

SALISBURY ZONING BOARD OF APPEALS

REGULAR MEETING

JULY 12, 2022 – 5:00PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 5:05pm. Present: Jeff Lloyd, Stacie Weiner,
2 M. E. Freeman, Lee Greenhouse (Alternate), Peter Menikoff (Alternate), Beth Wells (Alternate),
3 Abby Conroy (Land Use Administrator) and Georgia Petry (ZBA Staff). Absent: Michael
4 Alderman and Roxanne Belter.
5
- 6 2. Roll Call & Seating of Alternates. Lee Greenhouse was seated for Michael Alderman and Peter
7 Menikoff was seated for Roxanne Belter.
8
- 9 3. **Approval of Agenda.** P. Menikoff asked to have an Item added to the Agenda: Discussion of
10 Amendment to Bylaws. This would become Item #8.A. A Motion to Add Item #8.A., Discussion
11 of Amendment to Bylaws, was made by L. Greenhouse, seconded by P. Menikoff and
12 unanimously Approved. L. Greenhouse asked for an Item to be added to the Agenda:
13 Discussion of Memo from A. Conroy: Variance on the Basis of Reduction of Non-Conformity.
14 This would become Item # 6.A. **A Motion to Approve the Agenda, as amended,** was made by S.
15 Weiner, seconded by P. Menikoff and unanimously **Approved.**
16
- 17 4. **Approval of Minutes of June 14, 2022. So Moved** by M. E. Freeman, seconded by S. Weiner and
18 unanimously **Approved.**
19
- 20 5. Approval of Minutes of July 5, 2022. Tabled.
21
- 22 6. Reschedule August 9, 2022 Meeting. The Meeting was rescheduled for August 2, 2022; it will be
23 a Special Meeting. **A Motion to Schedule a Special Meeting on August 2, 2022,** was made by P.
24 Menikoff, seconded by S. Weiner and unanimously **Approved.**
25
- 26 6. A. Discussion of Memo From A. Conroy: Variance on the Basis of Reduction of Non-Conformity.
27 L. Greenhouse wants clarification about the basis for granting variances; he asked for an
28 example of a non-conforming use where a variance could be granted. A. Conroy indicated that
29 case law in CT has made it difficult to grant legal variances; a lot of decisions are overturned
30 because of insufficient hardship. She added that the Courts have taken it further, asking if
31 people can live without the request. She noted that a genuine hardship could be that there is
32 no other place on the property to build versus someone just preferring to build in a certain
33 place. M. E. Freeman asked about the risk factor and who appeals or objects to decisions. A.
34 Conroy suggested that is why the ZBA should have their own Attorney to advise them, especially

35 if there is no genuine hardship. She also noted that Zoning regulations have created non-
36 conformities; Salisbury Planning & Zoning is working on those Regulations now. L. Greenhouse
37 mentioned a recent example that was not a real hardship, just a disappointment in the use and
38 not a reason to grant a variance. P. Menikoff and A. Conroy agreed that in case law, that is
39 correct. L. Greenhouse asked what the basis is for granting approval. A. Conroy gave an
40 example where the situation was unique to a particular lot and not to others; however, she
41 couldn't comment further because of pending applications and again suggested they need an
42 Attorney to advise them.

43 7. Public Comment -- None

44 (The order of the Agenda Items was changed, in order to begin the Public Hearing on time.)

45

46 **Public Hearing – 5:30pm**

47

48 9. ZBA #2022-0186 / Simmons / 37 Undermountain Road / Request for Variance from 300.2 &
49 304.1 for Addition to House / Map 56 / Lot 25 / DOR: 06/14/2022.

50 S. Weiner read the Legal Notice. The Simmons indicated that they are asking to build a
51 foundation under an existing bay window. George Simmons indicated that the footing had been
52 removed from under the window and that the foundation was in bad shape; they want to make
53 the 49" footing a part of the foundation now. The footprint of the house would be extended by
54 49", which Marisa Simmons described as the safe and effective way to make the repair; she
55 offered that the neighbors were in favor. L. Greenhouse asked why that distance was needed;
56 Mr. Simmons answered that the stone foundation is crumbling below grade. M. E. Freeman
57 asked if the repair would be like a retaining wall; the answer was yes. S. Weiner asked if nothing
58 was done, would the foundation be compromised; the answer was yes. A. Conroy noted that
59 this is a front yard setback issue. A **Motion to Close the Public Hearing for this Application** was
60 made by M. E. Freeman, seconded by L. Greenhouse and unanimously **Approved.** **

61

62 10. ZBA #2022-0187 / Vogus / 278 Twin Lakes Road / Request for Variance from 300.2 & 304.1 for
63 Generator / Map 63 / Lot 5 / DOR: 06/14/2022.

64 S. Weiner read the Legal Notice. (The Hearing was then paused, as the Applicant lost the
65 internet connection due to a storm.) ***

66

67 11. ZBA #2022-0188 / Block / 4 Main Street / Request for Variance from 300.3 & 304.1 to Demolish
68 a Nonconforming Addition and Rebuild New in a More Conforming Location / Map 54 / Lot 15 /.

69 S. Weiner read the Legal Notice. No one was present to represent the Application. A **Motion to**
70 **Table the Application and Continue the Public Hearing to August 2, 2022**, was made by S.
71 Weiner, seconded by P. Menikoff and unanimously **Approved.**

72

73 ** At this time, the Commission returned to the discussion of Application #2022-0186. M. E.
74 Freeman indicated that there is a hardship and the variance should be granted. P. Menikoff

75 suggested that this is an unusual circumstance that is unique and the variance should be
76 granted. S. Weiner was in favor. L. Greenhouse concurred; this is unique situation necessary to
77 repair the house properly. A **Motion to Grant a Variance from Sections 300.2 & 304.1 of the**
78 **Zoning Regulations**, was made by L. Greenhouse, seconded by P. Menikoff and unanimously
79 **Approved.**

80
81 *** At this time, the Applicant for ZBA #3033-0187 returned to the meeting. Danny Vogus
82 explained that they want to install a generator on a lot less than 20' wide, because of recurring
83 blackouts. He described it as being a necessity and the neighbors have no problems with it;
84 TAHD has given approval. It would be placed at the back of the house. Mr. Vogus indicated that
85 they already have 2 propane tanks, which would be sufficient. L. Greenhouse and S. Weiner
86 understood the issue and were sympathetic. A **Motion to Close the Public Hearing on ZBA**
87 **#2022-0187** was made by P. Menikoff, seconded by L. Greenhouse and unanimously **Approved.**
88 There was no further discussion. A **Motion to Grant a Variance from Sections 300.2 & 304.1 of**
89 **the Zoning Regulations**, was made by P. Menikoff, seconded by M. E. Freeman and unanimously
90 **Approved.**

91
92 **New Business**
93

- 94 8. ZBA #2022-0191 / DiGiacomo / 475 Lime Rock Road / Request for Variance from 300.3 & 304.1
95 to Rebuild Home Destroyed by Fire in a More Conforming Location. / Map 26 / Lot 1 /
96 All required documents had been received. A **Motion to Accept the Application and Schedule**
97 **for Public Hearing on August 2, 2022** was made by M. E. Freeman, seconded by S. Weiner and
98 unanimously **Approved.**

99
100 (A Motion to Close the Meeting was made by S. Weiner and seconded by M. E. Freeman, but no
101 vote was taken.)

- 102 8. A. Discussion of Memo from A. Conroy: Removal of Members for Cause / Amendment to Bylaws
103 M. E. Freeman expressed that she would like to talk about possibly having a new Town
104 Ordinance which might apply to various Boards or individual Commissions, allowing for
105 amendments to Bylaws. P. Menikoff suggested that this subject might be discussed, as they
106 interview Attorneys to potentially represent the ZBA; they will come back with a proposal. A.
107 Conroy suggested that outside legal counsel should review anything pertaining to the ZBA. J.
108 Lloyd expressed his concern that this should not be the ZBA proposing an Ordinance; it would be
109 from outside legal counsel. He added that any proposal should go to the Board of Selectmen.

110
111 **Adjournment. So Moved** by S. Weiner, seconded by P. Menikoff and unanimously **Approved.**
112 The meeting adjourned at 6:13pm.
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