

City of Salem Zoning Board of Appeals
Meeting Minutes
May 17, 2023

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, May 17, 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 until March 31, 2023.

Chair Peter Copelas calls the meeting to order at 6:37 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), Rosa Ordaz, Paul Viccica, and Nina Vyedin. Also in attendance were Daniel Laroe – Staff Planner, Hannah Osthoff, Stavroula Orfanos - Building Commissioner, and Jonathan Pinto – Recording Clerk. Those absent were: Carly McClain

CONTINUANCES

Location: **11 1/2 Hardy Street (Map 41, Lot 30) (R2 and B1 Zoning Districts)**

Applicant: **Lori A. Pattison**

Project: A continuation of a public hearing for all persons interested in the petition of LORI A. PATTISON at 11 ½ HARDY STREET (Map 41, Lot 30) (R2, B1 Zoning Districts) for a special permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to alter and to enlarge the residential use of a nonconforming structure by restoring and using the third (3rd) floor unit. Petitioner is also seeking variances from section 4.1 Dimensional Requirements for lot area per dwelling unit where 1,423 sq. ft is proposed/3,500 sq. ft required. In addition, a variance per section 5.1.1 – 5.1.8 Off-Street Parking.

Documents and Exhibitions

- Application date-stamped January 24, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Scott Grover introduces himself on behalf of Attorney Bill Quinn and the applicant. Mr. Grover requests a continuance, and notes a written request was also submitted.

Motion and Vote: Ms. Vyedin motions to continue the petition of LORI A. PATTISON at 11 ½ HARDY STREET (Map 41, Lot 30) (R2, B1 Zoning Districts) for a special permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to alter and to enlarge the residential use of a nonconforming structure by restoring and using the third (3rd) floor unit, as well as variances from section 4.1 Dimensional Requirements for lot area per dwelling unit where 1,423 sq. ft is

proposed but 3,500 sq. ft is required, and a variance per section 5.1.1 – 5.1.8 Off-Street Parking to the next regularly scheduled meeting of the Zoning Board of Appeals on June 21, 2023.

Mr. Viccica seconds the motion. **The vote is five (5) in favor (Peter Copelas, Paul Viccica, Nina Vyedin, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location: **31 Bertuccio Avenue (Map 24, Lot 104) (R1 Zoning District)**

Applicant: **Dean Boucher**

Project: A continuation of a public hearing for all persons interested in the petition of DEAN BOUCHER at 31 BERTUCCIO AVENUE (Map 24, Lot 104) (R1 Zoning District) for a variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to build a sixteen by forty sq. foot (16'x40') two story single family residence .The relief will be from minimum lot area. Petitioner is seeking to construct on a lot size of two thousand nine hundred thirteen (2,913) sq. feet/Where fifteen thousand sq. feet (15,000) is required. In addition, relief requested is to build into the left side setback at four (4) feet and into the right-side setback at nine (9) feet/ Where ten (10) feet is required. The rear yard setback would be five (5) feet/ Where thirty (30) feet is required.

Documents and Exhibitions

- Application date-stamped January 26, 2023 and supporting documentation

Chair Copelas introduces the petition.

Dean Boucher introduces himself and explains he would like to request a continuance.

Motion and Vote: Mr. Viccica motions to continue the petition of DEAN BOUCHER at 31 BERTUCCIO AVENUE (Map 24, Lot 104) (R1 Zoning District) for a variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to build a sixteen by forty sq. foot (16' x 40') two story single family residence with relief from minimum lot area, on a two thousand nine hundred thirteen (2,913) sq. feet lot where fifteen thousand sq. feet (15,000) is required, as well as relief to build into the left side setback at four (4) feet and into the right-side setback at nine (9) feet where ten (10) feet is required, and a rear yard setback that would be five (5) feet where thirty (30) feet is required, to the next regularly scheduled meeting of the Zoning Board of Appeals on June 21, 2023.

Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Rosa Ordaz, and Hannah Osthoff) 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 continuation of 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 February 22, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Grover introduces himself on behalf of Mr. Quinn and the applicant, and requests a continuance to the next regularly scheduled meeting.

Motion and Vote: Ms. Ordaz 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 of the lot to the next regularly scheduled meeting of the Zoning Board of Appeals on June 21, 2023.

Ms. Vyedín seconds the motion. **The vote is five (5) in favor (Peter Copelas, Paul Viccica, Nina Vyedín, Rosa Ordaz, and Hannah Osthoff) 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 continuation of 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 February 22, 2023 and supporting documentation

Chair Copelas introduces the petition.

Michael Buonfiglio and Attorney Jenna Buonfiglio introduce themselves. Ms. Buonfiglio presents plans, and explains that a continuance was previously granted as there was a discrepancy between the architects dimensions and the surveyors proposed dimensions on the original plot plan submitted with the application. Ms. Buonfiglio notes that the plot plan has since been updated and provided to the Board.

Ms. Buonfiglio also explains that since the last ZBA meeting the petitioner has gone before the Historic Commission and had a site visit. As a result of the meeting, there have been some changes to the roof and architectural plans, namely the roof style. The Historic Commission approved the plans and provided additional suggestions to make the property more inline with neighboring properties with gambrel roofs. The petitioner agreed and the plans have been updated to reflect the new style of roof. Ms. Buonfiglio notes the relief being sought has not changed, but explains the height is three feet higher than originally proposed. Mr. Viccica and Chair Copelas ask where in the plans the dimensions of the new roof height are shown, and ask follow up questions regarding the ridge height, but the dimensions are not found. Chair Copelas suggests a special condition could be made for clarity. There is a discussion regarding the term “deck line” and the clarity of the plans, and Mr. Viccica states he cannot determine from the drawings submitted whether the plans are in accordance with zoning ordinance or not. Ms. Buonfiglio states that the architect represented that the mean roof height of the new plan is three to four feet higher than the original proposal. Mr. Viccica notes there is a specific clause in the zoning ordinance for this particular type of roof, and that more clarity is required. Ms. Vyedin reads from the ordinance, noting that mean height between the eaves and ridge is required for a gambrel roof. The Board discusses the dimensions and drawings further, and determine the drawings appear to be correct and in line with zoning ordinance. Ms. Buonfiglio next presents the updated plot plans with corrected dimensions.

Chair Copelas asks Ms. Buonfiglio to discuss the special permit requirements. Ms. Buonfiglio discusses the special permit request and associated grounds.

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

Motion and Vote: Ms. Vyedin motions to approve 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' ¾") to allow for a full story, under a gambrel style roof subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

9. 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.
10. 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.
11. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Mr. Viccica seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location: **296 Highland Avenue (Map 8, Lot 29) (R1, B2, ECOD Zoning Districts)**

Applicant: **Italo De Souza**

Project: A public hearing for all persons interested in the petition of ITALO DE SOUZA at 296 HIGHLAND AVENUE (Map 8, Lot 29) (R1,B2,ECOD Zoning District) for a Variance, section 4-44 of the Salem Code of Ordinances. Specifically, Section 4-51 On-premises signs in nonresidential districts. Petitioner wishes to have a permanent free standing internally illuminated sign. Internally illuminated signs are not allowed in the Entrance Corridor Overlay District.

Documents and Exhibitions

- Application date-stamped March 15, 2023 and supporting documentation

Chair Copelas introduces the petition, and notes a request to continue was submitted in writing.

Motion and Vote: Mr. Viccica motions to continue the petition of ITALO DE SOUZA at 296 HIGHLAND AVENUE (Map 8, Lot 29) (R1,B2,ECOD Zoning District) for a Variance, section 4-44 of the Salem Code of Ordinances. Specifically, Section 4-51 On-premises signs in nonresidential districts to have a permanent free standing internally illuminated sign, to the next regularly scheduled meeting of the Zoning Board of Appeals on June 21, 2023

Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

REGULAR AGENDA

Location: **18 Scenic Avenue (Map 9, Lot 44) (R1 Zoning District)**

Applicant: **Brant Engstrom**

Project: A public hearing for all persons interested in the petition of BRANT ENGSTROM at 18 SCENIC AVENUE (Map 9, Lot 44) (R1 Zoning District) for a Special Permit per section 3.3.5 Nonconforming Single- and Two-family Residential Structures of the Salem Zoning Ordinance to construct a second-story addition that will include one bathroom and one bedroom. The proposed addition will be within the footprint of the original structure.

Documents and Exhibitions

- Application date-stamped April 10, 2023 and supporting documentation

Chair Copelas introduces the petition.

Brant Engstrom introduces himself and presents front and rear images of the property. Mr. Engstrom also presents current and proposed elevations, and provides a summary of the project to construct an additional story, which would contain a bathroom and bedroom. The proposal is to remove the roof, re-pitch it to twelve-twelve, and adding a dormer across the back, and two dormers in the front. Mr. Engstrom states the inspiration for the design came from his neighbor's home, noting a couple houses in the neighborhood have done something similar. Mr. Engstrom notes an existing chimney that is currently out of use will be removed, and shows an additional portico over the front door. He next presents floor plans of current and proposed conditions and the roof plan, as well as photos of similar homes in the neighborhood. Mr. Engstrom discusses the special permit requirements, and states that the footprint will not change.

Mr. Copelas asks Mr. Engstrom to discuss the grounds for a special permit, and he complies. Mr. Engstrom notes no change to traffic and parking, no impact on the natural environment, and that this will be consistent with neighborhood characteristics. There is a potential positive fiscal impact, and he states there is no potential for detriment to the neighborhood.

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

Motion and Vote: Ms. Ordez motions to approve the petition of BRANT ENGSTROM at 18 SCENIC AVENUE (Map 9, Lot 44) (R1 Zoning District) for a Special Permit per section 3.3.5 Nonconforming Single- and Two-family Residential Structures of the Salem Zoning Ordinance to construct a second-story addition that will include one bathroom and one bedroom, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.

8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. 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.
10. 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.
11. 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, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location: **10 Hillside Avenue (Map 15, Lot 375) (R1 Zoning District)**

Applicant: **Ivonne Pleitez**

Project: A public hearing for all persons interested in the petition of IVONNE PLEITEZ at 10 HILLSIDE AVENUE (Map 15, Lot 375) (R1 Zoning District) for a Special Permit per section 3.3.5 Nonconforming Single- and Two-family Residential Structures of the Salem Zoning Ordinance to construct a 28' x 8' dormer addition for the second floor and to construct one additional bathroom.

Documents and Exhibitions

- Application date-stamped April 12, 2023 and supporting documentation

Chair Copelas introduces the petition.

Ivonne Pleitez and her husband introduce themselves. Mr. Pleitez explains they would like to add a 28 foot by 8 foot dormer to the second floor in order to construct an additional bathroom. Mr. Pleitez presents elevations of the proposal and discusses the need for an additional bathroom and enlarging the bedrooms. The dormer would be in the rear of the house. Mr. Pleitez presents the plot plan and additional elevations.

Mr. Copelas asks if any of the homes in the neighborhood have similar dormers. Mr. Pleitez contends the house across the street looks similar to the proposal.

Ms. Vyedin states this looks similar to the prior proposal and like a standard dormer addition.

Chair Copelas opens the floor to public comment.

Raymond Lafade of 15 Hillside Avenue introduces himself and states he has a dormer on the west side of his home. Mr. Lafade states they are great neighbors and that the houses in the neighborhood are small, and that this change would help them stay in the community with their growing family. Mr. Lafade speaks in favor of the proposal.

Mr. Copelas notes a statement of grounds was submitted and summarizes them.

Motion and Vote: Ms. Vyedin motions to approve the petition of IVONNE PLETTEZ at 10 HILLSIDE AVENUE (Map 15, Lot 375) (R1 Zoning District) for a Special Permit per section 3.3.5 Nonconforming Single- and Two-family Residential Structures of the Salem Zoning Ordinance to construct a 28' x 8' dormer addition for the second floor and to construct one additional bathroom, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. 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.
10. 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.
11. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Ms. Ordaz seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedin, Paul Viccica, Rosa Ordaz, and Hannah Osthoff) and none (0) opposed. The motion passes.**

MEETING MINUTES

March 15, 2023

Chair Copelas states he has no edits or corrections to this set of minutes.

Motion and Vote: Mr. Viccica motions to approve the minutes from the March 15, 2023 meeting of the Zoning Board of Appeals. Ms. Vyedín seconds the motion. **The vote is four (4) in favor, one (1) abstained, and none (0) opposed. The motion passes**

March 22, 2023

Chair Copelas states he recused himself for one petition and that the minutes should be amended to not include him in the vote for that matter.

Motion and Vote: Ms. Vyedín motions to approve the minutes from the March 22, 2023 meeting of the Zoning Board of Appeals, as amended. Ms. Ordaz seconds the motion. **The vote is four (4) in favor, one (1) abstained, and none (0) opposed. The motion passes**

OLD/NEW BUSINESS

266, 282, 282R, and 286 Canal Street Variance Extension Request

Chair Copelas introduce the petition.

Attorney Joe Correnti introduces herself on behalf of Juniper Point Investment Company, LLC. He explains that this request for extension relates to variances the Board issued lat May. Mr. Correnti presents project updates and notes the applicant has since taken on a joint venture partner and plans have been redone. Mr. Correnti explains they do not want the relief to expire while the plans are being updated and the applicant works with the Design Review Board and Planning Board, and so are requesting a six month extension as they work with the two boards. Mr. Correnti states the petitioner will return before the Zoning Board of Appeals with updated plans, as the number of buildings and layout will change.

Chair Copelas states the decision was made May 10, 2022 decision, lasts one year, so requesting a six month extension would run through November 10, 2023.

Motion and Vote: Mr. Viccica motions to approve the six (6) month extension requested by Juniper Point, LLC. Ms. Vyedín seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes**

61 Mason Street Variance Extension Request

Chair Copelas introduces the petition.

Attorney Scott Grover introduces himself on behalf of the petitioner and explains that this decision required that the applicant obtain an easement from Halstead Station. Mr. Grover states it was put in place last year, and now the owners can move forward to start construction once financing is complete. Mr. Grover states this should be the last extension request required. The decision was made on May 10, 2022, so then extension would go to November 10, 2023.

Motion and Vote: Ms. Ordaz motions to approve the six month extension variance request at 61 Mason Street. Ms. Vyedin seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes**

16 18 20R Franklin Street Variance and Special Permit Extension Request

Attorney Correnti introduces himself on behalf of the petitioner, and explains that this project received Chapter 91 waterways license the prior week, which was critical. Mr. Correnti also notes that a demo delay waiver was also obtained from the Historic Commission for the cinderblock garage, which was over 50 years old. Contractors are being signed up and there should be some action on the site in the next couple of months. Mr. Correnti states the extension would go to December 3, 2023.

Motion and Vote: Ms. Vyedin motions to approve the six month extension variance at 16, 18, 20R Franklin Street. Ms. Ordaz seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes.**

9 Franklin Street Variance Extension Request

Attorney Scott Grover introduces himself and explains the extension request. Due to the multiple layers of required permitting and project complexity, Mr. Grover states that there have been some delays but that the property is in agreement to be sold and the new owner will build the project. A building permit must still be issued, based on meetings with the engineering department. Mr. Grover states the extension would go to November 5, 2023.

Motion and Vote: Ms. Viccica motions to approve the six month extension of the approved variances at 9 Franklin Street. Ms. Ordaz seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes.**

ADJOURNMENT

Motion and Vote: Ms. Vyedin motions to adjourn the meeting. No one seconds the motion. **The vote is all in favor. The motion passes.**

The meeting ends at 8:06 PM on April 12, 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

