

City of Salem Board of Appeals
Meeting Minutes
Wednesday, October 17, 2018

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, October 17, 2018 in the first floor conference room at 98 Washington Street, Salem, Massachusetts at 6:30 p.m.

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

ROLL CALL

Those present were: Mike Duffy (Chair), Paul Viccica, Jim Hacker, and Patrick Shea.
Also in attendance – Tom Devine, Senior Planner; Tom St. Pierre, Building Commissioner; and Lorelee Stewart, Recording Clerk.

REGULAR AGENDA

Project A continuation of a public hearing for all persons interested in a petition requesting a variance per Sec. 5.1.8 Table of Parking Requirements of the Salem Zoning Ordinance, to allow the petitioner to have less than the required number of parking spaces.

Applicant **THE COLUMBUS SOCIETY OF SALEM**

Location **18 COMMERCIAL STREET (Map 26, Lot 51) (NRCC Zoning District)**

Documents and Exhibitions

- Application dated July 24, 2018 and supporting documentation

George Atkins, attorney for the petitioner, presents the petition on behalf of the Columbus Society (also known as the Knights of Columbus or KOC). He states that a parking variance is sought. There are 13 spaces available on this site and zoning requires 1 space per every 2 employees and 1 space per every 4 members. They have 300 members and 200 associate members which would need 127 parking spaces. Because of a decline in membership, they sold their old building and have this building under agreement which is much smaller. The use of this building will be for member-only events. Times of use for KOC are late afternoon early evening and weekends, which is opposite of commercial parking need for Commercial Street. They won't have large events like they did at the old facility. This building has 1200 square feet of lounge space with an additional 500 square feet for meetings. The KOC board still wishes to have small meetings.

Mr. Atkins speaks about several reasons for a variance. There is uniqueness to the site, which is subject to flooding resulting in limited use. Another is that the building takes up most of the lot. He cited several land court decisions in the application where a building took up most of the lot causing a hardship.

Atkins added that there can be no harm to public good. Mr. Atkins thinks the KOC and their activities are a public good, the KOC has a longstanding role in the community. Their presence will provide additional element of security to residents because they will be open when business are closed. For a small fee neighbors can join.

Mr. Atkins says the petitioner has engaged with the abutters. On one side there is an oil company and on another side is veterinary clinic, and to the rear there is residential. In the past people were parking and blocking oil trucks, and parking was a problem for the veterinary clinic. Atkins says they will provide the neighbors with the KOC president's phone number and the bartender's phone number to that any problems can be quickly resolved. A residential neighbor in the rear was concerned about smokers gathering at a rear exit. Since the residential property is only about 10 feet away, the rear door will be emergency use only. Rear windows will be blocked out. The facility will be non-smoking, with a designated outdoor smoking area on the front part of the site.

The Board asks for detail about what their hardship is. Mr. Atkins states that if zoning is strictly enforced, the property could not be used for a use it is zoned for. The Board wants to know the maximum number of participants that would attend an event. Mr. Atkins says that the number of active participants is about 20-40, so they will not have big events, but small. They are leaving the business of holding wedding receptions and other big events.

Mr. Duffy opens meeting for public comment.

Marc Trainos, developer of 9 South Mason Street, speaks in favor of the project.

Mr. Atkins says hours of operation for a liquor license are 8am to 1pm weekdays and 12pm to 12am Sunday. Jerry Ryan of 11 Locust Street, says the club's regular hours are from 3pm to 10 or 11pm.

Mr. Duffy closes the public hearing.

Mr. Viccica states that he can support this variance if there is a condition set to limit the number of participants at events. The Board discusses the occupancy code versus limit on participants for events. Mr. St Pierre states he thought occupancy would be 80 people. Atkins says they are willing to cap events at 80 participants.

Mr. Duffy reviews the Board's findings:

1. There are special conditions and circumstances that especially affect the land, building or structure involved, generally not affecting other lands, buildings and structures in the same district. Much of the 5,407 sq. ft. lot is covered by the existing 3,890 sq. ft. building, and this prevents vehicular access to the rear of the building and otherwise limits the amount of space available for parking onsite.
2. Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant, as the club's membership would be limited to 48.
3. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance. The petitioner's continued presence is a positive for the community. In

addition, the petitioner stated that it will no longer offer the club's building for large events such as weddings.

Motion and Vote: Mr. Viccica makes a motion to approve a special permit per Sec. 5.1.8 to allow less than the required number of parking spaces, subject to the following conditions. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Viccica, Mr. Hacker and Mr. Shea in favor and none (0) opposed to the petition.

1. The 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 new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy shall 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. The number of participants attending an event at this property shall not exceed 80.

Project	A public hearing for all persons interested in a petition to appeal a decision of the Building Inspector.
Applicant	GOOD CHEMISTRY OF MASSACHUSETTS, Inc.
Location	282 DERBY STREET (Map 35, Lot 267) (B-5 Zoning District)

Documents and Exhibitions

- Application dated September 25, 2018 and supporting documentation

Attorney Joseph Correnti, representing the petitioner, requests to withdraw without prejudice.

Motion and Vote: Mr. Viccica makes a motion to approve request to withdraw the petition without prejudice. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Hacker, Mr. Shea and Mr. Viccica in favor and none (0) opposed to the petition.

Project A continuation of a public hearing for all persons interested in the petition requesting a special permit per Sec. 3.1.2 Use Special Permit and a special permit per Sec. 6.10 Marijuana Establishments to allow for a combined medical marijuana dispensary and retail marijuana establishment.

Applicant **GOOD CHEMISTRY OF MASSACHUSETTS, Inc.**

Location **282 DERBY STREET (Map 35 Lot 267) (B-5 Zoning District)**

Documents and Exhibitions

- Application dated August 15, 2018 and supporting documentation

Attorney Joseph Correnti, representing the petitioner, requests to withdraw the petition without prejudice.

Motion and Vote: Mr. Viccica makes a motion to approve request to withdraw the petition without prejudice. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Hacker, Mr. Shea, and Mr. Viccica in favor and none (0) opposed to the petition.

Project A continuation of a public hearing for all persons interested in the petition requesting a special permit per Sec. 3.3.2 Nonconforming Uses to allow a change from one non-conforming use (automobile repair garage) to another non-conforming use (residential multi-family) to construct 2 buildings, each consisting of four (4) residential townhouse style dwelling units. The petitioner is also requesting Variances per Sec. 4.1.1 Table of Dimensional Requirements from the required minimum lot area per dwelling unit, minimum depth of front yard, and minimum depth of rear yard.

Applicant **JUNIPER POINT INVESTMENT CO LLC**

Location **106 BRIDGE STREET (Map 36, Lot 73) (R-2 and ECOD Zoning District)**

Documents and Exhibitions

- Application dated August 23, 2018 and supporting documentation

Joseph Correnti spoke on behalf of applicant Juniper Point LLC. The proposal includes 2 new buildings in the R2 zone. Each building will have 4 units each. One building is on Bridge Street and one is on Cross Street. The curb cut will be on Saunders. The zoning setbacks are 30 feet in the rear with 15 feet on each side, rendering the property fairly useless. They seek several variances and a

special permit to convert from one nonconforming use to another. If this remains commercial the site could be busier and have earlier hours with no need for a special permit. They meet the parking requirements. Project architect Ryan McShera shows photographs of the buildings. He describes buildings with dormers and bay windows, with differences in height. He states that the buildings will enhance the neighborhood's appearance. Mr. Correnti says they held a neighborhood meeting with the help of the Ward Councilor and took suggestions from neighbors.

Mr. Viccica asks if this will need Planning Board review. Mr. Correnti states it will not because the planning review is for 6 or more units, but they would accept Planning Department review as a condition to go forward. Mr. Viccica asks about rear setback hardship. Mr. Correnti clarifies that the setback for 2 family houses are for 15,000 square foot lots. If they were proposing a two family house, it would still require relief.

Mr. Correnti discusses curb cuts and mix of 2 and 3 bedroom units. Mr. Duffy asks if this design could be reconfigured to not need multiple variances. Mr. Correnti replies that this is the best plan for the developer and the City with its need for housing. Mr. Duffy asks if this will require removal of the existing concrete building and DEP review. Mr. Correnti says that the remediation is ongoing under a Licensed Site Professional's oversight.

Mr. Correnti says the design and architecture plan will go to the City Planner for review as well as the landscaping plan. Mr. Devine states these are the recommended conditions from the Planning Department. Mr. Correnti states they will also submit plans to City Engineer for review, requiring a clerk of the works. Mr. Viccica asks if they accept the affordable housing condition and Mr. Correnti replies in the affirmative. The Board asks why they chose this number of units and Mr. Correnti replies that this is the best plan and this is what fits. Mr. Duffy opens meeting for public comment.

Flora Tonhat of 30 Northey Street speaks in opposition to the petition citing gentrification. She mentions her letter to the Board which cites lack of trees on Bridge Street and loss of small businesses. She is concerned about trash bins and snow storage. She is concerned about mixed uses being eliminated, but density is increasing. She wants a community benefits agreement.

Mr. Correnti says this plan is in line with the Salem Bridge Street revitalization plan of 2009 which he submits it into the record.

Kevin McCafferty of 116 Bridge St. speaks in favor.

Pamela Schmidt of 121 Bridge St is concerned about density, parking, traffic and safety.

Drew Nelson of 102 Bridge Street speaks is in favor.

Susan Matula of 10 Lemon Street lives at the corner of Lemon and Cross is concerned about rats, parking and noise.

Lawrence Snyderman, current owner of 106 Bridge St., describes his decision to retire and sell the property. He notes that if the property remained commercial, it would likely have hours of operation that are more disruptive.

A resident of 21 Cross Street says the number of units is too high and is concerned about management of trash.

Paul Herrick, a local realtor, speaks in support.

Flora Tonthat of 30 Northey Street speaks again and questions the number of trash bins and why the developer chose 2 buildings with four units each.

Mr. Duffy asks about landscaping plans. Mr. Correnti says that sidewalks have to be passable and ADA accessible. He says the City Planner will review landscaping.

Mr. Duffy asks Mr. Correnti to address traffic concerns. Mr. Correnti says that closing curb cut on Bridge Street will be a safety enhancement. He also addresses Mr. Duffy's question of whether or not they considered mixed use by saying they did and it was not feasible and would have an additional parking impact. He says that they were asked by the City to make it a condition to make a donation to the Bridge Street corridor fund and adds that it is a community benefit to have an affordable unit.

Mr. Duffy summarizes comments the Board received by email:

- Paris Brisco and Matthew Lambert of 19 Cross Street have concerns about density, waste disposal, parking and compatibility with the neighborhood.
- Al Horne (no address) is in favor of development.
- Drew Nelson of 102 Bridge is in support
- Jane Smerczynski Harding Johnson of 23 Cross Street says there is not enough parking and consideration should be given to the waking path.
- Cynthia Cifrino (Brunelle) of 15 Saunders Street says the design is attractive but she has traffic concerns.
- Susan Matula of 10 Lemon Street submitted a letter in opposition.
- Flora Tonthat of 30 Northey Street submitted a letter in opposition.

Motion and Vote: Mr. Viccica makes a motion to close the public hearing. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Hacker, Mr. Shea, and Mr. Viccica in favor and none (0) opposed.

Mr. Viccica wants landscaping plan and trash and lighting plan go to Planning Department as a condition. Members note that the conditions proposed by City staff are more than what the Board typically includes. Mr. Viccica says there would be value in having an executive session to discuss how the Board should handle negotiations that occur outside the Board.

St. Pierre clarifies that this application missed the Planning Board jurisdiction and that the City might clarify the zoning ordinance so that a project like this would have to go to the Planning Board. Mr. Correnti says his client has agreed to conditions as if he had to go before planning Board. Mr. Viccica prefers each Board stay within their jurisdiction. He asks if there is there a quid pro quo for

the affordable unit. Mr. Correnti says that inclusionary zoning amendment is being written that would require an affordable component, but in the meantime, the Planning Board typically requires that 10% of units are affordable.

Mr. Viccica asks Mr. Correnti if including an affordable unit would be feasible if the project is built with fewer total units. Mr. Correnti says that they might not be able to do the project if they had to reduce it. They discussed a proposed contribution to a Commercial Corridor Fund. Devine states that the fund is being established in response to neighborhood concerns about loss of commercial space. Contributions from projects like this one would be used to support existing commercial through initiatives such as storefront improvement program.

Mr. Viccica raises concerns about the Board being independent and doesn't want to be attached to a vote that appears to not be independent. Mr. Correnti asks Marc Trainos, his client, if he will go on record committing to the proposed conditions regardless of whether they are memorialized in a Board of Appeals decision. Mr. Trainos responds in the affirmative. Mr. Viccica prefers not to include the proposed conditions, aside from a requirement that the City Planner review the site plan.

Motion and Vote: Mr. Viccica makes a motion to approve a special permit per Sec. 3.3.2 Nonconforming Uses to allow a change from one non-conforming use (automobile repair garage) to another non-conforming use (residential multi-family) to construct 2 buildings, each consisting of four residential townhouse style dwelling units, and Variances per Sec. 4.1.1 Table of Dimensional Requirements from the required minimum lot area per dwelling unit, minimum depth of front yard, and minimum depth of rear yard, subject to the following conditions. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4), Mr. Duffy, Mr. Shea, Mr. Hacker and Mr. Viccica in favor and none (0) opposed to the petition.

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 to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the neighborhood.
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.

Project A public hearing for all persons interested in a petition requesting a special permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area.

Applicant **THERESA PETERSON**

Location **24 SOUTH STREET (Map 15, Lot 524) (R-1 Zoning District)**

Documents and Exhibitions

- Application dated September 19, 2018 and supporting documentation

Petitioner Theresa Peterson presents. She says that she and her deceased husband bought the house in 2003. She wants to add an accessory living area for family in an R1 district and cites the need for City’s need for housing. The house looks like a one family home. She is owner and will have family living in the accessory living area; there is no additional build out. She adds that there is no new second entry and the garage entry is for a second means of egress and safety. She added locks to separate the living spaces. There is only one mailing address. She will comply with all requirements and will notify the City if there is a change of use.

Mr. Devine notes that this petition was filed within the ordinance’s amnesty period.

Mr. Duffy opens the meeting for public comment.

Steve Dibble, Ward 7 City Councilor, speaks in favor, stating that this is what the ordinance is created for.

Christina Serino of 170 Bickford Street in Lynn speaks in favor.

Mr. Duffy closes the public comment period and reviews the board’s findings for the special permit:

1. There are community needs that are served by the proposal including by providing family members with a means of companionship, security, dignity, and independent living.
2. There are no traffic flow and safety impacts including parking and loading.
3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment is positive.

Motion and Vote: Mr. Viccica makes a motion approve the special permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area, subject to the following conditions. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Hacker, Mr. Shea and Mr. Viccica in favor and none (0) opposed to the petition.

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 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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Project A public hearing for all persons interested in a petition to appeal the issuance of a building permit.

Applicant **MATTHEW CORNELL AND OTHERS**

Location **84 WASHINGTON SQUARE EAST (Map 35, Lot 516) (R-2 Zoning District)**

Documents and Exhibitions

- Petition dated September 17, 2018 and supporting documentation

Devine states that the applicant requests to continue to the November 19, 2018 meeting.

Motion and vote: Mr. Viccica motioned to continue the public hearing to the November 19, 2018 meeting. Motion seconded by Mr. Hacker. Vote is unanimous with Mr. Duffy, Mr. Viccica, Mr. Hacker and Mr. Shea voting in the affirmative and none against

Project A public hearing for all persons interested in a petition seeking a special permit per Sec. 6.10.4 of the Salem Zoning Ordinance to operate a licensed retail marijuana establishment.

Applicant **I.N.S.A., Inc.**

Location **462 HIGHLAND AVE. (Map 3, Lot 2) (B-2 and ECOD Zoning District)**

Documents and Exhibitions

- Application dated September 6, 2018 and supporting documentation

Jack Keilty, attorney for the petitioner, presents. He states that INSA has 2 facilities in Western Massachusetts and a cultivation facility in Pennsylvania. They have a purchase and sales agreement. They will have a fully fenced in facility with 23 parking spaces. They have traffic studies and submitted those to this Board and the security plan was submitted to the Chief of Police. The project team met with her and took her recommendation. She issued a letter stating that the security plan is adequate. The hours of operation will mirror package store hours of operation.

Mr. Keilty states that they had a community outreach meeting with no significant turnout. The location has a 15 foot wall of ledge between the site and Camp Lion. Camp Lion did not take them up on an offer to meet. The business will create 30 jobs and they will renovate the property. INSA will generate taxes for the City. Traffic flow and safety have been addressed and the utilities are adequate. There will be no drainage impact. In fact, the project will redirect drainage with repaving.

Manager Brian Hammond discusses security. They cover every inch of the operations inside and outside with 45 cameras with no blind spots. They put more into our security than the state requires. They also use motion detectors with card access and have alarms on each door. There will be a gated security loading dock and 2 people will handle the movement of product. The product is vaulted once it is inside the building. The Board discusses relocating the rear bathrooms for security. Steve Riley, counsel for the applicant, says they will talk to architect. Mr. Duffy asks that INSA address the volume of customers and queuing. Mr. Keilty responds to both issues as well as how INSA will address possible onsite consumption. The board discusses fencing of the loading area and asks them to address traffic patterns. Mr. Riley says they have a traffic study, but their engineer was available for the meeting. The Board suggests continuing to next meeting on November 19th

Mr. Duffy opens the meeting for public comment. There is none.

Motion and vote: Mr. Viccica motioned to continue the public hearing to the November 19, 2018 meeting. Motion seconded by Mr. Hacker. Vote is unanimous with Mr. Duffy, Mr. Viccica, Mr. Hacker and Mr. Shea voting in the affirmative and none against



Project	A public hearing for all persons interested in a petition requesting a special permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area.
Applicant	JOHN PANNETON
Location	22 CLARK AVE. (Map 6, Lot 4) (Ind. Zoning District)

Documents and Exhibitions

- Application dated September 25, 2018 and supporting documentation

Petitioner John Panneton presents. He states that he bought 22 Clark Ave. because it had an in-law apartment for his parents. He is here because he discovered the house was a single family and wants a special permit to formalize the in-law unit. He meets specifications for an accessory living unit. It has one bedroom and the house has only one front door. There is a separation of living areas and the house has one address. The accessory living unit was not being used when they bought the house.

Mr. Duffy opens meeting for public comment and there was none.

Mr. Duffy summarizes the Board's findings.

1. There are community needs that are served by the proposal including by providing family members with a means of companionship, security, dignity, and independent living.
2. There are no traffic flow and safety impacts including parking and loading.
3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment is positive.

Motion and Vote: Mr. Viccica makes a motion to approve a special permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area, subject to the following conditions. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy Mr. Shea, Mr. Hacker, and Mr. Viccica in favor and none (0) opposed to the petition.

1. Petitioner shall comply with all city and state statues, ordinances, codes and regulations.
2. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. A Certificate of Occupancy is to be obtained.
4. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Project A public hearing for all persons interested in a petition requesting a special permit per the dimensional requirements in Table 4.1.1 in the Zoning Ordinance to allow a dormer at the third floor attic level of a two-family home.

Applicant **KEVIN MCCAFFERTY**

Location **116 BRIDGE STREET (Map 36, Lot 69) (R-2 and ECOD Zoning District)**

Documents and Exhibitions

- Application dated September 18, 2018 and supporting documentation

Petitioner Kevin McCafferty presents. He says he bought 116 Bridge St. to renovate the rundown property, which had squatters. The property was being used as an illegal three family house and had many code violations and issues. He wants a special permit for dormer on the third floor unit to accommodate stairways and bring it up to code. He showed the Board why the dormer was needed on plans. He had started construction and then stopped once he realized he needed a special permit for the work on the dormer. Mr. St Pierre tells the Board that the dormer was on their drawings and he missed it. The Board reviews egress, orientation and the Greek revival architecture which Mr. McCafferty is maintaining except for the dormer. The Board asks if they are working with Historic Commission and is told by Mr. Devine that there is no Historic Commission jurisdiction for this location. The Board asks about parking and Mr. McCafferty states they will have three spaces.

Mr. Duffy opens meeting for public comment.

Susan Matula of 10 Lemon Street has concerns about noise and the times at which construction activity occurs.

Public comment is closed.

Mr. Duffy reviews the Board's findings.

1. Community needs are served by the proposal, as an existing residential building will be enhanced.
2. Traffic flow and safety, including parking and loading are not impacted.
3. Adequacy of utilities and other public services will not be impacted.
4. Neighborhood character will not be impacted.
5. There are no impacts on the natural environment including view.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment will be positive.

Motion and Vote: Mr. Viccica makes a motion to approve a special permit for relief from the dimensional requirements in Table 4.1.1 of the Zoning Ordinance to allow a dormer at the third floor attic level of a two-family home, subject to the following conditions. The motion was seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Duffy, Mr. Hacker, Mr. Shea, and Mr. Viccica in favor and none (0) opposed to the petition.

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. Exterior finishes of the new construction shall be in harmony with the existing structure.
5. A Certificate of Occupancy is to be obtained.
6. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Project A public hearing for all persons interested in a petition requesting a special permit per Sec. 3.3.5 of the Zoning Ordinance to allow the petitioner to convert an existing single-family house into a two-family dwelling.

Applicant **THE STEP UP KINGS, LLC**

Location **321 LAFAYETTE STREET (Map 32, Lot 228) (R-1, R-2, and ECOD Zoning District)**

Documents and Exhibitions

➤ Application dated September 25, 2018 and supporting documentation

Paul Lynch, attorney for the applicant, presents. He states they want to make single family into a 2 family with no exterior construction. He mentions that there are multi-family buildings on each side of this property. The property doesn't is below minimum lot size per dwelling unit and therefor needs a special permit. Mr. Lynch reviews how it meets criteria with regards to traffic, utilities, existing neighborhood character, environmental impact and fiscal impact for the City. The Board asks if this site is in the R-1 district. Mr. Devine clarifies that this parcel is in both R1 and R2 districts.

The Board reviews plot plans and maps and clarifies all relief is in R2.

Mr. Duffy opens the meeting for public comment.

Julius Soto of 1 Curtis St. speaks in favor of the application.

Mr. Duffy closes public comment and reviews special permit findings.

1. There are community needs that are served by the proposal by providing an additional housing unit.
2. There are no major traffic flow and safety impacts including parking and loading.
3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment is positive.

Motion and Vote: Mr. Viccica makes a motion to approve a special permit per Sec. 3.3.5 of the Zoning Ordinance to allow the petitioner to convert an existing single-family house into a two-family dwelling, subject to the following conditions. Mr. Hacker seconds the motion. The vote was unanimous with four (4) Mr. Shea, Mr. Duffy, Mr. Hacker, and Mr. Viccica in favor and none (0) opposed to the petition.

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 to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
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.

OLD and NEW BUSINESS

Mr. Devine announces that Brennan Corrison, a recent graduate from the Tufts University graduate planning program, will start on November 1, 2018 and staff the Board permanently.

MEETING MINUTES

Motion and Vote: Mr. Viccica makes a motion to approve the June 6, 2018 meeting minutes. The motion is seconded by Hacker. The vote was unanimous with four (4) Mr. Shea, Mr. Duffy, Mr. Hacker, and Mr. Viccica in favor and none (0) opposed to the petition.

Confirmation of the November Meeting Date

Motion and Vote: Viccica motions to hold the next meeting on Nov 19, 2018 with location to be determined. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Shea, Mr. Duffy, Mr. Hacker, and Mr. Viccica in favor and none (0) opposed to the petition.

ADJOURNMENT

Motion and Vote: Mr. Viccica makes a motion to adjourn. The motion is seconded by Mr. Hacker. The vote was unanimous with four (4) Mr. Shea, Mr. Duffy, Mr. Hacker, and Mr. Viccica in favor and none (0) opposed to the petition.

The meeting ends at 9:59pm

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:

<http://www.salem.com/zoning-board-appeals>