

**City of Salem Board of Appeals**  
**Meeting Minutes**  
**Wednesday, December 16, 2015**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, December 16, 2015 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Ms. Curran calls the meeting to order at 6:43 pm and announces that the applicant of 1-3 EAST COLLINS STREET requested a continuation to be heard at the next regularly scheduled public meeting on Wednesday, January 20, 2016.**

**ROLL CALL**

Those present were: Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Paul Viccica (alternate), James Hacker (alternate). Also in attendance –Tom St. Pierre, Building Commissioner, and Erin Schaeffer, Staff Planner

**REGULAR AGENDA**

\*The Zoning Board of Appeals heard the request for a continuation out of order of the regular agenda items.

Applicant	<b>MICHAEL MEYER</b>
Location	<b>1-3 EAST COLLINS STREET (Map 36 Lot 277)( R1 Zoning District)</b>
Project	A petition requesting a Special Permit per <i>Sec. 3.3.2 Nonconforming Uses</i> of the Salem Zoning Ordinance to change and existing nonconforming use of a social club to another nonconforming use of eighteen (18) residential units. The petitioner is also requesting Variances for relief from <i>Sec. 4.1.1 Table of Dimensional Requirements</i> for minimum lot area per dwelling unit, minimum lot frontage, minimum lot coverage, front and side yard setbacks, minimum distance between buildings, and number of stories.

Documents and Exhibitions

- Application dated September 25, 2015 and supporting documentation

On December 16, 2015, the applicant requested a continuation to be heard at the next regularly scheduled meeting at 6:30pm on January 20, 2016.

**Motion and Vote: Mr. Copelas makes a motion to approve the requested continuation of the public hearing to the next regularly scheduled meeting on Wednesday, January 20, 2015 at 6:30pm. The motion is seconded by Mr. Duffy. The vote was with unanimous with five (5) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, and Paul Viccica) in favor and none (0) opposed.**

Project A continuation of a public hearing for all persons interested in the petition of seeking a Variance requesting relief from Sec. 5.1.5 Parking Design to allow a 40' wide curb cut.

Applicant **PETER LUTTS**

Location **24 WINTER STREET (Map 35 Lot 83)(R2 Zoning District)**

Documents & Exhibitions:

- Application dated October 21, 2015 and supporting documentation.

Ms. Curran- States that at the last meeting, the Board requested additional information regarding a statement of hardship from the applicant.

Attorney Johnathan White, Jordan & White LLC- Presents the petition on behalf of the applicant. On December 9, 2015, a letter was submitted to the Board with a revised statement of hardship for a dimensional variance for the proposed curb cut. Attorney White states that the entire lot is located within a historic district and the existing garage structure is historically significant as it was used as a stable. The building has been maintained in such a way as to preserve its historical significant and not change the authenticity of the structure. To alter the structure to accommodate additional on-site parking and utilizing the existing 20' foot curb cut would disturb the historic structure and authenticity of the building.

Ms. Curran -states that typically a driveway leads to a garage, but in this case the “garage” used to be a stable and is directly on the street with no driveway. This structure and configuration of the structure on the lot is unique. It may be possible to alter the garage structure and close the existing curb cut without permission from the Board as the curb cut could potentially comply with the dimensional regulations.

Ms. Curran- opens public comment.

Councillor Sargent- Councillor at Large- Strongly supports the project and the landscape design. The area is need of parking and there are no parking spaces on this side of Oliver Street. Therefore, no parking spaces will be lost as a result of this proposal.

Mr. Duffy- States that the revised statement of hardship adequately addresses the unique properties of the building and that the proposal meets the special conditions and circumstances. If the Board were to hold the applicant to meeting the twenty (20) foot maximum curb cut, it would be a hardship to the applicant to alter the garage. 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 Board also suggests a special condition that all construction shall be done as per the plans and dimensions submitted to and approved by the Zoning Board of Appeals titled, “Plot Plan 24 Winter Street, Salem, Massachusetts”, prepared by LeBlanc Survey Associates, Inc of Danvers, MA, dated October 13, 2015 and accompanying landscape plan.

**Motion and Vote: Mr. Duffy makes a motion to approve a Variance requesting relief from Sec. 5.1.5 Parking Design to allow a 40' wide curb cut. The motion is seconded by Paul Viccica. The vote was with unanimous with five (5)( Rebecca Curran (Chair), Peter A.**

**Copelas, Mike Duffy, Tom Watkins, and Paul Viccica (alternate) in favor and none (0) opposed.**

Project	A public hearing for an amended petition requesting a Special Permit per <i>Sec. 3.3.2 Nonconforming Uses</i> of the Salem Zoning Ordinance to change an existing nonconforming use of multifamily residential units to another nonconforming use of mixed use commercial office/retail. The petitioner is also requesting Variances for relief from <i>Sec. 4.1.1 Table of Dimensional Requirements</i> to exceed the maximum height, front yard setbacks and relief from <i>Sec. 5.0 Table of Parking Requirements</i> and <i>5.1.5 Parking Design</i> .
Applicant	<b>ROBERT BURR</b>
Location	<b>331-335 LAFAYETTE ST, 5-7 WEST AVE, 11 WEST AVE (Map 32 Lots 231, 232, 233, 234)(B1, R1, R2)</b>

Documentation & Exhibition

- Application date stamped September 25, 2015 and re-submission dated November 24, 2015 and supporting documentation

Attorney Grover presents the petition. Members of the project team include Peter Pittman, Pittman & Wardley, Project Architect; Scott Cameron, Project Engineer and Heather Monticup, traffic engineer.

Attorney Grover states that when this project was presented in October, there were a number of concerns about the impacts of this project on the neighborhood including size and massing of the building proposed, traffic impacts and parking.

To address these concerns, the applicant has re-applied with an amended petition by adding an additional parcel to the development site to allow for additional parking. Originally, the site consisted of three parcels including 331-335 Lafayette Street, and 5-7 West Avenue. The petitioner has added 11 West Avenue, which is the location of a two-family residential building.

The size of the building has also been reduced from approximately 40,000 to 29,000 square feet. The revised proposal includes approximately 7,000 square feet of first floor retail space and 22,000 square feet of office space on the upper two (2) floors. The reduction in building size addresses several concerns including the following: 1) the total mass of the building is smaller; 2) the building reduction also pulls the building further away from the adjacent residential properties; 3) provides additional space for parking. As revised, the building is almost entirely within the commercially zoned parcel on the corner of Lafayette Street and West Avenue. An important element of the project is to retain the retail use, on the first floor, which is important to the neighborhood, City and Board. These changes have allowed the petitioner to bring this project much more in compliance with the Zoning Ordinance. In particular, the request for a parking variance is being withdrawn because there are eighty-three (83) parking spaces proposed that meet the Zoning Ordinance requirements. The relief requested from the Zoning Board includes Variances for:

- Setback requirements: The structure cannot be pulled back enough to meet the 15' front yard setback requirement on Lafayette Street and West Avenue. Although the building is pulled back off of West Avenue even more than the original proposal.
- Building height: The structure must remain at 39' for construction purposes.

The petitioner is also requesting a special permit, for a change from one non-conforming use to another non-conforming use. The proposed site is located within three (3) different zoning districts including B1, R1, and R2. The residential uses in the R1 Zoning District are non-conforming multi-family dwelling units. As a result, the petitioner is requesting a change from one non-conforming use of multi-family residential dwelling units to another non-conforming use of parking ancillary to the commercial use. Attorney Grover introduces project architect Peter Pittman of Pittman & Wardley Architects to talk about how the reduction in the massing and size of the building affects the architectural design.

Peter Pittman- Pittman & Wardley Architects- presents the revised renderings and plans. Mr. Pittman states that although the building is reduced in mass and size, the aesthetics of the building will remain as the majority of public responses to the design have been positive. Mr. Pittman presents revised elevation plans along Lafayette Street and West Avenue to show the reduction of the building size and massing. The greatest reduction of building mass is along the façade of West Avenue.

To address the height of the building, the project team studied many architectural and structural alternatives for this site and the team concluded that the appropriate height for this structure is thirty-nine (39') feet. The parapet, which gives the building the additional height, is necessary to provide visual and auditory screening for various mechanical systems including the elevator and HVAC. In order to construct a three (3) story structure within the 30' foot building height requirement is not physically possible. Mr. Pittman describes that with this height restriction, the interior ceiling height would be seven (7) feet tall in many locations with a peak height of 7.8 (feet) tall. This height does not account for the roof, parapet, slope edges and mechanical systems. The thirty (30') feet requirement is unrealistic for a three (3) story structure.

Mr. Viccica- Asks the architect for the cornice height dimension from the ground.

Mr. Pittman- Shows the height of the existing structure in relation to the proposed structure and describes that the proposed structure is as tall as the existing white house. The height of the building to the bottom of the cornice detail is twenty (20') feet and to the top of the gutter and assembly is twenty-two (22) feet. From the grade level to the top of the dormer is thirty-one and a half feet (31.5) feet.

Attorney Grover- Presents the following:

#### Grounds for Variances

- 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 are that parcel at 331 Lafayette Street is an odd "L" shaped lot that cannot be commercially developed as allowed by-right. The property at 5-7 West Street is a six (6) unit residential property surrounded by two (2) commercially zoned properties including a portion of 331 Lafayette Street and 335 Lafayette Street is also a unique circumstance. Another unique feature of these properties is that there are four (4) separate parcels in three (3) different zoning districts. Since the public hearing in October, the petitioner has added an additional

parcel to the project properties, 11 West Avenue, to meet the required parking regulations and piece together property can be developed.

- Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant because the shape of 331 Lafayette Street has forced the applicant to The one irregularity along the northern edge of 331 Lafayette Street still presents some physical challenges and directly affects where a building can be located and how high the building needs to be. The irregular shape of 331 Lafayette along the northern edge also forced the location of the building to be within the front yard setbacks along Lafayette Street and West Avenue in order to make space for the required parking and on-site traffic circulation. The other reason for the proposed location of the building is to lessen the impact on the abutting residential properties. Both the Board and the neighborhood are concerned about the impacts of a commercial use on abutting residential properties. The proposed building height Variance is directly in response to these site-specific physical challenges.
- 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 site is in poor condition with a series of commercial and residential properties that are in disrepair. The petitioner proposes put a program in place that significantly improves the properties and does so in a way to maintain a first floor retail space that is important to the neighborhood and also keeps a reasonable buffer between the proposed commercial and existing residential neighborhood. Diminishing the size of the building and increasing the parking addresses the negative aspects and concerns from the neighborhood that the project would cause increased traffic and parking overflow into the neighborhood. The petitioner has addressed the concerns of the neighborhood with the revised plan presented.

Ms. Curran- Asks the petitioner a few questions. How much has the building been reduced along West Avenue from the original plan?

Attorney Grover- States that the revised plan shortens the building length along West Avenue by thirty (30') to pull the building away from the residential neighborhood. In addition, the applicant has purchased 11 West Avenue, which has added another forty (40') feet for a total of seventy-six (76') feet of buffer, which is considerable.

Ms. Curran- Looking at the lot and the way that the project is angled, why was the proposed building not angled to be parallel to the road and along the zoning boundary to fit entirely within the B1 Zoning District?

Mr. Cameron- Engineer- States that it is challenging to construct a building that is odd shaped and the building angle is designed in this way to also accommodate to meet the parking requirements. The Zoning Ordinance allows for construction within a less restrictive zoning district up to thirty (30') feet. If the jog in the lot line were square, along the northern edge of 331 Lafayette, there would be space for another parking lane and alternative options for building location. However, this lot line angle pushes the building down further onto the corner of Lafayette Street and West Avenue. The proposed building is no closer to the street than any of the existing buildings.

Mr. Viccica- Why is this building orientation a benefit to the neighborhood? Why is the building stepped back from the corner?

Mr. Cameron and Mr. Pittman- The project team studied this configuration and found that the corner has a major sight distance deficiency. By pulling the building back from the corner and placing

it at this angle, the sight distance around the corner from West Avenue to Lafayette Street is significantly improved and will help with traffic circulation. The second reason is that there is not the ability to orient the parking spaces at the 11 West Avenue property and meet the parking requirements and a safe parking lot design.

Mr. Pittman- Currently, drivers pulling through the intersection from West Avenue onto Lafayette Street, cars have to pull all the way up to the crosswalk to see past the buildings on the corner. From an architectural perspective, the angle of the building also reduces the visual mass of the building along Lafayette Street.

Mr. Copelas- Has the proposed size of the triangular space along Lafayette Street changed?

Mr. Pittman- No. The square footage of the plaza is the same as previously proposed.

Ms. Curran- What is the footprint of the two (2) buildings along Lafayette Street and the length of those two (2) buildings together to get a sense of what is there now on Lafayette Street and what is proposed.

Mr. Cameron- States that the existing footprint square footage at the 331-335 Lafayette Street properties is approximately 12,000 square feet and the linear frontage of the existing buildings along Lafayette Street is +/- 130 feet.

Ms. Curran- What about the new building?

Mr. Cameron- The new building linear frontage proposed is 116 linear feet along Lafayette Street.

Ms. Curran- What is proposed is a little less than what is there now. In the other direction along West Avenue, what is the existing and proposed linear frontage up to the end of the white house that is attached to the commercial building?

Mr. Cameron- The width of the existing commercial building is about seventy (70') feet. The proposed width of the building is about seventy (70') feet.

Attorney Grover- States that the footprint of the proposed building is less than the existing footprint of the commercial building.

Mr. Cameron- The footprint square footage between the existing commercial building and proposed commercial building is about the same. The proposed footprint square footage is 11,500 square feet and the existing building footprint is 12,000 square feet.

Ms. Curran- Confirms that the existing building heights vary from 18' feet to 35' feet tall. Ms. Curran asks the petitioner to restate how the proposed parapet, which gives the building additional height, is necessary.

Mr. Pittman- The petitioner proposes a four (4') foot parapet that serves as a physical barrier that helps to block noise and visually screen the building's mechanical system from any public way along all four (4) sides of the building. Mr. Pittman states that the petitioner could cut off some height of the building with a flat roof, but would still not comply with the height requirement as the structure would be non-buildable.

Mr. Viccica- Asks the petitioner about the heights of the surrounding buildings in the immediate area.

Attorney Grover- Directly across the street include the Salem State buildings that are considerably higher. Additionally, the subject property is at lower topographical elevation. There is a five (5) story apartment building across the street that exceeds forty (40') feet in addition to the elevator and HVAC on top of this. The project team shows the existing buildings to show that the gables of the roofs of the existing commercial property are about forty (40') feet.

Mr. Pitman- States that the 2.5 story building proposed is fairly consistent with the style of the Queen Ann Victorian homes of the neighborhood. There is a blend of heights all along Lafayette Street that are lower and higher.

Ms. Curran- At the last meeting there was not enough parking and the Board felt that there was not enough of a hardship to the applicant to not comply with the parking requirements. Now the revised proposal complies with the parking requirements by reducing the building size and purchasing an additional lot. The other thing that the Board is looking at is whether or not the proposal is more or less detrimental to the neighborhood.

As proposed, there is now a big parking lot in a residential area. This project will go before the Planning Board and there are certain things that can be done to lessen the impact on the residential neighborhood including fencing, planting, buffers, but the Zoning Board of Appeals comes first. There is another house that is right next to this property. What are you planning around the perimeter of the property? The dumpster pad is also located right next to a residence. Ms. Curran restates that these concerns will be addressed through the Planning Board site plan review, but is concerned about the impacts of this project on the adjacent neighbors and asks the petitioner whether the team has considered alternative placement for the dumpster.

Attorney Grover- States that there will be a landscape architect with significant plans to create a buffer between the subject property and the abutting residents and these plans will be reviewed through the Planning Board site plan review process.

Mr. Cameron- States that the existing retail and commercial uses have dumpsters in this location currently. The petitioner proposes to construct a solid structure around the dumpster pad between 4'-6' high solid fence in contrast to the existing chain link fence.

Attorney Grover- One disadvantages of the earlier plan that the project team was trying to mitigate were concerns about possible overflow of parking into the neighborhood, which was seen as a significant disadvantage. The expansion of the parking lot was to address this concern. Now, the concern about the impact of the expanded parking lot will need to be mitigated through screening and landscaping.

Ms. Curran- Is the green area along West Avenue a planting strip?

Attorney Grover- Yes.

Mr. Copelas- Will the entrance and curbcut on Lafayette Street be located in the same place? How many curb cuts will be given up along West Avenue?

Mr. Cameron- The curbcut and entrance on Lafayette Street will be almost in the same location. Along West Avenue, there will be one (1) curbcut that will be widened to accommodate a commercial use and two (2) existing curbcuts that will be closed.

Mr. Viccica- Parking spaces are proposed with varying lengths. Are the 19' feet parking stalls exceeding the maximum length requirements? What is the reason for this design?

Mr. Cameron- States that the zoning code requirements allow for parking stalls that are nineteen (19') feet long. The Zoning Ordinance also allows for an overhang of two (2) feet of any landscaped setback area adjacent to the front or rear of a stall to be used for a bumper overhang. All of the proposed parking spaces around the perimeter of the property have this design. The spaces in the middle of the property are the full nineteen (19') feet depth.

Mr. Viccica- Looking at the plot plan, it looks like the cars parked along the perimeter of the property that have a two (2) foot overhang allowance will be hitting the screening fence along the property line. Mr. Viccica states that this is a problem and there is not enough of a buffer between the parking lot and the property line to allow for a buffer and snow storage. Mr. Viccica also requests that the dumpster location be changed to be moved away from the perimeter of the property.

Ms. Curran states that there will be more Board discussion. Mr. Curran opens the public hearing and reads letters received by the Board into the record.

Letters received and read into the record:

Mark Jalbert- 30 Shore Avenue- Strongly supports the proposal.

Pat Curtain, Chair, Save Our Salem- Strongly opposes the project due to concerns regarding the size and density of the proposed building and traffic.

Fran Riggieri- 331 Lafayette Street- Strongly opposes the project and presents additional signatures of a previously received petition of opposition that was read into the record at the previous public meeting. Additional signatures and addresses are read into the record and include residents of the following: 16 Loring Ave; 107 Linden Street; 7 Smith Street; 11 Lee Street; 8 Belleau Road; 20 West Avenue; 310 Lafayette Street; 57 Charles Street; 89 Webb Street; 8 Ocean Avenue; 221 Loring Avenue; 30 Raymond Road; 1 Loring Avenue; 265 Lafayette; 70 Winthrop Street; 474 Lafayette Street; 25 Eden Street; 326 Lafayette Street; 18 Roslyn Street; 21 Green Street; 363 Lafayette; 7 Bristol Street; 35 West Avenue; 12 Cleveland Road; 24 Belleau Road; 128 Rainbow Terrace; 11 West Avenue; 448 Lafayette Street; 85 Moffett Road; 422 Lafayette; 107 Linden Street.

Ms. Curran- All submitted letters were read into the record. Ms. Curran opens comment to the members of the public at the public hearing.

Attorney Phillip P. Moran -415 Lafayette Street- The Variances that are governed by Massachusetts General Law Chapter 40A Section 10 allows the Zoning Board of Appeals to grant a variance in accordance with findings that must be satisfied including the following:

- 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.
- Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant.
- 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.



Mr. Moran states that this project does not meet these findings required to grant a variance and states that the applicant has not presented an argument to show that the soil conditions, shape of the parcel, topography or the structures is unique. Mr. Moran states that the parcel shape is not unusual. The desire for a developer to maximize profits does not constitute as a hardship. What is the substantial hardship to the applicant? A substantial hardship must be related to the land itself and cannot be a personal hardship to the applicant. Mr. Moran cites several court cases which pertain to how a substantial hardship is defined and states that the variance requested by Mr. Burr cannot be legally granted due to not meeting either of the first two requirements. In addition, Mr. Moran states that the proposed parking lot is detrimental to the neighborhood.

Mary Wilbert -7 Cedar Street- Reads her letter into the record and is strongly opposed to this project due to concerns regarding the height, scale and mass of the proposed building and its impact on the character of the neighborhood. Ms. Wilbert states that the petitioner does not have a hardship for height or setback requirements because this structure that is proposed is too big. The developer is motivated by a desire for profit and does not face financial hardship. Ms. Wilbert feels the neighborhood is already being developed to its detriment by Salem State University ("Salem State"). Ms. Wilbert cites their use of a temple and the resulting parking issues, including an unprecedented number of parking tickets issued since that building came into use by the University. Foot and vehicular traffic has become a problem. Salem State is exempt from local zoning, and this developer wants them as a tenant. South Salem cannot function with this development. If requested variances are granted, they want to know exactly which hardships apply. Permits for nonconforming use should be denied; this would rezone the parcel from residential to commercial, and she thinks that re-zoning is under the jurisdiction of the City Council rather than the Zoning Board of Appeals.

Ms. Curran- Clarifies to the public there are two (2) requests that the Board is considering. 1) The request for a dimensional variance for relief from the required height and front yard setbacks along Lafayette Street and West Avenue. The petitioner is also requesting a special permit to change the use from one nonconforming use to another nonconforming use as long as the proposed use is less detrimental. A request like this is not a request to rezone the properties. It is within the Zoning Board of Appeals jurisdiction as the property is an existing nonconforming use.

Chair Curran comments that the Board is well aware of the requirements and criteria that need to be met to consider a special permit and variance. If a member of the public agrees with something that has already been said, it can be reiterated that that is their concern, but asks the public to keep comments short in the interest of time.

Attorney Grover – States use variances and dimensional variances are treated differently to establish a hardship. Minor criteria can establish a hardship for dimensional variances whereas the threshold requirements for use variances are much higher. The petitioner is requesting two (2) minor dimensional variances. In this case, the configuration of land that exist, including the lot irregularity along the north edge of 331 Lafayette and the parcel itself could not be developed. As a result, the petitioner has purchased additional properties to combine to developable parcel. This is not something that Mr. Burr uniquely faced, this is a hardship that any person would face trying to develop the parcel at 331 Lafayette Street. This is not a personal hardship to the developer. There are unusual features of this land that establish a hardship.

The irregular shape of the northern edge along 331 Lafayette Street constricts the site. The developer could build a two (2) story building that complies with the height requirement, but would be a flat building across the site up against the abutting residential neighborhood and lose the retail use of the building. The public, City and the developer all feel that losing the retail use would be a detriment to the public and creates the need to build a taller building. A taller building is a public benefit to the

neighborhood and provides a desired retail use, meets the parking requirements, allows for a significant buffer between the commercial use, abutting residential neighbors and provides a barrier

Attorney Grover states that any developer faces the same special conditions and criteria in accordance with Massachusetts General Laws. In this case, if the developer complied with the height requirement, then the retail component would be lost due to the parking requirements. The retail component is a very important use to the neighborhood and to the City. A shorter building would also expand the footprint of the building and be physically closer to the abutting residential properties. The proposed additional building height is a benefit to the neighborhood by screening the mechanics on top of the building, providing adequate parking, and an appropriate building use that fits with the existing neighborhood character.

Mr. Watkins- Why would a two (2) story building not be able to accommodate a retail use?

Mr. Burr- States that the parking requirements for retail are substantially more than an office space.

Mr. Cameron- States that when a project team thinks about re development of a site, the petitioner first looks at what can be done by-right to meet all of the zoning ordinance requirements. In this case, the zoning district for 331 Lafayette and 335 Lafayette are located in a B1 (Business District) and a commercial office space can be constructed as of right and is the project alternative to the redevelopment of this site. The existing uses of the property, if the current zoning code were applied, require a 104 parking spaces. Currently, there are only 39 parking spaces on the site. There is a significant discrepancy in deficiency in the parking now. By reducing the intensity of uses on the property as proposed and meeting the parking requirements per the zoning ordinance this will alleviate current overflow parking issues in the neighborhood.

Mr. Burr- States that the detrimental nature; the "as-of-right" potential use would be a two story, flat faced office building, mechanical systems exposed, with no retail component. Mr. Burr states that this as-of-right project would be detrimental to the neighborhood. The project revision presented to the Board is a result of substantial neighborhood input.

Mr. Burr- States that a 30' feet height limit for a developer is a significant hardship due to construction standards. As Peter Pitman showed, a building that is three (3) stories cannot be physically built under thirty (30') feet. Conversely, one cannot build a thirty (30') foot building that is only two (2) stories because it is extremely inefficient from a utility perspective.

Attorney Grover- States that the zoning ordinance itself is a hardship. In this case, the height for a commercial zoned parcel is a limitation and the building cannot be built to the allowed height requirement within the building envelope requirements.

Ms. Curran- Asks the petitioner whether it is possible to construct a two (2) - story building with retail on the first floor and on the second.

Mr. Burr- States that retail requires significantly more parking spaces for retail than office space. For a two (2) story building, with retail on the first floor, within the same proposed footprint, and office space on the second floor would still not have enough parking due to the square footage retail to parking ratio. For example, if the total building was 22,000 square feet with 11,000 square feet of retail on the first floor and 11,000 square feet of office on the second floor, the retail space require much more parking than what can physically fit on the site due to the square feet to parking space ratio. Mr. Burr states, that with a two (2) story building within the proposed footprint, there would need to be a lower impact use to parking space ratio. The proposal includes approximately 7,000

square feet of first floor retail space and 22,000 square feet of office space on the upper two (2) floors and some parking spaces are under a portion of the second story. With a two (2) story building and expanded retail, there would not be enough parking.

Ms. Erin Higgins- 270 Lafayette – Ms. Higgins expresses support for redevelopment of the site, but would like to see a two (2) story building with retail on the first floor and office space on the second. How many parking spaces are needed for 11,000 square feet of retail and 11,000 square feet of office space? Would the site be able to accommodate the amount of parking required?

Ms. Curran- States that retail parking requirements are one (1) space for every hundred and fifty (150) and one (1) space for every three hundred (300) feet of office space.

Mary Weisenberger -53 Summit Ave.- Expresses opposition to the project to conserve the existing structures and businesses. Ms. Weisenberger states that the existing structures are not in disrepair and expresses concern about the size of the proposed parking lot. No matter who develops this property, there will always be traffic in the neighborhood because there is traffic from the University now and there always will be. Traffic is not the big issue here. Why is the petitioner proposing a building that does not fit within the same footprint as the existing building with retail on the first floor and commercial space on the second floor?

Ms. Curran- states that the site is nonconforming. Unless someone was going to tear down less than 50% of the building and doing minor cosmetic work, this would be the only thing that could be done to this structure and retain the existing configuration.

Mr. Burr –States that the current structures on the corner are in violation of current building code and are not structurally sound. Mr. Burr also states that he is in conversation with the City engineer about the possibility of donating a strip of land at the south corner of West Avenue for the possible addition of a turning lane on West Avenue to alleviate traffic congestion. Heather Monticup, the project team traffic engineer, the City Engineer and FST (traffic engineer consultant for the City) have met to discuss this possibility for traffic improvements.

Ms. Curran- Is this shown on the plan?

Attorney Grover- This possible turning lane is not presented on the plan as the City has not accepted the offer as of yet. The strip of land would be conveyed in the form of an easement that would not impact or change the configuration of the lot or proposed building.

Heather Monticup – GPI- Currently, the City is working on traffic improvements at the intersection of Lafayette Street and West Avenue. The proposed building has also been pulled away a little from the corner of Lafayette Street and West Avenue. Regardless of this project, the City needs more space for new signal equipment, which the applicant will provide as an easement.

Mr. Watkins- Will the proposed driveways be used to enter and exit at both curb cuts?

Ms. Monticup- No. The driveway on Lafayette Street will be an entrance only and the driveway on West Avenue will be an exit only.

Jennifer Firth- President of Historic Salem- Has a different vision for this property and speaks in strong opposition to the project. Ms. Firth presents a photo of the currently existing building from the 1930's. Historic Salem Inc. is concerned about the loss of historic buildings that this project represents. Ms. Firth could not disagree more with the statement that the buildings need to be torn down because there are building code violations. There are many individuals who live in historic homes

and spend a lot of time and money to preserve the historic fabric of these buildings and the historic fabric of the City. It is too easy to tear down a building and start all over again. The proposed demolition of 331-335 Lafayette Street is a classic early 20<sup>th</sup> century commercial building that housed the Grand Old Pacific Tea Company shop and the old A and P. This project also proposes the demolition of an 1860's Italianate style architecture that is part of a collection of houses that is part of a historic streetscape. The Massachusetts Historic Commission has inventoried these properties. 331-355 Lafayette Street is described as a "rare example in South Salem as a one-story colonial revival commercial building..." Ms. Firth requests that the façade of this building be preserved as an appropriate gateway feature of the neighborhood. Ms. Firth states that Mr. Burr's project is not an appropriate vision for the gateway to this historic neighborhood. The historic building on 331-335 Lafayette Street is an important part of our historical narrative. It is a village shop that you would see in Marblehead on Atlantic Ave. Ms. Firth, appreciates the neighborhood's desire to upgrade the cosmetics of this corner, but there is no reason to believe that the structural integrity of these buildings is so bad that they need to be taken down. If needing repairs, turned into knocking down historic buildings, Massachusetts would be one big construction pit and downtown Salem would not exist anymore. The proposed building is a pivotal project to this neighborhood and the proposed mass will over shadow the historic character of the neighborhood. HSI considers the proposed project to be more detrimental than the existing structures and does not support this project.

Rich Osterberg -17 West Ave- Expresses strong support of this project. Mr. Osterberg states that Historic Salem does not live in this neighborhood. The existing buildings are infested with rats and the buildings cannot be fixed. Mr. Osterberg urges the Board to support the project because it will help the neighborhood. He urges residents who are opposed to the project to not be afraid of change.

Tom Pinero Shields- 7 Bristol Street- The most significant change between the original proposal and the revised proposal is the addition of 11 West Avenue and the request for a Special Permit. Mr. Pinero-Shields really respects the developers and the team of people who have done significant work to listen to the community. The hard part is that in an effort to address neighborhood concerns and to lessen the intrusion on the neighborhood, the footprint of the project has increased and become more intrusive including along the back fence of his property. Mr. Pinero Shields is a direct abutter to the proposed dumpster platform in the corner. Mr. Pinero Shields states that he and his family just purchased their home in November and soon after found out about this development proposal. It is difficult to see that this project is not less detrimental to the neighborhood and particularly for the direct abutters. Adding 11 West St. removes a buffer to the residential area. He would like to see the corner property developed, but is concerned about the effects of the current project proposal for three reasons:

- Sight: Concerned about too much light from the property.
- Sound: Concerned about early morning noise associated with trash removal
- Smell: rats will be attracted by trash and the dumpster is proposed to be placed on the property line next to residences.

Victoria Nadel- 20 West Avenue- Expresses support for the project. The current buildings are structurally unsound and an unattractive conglomeration of buildings. What was there in the 1930's is not what is on the site now. This corner conglomeration of buildings is an embarrassment to the neighborhood. The new structure proposed will be more aesthetically pleasing. Ms. Nadel expresses concern that the Zoning Code is arbitrary and do not make sense. A three-story building is very much in conformance with the height of the existing neighborhood, but the Zoning code does not allow for this height in a commercial zoning district. Ms. Nadel also supports Salem State and is a net positive to have a public institute of higher learning in our City and expresses encouragement by the investment of developers like Mr. Burr in the City. She is encouraged by the investment of Mr. Burr,

who will own and professionally manage the property, not just develop it and leave. Neighborhood impacts so far have been addressed with revisions of this project and current concerns such as lighting and trash will also be addressed. These concerns are not a reason to deny these minimal variance requests to approve this project. Ms. Nadel encourages the Board to recognize that some concerns are about the parking lot that is in conformance that meet current zoning code requirements. It is really important to keep the retail component of this project as an amenity to the neighborhood.

Josh Turiel -Ward 5 City Councillor- Expresses support for the project, but is concerned about some of the design aspects of the project that can be effectively addressed during the Planning Board site plan review. Councillor Turiel is in support of this project because the subject property has been an ongoing issues with maintenance, trash and snow removal and recognizes that these are all building management issues. The neighborhood retail businesses are good for the neighborhood and good for Salem. From a parking perspective, there are currently forty (40) parking spaces on this property for the one-story property with the three (3) retail businesses only. There are no parking spaces for the other retailers including the Gyro store or the convenience store. The parking is not adequate for the current retail uses at this location. Having substantially more parking will help, but Councillor Turiel expresses concern about how the existing parking requirements have the effect of pushing the existing parking lot out into a residential neighborhood. Councillor Turiel requests that the landscaping will allow for a large buffer between the proposed parking lot and abutting residence and that the dumpster pad be moved as to not negatively impact direct residential abutters to the commercial property. Councillor Turiel also requests that if the University does lease office space, that the usage should be restricted for administrative purposes and not be used for classrooms.

Gregg Zawislak- 13 West Avenue- A direct abutter is in strong support of the project as the buildings are in horrific state. Mr. Zawislak states support for the height requested to construct a parapet to block the noise of the HVAC system and requests more information regarding a landscape proposal to see a buffer between the parking lot and his property. Mr. Zawislak requests a buffer between his property and the proposed parking lot.

Ms. Curran clarifies that the Board is hearing this appeal for dimensional variances only. In the original petition, the applicant also requested a variance to have fewer than the required parking spaces and at the last meeting it was clear that there were no grounds for this requested variance as there was no hardship. Since the public meeting in November, the petitioner has retracted the request for a Variance from the parking requirements and has a plan that now meets the required number of parking spaces. The Board cannot request that the applicant reduce the number of parking spaces because the applicant will not be able to meet the parking requirements.

There is some existing greenspaces that may be better allocated along the property line of 11 West Avenue. Mr. Viccica mentioned shrinking the parking spaces to what is required rather than have longer spaces with a two (2) foot overhang to gain a little more buffer space. This is not usually done, but Ms. Curran suggest to the applicant about the possibility of applying to the Planning Board for site plan review to deal with design issues that may make this plan more detrimental to the neighborhood. Ms. Curran asks the application whether the petitioner is interested in keeping the Zoning Board of Appeals public hearing open while simultaneously being reviewed by the Planning Board for site plan review. Ms. Curran states that this is only a suggestion and understands that the applicant is vulnerable without knowing whether the Variances and Special Permit will be granted by the Zoning Board of Appeals.

Attorney Grover- It would be prohibitively expensive to expand the project team and commission plans for site plan review without knowing whether the Variances and Special Permit will be granted.

Attorney Grover refuses to apply for the Planning Board site plan review while simultaneously being heard by the Zoning Board of Appeals.

Francis Riggieri -450 Lafayette Street- Part owner of Fran and Dianne's Kitchen- Expresses strong opposition to the project and states that the most significant input from the neighborhood has been the petition in opposition with over one hundred and forty (140) signatures of neighbors and abutters. Mr. Riggieri, states that this property is an investment by Mr. Burr, who stands to financially gain from the redevelopment of this property. The neighborhood has spoken in the petition. The neighborhood stands to lose quality of life. The University continues to degrade the city. Mr. Riggieri requests that the Board stop the neighborhood congestion. Maybe Mr. Burr should not be the developer for the site, why can't there be retail spaces within the existing footprint of the buildings that exist? Mr. Burr wants to build a big building and the neighborhood does not want it. Mr. Riggieri has \$250,000 in the business that Mr. Burr is gaining.

Ms. Curran-states understanding and redirects Mr. Riggieri back to the relevant comments for the Board. The neighborhood input is very important for the items that are relevant to the Board, but it is not a popularity contest. The Board does not base its decision on how many people are opposed or for the project. The Board considers projects against the standard criteria of Chapter 40A.

Mr. Riggieri- States that he understands and requests that the applicant address why the existing structures are unsafe. Does the building inspector know why this building is unsafe? What is wrong with these existing buildings that they need to be knocked down?

Attorney Grover – states to the extent that there would be any substantial change to the use of these buildings, any proposed changes in use would require compliance with the zoning ordinance. In addition, the petitioner would still be before the Zoning Board of Appeals if the proposal were to keep the existing buildings and change the uses to request a parking variance. Based on the existing building uses, the parking does not even come close to meeting the parking requirements. This is not a solution to use the existing buildings. In terms of the quality of the buildings, Attorney Grover asks the petitioner, Mr. Burr, to speak to this concern.

Mr. Burr- states that the buildings have been reviewed with environmental and structural engineers and code compliance officers, there are a list of code violations and structural concerns. However, this is irrelevant to the request. Mr. Burr is requesting minor dimensional variances for relief from setback requirements and height. The team has presented a very compelling and defensible case that the irregular shape of the property poses extreme challenges to the development of the property. The developer has spent over six (6) months trying to address most of the neighborhood concerns into the project proposal. Mr. Burr restates that he is before the Board to discuss two (2) minor dimensional variance requests.

Ms. Curran- Confirms with the applicant that first (1<sup>st</sup>) floor office space is not a desirable use.

Mr. Burr- Expresses frustration and states as-of-right the applicant could build two-story, 29,000 square feet building that has no extra benefit to the neighborhood. The project team has worked extremely hard to incorporate the concerns of the neighborhood.

Mr. Viccica- Asks for time to discuss this as-of-right possibility. Mr. Viccica states that the parking requirement is three spaces for 1,000 square feet.

Mr. Burr- States that a two-story office building as-of-right would have mechanical systems exposed as the height requirement does not allow for an HVAC screen, the building would not have any public amenities on the first floor, the building would meet setback requirements and be closer to the

residential structures that abut this property. Mr. Burr states that a two (2)- story office building would be substantially more detrimental to the neighborhood than the current proposal.

Mr. Viccica- Wants to understand the parking requirements for a 29,000 square foot office building.

Ms. Curran- States that to meet the setback requirements with a two-story office building, the petitioner would still need to come before the Zoning Board of Appeals for a special permit from nonconforming use to another nonconforming use because the building envelope would be partially within an R2 zoning district.

Mr. Cameron- States that in order to fit the number of required parking spaces, a two-story office building would have to have a partial first floor to make room for parking underneath the second story. A building that is 29,000 square feet would require one (1) space for each employee, which is estimated to be approximately seventy (70) spaces for a building with this square footage.

Mr. Burr- States that an as-of-right development is significantly more detrimental to the neighborhood. However, a two-story office building could be built and not require any variances, but would require a Special Permit to change from one non-conforming use to another non-conforming use.

Mr. Rigierri- Asks whether there is a judicial appeal process for any Zoning Board of Appeal decision.

Ms. Curran- States that Chapter 40A dictates the appeal process.

Mr. Rigierri- What is the timeline on an appeal?

Ms. Curran- 20 days from the day that the Zoning Board of Appeals Decision is filed.

Councillor Sargent- Councillor at Large- Requests that the Board is consistent in its decisions across developments throughout the City and that the petitioner at 24 Winter Street should not have gone through such a rigorous process for a curb cut. Councillor Sargent also states that his view and understanding of a special permit for a nonconforming use is not to be used to buy buildings and tear them down.

Ms. Curran- States that the buildings are still standing at the time of this request. If the building was demolished before petitioning the Zoning Board of Appeals, the property would need to conform to the current underlying zoning district. However, the nonconforming buildings are still there and have not been torn down.

Councillor Sargent- States an alternative opinion on how to interpret the zoning regulation about being allowed to building within thirty feet of a less restrictive zoning district. When a zoning change divides a lot of record, the petitioner can bring the more restrictive zoning into the less restrictive zoning because the zoning change created a hardship. Councillor Sargent is concerned about the possibility that this statute will be used in such a way as to change the underlying zoning for many properties around the City.

Attorney Grover- Divides a lot of record in this case. The property at 331-335 Lafayette Street is divided into the B1 and R2 Zoning Districts.

Ms. Curran- States that it is common to move the more restrictive use into so many feet, but this doesn't matter, because the determination is whether or not the use is more or less detrimental. If

that Special Permit were granted the petitioner would not need to use this provision. The petitioner is simply asking for a special permit from one nonconforming use to another nonconforming use to allow a small portion of the commercial building to existing in the R2 District. The petitioner is not proposing to use this provision.

Margaret DeCamp -10 West Avenue- Ms. DeCamp speaks in support of the petition, but is concerned about the aesthetics of the parking lot and any visual screening proposed as her property is directly across the street from the proposed development. Ms. DeCamp expresses support for the area to be cleaned up in a sensitive way.

Ms. Carol Moran- 415 Lafayette Street- Requests to view the current photos and conceptual elevation plans. Ms. Moran opposed the project due concerns about the building mass, height and aesthetics of the parking lot.

Attorney Grover- states that it's difficult to reassure the public, but there is a very rigorous design review process by the Planning Board.

Mr. Burr- The intent will be to have a solid fence around the perimeter of the property. The irony is that the parking lot will not be seen as it will be visually screened most likely with Arbor Vitae. Mr. Burr encourages the public to weigh in on the aesthetics during site plan review with the Planning Board.

Betsy Murphy -127 Bridge Street- Expresses support for the project and that the building has been a problem for more than thirty (30) years. The request for the variances is not detrimental to the neighborhood. Specifically, the request for the height variance is the same height as part of the existing structure at thirty-nine (39') feet.

Mr. Rinus Oosthoek- Salem Chamber of Commerce – Expresses support for the project. Mr. Oosthoek states that the proposal for retail on the first floor and office on the second floor is a much better proposal than only office space. The neighborhood retail and office space is a much better use for the neighborhood. The existing buildings are an eyesore to the City and not just this neighborhood.

Ms. Sandy Power -18 Loring Avenue- Expresses support for this project.

Mr. Steve Dibble- Councilor Elect- Ward 7 – Asks the petitioner to clarify the proposal for a turning lane and improvements for Lafayette Street and West Avenue. Councilor Elect Dibble states that at the Zoning Board of Appeal meeting in November, Mr. Burr stated that he would pay for the turning lane.

Mr. Burr- States that he has met with the City Engineer and traffic consultant and made an offer to work with the City. If the City desired, Mr. Burr would donate land sufficient enough to increase the width of West Avenue for an additional turning lane. Mr. Burr has submitted a preliminary plan to the City and is waiting to hear back on what the City would like to do. There is no consensus yet in the Engineering Department about whether an additional turning land is an appropriate option or whether better signalization would be a better option. If the latter is chosen, the City does not have land for signal equipment, so the applicant would donate space for that purpose instead.

Councillor Elect Dibble- States that he met with the City Engineer. The City Engineer was supportive of a proposed turning lane and had requested an easement for updated traffic light equipment. Councilor Elect Dibble was adamant that the City Engineer wants a turning lane and claims that an e-mail was sent from the City Engineer to Mr. Burr with this request on November 20.



2015. Councillor Elect Dibble claims that the City Engineer forwarded an e-mail between Mr. Knowlton and Mr. Burr to Councillor Elect Dibble in support of a turning lane.

Mr. Burr- Does not recall such an e-mail from the City Engineer, but restates his commitment to granting an easement and/or donating land for either a turning lane or signalization equipment, but cannot commit to paying for traffic improvements because the costs are unknown. He has not had any communication with the Engineering Department.

Heather Monticup- States that the City traffic consultant, FST, was investigating traffic improvements for this intersection and associated costs to present to the City and Mr. Burr.

Councilor Elect Dibble- States that the plan presented to the Zoning Board of Appeals does not show a proposed turning lane and requests that the plan show it. With existing zoning, is the developer allowed to demolish the existing property and turn it into a parking lot for a separate property?

Ms. Curran- States that if this project is permitted, these properties would be combined into one parcel, Mr. Burr would then clear the site, and construct what is permitted.

Councillor Elect Dibble- States that if he demolished his house and then built a parking lot, that he could not rent parking spots out for a commercial use.

Ms. Curran- States that this is correct, that the conversion of a residential property to a parking lot for the purpose of renting parking spaces is not an allowable use.

Councillor Elect Dibble- States that all of the surrounding commercial properties are one (1) story tall and expresses concern that this project extends into the residential zoning district. Councillor Elect Dibble strongly opposes the project and states that the parking lot is far more detrimental to the existing neighborhood than the existing uses. He also expresses that there is a lack of hardship and urges the Board to deny the requested Variances and Special Permit.

Mr. St. Pierre- States that the petitioner cannot indicate an easement on a plan until it exists and the City agrees to it. It would be inappropriate for the applicant to show a turn lane and/or easement prior to a discussion of the logistics and intersection design improvements.

Councillor Elect Dibble- How would the proposed turning land affect the proposed side setback of the building along West Avenue?

Mr. St. Pierre- By granting an easement, it allows the City to pass and repass over a piece of land, but does not have any effect on the location of the property line.

Chris Drucus- 81 Washington Street - States that he has practiced law in Massachusetts for 40 years and expresses support for the project. To see what Mr. Burr is doing and is willing to do to address neighborhood concerns is great. This is the kind of person and developer that we want to see in the City. This proposal takes into account the general welfare of the community and the sentiment of the neighborhood. This particular project is a tremendous improvement to the City.

Mr. Osterberg-17 West Avenue- Requests that the Board approve the petition. The people from West Avenue want to see this project happen.

Ms. Curran – States that it is 9pm and the Board has three (3) more public hearings this evening.

Ms. Curran asks the petitioner whether he would consider an alternative for a two-story building with retail on the first floor and office space on the second floor with the same square footage as proposed?

Mr. Burr –states the building with this configuration would be a smaller building. There were many options considered, but because of the retail parking requirements, this is the best configuration for the site that also meets the parking requirements. This building square footage and design was done in response to meeting the parking requirements.

Ms. Curran-states that the petitioner meets the parking requirements. If the building were a little smaller, everything would work a little better on this site to meet the special permit requirement of being less detrimental if the petitioner reallocate space to increase the buffer between the proposed commercial development and the residential abutters. A buffer is necessary for this project. Currently, there are only three (3) feet between the parking lot pavement and property line.

Mr. Burr- States that the project team needs to reconfigure the parking space stripes and reallocate space for a larger buffer to allow for more green space. Mr. Burr states that the Board is looking at a high level schematic without landscaping and lighting details.

Ms. Curran states that the project will be less detrimental to the neighborhood with an expansion of the buffer between the commercial property and abutting residences. This is why the site plan review was suggested. Now the question is whether the Board feels that there is a substantial hardship to grant the variance for relief from height and front yard setbacks.

Mr. Viccica- If the petitioner abides by the set-back requirements the building would have a smaller footprint. The smaller building would then create a lesser demand on the number of parking spaces required, and also allow for the creation of a substantial buffer around this property for the neighborhood that would be less detrimental to the site and not just the abutters. From an urban planning side, the current zoning codes really seem to be at odds with the existing streetscape. It makes sense to have a building closer to the street and not stepped back fifteen (15') feet, because this does not match with typical urban streetscape design. Mr. Viccica questions the required square foot to parking ratio efficiency and has trouble seeing a hardship.

Mr. Burr- states that the statutory requirements are unachievable because the parking requirement for an office space mandates that a developer know how many people will be working in the space long before it is known what kind of company will occupy the office space. This is the cart before the horse. With thirty-two (32) year of experience developing office spaces, it is estimated that there are three (3) cars for every 1,000 square feet of office space. The building square footage and design was based on this information.

Mr. Cameron- The same ratio was used to determine the parking for the proposal and all alternative proposals. The project team proposes a three-story building with retail on the first floor and office space on the second and third floors. However, the project team also looked at several alternatives including a two (2) story- building with only office and no retail space and a two (2) story-building with retail on the first floor and office space on the second floor. Mr. Cameron states keeping the square footage to 29,000 square feet, a short building would significantly extend into the residential district. To demonstrate that the “by-right” option of a two (2) story office space would be more detrimental to neighborhood than the existing proposal. Mr. Cameron also demonstrates that a two (2) story building with retail on the first floor and office space on the second floor would require more parking than the site could accommodate and would require a parking variance.

Mr. Viccica- If someone else purchased this property and decided to construct a two (2) - story office space it is unclear what the footprint and square footage would definitively be and how much parking would be needed.

Mr. Burr- Not sure why this is unclear. Mr. Cameron presented a site plan with this alternative.

Mr. Viccica- I know that this is not what is being proposed. Let's just move on to what is being proposed.

Mr. Cameron- If there is a clarification needed, I would like to clarify and answer any questions.

Mr. Viccica- Needs time to think about the question and information.

Ms. Curran – Talks about the project and states that the extension of the roofline to construct a parapet is a good idea to hide the machinery and create a noise barrier so the HVAC system does not negatively impact the neighborhood. However, there is still a hardship issue.

Mr. Copelas- The petitioner is requesting insignificant dimensional variances for significant advantages to that would serve the community well.

Mr. Burr- Requests that Attorney Grover speak to the discretion that the Board has in granting a dimensional variance.

Attorney Grover- States that the Board has a much broader discretion to judge the second criteria for a dimensional variance when compared to the thresholds for meeting the variance criteria for a use variance.

Ms. Curran- Agrees with this thought, but when there is new construction the thresholds for variances are much more challenging as opposed to variances requested for an existing structure. Ms. Curran states that the Board frequently grants variances for existing buildings. However, this is a clean slate and new construction.

Attorney Grover- Argues that the Board has discretion to find a minor hardship for dimensional variances. Attorney Grover outlines how the project meets the three-pronged test for dimensional variances requested:

- Attorney Grover states that the irregular shape of the property on the northern edge of 331 Lafayette poses a physical hardship, the commercial property is surrounded by residential parcels and the applicant and project team is trying to restrict the building envelope so that there is the least amount of impact on adjacent residences as possible. The applicant could potentially lower the building down and spread it out with the request of a special permit, but would have a net negative impact on the neighborhood.

Ms. Curran- Agrees that the propose project would be better for the neighborhood rather than a two-story office building. Ms. Curran asks the petitioner to explain how the jog along the northern edge of 331 Lafayette Street relates to the need for the proposed height and setbacks.

Attorney Grover- It all relates back to the parking requirements.

Mr. St. Pierre- Requests to interject to let the Board and applicants know that it is 9:30pm with three (3) additional projects to be heard for the evening. Mr. St. Pierre states that this project is important and needs to be fully, vetted, but requests that the Board and applicant consider a continuation.

Ms. Curran- Requests that the Board give the applicant good feedback.

Attorney Grover- Requests Board feedback on the project.

Mr. Duffy- With respect to the variance, the hardship that is alleged is resulting from the physical attribute of this irregularly shaped lot. The shape of the lot is forcing the design of this building to be closer to Lafayette Street and West Avenue. Since the applicant is also accommodating the parking requirement, the building footprint is also compressed. The other piece of this that Mr. Duffy is concerned about is that the height of the building is requested because of the desire to make the building large enough to accommodate the desired uses. Why can this building not be a smaller building and still meet the purposes of developing the property? There is a difference in the threshold

Mr. Duffy comments that re the variance, the alleged hardship is due to the physical attribute of an irregularly shaped lot, forcing compression of the building footprint and parking configurations. He is concerned that a contributing factor is the desire to have a certain amount of square footage for desired usage, and questions if the building can be smaller but serve the same purpose. Mr. Duffy agrees that there is a lower threshold for finding a dimensional variance rather than a use variance, but there must be enough evidence in the record to establish substantial, not just theoretical, hardship, rather than merely a shrinking of profits. The case for a special permit is easier.

Mr. Viccica- Agrees with Mr. Duffy and does not see the setback request as a minor variance request. The variance for the height request seems minor. If the required setbacks were adhered to, it would result in a smaller footprint, which might not be detrimental, especially when a smaller building will require less parking. Maybe a smaller building would also allow for a larger buffer between this property and the adjacent residences. Mr. Viccica states that the crook in the northern edge of 331 Lafayette Street is not causing the building to not comply with the setback requirements.

Mr. Copelas- Asks Mr. Viccica whether complying with the setbacks makes the structure a better building.

Mr. Viccica- No. This zoning ordinance is not the best use for these properties along Lafayette Street, but this is what we have. We cannot change the zoning and have to enforce the zoning.

Mr. Copelas- Mr. Copelas agrees with Mr. Viccica and asks whether there is enough discretion in the Board's ability to act that allows the Board to consider a better design?

Mr. Viccica- States this is why he would like to fully understand what can be built "as-of-right" and compare this to what is being proposed. The current proposal is much better than the "as-of-right" two (2) – story office building. The "as-of-right" option is really a hardship to the City and not the developer.

Ms. Curran- Asks the applicant to consider a little smaller building. Ms. Curran agrees that a request for excess height rather than constructing a shorter building that projects further into the residential zone makes sense and is not inconsistent with the neighborhood. However, the square footage of the proposed building is pushing the need for parking spaces. Ms. Curran strongly reiterates that it is imperative that there be a significant buffer between the commercial property and adjacent residences. It does not look like the current proposed buffer is not adequate. The project is beneficial in that it is eliminating a neighborhood blight in a way.

Mr. Burr- Asks the Board whether feel whether there was adequate discretion to grant the variances with the condition that there is significant buffering and screening from the residential neighborhood?

Ms. Curran- No. Not if the condition is that vague.

Mr. Viccica- Prefers that the plans are changed to show these site plan changes. The buffer between the commercial properties and abutting residence needs to be increased and shortening the outer parking spaces to not include the two (2) foot overhang is not enough reallocation for a significantly larger buffer. Logistically, this gives an additional foot and a half (1.5'), which really only allows for the installation of a fence and no significant plantings. To accommodate a larger buffer, it is possible that the footprint of the building would need to be adjusted and made smaller.

Mr. Duffy- Agrees.

Mr. Burr- States that the team will end up adjusting the site plan, but will still have a three (3) story building.

Mr. Copelas- States that there will probably still be the need for both variances for the setbacks and height, but the setback variances will not be as extensive.

Mr. Viccica- Does not see the height variance as a problem because there is a significant benefit to the neighborhood with the parapet and the screening for visual and noise reduction. Understand that it is not physically possible to have thirty (30') foot building and not get the HVAC that is necessary, the necessary ceiling heights and a roof without this variance. Mr. Viccica asked about the cornice heights because this seems to really be the top of the building because the parapet and screening are all angled in such a way as to visually disappear from street level. The cornice heights are well within... [a reasonable and appropriate height and scale].

Mr. Duffy- Concurr.

Attorney Grover- Requests a continuation to January 20<sup>th</sup>, 2016.

Mr. Burr- Asks for Ms. Curran's opinion.

Ms. Curran- States that the building may need to shrink to accommodate the necessary buffer and reconsider the location of the dumpster pad to be closer to the building.

Mr. Viccica- Parking, lighting, landscaping...

Ms. Curran- Now that you have a sense of the Board, would the petitioner consider being reviewed by the Planning Board for site plan review?

Mr. Burr- No. Mr. Burr foresees the potential for appeals and does not want to incur the risk of moving through another review until the Zoning Board of Appeals has made a decision.

Ms. Curran- The Board cannot make the applicant do this and it is totally voluntary.

The petitioner requested to continue to the next regularly scheduled meeting on January 20, 2016 with revised plans.

**Motion and Vote: Mr. Duffy makes a motion to continue this item to the January 20, 2016 meeting. The motion is seconded by Mr. Copelas. The vote was Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins and Paul Viccica, (5) in favor and none (0) opposed.**

Project	A public hearing for all persons interested in the petition requesting a Special Permit per <i>Sec. 3.3.3 Nonconforming Structures</i> of the Salem Zoning Ordinance to extend a nonconforming structure and alter it for a substantially different purpose and Variances seeking relief from <i>Sec. 4.1.1 Table of Dimensional Requirements</i> from lot area per dwelling unit, side yard setbacks and a Variance for relief from <i>Sec 5.1 Table of Parking Requirements</i> to allow less than the required parking spaces.
Applicant	<b>7 HOWARD STREET REALTY TRUST</b>
Location	<b>7 HOWARD STREET (AKA 26-30 ST PETER STREET) (Map 35 Lot 180) (R3)</b>

Documentation & Exhibition

- Application date stamped November 24, 2015 and supporting documentation

Attorney Grover and Dan Ricciarelli of Seger Architects present the petition on behalf of the developers Larry Frey and Joe Skomurski.

The subject of the petition is the former convent at St. John the Baptist church. The former convent is back on Howard Street. Presently the building is uses as a rooming house with indigent parishioners living there on an informal basis. The developers are interested in converting this structure into six (6) residential dwelling units. With a garden level, first floor and second floor units. There would be two (2) units on each level that would be approximately 1,000 square feet each.

The existing building is over 7,000 square feet and is a huge building on a small lot. The lot is about 6,100 square feet. The current building virtually covers the entire site. The proposed parking for this development would be provided via a permanent easement from the Archdiocese of Boston right next to 7 Howard Street. The development site is 7 Howard Street, the building next to this parcel is the back of the St. John School with an existing paved area and curbcut. Under the purchase and sales agreement and permanent easement will include lighting, landscaping, paving and the ability to park on this property. The front of the building has planting features in front of the building.

There will be six (6) parking spaces behind the church school along Howard Street. The Archdiocese is retaining ownership and rights to the property from Howard Street to maintain access to the alleyway and will be controlled by a locked gate to control the illicit use of the walkway.

The property is located in an R3 Zoning District , which allows multi-family residential use, but the lot area is only 6,100 square feet and the lot area per dwelling unit dimensional requirement is 3,500

square feet. By right, the petitioner could only construct one (1) residential dwelling in a 7,000 square foot building, which is not a viable, sensible or economically the best use of the building.

Attorney Grover states that the petitioner is also requesting relief from the side setback requirements as the building is already within the side setbacks and the petitioner is requesting to construct small balconies on the second floor that will create a slightly greater nonconformity along the sideyard setbacks.

There are also Variances for the parking. There is only space for six (6) parking spaces where nine (9) are required. There are also some minor design variances requested as the ordinance “discourages from parking spaces to back out into a public way” and the existing parking area has spaces that back out onto a public way and the existing curbcut is greater than thirty (30’) feet, which is more than the maximum size. The petitioner is requesting for relief to allow the oversized curbcut to remain.

The petitioner is also seeking a special permit to alter the use of a nonconforming structure.

#### Grounds for Relief:

- Special conditions and circumstances that relate to the unique size, shape, soil conditions, topography or structure is that the structure is a 7,000 square foot building on a 6,000 square foot lot.
- Given the existing size of the building and lot size, only a single residential unit could occupy the space to conform to the dimensional requirements. This alternative is not practical and is a substantial hardship to the applicant to construct one (1) unit in 7,000 square feet of building space.
- The proposed use is an allowed use in the zoning district, cleaning up a neglected site, improving the streetscape and character of the building.

The petitioner hosted a neighborhood meeting at the site for the neighbors. For the most part the neighbors were supportive of the redevelopment of the property, however there were concerns about parking. A possible condition to offer to the Board is to make a commitment that the condominium association will buy annual passes to the nearby parking garage. The parcel is located within very close proximity to the train station and municipal parking lots, but to address the neighbor concerns, the petitioner proposes this condition.

Ms. Curran- How many bedrooms are these units?

Attorney Grover- There are five (f5) two (2) bedroom units and one (1) one (1) bedroom unit.

Mr. Ricciarelli – Presents the elevations of the proposed project. The petitioner proposes to rehabilitate the existing mid-century modern building. Changes to the front of the building and windows, layout of the units, and landscaping are described.

Ms. Curran- States support for the dimensional variances requested as the structure exists and the requests are minor. As for the parking variance, it may be possible to reduce the number of residential units to four (4) units and comply with the parking requirements. Ms. Curran requests that the petitioner talk more about how the parking passes would be enforced.

Attorney Grover- States that the intent is for these residential dwelling units to be residential condominiums with a homeowners association. The condition could be such that the condominium

association would be required to purchase three (3) parking passes a year and make these available to any owners that have more than one (1) vehicle and that owner would pay the association for the price of the parking pass. Attorney Grover states that a fee could be added onto condo association fees for a particular owner with two (2) vehicles.

Ms. Curran- Explain the easement. Ms. Curran confirms that the easement for parking is not on the subject property and under separate ownership. Confirms that the proposed permanent easement from the Archdiocese of Boston for the six (6) parking spaces proposed.

Attorney Grover- Confirms that this is the proposal and the applicant has requested relief from the Board to allow the six (6) parking spaces to be located off-site. The petitioner will have a permanent easement to allow for the perpetual right for the parking spaces.

Ms. Curran- Will the easement expire?

Attorney Grover- No. The easement is a perpetual easement. Attorney Grover states that the easement is incorporated into the deed of the property. There is a Board precedent to allow petitioners to purchase parking passes in municipal lots including a Board decision for Derby Loft Apartments as a tool to satisfy parking requirements.

Larry Frey- Requests that Attorney Grover speak about the option of creating parking on the 7 Howard Street property and opted preserve the greenspace on the property.

Attorney Grover- States that the petitioner considered having two (2) tandem parking spaces on the 7 Howard Street property. However, this forces the loss of the greenspace on the property, the addition of a curbcut, driveway and the demolition of part of an existing raised planting bed. With the proximity of all of the parking this seemed like a waste of an opportunity to improve the streetscape and have legitimate parking spaces.

Ms. Curran- Is the petitioner proposing to purchase one (1) additional parking space per unit or just comply with the nine (9) required spaces?

Attorney Grover- Just comply with the nine (9) spaces on the assumption that not every unit owner will have two (2) cars.

Mr. Watkins- States concern about the parking variance in that six (6) parking spaces for six (6) units seems a little tight. Has the petitioner considered constructing four (4) units instead of six (6) to comply with the parking requirements.

Attorney Grover- Yes, the project team weighed the possibility of four (4) units. However, four (4) units are not financially viable for this project as there are major utility upgrades and the building restoration is costly. There is no water, sewer or independent electrical utilities for this building. Currently, all utilities are connected to the church school building. The structure is also a solid concrete structure so the opportunity to use the space as townhouse style units is not feasible because of the construction of this building. The nature of the building makes this building very expensive to rehabilitate and requires the six (6) residential units to make this project financially feasible.



There are some things about this site including the proximity to parking, the train station and the anticipated demographic for this type of housing it is highly unlikely that residents will have two (2) cars per unit.

Mr. Watkins & Mr. Copelas- Is the access drive on the side of the building a legal alley? No.

Mr. Ricciarelli- The turning radius does not allow for cars to be able to pass through to the site. The units would also be huge if there were only four (4). The basement/garden level of this building has had and will have living space and would be unutilized. Six (6) units makes a lot of sense for the amount of effort and investment to get this project done.

Ms. Curran- What is the square footage range of each unit?

Mr. Ricciarelli- The units range between 1,100 square feet and the one (1) bedroom unit is about 750 square feet.

Betsy Merry, 413 Lafayette Street- Younger people often have one (1) car or often none. There are very few people that buy one (1) or two (2) bedroom condominiums with more than one (1) car.

Ms. Curran reads letters of support from the following addresses: 5 Howard Street, 12 Howard Street, 4 Howard Street, 19 Washington Square, 6 Brown Street, and 8 Howard Street.

Councillor Famico- Ward 2- Submitted a letter to the record expresses support for the redevelopment of the site, but requests that the Board consider a reduction in the total number of units from six (6) to four (4) units and have the petitioner comply with the parking requirements.

James McGlaughlin- Concerned about the potential impacts of on-street parking.

Ms. Curran- States that this is an existing building and will not be expanded except for the proposed balconies. We hate to see less than the required parking, but if there were going to be some sort of agreement, it is in very close proximity to the train station and the parking.

Mr. Copelas- Given the urban downtown location of this parcel, there are very few examples that could be better to have less parking given the proximity to the train station. The Variance seems to make sense in this case.

Attorney Grover- Restates to the Board that the petitioner will agree to a special condition that requires the purchase of three (3) additional parking passes in the pedestrian mall garage on an annual basis and be a part of the condominium documents.

Mr. Hacker- There are several condominium buildings that use this procedure to buy parking passes in perpetuity with the unit and it seems to work out well except during a snowstorm.

Leland Mendonsa-4 Howard Street- Speaks in favor of the project.

**Motion and Vote:** Mr. Duffy makes a motion to approve the petition a Special Permit per *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to extend a nonconforming structure and alter it for a substantially different purpose and Variances seeking relief from *Sec. 4.1.1 Table of Dimensional Requirements* from lot area per dwelling unit, side yard setbacks and a Variance for relief from *Sec 5.1 Table of Parking Requirements* to allow less than the required parking spaces subject to eight (8) standard conditions and one (1) Special condition: 1. Through the condominium association, the applicant will obtain three (3) parking passes at the Museum Place parking garage. This will be written into the Condo Association documents. The motion is seconded by Mr. Watkins. The vote was with five (5) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, and Paul Viccica (alternate)) in favor and none (0) opposed.

Project	A public hearing for all persons interested in the petition requesting Variances seeking relief from <i>Sec. 4.1.1 Table of Dimensional Requirements</i> for a minimum side yard setback and minimum rear setback to allow the petitioners to construct a shared 12' x 12' deck.
Applicant	<b>MICHAEL GIARDI and JOANNE MATTERA</b>
Location	<b>73 SUMMER STREET and 38 ENDICOTT STREET (Map 25 Lot 614 and 616) (R2)</b>

Documentation & Exhibition

- Application date stamped November 23, 2015 and supporting documentation

Joanne Mattera, petitioner, presents the petition. Ms. Mattera states there is no outdoor space and the two (2) houses fill almost the entire lot areas. The petitioners are looking for an outdoor space to be shared. Ms. Mattera references the Aging In Place initiative and look forward to aging in place. It is a bit of a hardship to not have any outdoor space. The petitioner presents the petition and plan to construct a shared 12' x 12' deck between the properties of 73 Summer Street and 38 Endicott Street.

Mr. Watkins- How is the retaining wall owned?

Ms. Mattera- 24 inches of the wall belongs to Ms. Mattera and the rest belongs to Michael Giardi.

Ms. Curran- What happens when one of the neighbors sells the property?

Mr. Viccica- Who owns this deck?

Ms. Mattera- This is such a simple construction that the entire deck could come down if needed, but will be working with a real estate attorney to write up and agreement.

Mr. Viccica- The Board would essentially be granting a piece of someone's property that they might not think is a good idea in the future. Unless, there is some sort of real estate agreement, this might be a hard thing to say yes on a legal basis, but not on a social basis. When two (2) unrelated people can share a space like this it is an incredible thing. More of us should think about doing this...

Ms. Curran- Both petitioners signed the applications. Are you suggesting...

Mr. Viccica- If we approve this, the Board is essentially approving someone to be building on someone else's property.

Mr. Copelas- States that the Board would grant two (2) variances to allow each applicant to bring the side yard setbacks to the zero lot line.

Ms. Curran- States that the neighbors could also give each other easements.

Ms. Mattera- Has an easement for access to a shared driveway. Ms. Mattera is so sure that this project will work and there will be no problems between her and her neighbor.

Mr. Viccica- States that there is no worry about the current petitioner's as much as the future owners of this property.

Councillor Sargent- States that Michael is the third generation to live in this house and Ms. Mattera lives in what used to be a garage. Councilor Sargent jokes that having Ms. Mattera used as a house as a house is much less detrimental to the neighborhood. Speaks in support of the project and states gives examples of how neighbors get along in this neighborhood.

Ms. Curran- This is certainly a unique situation.

The buildings consume the entire lot and the retaining wall is shared. This is a dimensional variance and the hardship is a lack of outdoor space and this deck will not affect anyone else or the neighborhood in anyway.

**Motion and Vote: Mr. Duffy makes a motion to approve the petition requesting Variances seeking relief from *Sec. 4.1.1 Table of Dimensional Requirements* for a minimum side yard setback for the property located at 38 Endicott Street (Map 25 Lot 616) and 73 Summer St (Map 25 Lot 614) and to construct a shared 12' x 12' deck. The motion is seconded by Mr. Watkins. The vote was with 5 (five) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, and Paul Viccica (alternate) in favor and none (0) opposed.**

Project	A public hearing for all persons interested in the petition requesting Variances seeking relief from <i>Sec. 4.1.1 Table of Dimensional Requirements</i> from minimum lot frontage and minimum lot width to all lots and minimum lot area per dwelling unit for Lot 3 to create three (3) lots.
Applicant	<b>MATTHEW and MARIE GAGNON, TRUSTEES of HENRIE REALTY TRUST</b>
Location	<b>186-190 MARLBOROUGH ROAD (Map 10 Lot 32) (R1)</b>

### Documentation & Exhibition

- Application date stamped November 23, 2015 and supporting documentation

Mr. George Atkins of 59 Federal St. presents the petition. Attorney Atkins states the need to clarify that the applicants are proposing to have three (3) lots with one (1) building on each of the lots. When reading the notice, some of the neighbors had the impression that the petitioners were requesting to place three (3) buildings on one (1) lot. There are currently three (3) residential structures. Lot 1 has a single family residential dwelling unit, Lot 2 has a single family structure, Lot 3 has an existing nonconforming two -family structure. Although the property is currently all one (1) lot with three (3) structures, the petitioner will request to divide the property into three (3) lots through an Approval Not Required Plan.

There are no changes to the structures except that the single family home on proposed Lot 2 will be demolished and reconstructed as a single –family structure. All of the proposed lots have more than 15,000 square feet and meet the lot area requirements. There is an existing nonconforming two (2) family dwelling on proposed Lot 3. In addition there is insufficient frontage and width when this single lot is divided into the three (3) proposed lots. The petitioner proposes 50 feet of frontage rather than the required 100 feet of frontage. In addition the minimum lot width requirement is 100 feet wide and the lots do not meet this requirement. The petitioner is requesting variances for minimum lot frontage and minimum lot widths to all lots and minimum lot area per dwelling unit for Lot #3.

Attorney Atkins states that the property has unusual shapes and the topography of the lot is such that this property is lower than the surrounding properties and the back of the property is wet. The City has drainage on the back of the property as well. The property is also a very large parcel when compared to surrounding residential properties in the area. Some minor dimensional variances can create a hardship. The petitioner is not proposing anything to change the nature and the uses of the lots. A large portion of the lot cannot be used and creates a minor hardship. 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 owners have a right to divide the property through an Approval Not Required through the Planning Board should the Zoning Board of Appeals grant these variances requested.

Ms. Curran- States that there are two (2) single family homes and one (1) two- family home that exist. The only change proposed is in the lot lines and all other conditions and use of the property are the same including the existing nonconformity and the proposed new single-family building will conform to all setback requirements. The back of the property is wet.

Attorney Atkins- States that an Order of Conditions has been issued for the reconstruction of the single family building on proposed Lot #2.

Ms. Curran- states that this property is truly unique. Public comment is opened.

Huge Forest, 18 Rockdale Avenue- Asks a clarification question to understand whether the new single family home will be closer to the wetlands. Mr. Forest is an abutter and would like to understand where the proposed wall around the property and wetland will be.

Mr. Gagnon- States that the house will be about 8-10' feet away. The wall is about 20' feet away.

Mr. Forest- How tall will the new structure be?

Mr. Gagnon- Two –stories, 26 feet.

Mr. Forest- Concerned about privacy, but states that a two-story home will not be a problem. Is there any question about building on the back of the property?

Attorney Atkins- No. Not with the wetland conditions in the back of the property.

The Board agrees with the petitioner’s statement and findings for the variances.

1. Special conditions and circumstances that especially affect the land, building or structure generally not affecting other lands, buildings or structures in the same district are that there are three structures on a single lot, a substantial portion of the proposed lots have wet soils, and the topography is such that the lot is lower than the surrounding properties.
2. The literal enforcement of the provisions of the Ordinance would prevent the property owner from dividing the property involve substantial hardship.
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.

**Motion and Vote: Mr. Duffy makes a motion to approve the petition requesting Variances seeking relief from *Sec. 4.1.1 Table of Dimensional Requirements* from minimum lot frontage and minimum lot width to all lots and minimum lot area per dwelling unit for Lot 3 to create three (3) lots. The vote was with 5 (five) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, and James Hacker (alternate) in favor and none (0) opposed.**

#### **APPROVAL OF MEETING MINUTES**

November 18, 2015 meeting minutes were approved as written.

**Motion and Vote: Mr. Copelas makes a motion to approve the minutes as written, seconded by Mr. Watkins The vote was five (5) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, and James Hacker (alternate) in favor and none (0) opposed.**

#### **OLD/NEW BUSINESS**

N/A

#### **ADJOURNMENT**

Mr. Duffy motioned for adjournment of the December 16, 2015 regular meeting of the Salem Board of Appeals at 10:52 pm.

**Motion and Vote:** Mr. Duffy made a motion to adjourn the December 16, 2015 regular meeting of the Salem Board of Appeals, seconded by Watkins, and the vote is unanimous with five (5) in favor (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jim Hacker) and none (0) opposed.

The meeting ends at 10:52PM.

*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:*

*[http://salem.com/Pages/SalemMA\\_ZoningAppealsMin/](http://salem.com/Pages/SalemMA_ZoningAppealsMin/)*

Respectfully submitted,  
Erin Schaeffer, Staff Planner