

City of Salem ZBA of Appeals
Meeting Minutes
Wednesday, February 28, 2018

A meeting of the Salem ZBA of Appeals ("Salem ZBA") was held on Wednesday, January 28, 2018 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

Chair Curran calls the meeting to order at 6:30 pm.

ROLL CALL

Those present were: Chair Rebecca Curran, Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Jim Hacker. Also in attendance - Erin Schaeffer - Staff Planner and Building Commissioner- Tom St. Pierre

REGULAR AGENDA

Project	A petition requesting a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home.
Applicant	NEIL P. CLINTON
Location	8 NURSE WAY (Map 14 Lot 327)(R-1 Zoning District)

Documents and Exhibitions

- Application dated January 29, 2018 and supporting documentation

Neil Clinton- Petitioner presents the petition. The petitioner is proposing to construct a 600 sq. ft. accessory living area within the existing footprint of the house. The accessory living area will be used by Mr. Clinton's elderly parents and provide all the amenities to provide companionship, security, dignity and independent living. Neil and Kelly Clinton, husband and wife, and property owners, live at this property. The size of the accessory living area is less than the maximum of 800 square feet.

Chair Curran- Confirms that the accessory living area is contained within the existing footprint of the building and no addition is proposed; occupants of the accessory living area are family members.

Mr. Clinton- Confirms.

Chair Curran- reviews the requirements provided in the ordinance.

- 3.1 The single family detached dwelling is located in the R1 District or is a non-conforming single-family residence use within any district.
- 3.2 At least one owner shall reside in the dwelling as a principal place of residence.

- 3.4 One occupant of the accessory living area shall be a family member with one owner of the main dwelling unless the occupant shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory living area. A family member shall include mother, father, stepmother, stepfather, mother-in-law, father-in-law, child, stepchild, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, grandmother, grandfather, grandchild, aunt, uncle, niece or nephew.
- 3.5 Not more than one (1) accessory living area shall be located upon a single lot.
- 3.6 Modifications of the exterior of the dwelling shall be completed in a manner that maintains the appearance of the dwelling as a single-family dwelling.
- 3.7 No separate entry to the accessory living area shall be permitted unless from existing entries, from within the main dwelling, from the back or from the side of the main dwelling.
- 3.8 The accessory living area shall not contain more than two bedrooms, and shall not contain in excess of eight hundred square feet, which may be exceeded by 5% due to peculiarities of the layout of the main dwelling.
- 3.9 The accessory living area must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the main dwelling.
- 3.10 There shall be interior access between the accessory living area and the main dwelling unit, which may be locked from either side.

Ms. Curran- Confirms the configuration of the proposed entry to the accessory living area.

Mr. Clinton- The location of the accessory living area is in the existing walk-out basement. There are two (2) entry points including existing sliding glass doors that allow access straight out into the backyard and the secondary exit is through the house. There is a stairwell to the garage to the main area.

Ms. Curran- Continues to confirm the additional requirements 3.7-3.10. How many parking spaces do you have?

Mr. Clinton- There is a garage that accommodates two (2) cars and a driveway that accommodates two (2) cars.

Ms. Curran – states that the owner shall promptly notify the Zoning Board of Appeal of any changes in the use of the accessory living area.

Chair Curran opens public comment.

The Board finds that the petitioner meets the requirements of the Salem Zoning ordinance.

Mr. St. Pierre- Confirms that the drawings that were submitted were the original as-built plans for the existing house.

No members of the public wish to speak either for or against the petition.

Motion and Vote to close the public hearing: Mr. Duffy makes a motion to close the public hearing. Seconded by Mr. Copelas. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to close the public hearing portion of discussion.

Ms. Curran- The proposal meets all of the requirements of a special permit and the provisions of Section 3.2.8 of the Zoning Ordinance. This is exactly what the ordinance intended to do.

Mr. Duffy- Agrees.

Motion and Vote: Mr. Duffy makes a motion to approve the petition requesting a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to the petition.

Project A petition requesting a Variance per *Sec. 3.2.4 Accessory Buildings and Structures*, of the Salem Zoning Ordinance, to allow the petitioner to construct three (3) silos within the minimum allowed distance from the building and exceed the maximum height requirement.

Applicant **JACQUELINES GOURMET COOKIES**

Location **96 SWAMPSCOTT ROAD (Map 7 Lot 70)(I Zoning District)**

Documents and Exhibitions

- Application dated January 30, 2018 and supporting documentation

Attorney Joseph Correnti- 63 Federal Street- Presents the petition. Mark Hazel, President of Jacqueline's Gourmet Cookies, and Derwin Flannery, Operations Manager are also present. Jacqueline's Gourmet Cookies is an outstanding example of a business in Salem located on Technology Way and the business continues to commit to improving their operations and site. The petitioner is before the Board to request dimensional relief for flour silos. There are currently silos that are adjacent to the building. Jacqueline's Gourmet Cookies is located at the rear of the building.

The business is looking to add up to three (3) flour silos for each of the unique flour types and to continue to streamline flour delivery and production. It is noted that the petitioner's application was filled with a request for dimensional variances and a special permit. However, the petitioner is withdrawing the request for a special permit. The petitioner does not need a special permit. The petitioner needs two (2) dimensional variances for the proposed silos. The silos fall under the category of accessory structures in the zoning ordinance. In the Salem Zoning Ordinance, Sec. 3.2.4 Accessory Buildings and Structures require fifteen (15') feet from a primary structure and the height limit is eighteen (18') feet. The ordinance is meant for a garage type building and does not really consider silos.

The petitioner is requesting two (2) variances to construct up to three (3) silos. The proposed silos will be located six (6") inches from the building. The silo height is up to fifty-seven (57') feet and are cylindrical in shape.

Mark Hazel- President of Jacquelines Cookies- By having larger silos, it allows the flour truck deliveries to be scheduled differently. Now there is about a seven (7) day window to order pastry flour. Sometimes there are days that the flour from the truck cannot be unloaded because the bakery has not used up the flour reserves. A higher silo will allow the company to have two (2) loads brought in and allow for more flexibility in production logistics as the company grows. Right now, the company does two (2) to three (3) truckloads of flour a week, which is not excessive. With the new taller silos, there will still be no changes to the type of trucks used for flour delivery. There will be no changes to noise. The silos will help support purchasing and operations.

Derwin Flannery- Operations Manager Jacquelines Bakery- The silos that we are installing are about fifty (50') feet tall. We requested relief for fifty-seven (57') feet because there are some appendages on top of the silo including safety features and railings that are required. The drawings that are presented include a side view showing the existing and proposed silos. The existing silos are approximately twenty-four (24') feet tall, the nitrogen silo is about forty (40') feet and the side of the building is about thirty-three (33) feet in height.

Attorney Correnti- The silos are a benign use and are connected by tubing into the building. The flour is fed from the silo into the plant through tubing. This operation is virtually noise free. There will be no additional truck traffic or additional deliveries. Instead the additional silos allow for more efficient delivery of flour. The proposed silos are located on the side of the building quite a distance off of Swampscott Road.

Chair Curran- Confirms that the silos need to be so close to the building because the silos need to have direct connection into the building.

Mr. Flannery- The blowers that are on the silos produce about eight (8) psi pressure. Any distance between the silos and building would require additional pressure and a larger silo to be able to move the flour out of the silos at the correct rate. There would also need to be larger and noisy blowers if there is a greater distance between the silos and building. Currently, there is no noise, but if larger blowers were required, the business could have some negative effects on the surround environment. If the distance requirements of fifteen (15') feet were met, the company would have to blow the flour from the silos across the parking lot.

Chair Curran- Confirms that if the height of the silos were eighteen (18') feet, the silos would not work.

Mr. Flannery- Correct.

Chair Curran- No problem with the petition. The Board did grant past relief for something similar. On the application I understand that you thought you were getting a special permit when you applied, so the statement of grounds is for the special permit. Please address the statement of grounds for the variances.

Attorney Correnti- Indeed, the petitioner is requesting two (2) variances. When one looks this business and operation, the silo size and location is unique and necessary for the operation of the required machinery. To look at the ordinance, the ordinance does not contemplate silos. The industry standard calls for silos of this size for this special use. If the applicant was limited to 18' feet, the applicant would need to have at least (24) silos. We have a cookie factory plant and the ordinance does not contemplate this specific use. It is important to keep a business like this in Salem and could grant this relief without any detriment to the public good. There is no proposal to increase traffic, the operation is noiseless, and by allowing these silos, it would benefit the business.

Ms. Curran- Opens comments for other Board members. No other Board members wish to speak.

Ms. Curran opens public comment.

Lori Barish- 19 Britannia Circle- Speaks in opposition to the petition due to concerns about noise during construction. How are the silos going to get there? 96 Commerce is a very busy place and because we are up on the cliffs, we here and see everything that goes on here. The trucks have to come and go on Swampscott Road. There will be construction impacts that will be extremely noisy. I would like to know how the petitioner will ameliorate noise from construction. Right now, it is extremely noisy from trucks idling. They upkeep the property really nicely, but unfortunately it is really noisy. There was a roof construction project last summer from 6am-7pm at night. We can't open our windows. Jackhammering was going on during the day and we couldn't open our windows. What will be done to ameliorate the construction noise?

Ms. Curran- I will have the petitioner describe the construction and proposed timeline. This Board can put conditions on the special permit for construction.

Ms. Barish- It doesn't seem to work.

Ms. Curran- That is something that we can do to mitigate disruption during construction. How does this work? Do the silos come in fully assembled?

Mr. Flannery- These will come in fully assembled. We will have to build a new pad for this. So that will be some noise that has to happen. The ground will need to be dug out about two (2) feet deep, rebar will be laid, and cement will be poured. This work is about a one (1) week process. It takes twenty-eight (28) days for the cement to cure. Once it cures, the silos will be delivered on the back of a truck fully assembled. A crane will lift the silo in place and then the piping will be connected. There is approximately forty (40) feet of piping that will run externally to the building. More than likely it will be less than two (2) days that it will take for the installation of the electrical and piping.

Ms. Curran- That would be done and we can condition as such to allow work during the week and not on the weekends. It sounds like the work will be done when the weather is nice.

Ms. Barish- Well that is kind of the problem. We can't open our windows.

Ms. Curran- Right. So, it sounds like the construction will be a few weeks from beginning to end.

Mr. Flannery- The goal is a ten (10) week building time plus installation. The company hopes to have the installation done before May.

Ms. Curran- This Board can limit the hours of operation of construction. Beyond that...

Ms. Barish- Well that didn't work with the roof rehab.

Ms. Curran – This Board did not approve that project. It was just a building permit.

Ms. Barish- I don't know. I'm kind of new to this. Construction is really disruptive and can't open our windows during the day.

Ms. Curran- This particular addition is not going to add any noise to the long-term operation of the facility. Will there be any additional truck deliveries?

Mr. Hazel- We will continue with the same number of truck deliveries like we have since 2008. All of our blowers are internal to the building so there is nothing outside.

Ms. Barish- I have never heard anyone complain about blowers. To us it's the traffic.

Ms. Curran- Please speak through the chair. It sounds like nothing is changing in terms of the noise being generated. We can condition that the construction only take place during the weekdays from 8am to -5pm per the construction ordinance.

Ms. Barish- 96 Commerce...

Mr. Copelas- You have other remedies beyond the Board of Appeals for noise enforcement.

Ms. Barish- I have tried that.

Mr. Copelas- Well that is not our purview.

Ms. Barish- I just came to talk about the noise, traffic, construction. I was just curious how this was going to be ameliorated.

Ms. Curran- So that is how we will do this.

Ted Stones- 4 Britannia Circle- I just have a question for information. I am not against putting silos in and am in favor of Jacqueline's business. The silo is now above the roofline. If there were ever an explosion in the silo, the building would absorb the energy from the current shorter silo. The question is if there were a dust explosion would there be a dust radius that could potentially affect the folks on the other side of Swampscott Road.

Mr. Flannery- On these particular new panels they are better than our current silo. The older silos were not designed with explosion relief that many years ago. About three (3) years ago, they changed the laws on the specifications of the silos. The electrical has to be upgraded to explosion proof electrical and now have to install two (2) three foot panels on the sides of the silo so if there is an explosion, these panels are designed to blow out and allow pressure relief in a directional location instead of blowing off a roof or something. The new silo is designed now with this pressure relief if something catastrophic were to occur. So that is in the design of the silo and I can provide additional information if needed.

Motion and Vote to close the public hearing: Mr. Duffy makes a motion to close the public hearing. Seconded by Mr. Copelas. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to close the public hearing portion of discussion.

Any Board discussion, questions or comments.

Mr. Copelas- Do you envision for up to three (3) silos being adequate for your business plan for three, five, and seven years? Or is this something that is more of an intermediate solution.

Mr. Hazel- We have two (2) silos, one for pastry flour and the other for bread flour. Based on the volume that we are producing, we will need two (2) to three (3) flour deliveries a week. When we get an actual flour delivery, it is probably 35-40 minutes to unload the flour into the vessel. To double the size to support two (2) or three (3) more flour deliveries, we would have to continue to grow a lot. The new silos are really to allow the business to secure procurement better and have more flexibility within the lines. These additional silos will not have a noise impact. I know ten (10) years ago, our equipment was making a noise, and the company spent \$10,000 to install a baffling system to breakdown the noise. It was a request from Britannica Way.

Ms. Barish- I have only been there for four (4) years.

Mr. Hazel- We went over and met with that person, conducted a noise study and learned that a lot of the noise was coming from car traffic along Swampscott Road. The ballast roof was replaced last year.

Ms. Barish- That was a nightmare.

Mr. Hazel- I know. However, the construction was within the City's working hours. I do not think there is any way to avoid temporary construction noise.

Ms. Barish- And we were warned.

Ms. Curran- Okay. Does that answer your question? Anything else?

Mr. Duffy- It seems that we have granted similar relief for another silo. It seems that this will provide a new slightly bigger silo. The silos are all aligned along the side of the building. We have heard from council and the applicant why the petitioner is proposing the additional silo. A silo is a particularly unique accessory structure. This is not your typical shed, which is what the ordinance intended to regulate. The silo does serve to help a business to grow, stay and is a vital part to Salem's business profile. There is enough information to support a reasonable finding on the variance determination.

Ms. Curran- concurs and suggests that the Board consider the standard conditions and one special condition to limit the hours of construction from 8am-5pm Monday through Friday.

Motion and Vote: Mr. Duffy makes a motion to approve a Variance per *Sec. 3.2.4 Accessory Buildings and Structures*, of the Salem Zoning Ordinance, to allow the petitioner to construct up to three (3) silos within the minimum allowed distance from the building and exceed the maximum height requirement. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, Mike Duffy) in favor and none (0) opposed to the petition.

Project	A petition requesting a special permit per Sec. <i>3.3.3 Nonconforming Structures and 3.3.4 Variance Required</i> of the Salem Zoning Ordinance, to extend an existing nonconforming structure, specifically to extend an exterior wall the same nonconforming distance within a required yard.
Applicant	309-311 HIGHLAND AVENUE LLC
Location	309-311 HIGHLAND AVE (Map 8 Lot 139)(B2, ECOD)

Documents and Exhibitions

- Application dated January 25, 2018 and supporting documentation

Mr. Copelas- Can you clarify whether the petitioner is requesting a special permit or a variance?

Ms. Schaeffer- to clarify, the petitioner is requesting a special permit per Sec. 3.3.3 Non-conforming Structures of the ordinance and Sec. 3.3.4 Variance Required, directs the petitioner back to Sec. 3.3.3 Non-conforming Uses. I added it to the legal notice because it is referenced in the application.

Ms. Curran- Okay. Practically speaking the petitioner is requesting a special permit.

Ms. Schaeffer- Yes.

Attorney Joseph Correnti-63 Federal Street- Presents the petition. The property was formerly a Stutz Volvo and Mazda dealership and now the petitioner is before the Board to request a special permit to extend the building. It is a simple request, but wants to explain the potential use to bring in a great New England business of Town Fair Tire. The petitioner will occupy the front building along Highland Avenue.

The petitioner is requesting to extend an existing non-conforming structure along the same wall. Mr. Correnti presents the plans to the Board. This building is about 1.9 feet from Green Ledge Street and this is what makes this building dimensionally non-conforming. The petitioner is proposing to extend the building along the same 1.9 foot dimension to allow a 1,900 square foot addition for the construction of four (6) garage bays. These are drive-in bays where customers can purchase tires and have them installed. There are two (2) existing bays in the building. The petitioner is proposing a total of six (6) bays, which is typical for an operation like this.

The use is permitted by right in the B-2 Business Highway Zoning District. It is a continuation of the automotive use that has been on this site for the past 50+ years. The entrance to the property will remain the same off of Swampscott Road and onto Dipietro Avenue. This has been the entry to the property forever. This site has no curbcut on Highland Avenue. Green Ledge Street is a private way which is shared and used by abutters on both sides of the street. This use generates less traffic than the automobile dealership, generates a lot less traffic than some of the other permitted retail uses in the B-2, which could go in this building as of right. The hours of operation are limited compared to other typical uses of this site.

John Gorviskowski- Town Fair Tire representative- Our hours of operation are six (6) days a week. Saturdays we are open from 8am-4pm and Monday through Friday we are open from 7am-6pm. Typically, the tires are sold to customers in the front and the tire installation is done in the back. Most of our sales are by appointment. There are some sales that are done on a first come first serve basis. Customers are more than welcome to come without an appointment, but the majority of customers make an appointment.

Attorney Correnti- How many operations does Town Fair Tire have?

Mr. Gorviskowski- We operate about 9,500 locations in New England.

Attorney Correnti- The hours of operation are fairly benign compared to other types of retail uses that could be located on this property. Town Fair Tire will be closed on Sundays and operate from 8am-4pm on Saturday.

The relief requested is to extend the existing non-conforming structure for a small addition to allow this company to have space to change tires. I understand that the Board received some documentation from an abutter. If you have any questions on that I would be happy to address it, but would like to keep it to the requested relief.

Ms. Curran- Is there access off of Green Ledge Street?

Attorney Correnti- There is a curbcut opening on the plan, off of Green Ledge Street. There is a sliding gate across the curbcut here toward the rear of the property

Ms. Curran- Does that mean that the main entrance is off of Dipietro Avenue?

Attorney Correnti- Yes, the main entrance will continue to remain off of Dipietro Avenue, where it has always been. This entrance was used for both previous dealerships and has always been there and will continue to be.

Ms. Curran- Is Dipietro Avenue controlled by the light?

Brandon Lee- Kelly Engineering- Yes. I went to the site before the meeting and there is a light right on Dipietro Avenue.

Ms. Curran- Okay, so there is a specific cycle for that street.

Mr. Gorviskowski- Confirms that there is a specific light cycle for Dipietro Avenue.

Ms. Curran- It looks like if you pushed this addition toward the interior of the site, to meet the ten (10) ft setback requirement, it would be too pinched on the interior of the site to allow adequate traffic circulation.

Attorney Correnti- Yes. It would prevent access for cars coming out of the bays.

Ms. Curran- This expansion of the non-conforming structure, as proposed, makes a better layout. Ms. Curran confirms that there will be four (4) service bays in the addition and the existing front portion of the building stays the same.

Do Board members have any questions?

Mr. Copelas- Could you discuss deliveries?

Mr. Gorviskowski- We get the standard deliviers, UPS and FEDEX, and then we get a delivery of tires every other day to every day. The tire deliveries will be loaded and unloaded on-site.

Mr. Copelas- Confirms that tires will be delivered daily.

Attorney Correnti- Yes and those tires will be delivered and unloaded on the site.

Ms. Schaeffer- What are the sizes of trucks that will be making deliveries?

Mr. Gorviskowski- All types of truck sizes.

Ms. Curran opens public comment.

Arthur Theophilopoulos- Anarpet Realty Corp. Inc., owner of Young World Academy- speaks in opposition to the proposal for the reasons setforth in a letter to the Board dated February 27, 2018. I reviewed the application and submission. I have nothing against the applicant or the company, but there are some serious problems with the design and the usage of this property. In my letter, I start out with the deficiency with the application. The variance box is not checked off on the application. Mr. Theophilopoulos reads excerpts of his letter into the record. We have a number of numbers here, Anarpet Realty Corp. Inc., owner of Young World Academy are against the proposed addition, building an almost 200 foot long wall down the side of Green Ledge Street. The extended facades, signage and stairs... Historically, the building was non-conforming. The building was built in the 1960's. In 2002, Stutz renovated this building and received a special permit. They tore down and reconstructed the front part of the building and added a façade around the building, which was not on the original plans. The visibility from Highland Avenue onto Green Ledge Street was further reduced by this renovation, which is a problem for my school and anyone entering and existing Green Ledge Street. With that said, I am against any additional buildings being built along Green Ledge Street. Visually it is not nice and adds to the clutter on this street. Adding the facades for Town Fair Tire extend further over the street by a couple of inches. I had an engineer actually do a diagram and he showed that the façade hung over Green Ledge Street by about two (2) inches. Now the signs on this proposal are further extended. I am against the addition because it doesn't add anything to the property. There is no information as to the impact on the abutters on the neighborhood including traffic. The intersection is rated a 5, the worst intersection rating. My traffic comes around to enter Green Ledge Street. If this intersection blows up with more traffic and business, someone would have to do a study to convince me that this intersection will not be so overloaded that it would affect my families who are already having problems picking up their kids later in the day. To get onto Green Ledge Street I think it will get bottle necked over there. If you have enough traffic, I am not sure how customers will get in and out of here. How are the trailers going to get up and in here and turn around? There is a gate abutting Green Ledge Street. We have had a lot of litigation over the years with Stutz over the rights to use Green Ledge Street. The car dealership used Green Ledge Street to unload cars, trailers and caused a bottle neck and using my driveway just to get out. I don't want that traffic there. I don't need it and it is a serious problem. I don't want the trucks to even use Green Ledge Street. The court made a ruling, that was submitted to the Board, and it specifically states...

Ms. Curran- Before you do that, because this could be all for nothing. To the applicant, will there be any tractor trailer trucks that will access Green Ledge Street?

Mr. Gorviskowski- Definitely.

Mr. Theophilopoulos – Lots 561 and 502, “Do not have easements over Green Ledge Street by virtue of a theory of easement by estoppel based on the conveyance of lots shown on a recorded plan described in the order and decision.” This is one of the orders, Dipietro Avenue does not have rights over Green Ledge Street and traffic does not belong on Dipietro Avenue and traffic from Green Ledge Street doesn’t belong on Dipietro Avenue. Stutz placed a gate up here. He didn’t want my traffic bothering his intersection. I didn’t want his traffic cutting over there. He always kept the gate up. When Hometown came in, he kept the gate open, which caused problems, so we have some more judgements from the court regarding the use of Green Ledge Avenue and who can use the street. I don’t want them in my parking lot or extra usage of Green Ledge Avenue. There is additional language in the decision about the safety of children. So... going back. We do not have a clear way about which way the trailers will be in and out.

Ms. Curran- Before we get to that, you have concerns about the look of the building and issues with the delivery trucks, the light, water conditions, and inadequate parking. What are the water condition issues and parking?

Mr. Theophilopoulos- The properties were once ledge and do not have drainage. All of the lots are pitched toward Green Ledge Street. So what we have are water flows under the barriers here and the water causes flooding of Green Ledge Street, ice over, and blow off the manhole cover. The lots need to contain their own water. This condition goes way back , but is problematic. I have families and children getting in and out and constantly needing to salt the street.

Ms. Curran- Okay we get that there are drainage problems. The last thing that you described is inadequate parking?

Mr. Theophilopoulos- If there is inadequate parking in the lots, I do not want that to overflow into the street or my lot. Will the trailers take up any parking? I know they are very busy, I do business with Town Fair Tire. I am afraid that this is too much of an operation for this intersection to handle and the back up and people parking will be on my property. I don’t want people to think that I am part of the Town Fair Tire.

Sierra Grant- Representative of Sue Spinelli of 1 Dipietro Avenue- She unfortunately recently had surgery and could not attend this meeting. They have concerns as abutters and we wanted to make sure that we are present here. We are working with the petitioner and wanted to be here to make sure that we preserve their rights.

Tim Flynn- Ward 4 City Council- With the size of the operation, had the petitioner conducted any kind of traffic study on Highland Avenue, Swampscott Road and Marlborough Road. I don’t know if there has been a study done in the area where there is not good traffic flow at this time.

David Westcott- 303-305 Highland Ave- Concerned about traffic and keeping traffic down on the “U”. On the other side is a 10-12 foot right of way that is not intended for public use behind.

Ms. Theophilopoulos- We own the property next door and we have had nothing but problems with the 309-311 Highland Avenue building. The proposed changes to the existing building are extremely tall and will block off more of our Green Ledge Street and it is also causing problems because the cars and trucks will not be able to go out onto Dipietro Avenue. This is a variance, not a special permit. They presented a special permit, which it is not. We are very much against it. We have had problems and court sessions and children over there that have gotten, sometimes, close to having accidents because when trucks and cars come from the lights onto Green Ledge Street, they put the gas on ready to go. The building is on top of the sidewalk and it should be back 50feet. We can’t get in, we can’t get out of Green Ledge Street. It’s a problem. We are against this business going there. The area cannot support it.

Ms. Curran- First address the issue between the special permit and variance request.

Attorney Correnti- There is no variance request. The petitioner is requesting a special permit.

Ms. Curran- The building is a pre-existing non-conforming dimension.

Attorney Correnti- That has been the interpretation and ruling for many years.

Tom St. Pierre- Confirms interpretation of the Zoning Ordinance.

Attorney Correnti- Presents and submits a traffic analysis from Ron Muller and Associates. In summary the proposed Town Fair Tire is a significantly lower traffic generator than then previous automobile dealership and other uses of the property that could be by right. The use that we are talking about is a permitted use in the B-2 district. Town Fair Tire belongs on Highland Avenue, Swampscott Road and Green Ledge Street. The zoning is a Business Highway district. This had been a good tax paying property and the owners here are going to use it. We think that this use of the property is a less intensive use than some of the other potential tenants of the property. When we have a use that is closed on Sundays and limited hours on Saturdays and doesn’t operate at night this is a good fit. The school is located in a business highway district. What would be worse for the abutters is if this business became vacant. The property was just sold and are good neighbors. We are aware of past issues. We have seen the submitted litigation and decisions. We are pleased with those decisions because it says that Green Ledge Street is to be used and shared. This is not a private driveway to the school Green Ledge Street is to be used and shared by the abutters. We understand that Green Ledge Street cannot be overburdened by one particular user. We understand that this was a past problem with car carriers unloading car carriers, but that is not our intent. The traffic analysis concludes that this is a less intense use, especially with the hours that we are proposing, than other retail uses. We would not be before the Board for a more intensive business highway use. There would be no addition, we would just put in a store. Town Fair Tire is just a better fit for this site. We are not changing the site in any significant way. If there are drainage issues, we will work with the City to address them, but that is not a reason to not allow the use of the property as a business use. As for neighborhood character, this property is along Highland Avenue and is zoned as a business neighborhood use. Town Fair Tire is the neighborhood character. This is where these businesses are

intended to go. The potential fiscal impact is positive. This property sitting vacant isn't good for anyone. Town Fair Tire will be a good neighbor and is an excellent company.

Ms. Curran- The tractor trailers, how do deliveries work?

Brandon Lee- Traffic Engineer- Delivery vehicles could come off of Highland Avenue to Dipietro Avenue and use the existing driveway for this property. The parking isle on site is thirty-three (33) feet wide. A typical parking isle is twenty-four (24) feet wide. The expanded parking isle will allow trucks to have access through and to the rear of the property where the trucks will be loaded and unloaded on the property. There is a tire cage at the rear of the property where the tires will be unloaded and unloaded. After the tires are unloaded, trucks will be able to exit through Green Ledge Street, which has a full width pavement surface. Green Ledge Street is forty (40) feet wide. Vehicles cannot park on Green Ledge Street so there is a large turning radius.

Ms. Curran- Okay, so you would not be backing up on Green Ledge Street? You would be coming in one way and out the other, or reverse to take a left using the light.

Mr. Lee- Correct. Like John mentioned, there will be different types of vehicles making deliveries. Any vehicles that can make the turn are the delivery, those are the vehicles that will be used.

Ms. Curran- Would the turning radius limit the type of vehicle that could go there? Can an 18 wheeler truck make that turn or would deliveries be coming in smaller trucks? I would imagine that there are a variety of sizes.

Mr. Gorviskowski – An 18 –wheeler truck could fit in this driveway.

Ms. Curran- Okay.

Ms. Curran- Drainage. I know the entire site is impervious now.

Brandon Lee- The petitioner is reducing impervious area. Mr. Lee shows site plans with a reconfiguration of the parking layout and landscaping. Along the rear of the property, side and front there will be some pavement that is removed and landscaping will be incorporated to provide more sufficient areas for drainage. There is another smaller building on the site that will be demolished and the land will be loamed and seeded. The parking in the front will reconfigured and some pavement will be pulled out to provide areas for depressed islands to hold water on the site for infiltration. The roof runoff will go through roof drains and also help to reduce runoff from the side.

Ms. Curran- Confirms the height of the proposed addition.

Mr. Gorviskowski- The total height of the addition is 19.5 feet. The existing building is sixteen (16) feet.

Ms. Curran- There is no space between the addition and Green Ledge Street for landscaping to visually break up the wall, but architecturally, the petitioner is proposing a gable.

Mr. Gorviskowski- We could add more architectural details including some pillars and differing materials. The materials are steel and masonry, but we could dress up that wall. The overhangs can be reduced so as to not encroach over Green Ledge Street.

Ms. Curran- I understand the neighbors concern. How do you direct people from not entering onto Green Ledge Street?

Mr. Gorviskowski- We are removing the side staircase and providing signage close to the light. You also can't turn left across Highland Avenue to get to the business.

Ms. Curran- Does anyone else have any comments or questions?

No further comments.

Ms. Curran- One thing for the assembly to know is that we are giving a special permit for the proposed addition, but the use that is proposed is an allowed use that could go in this location by right.

Mr. Copelas- It seems that the Board has been given some conflicting information from different constituents including a 24 page land court decision today. This is too much for us to absorb. The petitioner has stated that there is nothing in the land court decision regarding the use of Green Ledge Street that the petitioner objects to or would impact the business. However, the abutter has presented some information that they are of the opinion that there are some aspects to this land court decision that are counter to the way that you are proposing to use it.

Attorney Correnti- I would respectfully suggest that the Board sticks to Chapter 40A and the special permit request. Our reading of this, we got this information late this afternoon as well and we were not directly involved with this, it is clear that Green Ledge Street is to be used by all abutters of the street. Green Ledge Street is not owned by any one party and is to be used. A lot of the information that is presented in this document talks about a twelve (12) foot right of way, not Green Ledge Street. The twelve (12) foot right of way is on the other side of the abutter's building. What that addresses is, I believe, but I want to be careful, the former owner owned this lot and buildings on the other side of the street for a repair shop. All of the traffic was first directed to the dealership lot and then dispersed to other buildings owned by Stutz where there was a service bay. One of the concerns, was that the right of way was being overburdened. The petitioner owns 309-311 Highland Avenue, not the rear lots. Our proposed use will comply with the use allowed on Green Ledge Street.

Mr. Theophilopoulos- Can I add to my comments?

Ms. Curran- Only if it is something new.

Mr. Theophilopoulos- There is registered land. I don't think everyone knows what registered land is.

Ms. Curran- I believe that this Board knows what registered land is. In this particular instance we are talking about a special permit for a proposed addition.

Mr. Theophilopoulos- Someone cannot claim rights to use a piece of property just because it has been used in a particular way because whatever is stated in your deed are the rights for as long as you own it. I would like to read a part of the decision, "this theory advanced by the defendant is that somehow passing onto a lot with frontage on a way (and rights to use that way), "cleanses" vehicles which then immediately leave that lot, crossing over to the adjoining lot in common ownership. Defendants contend that this maneuver permits those vehicles to continue their journey over the second lot of the defendants and onto the way on the opposite side from here they entered the defendants property...

Ms. Curran- Okay, I think that would be if it continued onto another lot and not onto Green Ledge Street.

Mr. Theophilopoulos- Yes. Onto Green Ledge Street. Absolutely. Lots 561-562 are Dipietro Avenue lots... the judge states that you cannot use the lots to get to Green Ledge Street. The dealership could not get car carriers into the existing entry off of Dipietro Avenue so they ended up on Green Ledge Street. We will have the same issues all over again. The judge said that the property owners cannot use Green Ledge Street as an extension of their business. They can't use the street to unload their trucks. The street has private ownership and we all have the right to use it. Part of the agreement was all of the parking spaces that are shown on the plan along Green Ledge Street were blacked out. The proposed stairs in the plans are hazardous.

Attorney Correnti- There is an amended plan that shows that the stairs will no longer be placed there. However, there is a door that is needed for a secondary emergency egress.

Mr. Theophilopoulos- The trucks will go around the back of my building and go through the twelve foot way...

Ms. Curran- it is clear that they cannot do that, but they are also not proposing what you are describing. What they are proposing is what they can do, what you suggested they cannot do. I agree with you that they cannot come in on the twelve (12') right of way in back of a lot that they do not own for a use that they don't need, but they can come off of Dipietro Avenue and go out Green Ledge Street.

Mr. Theophilopoulos- The deeds do not state that they have rights to Green Ledge Street.

Mr. Tsitsinos- The previous property owner used the twelve (12') right of way as a cut through. This new owner is proposing to have truck access from the already existing driveway off of Dipietro Avenue, unloading on their own property, and using Green Ledge Street to exit. They are not traveling through the property as a cut through.

Attorney Correnti- That is correct. What we are proposing will avoid all of the concerns. This is the only lot that we own. We do have a right to use Green Ledge, but will not over burden Green Ledge Street. When the Stutz owned the dealership, it was a different kind of use.

Ms. Curran- We understand your concern, but we need to stop the conversation here. Thank you.

Attorney Correnti- The question about square footage. We are willing to put some additional architectural features on this building for the proposed 1,900 square foot addition. However, the petitioner is proposing to remove a 1,000 square foot outbuilding that is already on the property. The property will not be overburdened with this addition. The curbcut will remain the same.

Ms. Curran- Please review the statement of grounds. I know we have touched on them.

Attorney Correnti- This was an automotive site that was here for more than fifty years. It is currently vacant and has been for quite a few years. The proposal is to bring a great business, Town Fair Tire, with over 9,500 New England stores, to Highland Avenue, where this business is permitted as of right. It will create jobs, serve as a good retailer in our business highway zoning district, and bring this property back on the tax rolls. The traffic issues will be less intensive than the previous use and other potential retailers as shown by the traffic study presented. The hours of operation are limited and the business offers services by appointment. There will be up to one (1) truck delivery per day and trucks will enter and unload fully on site. The utilities and public services are not an issue. As for impacts to drainage and natural environment, the site is currently a sea of asphalt. The petitioner is proposing to demolish a 1,000 square foot outbuilding and provide landscaping on the rear, side, and front of the property to decrease the amount of impervious surface and improve drainage. As for neighborhood character, this neighborhood is a business highway district and this is a permitted use. If Town Fair Tire cannot go on Highland Avenue, I do not know where it can go. This property is zoned for this business. This business will create jobs and have a beneficial fiscal impact to the City.

Motion and Vote to close the public hearing: Mr. Duffy makes a motion to close the public hearing. Seconded by Mr. Copelas. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to close the public hearing portion of discussion.

Any further Board discussion on this?

Ms. Curran and Mr. Copelas request windows evenly spaced on the addition.

Mr. Copelas- Confirms that there will not be a stairwell on the north elevation.

Ms. Curran- requests that revised plans submit to the Planning Department with the removal of the staircase and architectural features, including windows, that may break up the massing of the addition.

Mr. Theophilopoulos- I would like to say something.

Ms. Curran- The public hearing is closed.

Mr. Duffy- The only non-conformity that we are dealing with is the side-yard setback. The petitioner is requesting a special permit. Findings for a special permit: We did get a statement of grounds and Schedule A and comments of all of these criteria. There is a vacant building that will have a well-known and successful business. There were concerns raised about traffic flow and safety, but the concerns have been addressed by a traffic engineering consulting services. In summary, the report states that the trips would be less than the car dealership and other business retail uses. This meets the requirement. No issue with utilities. Impacts to the drainage are positive, due to increased landscaping. Potential fiscal impact is positive. We can address some of the immediate visual impact to the neighborhood to break up the wall.

Motion and Vote: Mr. Duffy makes a motion to approve a special permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance, to extend an existing nonconforming structure, specifically to extend an exterior wall the same nonconforming distance within a required yard subject to standard conditions and the following special conditions: 1) The applicant shall a plan to be submitted to the Planning Department for administrative review and approval with additional architectural features on the north façade to help visually break up this elevation massing; 2) To show the removal of the north side customer entrance, notwithstanding the need for an emergency egress door on this side; 3) Loading and unloading take place on the property. The motion is seconded by Mr. Copelas. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Mike Duffy, Jim Hacker) in favor and none (0) opposed to the petition.

Project	A petition requesting a Special Permit per Sec. 3.0 Table of Uses, to allow a change from a garden and landscaping center to a motor vehicle general repair.
Applicant	D.E.N. REALTY TRUST
Location	61 JEFFERSON AVE (Map 24 Lot 113)(I Zoning District)

Documents and Exhibitions

- Application dated February 9, 2018 and supporting documentation

Darren Palm- 61 Jefferson Avenue- D.E.N Realty Trust- The petitioner is requesting a special permit. The property is currently vacant and the property owner wants to change the property use to an auto mechanic shop.

Ms. Curran- Confirms that the special permit requested is strictly for use and that the petitioner is not proposing any changes to the exterior of the building. The property is located in an Industrial zoning district. Please describe your proposed new use. What goes on there?

Matt Dolan-EZ Auto Body-63 Jefferson Avenue- We run a body shop and mechanical repairs. We have grown to the point where we need to expand a little bit. We will use the building (61 Jefferson Ave.) for alignments, suspension work and anything mechanical that we would do in house due to the expansion of the business. We will be serving current customers, just moving next door to have the mechanical work done instead of subbing the alignments out to another company. The space at 61 Jefferson Avenue would also allow for more parking for employees, especially on snow days when the streets are closed.

Ms. Curran- Clarifies that the petitioner currently operates out of the building in back.

Mr. Dolan- Clarifies that his current place of business is right next door and the two (2) lots 63 Jefferson Ave and 61 Jefferson Ave are two adjoining lots.

Mr. St. Pierre- They are in the old bus building.

Ms. Curran- Is there access between the two?

Mr. Dolan- There is. There are two (2) curbcuts.

Mr. Tsitsinos- Will the fence be coming down or staying up?

Mr. Dolan- It will probably stay up to allow for the separation of tenants. The other tenants at 63 Jefferson Ave. have parking spots assigned to them.

Mr. Palm- There is an opening between the lots that allow travel from one lot to the other. Back and forth.

Mr. Dolan- We would not have to go onto the street.

Mr. Tsitsinos- Are you using the bays in the back?

Mr. Palm- No.

Mr. Tsitsinos- What about the building in the back (61 Jefferson Ave)?

Mr. Palm- That is Atlantic Weatherization. The proposed mechanic shop will be in the building right along Jefferson Avenue.

Ms. Curran- Does the circulation stay the same? How do the cars move around on the site?

Mr. Dolan- There are three (3) entrances, there is one on the side, one in the front and one in the rear. Basically, cars would go in the front and out the rear when they are finished. So it is a one direction deal.

Mr. Palm- That's for the building itself. But from 61 Jefferson Ave to 63 Jefferson Ave you can go back and forth between the properties without going onto Jefferson Avenue so there will not be any traffic impact.

Ms. Curran- Confirms that the curbcuts will remain the same. So if someone arrives there...

Mr. Dolan- Any clients that arrive there, for EZ Body or mechanical service would come to the main building on 63 Jefferson Avenue because that is where our main office is located.

Ms. Curran- Confirms that cars will be driven between properties and through the mechanic shop by employees.

Mr. Copelas- Are you saying that there is enough room inside of the building to drive out the back of that building?

Yes. Employees will be driving the cars. There is enough room to drive a truck through the building.

Ms. Curran- Confirms that the front parking spaces will be used for employee parking?

Mr. Dolan- Those will be used for employee parking during snow emergencies.

Any more questions from the Board?

Ms. Schaeffer- Comments that the property is located within an Entrance Corridor Overlay District. Not sure that this plan meets those requirements.

Mr. St. Pierre- I would say that it does not.

Ms. Curran- What does that require?

Mr. St. Pierre- Section 8. 2.5. Entrance Corridor Overlay District- In the parking areas, all parking areas of more than twelve (12) spaces shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets. The requirements for such landscaping are as follows: Landscaping shall include one (1) tree of three and one-half-inch to four –inch caliper for each three (3) parking spaces. Trees shall be planted in plant beds bounded by six-inch granite curbing. No plant bed shall be less than fifteen (15) square feet, and no dimension of such plant be shall be less than three (3) feet. So basically there is a landscaping and screening requirement.

Ms. Curran- Okay, we can condition that.

Mr. Copelas- Would that be on the front or the street? Or would that also require.. What that then affect their proposed uses? Would that affect the petitioner's ability to cut across the properties?

Mr. St. Pierre- The ordinance says all parking areas of more than twelve (12) spaces shall be arranged and landscaped to property screen vehicles from adjacent properties and streets. I would recommend that a plan needs to be submitted that addressed that.

Ms. Curran- So we can condition that a plan be submitted.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per Special Permit per Sec. 3.0 Table of Uses, to allow a change from a garden and landscaping center to a motor vehicle general repair. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica) in favor and none (0) opposed to the petition.

Project	A petition requesting a Special Permit per <i>Sec. 3.3.3 Nonconforming Structures and Sec. 3.3.5 Nonconforming Single and Two Family Residential Structures</i> , of the Salem Zoning Ordinance, to construct a shed dormer and increase the building height from two and a half to three stories.
Applicant	JOHN CAMIRE
Location	160 BRIDGE STREET (Map 35 Lot 35)(R-2 Zoning District)

Documents and Exhibitions

- Application dated January 29, 2018 and supporting documentation

Attorney William Quinn presents the petition. The petitioner is proposing a shed dormer on the right side of the structure. The property is currently a two-family house and will remain a two-family structure. The proposed dormer is for the benefit of the second apartment. The space under the steeple roof is very narrow. There are currently two bedrooms in this space and no bathroom. The dormer will allow for an expansion of the existing bedrooms, allow space to install a bathroom and have more headroom on the third floor. Mr. Quinn presents the submitted plans. The direct abutter at 158 Bridge Street has signed a letter in support of the petition.

Bridge Street is becoming a hot spot in terms of renovations. Bridge Street Neck is not a more desirable place to live. The restoration of this house and the addition is good for the neighborhood. Since we are not adding an apartment there is no problem with parking. The shed dormer will provide safe, up to code, and up to date housing and improve an interior stairwell. There is no issue with traffic or parking because the petitioner is not adding any additional apartments. There are no significant additional services or utilities as a result of this dormer. A dormer is not an unusual occurrence. There will be no additional impacts on the environment and the fiscal impact to the City and employment will be positive.

Ms. Curran- I don't have a problem with this except for a couple of minor visual adjustments. The look of the full dormer, as proposed, really changes the look of this building. Further, when you look down the row of the existing homes on this block, the adjacent houses are identical. The full dormer changes this structure in a bad way. The Board has received some information from the City's

preservation planner on what would be appropriate and just bringing it in on the left and to also have the dormer above the cornice...

Mr. Camire- That is exactly how it will be built. Since these plans were submitted the plans have been changed a little bit. That is exactly how it will look. The side of the dormer will come in.

Attorney Quinn- We will file a revised plan.

Ms. Curran- Do you know how many feet it will come in?

Mr. Camire- On the outside it will come in until the exterior wall. From the front edge of the roof it will come in about 20' inches.

Ms. Curran- Asks for the dormer to come in from the front to be a little more than that. I think this will be a better look for the building. Ms. Curran suggests that the dormer is setback three (3) feet from the front roofline.

Mr. Camire- The roofline goes out past the house.

Ms. Curran- Asks for the dormer to come in three (3) feet from the front roofline edge and to have some space over here, which you are doing anyway.

Ms. Schaeffer- How far does your roofline stick out?

Mr. Camire- 18-20 inches.

Ms. Curran- Requests that the distance be stepped back to three (3) feet.

Ms. Schaeffer- The Board is requesting to change the massing of the dormer such that the dormer is not aligned with the existing front or side walls.

Mr. Copelas- It will change the massing of the dormer.

Ms. Curran- It will look a lot better.

Mr. Camire- This is dormer that is across the street and what I was planning.

Ms. Curran- Requests that the dormer come in a bit more with more of a roofline pitch, but I know you need to get your window in there.

Mr. Camire- Not only that but the ceiling height is a little low. Either the roofline will be flat or I will need to pitch the roof just enough to get as much space as I can.

Attorney Quinn- Okay, so the two issues are shrinking the size of the dormer from side to side so some of the roof shows....

Mr. Camire- Does it matter it is the same shrunken in the front and the back? Our roofline is different from the front to the back and the amount of space between the front façade and dormer and rear façade and dormer will not be the same. The back roof line is odd.

Ms. Curran- That is fine, but the distance from the front façade needs to be pulled back more. Three feet looks the best.

Mr. Camire- I will be shrinking the size of the dormer. If you look here, the roofline here is different from the roofline in the back.

Ms. Schaeffer- The point here is that the right side elevation massing, as proposed, reads like a three story flat façade.

Mr. Camire- Right. The way she drew the plan... It's not going to be like that. There will be a piece of roof that cuts through that façade.

Ms. Schaeffer- Reiterates the request to step back the dormer on all sides.

Mr. Camire- Is there is a minimum distance between the side of the dormer and the front façade?

Ms. Curran- We are going to require three (3) feet.

Mr. Camire- Ok. The further forward we can keep it the more beneficial it will be.

Ms. Curran- Opens the public hearing.

No one wishes to speak in support or in opposition to the petition.

Ms. Schaeffer- What is the dimension of your proposal as amended? What is the length of the shed dormer as you are now proposing?

Mr. Camire- I don't have the exact measurements. I haven't had the architect draw it all up yet. I am assuming that the shed dormer will be reduced and the windows will not be in the exact layout, but I have to wait until the engineer draws the plans.

Mr. St. Pierre- How can the Board approve a non-plan? If you came back next month with a finished plan, I don't think it would take the Board too long to make a decision. I cannot enforce what is scribbled on a piece of paper. I can't do it this way.

Ms. Curran- Suggests that the petitioner continue to the next meeting in order to re-submit plans as the petitioner has amended.

Mr. Camire- What if I just did it to the way that you drew it on that paper?

Mr. Copelas- There is too much that is different between what was submitted and what is now proposed. This really needs to come to the next meeting in three (3) weeks.

Mr. St. Pierre- You will be the first at the next meeting.

Mr. Camire- Do I need to re-submit my paperwork?

Ms. Schaeffer- This is a continuation of the hearing. No new paperwork. Only submit your new plan. The plan needs to show exactly what you are proposing because that plan is what you take to the Building Department for your building permit.

Mr. St. Pierre- To scale.

Ms. Curran- We are asking for the proposed dormer to come off of the roof and be above the cornice.

Mr. Duffy- Someone has already done the drawings for you. This shouldn't be a big issue.

Mr. Camire- It's just the timing issue on the project.

Mr. Copelas- He wants to get going. We appreciate that. What you are proposing is too different from what was submitted.

Motion and Vote: Mr. Duffy makes a motion to continue the public hearing to the next regularly scheduled meeting on March 21, 2018. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica, Mike Duffy) in favor and none (0) opposed to allow the petitioner to continue the public hearing to the next regularly scheduled meeting.

MEETING MINUTES

Motion and Vote: Mr. Copelas makes a motion to approve the December 20, 2017 meeting minutes. Seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

Staff Update- ZBA Fee Structure Proposal and Changes to ZBA Application

Ms. Schaeffer- The City Solicitor asked me to pull together my information in a letter to the Mayor. I have submitted my draft letter to Tom Daniel and it is currently under review.

Ms. Curran requested that an application checklist also be included as part of the application packet for petitioners.

General Updates:

Ms. Schaeffer- I will be sending around some information to the Board next week regarding the City's new retail marijuana ordinance. We have two (2) new petitions that have filed to be heard at our next regularly scheduled meeting.

ADJOURNMENT

Motion and Vote: Mr. Duffy made a motion to adjourn the February 28, 2018 meeting of the Salem Zoning Board of Appeals, seconded by Mr. Copelas and the vote was unanimous with five (5) in favor and none (0) opposed.

The meeting ends at 8:50pm.

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

<http://www.salem.com/zoning-board-appeals>

Respectfully submitted,
Erin Schaeffer, Staff Planner