication from the Church. D. Maffucci asked if the reason for a variance for the new cooler was for a fractional increase over the setback line, 11.9' instead of 12'; Mr. LaBonne answered, yes, and that the existing freezer unit is also slightly non-compliant. S. Victory asked if there would be enough access for emergency vehicles; Mr. LaBonne thought so. D. Maffucci pointed out that if the proposed new cooler could be shifted a couple of feet further to the right, along the loading dock toward the parking lot, it would meet the setback requirement without a variance. Mr. LaBonne agreed that the cooler would be

moved out of the setback area, as suggested by the ZBA. (That portion of the Application will be withdrawn.) The Commission began discussion of the proposed generator. J. Lloyd asked what type of generator it will be; Mr. Bonne answered diesel. A. Conroy noted that a generator is considered a principal structure, not an accessory building. It is the same zoning as in the commercial zone and the 12' side yard setback is to protect the neighboring property owners. There were several questions about the proposed location and any suggestions for another spot. Mr. LaBonne indicated that he would look at the plans again. (At this point in the meeting, Mr. LaBonne lost the internet connection due to a storm.) **A Motion to Table this Application and Continue the Public Hearing until after the next Application on the Agenda** was made by S. Victory, seconded by S. Weiner and unanimously **Approved**.

5. #2021-0139 / Ramcharran (LRC Group – Wagenblatt) / 24 Cleaveland Street / Front Setback Variance / Map 49 / Lot 116 / DOR: 07/13/2021.

S. Weiner read the Legal Notice, as published in the Lakeville Journal. James Brucz, Architect, and John Wagenblatt, Surveyor/Civil Engineer, representing the owners, described the proposed work at the property. Mr. Wagenblatt indicated that the proposed work would include extending an external overhang over a covered porch which would increase the encroachment in the front setback; the encroachment is 24.4' now and the new encroachment would add another 6'. Mr. Brucz referred to letters of support from some neighbors that are available on the ZBA page of the Salisbury website: www.salisburyct.us. S. Weiner asked if the current porch is non-conforming; Mr. Wagenblatt answered yes, that actually the front half of the house is over the current setback line. D. Maffucci asked how much more non-conforming the proposed porch is over the existing one; Mr. Brucz answered that the existing porch is approximately 80sq.' versus the 340sq.' proposed. He added that the proposed porch would add 3'4" to the existing porch for a total of 6' non-conforming extension. D. Maffucci asked what is the hardship for building the porch, it is an option. S. Weiner asked why not just repair the existing porch? Mr. Brucz described the family's preference for better direct access in the front, due to the topography. The property owners expressed their thanks for this consideration. At this time, J. Lloyd recused himself from the discussion because he works with one of the owners. M.E. Freeman was appointed voting alternate for J. Lloyd. S. Victory took over as Acting Chairman. **A Motion to Close the Public Hearing on Application #2021-0139** was made by S. Weiner, seconded by M.E. Freeman and unanimously **Approved**. The Commission members offered their positions on the application; all were favorable. **A Motion to Grant the Variance for Application #2021-0139 for a Front Setback at 24 Cleaveland Street** was made by D. Maffucci, seconded by S. Weiner and unanimously **Approved**.

4. Continuation of Application #2021-0135 – Public Hearing

Mr. LaBonne returned to the meeting. J. Lloyd suggested that the Application regarding the generator could be Tabled or Withdrawn without prejudice. Mr. LaBonne offered to modify the application and come back with new drawings showing the new proposed locations for the generator and cooler. A. Conroy pointed out that there is still the separate issue of increased

building coverage; the total coverage would be increased to 29% from the existing 28.8% which is already over the 25% maximum permitted because the cooler becomes a part of the building. Mr. LaBonne offered that the total building coverage would not change from the proposed 29%, even if the cooler is slightly moved to conform, making a setback variance unnecessary. A. Conroy allowed that the part of the Application requesting the variance for the total building coverage under Section 307 could be considered separately tonight. The proposed generator is considered a structure, not a building and is not part of the total building coverage percentage. **A Motion to Close the Public Hearing on the portion of Application #2021-0135 for a Variance for Maximum Building Coverage per Section 307 of the Salisbury Zoning Regulations**, was made by S. Weiner, seconded by M. Alderman and unanimously **Approved**. There was brief discussion. **A Motion to Grant a Variance for the portion of Application #2021-0135 relating to Maximum Building Coverage per Section 307 of the Salisbury Zoning Regulations**, was made by S. Weiner, seconded by M. Alderman and unanimously **Approved**.

Adjournment. So Moved by S. Victory, seconded by S. Weiner and unanimously **Approved**.