

City of Salem Zoning Board of Appeals
Meeting Minutes
May 19, 2021

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, May 19, 2021 at 6:30 pm via remote participation.

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

Chair Duffy 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, May 19th at 6:30 pm is being held remotely via Zoom. Chair Duffy explains that instructions to participate remotely can be found on the Salem website. Chair Duffy also explains the rules regarding public comment.

ROLL CALL

Those present were: Mike Duffy (Chair), Carly McClain, Peter Copelas, Rosa Ordaz, and Paul Viccica. Also in attendance were Lev McCarthy – Staff Planner, Tom St. Pierre – Building Inspector, and Jonathan Pinto – Recording Clerk. Those absent were: Jimmy Tsitsinos and Steven Smalley

REGULAR AGENDA

Location: **53-59 Mason Street and 38 Commercial Street (Map 26, Lot 47) (NRCC Zoning District)**
Applicant: **The Long Game, LLC**
Project: A public hearing for all persons interested in the petition of THE LONG GAME LLC for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to expand an existing nonconforming warehouse and transportation use by allowing the premises to be used for a trucking business at 53-59 MASON STREET and 38 COMMERCIAL STREET (Map 26, Lot 47) (NRCC Zoning District).

Documents and Exhibitions

- Application date-stamped April 12, 2021 and supporting documentation

Chair Duffy introduces the petition. He explains the applicant has submitted a request to withdraw without prejudice.

Attorney Miranda Siemasko introduces herself as representing the Long Game, LLC, and confirms a request to withdraw without prejudice was submitted earlier in the day. Ms. Siemasko explains her clients have entered into an agreement with the building inspector regarding an outstanding zoning violation notice that prompted this application. The use in question will be terminated and the agreement has resulted in the request for withdrawal.

Chair Duffy opens the floor to public comment but there is none.

Motion and Vote: Mr. Viccica motions to withdraw without prejudice the petition of THE LONG GAME LLC for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to expand an existing nonconforming warehouse and transportation use by allowing the premises to be used for a trucking business at 53-59 MASON STREET and 38 COMMERCIAL STREET (Map 26, Lot 47) (NRCC Zoning District).

Ms. Ordaz seconds the motion. **The vote is five (5) in favor and none (0) opposed (Paul Viccica, Mike Duffy (Chair), Peter Copelas, Rosa Ordaz, and Carly McClain). The motion passes.**

Location: **21 Willow Avenue (Map 33, Lot 621) (R1 Zoning District)**
Applicant: **JJC General Contracting Inc.**
Project: A public hearing for all persons interested in the petition of JJC GENERAL CONTRACTING INC. for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning ordinance to expand a nonconforming two-family structure by adding two exterior stairways and a second-floor rear deck at 21 WILLOW AVENUE.

Documents and Exhibitions

- Application date-stamped March 29, 2021 and supporting documentation

Chair Duffy introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the applicant. Mr. Quinn explains the contractor is a small developer that purchased a ramshackle two-family home on Willow Avenue on a nice dead end street. Mr. Quinn maintains the applicant intends to renovate the property but to keep it as a two-family, and provide some outdoor decking, which other houses in the area have. Mr. Quinn indicates the plans were discussed with neighbors, and that the applicant received some reasonable objections. As a result, new plans were filed today for a smaller rear addition, and a relocation of the exterior staircase. Mr. Quinn apologizes for the last minute submission of plans, but explains the objections were recent and that time was limited. He notes his client already missed one meeting due to a crowded agenda, and felt it was prudent to submit more reasonable plans that hopefully the neighbors would not object to. Mr. Quinn shows the original site plan to demonstrate the proposed changes. The old plans maintained the first floor deck and provided two exterior stairways, one in the rear and one adjacent to 23 Willow Avenue, to provide the second floor tenant with a more reasonable means of egress according to Mr. Quinn.

Mr. Viccica asks if neighbors have seen the revised plans yet or not, and Mr. Quinn states they have not. Mr. Viccica asks if elevations have been provided, and Mr. Quinn indicates there are floor plans and site plans, but no separate elevations. Mr. Viccica informs Mr. Quinn they are required, and therefore suggests the applicant continue to the next meeting on June 16th.

Ms. McClain agrees with Mr. Viccica, and notes the neighbors had specific concerns regarding height and the loss of air space. As such, she states the revisions are too last minute to digest for both the Board and the public.

Mr. Copelas agrees with the recommendation to continue, and states the Board needs to see more information.

Mr. Quinn states the applicant is willing to continue and use the opportunity to meet with neighbors regarding the revised plans and see if further accommodations are warranted or feasible.

Chair Duffy opens the floor to public comment.

James Tierney of 19 Willow Avenue introduces himself and states he has not seen the revised plans. Mr. Tierney indicates he has concerns about the proposed deck being large compared to others in the neighborhood. Mr. Tierney suggests the large deck raises concerns regarding increased noise level in the back yard area. He also does not agree that an exterior stair from the second floor deck would necessarily be a safer egress, particularly during winter.

Rita McAteer (no address given) introduces herself and thanks the Board for suggesting a continuance. Ms. McAteer indicates she and another neighbor did not receive notifications about any meetings from the developer, and that they were only made aware of this meeting by other neighbors. Ms. McAteer asks that she be contacted and provided with the revised plans.

Chair Duffy informs the public that all submitted plans are available at the town offices if any neighbors are interested.

Meg McMahon (no address given) introduces herself and expresses concerns regarding the large proposed deck. Ms. McMahon questions whether the existing first floor deck was properly permitted by the City, as it was installed by the prior owners who she suggests were “not permit people”.

Sara Calland of 12 Messervy Street introduces herself and also states she has failed to receive notice regarding what is happening at 21 Willow Avenue. Ms. Calland expresses concerns regarding not seeing any permits whatsoever. She also contends the tree in the back yard is on the property line, and that a judge many years ago ruled it could not be cut down. Ms. Calland also expresses concerns regarding the deck and location of the side stairway.

Motion and Vote: Mr. Viccica motions to continue the petition of JJC GENERAL CONTRACTING INC. for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning ordinance to expand a nonconforming two-family structure by adding two exterior stairways and a second-floor rear deck at 21 WILLOW AVENUE to the next regularly scheduled meeting of the Zoning Board of Appeals on June 16th, 2021.

Mr. Copelas seconds the motion. **The vote is five (5) in favor (Rosa Ordaz, Peter Copelas, Mike Duffy (Chair), Paul Viccica, and Carly McClain) and none (0) opposed. The motion passes.**

Location: **10 Bradford Street (Map 17, Lot 40) (R2 Zoning District)**
Applicant: **Marlene Warner**

Project: A public hearing for all persons interested in the petition of MARLENE WARNER for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming two-family structure by constructing a one-story addition and a deck in the required rear-yard setback at 10 BRADFORD STREET (Map 17, Lot 40) (R2 Zoning District).

Documents and Exhibitions

- Application date-stamped March 29, 2021 and supporting documentation

Chair Duffy introduces the petition.

Mr. Viccica recuses himself from this matter.

Hellen Sides introduces herself as project architect on behalf of Ms. Warner, and explains the proposal to remove a small rear addition and replace it with a larger addition and deck. Ms. Sides presents plans, and indicates the proposal is almost the same footprint as the existing deck, but gets a bit closer to the rear yard setback.

Chair Duffy confirms it appears to be a small change that encroaches a bit more into the rear yard setback. Elevations and site plans are shown.

Chair Duffy opens the floor to comments by the Board but there is none. Chair Duffy opens the floor to public comment but there is none.

Chair Duffy discusses the special permit criteria and how they are met by the proposal.

Motion and Vote: Mr. Copelas motions to approve the petition of MARLENE WARNER for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming two-family structure by constructing a one-story addition and a deck in the required rear-yard setback at 10 BRADFORD STREET (Map 17, Lot 40) (R2 Zoning District) subject to the following 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 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. 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.
9. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Peter Copelas, Mike Duffy (Chair), Rosa Ordaz, and Carly McClain) and none (0) opposed. The motion passes.**

Location: **21 Chestnut Street (Map 25, Lot 444) (R1 Zoning District)**
Applicant: **Philip Gillespie**
Project: A public hearing for all persons interested in the petition of PHILIP GILLESPIE for a special permit per section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family structure by constructing an 18' by 51' one-story addition in the required side-yard setback at 21 CHESTNUT STREET (Map 25, Lot 444) (R1 Zoning District).

Documents and Exhibitions

- Application date-stamped April 6, 2021 and supporting documentation

Chair Duffy introduces the petition.

Mr. Viccica recuses himself from this matter.

Hellen Sides introduces herself as project architect on behalf of the applicant. Ms. Sides indicates the proposal has been before the Historical Commission and received approval. She notes the proposal will be almost invisible from any public way. The proposal is to remove a 1970's one-story addition that was added to the rear of the property, and to replace it with a larger one story addition. She explains that the new addition will not be taller, but a little longer. Drawings and plans are presented. Ms. Sides indicates the conditions remain the same regarding the side setback.

Mr. Copelas confirms the existing condition of the setbacks.

Ms. McClain notes the addition seems to fit in with the neighborhood character and has received Historical Commission approval.

Chair Duffy opens the floor to public comment but there is none.

Chair Duffy explains the special permit criteria and how they are met by the petition.

Motion and Vote: Mr. Copelas motions to approve the petition of PHILIP GILLESPIE for a special permit per section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family structure by constructing an 18' by 51' one-story addition in the required side-yard setback at 21 CHESTNUT STREET (Map 25, Lot 444) (R1 Zoning District) subject to the following 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 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. 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.
9. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Ms. McClain seconds the motion. **The vote is four (4) in favor (Mike Duffy (Chair), Rosa Ordaz, Peter Copelas, and Carly McClain) and none (0) opposed. The motion passes.**

Location:	136 Boston Street (Map 16, Lot 186) (B2 and ECOD Zoning Districts)
Applicant:	Debora Bonini
Project:	A public hearing for all persons interested in the petition of DEBORA BONINI for a special permit per Section 3.1.2 <i>Special Permit: Zoning Board of Appeals</i> of the Salem Zoning Ordinance to operate a beauty salon at 136 BOSTON STREET (Map 16, Lot 186) (B2 and ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped April 26, 2021 and supporting documentation

Chair Duffy introduces the petition.

Debora Bonini introduces herself, and notes her cousin Gabriella will be translating for her. Ms. Bonini proposes to open a salon on Boston Street, and explains she has been studying to obtain her license to work as an esthetician.

Chair Duffy asks about the property and space where the salon would be located. Ms. Bonini indicates there is a bathroom and sink area, and that the space was previously a beauty salon. She adds that she is seeking to run her own legal salon business to do makeup, eyebrows, etc. Chair Duffy next asks about parking. Ms. Bonini states there is street parking available. Chair Duffy asks if the parking is metered or open, and Ms. Bonini responds that it is open.

Mr. St. Pierre asks what business currently exists in the space, and Mr. Copelas indicates there was a children's clothing resale business at one point. Mr. Copelas refers to the earlier claim that a beauty salon previously operated in the location, and asks what triggered the request for a special permit. Mr. St. Pierre indicates he is not sure why the relief is being sought. Mr. McCarthy explains that personal services establishments require a special permit to operate in a B2 zone.

Mr. Copelas notes that traveling up and down Boston Street there are several personal service businesses, so the proposal would certainly be consistent with the neighborhood character. Mr. Copelas suggests that if the table of uses requires a special permit, it is likely rather routine matter and states he appreciates the petitioner being diligent and coming before the Board.

Ms. McClain agrees, and indicates after doing some searching it appears the space was previously a salon as well as a barber shop at different points. Ms. McClain states she is familiar with the area and that during the day during business hours parking should not be an issue.

Chair Duffy opens the floor to public comment but there is none.

Chair Duffy discusses the special permit criteria and how they are met by the proposal.

Motion and Vote: Mr. Copelas motions to approve the petition of DEBORA BONINI for a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to operate a beauty salon at 136 BOSTON STREET (Map 16, Lot 186) (B2 and ECOD Zoning Districts) subject to the following 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 to 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.
8. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Mr. Viccica seconds the motion. **The vote is five (5) in favor (Mike Duffy (Chair), Paul Viccica, Rosa Ordaz, Peter Copelas, and Carly McClain) and none (0) opposed. The motion passes.**

Ms. McClain asks about providing interpretation services if given advance notice, and suggests providing the standard conditions in Spanish and other languages. Chair Duffy states that is a great question and idea. Mr. McCarthy indicates interpreters or translation can certainly be accommodated requested. Mr. Copelas agrees it would be beneficial at a minimum to have the standard conditions available in Spanish or other languages.

Mr. St. Pierre indicates the City website states Salem will provide accommodations if given advance notice, and encourages anyone to reach out if necessary.

Location:	56 Jefferson Avenue (Map 24, Lot 91) (B2 and ECOD Zoning Districts)
Applicant:	Jodie Fenton
Project:	A public hearing for all persons interested in the petition of JODIE FENTON for a special permit per section 3.3.3 <i>Nonconforming Structures</i> of the Salem Zoning Ordinance to demolish a nonconforming three-story three-family home and detached garage, and reconstruct a nonconforming three-story three-family home at 56 JEFFERSON AVENUE (Map 24, Lot 91) (B2 and ECOD Zoning Districts).

Documents and Exhibitions

- Application date-stamped April 26, 2021 and supporting documentation

Chair Duffy introduces the petition.

Scott Ingemi introduces himself on behalf of the petitioner, and explains that the house on the property was moved from behind the post office, and that over the years it has lost its structural integrity. Mr. Ingemi indicates the homeowner would like to tear it down and put up a new building, but that it would still be a three-family home. He states there will be no impact on sewage or utilities, and that the owner wants to improve the property and make a nice home for themselves and the City. The garage will be demolished and replaced with ample parking. Mr. Ingemi explains the existing conditions a bit more, and how the proposal will provide a necessary refresh for the property.

Mr. Viccica indicates he has several issues, one being that a waiver of demolition is required. Mr. Viccica also states that when demolishing an old building and replacing it with a new one, the filing requirements include elevations and other components for a proper review. Mr. McCarthy clarifies that they were submitted but perhaps did not get to all the Board members.

Mr. Viccica asks about the next six months and the period of demolition delay. Mr. St. Pierre indicates it is in process and the applicant is scheduled to appear before the Historical Commission at their next meeting next month. Mr. Viccica asks what happens if a waiver for demolition is not received, and Mr. St. Pierre states it would be held up for six months until a determination is made as to whether the property is salvageable or not. Mr. Viccica suggests it might be better to continue to the next meeting after there is more clarity on the project direction and whether demolition can begin or needs to be delayed, as the decision will have an impact on the special permit.

Mr. Ingemi contends the applicant was supposed to meet with the Historical Commission tonight, and that Patti Kelleher was supposed to do a site visit, but that due to a full agenda it was not possible.

Mr. Viccica indicates he understands, but does not feel comfortable predicting the outcome of that meeting. Mr. Viccica suggests the ambiguity of the next steps make it prudent to continue the petition.

Chair Duffy asks Mr. St. Pierre how building height is calculated, and Mr. St. Pierre confirms it is the average between the ridge height and soffit.

Mr. St. Pierre suggests the Board could approve the special permit subject to getting the demolition waiver, and that if the demolition waiver is not obtained, the petitioner would probably need to remodel the building and might not need relief.

Mr. McCarthy notes that Preservation Planner Patti Kelleher sent him an email this evening with an update on this project, and he proceeds to read the email. Ms. Kelleher informs that the Historical Commission will review the request to waive the demolition delay at the next meeting on June 2, 2021, and will schedule a site visit prior to that meeting to ensure a decision is made by June 2. The

Commission asks that other boards delay their decisions regarding properties seeking demolition delay waivers until the Commission has rendered their decision.

Chair Duffy suggests he has no issue acting on the petition subject to the condition suggested by Mr. St. Pierre if other Board members wish to act.

Mr. Viccica states his understanding is that after the six month delay, the petitioner can still demolish the building as it is just a delay and not an agreement or outright prohibition. Mr. Viccica suggests if the proposed home were more historic looking, he might have a different perspective. He states he has no issue with getting a clear decision on June 2, and shortly after having a proper Board review.

Mr. Copelas suggests giving the applicant the benefit of feedback and asks if there are any deficiencies with the application as provided. Assuming a waiver would be granted and the Board would need to act on the proposal as presented at the next meeting, Mr. Copelas asks if there is anything missing that would make other members not ready to make a decision.

Mr. Viccica confirms with Mr. St. Pierre that the existing building is three stories. Mr. Viccica states if other Board members would like to proceed that is ok, but that he has not had a chance to review all of the details of the proposal.

Chair Duffy opens the floor to public comment but there is none.

Mr. Copelas states he appreciates Mr. Viccica's input on new projects of this nature, and since the petitioner is going before another City Board he does not see a problem in waiting until a more careful review can be conducted and there is more clarity regarding the waiver.

Chair Duffy asks Mr. Ingemi if the applicant would agree to a continuance, and he confirms that would be fine.

Motion and Vote: Mr. Copelas motions to continue the petition of JODIE FENTON for a special permit per section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to demolish a nonconforming three-story three-family home and detached garage, and reconstruct a nonconforming three-story three-family home at 56 JEFFERSON AVENUE (Map 24, Lot 91) (B2 and ECOD Zoning Districts) to the next regularly scheduled meeting on June 16th 2021.

Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Paul Viccica, Carly McClain, Rosa Ordaz, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed. The motion passes.**

MEETING MINUTES

April 21, 2021

Chair Duffy indicates he looked at the minutes, but did not review the portion regarding 1 Florence Street closely enough, but if other Board members are comfortable he would be happy to take a motion. Otherwise, Mr. Duffy suggests postponing approval. Mr. Copelas agrees that he would like an opportunity to review the minutes more closely.

Chair Duffy states the approval of the April minutes will be tabled to next meeting.

OLD/NEW BUSINESS

- Location: **16, 18, and 20R Franklin Street (Map 26, Lots 402, 401, &400) (NRCC and RC Zoning Districts)**
- Applicant: **Juniper Point Investment Co. LLC**
- Description: A request for a six (6) month extension of the December 3, 2018 special permit and variances issued by the Board of Appeals to Juniper Point Investment Co LLC. The permits allow the applicant to change from one nonconforming use (junkyard and auto service) to another nonconforming use (multifamily residential) and construct 42 residential units within 5 buildings at 16, 18, and 20R Franklin Street. This extension request would extend the permits from June 3, 2021 to December 3, 2021.

Chair Duffy introduces the petition.

Attorney Kristin Kolick introduces herself on behalf of the applicant, and explains they are requesting a six month extension for a special permit for use and two variances for number of stories and minimum lot area per dwelling unit. Ms. Kolick indicates the owner acquired the title to the land, and therefore owns and controls the former junkyard site. In the process of deed transactions, Ms. Kolick notes the applicant was able to resolve a 70-year land in dispute issue between the City of Salem and prior owner regarding a portion of the land. Ms. Kolick states the petitioner is excited to continue with permitting efforts. She explains that the resolution of the land dispute resulted in a reduction of land area, and therefore, to maintain the same density calculation the original proposal of five buildings with 42 residential units has been updated to four buildings with 37 residential units. Because the proportion of land area to units permitted by the Board has not changed, Ms. Kolick contends the request for relief does not change. She adds that the site is complicated, and that there will be ongoing permitting prior to proceeding to Chapter 91.

Mr. Copelas asks Mr. St. Pierre to confirm that the proposed changes will not result in a change in density and that the existing permits can simply go forward. Mr. Copelas asks if the reduction from five to four buildings would constitute a material change.

Mr. St. Pierre indicates he spoke with Joe Correnti regarding the issue at length, and that ultimately the relief sought is the same. Mr. St. Pierre adds that the applicant has gone before the Plannign Board and will do so again for any site changes.

Mr. Viccica asks if the building locations have changed. Mr. St. Pierre indicates and Ms. Kolick confirms that one building was completely eliminated because it was located on the land in dispute. The remaining buildings are mostly the same, but may have shifted a few feet. Ms. Kolick proposes filing updated plans that are approved by the Planning Board with the ZBA so all parties have up to date plans.

Chair Duffy and Mr. St. Pierre discuss the fact that revised plans will be circulated, and that if necessary the applicant will come back before the Board if the members or building inspector have concerns.

Mr. Viccica asks what specifically would trigger further Board review. Mr. St. Pierre indicates this is an unusual situation, but that the revised plans will be shared with the Board and that the petitioners have agreed to come back to address any major concerns should they exist. Mr. Viccica asks if this would need to be, or should be, a condition for approval of the extension.

Ms. Kolick states the applicant would come back before the Board should the relief being sought change, and would also be happy to come back for informational purposes with plans, but would be hesitant to agree to a special condition requiring a need to return before the Board if no additional relief is sought or needed.

Chair Duffy and Mr. Viccica clarify that the plans will be shared with the Board, and that in consultation with the building inspector will determine if there is something that requires returning before the Board, but that coming before the Board is not necessary. Mr. St. Pierre agrees and states that if the plans are no longer compliant, they will need to come before the Board regardless, and so a condition is not really needed. Mr. Viccica stresses that it be clear to the applicant that if the extension is granted and the Board or Mr. St. Pierre deem it necessary to come back that they will. Mr. Copelas suggests if the Board moves to approve the extension, to make reference to the standard condition number 11 that states changes must be reviewed by the Chair of the Board and the building inspector.

Motion and Vote: Mr. Copelas motions to approve request of Juniper Point Investments at 16, 18, and 20R Franklin Street for a six month extension of the December 3, 2018 special permit and variances issued by the Board of Appeals, making special reference to our standard condition number 11 that all construction shall be done per the plans and dimension submitted to and approved by the Board, and any modifications to the approved plans and dimensions must be approved by the Board of Appeals unless such changes are deemed insignificant by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Mr. Viccica seconds the motion. **The vote is five (5) in favor (Rosa Ordaz, Paul Viccica, Carly McClain , Peter Copelas, and Mike Duffy (Chair)) and none (0) opposed. The motion passes**

Upcoming Changes

Mr. McCarthy discusses upcoming changes with respect to the COVID policy and the Governor's emergency order being rescinded. He asks Board members to reach out with any concerns regarding opening back up next month. Board members discuss open meeting laws, and how to accommodate lessons learned from the pandemic going forward. Mr. Copelas speaks to the efficiency of document sharing and increased public participation resulting from virtual meetings. Mr. St. Pierre notes he has been meeting with legal, the board of health, and others regarding reopening policy. He asks that Board members put concerns in writing so that the reopening committee can review them. Mr. St. Pierre notes there will be some digital element as an aspect of the new procedures going forward, and that members of the public will have the ability to use Zoom or listen on the phone. Ms. Ordaz asks about options if Board members have personal safety

concerns regarding coming in, and Mr. St. Pierre indicates the City will not force anyone to do anything they are not comfortable with. Ms. McClain commends the City for how it pivoted during the pandemic, and hopes there can be some type of hybrid approach going forward, noting the increased public participation.

ADJOURNMENT

Motion and Vote: Mr. Viccica moves to adjourn the meeting. Ms. Ordaz seconds the motion. **The vote is five (5) in favor and none (0) opposed. The Motion passes.**

The meeting ends at 8:07 PM on May 19, 2021.

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-2021>

Respectfully submitted,
Lev McCarthy, Staff Planner