

ZONING BOARD OF APPEALS

REGULAR MEETING

NOVEMBER 25, 2025 – 5:00PM (VIA ZOOM)

1. Call to Order. The meeting was called to order at 5:00pm.
2. Seating of Members & Alternates. Present: M.E. Freeman, Lee Greenhouse, Peter Menikoff, Roxanne Belter, Harding Bancroft (Alternate), Cori Daggett (Alternate), Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary). Absent: Stacie Weiner. H. Bancroft was Seated.
3. **Approval of Agenda. So Moved** by P. Menikoff, seconded by R. Belter, **With All in Favor**.
4. **Review of Bylaws. A Motion to Approve the Bylaws** was made by L. Greenhouse, seconded by P. Menikoff, **With All in Favor**.
5. **Nominations and Election of Officers. A Motion to Nominate and Approve: Stacie Weiner, Chair; M.E. Freeman, Vice-Chair; Lee Greenhouse, Secretary;** was made by L. Greenhouse, seconded by P. Menikoff, **With All in Favor**.
6. Adoption of 2026 Meeting Calendar. The ZBA will continue to meet monthly on the second Tuesday of the month at 5:00pm. **A Motion to Approve the 2026 Schedule of Meeting dates** was made by L. Greenhouse, seconded by M.E. Freeman, **With All in Favor**.
7. Public Comment – None
8. **Minutes of October 14, 2025. A Motion to Approve** made by L. Greenhouse, seconded by R. Belter, **With All in Favor**.

Public Hearing

9. #2025-0299 / 26 Ethan Allen Street / Map 46 / Lot 04 / Owners: Lowell Goss and Kristen Culp / Applicant: Lowell Goss / Request for Variance to Maximum Building Coverage in the LA Zone on the Basis of Reduction in Nonconforming Impervious Surface (Section 300.2) / DOR: 10/14/2025 / Open Hearing: 10/14/2025
Lowell Goss, Owner, described the purpose of the appeal, to get a porch extension of 4' because the existing porch is not large enough; they will give up some of the driveway now and want to convert it to a permeable surface, over time. P. Menikoff asked about the conforming setback requirement in the rear; Mr. Goss answered it is 25'; that is not the problem. L. Greenhouse asked what the issue is here; Mr. Goss answered that the total amount of impervious surface is

non-conforming. They are looking to reduce the total impervious area, but would be increasing the building coverage slightly over the limit. M.E. Freeman asked if these requirements were new; A. Conroy explained that the LA Zone has the 20% maximum coverage requirement. L. Greenhouse asked if they would be reducing the non-conformity; Mr. Goss answered yes, slightly. A. Conroy pointed out that they would reduce the impervious surface somewhat; Mr. Goss responded that they are looking at the cost to undo the driveway. A. Conroy noted that without hardship, the reduction in non-conformity associated with the impervious surface could be approved; the question is if the porch addition impacts the comprehensive zoning plan and does it apply to other properties in this R-20 zone. A. Conroy noted that the issue is the expansion of the building coverage. M.E. Freeman commented that the porch expansion was neutral and the homeowner wants to improve impermeability. Mr. Goss offered that they could ultimately get the coverage under 20%, but not anytime soon. A. Conroy pointed out that the neighbors had been notified. P. Menikoff asked if they could eliminate 100 sq. ft. of coverage elsewhere; Mr. Goss answered no. There was no public comment offered. A Motion to Close the Public Hearing was made by M.E. Freeman, seconded by L. Greenhouse, With All in Favor. While the public and unseated Alternates could participate during the Public Hearing, the discussion afterwards involved only seated members of the Commission. A. Conroy noted that 3 affirmative votes were required to approve. L. Greenhouse commented that this is a non-conforming property, but a reasonable request and is inclined to approve the Request for the Variance. M.E. Freeman suggested this is a "good neighbor" and common sense way to approve it. P. Menikoff mentioned that the ZBA had turned down a request for a porch, here a porch would increase the non-conformity and he would vote no, there is no hardship; the people bought the house knowing what the restrictions were. R. Belter commented that it would be a huge financial hardship to completely eliminate the permeability issue, now they are making a good faith effort; however, there is no hardship in needing a larger porch. H. Bancroft commented that the other property requesting a porch involved a setback to wetlands; this property is a different issue because of its small size. P. Menikoff commented that this is about opening the gates to more hardships/variances. L. Greenhouse agreed that P. Menikoff raised a good question and that the law is what it says, but some requests are reasonable. P. Menikoff raised his concern about using "reasonable" as a test; there must be a unique hardship. A few examples were mentioned. L. Greenhouse asked about the basis to approve based on hardship. A. Conroy explained that there are some cases about the reduction of non-conformity and some trade-offs that are evolving in the courts. Salisbury Planning & Zoning is starting to work on the Regulations re-write and will talk about the issue on non-conformity. R. Belter asked how many houses in the LA Zone could be affected by this request; A. Conroy answered about 15 properties. R. Belter asked if that would make all 15 properties unique. L. Greenhouse suggested that this request is not a unique hardship because it could apply to several others. M.E. Freeman commented that in this request, the trade-off is the mitigating factor; P. Menikoff expressed that there would be trade-off proposals all of the time. There was further discussion on the guidelines and non-conforming issues, with no general agreement. At this time (5:57pm), S. Weiner came into the meeting; however she was not officially seated and could not participate in the deliberations. L. Greenhouse commented about the rules, but agreed that P.

Menikoff is correct; there is still a non-conformity that is exacerbated. M.E. Freeman commented again on the definition of hardship and that the laws should be changed. L. Greenhouse commented about standards of reasonableness not being the same for all. P. Menikoff expressed that these are the rules now. H. Bancroft commented that here there is a reasonable issue and is favorable to the request. M.E. Freeman asked for further discussion or a call for a vote.

A Motion to Vote on the Request for a Variance was made by P. Menikoff and seconded by R. Belter, **With All in Favor**.

The Vote was taken: In Favor: M. E. Freeman; L. Greenhouse; H. Bancroft

Opposed: P. Menikoff; R. Belter

The Motion Failed – Request Denied

The applicant can re-apply in the future, if they choose, according to A. Conroy.

Adjournment. So Moved by L. Greenhouse, seconded by R. Belter, **With All in Favor**.