

City of Salem Zoning Board of Appeals
MEETING MINUTES

March 22, 2023

A special meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, March 22, 2023 at 6:30 pm via remote participation in accordance with Chapter 107 of the Act of 2022 and a Special Act extending remote participation meetings until March 31, 2023.

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), Carly McClain, Paul Viccica, Nina Vyedin, and Steven Smalley. Also in attendance were Daniel Laroe – Staff Planner, and Jonathan Pinto – Recording Clerk. Those absent were: Rosa Ordaz

REGULAR AGENDA

Location: **19 Winter Island Road (Map 44, Lot 24) (R1 Zoning District)**

Applicant: **William Munroe**

Project: A public hearing for all persons interested in the petition of WILLIAM MUNROE at 19 WINTER ISLAND ROAD (Map 44, Lot 24) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Structures of the Salem Zoning Ordinance to add a deck with stairs on one side of the house on the first-floor level with a balcony above at the second-floor level. These structures will be within the required setback of ten feet.

Documents and Exhibitions

- Application date-stamped 3/22/23 and supporting documentation

Chair Copelas introduces the petition.

Attorney Scott Grover introduces himself on behalf of the applicant and states he is joined by Peter Pitman, project architect. Mr. Grover describes the property as a single family home on a 3,000 square foot lot located in an R1 district. The property is technically a corner lot with frontage on two segments of Winter Island Road according to Mr. Grover, because the road wraps around the property. Mr. Grover presents a plot plant and photographs of the property. The property does not conform to the front and side setback requirements or the lot area coverage requirements for the R1 zoning district, according to Mr. Grover. The proposal is to improve the quality of the limited outdoor space by constructing two decks, a larger one at the first level and a smaller balcony one on the second level. The proposed decks will encroach slightly into the side setback and will also minimally increase the already non-conforming lot coverage. Mr. Grover states the proposal can be allowed by special permit if the Board finds it is no more detrimental than current existing conditions. Mr. Grover provides a statement of grounds, noting the improvement to the outdoor space that will enhance the neighborhood. He notes no change to the traffic and parking, adequate utilities, no change in building height or impact on natural environment, and consistency with neighborhood character. Mr. Grover also contends that Mr. Munroe spoke to all abutters and that they were generally supportive, with none objecting.

Mr. Pitman introduces himself and reviews the plot plan with existing and proposed conditions, discussing the setbacks and how they will be impacted. Mr. Pitman presents additional floor plans demonstrating the proposed decks, and explains attempts to minimize massing and size. Mr. Pitman also presents side and front elevations showing existing and proposed conditions.

Chair Copelas states he appreciates the efforts to be modest about the deck plans, and that he does not have issue with the plans as it seems to add utility to the home.

Ms. Vyedín states the plans seem appropriate.

Chair Copelas opens the floor to public comment.

Doug Karam of 25 Winter Island Road introduces himself and speaks in support of the proposal.

Motion and Vote: Mr. Viccica motions to approve the petition of WILLIAM MUNROE at 19 WINTER ISLAND ROAD (Map 44, Lot 24) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Structures of the Salem Zoning Ordinance to add a deck with stairs on one side of the house on the first-floor level with a balcony above at the second-floor level. These structures will be within the required setback of ten feet, 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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. 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.
9. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
10. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Ms. McClain seconds the motion. **The vote is five (5) in favor (Peter Copelas, Steven Smalley, Nina Vyedín, Paul Viccica, and Carly McClain) and none (0) opposed . The motion passes.**

Location: **128 Margin Street (Map 25, Lot 507) (R2 Zoning Districts)**

Applicant: **Farm Direct Co-op, Inc.**

Project: A public hearing for all persons interested in the petition of FARM DIRECT CO-OP, INC. at 128 MARGIN STREET (Map 25, Lot 507) (R2 Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to convert the nonconforming commercial/retail use of this structure to another non-conforming use of food warehousing, refrigeration, freezing, shelf storage, and coolers. There will also be basic office work conducted on site. The total space is approx. one thousand eight hundred square feet. (1,800 sq.ft) The Food Direct Co-op is not a store nor will it be open to the public.

Documents and Exhibitions

- Application date-stamped 2/21/23 and supporting documentation

Chair Copelas indicates he will need to recuse himself from the matter.

Vice Chair McClain introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the applicant, and states he is joined by Julie Potter Brown. Mr. Quinn explains the Farm Direct Co-op is a nonprofit corporation gathering and distributing organic goods and related materials to a private membership that they serve. Mr. Quinn indicates they have operated in Salem since 2000, serving Salem, Marblehead, and Melrose. Mr. Quinn states that Ms. Brown is the operations manager, and explains the organization gathers the organic food twice a week and ships it to several distribution locations in the towns it serves. This particular location, according to Mr. Quinn, is to be an additional warehouse to store the food, sort it, and arrange it to be delivered to the distribution areas. Several members of the co-op have written letters to the Board in support. Mr. Quinn explains the building was constructed in 1940 as a rectangular commercial structure, and the City characterizes it as a warehouse. Other businesses have been in the space in prior years, and Mr. Quinn indicates there are eight on-site parking spaces. He describes the neighborhood and area further, noting on street and nearby parking. Mr. Quinn asserts that after speaking to Mr. St. Pierre, it was deemed the use would be different enough from prior warehouse use because there would be refrigeration and perishable goods, and therefore was appropriate to seek relief from the Board for a special permit to convert from an existing nonconforming use to another that is less detrimental, and certainly no more detrimental, to the community and neighborhood. Mr. Quinn notes one letter of concern was submitted by a neighbor, Mr. Robinson of 3 Downing Street, who was worried about the refrigeration and freezing equipment creating noise that would be a nuisance to neighbors. Mr. Quinn contends none of the refrigeration equipment will have compressors located outside, as the equipment will be household style refrigeration equipment. He discusses the statement of grounds associated with the special permit request.

Ms. Vyedín asks how frequently drop-offs and pick-ups will occur. Mr. Quinn states that Tuesdays and Thursdays are the distribution days, but that individuals will not be coming to the warehouse to pick up items.

Mr. Viccica confirms his understanding that the warehouse would store and distribute goods, and that a box truck will come and go on Tuesdays and Thursdays. Mr. Viccica notes a plot plan has not been provided but that he has walked by several times as he lives in the neighborhood. Mr. Viccica asks how many times the truck will come and go on those two days. Ms. Brown explains the pattern is distributing those two days, and warehouse holds coolers, refrigerators, holding perishables and cheeses. Ms. Brown provides a summary of the operations and schedule. Mr. Viccica asks about the office space and approximately how many employees will be utilizing the building. Ms. Brown indicates there is an entryway with two pre-existing offices with locking doors, and a throughway to the larger warehouse. One office would be shared by Ms. Brown and her business partner Tamara Sullivan. Ms. Brown states she would likely walk, but that they often work from home and would not utilize the office space every day. Mr. Viccica asks if there will be any change to exterior, and Ms. Brown states there will not.

Vice Chair McClain notes the Board received letters from the public and reads them into the record. One letter, from Steven Robinson, was mentioned earlier and the concerns have been addressed by Mr. Quinn. Letters were also submitted by Nancy Epstein of 25A Marion Road, Elaine Wintman of 28 Beckford Street, and Nina Cohen of 22 Chestnut Street expressing support.

Vice Chair McClain opens the floor to public.

Ward 3 City Councilor Patti Morsillo introduces herself and thanks the Board for addressing the concerns of the resident. She also voices support for the business and proposal.

Vice Chair McClain summarizes the petition

Motion and Vote: Mr. Viccica motions to approve the petition of FARM DIRECT CO-OP, INC. at 128 MARGIN STREET (Map 25, Lot 507) (R2 Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to convert the nonconforming commercial/retail use of this structure to another non-conforming use of food warehousing, refrigeration, freezing, shelf storage, and coolers. There will also be basic office work conducted on site. The total space is approx. one thousand eight

hundred square feet. (1,800 sq.ft) The Food Direct Co-op is not a store nor will it be open to the public subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
9. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

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

Location: **31 Cedar Street (Map 34, Lot 52) (R2 Zoning District)**

Applicant: **31 Cedar Street, LLC and Salem Residential Rental Properties, LLC**

Project: A public hearing for all persons interested in the petition of 31 CEDAR STREET, LLC and SALEM RESIDENTIAL RENTAL PROPERTIES LLC at 31 CEDAR STREET (Map 34, Lot 52) (R2 Zoning District) for a Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to subdivide this 1/4 acre parcel into two lots which will be non-conforming as to lot area, frontage, and lot area per dwelling unit, where one lot will be occupied by the existing two-family dwelling and the other lot to be occupied a new two-family dwelling on the vacant portion the lot.

Documents and Exhibitions

- Application date-stamped 2/22/23 and supporting documentation

Chair Copelas introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the applicant, and provides a history of the property. Mr. Quinn indicates that in addition to the existing home, another house stood on this property in the early 1900's, a residential dwelling that burnt down and for years the deed contained two separately described lots. The ownership eventually became merged according to Mr. Quinn, and in the 1980's someone went to the Board of Appeals and sought approval to reconstruct a residential dwelling on the lot where the prior home burnt down, which was approved but the home was never built. He presents a site plan showing the existing house and the proposed property line and additional two-story, two-family dwelling, which will share on site parking and driving. Mr. Quinn next notes that the two parcels are under the ownership and control of Mike Becker, but under two different LLC entities that he is the owner of. He has been told that the legal doctrine of merger may apply to the situation, which is why he did not simply try to get a building permit and build a second home and subdivide the lot. Mr. Quinn contends the driveway can easily serve both properties, with a two car garage to be build at the rear of the new two-family home, and five on-site paved parking spaces for a total of seven. Mr. Quinn states there will likely be an easement for the driveway to create a permanent situation in the event the two properties are not both owned by Mr. Becker. Mr. Quinn suggests nothing has changed in the neighborhood since 1980, and that approval of the variance request before the Board would be appropriate as it was when previously approved. He states it will add two new units of housing

stock with minimal impact to the neighborhood. Mr. Quinn contends a hardship exists because of the size and shape of the lot, the location of the existing building on the lot, and the excessive amount of land going to waste on the lot. Mr. Quinn also notes the variances sought are dimensional in nature, and require minimal legal factual basis to be upheld. He states a letter was submitted by an abutter who owns two neighboring properties, and suggests the concerns are misguided and are directed toward another neighbor regarding drainage.

Chair Copelas asks about the legal status of the merger issue, and whether it was something that was considered in the prior decision. Mr. Quinn states his opinion is that merger is a common law principal, often cited in the history of zoning cases over last thirty or forty years, but was not explicitly discussed in the decision. Mr. Copelas suggests the proposal seems modest, and asks other Board members for comment.

Ms. Vyedin states she would like clarification on a legal issue mentioned in a letter submitted to the Board regarding the previous decision and whether it could be grandfathered. Chair Copelas explains that the previous decision does not legally bind the current Board in any way, but it does inform the Board to the thinking of the prior one. Mr. Quinn further clarifies that he is unsure what the letter is referencing, as the petition is not contending that the prior decision should be grandfathered in any way, and that the prior board did not mention or rely on any grandfathered status to make their decision.

Mr. Viccica states the variances requests seem clear but that he is not sure he is amenable to create a lot which does not comply with the zoning ordinances. Mr. Viccica states he does not see a hardship here, but rather someone trying to make a profit and develop a piece of property at its highest density. He stresses that the properties would share a driveway and require easements, and that he is unsure how this rises to the level of a variance.

Mr. Quinn acknowledges Mr. Viccica's concerns, but states all new housing is created by someone trying to make a profit through development and that more housing is needed in Salem. Mr. Quinn contends the lots created by this request can be created by variance without legal prohibition, and that they will be similar in size to the lots beside them up and down the street. Mr. Quinn states the hardship is often a difficult issue to justify, but argues it is odd that every other house looks like a normal house sitting in the middle of the lot, whereas this property has an existing home right up against one sideline, and an expansive side yard that is unnecessary because there is a backyard. Mr. Quinn describes it as an unused portion of property and that it is cumbersome to cut the grass.

Mr. Viccica agrees and states he is sympathetic to the fact that the proposal is held hostage by a fairly antiquated zoning ordinance that does not allow these kinds of things to happen, but that the same argument could be made all over the City regarding the need for housing. Mr. Viccica suggests that is not a compelling case for subdividing properties as much as possible and issuing a variance. He indicates the existing lot is already nonconforming, and the proposal would create two lots that would be even more nonconforming. Mr. Viccica states he does not disagree with Mr. Quinn, but the existing zoning ordinance must be applied to an application regardless of where it is in the City.

Mr. Becker argues this is a unique situation because it is a lot close to downtown that previously had a variance approved to put a house on it, and the ownership was of both lots similar to how he owns them now. Mr. Viccica states that any prior board decisions have no bearing on his own. Mr. Viccica asks if there were ever two houses on this lot historically. Mr. Becker states there was documentation before the Salem fire showing two similar looking structures existing. On the current streetscape, Mr. Becker states it looks like a missing tooth.

Chair Copelas states that including such information in the application would be helpful. Mr. Copelas also notes that the differences here are dimensional, compared to more complex variance requests.

Mr. Becker also states he will enlist a civil engineer to conduct a drainage study. He also discusses the existing driveway more and the benefits of improved drainage overall. Mr. Becker explains that an abutter raised concerns about a retaining wall which is right behind the existing three car garage. He decided that if he could get this proposal approved he would raise the garage and make landscaping and drainage improvements to the benefit of all properties. Mr. Becker states he has owned the property for five years and presents photos and an overhead view of the lot.

Chair Copelas states that the bigger issue is the variance request for splitting the lot.

Ms. McClain states she would like to hear from the public as she understands the points Mr. Viccica raised regarding the variance request but also thinks components of the proposal make sense. Ms. McClain and Mr. Copelas suggest the overhead view appears like the lot could have at one point fit two homes. Mr. Viccica states there is no evidence to confirm that and asks that the Board not conjure things that do not exist. He suggests that if evidence exists, it can be presented to the Board for persuasion.

Chair Copelas opens the floor to public comment.

Shawn O'Brien of 21 Cedar Street introduces himself and states he also owns 23-25 Cedar Street, the rental property next to the open lot. He states the properties have been in his family for 75 to 80 years. Mr. O'Brien states the prior owner kept the lot and extra yard area meticulous with plants, trees, flowers, and that it was beautiful. Mr. O'Brien states that back then people had fewer cars per household, but that with the way things are currently and existing traffic issues, and additional two-family home will present a burden to the neighborhood with respect to parking and traffic. He also raises concerns regarding the shared driveway. Mr. O'Brien reiterates several points from the letter he submitted into the record, including concerns regarding drainage.

Mr. Viccica notes there is a site plan but no plot plan as part of the application. Mr. Quinn presents a plot plan and states it was submitted after the initial application.

Mr. Copelas notes there are a number of lingering questions and asks if it makes sense to continue and attempt to make the application more robust. Ms. Vyedín states she would like to see more evidence of the house that may have previously existed as well.

Mr. Viccica asks Mr. Becker why he is seeking to subdivide this property in half, rather than seeking an addition to the existing building or seeking a variance to construct a second building on the same lot, or some other alternative. Mr. Becker states there is a missing house in the streetscape and he has owned the property for many years.

Mr. O'Brien concludes his public comment noting that this proposal will eliminate substantial green space, the type of space the City seems to be looking to preserve. Mr. O'Brien states that if the land is going to waste it is simply because of lack of maintenance because Mr. Becker does not want to cut grass or take care of it. He also notes the limited amount of space with the shared driveway and potential for future conflict.

Jay Valatka of 40 Cedar Street introduces himself and expresses concerns regarding parking and traffic impacts, noting a number of new residences and the limit of on street parking.

Ward 5 City Councilor Jeff Cohen of 12 Hancock Street introduces himself and states he has spoken to Mr. Becker as well as Mr. O'Brien and the Valatka's. Councilor Cohen states he is in the process of setting up a meeting with the Traffic and Parking Director and the Lieutenant for the police department because this street has some issues being a pass through, and has had some interventions with speed humps. Mr. Cohen states he is in favor of more housing, and suggests if this is continued it would be great to get more feedback from others in the neighborhood as it is a small street.

Erin Heenan of 6 Fairfield Street introduces herself and states her property is one affected by the retaining wall previously discussed. Ms. Heenan expresses concerns regarding the current condition of the property as she states Mr. Becker is an absentee landlord that rents out to Airbnb tenants. Ms. Heenan states the guests often have parties, smoke marijuana, and have loud interactions with each other. She states this has taken a toll on the neighborhood, and she has concerns about the new property being another Airbnb. Ms. Heenan questions Mr. Becker's motive of simply wanting to create more housing in Salem, because she does not think people who need housing will benefit from what Mr. Becker is attempting to do. Ms. Heenan confirms Mr. O'Brien's claims that Mr. Becker does not take care of the property. She expresses additional concerns regarding parking and traffic impacts of the proposal.

Mr. Copelas notes that the City of Salem does not allow any new non-owner occupied buildings to be used as Airbnbs, and any non-owner occupied buildings that are currently being used need to have already have been registered with the City. Therefore, Mr. Copelas assures there cannot be any new non-owner occupied Airbnbs.

Mr. Quinn states he would like the opportunity to provide the Board with all the material they need to render a decision, and therefore would like to request a continuance to the next Board meeting.

Motion and Vote: Ms. McClain motions to continue the petition of 31 CEDAR STREET, LLC and SALEM RESIDENTIAL RENTAL PROPERTIES LLC at 31 CEDAR STREET (Map 34, Lot 52) (R2 Zoning District) for a Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to subdivide this 1/4 acre parcel into two lots which will be non-conforming as to lot area, frontage, and lot area per dwelling unit, where one lot will be occupied by the existing two-family dwelling and the other lot to be occupied a new two-family dwelling on the vacant portion the lot, to the next regularly scheduled meeting of the Zoning Board of Appeals on April 12, 2023.

Ms. Vyedin seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Steven Smalley, and Carly McClain) and none (0) opposed. The motion passes.**

Location: **107 Leach Street (Map 33, Lot 542) (R2 Zoning District)**

Applicant: **North Shore Property Group, LLC**

Project: A public hearing for all persons interested in the petition of NORTH SHORE PROPERTY GROUP LLC at 107 LEACH STREET (Map 33, Lot 542) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to expand a nonconforming three-family home with the addition of a dormer (8' x 10' 3/4") to allow for a full story. This will bring the full height of the structure to three stories.

Documents and Exhibitions

- Application date-stamped 2/22/23 and supporting documentation

Chair Copelas introduces the petition.

Attorney Jenna Buonfiglio introduces herself on behalf of the petitioner and explains the property currently has small dormers with windows on the North and South elevations. She presents elevations, and states the proposal would eliminate those dormers, but create East and West dormers on the building. Ms. Buonfiglio adds that the petitioner went before the Conservation Commission the week prior and has been granted an order of conditions to both rebuild the existing seawall that is in disrepair, and to also repair the pier on the harbor side of the property.

Project architect Matt Carlson introduces himself and discusses the proposed design, noting the goal is to create a better living space for an existing three-family dwelling, primarily the third floor, while not adding to the building height. He notes the footprint will not change.

Chair Copelas asks if the existing building is considered 2.5 stories and the addition of the dormers would bring the building to three stories. Mr. Carlson confirms that is the reason they are seeking relief.

Ms. Vyedin asks if the the petitioner is only seeking a special permit. Ms. Buonfiglio explains that they originally were planning to apply for both a variance and special permit to cover all bases, but ultimately determined a special permit would be sufficient. Mr. St. Pierre clarifies and confirms that the special permit is the appropriate relief for this case.

Chair Copelas opens the floor to public comment.

Ward 5 City Councilor Jeff Cohen of 12 Hancock Street introduces himself and states he has had many people in the neighborhood reach out to him and all of them are in favor of the proposal. Mr. Cohen states he knows the development

team and that they have done good work. Councilor Cohen speaks in support of this proposal, as well as the next application on the agenda.

Chair Copelas notes there was a petition submitted by neighbors expressing support for the proposal signed by 11 individuals on Leach and Glover Streets. He states the petition seems straight forward.

Mr. Viccica asks if there will be an addition of stairs in the back. Mr. Carlson notes the rear section on the driveway side is proposing a reconfiguration, but that dimensionally nothing is increasing any nonconformities or setback infringements. The goal is aligning the three decks and making them more efficient. The living space in the back of each floor is being extended to match the decks that are currently there. Mr. Viccica states the plot plans show a shaded three story addition in the rear. They discuss the plot plan, and clarify what it represents. Mr. Viccica states the nonconformity on the side of the house will be increased by one foot based on the clarifications. Mr. Carlson states the plot plan seems to be in conflict with the design.

Mr. Copelas states that the expansion of nonconformity on the side setback and clarifications on the documents may require more relief. Mr. St. Pierre confirms a variance would be required for the side setback, or the petitioner could pull back the design to not increase the nonconformity. Mr. Copelas notes either the plan must change, or the request must change to include a variance.

Ms. Buonfiglio asks to continue the petition in order to update the plot plan and provide further clarification, noting the architect appears to be correct and the engineer's plans may need to be corrected.

Motion and Vote: Ms. Vyedin motions to continue the petition of NORTH SHORE PROPERTY GROUP LLC at 107 LEACH STREET (Map 33, Lot 542) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to expand a nonconforming three-family home with the addition of a dormer (8' x 10' 3/4") to allow for a full story, bringing the full height of the structure to three stories, to the next regularly scheduled meeting of the Zoning Board of Appeals on April 12, 2023.

Mr. Smalley seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Steven Smalley, and Carly McClain) and none (0) opposed. The motion passes.**

Location: **111 Leach Street (Map 33, Lot 543) (R2 Zoning District)**

Applicant: **North Shore Property Group, LLC**

Project: A public hearing for all persons interested in the petition of NORTH SHORE PROPERTY GROUP LLC at 111 LEACH STREET (Map 33, Lot 543) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to expand a nonconforming three-family home by the addition of a dormer horizontally on both sides of the structure. The proposal would be to extend the existing dormers on the right and left sides of the structure horizontally towards the rear, to reach the end of the structure.

Documents and Exhibitions

- Application date-stamped 2/22/23 and supporting documentation

Chair Copelas introduces the petition.

Attorney Jenna Buonfiglio introduces herself on behalf of the applicant and presents elevations. Ms. Buonfiglio explains the special permit request to expand a nonconforming three family home by expanding existing dormers on the East and West side of the structure. She describes the property and existing conditions, and presents elevations of the proposed conditions. Ms. Buonfiglio states the dormers will be extended horizontally toward the rear to reach the end of the structure, but will not be extended toward the front of the structure on Leach Street. No dimensional nonconformities will be created by the

proposal according to Ms. Buonfiglio, and the goal is to gain sufficient headroom on the third floor unit. She also notes there is a petition in support of the proposal with signatures from neighbors.

Chair Copelas asks if there are any other changes aside from the dormers, and the applicants confirm. Mr. Copelas asks if the issue with the seawall applies to this property as well, and Ms. Buonfiglio states the seawall may need to be repaired but there is no pier at this property. Mr. Buonfiglio clarifies that the seawall for this property is in good condition and does not need repair. He and Mr. Copelas discuss seeking Chapter 91 approvals for the other property on Leach Street.

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

Motion and Vote: Ms. McClain motions to approve the petition of NORTH SHORE PROPERTY GROUP LLC at 111 LEACH STREET (Map 33, Lot 543) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to expand a nonconforming three-family home by the addition of a dormer horizontally on both sides of the structure and to extend the existing dormers on the right and left sides of the structure horizontally towards the rear, to reach the end of the structure, 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 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. Vyedin seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Steven Smalley, and Carly McClain) and none (0) opposed. The motion passes.**

MEETING MINUTES

None.

OLD/NEW BUSINESS

Chair Copelas notes that Mr. Smalley's time on the Board is coming to an end, and thanks him for his time and service.

ADJOURNMENT

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

The meeting ends at 9:14 PM on March 22, 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