



# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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KIMBERLEY DRISCOLL  
MAYOR

2022 MAR -3 PM 4: 07  
CITY CLERK  
SALEM, MASS

## NOTICE OF MEETING

*You are hereby notified that the Salem Zoning Board of Appeals will hold a meeting on **Wednesday, March 16, 2022, at 6:30 pm via remote participation** in accordance with Chapter 20 of the Acts of 2021 and as amended by Chapter 22 of the Acts of 2022.*

Mike Duffy, Chair

### **Important Announcement:**

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 on matters not requiring a public hearing, we will post on the City of Salem's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Individuals may participate remotely in the meeting via a remote participation platform called Zoom. Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation meeting through any one of the following ways:

### **Attending the Virtual Public Meeting:**

- Go to the website link

<https://us02web.zoom.us/j/86736450977?pwd=YkZvNHhJand0Q1IxbDNCWnBRZm9XQT09>

- Or, go to the website link <https://zoom.us/join> and enter meeting ID #

**867 3645 0977** followed by meeting password **985030**, if directed to do so on screen.

- Dial toll-free phone number 877-853-5257. When prompted enter meeting ID # **867 3645 0977** followed by meeting password **985030**, if directed. Those calling in 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/ZBA](http://Salem.com/ZBA)
- Watch the meeting live on Salem Access Television Chanel 22.
- Project materials are available for download at this link

(<https://tinyurl.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 number.
- Click the “Raise Hand” button if you are using the Zoom application on your computer or phone.

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.

### **Providing Public Comment Before the Meeting:**

Members of the public can alternatively email their comment before the start of the meeting to [zoningboardcomments@saalem.com](mailto:zoningboardcomments@saalem.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 comments 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 these challenging circumstances.

# MEETING AGENDA

## I. ROLL CALL

## II. CONTINUANCES

**1)**

**Location:**

0 Story Street (Map 23, Lot 12) (RC Zoning District)

**Applicant:**

Castle Hill Realty Group, LLC

**Description:**

Will hold a continuation hearing for all persons interested in the petition of CASTLE HILL REALTY GROUP, LLC to appeal a decision of the Building Inspector per M.G.L ch.40A sections 8 and 15 to construct two foundation for two single-family dwellings at 0 STORY STREET. (Map 23, Lot 12)(RC Zoning District)

**2)**

**Location:**

143 Derby Street (B1 Zoning District)

**Applicant:**

Lisa and John Bartlett

**Description:**

Will hold a public hearing for all persons interested in the petition of LISA AND JOHN BARTLETT at 143 DERBY STREET (Map 41, Lot 319) (B1 Zoning District), for a variance per Section 4.1 *Dimensional Requirements* of the Salem Zoning Ordinance for side yard setback, front yard setback, and minimum lot area per dwelling a 143-145 Derby Street to construct a new 90' x 42' +/- mixed-use building to include two commercial units and five residential units. The front and side yard setbacks would be reduced to 0 feet. The B1 requirements are 3,500 square feet per dwelling. The proposal is 1,600 square feet to allow for the five units. 143 DERBY STREET (Map 41, Lot 319) (B1 Zoning District).

### III. Regular Agenda

1)

#### **Open Meeting Law Complaint**

##### **Complainant:**

Steve Kapantais

##### **Description:**

An Open Meeting Law Violation was submitted to the Zoning Board of Appeals alleging that the proper procedures for a public meeting were not followed with respect to the public hearing on February 16, 2022 for 20 Wisteria Street. Specifically, Mr. Kapantais has asserted that a conversation between one Board member and two City employees prior to the start of the meeting concerning a condition recommended by the Building Department for the project potentially violated the Open Meeting Law. Mr. Kapantais also asserted that the Open Meeting Law had been violated in that the agenda for the public hearing referred to a request for a variance even though the relief requested at the meeting was for a special permit.

The Board will discuss this matter publicly and vote on any action it wishes to take and authorize a written response by the City Solicitor to Mr. Kapantais.

2)

##### **Location:**

46 Butler Street (R2 Zoning District)

##### **Applicant:**

Gustavo A. Gomez-Gomez

##### **Description:**

Will hold a public hearing for all persons interested in the petition of GUSTAVO A. GOMEZ-GOMEZ at 46 BUTLER STREET (Map 16, Lot 116) (R2 Zoning District) for a variance from *4.1 Dimensional Requirements* of the Salem Zoning Ordinance to make the lot at 46 Butler Street less conforming by "selling" a 3'x 90' which is 270 sq.ft. section the driveway to the adjacent neighbor at 44 Butler Street. In a R2 zone 15,000 sq feet is required and the lot will decrease non-conformity in size from 9,165 sq. ft to 8,895 sq. ft.

3)

##### **Location:**

53-59 Mason Street (NRCC Zoning District)

##### **Applicant:**

Cargill Storage Systems, LLC

##### **Description:**

Will hold a public hearing for all persons interested in the petition of CARGILL STORAGE SYSTEMS, LLC at 53-59 MASON STREET (Map 26, Lot 90) (NRCC Zoning District), for a Special Permit for per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning for the purpose of having indoor year-round/seasonal storage of boats, classic automobiles and recreational vehicles.

**4)**

**Location:**

6 West Terrace (R1 Zoning District)

**Applicant :**

Amanda Coutts

**Description:**

Will hold a public hearing for all persons interested in the petition of AMANDA COUTTS at 6 WEST TERRACE (Map 33, Lot 739) (R1 Zoning District), for a Special Permit for per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage practice in her home.

**5)**

**Location:**

16 Loring Avenue (R2 Zoning District)

**Applicant :**

Sandra S. Power

**Description :**

Will hold a public hearing for all persons interested in the petition of SANDRA S. POWER at 16 LORING AVENUE (Map 32, Lot 88) (R2 Zoning District), for a Special Permit for per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to add an additional dwelling unit on the second floor to convert the five (5) family use to a six (6) family use.

**6)**

**Location:**

435-443 Highland Avenue (B2/ECOD Zoning District)

**Applicant:**

Life Storage LP

**Description:**

Will hold a public hearing for all persons interested in the petition of LIFE STORAGE LP at 435-443 HIGHLAND AVENUE (Map 3, Lot 127) (B2/ECOD Zoning District), for a variance per Section 8.2.6 *Signage* of the Salem Zoning Ordinance for relief to place signage approved by the Design Review Board on the front of the building to a maximum height of 29 feet where 25 feet is required.

**APPROVAL OF MINUTES**

February 16, 2022

**OLD/NEW BUSINESS**

**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 agenda is subject to change.

This notice posted on "Official Bulletin Board"  
City Hall, Salem, Mass. on **MAR 03 2022**  
at **4:07 PM** in accordance with MGL Chap. 30A,  
Sections 18-25.