

City of Salem Zoning Board of Appeals
DRAFT Meeting Minutes
September 16, 2020

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, September 16, 2020 at 6:30 pm via remote participation.

Acting Chair Paul Viccica calls the meeting to order at 6:31 pm.

Mr. Viccica explains that pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the Zoning Board of Appeals meeting scheduled for Wednesday, April 15th at 6:30 pm is being held remotely via Zoom. Mr. Viccica explains that instructions to participate remotely can be found on the Salem website. Mr. Viccica also explains the rules regarding public comment.

ROLL CALL

Those present were: Jimmy Tsitsinos, Carly McClain, Steven Smalley, and Paul Viccica (acting Chair). Also in attendance were Brennan Corriston – Staff Planner, and Jonathan Pinto – Recording Clerk. Those absent were: Mike Duffy (Chair), Rosa Ordaz, and Peter A. Copelas.

Mr. Corriston notes there is currently an issue affecting the Zoom platform, which is preventing individuals from being able to dial into the meeting. Mr. Corriston explains that with some members of the public unable to access the meeting, there are concerns that the meeting is not publicly accessible enough. Out of an abundance of caution, no testimony will be heard tonight; the applicants may request to continue to a special meeting to be held later this month, or to the next regularly scheduled meeting on October 21, 2020.

Mr. Corriston indicates that Tuesday September 29, 2020, is the date most Board members would be available for a special meeting.

Motion and Vote: Ms. McClain motions to schedule the special meeting for Tuesday, September 29, 2020 at 6:30 pm via Zoom. Mr. Tsitsinos seconds the motion. **The vote is four (4) in favor (Paul Viccica, Jimmy Tsitsinos, Carly McClain, and Steven Smalley) and none (0) opposed. The motion passes.**

REGULAR AGENDA

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

Documents and Exhibitions

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

Mr. Viccica introduces the petition, and notes that the applicants have requested to continue to the special meeting.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of Stephan and Patrick O’Sullivan for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum height of buildings (stories) and minimum width of side yard to alter and expand a nonconforming single-family home by extending the first floor and porch; renovating the rear facade and adding second and third story balconies; and adding a third-story rear dormer at 78 BAY VIEW AVENUE to the special meeting scheduled to be held on Tuesday, September 29, 2020 at 6:30PM.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Steven Smalley, Paul Viccica, Jimmy Tsitsinos, and Carly McClain), and none (0) opposed. The motion passes.**

Location: 24 Loring Avenue (Map 32, Lot 85) (R2 and ECOD Zoning Districts)
Applicant: Susanna Harutunian
Project: **Note: The applicant has requested to continue to the regularly scheduled meeting on October 21, 2020.** A continuation of a public hearing for all persons interested in the petition of SUSANNA HARUTUNIAN for a special permit per Section 3.2.2 *Home Occupations* to allow a clothing alterations business in the existing freestanding garage or alternatively within the primary dwelling, the single-family home at 24 LORING AVENUE (Map 32, Lot 85) (R2 and ECOD Zoning Districts).

Documents and Exhibitions

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

Mr. Viccica introduces the petition, and notes that the applicant has requested to continue to the next regularly scheduled meeting on October 21, 2020.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of SUSANNA HARUTUNIAN for a special permit per Section 3.2.2 *Home Occupations* to allow a clothing alterations business in the existing freestanding garage or alternatively within the primary dwelling, the single-family home at 24 LORING AVENUE until the next regularly scheduled meeting on October 21, 2020.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Carly McClain, Jimmy Tsitsinos, Steven Smalley, and Paul Viccica) and none (0) opposed. The motion passes.**

Location: 5 Orchard Street (Map 27, Lot 432) (R2 Zoning District)
Applicant: Samantha Stone

Project: A public hearing for all persons interested in the petition of SAMANTHA STONE for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum height of buildings (stories), maximum lot coverage, minimum depth of front yard, and minimum width of side yard to alter and expand a nonconforming single-family home by adding a 26' by 25', 3-story rear addition as well as a covered porch at 5 ORCHARD STREET (Map 27, Lot 432) (R2 Zoning District).

Documents and Exhibitions

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

Mr. Viccica introduces the petition and notes the applicant has requested to continue to the special meeting.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of SAMANTHA STONE for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance from maximum height of buildings (stories), maximum lot coverage, minimum depth of front yard, and minimum width of side yard to alter and expand a nonconforming single-family home by adding a 26' by 25', 3-story rear addition as well as a covered porch at 5 ORCHARD STREET (Map 27, Lot 432) (R2 Zoning District) to the special meeting scheduled to be held on Tuesday, September 29, 2020 at 6:30PM.

Mr. Smalley seconds the motion. **The vote is four (4) in favor (Jimmy Tsitsinos, Steven Smalley, Paul Viccica, and Carly McClain) and none (0) opposed. The motion passes.**

Location: 2 Dundee Street (Map 10, Lot 50) (R1 Zoning District)

Applicant: Frank Lanzillo

Project: A public hearing for all persons interested in the petition of FRANK LANZILLO for a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum lot area to construct a 2.5-story, single-family home on the vacant lot at 2 DUNDEE STREET (Map 10, Lot 50) (R1 Zoning District).

Documents and Exhibitions

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

Mr. Viccica introduces the petition and notes the applicant has requested to continue to the next regularly scheduled meeting in October.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of FRANK LANZILLO for a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum lot area to construct a 2.5-story, single-family home on the vacant lot at 2 DUNDEE STREET (Map 10, Lot 50) (R1 Zoning District) to the next regularly scheduled meeting on Wednesday, October 21, 2020 at 6:30PM.

Mr. Smalley seconds the motion. **The vote is four (4) in favor (Paul Viccica, Carly McClain, Steven Smally, and Jimmy Tsitsinos) and none (0) opposed. The motion passes.**

Location: **23 Andrew Street (Map 35, Lot 558) (R2 Zoning District)**

Applicant: **Barbara Flaherty**

Project: A public hearing for all persons interested in the petition of BARBARA FLAHERTY for a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from maximum height of buildings (stories) and a special permit per Section 3.3.3 *Nonconforming Structures* to expand a nonconforming three-family home by adding a three-level deck with roof and exterior staircase at 23 ANDREW STREET (Map 35, Lot 558) (R2 Zoning District).

Documents and Exhibitions

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

Mr. Viccica introduces the petition, and notes that the applicant has requested to continue to the special meeting.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of BARBARA FLAHERTY for a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from maximum height of buildings (stories) and a special permit per Section 3.3.3 *Nonconforming Structures* to expand a nonconforming three-family home by adding a three-level deck with roof and exterior staircase at 23 ANDREW STREET (Map 35, Lot 558) (R2 Zoning District) to the special meeting on Tuesday, September 29, 2020 at 6:30PM.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Carly McClain, Steven Smalley, Jimmy Tsitsinos, and Paul Viccica) and none (0) opposed. The motion passes.**

Location: **25 Cushing Street (Map 17, Lot 119) (R1 Zoning District)**

Applicant: **Suzanne Biscaia**

Project: A public hearing for all persons interested in the petition of SUZANNE BISCAIA for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to modify and expand a nonconforming single-family home by adding a second story (bringing height to 2.5 stories), removing the existing side deck, and building a rear deck at 25 CUSHING STREET (Map 17, Lot 119) (R1 Zoning District).

Documents and Exhibitions

- Application date-stamped August 26, 2020 and supporting documentation

Mr. Viccica introduces the petition.

Mr. and Ms. Biscaia introduce themselves and request to continue their petition to the special meeting scheduled for September 29, 2020.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of SUZANNE BISCAIA for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to modify and expand a nonconforming single-family home by adding a second story (bringing height to 2.5 stories), removing the existing side deck, and building a rear deck at 25 CUSHING STREET (Map 17, Lot 119) (R1 Zoning District) to the special meeting scheduled to be held on Tuesday, September 29, 2020 at 6:30PM.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Steven Smalley, Paul Viccica, Jimmy Tsitsinos, and Paul Carly McClain) and none (0) opposed. The motion passes.**

Location: **146 Federal Street (Map 26, Lot 552) (R2 Zoning District)**
Applicant: **Robert Ouellette and Michaeline LaRoche**
Project: A public hearing for all persons interested in the petition of ROBERT OUELLETTE AND MICHAELINE LAROCHE for variances per Sections 3.2.4 *Accessory Buildings and Structures* and 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from height and front and side setback requirements for accessory structures and from maximum lot coverage to reconstruct a carriage house on existing stone foundation on the lot of the condominium at 146 FEDERAL STREET (Map 26, Lot 552) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped August 26, 2020 and supporting documentation

Mr. Viccica introduces the petition and notes the applicant has requested to continue to the special meeting.

Motion and Vote: Mr. Tsitsinos motions to continue the petition of ROBERT OUELLETTE AND MICHAELINE LAROCHE for variances per Sections 3.2.4 *Accessory Buildings and Structures* and 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from height and front and side setback requirements for accessory structures and from maximum lot coverage to reconstruct a carriage house on existing stone foundation on the lot of the condominium at 146 FEDERAL STREET (Map 26, Lot 552) (R2 Zoning District) to the special meeting scheduled for Tuesday, September 29, 2020 at 6:30PM.

Mr. Smalley seconds the motion. **The vote is four (4) in favor (Jimmy Tsitsinos, Paul Viccica, Carly McClain, and Steven Smalley) and none (0) opposed. The motion passes and the application is withdrawn without prejudice.**

MEETING MINUTES

June 17, 2020
July 15, 2020
August 19, 2020

Mr. Viccica indicates the Board will be postponing the review and approval of minutes to the September 29th meeting.

OLD/NEW BUSINESS

None

ADJOURNMENT

Motion and Vote: Mr. Tsitsinos moves to adjourn the meeting Ms. McClain seconds the motion. The vote is four (4) in favor (**Mike Duffy (Chair), Peter Copelas, Rosa Ordaz, and Paul Viccica**) and none (0) opposed. The Motion passes.

The meeting ends at 6:52PM.

For actions where the decisions have not been fully written into these minutes, copies of the Decisions have been posted separately by address or project at:

<https://www.salem.com/zoning-board-appeals/pages/zoning-board-appeals-decisions-2020>

Respectfully submitted,
Brennan Corrison, Staff Planner