

Town of Salisbury

Zoning Board of Adjustment

Zoning Board of Adjustment Meeting Summary

January 14, 2021

Vacant	Chairperson	Absent
Vacant	ZBA-Vice Chairperson	Absent
Tricia Thompson	ZBA Member	Present
David Merwin	ZBA Member	Present
David Kelley	ZBA Member	Present
Loretta Razin	ZBA-Alternate	Present
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
Vacant	ZBA-Alternate	
April Rollins	ZBA-Assistant	Present
Vacant	ZBA – Recording Secretary	Absent

Visitors: Attorney Tom Quarles, Attorney Laura Spector-Morgan, Tim Wunderlich, Bill MacDuffie Jr., Leann Wesoja, Mike Farrell, Louise Andrus, Marcia Murphy, Ray Wilson and Eric Swensden.

Zoom Attendees: Shelly King, Amanda Paveglio, Tammy Hamilton, Linda Wunderlich, Nan O'Neill, Rose Cravens, Faith Partridge, Lori Collins, John Herbert, Sharon MacDuffie, Steve Miller and Heidi de Kok.

Dave Merwin opened the meeting at 7:00 p.m.

Election of Chair and Vice Chair – Dave Kelly made a **motion** appoint Dave Merwin the Chairman. Tricia Thompson **seconded** the motion and the **motion passed unanimously**. Dave Merwin made a **motion** to appoint Dave Kelly the Vice Chair. Tricia Thompson **seconded** the motion and the **motion passed unanimously**.

Appointment of Alternate to Member – Chair Merwin made a **motion** to appoint Alternate Loretta Razin a full member. Dave Kelly **seconded** the motion and the **motion passed unanimously**.

Motion for Rehearing regarding Approved Special Exception from Article III of the Town's Zoning Ordinance to operate an Assisted Living / Residential Care Facility in the Residential and Agricultural Zoning Districts – Chair Merwin explained that the Zoning Board has consulted with Legal Counsel regarding the motion for rehearing and the Board has been advised that the Town has no jurisdiction over the application, so the solution is to deny the

motion. A Zoom attendee asked for further clarification. Town Attorney, Laura Spector-Morgan explained that this residence is a State operated facility and is exempt from local planning & zoning regulations and is preemptive. Tricia Thompson recused herself from the discussion. Attorney Spector-Morgan explained there is standing case law (Region 10 Client Management, Inc. vs. Town of Hampstead) that is still good from the 1980s, so local zoning can not be applied to community residences and although the Board granted a special exception there was no need to do so. Vice Chair Kelly made a **motion** to deny the motion for the rehearing because the Town is preempted from applying this type of use. Chair Merwin **seconded** the motion and the **motion passed unanimously**.

Other Business – None at this time.

ADJOURNMENT

Chair Merwin made a **motion** to adjourn the meeting at 7:16 p.m. Vice Chair Kelly **seconded** the motion and the **motion passed unanimously**.

Respectfully submitted by,
April Rollins, Zoning Assistant