

City of Salem Zoning Board of Appeals
Meeting Minutes
November 20, 2019

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, November 20, 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.

Chair Duffy explains there is not a quorum present, and therefore the Board will need to continue the scheduled matters to the next regularly scheduled meeting, which is to occur on December 18, 2019. Chair Duffy notes that each matter will be taken up with a vote to extend to the next meeting, but no evidence will be considered. Chair Duffy apologizes to those who have come out to attend the meeting. He states that there is no reason for the audience to stay - if they have other things to get to, feel free to do so.

ROLL CALL

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

Chair Duffy notes that there were three requests that were made to continue based on what we understood to be the case at that point, that there would only be four members present. It turns out that there are only three, so ultimately all matters will be continued.

REGULAR AGENDA

Location: **11 West Avenue (Map 32, Lot 234) (R1 Zoning District)**
Applicant: **John S. Nicolas and Daniel J. Nicolas**
Project: A public hearing for all persons interested in the petition of JOHN S. NICOLAS AND DANIEL J. NICOLAS for a special permit per Sections 3.3.2 *Nonconforming Uses*, 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, and 9.4 *Special Permits* of the Salem Zoning Ordinance; a variance per Section 4.1.1 *Table of Dimensional Requirements* from minimum lot area per dwelling unit; and a variance per Section 5.1 *Off-Street Parking* to provide less than the required amount of parking to change the existing nonconforming use (two-family dwelling) to another nonconforming use (three-family dwelling) by separating the second and third stories into separate dwelling units at 11 WEST AVENUE (Map 32, Lot 234) (R1 Zoning District).

Documents and Exhibitions

- Application date-stamped September 23, 2019 and supporting documentation

Chair Duffy notes that the petitioner requested a continuance. He introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Peter Copelas, Mike Duffy (Chair), and Rosa Ordaz) and none (0) opposed. The motion passes.**

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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

Location: **602 Loring Avenue (Map 20, Lot 11) (R3 and ECOD Zoning Districts)**
Applicant: **Vavel LLC**
Project: A public hearing for all persons interested in the petition of VAVEL LLC for a special permit per Section 7.1 *Multifamily Development* to construct a three-story building consisting of 20 apartment units at 602 LORING AVENUE (Map 20, Lot 11) (R3 and ECOD Zoning Districts).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Peter Copelas, Mike Duffy (Chair), and Rosa Ordaz) and none (0) opposed. The motion passes.**

Location: **30 Leach Street (Map 33, Lot 585) (R2 Zoning District)**
Applicant: **Frandy Xu**

Project: A public hearing for all persons interested in the petition of FRANDY XU for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to expand a nonconforming two-family home by adding an exterior stair and extending an existing dormer at 30 LEACH STREET (Map 33, Lot 585) (R2 Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Mike Duffy (Chair), Rosa Ordaz, and Peter Copelas) and none (0) opposed. The motion passes.**

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

Applicant: Kevin McCafferty

Project: 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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Peter Copelas, Mike Duffy (Chair), and Rosa Ordaz) and none (0) opposed. The motion passes.**

Location: 169 North Street (Map 27, Lot 105) (R2 and ECOD Zoning Districts)

Applicant: Scott Sobolewski

Project: A public hearing for all persons interested in the petition of SCOTT SOBOLEWSKI for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance for minimum lot area per dwelling unit to officially convert a single-family home to a two-family home at 169

NORTH STREET (Map 27, Lot 105) (R2 and ECOD Zoning Districts). The property has been used and assessed as a two-family home.

Documents and Exhibitions

- Application date-stamped October 8, 2019 and supporting documentation

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

Location: **0 Story Street (Map 23, Lot 2) (RC Zoning District)**
Applicant: **Castle Hill Partners, LLC**
Project: A public hearing for all persons interested in the petition of CASTLE HILL PARTNERS, LLC for variances per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum lot width for each of three proposed lots on a 5.8-acre parcel of land at 0 STORY STREET (Map 23, Lot 2) (RC Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition of 0 Story Street to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Peter Copelas, Mike Duffy (Chair), and Rosa Ordaz) and none (0) opposed. The motion passes.**

Location: **7 Winthrop Street (Map 25, Lot 549) (R2 Zoning District)**
Applicant: **Patricia Laforme**
Project: A public hearing for all persons interested in the petition of PATRICIA LAFORME for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing, nonconforming two-family home by adding a 10-foot-wide, third-story dormer at 7 WINTHROP STREET (Map 25, Lot 549) (R2 Zoning District).

Documents and Exhibitions

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

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition of 7 Winthrop Street to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

Location: **3-5 Pleasant Street (Map 36, Lot 432) (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 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 October 29, 2019 and supporting documentation

Chair Duffy introduces the petition.

Motion and Vote: Peter Copelas moves to continue the petition of 3-5 Pleasant Street to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is three (3) in favor (Peter Copelas, Mike Duffy (Chair), and Rosa Ordaz) and none (0) opposed. The motion passes.**

MEETING MINUTES

June 19, 2019
July 17, 2019
August 21, 2019
September 18, 2019
October 2, 2019
October 16, 2019

Chair Duffy notes that the Board will need to also continue the approval of minutes to the next meeting when a quorum is present in December. He notes that the Board received drafts of minutes for August and October that we could review and approve; ultimately we will get to that next month. Brennan Corriston states all the other minutes will be ready for the December 18 meeting for approval.

Chair Duffy notes that we had addressed in prior meetings the ZBA application package and we will take that up the next opportunity we have.

Brennan Corriston states that the minutes may require a motion; he is not sure if the application package does. He suggests that the Board may take a motion on both to be safe.

Motion and Vote: Peter Copelas moves to table the approval of the draft minutes that have been published to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is five (3) in favor (Mike Duffy (Chair), Peter Copelas, and Rosa Ordaz) and none (0) opposed. The motion passes.**

OLD/NEW BUSINESS

Revised 2019 ZBA Application Package and Fee Schedule

Chair Duffy notes that the board will take up the discussion of the Revised 2019 ZBA Application Package at the next scheduled meeting.

Motion and Vote: Peter Copelas moves to table the discussion of the Revised 2019 ZBA Application Package to the next regularly scheduled meeting on December 18, 2019. Rosa Ordaz seconds the motion. **The vote is five (3) in favor (Mike Duffy (Chair), Peter Copelas, and Rosa Ordaz) and none (0) opposed. The motion passes.**

ADJOURNMENT

Motion and Vote: Peter Copelas moves to adjourn the meeting. **The vote is five (3) in favor (Mike Duffy (Chair), Peter Copelas, and Rosa Ordaz) and none (0) opposed. The motion passes.**

The meeting ends at 6:39 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