

**City of Salem Zoning Board of Appeals**  
**Meeting Minutes**  
March 18, 2020

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, March 18, 2020 in the first floor conference room at 98 Washington Street, Salem, Massachusetts at 6:30 pm.

**Chair Mike Duffy calls the meeting to order at 6:30 pm.**

Chair Duffy explains that pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the Zoning Board of Appeals meeting scheduled for Wednesday, March 18th at 6:30 pm is being held remotely and is open via a public conference call for the **sole purpose** of continuing the matters set forth below.

**ROLL CALL**

Those present were Mike Duffy (Chair), Peter A. Copelas, Carly McClain, Rosa Ordaz, and Steven Smalley. Also in attendance were Brennan Corrison – Staff Planner, Tom St. Pierre – Building Commissioner, and Jonathan Pinto – Recording Clerk. Those absent were Paul Viccica and Jimmy Tsitsinos.

Chair Duffy reads the notice for each proposal and notes that due to the unique circumstances, he will entertain a motion to continue all matters until the next regularly scheduled meeting on April 15, 2020.

**Motion and Vote:** Mr. Copelas moves to continue all agenda items from the March 18, 2020 ZBA meeting to the next regularly scheduled meeting to take place on April 15, 2020. Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter A. Copelas, Mike Duffy, Carly McClain, Rosa Ordaz, and Steven Smalley) and none (0) opposed. The motion passes.**

**REGULAR AGENDA**

Location: **6 White Street (Map 41, Lot 285) (B1 Zoning District)**  
Applicant: **Sandy J. Martin**  
Project: 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).

Documents and Exhibitions

- Application date-stamped October 16, 2019 and supporting documentation

Location: **9 Boston Street (Map 25, Lot 39) (B1 and ECOD Zoning Districts)**  
Applicant: **Kevin McCafferty**

**Project:** 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).

Documents and Exhibitions

- Application date-stamped September 25, 2019 and supporting documentation

---

**Location:** 7 Curtis Street (Map 35, Lot 339) (R2 Zoning District)

**Applicant:** LH Capital Development, LLC

**Project:** 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 adding egress steps and landings within required front and rear yard setbacks at 7 CURTIS STREET (Map 35, Lot 339) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped November 22, 2019 and supporting documentation

---

**Location:** 13 Cambridge Street (Map 25, Lot 566) (R2 Zoning District)

**Applicant:** Michael Sheriff

**Project:** 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).

Documents and Exhibitions

- Application date-stamped January 14, 2020 and supporting documentation

---

**Location:** 230 Highland Avenue (Map 8, Lot 123) (B2, R1, and ECOD Zoning Districts)

**Applicant:** Brianna Sweet (Property Owner: Pep Boys - Manny Moe & Jack)

**Project:** 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).

Documents and Exhibitions

- Application date-stamped January 21, 2020 and supporting documentation

**Location:** **61 Bridge Street (Map 36, Lot 300) (B4 and ECOD Zoning Districts)**

**Applicant:** **61 Bridge Street LLC**

**Project:** 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).

Documents and Exhibitions

- Application date-stamped January 23, 2020 and supporting documentation

**Location:** **46 Washington Square South (Map 35, Lot 424) (R2 Zoning District)**

**Applicant:** **Three Corners Realty LLC (Property Owner: Castine Realty Trust)**

**Project:** 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 STREET (Map 35, Lot 424) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped January 28, 2020 and supporting documentation

**Location:** **74 Tremont Street (Map 17, Lot 22) (B1 District)**

**Applicant:** **Bay Flow LLC (Property Owner: Robert D. Goodwin)**

**Project:** A public hearing for all persons interested in the petition of JUNIPER POINT INVESTMENT CO LLC for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use (music school) to another nonconforming use (business or professional offices) at 3-5 PLEASANT STREET (Map 36, Lot 432) (R2 and ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped January 28, 2020 and supporting documentation

Location: **53-59 Mason Street (Map 26, Lot 90) and 38 Commercial Street (Map 26, Lot 47) (NRCC Zoning Districts)**  
Applicant: **The Long Game LLC**  
Project: 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).

Documents and Exhibitions

- Application date-stamped January 29, 2020 and supporting documentation

**MEETING MINUTES**

- September 18, 2019
- October 16, 2019
- December 18, 2019
- January 15, 2020

Chair Duffy notes that the Board will need to also table the approval of minutes until the next regularly scheduled meeting to be held on April 15, 2020.

**Motion and Vote:** Mr. Copelas moves to table the approval of minutes to the next scheduled meeting on April 15, 2020. Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Steven Smalley, Rosa Ordaz, Carly McClain, Mike Duffy (Chair), and Peter A. Copelas) and none (0) opposed. The motion passes.**

**OLD/NEW BUSINESS**

Location: **3 Dodge Street (Map 34, Lot 401) (B5 Zoning District)**  
Applicant: **CTDW LLC**  
Description: A 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 19, 2019 and then to February 28, 2020 by the Board of Appeals.

Chair Duffy suggests continuing the matter with no prejudice to the applicant, and to take it up at the next regularly scheduled meeting on April 15, 2020.

**Motion and Vote:** Mr. Copelas moves to continue the request for extension at 3 Dodge Street to the next regularly scheduled meeting on April 15, 2020. Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter A. Copelas, Mike Duffy (Chair), Carly McClain, Rosa Ordaz, and Steven Smalley) and none (0) opposed. The motion passes.**

---

## ADJOURNMENT

**Motion and Vote:** Mr. Copelas moves to adjourn the meeting. Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter A. Copelas, Mike Duffy (Chair), Carly McClain, Rosa Ordaz, and Steven Smalley) and none (0) opposed. The motion passes.**

Chair Duffy thanks everyone for making themselves available and notes that we do not know what the future will look like. He notes that we have another regularly scheduled meeting on April 15 and recommends that everyone pay attention to the public notices about that meeting for any additional information that has not already been published. Mr. Copelas also asks whether a special meeting is scheduled for April 1. Mr. Corrison confirms that that meeting is being advertised and is planned to go forward. He states that they are hoping to do that via publicly accessible via conference. Mr. Corrison notes that the items on tonight's agenda were continued not to the April 1 meeting, but to the regularly scheduled meeting on April 15.

**The meeting ends at 6:40 PM.**

*For actions where the decisions have not been fully written into these minutes, copies of the Decisions have been posted separately by address or project at:*

<https://www.salem.com/zoning-board-appeals/pages/zoning-board-appeals-decisions-2020>

Respectfully submitted,  
Brennan Corrison, Staff Planner