

City of Salem Zoning Board of Appeals

DRAFT Meeting Minutes

April 17, 2024

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, April 17, 2024 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.

Chair Nina Vyedin calls the meeting to order at 6:33 pm.

Chair Vyedin 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. Ms. Vyedin also explains the rules regarding public comment.

ROLL CALL

Those present were: Nina Vyedin, Paul Viccica, Ellen Simpson, Carly McClain, Hannah Osthoff, and Stephen Larrick. Also in attendance were Daniel Laroe – Staff Planner, Voula Orfanos – Zoning Officer, and Jonathan Pinto – Recording Clerk. Those absent were: None

CONTINUANCES

Location: **21 Chestnut Street (Map 25, Lot 444) (R2 Zoning District)**

Applicant: **Philip Gillespie**

Project: A continuation of a public hearing for all persons interested in the petition of PHILLIP GILLESPIE at 21 CHESTNUT STREET (Map 25, Lot 444) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Structures to construct an 18 ft x 51 ft. one-story addition to the residence. The residence is an existing non-conforming historic structure. The existing non-conforming one-story addition to be torn down is 37 feet long. The new addition will extend an additional 14 feet along the wall for a total of 51 feet. This petition received the Board of Appeals approval on June 7, 2021. The applicant is reapplying as the granted Special Permits have expired.

Documents and Exhibitions

- Application date-stamped January 10, 2024, and supporting documentation

Chair Vyedin introduces the petition. Mr. Viccica recuses himself from the matter.

Attorney Philip Gillespie introduces himself and explains this was an addition that was planned during COVID but got curtailed. He states he would like the special permits reissued to continue with the project. Mr. Gillespie discusses the existing addition and presents floor plans. The existing brick wall that separates 21 from 19 Chestnut Street goes out beyond where the kitchen wing ends, according to Mr. Gillespie. Mr. Gillespie next presents elevations showing existing and proposed conditions. A plot plan showing the existing addition and proposed addition is also shown.

Ms. Osthoff confirms with Mr. Gillespie that the only nonconformities are existing and not made worse by the proposal.

Chair Vyedin asks if the plans have changed at all since initial approval, and Mr. Gillespie confirms they have not.

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

Mr. Gillespie summarizes the statement of grounds.

Motion and Vote: Ms. Simpson motions to approve the petition of PHILLIP GILLESPIE at 21 CHESTNUT STREET (Map 25, Lot 444) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Structures to construct an 18 ft x 51 ft. one-story addition to the residence, replacing an existing nonconforming addition, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
10. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
11. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Ms. McClain seconds the motion. **The vote is five (5) in favor (Nina Vyedin, Ellen Simpson, Carly McClain, Hannah Osthoff, and Stephen Larrick) and none (0) opposed. The motion passes.**

Location: **30 Northey Street (Map 36, Lot 0020) (R2 Zoning District)**

Applicant: **Flora Tonthat**

Project: A continuation of a public hearing for all persons interested in the petition of FLORA TONTHAT at 30 NORTHEY STREET (Map 36, Lot 0020) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures and Section 3.2.8 Affordable Accessory Dwelling Units of the Salem Zoning Ordinance to construct an Accessory Dwelling Unit (ADU) in an existing 20' x 30'10" accessory building. In addition, a Variance from section 4.1.1 Dimensional Requirements for side and rear setback requirements. The detached garage is nonconforming regarding side yard and rear yard setbacks at less than one foot. The proposed accessory dwelling is seven hundred and nine square feet (709) where nine hundred square feet (900) is allowed.

Documents and Exhibitions

- Application date-stamped December 14, 2023, and supporting documentation

Chair Vyedin introduces the petition.

Ms. McClain clarifies that the petition might just be for the special permit, and not for a variance.

Flora Tonthat introduces herself and her architect, and they explain that the petitioner's home is a bed and breakfast in an R2 residential lot, with an existing CMU garage in the back. The petitioner recently received approval for a demolition delay waiver from the Historic Commission. The proposal is to keep the existing footprint and three of the CMU walls, and to change the use from garage/storage to an ADU for Ms. Tonthat's daughter, who is an artist and would like to use the space to live and work. She would also aid in her mother's business. The petitioner describes the existing setbacks and presents a site plan and floor plans, along with photos of existing conditions. Elevations are also presented.

Chair Vyedin confirms the proposal would not increase any nonconformities, and the petitioner confirms, which is why the special permit only is needed. Chair Vyedin also asks for clarification between a bed and breakfast residence and a bed and breakfast business. The petitioner explains that Massachusetts General Law makes a distinction between the two, where a residence only has three rooms. This is the type Ms. Tonthat resides in and operates.

Mr. Viccica asks about the CMU walls and if they have been engineer reviewed, as he has concerns about the viability of saving them. He notes that if all the walls must come down, the ADU would need to come back before the Board because it would be considered a brand-new building and additional parameters would apply. The petitioner indicates a structural analysis will be done.

Ms. Simpson states she likes the use of permeable pavement and opines that the addition of an ADU is a benefit.

Chair Vyedin notes public comment letters, many of which are in support from neighbors. There was one letter from a resident that was concerned about a hardship being shown, which is no longer relevant because the applicant is not seeking a variance.

Chair Vyedin opens the floor to public comment.

Ward 5 City Councilor Jeff Cohen of 12 Hancock Street introduces himself as Ms. Tonthat's husband. He states the property is a spectacular building from 1809 and speaks in favor of the proposal.

Mandy Spittle of 8 Woodbury Court introduces herself and speaks in support of the proposal. She speaks highly of the property and of Ms. Tonthat as a neighborhood member.

Mr. Viccica recommends a special condition for the project to be redesigned if construction needs to change regarding the analysis of the existing CMU walls.

Motion and Vote: Mr. Viccica motions to approve the petition of FLORA TONTHAT at 30 NORTHEY STREET (Map 36, Lot 0020) (R2 Zoning District) for a Special Permit per Section 3.3.3 Nonconforming Structures and Section 3.2.8 Affordable Accessory Dwelling Units of the Salem Zoning Ordinance to construct an Accessory Dwelling Unit (ADU) in an existing 20' x 30'10" accessory building, subject to the following standard conditions:

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

And the following special condition:

1. Should the existing CMU walls that abut adjacent properties, cannot be maintained as a part of the project, that would be deemed a major field change and therefore, the petitioner would need to come back and represent the new project to the Salem Board of Appeals.

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

REGULAR AGENDA

Location: **8 Woodbury Court (Map 36, Lot 005) (R2 Zoning District)**

Applicant: **Helen Sides**

Project: A public hearing for all persons interested in the petition of HELEN F. SIDES, ARCHITECT, LLC at 8 WOODBURY COURT (Map 36, Lot 005) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-family Structures of the Salem Zoning Ordinance to demolish an existing deck and then to construct a new 5.5' x 7.5' one-story addition with a deck that measures 9' x 15.5'. The proposed addition will be two (2) feet from the rear yard setback. In the R2, 30 feet for the rear yard setback is required.

Documents and Exhibitions

- Application date-stamped February 29, 2024, and supporting documentation

Chair Vyedin introduces the petition. Mr. Viccica recuses himself from the matter.

Jeremy and Mandy Spittle of 8 Woodbury Court introduce themselves. Ms. Spittle presents and discusses the existing and proposed floor plans. She also presents a plot plan with existing and proposed conditions. The existing stairs from the deck will be removed, and the back of the home will become the main entrance. The staircase will have stair rails and safety improvements for the couple's daughter, and there will be an expanded mudroom. Mr. and Ms. Spittle discuss the property history and existing easement and existing nonconformities, none of which will be increased by the proposal.

Chair Vyedin confirms that the removal of the existing stairs will remove a nonconformity, and that none of the nonconformities will be increased.

Chair Vyedin opens the floor to public comment but there is none. Chair Vyedin summarizes the petitioner's statement of grounds, noting the proposal will not have any negative impacts.

Motion and Vote: Ms. Osthoff motions to approve the petition of HELEN F. SIDES, ARCHITECT, LLC at 8 WOODBURY COURT (Map 36, Lot 005) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-family Structures of the Salem Zoning Ordinance to demolish an existing deck and then to construct a new 5.5' x 7.5' one-story addition with a deck that measures 9' x 15.5', subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its

- replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
9. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
 10. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Ms. McClain seconds the motion. **The vote is five (5) in favor (Nina Vyedin, Carly McClain, Ellen Simpson, Hannah Osthoff, and Stephen Larrick) and none (0) opposed. The motion passes.**

Location: **84-86 Derby Street (Map 41, Lot 064) (B1 Zoning District)**

Applicant: **Maitland Mountain Farms, LLC**

Project: A public hearing for all persons interested in the petition of MAITLAND FARMS, LLC at 84-86 DERBY STREET (Map 41, Lot 064) (B1 Zoning District) for a Special Permit per Section 3.1.2.D Principal Uses-Industrial Uses of the Salem Zoning Ordinance to open a distillery with a tasting room.

Documents and Exhibitions

- Application date-stamped March 19, 2024, and supporting documentation.

Chair Vyedin introduces the petition.

Andy Varela and Holly Maitland introduce themselves, along with business partner Daniel Spacek.

Ms. Maitland states she is a lifelong Salem resident and cofounder of Maitland Farms. Ms. Maitland discusses the farm history, and the proposal for a new small-scale distillery with a tasting room. She discusses their focus on culinary excellence, local produce, community engagement, providing a local CSA, and their co-founding of the Mack Park food farm. Ms. Maitland stresses her dedication to community, and states that the distillery would be an expansion of their family farm, bringing together unique flavors from the region. The tasting room will be a venue for locals to engage and learn about distillation, local crafts, and sustainable agriculture. Ms. Maitland states she is committed to meeting all regulatory and zoning requirements and thinks of the business as a community hub and partnership with the community.

Mr. Varela indicates he is representing himself as a resident, and not in his capacity as a city councilor. Mr. Varela discusses the proposal in more detail, and notes there are other businesses in town that operate under this special permit, such as Couch Dog, Notch, and Deacon Giles. Mr. Varela notes they are the only agriculture entity in Salem, and that they will be making spirits from the local products they grow. He states they received 346 signatures in favor of the proposal from a

neighborhood petition, with 94 signatures from the immediate neighborhood. Mr. Varela also indicates they had a community meeting recently to address any concerns, which went well.

Mr. Spacek presents floor plans showing the distillery and tasting room layout, and Mr. Varela discusses the plans in more detail. The tasting room will be 276 square feet of the total 950 square feet.

Ms. Vyedin asks about deliveries. Mr. Varela explains they will be bringing stuff seasonally from the 2.5-acre small plot farm, such as sugar beets and potatoes. The produce will be brought in through the front. Raw materials will go to the back, where there is a three-bay sink to mash items for distillate, followed by fermentation and distillation. Mr. Varela discusses the distillation process and states the hours would be noon to 10PM Tuesday through Sunday.

Mr. Viccica asks about the waste. Mr. Varela contends waste will be coming offsite every day, as they are limited on where they can keep trash, especially with the easement at the back of 84. All the mash will go back to the farm to be composted and used for animal feed.

Ms. Osthoff asks if any community neighbors raised concerns, and Mr. Varela said not really. He explains that a direct abutter was a little skeptical initially, but once the project was thoroughly explained it put them at ease. Mr. Varela also notes that Deacon Giles operates a 300 gallon still, whereas this proposal would be 50 gallons.

Ms. McClain asks about the number of jobs being created locally. Mr. Varela indicates there will be one full-time employee for distillation and general work split between the farm and distillery, along with one full time manager and four to five part-time employees in the tasting room.

Ms. Simpson asks about food offerings. Mr. Varela states that food is a big part of what they do, but that they will need to get approval from licensing. If approved, they would extend food offerings, with the goal of lightly prepared food options like sandwiches or salads. The emphasis would be using agriculture in its wholeness, and Mr. Varela also indicates they would use the space as a CSA pickup for the neighborhood once per week during the season.

Ms. Vyedin asks what the petitioners would be distilling. Mr. Varela says a vodka, a gin, and eventually bringing in agave nectar to make tequila. Then, he states, they would slowly start to age out rums and whiskeys. Mr. Varela explains the space is small, so the focus would be on the tasting room rather than buying things to take out.

Mr. Larick asks about the capacity, and Mr. Varela indicates the tasting room can accommodate 25 guests. The goal is to also find space for a second smaller restroom, as currently there is only one ADA accessible bathroom.

Chair Vyedin opens the floor to public comment.

Heidi Kepnes of 4 Bentley Street introduces herself as an 18-year resident of the neighborhood. She speaks highly of Maitland Mountain Farms, and states she was thrilled when she found out about the proposal. Ms. Kepnes speaks in favor of the only urban farm in Salem.

Lucia Delnegro of 22 English Street introduces herself and states she has been here since 1996. Ms. Delnegro says she loves Maitland Farm, and speaks in favor of the farm and proposal.

Ward 5 City Councilor Jeff Cohen of 12 Hancock Street introduces himself and states he is very proud that the petitioners are driving many of the climate sustainability discussions in the city. He contends it is important to encourage local sustainable businesses and speaks in favor of the proposal.

Patrick Shultz of 48 Summer Street introduces himself and speaks in favor of the proposal. Mr. Shultz comments on Ms. Maitland and Mr. Varela's professionalism as well as their character.

Charles Hildebrand of 46 English Street introduces himself and states he lives right around the corner. He speaks in favor of the petition.

Mr. Viccica notes there were letters submitted in favor as well.

Mr. Varela summarizes the statement of grounds and speaks on the positive aspects of the proposal for the community. Mr. Varela indicates everything will be electrified as well.

Motion and Vote: Ms. McClain motions to approve the petition of MAITLAND FARMS, LLC at 84-86 DERBY STREET (Map 41, Lot 064) (B1 Zoning District) for a Special Permit per Section 3.1.2.D Principal Uses-Industrial Uses of the Salem Zoning Ordinance to open a distillery with a tasting room, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
11. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
12. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
13. Petitioner shall obtain a building permit prior to beginning any construction.
14. Exterior finishes of the new construction shall be in harmony with the existing structure.
15. A Certificate of Occupancy is to be obtained.
16. A Certificate of Inspection is to be obtained.
17. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
18. 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.
19. 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.

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

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

Location: **23 Glendale Street (Map 33, Lot 646) (R1 Zoning District)**

Applicant: **Fred J. Dion Yacht Yard, Inc.**

Project: A public hearing for all persons interested in the petition of FRED J. DION YACHT YARD, INC. at 23 GLENDALE STREET (Map 33, Lot 646) (R1 Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to extend and change the nonconforming boatyard use by demolishing several connected sheds and constructing a new and larger shed in the same portion of the property. In addition, a Variance from section 4.1.1 Dimensional Requirements to allow the existing nonconforming lot coverage ratio of 40.8% to be increased to 48.8%. In the R1, 30% lot coverage is the maximum. Also, a Variance from Section 4.1.1 Dimensional Requirements to allow the building to extend an additional 16 feet along the existing rear set-back line of 5 feet, where the required rear setback is 30 feet.

Documents and Exhibitions

- Application date-stamped March 21, 2024, and supporting documentation

Chair Vyedin introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the petitioner and explains this is a business at a site near the ocean that has been here for a long time. He describes it as a large industrial use, working on and pulling/launching yachts and boats. Mr. Quinn indicates this is one of only a couple of boatyard facilities in eastern Massachusetts with the capacity to handle the size of yachts that come and go from the site. The business exists in a neighborhood as is because of a series of permits issued long ago and updated over periods of time, according to Mr. Quinn. He states it is an existing nonconforming but legal use in an R1 neighborhood. Mr. Quinn indicates several boat storage sheds are currently inadequate in size to store and do work on the boats during winter. The proposal is to demolish two particular sheds shown on the site plan and to construct a somewhat larger, but not higher/taller, large shed with a steel skeleton and metal surface like the other buildings. Mr. Quinn discusses recent changes to the petitioners' circumstances, noting no longer having adequate space to store the number of boats they try to service. For many years they were able to rent storage space on the former Bertini property off Jefferson Avenue, but no longer can because the City permitted a large residential development at that location. Mr. Quinn also notes there are few sites in the city where outdoor boat storage even exists. Pursuant to review with the city and legal research, it was determined the best course of action was to enlarge the indoor storage space with the proposal. Mr. Quinn introduces Sydney Atkins, whose father owned and operated the business for decades. Ms. Atkins now manages the property and has developed the proposed plans. Mr. Quinn also discusses a new sewer facility that will serve the neighborhood, and that his

client has agreed to alter the design of the building to accommodate the new sewer line and keep it accessible to the city. DEP is involved, and all relevant regulations would apply, and be subject to a vigorous environmental review.

Sydney Atkins introduces herself and provides some history and background on her family and the business, which formed in 1914 right before the Salem fire. It started as a travel lift, and now services and stores many boats. She discusses the importance of storage for the boatyard. She also discusses how boating and the business have evolved over time, the short work season, and the other existing limitations. Ms. Atkins explains this is the only commercial waterfront access, and so they are a steward to many other marine businesses.

Mr. Quinn discusses the site plan and explains the relief in more detail. Most of the building would be conforming in setbacks, and the petitioner seeks two variances and one special permit to expand the scale of the business on location by expanding the storage facility. The variance is needed for lot coverage, where the maximum is 30 percent, and the existing 40 percent would be increased to 48 percent. A variance to extend the nonconforming setback by 16 feet along the current setback of 5 feet.

Ms. Atkins presents an overhead map and discusses the property and proposal more. Mr. Viccica asks about the existing building heights. Ms. Atkins states the whole building will be equivalent to the peak of one of the two existing buildings at 30 feet.

Mr. Viccica asks if there will be any change in what work is conducted in the new facility compared to what currently is done and Ms. Atkins states there will not be. He also asks about toxic materials, and Ms. Atkins explains that the business is heavily regulated with water samples submitted quarterly, catch basins for paint, crushed stone flooring, and other details. Nothing would differ with the new building.

Ms. Atkins describes the travel lift and procedure for pulling boats out of the water. Chair Vyedin asks how many boats they can accommodate. Ms. Atkins states currently 40 to 60 boats indoors, and another 20 to 30 outside. She indicates the new building will allow for an incremental 30 boats.

Ms. Simpson asks if certain boats can only be stored indoors, and Ms. Atkins states that is correct, and that for some it is a matter of preference, where a premium is paid. Indoor storage is also necessary to work on boats out of season in a temperature-controlled environment.

Chair Vyedin opens the floor to public comment.

Ward 5 City Councilor Jeff Cohen of 12 Hancock Street introduces himself and thanks Ms. Atkins for being a great neighbor. He speaks in favor of the proposal, and notes that the boatyard allowing the use of the land as an emergency bypass is a huge favor to the community.

Kerry Heath of 16 Ocean Avenue introduces herself and states she is concerned that the height of the new building will block her water view. She suggests that her view would not be blocked if the height were limited to that of the office building.

Ms. Vyedin confirms that the height is under 35 feet and is therefore conforming with respect to height. Mr. Viccica notes that no height variance is being sought, and that no one has a guarantee of a water view.

Steve Kapantais of Wysteria Street (no number given) introduces himself and states his concerns regarding traffic have been addressed.

Mr. Quinn discusses hardship and statement of grounds.

Motion and Vote: Mr. Viccica motions to approve the petition of FRED J. DION YACHT YARD, INC. at 23 GLENDALE STREET (Map 33, Lot 646) (R1 Zoning District) for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to extend and change the nonconforming boatyard use by demolishing several connected sheds and constructing a new and larger shed in the same portion of the property. In addition, a Variance from section 4.1.1 Dimensional Requirements to allow the existing nonconforming lot coverage ratio of 40.8% to be increased to 48.8%. In the R1, 30% lot coverage is the maximum. Also, a Variance from Section 4.1.1 Dimensional Requirements to allow the building to extend an additional 16 feet along the existing rear set-back line of 5 feet, where the required rear setback is 30 feet, subject to the following standard conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes, and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. 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. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
10. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

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

MEETING MINUTES

March 20, 2024

Ms. Osthoff states she has one edit: “track removal” should be changed to “trash removal”.

Motion and Vote: Ms. Osthoff motions to approve the minutes from the March 20, 2024, meeting of the Zoning Board of Appeals, as amended. Ms. Simpson seconds the motion. **The vote is four (4) in favor, one (1) abstained, and none (0) opposed. The motion passes.**

OLD/NEW BUSINESS

Extension of Variances at 266, 282, 286, and 282R Canal Street and 2 Kimball Court

Chair Vyedin introduces the matter. No one is present from the petition, and no motion is made or matter voted on.

Next Meeting

May 15, 2024

ADJOURNMENT

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

The meeting ends at 9:24 PM on March 20, 2024.

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-2024>

Respectfully submitted,
Daniel Laroe, Staff Planner