

City of Salem Zoning Board of Appeals
Meeting Minutes
August 19, 2020

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, August 19, 2020 at 6:30 pm via remote participation.

Chair Mike Duffy calls the meeting to order at 6:31 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, August 19 at 6:30 pm is being held remotely via Zoom. Chair Duffy explains that instructions to participate remotely can be found on the Salem website. Chair Duffy explains the rules regarding public comment.

Chair Duffy notes that there are four members in attendance, so we have provided applicants the opportunity to continue their petition to the next meeting when we expect and hope to have more members in attendance, but if the applicants wish and prefer to go forward tonight, we are happy to do it: we have a quorum and can act on anyone’s applications.

ROLL CALL

Those present were: Peter Copelas, Mike Duffy (Chair), Rosa Ordaz, and Paul Viccica. Also in attendance were Brennan Corrison – Building Commissioner, Steve Cummings – Building Inspector, and Jonathan Pinto – Recording Clerk. Those absent were: Jimmy Tsitsinos, Carly McClain, and Steven Smalley.

The extension request at 3 Dodge Street, an Old/New Business item, is taken up first (out of order).

OLD/NEW BUSINESS

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; to February 28, 2020; and to August 28, 2020 by the Board of Appeals.

Chair Duffy introduces the petition.

Attorney Thomas Alexander introduces himself and explains the applicant obtained a provisional

license and their plans were approved by the CCC in February, but that construction was suspended due to COVID-19.

Construction has resumed and should be complete by the end of August. Attorney Alexander states an occupancy certificate is expected by the end of August, and thereafter the CCC would provide a post-provisional license inspection. He states that they hope this is their final extension.

Chair Duffy notes that it certainly seems that the applicant has made all the strides that they can to get the project off the ground and move forward, and hopefully this will be the last six-month extension that we have to consider.

Motion and Vote: Mr. Viccica moves to grant request of CTDW 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.

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Peter Copelas, Mike Duffy (Chair), Rosa Ordaz, and Paul Viccica) and none (0) opposed. The motion passes.**

REGULAR AGENDA

Location: 78 Bay View Avenue (Map 44, Lot 136) (R1 Zoning District)
Applicant: Stephan O’Sullivan and Patrick O’Sullivan (Property Owner: Philip Kelly)
Project: **Note: The applicant has requested to continue to the regularly scheduled meeting on September 16, 2020.** A public hearing for all persons interested in the petition of STEPHAN O’SULLIVAN AND PATRICK O’SULLIVAN and property owner PHILIP KELLY for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum height of buildings (stories) and minimum width of side yard to alter and expand a nonconforming single-family home by extending the first floor and porch; renovating the rear facade and adding second and third story balconies; and adding a third-story rear dormer at 78 BAY VIEW AVENUE (Map 44, Lot 136) (R1 Zoning District)

Documents and Exhibitions

- Application date-stamped June 24, 2020 and supporting documentation

Chair Duffy introduces the petition, and notes that the applicant has requested to continue to the next regularly scheduled meeting on September 16, 2020. Mr. Corrison confirms that a request to continue was received in writing.

Motion and Vote: Ms. Ordaz moves to continue the petition of Stephan and Patrick O’Sullivan for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum height of buildings (stories) and minimum width of side yard to alter and expand a nonconforming single-family home by extending the first floor and porch; renovating the rear facade and adding second and third story balconies; and adding a third-story rear dormer at 78 BAY VIEW AVENUE until the next regularly scheduled meeting on September 16, 2020.

Mr. Copelas seconds the motion. **The vote is four (4) in favor (Mike Duffy (Chair), Rosa Ordaz, Paul Viccica, and Rosa Ordaz), and none (0) opposed. The motion passes.**

Location: **24 Loring Avenue (Map 32, Lot 85) (R2 and ECOD Zoning Districts)**
Applicant: **Susanna Harutunian**
Project: A continuation of a public hearing for all persons interested in the petition of SUSANNA HARUTUNIAN for a special permit per Section 3.2.2 *Home Occupations* to allow a clothing alterations business in the existing freestanding garage or alternatively within the primary dwelling, the single-family home at 24 LORING AVENUE (Map 32, Lot 85) (R2 and ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped June 24, 2020 and supporting documentation

Chair Duffy introduces the petition, and notes that the applicant recently retained council and has requested to continue to the September 16 meeting. Mr. Corrison confirms.

Motion and Vote: Mr. Copelas moves to continue the petition of SUSANNA HARUTUNIAN for a special permit per Section 3.2.2 *Home Occupations* to allow a clothing alterations business in the existing freestanding garage or alternatively within the primary dwelling, the single-family home at 24 LORING AVENUE until the next regularly scheduled meeting on September 16, 2020.

Mrs. Ordaz seconds the motion. **The vote is four (4) in favor (Paul Viccica, Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

Location: **27 Boardman Street (Map 35, Lot 492) (R2 Zoning District)**
Applicant: **Greg & Kathryn Burns**
Project: A continuation of a public hearing for all persons interested in the petition of GREG & KATHRYN BURNS for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from minimum width of side yard to expand a nonconforming single-family home by adding a 23' by 14' sunroom to the rear of the existing home at 27 BOARDMAN STREET (Map 35, Lot 492) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped June 24, 2020 and supporting documentation

Chair Duffy introduces the petition, and notes that the Board had asked for additional materials at the last meeting, namely, an official plot plan, which has since been provided.

Todd Halsted introduces himself as representing Greg and Kathryn Burns. Mr. Halsted discusses the plot plan, identifying the property line, which the existing mud room runs along. Mr. Halsted explains that the proposal is to extend the existing nonconformity by extending out to create a sunroom with a similar footprint.

Chair Duffy asks if the proposal has changed at all since the last Board meeting, or if the applicant is merely supplying the plot plan which was absent from the initial application.

Mr. Halsted says the proposal is the same, and further explains the removal of the old mudroom, and using that footprint to create the new larger sunroom.

Mr. Viccica asks about the neighboring fence, and whether the existing mud room is right on the property line. Mr. Halsted confirms. Mr. Viccica next asks if the applicants discussed their plans with the neighbors. Ms. Burns notes that they have written letters from abutters and neighbors across the street that all support the project.

Mr. Viccica asks for elevation drawings, and the applicants present them. Mr. Viccica clarifies that his questions and concerns relate to the complications that can arise when buildings go up to the property line, such as extended eaves and drainage issues. Mr. Viccica also notes that, depending on the footings, the construction could disturb the neighbor's property. Mr. Viccica suggests moving the new construction six inches inward to comply with the overhang and to minimize any potential disturbances.

Mr. Copelas echoes Mr. Viccica's concerns. Mr. Halsted indicates the proposal aims to salvage the existing stairs and stoop, but that they are not opposed to demolishing them and bringing the addition flush with the side.

Mr. Viccica says he would recommend taking six inches off the side of the sunroom. Mr. Burns indicates they could afford to lose the six inches. Mr. Viccica states that a special condition would be that the dimensions be modified and confirms that this can be done without a need to resubmit.

Chair Duffy opens the floor to public comment, but there is none.

Mr. Corrison acknowledges the letters received from neighbors in support of the project, which were read at the last meeting.

Chair Duffy discusses the criteria for approval and how they are met by the proposal, noting the special condition previously discussed.

Mr. Viccica suggests the sunroom addition be 13 feet and 4 inches wide, so that it is a foot off from the property line. He asks if this would be OK with the applicants; they express their approval.

Motion and Vote: Mr. Copelas moves to approve the petition of GREG & KATHRYN BURNS for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from minimum width of side yard to expand a nonconforming single-family home by adding a 23' by 13', 4" sunroom to the rear of the existing home at 27 BOARDMAN STREET (Map 35, Lot 492) (R2 Zoning District).subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.

5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. All construction shall be done per the plans and dimension submitted to and approved by this Board. No change, extension, material corrections, additions, substitutions, alterations, and/or modifications to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

And the following special condition:

1. The new building footprint should be modified to 23 feet by 13 feet and 4 inches, and overhangs shall not impinge on the property line from the new addition.

Mr. Viccica seconds the motion. **The vote is four (4) in favor (Paul Viccica, Rosa Ordaz, Mike Duffy (Chair), and Peter A. Copelas) and none (0) opposed. The motion passes.**

Location: **4 Hilton Street (Map 10, Lot 169) (R1 Zoning District)**
Applicant: **Cheryl Brusket**
Project: A public hearing for all persons interested in the petition of CHERYL BRUSKET for a special permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage therapist business within the single-family home at 4 HILTON STREET (Map 10, Lot 169) (R1 Zoning District).

Documents and Exhibitions

- Application date-stamped July 13, 2020 and supporting documentation

Chair Duffy introduces the petition.

Applicant Cheryl Brusket introduces herself and discusses the floor plan which shows the office proposal within her home for her massage therapist business. Ms. Brusket notes that there will be no display visible from the street, and that she will only see approximately ten clients a week. Only one car would be parked in front of her house at a time as she can only see one patient at a time. Ms. Brusket contends the proposal will not disturb or disrupt the neighborhood, or in any way affect the character.

Ms. Brusket presents photos of her cul-de-sac and driveway to demonstrate there is ample parking. She indicates she has been a licensed massage therapist for many years and has worked professionally with chiropractors and other massage therapists.

Chair Duffy asks if any members of the Board of questions or concerns.

Mr. Copelas states it is clear the applicant paid attention to requirements of the ordinance and has addressed each one appropriately.

Chair Duffy asks if there will be any construction, or if the applicant is just dedicating space for the business. Ms. Brusket confirms there will not be any construction.

Chair Duffy opens the floor to public comment.

Mr. Corriston mentions the Board received letters in support of the proposal from abutters. Chair Duffy reads the letters from two (2) members of the public, Marcia D'Entremont of 1 Hilton Street and Margaret Shield (address not provided), expressing their support for the proposal.

There is no further public comment.

Chair Duffy explains how the criteria have been met by the applicant's proposal.

Mr. Viccica states he is in favor of the proposal, but notes the irony considering the other petition for a home business being continued. Mr. Viccica indicates some professions are excluded by the ordinance and hopes that when the discussion returns in September some City Council members attend. He notes it is their responsibility to modify any zoning ordinances, or to allow people temporary solutions given the difficulties associated with the pandemic. Ms. Ordaz agrees, and wonders how many applications like this might come in considering the impact of the pandemic on small businesses.

Motion and Vote: Mr. Copelas moves to approve the petition of CHERYL BRUSKET for a special permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage therapist business within the single-family home at 4 HILTON STREET (Map 10, Lot 169) (R1 Zoning District) subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimension submitted to and approved by this Board. No change, extension, material corrections, additions, substitutions, alterations, and/or modifications to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Mr. Viccica seconds the motion. **The vote is four (4) in favor (Rosa Ordaz, Paul Viccica, Peter A. Copelas, and Mike Duffy (Chair)) and none (0) opposed. The motion passes.**

Location: **5 Orchard Street (Map 27, Lot 432) (R2 Zoning District)**

Applicant: **Samantha Stone**

Project: A public hearing for all persons interested in the petition of SAMANTHA STONE for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum lot coverage, minimum depth of front yard, and minimum width of side yard to alter and expand a nonconforming single-family home by adding a 26' by 25', 2.5-story rear addition as well as a covered porch at 5 ORCHARD STREET (Map 27, Lot 432) (R2 Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Mr. Corriston states the petition was advertised as being a 2.5 story addition proposal, but the Building Department confirmed that it actually meets the definition of a three story. As a result, the Board can hear the initial information and offer comments, as well as take public comment, but cannot make a final decision until next month at the earliest when the petition is properly re-advertised.

Samantha Stone introduces herself and partner Michael Cusek. Ms. Stone explains her proposal to make an addition to the rear of her existing home with the primary goal of adding additional living space. The existing home is small, a little over 700 sq ft, with low ceilings. She notes she would like to remain in the home and stay in Salem.

Ms. Stone shows the existing footprint and aerial views of the proposed extension/addition. Ms. Stone says the proposal takes into account how much space she needs and while attempting to keep the impact to neighbors minimal.

Ms. Stone indicates the additions is consistent with the character and scale of the neighborhood. She presents photos of the street and existing conditions noting that the new addition will not be visible from most angles on the street.

Ms. Stone presents a plot plan and renderings of the proposed addition, as well as floor plans. Next, Ms. Stone shows elevations of the proposal, and explains how the dormer style and ridge lines are consistent with the original building, but a little more modern. Ms. Stone discusses the grade of the site, noting there is a bit of a slope. She notes the relief being sought is due to being over the required 15-foot setback by 1.5 feet. Ms. Stone demonstrates on the plot plans existing nonconformities and the additional relief sought.

Chair Duffy asks if the Board has any questions.

Mr. Copelas asks Mr. Corriston about the change to 3 stories, and whether it changes the special permit to a variance. Mr. Corriston confirms it will still be a special permit per Section 3.3.5; they will include a reference to maximum height of buildings in terms of stories because it will go beyond 2.5 stories into 3, but it will not change the relief outside the special permit - it is still just a special permit.

Paul Viccica asks the application to confirm the height of the addition. Ms. Stone shows that it is 30 feet to the ridgeline.

Chair Duffy indicates the Board received two emails or letters. One is from Sandra Meuse at 19 Orchard Street indicating support for the proposal. The other is from Anne Sterling at 29 Orchard Street, and Ms. Sterling makes two requests: that it be acknowledged that this would be three stories, and that due to the sloping topography, she requests a shade study be conducted.

Chair Duffy opens the floor to public comment.

Ward 6 Councillor Megan Riccardi of 23 Orchard Street introduces herself. Councilor Riccardi says the application looks great, and that the home has been well taken care of and restored by applicant. Ms. Riccardi indicates her full support.

Dave Petto of 7 Orchard Street indicates he is in full support of addition and that the applicant has done a great job cleaning up the house and redoing it since purchasing.

The Sullivans of 1 Orchard Street state they have gone over the plans with Ms. Stone and thinks it will be perfect for the applicant's needs and the neighborhood. She indicates her full support.

Chair Duffy says notes that the Board cannot act tonight, but acknowledges the positive comments received. He acknowledges one comment asked for a shadow study to be conducted.

Motion and Vote: Mr. Copelas moves to continue the petition of SAMANTHA STONE for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum lot coverage, minimum depth of front yard, and minimum width of side yard to alter and expand a nonconforming single-family home by adding a 26' by 25', 2.5-story rear addition as well as a covered porch at 5 ORCHARD STREET (Map 27, Lot 432) (R2 Zoning District to the next regularly scheduled meeting on September 16, 2020)

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Paul Viccica, Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

Location:	13 Barton Street (Map 36, Lot 367) (R2 Zoning District)
Applicant:	Phillip Pauli
Project:	A public hearing for all persons interested in the petition of PHILLIP PAULI for a special permit per Section 3.3.5 <i>Nonconforming Single- and Two-Family Residential Structures</i> of the Salem Zoning Ordinance from minimum width of side yard to expand a nonconforming single-family home by constructing a 16' by 16' one-story rear addition within the existing footprint of the home and deck at 13 BARTON STREET (Map 36, Lot 367) (R2 Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Phillip Pauli and Emily Pauli introduce themselves. Mr. Pauli indicates they have resided at 13 Barton for approximately four years and would like to renovate the deck and small existing rear addition. Mr. Pauli indicates the whole structure is already nonconforming because of a three-foot setback on the Northeast side, and that they are requesting relief. Mr. Pauli adds that they intend to use the room as an additional bedroom/family room. Mr. Pauli next presents the plot plans and elevation.

Chair Duffy confirms that the conditions would be consistent with the existing side line on the three-foot side.

Mr. Viccica states it is a nice house with many details that make it unique and beautiful including window trim, cornice and eve, the width of corner boards, and clapboards. Mr. Viccica asks if the applicants will use clapboards and corner boards similar to the existing house. The applicants respond in the affirmative. Ms. Pauli states they will be preserving the charm that made them initially fall in love with the house.

Chair Duffy opens the floor to public comment but there is none.

Chair Duffy notes the applicants are seeking minor dimensional relief consistent with existing nonconformity. Mr. Duffy reviews the criteria and how they are met by the applicants' proposal.

Motion and Vote: Mr. Viccica moves to approve the petition of PHILLIP PAULI for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from minimum width of side yard to expand a nonconforming single-family home by constructing a 16' by 16' one-story rear addition within the existing footprint of the home and deck at 13 BARTON STREET subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. The exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimension submitted to and approved by this Board. No change, extension, material corrections, additions, substitutions, alterations, and/or modifications to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Mr. Copelas seconds the motion. **The vote is four (4) in favor (Mike Duffy (Chair), Peter A. Copelas, Paul Viccica, and Rosa Ordaz) and none (0) opposed. The motion passes.**

Location: **9 Appleton Street (Map 27, Lot 221) (R2 Zoning District)**
Applicant: **Daniel Wright (Property Owner: Wright Family Trust)**
Project: A public hearing for all persons interested in the petition of DANIEL WRIGHT and property owner WRIGHT FAMILY TRUST for a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to renovate a historic carriage house and convert it into a dwelling unit at 9 APPLETON STREET (Map 27, Lot 221) (R2 Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Attorney Ellen Wright and applicant Daniel Wright introduce themselves. Attorney Wright explains they are seeking a special permit to convert a 26' by 26' carriage house to a dwelling for her brother. She indicates this was the result of a family decision. The Wrights' parents purchased the property in 1978, and Mr. Wright has been living there to care for their mother, who is 76. The intent is to have Mr. Wright reside in the carriage house to free up the first floor of the two-family home so it can be rented.

Attorney Wright indicates their mother is a retired schoolteacher on a fixed income, and that she would like to free up the first-floor apartment so it can be rented. Attorney Wright states her brother is a master plumber in Salem who would like to remain in the city and still be able to care for their mother.

The applicants present pictures of the carriage house and indicate it existed prior to 1900. They present a map from 1897 showing 9 Appleton (originally belonged to J.F. Pitman) with a carriage house. Attorney Wright discusses the history of the carriage house and presents additional photos of the exterior.

Mr. Copelas notes that the proposal has state utilities being trenched from the main house and connected to the second floor of the carriage house, and wonders if this is appropriate for a separate legal dwelling unit. There is a discussion regarding the concern of shared utilities, and the associated legal and practical ramifications down the road if Mr. Wright were to move out and the unit were to be rented to a stranger. Assistant building inspector Steve Cummings indicates it would need to be looked at by the engineering department. Mr. Cummings recommends keeping the utilities separate if possible, and setting them up as three separate units, but notes it is not a requirement.

Mr. Viccica references a barn recently renovated on Orange Street with multiple meters attached to the building. Mr. Copelas states he believes it could be an issue later on, and that the prudent thing to do would be to have separate utilities, but notes he is unsure if the Board is in a position to require it. Attorney Wright states they would be open to keeping the utilities separate.

Mr. Viccica asks about the exterior barn finish, noting that while the building itself is historic, there appears to be some new construction in place at this point which is covering some of the historic elements. Mr. Wright indicates that most of the historic elements will be covered eventually, and that

vinyl siding was put up a while back. He also notes that permits were pulled for all the exterior work completed to date.

Mr. Viccica asks about the siding materials and explains that the intent of the ordinance is for the buildings to be preserved. Mr. Viccica contends that the definition of preservation goes beyond taking an old structure and using it for a modern purpose without acknowledging any historic elements.

Attorney Wright states her mother could never have afforded to preserve the carriage house as a schoolteacher, but now recognizes investments need to be made to maintain it.

Mr. Viccica asks for renderings and elevations, but there are none. He states he is concerned because the intent of preserving a building should include considerations of material and building character.

Mr. Cummings asks if the Historic Commission should be consulted, as they have had input with other carriage house preservation projects in non-historical neighborhoods. Mr. Viccica states that the Commission provides helpful guidance, and that while he is cognizant of cost issues, he has concerns about the building's character being destroyed.

Mr. Corrison notes he spoke with Ms. Kelleher, who offered similar concerns and comments. He adds that the Historic Commission meets twice a month, so the applicant could go before the Commission for their September 2nd meeting and continue this petition to the next regularly scheduled meeting on September 16th.

Attorney Wright asks if she can respectfully withdraw and re-submit the application at a later date.

There is a brief discussion regarding the permits that have been pulled and the proposed ADU ordinance. Chair Duffy advises discussion with Tom's office and Mr. Corrison on this matter.

Chair Duffy notes that if the petitioner would like to withdraw at this time, the Board would not need to take further action. Mr. Corrison confirms with the applicants that they would like to withdraw without prejudice.

Mr. Viccica asks what the applicants' intent is and whether the applicants will halt construction at this time. Attorney Wright states that they will stop construction and consult with the Historical Commission among others.

Motion and Vote: Mr. Copelas moves to approve the petitioner's request to **withdraw without prejudice** the petition of DANIEL WRIGHT and property owner WRIGHT FAMILY TRUST for a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to renovate a historic carriage house and convert it into a dwelling unit at 9 APPLETON STREET (Map 27, Lot 221) (R2 Zoning District).

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Peter A. Copelas, Mike Duffy (Chair), Rosa Ordaz, and Paul Viccica) and none (0) opposed. The motion passes and the application is withdrawn without prejudice.**

MEETING MINUTES

April 15, 2020

May 20, 2020

June 17, 2020

July 15, 2020

Mr. Copelas references the April 15 minutes, specifically the petition for 9 Boston Street. The petition was originally requesting a number of variances including for parking, building height, and stories. Mr. Copelas notes that right before the motion was taken, there was a clarification that the changes to the petition no longer required variances for building height and off-street parking, however the motion seems to provide those variances. Mr. Copelas says the motion should be restated to clarify that two of the variances are not required. Mr. Corrison says he will make sure to correct that. Mr. Corrison also notes that the link at the end of the decision linked to the 2019 page of decisions of the Zoning Board, so he will correct that to 2020.

Motion and Vote: Mr. Copelas moves to approve the April 15, 2020 minutes as amended. Mr. Viccica seconds the motion. **The vote is all in favor, none opposed, and none abstaining. The Motion passes.**

Motion and Vote: Mr. Copelas moves to approve the May 20, 2020 minutes as printed. Ms. Ordaz seconds the motion. **The vote is all in favor, none opposed, and none abstaining. The Motion passes.**

OLD/NEW BUSINESS

Mr. Viccica brings up the topic of the Hampton Inn sign. Mr. Viccica states he is aware that the petitioners did not receive their desired outcome, but that the temporary signage they installed is still up and should not be. Mr. Viccica notes that he requested that Mr. St. Pierre write a letter noting that they are in violation of the Board's decision, which would trigger a 90-day period to act. He asks if they were sent a letter and notes that if not, he would like to have a letter sent if the sign is still up. Mr. Corrison notes that he believes he mentioned it to Tom after we discussed this last month but he will make sure to reach out to him again tomorrow to make sure the letter has been sent if it has not been already. Mr. Viccica notes the timeline of 90 days after the receipt of the letter. He notes that he has not driven by in a week or two. Mr. Copelas confirms that as of yesterday, the sign was still up.

Mr. Corrison notes that he will be leaving the City in a few weeks as his lease is ending, but he will be working remotely for the City until he finds a new role or the City finds a new staff member. He thanks the Board and the Board thanks him.

ADJOURNMENT

Motion and Vote: Mr. Viccica moves to adjourn the meeting. **The vote is all in favor, none opposed, and none abstaining. The Motion passes.**

City of Salem Zoning Board of Appeals
August 19, 2020 Meeting Minutes

The meeting ends at 8:19 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 Corriston, Staff Planner