

City of Salem Zoning Board of Appeals
Meeting Minutes
September 18, 2019

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, September 18, 2019 in the first floor conference room at 98 Washington Street, Salem, Massachusetts at 6:30 p.m.

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

ROLL CALL

Those present were: Peter Copelas, Mike Duffy (Chair), Jimmi Heiserman, Rosa Ordaz, and Paul Viccica. Board member Jimmy Tsitsinos was absent. Also in attendance were Brennan Corrison – Staff Planner, Tom St. Pierre – Building Commissioner, and Lorelee Stewart – Recording Clerk.

REGULAR AGENDA

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).

Mr. Cormier tells the board that he has spent time with the Historic Commission who assisted him with choosing a drawing for his building as suggested at his previous appearance before the ZBA. He needs to do his architectural drawings and wants to know if he can take them directly to Mr. St. Pierre. Mr. St. Pierre tells him the Board needs to see the plans. Mr. Cormier is afraid of needing to pay to redo the drawings if the ZBA doesn’t approve. Mr. Copelas tells Mr. Cormier that he was present at the Historic Commission and would be inclined to approve his plans based on the drawing that was developed and the positive letter he read from the Historic Commission, but the Board can’t act on a sketch. Mr. Copelas adds that they need heights and other dimensions. Mr. Viccica explains that the Historic Commission will want these plans and the ZBA will need the plans. He adds that the next ZBA meeting is October 16th and has openings. He is advised that he can go to the historic commission first and come back to the ZBA with those plans in hand. Mr. Copelas asks if he wants a continuance. Mr. Cormier replies affirmatively.

Motion and Vote: Mr. Viccica moves to continue 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) to October 16, 2019. Mr. Copelas seconds the motion. **The vote is five (5) Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman in favor and none (0) opposed.**

After the vote Ray Jerzylo wants to give public comment. Mr. Duffy replies that there is no public comment tonight. Mr. Jerzylo will get the drawings which are public when they are submitted. Another man from the public decries the sites current conditions and submits photos to the board who assure him that the Board of Health has been to the site and has taken action.

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

Attorney Grover is in attendance with Kevin Yorio and Scott Cameron, the civil engineer. Attorney Grover states that the car wash is obsolete given current car wash standards. We want to demolish the existing buildings and replace them with a smaller, cleaner more efficient building and carwash. Attorney Grover adds that there will be a single building instead of two. The accessory building for self service will be removed. We want to change a nonconforming structure (nonconforming because of setbacks) in the B4, R2, and ECOD zoning districts. We are asking for a special permit to reconstruct the structure. Attorney Grover states that this proposal is not substantially more detrimental than the building currently there. We will add more landscaping and we serve a community need being the only car wash in Salem. This maintains the commercial aspects of the neighborhood. This project will go through the Planning Board's review and the traffic study will also go to Design Review Board because it is in the ECOD (Entrance Corridor Overlay District).

Scott Cameron adds that they will go before the Conservation Commission for review as well. Mr. Cameron explains that they revised the design a little after meeting with neighbors. We will eliminate a curb cut and we have held Canal Street as our frontage. The lot size will remain the same. He adds that the building footprint size is reduced by half. The setbacks are improved because the building is half the size.

The Board asks about parking. Mr. Cameron says that employees will have four (4) parking spaces for employees and there will be twenty (20) spaces for the rest of the cars in self serve. Employees will not dry the cars. He adds that they are willing to pare that down in the Planning Board site plan review. Ms. Ordaz asks about changes to drainage. Mr. Cameron says that the city recently added catch basins when doing improvements. We will reuse those and we will provide improvement.

Chair Duffy opens the hearing for public comment.

John Femino of 90 Margin Street asks if there will be an air blower for drying the cars. He states that he has been bothered by car wash noise in the past. Mr. Cameron says there will be a dryer but the new system will be more efficient and less noisy than the current one. Mr. Femino wants to know

how many decibels of noise the car wash will make. Mr. Cameron adds that landscaping will help with noise. Ms. Ordaz asks if there will be a door to the new car wash where there was not one in the past. She suggests this could help with noise reduction. Mr. Cameron adds that there will be a door that will help with noise. Attorney Grover mentions that the car wash will go through the Board of Health as part of the process and they will assess noise.

Mr. Corrison reads a letter into record a letter from Anthony J. Picariello of Pic's Screw Machine, Inc. of 1 Florence Street. The letter reads, "As abutters to the property we are writing to express our support for the revised plans to reconstruct the car was on that property. We were opposed to the initial plan for the new car wash and we were prepared to express that opposition at the public hearing before the Board. However, after hearing our concerns, the operator of the car wash agreed to reconfigure the entry and egress points of the facility. This will significantly improve the project from our perspective. Based on the changes that have been made, we are now in support of the project and we encourage the Board to approve the applicant's petition." The letter is signed by two individuals from the business.

Mr. Duffy reads from the Statement of Grounds, which discusses the criteria for a special permit. Community needs are met by replacing an outdated car wash with an efficient facility which will be a convenience for those who live and work in the City. Traffic flow and safety will be improved significantly by providing much more effective cueing arrangements for customers than the present configuration. The utilities and roadway adjacent to the site have recently been upgraded and are more than adequate to serve the new operation. A clean state of the building will be a significant improvement to the character of the neighborhood and will be consistent with the larger, commercial nature of the surrounding properties. The impact on the natural environment will be greatly improved by improving drainage conditions and bringing this property into compliance with the requirements of the Entrance Corridor Overlay District, specifically those relating to lighting and landscaping. The new facility will have several positive economic benefits to the city such as increased tax revenue and new employment opportunities.

Mr. Viccica discusses the reverse circulation and asks if the traffic engineer has done an analysis check into queuing. Mr. Cameron replies that they have designed the car wash to avoid queuing; he describes how quickly the cars will move through and highlights room for 15 cars to queue. They will also have an employee out queuing cars in line on peak days.

Motion and Vote: Mr. Viccica moves to approve 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), subject to the following terms, conditions, and safeguards. The motion is seconded by Mr. Copelas. **The vote is five (5) Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman in favor and none (0) opposed.**

Standard Conditions:

1. Petitioner shall comply with all city and state statues, 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 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.

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

Attorney Grover states that Mr. Becker applied for permits for non-owner occupied short-term rental units, Units two (2) and three (3), but we want to withdraw our petition for those units because we do not have proof of use.

Motion and Vote: Mr. Copelas moves to accept Mr. Becker’s request to withdraw without prejudice his petition 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). The motion is seconded by Mr. Viccica. **The vote is five (5) Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman in favor and none (0) opposed. The petition is withdrawn without prejudice.**

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

Attorney Quinn says this is a continuation of a hearing to grant special permits for short term rental. We wish to withdraw our request for unit three because it doesn’t exist anymore. It was combined with another unit.

We have proof of use for unit 6 which was occupied on July 10th for three nights and we want a special permit on that unit. He reviews the special permit criteria. There will be no effect on the natural environment, and it will be a benefit to the city for guests visiting; if not used for short-term rentals, this will be code-compliant rentals for residents in Salem. Mr. Viccica wants to see the proof that was submitted and wants to review the proof for every unit. The board reviews the proof of operation as a short-term rental submitted by Mr. Becker.

Mr. Duffy states that for the other units you only have bookings - not use - for units one, two, four and five. Mr. Copelas states that for Units 1 and 2 there were bookings but the actual space was not available to be rented. He adds that he is reviewing what was submitted. Mr. Copelas says we have leeway in how to interpret the ordinance and some of the units weren't available to be occupied before the date needed. He would be interested in bookings if the units were available but they weren't. The board discusses what engaged means. Mr. Becker adds that he can get more details from the building manager. Ms. Ordaz says to Mr. Becker that this is his third appearance and he should have submitted that proof by now. Mr. Viccica says we have set standard that they were rentable by the date. Units one, two and three weren't available.

Attorney Quinn adds that units four and five were booked on July 8, 2018.

Mr. Viccica asks if there were a certificate of occupancy for Units 4 and 5.

Chair Duffy opens the hearing for public comment.

Jeff Cohen of 12 Hancock Street says the intent of ordinance was to discourage non-owner occupied units. He adds that this board is not required to grant a special permit. He discusses the term "engaged." He notes that Salem has a diminishing rental stock.

Flora Tonthat of 30 Northey Street says the spirit of the ordinance was to level the playing field for bed and breakfasts and inns. Non-owner occupied was meant for people who were doing this before.

Dick Pabich of Winter Island Road discusses booking for hotels. He says Airbnb keeps those records. He only sees proof of Unit 6 being used as a short-term rental where people actually came and paid.

Mr. Becker responds saying that the people testifying against his special permits are his competitors and they are being self serving.

Mr. Pabich says Mr. Becker should be able to show the proof. Mr. Pabich states that he has used Airbnb, and Airbnb has all the records. He feels these petitions are spurious.

Mr. Duffy discusses the term "engaged." Mr. Viccica questions Mr. Pabich. He asks him if he books room if the rooms are not available. Mr. Pabich responds giving the example of Hotel Salem which took reservations prior to opening and they weren't ready to open yet had people booked for rooms. They had to turn people away making many angry.

The board discusses the proof of use or engagement presented. Mr. Viccica feels that to be engaged you need certificate of occupancy and a booking date. We need a certificate of occupancy; if you

don't have one then you shouldn't be engaged in short term rental. Mr. Copelas feels they need two levels of proof to move forward. Without the ability to rent it then it can't be rented. Mr. Corrison adds that the ordinance does not require a certificate of occupancy.

Mr. St. Pierre says they may not have certificate of occupancy depending on the scope of the work that was done on these units. Chair Duffy asks what the Board should be asking for as proof. It is suggested that if a booking was consummated then it is proof. Mr. Heiserman says that Airbnb holds money back a month. Mr. Pabich says that you do get proof in the records for each unit. He had six units and can show what money comes in for each unit. Mr. Corrison adds that regarding unit five there are emails for this unit on June 30th confirming it was advertised.

Motion and Vote: Mr. Copelas moves to approve 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 three non-owner occupied short-term rental (units four, five and six) in the multi-family house at 23 Summer Street (Map 26, Lot 463) (B5 Zoning District), subject to the following terms, conditions, and safeguards. Mr. Viccica seconds the motion. **The vote is four (4) (Mr. Duffy, Mr. Copelas, Mr. Viccica and Mr. Heiserman) in favor and one (1) (Ms. Ordaz) opposed.**

Standard Conditions:

1. Petitioner shall comply with all city and state statues, 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 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.

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

Attorney Quinn says that Mr. Becker would like to withdraw his request for unit one. They will pursue a special permit for unit two which has qualifying rentals all listed on your paperwork. He reviews how they meet the standard for a special permit. The board discusses parking Mr. Becker

says there is parking for multiple units on site with five spaces in total. One of the spaces is dedicated to Airbnb.

The public hearing opens.

Jeff Cohen of 12 Hancock Street testifies that he feels this unit fits the criteria.

The public hearing closes.

Motion and Vote: Mr. Copelas moves to 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 one non-owner occupied short-term rental unit (unit 2) in the two-family house at 109 Boston Street (Map 15, Lot 208) (B2 & ECOD Zoning Districts), subject to the following terms, conditions, and safeguards. Mr. Viccica seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

Standard Conditions:

1. Petitioner shall comply with all city and state statues, 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 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.

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

Attorney Quinn explains that we are seeking special permits for units 14-1 and 14-2. He notes that we are not seeking special permits for anything in 16 Hodges Court. Renovations to the property included adding a bedroom to Unit 1 at 14 Hodges Court. We have proof or rental for these units. He reviews how they meet the criteria for a special permit. He adds that they have parking. There will be no affect on the neighborhood and utility usage will be the same.

Mr. Copelas points out inconsistencies between City records and the application in the number of bedrooms and bathrooms in the building. Mr. Becker explains that the assessors haven't been out since he remodeled and records aren't updated.

Chair Duffy opens the hearing for public comment. There is none.

Motion and Vote: Mr. Copelas moves to approve 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, **14 Hodges Court Units 1 and 2** (Map 35, Lot 311) (R2 Zoning District), subject to the following terms, conditions, and safeguards. Mr. Viccica seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

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 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.

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

Joy Barton and Attorney William Quinn present their petition. He says this is an out of repair building acquired to rehab as a two-family residence. Ms. Barton wants to build up but she will be less than 35 feet. Ms. Barton shows the design and wants permission to provide egress through a side stairway which puts the project close to the rear plot line. Attorney Quinn shows the plot plan and Ms. Barton shows photos of 4 Rice Street which is virtually the same as her plans to build. Attorney Quinn states that this fits well with neighborhood character and will be an improvement.

The Board questions the bump-out in front. Ms. Barton says that only the second and third floors bump out. There are 24 inches of clearance at the second floor and 12 inches clearance of the sidewalk—it doesn't overhang. Mr. Viccica wants to discuss the side decking. Ms. Barton says it provides 2 means of egress from an interior stair. There are bedrooms for each unit on the second floor of each unit, she adds, and the house is split inside with one stairway.

Mr. Viccica says the deck is unsightly on the side. He sees the side deck as a detriment to her neighbor.

Chair Duffy opens the hearing for public comment.

Mike Bureau, a friend of Joy Barton, discusses egresses. He points out that he thinks the deck is for egress. Mr. St. Pierre says that two means of egress are required but these plans are difficult to understand.

Mr. Viccica wants her to talk to the project architect because the neighbor is only eight feet from the stairwell. Ms. Barton insists that the deck is for second egress. Mr. Copelas adds that there is a barrier on the deck. Mr. St. Pierre would like to talk to the architect.

Attorney Quinn says the public notices have been sent and they have heard nothing from the abutter. The Board says their job is to look out for the abutter. Chair Duffy asks if it is more detrimental; looking at neighborhood character. The question of whether the plan will pass building code is a separate question. It may be useful to have some further discussion from the architect about the purpose of the side deck other than as living space.

Mr. Viccica suggests that the Board continue it and see if you can get the architect to come in. Ms. Barton would like a continuance and she will bring in the architect and her next-door neighbor.

Motion and Vote: Mr. Copelas moves to continue 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). Ms. Ordaz seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor 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

Mr. Hines introduces himself. The Board reviews his plans. Mr. Duffy asks him to explain more about his project. Mr. Hines wants to create more usable space on the third floor to allow additional bedrooms, a bathroom, and a living area for the second unit. The decks on the side of the building will create outdoor space for each floor. The rear egress stairs will exit from the living rooms on the first and second floors. Mr. St. Pierre asks if the stairs will constitute a second egress. Mr. Hines says yes.

The hearing opens for public comment; no one offers public comment.

The Board reviews the plot plan. There is discussion about setbacks. Chair Duffy notes that the side setback where the stairs will be located will actually increase from the current condition. Chair Duffy reviews the special permit criteria and the benefits to the city.

Motion and Vote: Mr. Copelas moves to approve 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), subject to the following terms, conditions, and safeguards. Ms. Ordaz seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

Standard Conditions:

1. Petitioner shall comply with all city and state statues, 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 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.

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

Attorney Kristin Kolick from Correnti and Darling says that eleven months ago they converted the use from a muffler shop to 8 units of townhouses approved on October 2018. She explains that we need a small change triggered by a redesign of the roof which will improve interior. Ryan McShera shows the Board the plans that the Board approved last time. He says they want to add shed dormers which cause no changes in height or foot print is the same. During soil remediation and excavation they incurred additional costs because the excavation work resulted in a serious problem. We had to put steel beams on the Bridge Street side.

Mr. Viccica asks if they are creating new units. Attorney Kolick replies in the negative but adds that the extra space will make the units more valuable. There will be no additional bedrooms. This will be a better layout and our hardship is related to the extra costs of remediation and shoring up Bridge Street. Mr. Viccica clarifies that they didn't create the hardship and is reassured that the soil was worse than they expected.

Chair Duffy opens the hearing for public comment.

Flora Tonthat of 30 Northey Street testifies that they added a third-floor porch and an abutter was concerned. Mr. St. Pierre was called and confirmed that this wasn't included in their plans. She thinks they were pulling a fast one and wants them to pay \$25,000 to the North Street Corridor fund as they promised.

Attorney Kolick states that plans were changed because they have been instructed to do so by the ZBA. The developer will remove the balcony. Mr. Copelas asks if they agree to the payment \$25,000. She replies in the affirmative.

Mr. Corrison has a memo of understanding regarding payment. Mr. St. Pierre speaks for the developer that he stopped work immediately once there was an issue. Mr. Copelas asks, had it been part of the original plan, would we have approved it; he says it seems reasonable. Mr. Viccica clarifies again that there will be no new units or bedrooms just a better layout. Mr. McShera states that it will create a bigger master bedroom on third floor. He adds that the shed dormers will not be seen from side roads.

Motion and Vote: Mr. Copelas moves to grant 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, subject to the same standard and special conditions as in the original petition. Mr. Viccica seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

Standard Conditions:

1. Petitioner shall comply with all city and state statues, 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 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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street, if needed.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. Prior to issuance of a building permit, petitioner shall submit to the Department of Planning & Community Development, for review and approval, a site plan including landscaping, lighting, and trash disposal.
2. Prior to issuance of a building permit, petitioner shall submit to the Department of Planning & Community Development, for review and approval, final construction plans and mock ups.
3. Light trespass onto adjacent parcels/rights of way, shall be avoided.

MEETING MINUTES

Mr. Copelas says that we are far behind in our minutes, people are concerned and we need to catch up. Mr. Corrison states that he will put several sets of minutes on the next agenda.

OLD/NEW BUSINESS

The Board discusses conferring with the Planning Board regarding making changes to plans that trigger a trip back to the ZBA. The trip back to the ZBA isn't happening because people think they are fine. Anything with substantial change needs to be brought back here.

Mr. Copelas asks whether that triggers enforcement from Tom St. Pierre. Mr. St. Pierre replies in the affirmative. Chair Duffy discusses what type of letter should be written. It is in our conditions but

may need to be spelled out more. The language “Per the plans submitted” covers that. Mr. St. Pierre and Mr. Corrison will draft language.

Application Package

Mr. Corrison says changes to the application package are being worked on but are not ready. He adds that we will also vote on the fee schedule. This will reflect our costs more and we are lower fees than nearby areas.

Motion and Vote: Mr. Copelas moves to adopt the fee schedule to be effective upon date of new application. Mr. Viccica seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

ADJOURNMENT

Motion to adjourn is made by Mr. Viccica. Mr. Copelas seconds the motion. **The vote is five (5) (Mr. Duffy, Mr. Copelas, Ms. Ordaz, Mr. Viccica and Mr. Heiserman) in favor and none (0) opposed.**

The meeting ends at 9:20 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