



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

## NOTICE OF MEETING

*You are hereby notified that the Salem Zoning Board of Appeals will hold a meeting on  
**Wednesday, October 16, 2019 at 6:30 pm at City Hall Annex,  
First Floor Conference Room, 98 Washington Street, Salem, MA.***

Mike Duffy, Chair

## MEETING AGENDA

### I. ROLL CALL

### II. REGULAR AGENDA

**Please note: For the petition at 11 West Avenue, more relief is required than was initially requested and advertised. The petition will be not be heard this evening, will be re-advertised and first heard by the Board of Appeals at its November 20, 2019 meeting.**

- 1. Location:** 79 Columbus Avenue (Map 44, Lot 57) (R1 Zoning District)  
**Applicant:** Eric Cormier  
**Description:** A continuation of a public hearing for all persons interested in the petition of ERIC CORMIER for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to reconstruct and expand a nonconforming single-family home to a greater height (three stories) at 79 COLUMBUS AVENUE (Map 44, Lot 57) (R1 Zoning District).
- 2. Location:** 11 Rice Street (Map 36, Lot 197) (R2 Zoning District)  
**Applicant:** Pamela J. Barton  
**Description:** A continuation of a public hearing for all persons interested in the petition of PAMELA J. BARTON for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to enlarge an existing two-family structure by adding one additional story to the existing 2.5-story building, removing a side addition, and adding several exterior stairways and porches at 11 RICE STREET (Map 36, Lot 197) (R2 Zoning District).
- 3. Location:** 528 Loring Avenue (Map 21, Lot 9) (B2 and ECOD Zoning Districts)  
**Applicant:** Alimenti Properties, LLC  
**Description:** A public hearing for all persons interested in the petition of ALIMENTI PROPERTIES, LLC for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from existing nonconforming use (two offices and one personal service business [nail salon]) to another nonconforming use (one office, one personal service business [nail salon], and one residential dwelling unit above first floor personal service and office uses) at 528 LORING AVENUE (Map 21, Lot 9) (B2 and ECOD Zoning Districts).

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.

- 4. Location:** 11 West Avenue (Map 32, Lot 234) (R1 Zoning District)\*  
**Applicant:** John S. Nicolas and Daniel J. Nicolas  
**Description:** \*NOTE: More relief is required than was initially requested and advertised. The petition will be not be heard this evening, will be re-advertised and first heard by the Board of Appeals at its November 20, 2019 meeting. A public hearing for all persons interested in the petition of JOHN S. NICOLAS AND DANIEL J. NICOLAS for a special permit per Sections 3.3.2 *Nonconforming Uses*, 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, and 9.4 *Special Permits* of the Salem Zoning Ordinance and a variance per Section 4.1.1 *Table of Dimensional Requirements* from minimum lot area per dwelling unit to change the existing nonconforming use (two-family dwelling) to another nonconforming use (three-family dwelling) by separating the second and third stories into separate dwelling units at 11 WEST AVENUE (Map 32, Lot 234) (R1 Zoning District).
- 5. Location:** 12 Buffum Street (Map 26, Lot 366) (R2 Zoning District)  
**Applicant:** Richard Wilcock  
**Description:** A public hearing for all persons interested in the petition of RICHARD WILCOCK for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a third floor addition of approximately 572 square feet to the rear of the existing two-story, single-family home at 12 BUFFUM STREET (Map 26, Lot 366) (R2 Zoning District).
- 6. Location:** 42 Osborne Hill Drive (Map 4, Lot 42) (R1 Zoning District)  
**Applicant:** Helio Duarte and Caroline Duarte  
**Description:** A public hearing for all persons interested in the petition of HELIO DUARTE AND CAROLINE DUARTE for a special permit per Section 3.2.8 *Accessory Living Areas* of the Salem Zoning Ordinance to construct an accessory living area within the footprint of a to-be-constructed single-family house at 42 OSBORNE HILL DRIVE (Map 4, Lot 42) (R1 Zoning District).
- 7. Location:** 0 Story Street (Map 23, Lot 2) (RC Zoning District)  
**Applicant:** Castle Hill Partners, LLC  
**Description:** A public hearing for all persons interested in the petition of CASTLE HILL PARTNERS, LLC for variances per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum lot width for each of three proposed lots on a 5.8-acre parcel of land at 0 STORY STREET (Map 23, Lot 2) (RC Zoning District).
- 8. Location:** 2 Horton Court (Map 27, Lot 236) (R2 Zoning District)  
**Applicant:** Michael Clarke  
**Description:** A public hearing for all persons interested in the petition of MICHAEL CLARKE for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 10' by 10' shed dormer at the existing nonconforming single-family home at 2 HORTON COURT (Map 27, Lot 236) (R2 Zoning District).
- 9. Location:** 94 Washington Square East (Map 35, Lot 536) (R2 Zoning District)

**Applicant:** Spire Investments LLC

**Description:** A public hearing for all persons interested in the petition of SPIRE INVESTMENTS LLC for an amendment to the July 3, 2018 decision of the Board of Appeals, seeking an additional variance per Section 3.3.4 *Variance Required* of the Salem Zoning Ordinance to allow two dormers on the attic level of the mansion at 94 WASHINGTON SQUARE EAST (Map 35, Lot 536) (R2 Zoning District).

**10. 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).

**11. Location:** 38 Jefferson Avenue (Map 25, Lot 388) (B4 and R1 Zoning Districts)

**Applicant:** Witch City Gardens

**Description:** Request for a twelve (12) month extension of special condition #3 in the August 1, 2018 Board Decision granting a special permit per Sections 6.10.4 and 6.10.9 to operate a licensed retail marijuana establishment and marijuana cultivation facility at 38 Jefferson Avenue. 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 1, 2019 by the Board of Appeals.

**12. 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 by the Board of Appeals.

### III. APPROVAL OF MINUTES

1. May 15, 2019
2. June 19, 2019
3. July 17, 2019
4. August 21, 2019

### IV. OLD/NEW BUSINESS

1. Discussion of and vote on revised ZBA Application Package

### V. ADJOURNMENT

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.