

**City of Salem Zoning Board of Appeals**  
Meeting Minutes  
June 21, 2023

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, June 21, 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 6:39 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, Hannah Osthoff, and Nina Vyedin. Also in attendance were Daniel Laroe – Staff Planner, Voula Orfanos – Acting Building Commissioner, and Jonathan Pinto – Recording Clerk. Those absent were: Rosa Ordaz

**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 Bill Quinn is here for the Applicant. Not enough board members are available for the vote this evening and the project will need to be continued.

**Motion and Vote:**

Mr. Viccica motions to continue the 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, until the next regularly scheduled Board of Appeals meeting on July 19, 2023.

Ms. Vyedin seconds the motion. **The vote is four (4) in favor (Peter Copelas, Carly McClain, Nina Vyedin, Paul Viccica,) 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.

Mr. Boucher requests to withdraw his petition without prejudice.

**Motion and Vote:** Ms. Vyedin motions to withdraw without prejudice the application 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 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.

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

Location:	<b>31 Cedar Street (Map 34, Lot 52) (R2 Zoning District)</b>
Applicant:	<b>31 Cedar Street, LLC and Salem Residential Rental Properties, LLC</b>
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 Bill Quinn is here for the Applicant. There is a similar issue to 11 ½ Hardy Street in that there are 4 eligible members, but the vote would need to be unanimous. Ms. Vyedin clarifies that they could continue until Ms. Ordaz arrives versus a continuance to the next meeting. The Applicant would like to continue to the next meeting.

**Motion and Vote:** Paul Viccica 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 July 19, 2023.

Ms. Vyedin seconds the motion. **The vote is four (4) in favor (Peter Copelas, Paul Viccica, Nina Vyedin, Carly McClain) 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.

Andy Layman from SignArt and Italo De Souza are present for the Applicant. Mr. Layman recaps the path the Applicant has taken to get to this point. The Applicant says that they are trying to maintain cohesiveness on Highland Avenue.

Chair Copelas feels that this is in keeping with the look of Highland Avenue. Ms. McClain agrees and feels it may be exclusionary. The City Solicitor has recommended that the application be denied, and that the petition come in front of the ZBA. The board is unsure of the direction from the City Solicitor. Mr. Layman reads the city ordinance regarding the Board of Appeals role in this process. Mr. Viccica states that the Board of Appeals overturns the Building Inspector, not Planning Department staff. Mr. Viccica suggest continuing to the next meeting and that they get a very specific request from the City Attorney. The Applicant requests that the fee for advertising the petition be waived if they need to continue.

**Motion and Vote:** Ms. Vyedin 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 July 19, 2023.

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

## REGULAR AGENDA

Location: **30 Belleau Road (Map 32, Lot 310) (R1 Zoning District)**

Applicant: **Leo Krnelis**

Project: The petition of LEO KRUNELIS at 30 BELLEAU ROAD (Map 32, Lot 310) (R1 Zoning District) for a Special Permit per sections *3.3.5 Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance. The petitioner proposes to construct a second story addition that will be 19' x 30" over the existing family room and breezeway. The petitioner's rear yard et back is 20 feet and 30 feet is required.

### Documents and Exhibitions

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

Leo Krnelis is in attendance and shares the site plan and elevations. There is no change to the footprint of the house.

Chair Copelas asks for public comment, there is none.

### **Motion and Vote:**

Mr. Viccica motions to approve the petition of LEO KRUNELIS at 30 BELLEAU ROAD (Map 32, Lot 310) (R1 Zoning District) for a Special Permit per sections *3.3.5 Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance. The petitioner proposes to construct a second story addition that will be 19' x 30' over the existing family room and breezeway. The petitioner's rear yard et back is 20 feet and 30 feet is required with 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. McLain seconds the motion. **The vote is five (5) in favor (Peter Copelas, Carly McClain, Paul Viccica, Nina Vyedin, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location:	<b>266 Canal Street, 282 Canal Street, 286 Canal Street, 282R Canal Street, and 2 Kimball Road (B2, I, ECOD Zoning Districts)</b>
Applicant:	<b>Canal Street Station, LLC</b>
Project:	The petition of CANAL STREET STATION, LLC at 266 CANAL STREET (Map 32, Lot 38), 282 CANAL STREET (Map 32, Lot 37), 2 KIMBALL ROAD (Map 32, Lot 102), 286 CANAL STREET (Map 32, Lot 36), and 282R CANAL STREET (Map 23, Lot 144) (B2, I, ECOD Zoning Districts) for a Variance per Section 4.1.1 <i>Dimensional Requirements</i> of the Salem Zoning Ordinance specifically, for building heights. The petitioner proposes 5 buildings with building heights between 39 feet and 58 feet. In the B2 district, 30 feet is allowed and in the I district, 45 feet is allowed.

#### Documents and Exhibitions

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

Chair Copelas introduces the petition.

Attorney Joe Correnti is here for the Applicant. Jacob Schneider, David Seibert, and Chris Koeplin are in attendance as members of the Applicant team. The solution to the site's parking problem is to provide parking under the buildings, this raises the building, and the parking lot areas will be considered a floor. This addresses flood concerns as well and meets the 2070 flood mitigation standards. Looking for an additional (7) feet on the Canal Street building. The other buildings will need an 11-foot variance each.

Mr. Copelas inquires if any Board of Appeals decisions will affect Planning Board decisions, and vice versa. Attorney Correnti does not anticipate this to be an issue as the Planning Board is currently peer reviews.

Ms. Vyedin asks about the changes and what drove the changes. Attorney Correnti explains the changes starting with downsizing to five (5) buildings from seven (7). Ms. McClain states that she feels good about the plans and the increase in the number of affordable units. Ms. Osthoff finds the scale appropriate due to design features.

Chair Copelas asks for public comment, there is none.

**Motion and Vote:**

Ms. McClain motions to approve the petition of CANAL STREET STATION, LLC at 266 CANAL STREET (Map 32, Lot 38), 282 CANAL STREET (Map 32, Lot 37), 2 KIMBALL ROAD (Map 32, Lot 102), 286 CANAL STREET (Map 32, Lot 36), and 282R CANAL STREET (Map 23, Lot 144) (B2, I, ECOD Zoning Districts) for a Variance per Section 4.1.1 *Dimensional Requirements* of the Salem Zoning Ordinance specifically, for building heights. The petitioner proposes 5 buildings with building heights between 39 feet and 58 feet. In the B2 district, 30 feet is allowed and in the I district, 45 feet is allowed with 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. Vyedín seconds the motion. **The vote is five (5) in favor (Peter Copelas, Nina Vyedín, Paul Viccica, Carly McClain, and Hannah Osthoff) and none (0) opposed. The motion passes.**

Location: **46 Bridge Street (Map 36, Lot 192) (R2, BSN Zoning Districts)**

Applicant: **Derek Thomas**

Project: The petition of DEREK THOMAS at 46 BRIDGE STREET (Map36, Lot 192) (R2, BRIDGE STREET NECK (BSN) Zoning Districts) for a Variance per Section *4.1.1 Dimensional Requirements* of the Salem Zoning Ordinance. The petitioner proposed to convert a single-family residence into a two-family residence. The lot is non-conforming at 3375 sq ft/5000 sq ft required. Also, a Variance from *5.1 Off-Street Parking* where one and half (1.5) spaces per unit is required and two (2) are proposed.

#### Documents and Exhibitions

- Application date-stamped May 30, 2023 and supporting documentation

Chair Copelas introduces the petition.

Derek Thomas is present. Chair Copelas is asking where the variance findings are and if they aren't there then it is an incomplete application. Mr. Viccica agrees. Chair Copelas recommends a continuance.

#### **Motion and Vote:**

Ms. Vyedin motions to continue the petition of DEREK THOMAS at 46 BRIDGE STREET (Map36, Lot 192) (R2, BRIDGE STREET NECK (BSN) Zoning Districts) for a Variance per Section *4.1.1 Dimensional Requirements* of the Salem Zoning Ordinance. The petitioner proposed to convert a single-family residence into a two-family residence. The lot is non-conforming at 3375 sq ft/5000 sq ft required. Also, a Variance from *5.1 Off-Street Parking* where one and half (1.5) spaces per unit is required and two (2) are proposed, to the next regularly scheduled meeting of the Zoning Board of Appeals on July 19, 2023

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



Location: **68 Highland Avenue (Map 14, Lot 155) (R3 Zoning District)**

Applicant: **Dennis Vertiyev**

Project: The petition of DENNIS VERTIYEV at 68 HIGHLAND AVENUE (Map 14, Lot 155) (R3 Zoning District) for Variances per Section 4.1.1 *Dimensional Requirements* the Salem Zoning Ordinance to convert single-family home into a three-family home 2,033 sq ft proposed/3,500 sq ft required for lot area per dwelling unit. A variance per Section 5.1.8 *On-Site Parking* 4 spaces parking are proposed where 5 spaces are required. Also a Variance per Section 5.1.5(6)(b) *Driveway with two-way use* 12 feet wide is required and proposed has varying widths from 7.5 feet, 10.3 feet, and 14.2 feet.

#### Documents and Exhibitions

- Application date-stamped May 25, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Bill Quinn is here for the Applicant and shares background on the project. The project can add a fifth parking space if needed but would prefer not to as it would infringe on the backyard.

Chair Copelas says that if it were a request from a 1 family to a 2 family, would it have been treated as a special permit? Mr. Quinn feels that there is a variance needed regardless of the number of units. Chair Copelas says that it seems like a big ask when its hard to see the hardship of the situation. Attorney Quinn states that his client doesn't find the 2-family option economically viable. Chair Copelas says that they need to meet the 3 conditions needed for a variance.

Mr. Viccica finds that if it is going from a 1-family to a 3-family, then it is maximizing the number of units allowed. Mr. Copelas reiterates the requirements for the variance are in question. Attorney Quinn repeats that variances that change dimension and not the property use are typically supported on appeal and only need to be supported by few circumstances.

Ms. Vyedin is satisfied with the hardship qualification as it is already surrounded by multifamily properties. She is curious as to the size of the units and if they will be livable for people. Attorney Quinn knows that the building inspector will not issue a permit if the space was not livable and safe.

Dennis Vertiyev. has preliminary floor plans that have not been reviewed by the building inspector yet as they are waiting for approval from the Board of Appeals. The building does meet the necessary egresses for a multifamily home as well. 800/800/668 as the square footage for each unit. Mr. Viccica is concerned about the attic unit and if they will need to expand through the roof. The Board struggles to understand the hardship of the Applicant. Mr. Copelas pushes back with the usage as a 2 family. Mr. Vertiyev explains the layout of the 3<sup>rd</sup> floor – 84% of the 3<sup>rd</sup> floor has a ceiling height of above 6 feet, the intent was to create a 3-unit home to accommodate all buyers involved. The thought that the 3<sup>rd</sup> floor would be a studio. Did consider dormers but based on sq ft. evaluation and architectural consultation, no dormers are being sought. The intent of the statement of hardship was to conform with the zoning in place. Mr. Vertiyev consulted with the building

inspector and verified the zoning. He is willing to meet 5 spaces and to widen the driveway to meet the requirements of the variance. This would mean that the only relief being sought would be the minimum square footage for each unit.

Chair Copelas asks for Public Comment

### Public Comment

John Field  
66 Highland Avenue

Is concerned that abutters didn't receive notice of this petition.

This was purchased as investment property; it is currently unoccupied, and the project is already underway. The chimney has been removed, furnace or 3 units are already installed. The property is currently gutted and uninhabitable. All done without proper permits.

The driveway in question is blind with shrubs on both sides.

The 3<sup>rd</sup> floor does not have 2 staircases and would need another egress.

The parking lot would need erosion control.

### Motion and Vote:

Ms. Vyedina motions to continue the petition of DENNIS VERTIYEV at 68 HIGHLAND AVENUE (Map 14, Lot 155) (R3 Zoning District) for Variances per Section 4.1.1 *Dimensional Requirements* the Salem Zoning Ordinance to convert single-family home into a three-family home 2,033 sq ft proposed/3,500 sq ft required for lot area per dwelling unit. A variance per Section 5.1.8 *On-Site Parking* 4 spaces parking are proposed where 5 spaces are required. Also a Variance per Section 5.1.5(6)(b) *Driveway with two-way use* 12 feet wide is required and proposed has varying widths from 7.5 feet, 10.3 feet, and 14.2 feet, to the next regularly scheduled Board of Appeals meeting on July 19, 2023.

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

Location: **207 Highland Avenue (Map 13, Lot 2) (B2 Zoning District)**

Applicant: **Rogus Motor Group**

Project: The petition of ROGUS MOTOR GROUP, LLC at 207 HIGHLAND AVENUE (Map 13, Lot 2) (B2 Zoning District) for a Special Permit per Section 3.1.4 *Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate an automobile dealership specializing in the sale, service, and general body repair of motor-vehicles. Also, a Special Permit per Section 5.1.7 *Shared Parking* to share the parking lot with the other tenant at the site.

### Documents and Exhibitions

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

Chair Copelas introduces the petition.

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Attorney Bill Quinn is here for the Applicant. The site has always been automotive, and the Applicant wants to open a used car dealership and will share parking with the other business on site. Shared parking for the other business was approved in 2015. The facility will be 8-5 and will not disrupt the neighborhood.

Mr. Copelas asks for exhibit B to be pulled up. The chair inquires about the increase in Davita's parking and that leaves 109 spots for the used car lot and the sale, service, and general body repair. Attorney Quinn reiterates that this will meet all requirements for traffic and safety.

Ms. Vyedin ask for clarification of light auto work. Attorney Quinn says it isn't spelled out in the bylaws. Most of the work will be done on the cars for resale.

Mr. Viccica is not happy with the plan submitted. Would like to know the amount of car inventory, how many employees, how cars will be stored overnight, what are the required spaces for body repair, etc. Mr. Copelas and Mr. Viccica request that these numbers be put on paper and resubmitted to the board.

**Motion and Vote:**

Ms. Vyedin motions to continue the petition of ROGUS MOTOR GROUP, LLC at 207 HIGHLAND AVENUE (Map 13, Lot 2) (B2 Zoning District) for a Special Permit per Section *3.1.4 Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate an automobile dealership specializing in the sale, service, and general body repair of motor-vehicles. Also, a Special Permit per Section *5.1.7 Shared Parking* to share the parking lot with the other tenant at the site, to the next regularly scheduled Board of Appeals meeting on July 19, 2023.

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

Location: **307 Highland Avenue (Map 8, Lot 138) (B2 Zoning District)**

Applicant: **Carfive Realty, LLC**

Project: The petition of CARFIVE REALTY, LLC at 307 HIGHLAND AVENUE (Map 8, Lot 138) (B2, ECOD Zoning Districts) for Special Permit per Section *3.1.4 Principal and Accessory Use Regulation* of the Salem Zoning Ordinance to operate a motor vehicle rental business.

Documents and Exhibitions

- Application date-stamped May 31, 2023 and supporting documentation

Chair Copelas introduces the petition.

Attorney Quinn is here for the Applicant. 307 Highland Avenue is currently vacant and close to the intersection of Swampscott Road. The site sits on the corner of Green Ledge Street, a dead-end

street that leads to further commercial property. The Applicant would use Greenledge Street as the access to the property. There would be 45 spaces for cars, hours of operation would be 8-5 M-Sa.

Mr. Copelas asks if there was correspondence from the Building Commissioner? Voula Orfanos, Acting Building Commissioner is present. The Applicant had started the business without proper permitting about a month ago. They were cited for that. Before that they were locating cars from across the street and storing cars there. Concerned they will be coordinating businesses from across the parking lots. Attorney Quinn is open to discussing the effects of the two businesses. Mr. De Souza jumps in and says that he thought it was allowed for rental car use but was only light automotive use. The Building Commissioner wants each building to use the spaces for permitted use. Mr. De Souza clarifies that he will be using the properties only as committed. While it will be a rental car company, they will have the vehicles there for cleaning. The car dealership business pays for this business to clean the cars. Ms. Vyedin feels it would hard to enforce the separation and would like to know the negative effects on the lots. Ms. Orfanos says "lots of cars, over stacked, etc." Ms. Vyedin wonders about limiting the number of cars versus property use. How will this be enforced? Mr. De Souza would like to clarify that they did have a Business Certificate two months before but hadn't realized that they needed a Special Permit. He would like to have the number of cars limited as that is more tangible than limiting the use.

Mr. Viccica asks if the rentals are for sale? Italo, no, strictly a rental car business. The cars are cleaned at this property but moved across the street for sale.

Chair Copelas asks for public comment, there is none.

Ms. Vyedin asks about the conditions of the decision. Should there be anything in there about 3 parking spaces. Mr. Copelas would like the condition of entering and exiting Greed Ledge Street added to the decision.

### **Motion and Vote:**

Ms. Vyedin motions to approve the petition of CARFIVE REALTY, LLC at 307 HIGHLAND AVENUE (Map 8, Lot 138) (B2, ECOD Zoning Districts) for Special Permit per Section 3.1.4 *Principal and Accessory Use Regulation* of the Salem Zoning Ordinance to operate a motor vehicle rental business. This will be subject to standard conditions as well as several special conditions.

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

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.
10. The property will only be accessible by Green Ledge Street and access from Highland Avenue will be prohibited.
11. The property will only be used for car rental business.

Mr. Viccica request that the Applicant check with the Salem Fire Department prior to implementing condition 10.

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

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## APPROVAL OF MINUTES

### April 24, 2023

Ms. McClain asks for a change from leakage to linkage on page 1.

**Motion and Vote:** Ms. Vyedin motions to approve the minutes from the April 24, 2023 meeting of the Zoning Board of Appeals with changes. Mr. Viccica seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes**

### May 17, 2023

Board members did review these minutes and will be approving them at the next meeting on July 19, 2023.

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## OLD/NEW BUSINESS

Mr. Laroe will make inquiries with City Solicitor and will get members to listen to recordings in order for board members to sign a Mullins affidavit and be able to vote on the continued petitions. Ms. Osthoff will listen to meetings, so she is able to vote next time and not continue petitions.

Ms. McClain would like to waive fees for 296 Highland Avenue as they are not at fault for the need to readvertise.

Ms. Vyedin will be absent from the August meeting.

## ADJOURNMENT

### **Motion and Vote:**

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

**The meeting ends at 8:58 PM on June 21, 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