



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, February 19, 2020 at 6:30 pm at City Hall Annex,  
First Floor Conference Room, 98 Washington Street, Salem, MA.***

Mike Duffy, Chair

### REVISED\* MEETING AGENDA

\*Added Request for six (6) month extension of special condition #3 from August 1, 2018 decision for 38 Jefferson Avenue (Witch City Gardens) to Old/New Business.

#### I. ROLL CALL

#### II. REGULAR AGENDA

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:** Note: The applicant has requested to continue to the regularly scheduled meeting on March 18, 2020. 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:** 17 Lovett Street (Map 17, Lot 46) (R2 Zoning District)  
**Applicant:** Karen Prater as attorney-in-fact for property owner Arthur Herlihy  
**Description:** A public hearing for all persons interested in the petition of KAREN PRATER as attorney-in-fact for property owner ARTHUR HERLIHY for a special permit per Section 3.2.8 *Accessory Living Areas* of the Salem Zoning Ordinance to allow an accessory living area within the existing footprint of the single-family home at 17 LOVETT STREET (Map 17, Lot 46) (R2 Zoning District).
5. **Location:** 13 Cambridge Street (Map 25, Lot 566) (R2 Zoning District)  
**Applicant:** Michael Sheriff  
**Description:** 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).
6. **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 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).
7. **Location:** 61 Bridge Street (Map 36, Lot 300) (B4 and ECOD Zoning Districts)  
**Applicant:** 61 Bridge Street LLC  
**Description:** 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).
8. **Location:** 82-84 Congress Street (Map 34, Lot 218) (R3 Zoning District)  
**Applicant:** Grindle Properties, LLC (Property Owner: Pequot Filling Station, Inc.)  
**Description:** A public hearing for all persons interested in the petition of GRINDLE PROPERTIES, LLC and property owner PEQUOT FILLING STATION, INC. for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment) at 82-84 CONGRESS STREET (Map 34, Lot 218) (R3 Zoning District).
9. **Location:** 4 Woodside Street (Map 17, Lot 204) (R2 Zoning District)  
**Applicant:** North Ventures, Inc.

**Description:** A public hearing for all persons interested in the petition of NORTH VENTURES, INC. for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to alter and enlarge the nonconforming two-family home at 4 WOODSIDE STREET (Map 17, Lot 204) (R2 Zoning District) by adding a second story.

**10. Location:** 1-3 Lussier Street (Map 32, Lot 185) (R2 Zoning District)

**Applicant:** Matthew Palumbo and Rosemarie Durning

**Description:** A public hearing for all persons interested in the petition of MATTHEW PALUMBO AND ROSEMARIE DURNING for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to alter and enlarge the nonconforming two-family home at 1-3 LUSSIER STREET (Map 32, Lot 185) (R2 Zoning District) by adding a third-floor dormer.

### III. APPROVAL OF MINUTES

1. July 17, 2019
2. September 18, 2019
3. October 16, 2019
4. December 18, 2019
5. January 15, 2020

### IV. OLD/NEW BUSINESS

**1. NEW ITEM:**

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

**Applicant:** Witch City Gardens

**Description:** Request for a six (6) 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 and then to February 1, 2020 by the Board of Appeals.

### V. ADJOURNMENT