

**City of Salem Zoning Board of Appeals**  
**Meeting Minutes**  
October 18, 2023

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, October 18, 2023 at 6:30 pm via remote participation in accordance with Chapter 2 of the Act of 2023 and a Special Act extending remote participation meetings.

**Chair Peter Copelas calls the meeting to order at 6:30 pm.**

Chair Copelas explains how individuals can participate in the meeting remotely via Zoom, and that instructions to participate remotely can also be found on the Salem website. Mr. Copelas also explains the rules regarding public comment.

**ROLL CALL**

Those present were: Peter Copelas (Chair), Nina Vyedin, Rosa Ordaz, and Hannah Osthoff. Also in attendance were Daniel Laroe – Staff Planner, Voula Orfanos — Acting Zoning Officer, and Jonathan Pinto – Recording Clerk. Those absent were: Paul Viccica and Carly McClain,

**CONTINUANCES**

Location: **75 North Street (Map 26, Lot 58) (BPD, NRCC Zoning Districts)**

Applicant: **75 North Street, LLC**

Project: A continuation of a public hearing for all persons interested in the petition of 75 NORTH STREET, LLC at 75 NORTH STREET (Map 26, Lot 58) (BPD, NRCC Zoning Districts), 3 SOUTH MASON STREET (Map 26, Lot 54) (NRCC Zoning District), 2 COMMERCIAL STREET (Map 26, Lot 57) (NRCC Zoning District) to re- develop a new four-story transit oriented mixed-use development that will consist of 60 units and a small commercial office space on North Street. The applicant is seeking variances per section 4.1.1 Dimensional Requirements from lot area per dwelling unit where 3,500 sq.ft is required and 742 sq.ft is proposed. A variance from Section 8.4.9 Parking Requirements where one space is proposed and 1.5 spaces are required. And a variance from Section 8.4.5(4.4c) Each unit has a separate exterior entrance if located within 100 feet of a residentially used parcel in an abutting zoning district. This parcel is within 100 feet of a residentially used parcel. Also, a variance from Section 8.4.13(4) to allow construction of a park area and parking spaces in the buffer area.

Documents and Exhibitions

- Application date-stamped August 29, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Scott Grover introduces himself on behalf of the petitioner, and states that similar to last meeting, team members Chris Koepland, Bob Griffin, Scott Thornton, and Dan Skolski are also present to discuss and answer questions. Mr. Grover explains that they had a detailed presentation for the Board at the last meeting, but now have new material to present in response to feedback and concerns from the Board and community. Mr. Grover also notes that the full Board is not present,

and therefore it might be appropriate to continue at the end so that the full Board can participate in a decision of this magnitude. Mr. Grover summarizes information from the prior meeting, and notes that the areas focused on since have been traffic and parking, Chapter 91 requirements, resiliency and flood mitigation, and the financial feasibility of the project as it relates to the standard of hardship. Mr. Grover also notes that while the petitioner is seeking a variance for lot area per dwelling unit, it is important to bear in mind the project complies with two other measure of density. With respect to the parking variance requested, Mr. Grover states the adequacy of one space per unit will be discussed further. He contends that other projects close to public transit have been approved under PUD provisions with less than the required 1.5 spaces per unit, and suggests the Board consider how the Planning Board approaches the issue. Mr. Grover also states that the zoning variances from the Board are just the beginning of a long and rigorous permitting process with the Planning Board and DEP.

Scott Thornton introduces himself and presents a map of the area to discuss traffic and parking. Mr. Thornton indicates the team conducted traffic counts and signal warrant analysis, and that even in October the counts were not high enough to meet the minimum requirement for the installation of a traffic signal at the Green Trail North Street intersection. He explains the team also reached out to the Traffic and Parking Department to see if they had any suggestions for the intersection. Mr. Thornton presents a map with some preliminary suggestions for new striping to direct and channel the traffic flow, and notes that there may need to be some modifications to strike a balance between uses and safety. Mr. Thornton states that the parking proposal was based on initial research that looked at similar developments such as the Halstead Station apartments and the South Mason Street developments. He notes that Halstead has a parking utilization rate of 0.9 spaces per unit, which is in line with the proposal.

Chair Copelas asks how the status of Route 114 as a state road impacts the likelihood of the proposed changes in terms of required approvals. Mr. Thornton clarifies that while the road is state numbered, it is not state maintained and therefore the City has jurisdiction.

Ms. Ordaz notes that she read in the report that the South Mason Street developments had a utilization rate of 1.3 spaces per unit, and asks if the choice of using Halstead as the main comparison point could be further explained. Mr. Thornton indicates the difference has to do with rental versus ownership, noting that with condo developments, spaces are deeded to units, whereas with rental apartments there may be more residents that do not need parking. Mr. Thornton suggests the proposal is more similar to Halstead because they are both apartments. The Board discusses the matter of parking some more and whether the size of the units may be more of a determining factor for the parking requirements. Ms. Vyedin suggests the presenters provide a comparison of unit sizes between the developments being discussed for the next meeting. Mr. Koeplin reiterates the contention that the issue is more tied to whether parking is bundled with the unit as with ownership versus rental.

Bob Griffin introduces himself and discusses the Chapter 91 process, along with details on the flood mitigation and resiliency measures proposed. He presents a topographical map showing existing conditions, noting that the proposed grades are the same as they cannot impact the flood storage capacity or have any decrease as the project proceeds. Mr. Griffin presents the building layout, noting the interior and exterior parking and the flow of traffic into the building from the North Street area, and the egress at South Mason Street. Mr. Griffin explains that Chapter 91 is targeted toward ensuring public access to the shoreline and public benefit to uses on any shoreline. He also

notes that 53 feet from the water line is considered a water dependent use zone (“WDUZ”), which in this case is occupied by a public street and walkway. Mr. Griffin explains that 100 feet from the shoreline is the public accommodation zone, where the first floor use must be for public facilities such as a restaurant or gym. Here, the public accommodation zone is the proposed landscaped public area and the nine public parking spaces proposed. Mr. Griffin also notes the proposed walkway connection South Mason Street with commercial street as a way to add shoreline access. The height requirement with respect to Chapter 91 is 55 feet, according to Mr. Griffin. He also explains that there is a 50 percent or one-to-one open area to building area ratio requirement, which constrains the building footprint.

Chair Copelas asks if the nine public parking spaces are technically on private land, and Mr. Griffin confirms they will be on private land, but they will be available for public use based on Chapter 91 regulations.

Ms. Osthoff asks if there is a plan that shows the layout and floor plan of the building with topographical information as well, and Mr. Griffin states he can provide that at the next meeting.

Chair Copelas asks about the heights and elevations of exits. Mr. Griffin explains the South Mason Street exit is mostly at elevation ten, and that the North Street entrance is elevation eight mostly, and Commercial Street is at elevation six. Chair Copelas asks if the exit at the rear will still be a legitimate way out if Commercial and North Street are flooding at the 100 year flood line, and Mr. Griffin states it would be

Ms. Vyeidin asks about the flood storage and plans for what happens in event of a flood. Mr. Griffin presents a cross section of the site showing flood elevations, the FEMA 100 year flood line, the king tide, mean height water, and other data points and discusses the frequency of king tides. He demonstrates the existing and proposed grades and discusses general current flooding conditions. The proposal does not involve work or any changes in the roadway in front of the river. Mr. Griffin describes the flood vents and latticed screens that will be under the proposed building that will allow for storage of flood waters during flood events. The area beneath the parking area is open so water can come and go, with flood vents on both sides. Mr. Griffin indicates under the flood storage area will be crushed stone so that some water will go into the soil, but most will come in and go out laterally. He confirms that this is consistent with, and in some ways better than, FEMA building code requirements, creating additional flood storage capacity to what currently exists. Mr. Griffin notes that most of the parking is at elevation 12 and above.

Ms. Ordaz asks about the six parking spaces that would be impacted by floods based on the maps and descriptions. Mr. Griffin explains that between the North Street side entrance and the full elevation parking area there are eight parking spaces in a section that ramps up, with approximately four to six spaces at elevation ten or slightly below. During a flood event, those spaces would need to be notified or marked to make sure the cars get moved, according to Mr. Griffin. Ms. Ordaz asks if those six spaces would be dedicated, open spaces, or electric vehicle (“EV”) charging spots. Mr. Griffin states the plans show them as being EV spots currently, but notes that the charging panels would be above floor elevation. He states he does not believe they are assigning parking spaces to particular units. Mr. Koeplin adds that those spaces must be EV parking spaces because safety requirements dictate they must be near an entrance in the event a vehicle catches fire and emergency vehicles need access.

The Board continue to discuss the issue of flooding in the area and confirm that king tide is at elevation six.

Copelas

Mr. Koeplin next discusses the financial feasibility and hardship. Mr. Koeplin explains that current lending rates are around 8.5 percent or higher, with lower loan-to-value (“LTV”) thresholds requiring an additional ten to 15 percent equity compared to recent years. He discusses the current economic context, noting that the additional equity required on a \$25 million project is between \$2.5 million and \$3.5 million. Mr. Koeplin discusses principles of risk and investing, generally, and explains that an important industry feasibility metric is the return on cost (“ROC”). Mr. Koeplin asserts that market conditions require an ROC of six to 6.25 percent for feasibility, otherwise investments and money go elsewhere. Mr. Koeplin states that land costs and fixed construction costs do not decrease in proportion to total units, and that a 60-unit project and a 40-unit will both have the same fixed costs. He also contends that the number of required inclusionary units at 60 percent AMI are in round increments. Mr. Koeplin suggests that any increase in per unit costs must be absorbed by increases in market rents, which are currently averaging around \$2,700 per month per unit based on blended data. Mr. Koeplin maintains that if the proposed 60 units were reduced to 50, rents would need to increase by \$567 per unit to achieve the same feasibility, bringing the average market rent to \$3,348 per month. Mr. Koeplin notes extensive environmental remediation costs and costs associated with flood storage, and states that 60 units seemed like the appropriate number to achieve market feasibility.

Chair Copelas asks that slides and information presented be made available to the Board and public if possible. Mr. Griffin and Mr. Grover state they will submit them to make them part of the project filing and official record so the absent Board members can review prior to next meeting.

Chair Copelas opens the floor to public comment.

Penelope Caritas (no address provided) introduces herself and states she has sent emails to the City but has not received any responses, only that her letters have been posted to the public documents on the website. Ms. Caritas expresses concerns regarding flooding in the area, and suggests the City is continuing to ignore the issue of flooding instead of working with the state to get anything resolved. She asks why we would consider putting more people in danger for a development to make money. Ms. Caritas states Salem is losing its historic value by putting up multiple eyesores, and also suggests this is one of the worst intersections in the City.

Polly Wilbert of 7 Cedar Street introduces herself and expresses concerns regarding any plans to make adjustments on North Street, whether it is state maintained or not. Ms. Wilbert indicates she was present during a traffic signal meeting regarding Mason and North Street, where ultimately it was suggested there would be no left turns from Mason onto North Street because of the high traffic volumes. Ms. Wilbert also notes that the proposed changes in striping on North Street would remove six parking spaces that are important for food businesses there on North Street. She suggests it is cavalier to discuss moving parking spaces that support existing businesses for the benefit of developers. Ms. Wilbert also notes she recently attended an event on Commercial Street and was surprised to find no parking available.

Emmet Costen of 190 Bridge Street introduce himself and states he is very much in support of the proposal. Mr. Costen indicates he is a renter and understands the need for additional housing in the current housing

crisis. Mr. Costen explains he has a background in civil engineering, and that he thought the presentations thus far have been adequate and abated the concerns he had regarding flooding.

Christine Madore of 20 Federal Street introduces herself and speaks in support of the petition. Ms. Madore suggests that granting the requested variances would help unlock the potential of this site that would otherwise be impossible with current zoning. She states this will bring much needed vitality to one of Salem's major gateways, and that the infrastructure and public space improvements will add value to the North River Canal area.

Chair Copelas makes note that Mr. Agape may be having some technical difficulties connecting to provide comment, but that his email and public comments have been received and are part of the record.

Chair Copelas asks if Mr. Grover wants to respond or say anything else, or to continue for now. Mr. Grover says he will continue and put thought into how to best respond to the comments and questions from the Board and public.

**Motion and Vote:** Ms. Vyedin motions to continue the petition of 75 NORTH STREET, LLC at 75 NORTH STREET (Map 26, Lot 58) (BPD, NRCC Zoning Districts), 3 SOUTH MASON STREET (Map 26, Lot 54) (NRCC Zoning District), 2 COMMERCIAL STREET (Map 26, Lot 57) (NRCC Zoning District) to re-develop a new four-story transit oriented mixed-use development that will consist of 60 units and a small commercial office space on North Street, seeking variances per section 4.1.1 Dimensional Requirements from lot area per dwelling unit where 3,500 sq.ft is required and 742 sq.ft is proposed, a variance from Section 8.4.9 Parking Requirements where one space is proposed and 1.5 spaces are required, a variance from Section 8.4.5(4.4c) as this parcel is within 100 feet of a residentially used parcel and each unit will not have a separate exterior entrance, and a variance from Section 8.4.13(4) to allow construction of a park area an parking spaces in the buffer area, to the next regularly scheduled meeting of the Zoning Board of Appeals on November 15, 2023.

Ms. Osthoff seconds the motion. **The vote is four (4) in favor (Nina Vyedin, Peter Copelas, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

## **REGULAR AGENDA**

Location: **38 Willson Street (Map 24, Lot 39) (R1 Zoning District)**

Applicant: **Gaetano Fodera**

Project: A public hearing for all persons interested in the petition of GAETANO FODERA at 38 WILLSON STREET (Map 24, Lot 39) (R1 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to extend the existing second-floor mudroom approximately 10 feet outward to be flush with the existing deck. The existing deck would also be closed by the extension of the existing roof. Also, a Variance per section 4.1.1 Dimensional Requirements for insufficient lot area.

## Documents and Exhibitions

- Application date-stamped September 6, 2023 and supporting documentation

Chair Copelas introduces the petition.

Marc Maniscalco introduces himself on behalf of the petitioner and begins describing the proposal. Mr. Maniscalco explains that Mr. Fodera and his wife purchased the property in 2017 and have resided there since 2018, now with their two year old son. The property is a two-family residence, of which the applicant occupies the second floor. Mr. Maniscalco states the proposed extension is to increase the living area for Mr. Fodera's growing family so they can remain in Salem. He presents the plot plans showing existing conditions and the proposed addition, along with current setback requirements. Mr. Maniscalco also presents architectural plans, noting the peak of the roof would not change, and that the proposal would add 400 square feet of living space.

Ms. Osthoff asks for clarification on the proposed extension, and Mr. Maniscalco presents photos of existing conditions to demonstrate where the proposed addition would go.

Mr. Copelas notes that normally something of this scale would have more in terms of architectural renderings in addition to the drawings presented, and a little more detail. Ms. Vyedin also asks for further clarification on the proposal, and Mr. Maniscalco explains that with the proposal the back of the house will be uniform.

Ms. Osthoff asks about the requested variance, and Mr. Maniscalco indicates it is for insufficient lot area, as the property is nonconforming as it exists, and the proposal adds to the building size.

Chair Copelas notes the application is thin in terms of details, and that given the applicant is seeking a variance, which has a higher bar than special permits, it may be helpful to continue to obtain more information and documents.

Ms. Vyedin asks for confirmation if a variance is needed and the Board discusses the matter generally. Mr. Maniscalco indicates he would like to ask for a continuance.

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

**Motion and Vote:** Ms. Ordaz motions to continue the petition of GAETANO FODERA at 38 WILLSON STREET (Map 24, Lot 39) (R1 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to extend the existing second-floor mudroom approximately 10 feet outward to be flush with the existing deck, and a Variance per section 4.1.1 Dimensional Requirements for insufficient lot area, to the next regularly scheduled meeting of the Zoning Board of Appeals on November 15, 2023.

Ms. Osthoff seconds the motion. **The vote is four (4) in favor (Peter Copelas, Nina Vyedin, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location: **31 Calumet Street (Map 10, Lot 57) (BPD, NRCC Zoning Districts)**

Applicant: **Roberta Reddy**

**Project:** A public hearing for all persons interested in the petition of ROBERTA REDDY at 31 CALUMET STREET (Map 10, Lot 57) (R1 Zoning District) to amend a previous Board of Appeals decision. Applicant is seeking a Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to apply the same relief that was in the original decision to the third lot at the property. The relief would be for lot area per dwelling unit and minimum lot area.

### Documents and Exhibitions

- Application date-stamped September 22, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Scott Grover introduces himself on behalf of the applicant, and notes that Mr. and Ms. Reddy are present to answer any questions as well, along with the surveyor. Mr. Grover explains that there was an issue that arose from a survey following relief granted by the board in 2021 to subdivide a large parcel of land owned by the Reddy's at the end of Calumet Street on the Salem/Peabody line. Mr. Grover indicates the application before the Board is to amend that 2021 decision, which originally approved the Reddy's to subdivide the parcel to create three lots, where two would be new vacant lots. Mr. Grover contends that at the time of approval, the petitioners believed that the lot containing the existing home would be 15,000 square feet (in compliance with zoning), and therefore only obtained relief for the two undeveloped lots for lot area and lot area per dwelling. As the new lots were being prepared to be developed, the surveyor discovered a small portion the lot had actually been deeded out to an abutter many years ago, resulting in there not being enough area to maintain the 15,000 square feet. Mr. Grover explains the lot is now shown correctly as being 12,503 square feet. Mr. Grover maintains that the frontage is conforming for all lots, and that the lot in question requires the same relief that was extended to the other two lots in 2021. Mr. Grover indicates the grounds for variances and statement of hardship are the same as previously stated in the Board's prior decision. He notes the existence of ledge and removal costs, the costs associated with extending the unbuilt portion of the street out and connecting utilities.

Chair Copelas indicates he recalls the petition, and the Board discusses the previously approved relief, and how the amended decision would take place of the prior decision. Mr. Grover again describes the error discovered by the surveyor, and the nature of the relief. Ms. Ordaz suggests reviewing the minutes from the original meeting and relief, and Ms. Vyedin agrees. The Board reviews the prior decision. Mr. Grover notes that without the amended relief sought here tonight, the petitioners would only be able to create one additional lot.

The Board discusses the matter some more, and Ms. Vyedin concludes she is comfortable with the petition.

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

Chair Copelas states he is comfortable with the petition, but will defer to other Board members if they have further questions.

**Motion and Vote:** Ms. Vyedin motions to approve the petition of ROBERTA REDDY at 31 CALUMET STREET (Map 10, Lot 57) (R1 Zoning District) to amend a previous Board of Appeals decision to add a

Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to apply the same relief for lot area per dwelling unit and minimal lot area that was in the original decision to Lot 1A, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem's Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
11. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
12. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Ms. Osthoff seconds the motion. **The vote is four (4) in favor (Nina Vyedini, Peter Copelas, Hannah Osthoff, and Rosa Ordaz) and none (0) opposed. The motion passes.**

Location: **106 Broadway (Map 32, Lot 73) (I Zoning District)**

Applicant: **Joseph R. Gagnon**

Project: A public hearing for all persons interested in the petition of JOSEPH R. GAGNON at 106 BROADWAY (Map 32, Lot 73) (I Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses, Section 3.3.3 Nonconforming Structures, and Section 3.3.4 Variance Required of the Salem Zoning Ordinance to change a nonconforming singlefamily use to a nonconforming three-family use by adding two stories and two small first-floor additions, with legally sufficient on-site sufficient parking.

Documents and Exhibitions

- Application date-stamped September 27, 2023 and supporting documentation

Chair Copelas introduces the petition.

Chair Copelas clarifies that the Variance Required referenced in the relief is a special permit, and not a variance.

Attorney Bill Quinn introduces himself on behalf of the petitioner, and confirms the requested relief is for a special permits only, as there is no variance required based on the specific language in Section 3.3.4 that allows the extension of existing nonconforming dimensional lines. He adds that this is a small addition meant to square the building off. Mr. Quinn states his client is familiar with the area because they also own 105 Broadway, a condemned property they purchased six or seven years ago and turned into a nice two-family home. He explains the the proposal is similar to what was done at 112 Broadway, where the Board approved a special permit and variance to take a single family and convert it to a four-family property. Mr. Quinn describes the neighborhood, noting multiple single, two-family, and three-family homes, along with businesses and other mixed uses, zoned Industrial. Mr. Quinn indicates the proposal seeks to add two units above the existing residence on the second on third floors, and that a special permit is required for the change in nonconforming use. The structure itself is nonconforming on both sides because the setback in the industrial zone should be 30 feet. Mr. Quinn presents site plans showing existing conditions. He explains the property abuts Clover Street, which is a public way of record. Many years ago, then mayor Harrington sponsored and approved an ordinance to add paper streets of Salem to a public way status, according to Mr. Quinn. He describes Clover street as looking like a big wide driveway, partly grass, that goes back to a fence that separates the property to the Salem State parking lot. Mr. Quinn states he has consulted with the City Solicitor about making Clover Street a private way, and plans have been sent to City Council. A public hearing will be held, and the issue is with legal affairs. If the street reverts to a private way, any abutting property owns the ground under the private way to the center point to adjacent to their property line, and have uninhibited right to use or improve the private way. Mr. Quinn notes that if it remains public, the petitioner will need to make a curb cut.

Chair Copelas asks if City Council would have to call the public way a surplus property and allow it to be purchased. Mr. Quinn states he cannot answer that directly, but that based on discussions with the City Solicitor they are requesting the previously mentioned change and it is under discussion. Chair Copelas suggests a special condition may be necessary subject to certain actions by the City regarding the public way. The Board and Mr. Quinn discuss the matter of public versus private way and the rights of the petitioner, and determine the difference between the two scenarios is whether or not a curb cut will be required. Mr. Copelas asks if parking would occur on the section that is currently a public way if it becomes private. Mr. Quinn states the parking would only be on the actual petitioners property, and presents plans showing the proposed conditions and parking for five vehicles (where 4.5 are required). He adds that until the matter of the public/private way is resolved, nothing will be built. They discuss the special condition some more.

Attorney Quinn next presents and discusses surface water drainage engineering information and plans. He states the petitioner is open to a special condition requiring approval from the city engineer regarding the drainage facilities as shown or revised per direction of the city engineer. Mr. Quinn also discusses tree planting and landscaping details.

Dan Ricciarelli, project architect, introduces himself and presents street views of the property and neighborhood for context. He notes the multiple two and three-story homes in the area. Mr. Ricciarelli states the goal is to blend in with the neighborhood, and indicates the Historic Commission deemed the building was not significant and so a demolition delay waiver was granted. The petitioner agreed to some details and requests from the Historic Commission, including keeping the porch and some other details. He presents and reviews the architectural plans of the proposed conditions. He also presents elevations of existing and proposed conditions, noting the units will be three-bedroom two-bathroom homes.

Chair Copelas asks if a second means of egress is needed, and Mr. Ricciarelli states only one is required because the building will have a sprinkler system.

Attorney Quinn discusses the statement of grounds for the special permits.

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

Chair Copelas notes the Board received a letter from City Councilor Jeff Cohen of 12 Hancock Street in support of the petition.

**Motion and Vote:** Ms. Osthoff motions to approve the petition of JOSEPH R. GAGNON at 106 BROADWAY (Map 32, Lot 73) (I Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses, Section 3.3.3 Nonconforming Structures, and Section 3.3.4 Variance Required of the Salem Zoning Ordinance to change a nonconforming singlefamily use to a nonconforming three-family use by adding two stories and two small first-floor additions, with legally sufficient on-site sufficient parking, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem's Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.

11. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
12. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

And the following two special conditions:

1. Approvals are subject to a curb cut should Clover Street remain a public way.
2. Petition shall obtain final approval from City engineer regarding drainage as per plans presented or amended with approval of the City engineer.

Ms. Ordaz seconds the motion. **The vote is four (4) in favor (Nina Vyedin, Peter Copelas, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

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## MEETING MINUTES

**September 20, 2023**

Chair Copelas states he has no edits.

**Motion and Vote:** Ms. Ordaz motions to approve the minutes from the September 20, 2023 meeting of the Zoning Board of Appeals, as drafted Ms. Vyedin seconds the motion. **The vote is four (4) in favor and none (0) opposed. The motion passes**

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## OLD/NEW BUSINESS

### Extension Request for 6 Lathrop Street

Chair Copelas introduces the petition.

Attorney Kristin Kolick introduces herself on behalf of petitioner Michael Buonfiglio, seeking an extension of a special permit granted by the Board in November 2021 to extend an existing nonconforming use. Ms. Kolick explains that after Board approval, the project went before the Historic Commission where a demolition delay was imposed. The 18-month delay expired last month, and that is the reason for the delay and subsequent request for extension. The plans are the same.

Chair Copelas asks why the demolition delay waiver was not granted, and Ms. Kolick explains some committee members believed the roof line should try to be preserved. Chair Copelas states does not see a reason not to approve the extension

Ms. Vyedin asks how long the extension would go until, and Ms. Kolick indicates it would be through May 17, 2024.

**Motion and Vote:** Ms. Vyedin motions to approve the six month extension request for a previously approved special permit for 6 Lathrop Street through May 17, 2024. Ms. Ordaz seconds the motion. **The vote is four (4) in favor and none (0) opposed. The motion passes**

### **Extension Request for 61 Mason Street**

Chair Copelas introduces the petition.

Attorney Bill Quinn introduces himself and explains the petitioners inherited a ramshackle building that they wanted to stay in, but needed income to support necessary improvements. They sought variances and special permits for parking and to extend a nonconforming use, respectively, to expand the two-family to a five-family home. The Board granted the relief with some conditions, namely that the client obtain a final permanent and recorded easement from an abutter at the rear of the property for the driveway that had been improved. Mr. Quinn indicates the effort took five months of dealing with an out of state corporation and their local managers, and that an easement was finally recorded on October 31, 2022. His client then sought construction financing, but with the steady incline of commercial interest rates and inflation resulted in difficulty. The special permit has not yet expired, but Mr. Quinn explains the variance, which was once extended for six months, would require another six month extension through May 10, 2024.

**Motion and Vote:** Ms. Osthoff motions to approve the six month extension request on a previously approved variances for 61 Mason Street through May 10, 2024. Ms. Vyedin seconds the motion. **The vote is four (4) in favor and none (0) opposed. The motion passes**

### **New Chair Discussion**

Chair Copelas indicates he is happy to stay through end of year, but plans to step down following the December meeting. The Board discusses the matter, and indicate Ms. Vyedin has offered to step forward as the new chair.

### **Next Meeting**

November 15, 2023

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### **ADJOURNMENT**

**Motion and Vote:** Ms. Osthoff motions to adjourn the meeting. Ms. Vyedin seconds the motion. **The vote is all in favor. The motion passes.**

**The meeting ends at 9:52 PM on October 18, 2023.**

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

<https://www.salem.com/zoning-board-appeals/pages/zoning-board-appeals-decisions-2023>

Respectfully submitted,  
Daniel Laroe, Staff Planner