



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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2021 JAN 13 AM 11:19
CITY CLERK
SALEM, MASS

NOTICE OF MEETING

*You are hereby notified that the Salem Zoning Board of Appeals will hold a meeting on
Wednesday, January 20, 2021 at 6:30 pm via remote participation.*

Mike Duffy, Chair

Important Announcement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Salem Zoning Board of Appeals will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the city's website, at www.salem.com. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the city's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

For this meeting, members of the public who wish to watch, listen, or provide comment during the meeting may do so in the following manner:

Watching the Public Meeting:

- Go to the website link:
<https://us02web.zoom.us/j/88284009092?pwd=cGE0SHh4Vy92RnRwbEVScUIHclNCUT09>
- Go to the website link <https://zoom.us/join> and enter **meeting ID # 822-8400-9092** followed by meeting **password 629797**, if directed to do so on screen.
- Dial toll-free phone number 877-853-5257. When prompted enter **meeting ID # 822-8400-9092** followed by meeting **password 629797**, if directed. Those only dialing in only will not have access to the direct video feed of the meeting, but can follow along with the project materials available for download at salem.com/zoning-board-appeals
- Watch the meeting live on Salem Access Television Chanel 22.
- Project materials are available for download at [this link \(https://cityurl.com/SalemZBA\)](https://cityurl.com/SalemZBA)

Providing Public Comment During the Meeting:

Members of the public attending this meeting virtually will be allowed to make comments during the portion of the hearing designated for each agenda item. Members of the public will be asked to use the virtual "Raise Hand" function in Zoom to indicate that they would like to provide comment.

- Dial *9 on your phone's dial pad to raise your hand if you are using the toll-free phone number.
- Click the "Raise Hand" button if you are using the Zoom application on your computer or phone.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

For each agenda item, the moderator will identify attendees with raised hands by their screenname or the last 3 digits of their telephone number and will then unmute them. The moderator will then request that the attendee unmute their device to provide their full name, address, and comment for the record.

The moderator will go down the list of attendees in the order presented by the Zoom application. The attendee list is ordered so that phone numbers are first, followed by an alphabetical list of the screen names of attendees accessing Zoom through a computer, tablet, or smartphone. Anyone that speaks about an issue unrelated to the agenda items will be immediately muted.

Members of the public can alternatively email their comment before the start of the meeting to levmccarthy@salem.com.

Familiarizing Yourself with Zoom:

We encourage members of the public to install and familiarize themselves with Zoom in advance of the meeting.

If you plan on providing public comment and are logging into this meeting via the Zoom application, please test your speakers and microphone ahead of time. If we have trouble hearing you when you speak, we will move on to the next person and try to return to you later in the list. If this happens, we recommend that you call the toll-free number to access the meeting and provide your comment.

The Zoom meeting will open 15 minutes before the start of the meeting to allow participants to connect and practice with the audio and raise hand functions.

Thank you for your patience and understanding as we navigate this challenging situation for our community and the world.

MEETING AGENDA

I. ROLL CALL

II. EXECUTIVE SESSION

1. Roll call vote to adjourn the public meeting and begin the Executive Session.
2. Enter executive session with Elizabeth Rennard, city solicitor for the purpose of discussing litigation relating to properties at 9-11 Dodge Street, 217-219 Washington Street, and 231-251 Washington Street, Salem, MA. This discussion will take place in an executive session because an open meeting may have a detrimental effect on the litigating position of the public body.
3. Roll call vote to conclude the Executive Session.
4. The Open Session will reconvene at the conclusion of the Executive Session.

III. REGULAR AGENDA

1. **Location:** 140 Highland Avenue (Map 14, Lot 264) (R1 and ECOD Zoning Districts)
Applicant: JOHNNY POLANCO
Description: A continuation of a public hearing for all persons interested in the petition of JOHNNY POLANCO for a special permit per Section 8.2.4 *Entrance Corridor Overlay District: Fences* to allow a six-foot tall decorative concrete wall at the single-family house at 140 HIGHLAND AVENUE (Map 14, Lot 264) (R1 and ECOD Zoning Districts).
2. **Location:** 11 Hersey Street (Map 33, Lot 30) (R2 Zoning District)
Applicant: JAMES FLYNN and SAM ALLEN
Description: A public hearing for all persons interested in the petition of JAMES FLYNN and SAM ALLEN to remove an owner occupancy requirement for the three-family dwelling at 11 HERSEY STREET (Map 33, Lot 30) (R2 Zoning District).
3. **Location:** 10 Barton Street (Map 36, Lot 409) (R2 Zoning District)
Applicant: BETH TOBIN
Description: A public hearing for all persons interested in the petition of BETH TOBIN for a special permit per Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance from maximum height of buildings (stories) to expand a nonconforming two-family home by adding a dormer at 10 BARTON STREET (Map 36, Lot 409) (R2 Zoning District).
4. **Location:** 5 Harbor Street (Map 34, Lot 411) (B5 Zoning District)
Applicant: LEONCIO VIZCAINO
Description: A public hearing for all persons interested in the petition of LEONCIO VIZCAINO for a special permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to construct a five-story extension to an existing one-story structure, and a variance from Section 5.1.9 Central Development (B5)

District to provide the required off-street parking by use of parking facilities more than 1,000 feet away from the property at 5 HARBOR STREET (Map 34, Lot 411).

5. Location: 2 Howard Street (Map 35, Lot 153) (R2 Zoning District)

Applicant: OCELOT OPERATIONS, LLC

Description: A public hearing for all persons interested in the petition of OCELOT OPERATIONS, LLC for a special permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance from maximum height of buildings (stories) to expand an existing, nonconforming multifamily dwelling at 2 HOWARD STREET (Map 35, Lot 153) (R2 Zoning District).

6. Location: 157 Boston Street (Map 16, Lot 66) (B2 and ECOD Zoning Districts)

Applicant: JOSH CHMARA

Description: A public hearing for all persons interested in the petition of JOSH CHMARA for a special permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to change from one non-conforming use (single-family dwelling) to another (two-family dwelling), and a variance from Section 5.1.8 Table of Required Parking Spaces to construct two parking spaces instead of the required three spaces at 157 BOSTON STREET (Map 16, Lot 66) (B2 and ECOD Zoning Districts).

IV. APPROVAL OF MINUTES

I. December 16, 2020

V. OLD/NEW BUSINESS

VI. ADJOURNMENT

Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator as soon as possible and no less than 2 business days before the meeting, program, or event.

This notice posted on "Official Bulletin Board"
City Hall, Salem, MA on **JAN 13 2021**
at **11:19 AM**
Sections 1b-2b, Chap. 30A,