

SALISBURY ZONING BOARD OF APPEALS

REGULAR MEETING

MAY 10, 2022- 5:00PM (VIA ZOOM)

- 1 1. Call to Order. Present: Jeff Lloyd, Stacie Weiner, M. E. Freeman, Peter Menikoff (Alternate), Lee
2 Greenhouse (Alternate) and Georgia Petry, Recording Secretary. Absent: Michael Alderman
3 and Roxanne Belter.
4
- 5 2. Roll Call & Seating of Alternates. L. Greenhouse was appointed voting alternate for R. Belter and
6 P. Menikoff was appointed voting alternate for M. Alderman.
7
- 8 3. **Approval of Agenda. So Moved** by S. Weiner, seconded by M. E. Freeman and unanimously
9 **Approved.**
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- 11 4. **Approval of the Minutes of April 12, 2022. So Moved** by L. Greenhouse, seconded by M. E.
12 Freeman and **Approved.** P. Menikoff abstained, as he was not present at the meeting.
13
- 14 5. Public Comment – None.

15
16 **Public Hearing**

- 17 6. ZBA #2022-0170 / Alex and Danielle Mindlin / 50 Hammertown Road / Request for Variance
18 from 304.1 & 503.2 for Mudroom / Map 23 / Lot 11 / DOR: 04/11/2022
19 The Public Hearing was opened at 5:05pm. The Legal Notice was read by S. Weiner. Alex
20 Mindlin gave a presentation of the proposed mudroom project (enclosing a deck) and described
21 the property. He noted that the house is mostly non-conforming already and pointed out that
22 the Town owns an angle of the front of the property. He showed photos of the house and the
23 existing deck and noted that the deck is about 45' back from the road. The proposal is to
24 enclose the existing deck at the side of the house and not enlarge the footprint. J. Lloyd asked
25 about the Zoning Regulations Section 503.2; Mr. Mindlin read the Section and the definition of a
26 “building” on page 104 of the Zoning Regulations. P. Menikoff asked if Mr. Mindlin was saying
27 that 503.2 was permissive; Mr. Mindlin replied yes, but that Land Use Administrator Abby
28 Conroy and PZC Chair Michael Klemens did not offer to issue a Special Permit – that is why he
29 applied to the ZBA for a Variance. P. Menikoff was surprised that the PZC did not have the
30 authority here. He also had visited the site and suggested that the request could be permitted.
31 J. Lloyd suggested that the deck was not original and possibly added without prior authorization.
32 L. Greenhouse noted that this is a non-conforming property and agrees that the Regulations
33 allow for a ZBA Variance; this is a minor alteration. M. E. Freeman and S. Weiner also agreed
34 this request has no impact. There was brief discussion about Section 304.1, regarding minimum
35 yard setback requirements. L. Greenhouse indicated that the deck is part of the house; the

36 house is non-conforming and may pre-date zoning regulations. J. Lloyd asked about the
37 foundation of the deck/proposed mudroom; Mr. Mindlin answered that they would be using
38 like-kind materials, if replacement is needed. There were no further questions. A **Motion to**
39 **Close the Public Hearing on Application #2022-0170** was made by S. Weiner, seconded by M. E.
40 Freeman and unanimously **Approved**. The Public Hearing was closed at 5:26pm.

41
42 **Public Hearing**

- 43 7. ZBA #2022-0175 / Reid (Churchill) / 138 Under Mountain Road / Request for Variance from
44 300.2 & 304.1 for Garage / Map 14 / Lot 38 / DOR: 05/10/2022.

45 The Public Hearing was opened at 5:28pm. The Legal Notice was read by S. Weiner. Seth
46 Churchill, representing the owner, described the property as a non-conforming building lot
47 which has a 2-story house (non-conforming) and a small shed (conforming). He pointed out that
48 the buildable area restrictions prevent almost anything from being built on the property. P.
49 Menikoff asked if there was another issue here, besides the 30' setback issue. He also asked if
50 the proposed garage did not go over the 30' setback, would there be a problem; Mr. Churchill
51 answered, no. There was a lengthy discussion about possible changes to the plan, including
52 relocating the walkway, reducing the size of the garage and changing the design. Mr. Churchill
53 explained that his plans had to accommodate a reserve septic area with a pumped system. P.
54 Menikoff asked about any discussion with Planning & Zoning; Mr. Churchill answered that they
55 said no, because of the setback requirements and directed him to try the ZBA. He also
56 mentioned that a neighbor immediately adjacent to the property had written a letter in favor of
57 building the garage. There were no further questions. A **Motion to Close the Public Hearing on**
58 **Application #2022-0175** was made by S. Weiner, seconded by M. E. Freeman and unanimously
59 **Approved**. The Public Hearing was closed at 5:47pm.

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61 The Regular Meeting resumed in order to discuss the applications.

62 ZBA Application #2022-0170 – S. Weiner commented that there was no reason not to approve
63 the application. P. Menikoff conditioned his approval, saying that the footprint should not be
64 increased at all. A **Motion to Approve Application #2022-0170 for Variance at 50 Hammertown**
65 **Road** was made by S. Weiner, seconded by M. E. Freeman and unanimously **Approved**.

66
67 ZBA Application #2022-0175 – M. E. Freeman had no problems with the application. L.
68 Greenhouse asked about the ZBA authority to grant a variance for allowing building to further
69 increase non-conformity. J. Lloyd suggested that they look at the uniqueness of the property
70 and how zoning regulations have impacted particularly small lots. P. Menikoff talked about
71 reasons for setbacks and when they make sense, but in this particular situation, he would let the
72 applicant have what he wants. After further brief discussion, L. Greenhouse indicated that he
73 was persuaded, in this case. A **Motion to Approve Application #2022-0175 for Variance at 138**
74 **Under Mountain Road** was made by S. Weiner, seconded by M. E. Freeman and unanimously
75 **Approved**.

- 77 8. #2021-0135 / Marketplace of Salisbury (LaBonne's) / 22 Academy Street / Setback and Coverage
78 Variance / Map 54 / Lot 25.
79 The Applicant was not present; discussion was **Tabled** to the next meeting.
80
81 9. **Adjournment. So Moved** by S. Weiner, seconded by M. E. Freeman and unanimously
82 **Approved.**
83 The meeting adjourned at 6:00pm.