

City of Salem Zoning Board of Appeals
Meeting Minutes
August 21, 2019

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, August 21, 2019 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.

ROLL CALL

Those present were: Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica. Also in attendance were Staff Planner Brennan Corrison, Building Commissioner/Zoning Enforcement Officer Tom St. Pierre, and Recording Clerk Lorelee Stewart.

REGULAR AGENDA

Chair Duffy announces that due to having a three-member board tonight, the hearings on all nine (9) petitions will be continued until September 18, 2019. The ZBA has enough board members present (3) to continue items but not to make affirmative votes on applications. All petitioners have been notified and all have requested continuances in writing. Chair Duffy notes that there will not be any substantive hearing on any of these matters tonight. He states that the Board will go through them and vote to continue each item.

Location: **51 Canal Street (Map 34, Lot 86) (R2, B4, and ECOD Zoning Districts)**
Applicant: **Salem Car Wash LLC**
Project: A continuation of a public hearing for all persons interested in the petition of SALEM CAR WASH LLC for a special permit per Section 3.3.3 *Nonconforming Structures* and Section 3.3.4 *Variance Required* of the Salem Zoning Ordinance to reconstruct a nonconforming structure, the car wash at 51 CANAL STREET (Map 34, Lot 86) (R2, B4, and ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped June 26, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request for a continuance from Attorney Scott Grover for this petition.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Salem Car Wash LLC for a special permit per Section 3.3.3 *Nonconforming Structures* and Section 3.3.4 *Variance Required* of the Salem Zoning Ordinance to reconstruct a nonconforming structure, the car wash at 51 Canal Street, to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Jimmi Heiserman, Paul Viccica, and Mike Duffy (Chair)) and none (0) opposed.**

Location: **23 Summer Street (Map 26, Lot 463) (B5 Zoning District)**
Applicant: **Mike Becker**
Project: A continuation of a public hearing for all persons interested in the petition of MIKE BECKER for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of six non-owner occupied short-term rental units in the multi-family house at 23 SUMMER STREET (Map 26, Lot 463) (B5 Zoning District).

Documents and Exhibitions

- Application date-stamped June 17, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Attorney Bill Quinn.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Mike Becker for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of six non-owner occupied short-term rental units in the multi-family house at 23 Summer Street to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Paul Viccica, Jimmi Heiserman, and Mike Duffy (Chair)) and none (0) opposed.**

Location: **109 Boston Street (Map 15, Lot 208) (B2 & ECOD Zoning Districts)**
Applicant: **Michael Becker**
Project: A continuation of a public hearing for all persons interested in the petition of MICHAEL BECKER for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the two-family house at 109 BOSTON STREET (Map 15, Lot 208) (B2 & ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped June 14, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Attorney Bill Quinn.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Michael Becker for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the two-family house at 109 Boston Street to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Paul Viccica, and Jimmi Heiserman) and none (0) opposed.**

Location: **14-16 Hodges Court (Map 35, Lot 311) (R2 Zoning District)**

Applicant: **Michael Becker**

Project: A continuation of a public hearing for all persons interested in the petition of MICHAEL BECKER for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the multi-family house at 14-16 HODGES COURT (Map 35, Lot 311) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped June 14, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Attorney Bill Quinn.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Michael Becker for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the multi-family house at 14-16 Hodges Court to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Jimmi Heiserman, Paul Viccica, and Mike Duffy (Chair)) and none (0) opposed.**

Location: **25 Lynde Street (Map 26, Lot 440) (B5 Zoning District)**

Applicant: **Michael Becker**

Project: A continuation of a public hearing for all persons interested in the petition of MICHAEL BECKER for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the mixed-use building at 25 LYNDE STREET (Map 26, Lot 440) (B5 Zoning District).

Documents and Exhibitions

- Application date-stamped June 17, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Attorney Bill Quinn.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Michael Becker for a special permit per Section 15-6 (d) of the Salem Code of Ordinances to allow the continued operation of two non-owner occupied short-term rental units in the mixed-use building at 25 Lynde Street to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica) and none (0) opposed.**

Location: **11 Rice Street (Map 36, Lot 197) (R2 Zoning District)**

Applicant: **Pamela J. Barton**

Project: 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).

Documents and Exhibitions

- Application date-stamped July 30, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Attorney Bill Quinn.

Motion and Vote: Paul Viccica moves to continue the 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 to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Jimmi Heiserman, Paul Viccica, and Mike Duffy (Chair)) and none (0) opposed.**

Location: 7 Burnside Street (Map 36, Lot 157) (R2 Zoning District)

Applicant: Graham W. Hines

Project: A public hearing for all persons interested in the petition of GRAHAM W. HINES for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a shed dormer, a 6' by 18' three-story side addition, and rear egress stairs for the first and second floors at the two-family home at 7 BURNSIDE STREET (Map 36, Lot 157) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped July 29, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from petitioner Graham Hines.

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Graham W. Hines for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a shed dormer, a 6' by 18' three-story side addition, and rear egress stairs for the first and second floors at the two-family home at 7 Burnside Street to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Paul Viccica, Jimmi Heiserman, and Mike Duffy (Chair)) and none (0) opposed.**

Location: **106 Bridge Street (Map 36, Lot 73) (R2 and ECOD Zoning Districts)**

Applicant: **Juniper Point Investment Co LLC**

Project: A public hearing for all persons interested in the petition of JUNIPER POINT INVESTMENT CO LLC for an amendment to the October 26, 2018 decision of the Board of Appeals, seeking an additional variance per Section 4.1.1 Table of Dimensional Requirements for relief from maximum height of buildings (stories) to allow a change in the height of buildings from 2.5 stories to 3 stories at 106 BRIDGE STREET (Map 36, Lot 73) (R2 and ECOD Zoning Districts). Two 2.5-story buildings were approved by the Board of Appeals in the October 26, 2018 decision. The proposed alteration is to expand approved dormers on the upper level to allow for additional headroom. There will be no change to the height of the roof ridge and no additional floor area will be created. There will be no change to the building facades along Bridge, Saunders and Cross Streets.

Documents and Exhibitions

- Application date-stamped July 31, 2019 and supporting documentation

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Denese Luxton [of Correnti & Darling LLP].

Motion and Vote: Paul Viccica moves to continue the public hearing for all persons interested in the petition of Juniper Point Investment Co LLC for an amendment to the October 26, 2018 decision of the Board of Appeals, seeking an additional variance per Section 4.1.1 Table of Dimensional Requirements for relief from maximum height of buildings (stories) to allow a change in the height of buildings from 2.5 stories to 3 stories at 106 BRIDGE STREET to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Paul Viccica, and Jimmi Heiserman) and none (0) opposed.**

Location: **79 Columbus Avenue (Map 44, Lot 57) (R1 Zoning District)**

Applicant: **Eric Cormier**

Project: 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).

Documents and Exhibitions

- Application date-stamped May 29, 2019 and supporting documentation

Brennan Corriston notes that Jim McElroy is the property owner and is listed as such on the application.

Paul Viccica notes that the Board has received a request to continue this petition to the September 18, 2019 meeting from Jim McElroy.

Motion and Vote: Paul Viccica moves to continue the 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 to the September 18, 2019 meeting of the Board of Appeals. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Jimmi Heiserman, Paul Viccica, and Mike Duffy (Chair)) and none (0) opposed.**

MEETING MINUTES

1. April 17, 2019
2. May 15, 2019
3. June 19, 2019

Chair Duffy notes that the approval of April, May, and June 2019 minutes is on the agenda, but he does not think they have the requisite number of people to act on that.

Motion and Vote: Paul Viccica moves to delay the approval of minutes from April, May, and June 2019 until September 18, 2019. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica) and none (0) opposed.**

OLD/NEW BUSINESS

Vote on revised ZBA Application Package Vote on revised ZBA Fee Schedule

Chair Duffy notes that they will continue these again. No motion is required.

Other

Brennan Corrison asks the Board members in attendance about their availability for and interest in a special meeting for the meetings that would have started in the September meeting and push them back. He asks whether Wednesday, October 2 or Wednesday, October 9 would work. Paul Viccica notes that October 9 is Yom Kippur, so maybe the 2nd is the better of the two.

Brennan Corrison asks if the three members would be available for October 2. They all respond in the affirmative. Brennan Corrison states that as long as at least one other Board member can make it that day, they'll set up that special meeting.

ADJOURNMENT

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Motion and Vote: Paul Viccica moves to adjourn the meeting. Jimmi Heiserman seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica) and none (0) opposed.**

The meeting ends at 6:44 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-2019>

Respectfully submitted,
Brennan Corrison, Staff Planner