



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TEL: 978-619-5685

### **REVISED NOTICE OF MEETING<sup>^</sup>**

<sup>^</sup> Agenda revised to note Raise Hand feature on Zoom; to note twenty-minute time limit for public hearings; and to add request for extension to exercise variance rights for 16, 18 & 20R Franklin Street.

*You are hereby notified that the Salem Zoning Board of Appeals will hold a meeting on  
**Wednesday, April 15, 2020 at 6:30 pm via remote participation.\****

Mike Duffy, Chair

\*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](http://www.salem.com).

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:

- Follow this link or enter it into your browser to join the meeting:  
<https://zoom.us/j/101199486?pwd=NmYyVIZYN0NkbXJZTitwR0Ntb3VBQT09>
- Follow this link or enter it into your web browser to open the Zoom website at <https://zoom.us/join>. Enter meeting ID # "101-199-486" as directed on the webpage and click "Join." Follow the on-screen instructions to join the meeting. Enter password 231852.
- Participants can dial a toll-free phone number at 877-853-5257 to join the meeting. When prompted, enter meeting ID # "101-199-486" and follow the instructions to join the meeting. Password is 231852.

The meeting will be opened early at 6:15 pm to allow members of the public to test their audio. During portions of the meeting in which public comment is permitted, members of the public who have "raised their hand" in Zoom will be called on to offer comment. In order to raise a hand, members of the public using the Zoom computer or phone application may click the "Raise Hand" button; members of the public dialing in may press "\*9" to raise their hand to speak.

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.

Application materials can be accessed on the Salem Zoning Board of Appeals website at <https://www.salem.com/zoning-board-appeals>.

Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A Sections 18-25 and  
City Ordinance Sections 2-2028 through 2-2033.

## MEETING AGENDA

### I. ROLL CALL

### II. REGULAR AGENDA

The following public hearings will be limited to **twenty minutes each**. If, by the end of twenty minutes for a given petition, all public comment is not heard and the Board has not voted on a decision, the Board may either vote to extend the time limit within the meeting or to continue the hearing to the next regularly scheduled meeting on May 20, 2020.

- 1. Location:** **6 White Street (Map 41, Lot 285) (B1 Zoning District)**  
**Applicant:** **Sandy J. Martin**  
**Description:** A continuation of a public hearing for all persons interested in the petition of SANDY J. MARTIN for a variance per Section 3.2.4 *Accessory Buildings and Structures* to allow an accessory structure (an enclosure for trash and recycling bins) within the required front yard setback at 6 WHITE STREET (Map 41, Lot 285) (B1 Zoning District).
- 2. Location:** **9 Boston Street (Map 25, Lot 39) (B1 and ECOD Zoning Districts)**  
**Applicant:** **Kevin McCafferty**  
**Description:** A continuation of a public hearing for all persons interested in the petition of KEVIN MCCAFFERTY for variances per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from maximum height of buildings (stories), minimum lot area, minimum lot area per dwelling unit, minimum depth of front yard, and minimum width of side yard and a variance from Section 5.1 *Off-Street Parking* to provide less than the required amount of parking to construct a three-story, three-family dwelling with four parking spots on the vacant lot at 9 BOSTON STREET (Map 25, Lot 39) (B1 and ECOD Zoning Districts).
- 3. Location:** **7 Curtis Street (Map 35, Lot 339) (R2 Zoning District)**  
**Applicant:** **LH Capital Development, LLC**  
**Description:** A continuation of a public hearing for all persons interested in the petition of LH CAPITAL DEVELOPMENT, LLC for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance for maximum height of buildings (stories) and minimum front and side yard setbacks to expand an existing nonconforming two-family home by raising the existing attic, changing the roof from gambrel to gable, and adding two dormers; by adding a story above the existing two-story rear addition; and by adding egress steps and landings within required front and rear yard setbacks at 7 CURTIS STREET (Map 35, Lot 339) (R2 Zoning District).
- 4. Location:** **13 Cambridge Street (Map 25, Lot 566) (R2 Zoning District)**  
**Applicant:** **Michael Sheriff**  
**Description:** A continuation of a public hearing for all persons interested in the petition of MICHAEL SHERIFF for a special permit per Section 3.3.5 *Nonconforming Single- and*

*Two-Family Residential Structures* to expand a nonconforming single-family home by demolishing and replacing an existing rear addition within required side and rear yard setbacks at 13 CAMBRIDGE STREET (Map 25, Lot 566) (R2 Zoning District).

5. **Location:** 230 Highland Avenue (Map 8, Lot 123)  
(B2, R1, and ECOD Zoning Districts)  
**Applicant:** Brianna Sweet (Property Owner: Pep Boys - Manny Moe & Jack)  
**Description:** A continuation of a public hearing for all persons interested in the petition of BRIANNA SWEET and property owner PEP BOYS - MANNY MOE & JACK for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change or extend the use at 230 HIGHLAND AVENUE (Map 8, Lot 123) (B2, R1, and ECOD Zoning Districts) by adding another use (motor vehicle rental) to an existing nonconforming use (motor vehicle general and body repair).
6. **Location:** 61 Bridge Street (Map 36, Lot 300) (B4 and ECOD Zoning Districts)  
**Applicant:** 61 Bridge Street LLC  
**Description:** A continuation of a public hearing for all persons interested in the petition of 61 BRIDGE STREET LLC for a special permit per Section 3.3.2 *Nonconforming Uses* and a special permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to convert one existing commercial unit in a mixed-use building into two residential units at 61 BRIDGE STREET (Map 36, Lot 300) (B4 and ECOD Zoning Districts).
7. **Location:** 46 Washington Square South (Map 35, Lot 424) (R2 Zoning District)  
**Applicant:** Three Corners Realty LLC (Property Owner: Castine Realty Trust)  
**Description:** A continuation of a public hearing for all persons interested in the petition of THREE CORNERS REALTY LLC and property owner CASTINE REALTY TRUST for a variance per Section 4.1.1 *Table of Dimensional Requirements* from minimum lot area per dwelling unit and a special permit per Section 3.3.2 *Nonconforming Uses* to change from one nonconforming use (funeral home) to another nonconforming use (three-family home) at 46 WASHINGTON SQUARE SOUTH (Map 35, Lot 424) (R2 Zoning District).
8. **Location:** 74 Tremont Street (Map 17, Lot 22) (B1 Zoning District)  
**Applicant:** Bay Flow LLC (Property Owner: Robert D. Goodwin)  
**Description:** A continuation of a public hearing for all persons interested in the petition of BAY FLOW LLC and property owner ROBERT D. GOODWIN for a variance per Section 4.1.1 *Table of Dimensional Requirements* from minimum lot area per dwelling unit to convert a two-family home to a three-family home with interior renovations only at 74 TREMONT STREET (Map 17, Lot 22) (B1 Zoning District).
9. **Location:** 53-59 Mason Street (Map 26, Lot 90) and 38 Commercial Street (Map 26, Lot 47) (NRCC Zoning District)  
**Applicant:** The Long Game LLC  
**Description:** A continuation of a public hearing for all persons interested in the petition of THE LONG GAME LLC for a variance per Section 4.1.1 *Table of Dimensional*

*Requirements from minimum lot area per dwelling unit and a variance per Section 8.4.13 Transitional Overlay District to allow minor construction within the no-construction buffer zone to construct 92 residential units above the existing commercial space at 53-59 MASON STREET (Map 26, Lot 90) and 38 COMMERCIAL STREET (Map 26, Lot 47) (NRCC Zoning District).*

### III. APPROVAL OF MINUTES

1. September 18, 2019
2. October 16, 2019
3. December 18, 2019
4. January 15, 2020
5. February 19, 2020
6. March 18, 2020

### IV. OLD/NEW BUSINESS

- 1. Location:** 3 Dodge Street (Map 34, Lot 401) (B5 Zoning District)  
**Applicant:** CTDW LLC  
**Description:** Request for a six (6) month extension of special condition #3 in the August 29, 2018 Board Decision granting a special permit per Sections 6.10.4 and 9.4 to operate a licensed retail marijuana establishment at 3 Dodge Street. Special Condition #3 required that the applicant be issued a state license within six (6) months of the issuance of this special permit. This special condition stated that “A six (6) month extension can be granted by the Board of Appeals if good cause is shown.” Special Condition #3 was previously extended to August 29, 2019 and then to February 28, 2020 by the Board of Appeals.
- 2. Location:** 16, 18 & 20R Franklin Street (Map 26, Lots 402, 401 & 400) (NRCC and RC Zoning Districts)  
**Applicant:** Juniper Point Investment Co LLC  
**Description:** Request for a six (6) month extension to exercise rights granted by the December 3, 2018 Board Decision that approved variances from minimum required lot area per dwelling unit and maximum number of stories to construct 42 residential units within five buildings at 16, 18 & 20R Franklin Street (Map 26, Lots 402, 401 & 400) (NRCC and RC Zoning Districts). The timeline to exercise rights granted by the Decision was previously extended to June 3, 2020 by the Board of Appeals.

### V. 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.