

ZONING BOARD OF APPEALS

REGULAR MEETING

AUGUST 11, 2026 – 5:00PM (REMOTE)

1. Call to Order. The meeting was called to order at 5:01pm.
2. Roll Call & Seating of Alternates. Present: M.E. Freeman, Lee Greenhouse, Peter Menikoff, Roxanne Lee, Cori Daggett (Alternate), Harding Bancroft (Alternate), Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).
3. **Approval of Agenda. So Moved** by P. Menikoff, seconded by R. Lee, **With All in Favor**.
4. Nomination and Election of Officer(s)
After discussion, it was determined that a quorum of 4 regular members was present; no alternates were seated. M.E. Freeman explained that the first item of business was to appoint an alternate member to fill the vacancy of a full member, which has occurred. A **Motion to Appoint Cori Daggett to Become a Full Member**, was made by M.E. Freeman, seconded by L. Greenhouse, **With All in Favor**. The second item of business was the nomination and election of a new Chair. A **Motion to Nominate and Elect M.E. Freeman to be the Chair of the ZBA**, was made by P. Menikoff, seconded by C. Daggett, **With All in Favor**. (Term expires 2029) A **Motion to Nominate and Elect Cori Daggett to be Vice-Chair of the ZBA**, was made by M.E. Freeman, seconded by L. Greenhouse, **With All in Favor**. (Term expires 2027)
5. Public Comment – None
6. **Minutes of January 13, 2026. Motion to Approve** made by L. Greenhouse, seconded by C. Daggett, **With All in Favor**.
7. #ZBA-26-1 / 145 Farnum Road / Map 48, Lot 15 / Owner: 145 Farnum Road LLC / Applicant: Emily Vail / request for variance of sections 304 and 300.2 to improve nonconforming single family dwelling / DOR: 08/11/2026
Emily Vail, Attorney, was present to represent the owners. P. Menikoff asked if the owners bought the property in January; Ms. Vail answered yes. P. Menikoff asked Ms. Vail in what capacity she is representing the owners; Ms. Vail responded that she represented them in the purchase, as their attorney, and now she is representing them in the application for the variance. P. Menikoff asked about the owners indicating that the land has characteristics that don't allow them to tear down the house and rebuild it as they would like. Ms. Vail explained that the owners would like to have a re-configured house and they need a

variance to make any changes because the entire house is located within the front yard setback area; the proposed new house would also be totally within the setback area. Ms. Vail described the new wetlands delineation as encompassing the majority of the lot, along with the stream and the steep slope at the back of the property; there is no other area for development except for this area within the front yard setback. P. Menikoff asked about the language "pre-existing legally nonconforming structure"; Ms. Vail answered that is correct. L. Greenhouse suggested the term encroachment; Ms. Vail responded yes, that is why they need a variance. Ms. Vail added that a variance would give the owners the ability to expand and build an addition within the setback area; the size of the encroachment would be roughly the same, but would have a different shape. P. Menikoff pointed out that the new footprint would be slightly larger, going from 960 sq. ft. to 1,020 sq. ft.; Ms. Vail acknowledged it would be a modest increase of the encroachment, all within the setback. Ms. Vail noted that the proposed building would be longer and narrower than the existing structure. L. Greenhouse asked why add a second floor; Ms. Vail answered it would be a more productive use of the space, making it more livable and accommodating. C. Daggett asked about the characteristics of the property; Ms. Vail described the property, including a lot a regulated areas. C. Daggett asked if the proposed building goes beyond the front setback; Ms. Vail answered no, just the front setback. M.E. Freeman asked about 2nd floor bedrooms; H. Bancroft asked if this would be a total rebuild. Ms. Vail indicated that it would be a total rebuild, including the foundation; Jusstina Paksai, an owner, commented that they need a new foundation to support a second floor. P. Menikoff asked if they inquired what could be built on the property; Ms. Paksai responded that they could not do a survey then and there was no new survey. Ms. Paksai added that the maps at Town Hall did not show the property correctly; after they bought the property and had a survey done, it showed the large wetlands and a small development area. R. Lee asked if the proposed new well was taken into consideration for the setbacks; Ms. Paksai answered yes it was. L. Greenhouse asked if the proposed second floor is using the same footprint as the first floor; Ms. Paksai answered no, it would be slightly smaller. L. Greenhouse asked if they would be using the existing well; Ms. Paksai answered no, they are drilling a new well. L. Greenhouse asked how the house would be used; Ms. Paksai was not sure if they would use it. P. Menikoff commented that there is no way to approve this; the particular aspects may not allow the owner to do what they want to do, however, all the properties in Salisbury are unique and the ZBA can't set a precedent by approving this. R. Lee suggested that the location of the stream makes this property unique. M.E. Freeman commented the ZBA may have approved a variance for a similar situation in the neighborhood; adding the use of the property is so constrained that it is a hardship. P. Menikoff commented that it is not the job of the ZBA to increase the amount of housing stock in Salisbury. L. Greenhouse commented that having to drill a new well changes it to a unique hardship; M.E. Freeman agreed. Ms. Paksai commented that the footprint would stay the same; P. Menikoff disagreed, pointing out it would increase because of the different shape. L. Greenhouse asked what amount of encroachment the ZBA would be comfortable with; R. Lee also asked what amount is acceptable. P. Menikoff asked if there had been any discussion about building within the

existing footprint; Ms. Paksai responded that using the same footprint doesn't work because of the shape and size of the property and the foundation has to be rebuilt. M.E. Freeman pointed out that it would not accommodate the well; L. Greenhouse added that the location of the well necessitates a different footprint and a variance. M. Todaro reminded the ZBA that there would be no decision tonight; a Public Hearing must be scheduled. The property abutters will be notified and a Legal Notice will be published. R. Lee and M.E. Freeman agreed that the application can be deemed complete. Ms. Vail will submit the building specifications she has received; L. Greenhouse noted that the architectural design of the structure is not relevant to the ZBA. H. Bancroft commented that the purpose of a variance is to relieve hardship. A **Motion to Schedule the Public Hearing for Tuesday, September 8, 2026 at 5:00 pm via Zoom**, was made by M. E. Freeman, seconded by C. Daggett, **With All in Favor**.

8. Discussion of Commission Vacancy – not addressed

Adjournment. So Moved by C. Daggett, seconded by M.E. Freeman, **With All in Favor**.