**City of Salem Board of Appeals**

**Meeting Minutes**

**Wednesday, March 15, 2017**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, March 15, 2017 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Ms. Curran (Chair) calls the meeting to order at 6:30 pm.**

**ROLL CALL**

Those present were: Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, Paul Viccica (alternate), and Tom Watkins. Those not present were: Jim Hacker (alternate). Also in attendance Tom St. Pierre - Building Commissioner, Erin Schaeffer - Staff Planner, and Colleen Anderson – Recorder.

**REGULAR AGENDA**

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| Project | A public hearing for a petition seeking a Special Permit per *3.3.5 Nonconforming Single and Two Family Residential Structures and Sec. 4.1.2 Notes to the Table of Dimensional Requirements* of the Salem Zoning Ordinance, to construct a 14’ wide and 16.6’ deep roof deck. |
| Applicant | **PETER LUTTS** |
| Location | **24 WINTER STREET (Map 35 Lot 83)(R2 Zoning District)** |

Documents and Exhibitions

* Application dated January 26, 2017 and supporting documentation

Dan Ricciarelli of Seger Architects, Inc. was present to represent Peter Lutts of 24 Winter Street and discuss the project. Ricciarelli stated that the roof deck will be added on top of a membrane roof on an existing non-conforming residence and the deck will make the structure a 2 ½ stories once it is added on top of the existing two story building. The deck will be placed on top of a flat area behind an existing gable roof with access through a third floor existing door. Ricciarelli noted that the Historic Commission is in favor of the addition and requested additional details after ZBA approval. The deck originally was proposed to extend to the roofs edge but the Historic Commission requested that it be reduced in size. The current proposal is for a 16’-6” wide x 14’ deep roof deck set back approximately 3’-6” and 8’ from the roof edges, with a railing at the deck edge for safety and to minimize sight lines from Winter Street. Mr. Lutts added that a water spigot and electrical outlet let them to believe that there was a previous roof deck at that location.

Chair Curran – asked how the railing will be attached where it meets the roofline and if it would exceed the height of the roof line and be seen from Winter Street. Ricciarelli replied that it would be secured to the roof deck and the top of it would extend above the gable roof edge. The railings will be 42” high. St. Pierre stated that one & two families require a 36” railing and not a 42” high guardrail.

Mr. Viccica - asked how the proposed deck sits in relation to the neighboring residence. Ricciarelli replied that it is 18 feet away and their windows will face the deck.

*Chair Curran opens public comment.*

No one in the assembly wished to speak.

*Chair Curran closes public comment.*

**Motion and Vote: Mr. Watkins makes a motion to approve the application for a Special Permit per *3.3.5 Nonconforming Single and Two Family Residential Structures and Sec. 4.1.2 Notes to the Table of Dimensional Requirements* of the Salem Zoning Ordinance, to construct a 14’ wide and 16.6’ deep roof deck, contingent on the Historic Commissions approval. The motion is seconded by Mr. Duffy. The vote was unanimous with five (5) (Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, and Jimmy Tsitsinos in favor and none (0) opposed.**

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| Project | A public hearing for a petition seeking a Special Permit per *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to reconstruct, extend, or structurally change a non-conforming structure to allow an expansion of the structure. |
| Applicant | **BONT, LLC** |
| Location | **98-100 BRIDGE STREET (Map Lot 166)(R-2 Zoning District)** |

Documents and Exhibitions

* Application dated February 17, 2017 and supporting documentation

Attorney Paul Lynch of 0 Spring Street, Marblehead, was present to represent Bont, LLC and discuss the project. The existing structure will remain a four family dwelling and the proposal is to remove a rear portion of the dwelling and replace it with a two story addition with no new non-conformities. This portion of the building is currently not structurally sound and being a rear addition it will not be visible from the street. Two additional parking spaces will be added totaling four tandem spaces, giving each unit one space. The addition will be places within the footprint and both the structure and parking will conform to the setback requirements.

Chair Curran – asked how the parking spaces would be designated. The Owner replied that the existing driveway will be utilized and a fence will be removed to extend the driveway further onto the property.

*Chair Curran opens public comment.*

No one in the assembly wished to speak.

*Chair Curran closes public comment.*

Mr. Viccica – asked if any additional bedrooms will be added to the units. The owner replied that the two first floor units currently have one bedroom and the two top floor units each have two bedrooms. The new structure will house two bedrooms for each first floor unit and three bedrooms for each top floor unit, for a building total of 10 bedrooms.

**Motion and Vote: Mr. Duffy makes a motion to approve the application for a Special Permit per *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to reconstruct, extend, or structurally change a non-conforming structure to allow an expansion of the structure. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5) (Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, and Jimmy Tsitsinos in favor and none (0) opposed.**

**APPROVAL OF MEETING MINUTES**

**Motion and Vote: Mr. Watkins makes a motion to approve the February 15, 2017 minutes. Seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.**

**OLD/NEW BUSINESS**

**40B Comprehensive Permit Discussion. Chair Curran – stated that a Friendly 40B Application is a Comprehensive Permit that will be presented to the ZBA at a special meeting on April 26, 2017. The ZBA is the only Board to review it. The process can be lengthy and Peer Reviews (Utility, Traffic, etc.) can be requested. Mr. Viccica – suggested that a checklist be created to ensure the projects 40B eligibility, that all of the required data has been submitted prior to its review, and that the project is appropriate for the proposed location. Chair Curran – stated that public input will be allowed at the meetings and any Appeals will go to the Housing Court. Ms. Schaeffer distributed a memo regarding 40B review procedures and noted that she will send the application to all other Salem Boards and Commissions and request their comments, to assist the ZBA in their review. The project will have already received state approvals to apply for a 40B Application by the time they present to the ZBA, and a Project Eligibility Letter will be needed to show that it does meet the qualifications for 40B. The ZBA will also need to determine if the project meets local needs. Chair Curran – added that she can also provide minutes from other 40B projects so the ZBA members can familiarize themselves with the process.**

**ADJOURNMENT**

**Motion and Vote: Mr. Duffy made a motion to adjourn the March 15, 2017** **regular meeting of the Salem Board of Appeals, seconded by Mr. Watkins, and the vote was unanimous with five (5) in favor and none (0) opposed.**

**The meeting ends at 7:10 PM.**

***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://salem.com/Pages/SalemMA\_ZoningAppealsMin/***](http://salem.com/Pages/SalemMA_ZoningAppealsMin/)

Respectfully submitted,   
Erin Schaeffer, Staff Planner