

City of Salem Zoning Board of Appeals
Meeting Minutes
July 27, 2022

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, July 27, 2022 at 6:30 pm via remote participation in accordance with a Special Act extending remote participation meetings until March 31, 2023.

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

Chair Duffy explains how individuals can participate in the meeting remotely via Zoom, and that instructions to participate remotely can also be found on the Salem website. Mr. Duffy also explains the rules regarding public comment.

ROLL CALL

Those present were: Mike Duffy (Chair), Peter Copelas, Carly McClain, Steven Smalley, and Paul Viccica. Also in attendance were Daniel Laroe – Staff Planner, Building Inspector Tom St. Pierre, and Jonathan Pinto – Recording Clerk. Those absent were: Rosa Ordaz

CONTINUANCES

Location:	1 and 2 Leefort Terrace (Map 41, Lot 242) (R2 Zoning District)
Applicant:	BC Leefort Terrace Lane Communities, LLC
Project:	A continuance of a public hearing for all persons interested in the petition of BC LEEFORT TERRACE COMMUNITIES, LLC at 1 LEEFORT TERRACE(Map 41, Lot 249) and at 2 LEEFORT TERRACE(Map 41, Lot 242) (R2 Zoning District), for a Comprehensive Permit pursuant to M.G.L. Chapter 40B, to construct one hundred twenty-four (124) new units, Fifty (50) of those units will be replacing the current units at Leefort Terrace.

Documents and Exhibitions

- Application date-stamped April 11, 2022 and supporting documentation

Chair Duffy introduces the petition.

- **(Ben Phillips, Kathy Hoag, Courtney Koslow, Michelle Arpigian, Monique Hall, Mark Wikstead, Giles Ham present)**

Attorney Scott Grover introduces himself on behalf of the applicants. He notes that since last appearing before the Board, the team has been working to revise project plans in response to comments and concerns from the ZBA, Planning Board, neighbors, and Salem community at large. Mr. Grover states plans were submitted the prior week with a memo summarizing the changes, and that the purpose of tonight is to present those changes and respond to questions raised at the last meeting.

Courtney Koslow, development director at Beacon Communities, introduces herself and presents updated renderings and site plans. She explains the access road going into the west wing behind an abutter's home was removed, and that there have been changes made to the publicly available space, siding, and overall approach.

Michelle Apigian with ICON Architects introduces herself, and presents the elements that have remained unchanged. There will still be 124 units that will be 100% affordable rentals ranging from one to three bedrooms. Ms. Apigian indicates the project will still be resilient and sustainable, passive housing, with all electric and no fossil fuels, and will strive for net zero site energy use. There will still be a publicly accessible space along Szetela Lane. The building is still U-shaped, providing a solid protective edge and strong backdrop for the open space to the north. Ms. Apigian states the two connected wings embrace a sheltered, sun filled courtyard with a variety of outdoor spaces protected from any prevailing western winds. Ms. Apigian next discusses the changes. The footprint and layout have been condensed a bit, reducing the footprint by approximately 3,200 square feet. Ms. Apigian explains that both wings were shortened to be farther away from the Fort Avenue neighbors. With the eliminated access drive to the west wing, the amount of impervious surface was reduced, and there will be more landscaping and buffer for the Fort Avenue neighbors. Ms. Apigian indicates the publicly accessible open space has been enhanced based on coordination with community volunteers and existing Lee Fort Terrace residents. On the ground level there are program spaces that connect to the courtyard and entrance, and the hardscape in the courtyard has been reduced to allow more landscaping and amenities. Ms. Apigian states there will be 54 covered, secure bike parking spaces in the garage level, along with bike racks to accommodate 32 bikes throughout the property. The total parking count will be 100 spaces (86 covered, 14 surface), representing a 0.81 parking to unit ratio. Ms. Apigian acknowledges there were comments and concerns regarding the scale and massing, and maintains the massing will still be modulated with changes in height, inset elements, materials, and colors in order to help visually. There will also be more clabbered siding than previously proposed, along with wood accents.

Monique Hall, landscape architect with BSC Group, introduces herself and describes the publicly accessible open space, along with the open space planning sessions that informed it. The intent is to create an inviting publicly accessible space on the Collins Cove side of the property that will be a place of respite for all groups. Ms. Hall presents an aerial rendering of the latest design. There are newly proposed shade trees at the street edge and west edge, with flowering understory trees to reinforce the east buffer and provide diverse habitats and foraging value. Rain gardens will collect rainwater from the impervious surfaces, allowing rainwater to soak into the ground rather than conveying off-site. Ms. Hall describes meadow grasses and perennial planting areas for pollinators, as well as landscape mounds for visual interest. She also notes there will be game and cafe tables that are wheelchair accessible, wooden benches, picnic tables, and timber hammock posts. Most of the existing trees will remain. Ms. Hall further identifies the concrete sidewalk, stone dust paths, and reinforced lawn. There is also a location identified for future public art or sculpture, pedestrian lighting, multiple bike racks, trash/recycling receptacles, and dog waste bag dispensers. Ms. Hall presents renderings of the residential amenities, courtyards, bocce courts, and victory/vegetable gardens, which have been expanded. She also points out loading and drop off zones for access, package deliveries, etc. that will not block the driveway. She next presents an aerial plan demonstrating which trees will be preserved, which will be removed, and where new ones will be planted. None of the public or protected trees will be impacted.

Mark Wixted with Bohler Civil Engineering introduces himself and discusses the grading and drainage of the project. He states the civil plan was fine tuned for the decrease in building size and other proposed changes. Mr. Wixted explains the paths from Szetela Lane to the building are all designed to be ADA compliant, and notes the site elevations account for future flooding. Mr. Wixted contends the plans meet all DEP stormwater standards and includes a reduction in impervious area and associated run-off. He describes low impact development features, and states the changes are more pedestrian focused.

Giles Ham of Vaness and Associates introduces himself and provides updates on the traffic and parking plans, noting that more information on parking was requested by the public. Existing conditions have 50 units, with 31 units having no cars and 19 having one each. Mr. Ham states this represents a ratio of 0.38 spaces used per unit. He explains that the current proposal has 100 spaces and a ratio of 0.81 spaces per unit. Mr. Ham provides data for comparable sites in Haverhill, Framingham, and Abington, which average 0.97 spaces per unit. While this ratio is higher, he notes that two of the three are mixed income with market rates, so the numbers would be expected to be higher. Mr. Ham contends a fully affordable project will more than likely have less than the 0.97 noted here. Based on his teams analysis, Mr. Ham suggests there will be adequate parking provided. Since commenters asked about weekend data, Mr. Ham states he conducted a 24 hour count on Fort Avenue on July 23rd. He presents a graphic showing volumes by hour and direction, and concludes that there is adequate capacity during the peak summer weekend day to accommodate the project.

Ms. Koslow states she will address questions raised by the Board and others. Regarding the income and affordability restrictions, Ms. Koslow explains that all 124 units will be 100 percent affordable with a 99-year affordability deed restriction. Incomes will be restricted at under 30, 50, and 60 percent AMI (17, 48, and 59 units respectively). Regarding how construction will be managed, she states Beacon is very used to managing these types of projects and spend lots of time and effort minimizing disruptions. Ms. Koslow acknowledges there will be some noise and construction for a period of time, but that management will be in place and are clear on work hours, security, and local ordinances.

Ms. Apigian next discusses the project height and presents a graphic. The building will be four stories, dropping down to three stories strategically moving south. She explains the residences will be over a basement level garage, and that the building will have a flat roof. The garage elevation will be at ten feet five inches above the current flood plain. She also notes the project will be 52 feet above average grade in overall height. Comparatively, Ms. Apigian notes that residential structures to the south are about 20 to 25 feet above grade, and the power plant is closer to 70 to 100 feet, excluding the tower. She adds that in downtown Salem buildings are typically at 70 feet.

Mr. Wixted notes there were questions raised about the garage drainage and whether it ties to the City stormwater systems. Mr. Wixted explains that storm water from the parking lot, roof, and other surfaces goes to the City stormwater system, and that flows from inside the building go into the sanitary system. Mr. Wixted indicates the parking garage under the first floor will have floor drains to collect runoff from wet cars or maintenance, and that this will drain into the sanitary system as required under plumbing code. He adds that the new project will remove the existing sanitary lines on the property which are old and likely leaky, and that replacing the sanitary services and mains on site will be a benefit to the City.

Ms. Koslow next describes how the plans fit into the context of Salem neck, and discusses the history of Salem and the neighborhood over time. She first explains the creation of the coves and land masses through glacial activity, then describes the native communities who settled in the area seasonally (the Naumkeag). With European settlers arriving in the 1600's, the area transformed with fishing, lumber and shipbuilding, and the creation of Fort Lee. Ms. Koslow explains why the area was originally called Salem neck, and demonstrates the areas that have been infilled as people added land and uses changed. Where a dump once existed, there is now a school and park. Ms. Koslow explains that the C&H leather factory turned into a coal processing plant, which later turned to vacant parcels. The coal generating plant eventually was replaced by the natural gas plant, and in the near future there will be wind turbine facilities in the area. At one point in time, Ms. Koslow notes the area housed a hospital for contagious diseases, an alms house, and a farm. She concludes that the area has evolved immensely over time both naturally and through human intervention and use. She also notes that the way we experience our built environment is often the result of centuries of discriminatory practices such as redlining, zoning restrictions, financing and mortgage insurance denials, and HOA rules, as some examples. As a result, she informs that people of color and low income people often get pushed to outside of the City and far from necessary amenities. Ms. Koslow suggests the proposal for Lee Fort Terrace is the next chapter of the evolution of the area, and states the design concepts are based an interpretation of the areas history and the current moment. She states the project will save 50 sinking units, add much needed affordable housing, and provide a good quality of life for residents with access to the City and its services.

Mr. Copelas asks for more details on the affordability limits and how they are calculated. Ms. Koslow explains that it is based on the census tract that Salem is in, which also includes Boston, Cambridge, Quincy, and other areas. Limits are broken down by household size and income, and applicants must provide income documentation showing they meet the requirement limits. Ms. Hoag states that annual limits are set by HUD. Mr. Copelas asks if these are the same standards the Salem Housing Authority uses, and Ms. Hoag states they are. She adds that there are federal standards for federally funded programs, and standards for state funded programs which vary only slightly. Ms. Koslow states that Beacon has a large compliance department to ensure compliance with all federal and state requirements.

Mr. Viccica asks about drainage, noting the garage level appears to be six inches above the 100-year flood plain. He states he is concerned about what will happen as sea levels rise if the garage floods and overwhelms the garage drains with sea water that goes into the sanitary system. Mr. Wixted contends there are various ways to handle future flooding, and states that presently most parking areas will be built at or above the current flood plain, with habitable spaces being higher. Mr. Wixted suggests that when discussing 100 year storm events and sea level rise, these are evens like nor'easters and the timeline we are talking about is 2070. Mr. Wixted indicates there will be temporary flood walls along the garage entry, similar to what some buildings in downtown Boston currently do, when storms come. He also notes there will be back-flow prevention devises to not let stormwater enter the garage. Mr. Viccica states he is an architect and aware of the methods Mr. Wixted has brought up, but suggests they have not been adequately tested and can be easily overwhelmed. He states he is concerned about 100-year storms becoming more regular as climate change accelerates. Mr. Viccica maintains that the likelihood of inundation finding its way to the drains will only increase over time. Mr. Viccica also asks about the rate grade going into the garage. Mr. Wixted states the entrance is sloped away from the garage. Mr. Viccica asks if geotechnic borings were done, and Mr. Wixted indicates they were, and that groundwater is currently about eight feet down. Pursuant to Mr. Viccica's suggestion, Mr. Wixted states he can look into designs to

protect the influx of water into the garage with the consideration of more frequent storm events. Mr. Viccica also asks about moving the building closer to the water at Szetela Lane, and Ms. Koslow explains that they would not be allowed to build anywhere across the commonwealth tideland land, as restrictions require it be public use. Mr. Viccica argues this differs from what was presented at the original meeting, claiming the original messaging was that it would be difficult to move past the line but not impossible. Ms. Koslow states that based on information she received today, building across the line would require public use and therefore could not be affordable housing.

Mr. Viccica next asks if there would be a way to create a pathway to have a north-south pedestrian access, not just an east-west access for the public. Mr. Phillips states there are concerns about public access going through the site, particularly because there is not a public right of way through the site and so there could be security issues. Mr. Hall confirms there is a new bike path on the west side on the underutilized City parcels, as does Chair Duffy.

Mr. Viccica states he did not see any substantial tree protection drawings in the landscape presentation. Regarding the trees that will be saved, Mr. Viccica notes that deconstruction of the buildings could impact the trees if there is no critical outline as to how to protect them. He states there should be something more robust indicating how contractors will protect these assets. Mr. Hall states they will have construction meetings with the contractor, noting the standard detail has a snow fence and chain link fence, as well as pine bark mulch for root protection. He adds that trunks will be wrapped as well. He states more details can be provided.

Mr. Viccica next expresses concerns regarding budgeting with current inflation, noting that while the landscaping plans have come a long way, they may be the first things cut if costs end up too high. Mr. Phillips provides additional discussion regarding efficient building materials, operations considerations and minimizing maintenance requirements with the property to ensure budget-consciousness. He states that his team is making sure the budget is managed so they can deliver what they have received approval for. Mr. Phillips acknowledges the inflationary environment, but emphasizes that the landscaping features are important and costs have been adequately accounted for.

Mr. Viccica states that since the Design Review Board is not part of the approval process, he would like to comment on the facade materials. Aesthetics aside, Mr. Viccica states there exists a ubiquitous notion that changing material colors breaks up the massing of a facade, which he disagrees with. Mr. Viccica suggests a more timeless approach to break up massing, rather than changing material color, as he contends the color change just looks like patchwork rather than a cohesive design. He urges the designers to step back and look at picking a hue or color of material and changing sparingly if at all.

Mr. Phillips states he appreciates the comments, and notes that while he agrees with Mr. Viccica's overall approach, the prior design had fewer color changes, and that the current iteration is based on feedback from the community. Ms. Apigian adds that there are a number of undulations in the facade which are natural points to change texture and/or color, and that the team chose color. She also notes there are insets across all facades that pull back, offer shadow lines and relief. She agrees that color change alone is not enough, and states she will think about the transitions more. Mr. Viccica states the approach could be edited, and suggests using the teams professional expertise to get a comprehensive building.

Chair Duffy asks if the parking calculations and ratios include visitor parking and about the traffic data. Mr. Ham states that visitor demand is usually during the day, and that while the estimated parking demand for the new building is 0.73 spaces per unit, 0.81 spaces per unit will be offered. Mr. Ham discusses the traffic data more, noting that state standards look at average month conditions. Mr. Ham explains that the projection is about 27 to 39 peak hour trips for the whole project, not netting out what already exists today, and that the average delay at nearby intersections resulting will be less than a few seconds.

Ms. McClain states that the Board received several new letters, and that while it is important to hear community feedback, she stresses that remarks about not wanting to add families to neighborhoods is a violation of the Fair Housing Act, and that she is not in favor of interacting with such comments. She also notes that at the last meeting the Board received some hostile comments from a member of the community which involved vague threats. Ms. McClain asks that the Chair shut down such comments right away, as Board members volunteer their time for the City.

Chair Duffy agrees, and asks that the public limit themselves to constructive comments. Mr. Copelas thanks Ms. McClain and agrees.

Chair Duffy opens the floor to public comment.

Katheryn Burns of 27 Boardman Street introduces herself and expresses her respect for the Board and the job they do, but states she is curious how a building that is at least 20 feet taller than what exists in this residential zone is being allowed. She also asks about zoning rules regarding building width. Chair Duffy notes there are zoning bylaws, but that this is a Section 40B and the applicant is looking for certain waivers that come along with projects of this scale. He further explains that 40B projects are more flexible, as the intent is to advance affordable housing and housing options and provide a streamlined process. Rather than strict application of zoning, Chair Duffy indicates the Board can weigh in and consider community needs. Mr. Viccica adds that this is not peculiar to Salem, but a Commonwealth of Massachusetts law.

Ms. Burns claims there is nothing she cares more about than affordable housing, but suggests that Salem is trying to solve too many problems in one location. Ms. Burns argues that Salem has already done a good job, at least better than neighboring towns, in providing affordable housing. Ms. Burns adds that this is really a single or two-family neighborhood, and that she has concerns about the proposal.

Lauri Albery of 11 Beech Avenue introduces herself and reiterates Ms. Burns' comments. Ms. Albery express concerns that the building is too tall for the area, and suggests scaling down the proposal.

Shannon Bailey of 32 Lee Fort Terrace introduces herself as the president of the Lee Fort Terrace Tenants Association, stating she has resided here for 21 years. While she was unable to attend the last meeting, she states she has worked closely with Beacon Communities. Ms. Bailey voices some concern over the updates and renderings, and notes that while outside neighbors have provided negative comments about already having 50 elderly, disabled, veteran, and low income people in the area, it is illegal to discriminate against low-income families, and there is an extremely high need for people in these situations. Ms. Bailey states that community members seem to want Lee Fort Terrace residents to get less and less, as well as to prevent people who have been on waiting lists for

years who are in desperate need from obtaining adequate housing. Ms. Bailey notes that many of the commenters preface their comments stating they understand the affordability crisis or sympathize with the issue of housing affordability, but that they always follow these statements with the word “but”, before explaining they do not want the affordable housing project in their particular neighborhood. Ms. Bailey indicates she finds such comments disruptive and discriminatory. She states that she is only 46 years old but has been here since she was 24. Ms. Bailey states she has witnessed the community and their needs, and that while the voices of opposing neighbors may be louder, that is because many residents at Lee Fort Terrace do not have internet connection or cannot attend meetings and therefore are not heard. Regarding suggestions that the project be smaller, Ms. Bailey explains that there are residents who are blind as well as those in wheel chairs or with other mobility issues and that spaces getting smaller does not help them. Ms. Bailey states that while the neighbors have to look at Lee Fort Terrace, they also look at a nearby power plant and school, and that commenters seem to believe poor people do not deserve adequate or decent housing. In response to commenters expressing concern about a private entity being involved like Beacon Communities, Ms. Bailey explains that the current system does not work and that housing authorities across the country are having to partner up with private entities as funding for affordable housing has dwindled. She notes the proposed community room has been reduced in size, and stresses how important a sense of community can be for the health and wellbeing of those who are otherwise isolated by circumstance, socioeconomic status, or disability.

Chair Duffy thanks Ms. Bailey for her comments, noting that voices of current residents and those who will benefit from Lee Fort Terrace as proposed are important to help the Board consider issues and use in the proper light. Chair Duffy expresses a desire to balance the needs of residents in the building and the overall community, resulting in a project that provides needed living facilities while fitting in with the greater community and neighborhood nicely.

Ms. Bailey provides an anecdote of a woman that lived across the hall and needed to be transferred. Ms. Bailey explains that this woman was alone, had no family, ragged clothing, and was in poor health and spirits living at Lee Fort Terrace because she was isolated. Ms. Bailey indicates she saw the woman after she had moved, and today she appears healthier, more active, and more invested in her own wellbeing. She explains that the difference was the new location had community space with events, and she stresses how important community space is. Ms. Bailey hopes that the drastic changes she saw in this individual can be a reality for others who currently live at Lee Fort Terrace.

Tom St. Pierre excuses himself from the meeting for to address a work-related issue.

Richard Stafford of 30 Boardman Street introduces himself and asks the Chair about possible actions the Board can take with respect to this application, and what the rights are of residents to appeal. Chair Duffy states that the Board can approve, deny, or approve with conditions, just like any other petition. He adds that abutters can appeal subject to section 40A and 40B if approved, and if denied, the petitioner can appeal. Mr. Stafford asks a variety of detailed questions regarding frontage and dimensions, but his audio experiences difficulties and Chair Duffy suggests reaching out for such specific information or referring to the application and plans. Mr. Stafford expresses concern over the building height, and also asks Mr. Grover for a detailed list of the waivers requested from R2 Zoning rules and which of those waivers would not be needed in the recently adopted Bridge Street Overlay District. Mr. Grover states the application, which is part of public record, contains a list of waivers. Mr. Stafford suggests that compared to other projects and developments, restrictions are being obliterated and that the only comparable massive structure

nearby is the power plant. Mr. Stafford also requests that plans and updates be dated since they have changed so much, and he would like to make sure he is looking at the most current version. Mr. Stafford states the project is being developed for profit, in a flood hazard zone, that is established as an R2 Zone. He asks that the application be withdrawn or denied, and thanks Beacon Communities for their studies and landscaping designs. Mr. Stafford states he and others intend to retain the services of a professional architect and designer to propose alternative, more minimal designs that would be phased in over a more reasonable period of time and likely at less cost.

Cindy Jerzylo of 17 Bayview Avenue introduces herself and states she agrees with Mr. Viccica's concerns about 100-year storms and being in a flood plain. She notes that four years ago there was a storm that left eight feet of water in her cellar, and that they did not have days to prepare as no one thought it would be that big of a storm. Ms. Jerzylo suggests there are six other affordable elderly housing establishments that need rehabbing just as much as Lee Fort Terrace, and that she is surprised the City is not looking at those that are not in a flood plain. Ms. Jerzylo contends the proposal is very ugly and too high for this neighborhood. Mr. Jerzylo expresses dismay, noting she though residents and abutters would have more say in this process. She further suggests that Beacon Communities is not working in good faith with neighbors.

Jennifer Gaffney of 18.5 Webb Street introduces herself and states that most of what she has to say has already been said. Ms. Gaffney suggests that if the meetings were not over zoom there would not be so much redundancy. Regarding traffic, Ms. Gaffney states that despite the study conclusions, she often has to pull out backwards and head toward the Willows and shoot around the school going the opposite direction just to get out of her driveway because of traffic. Ms. Gaffney states she appreciates everyone's comments, addresses Ms. Bailey saying she hears her and agrees that Lee Fort Terrace needs work, but suggests, without further detail, that there is a better way to do it. Ms. Gaffney states the size of the building makes it not fit in with the community, and suggests putting in more effort and thinking about how everyone can work together to get a better plan with more input and consideration for neighbors.

Peter Gaffney of 18.5 Webb Street introduces himself and states he has been here 25 years and that over the years more stuff has been done in this general neighborhood. Mr. Gaffney states it is crazy that there are runs, events, the new power plant, and trucks constantly going up and down the street. Mr. Gaffney says he is tired of being a doormat for anything the City wants, and that if this project goes forward he will seriously consider moving. He suggests this is not a threat, but argues the City has become overcrowded and that it is ridiculous. Mr. Gaffney complains that he works in Wakefield and that it takes 25 to 30 minutes to drive there, despite not being that far. Mr. Gaffney contends the traffic studies are "bologna" and that this type of over development will only make traffic worse.

Donald Bates of 31 Settlers Way introduces himself and states that the proposed building does not fit in with the neighborhood or meet current zoning requirements. Mr. Bates points out that the proposal is larger than the existing Lee Fort Terrace, and he complains that the building will be too tall. Mr. Bates suggests that abutters should be compensated because they will experience significant impacts from this development, and compares the proposal to the construction of the nearby secondary sewer treatment plant. Mr. Bates expresses concerns over the costs and financing of the project, and states that details regarding funding sources are lacking. He also suggests there is no breakdown provided of the projected profits for the private entity.

Flora Tonthat of 30 Northey Street introduces herself and states that she is completely disgusted by all the comments thus far except for those by Ms. Bailey. Ms. Tonthat condemns the platitudes given about affordable housing from privileged homeowners who can afford to hire lawyers to appeal a decision because they do not want low income people living near them. Ms. Tonthat also suggests the complaints about views being blocked are without merit, and that these commenters have no regard for social economic justice and no compassion for people who are, or about to be homeless. She stresses that this project will benefit people who desperately need safe and accessible places to live. Ms. Tonthat argues that there are two major crises before us, the environment and affordable housing, and that doing nothing for either is not an option. She contends that this proposal seems to do right by both, with a universal and net zero design. Ms. Tonthat suggests that much thought has gone into the project, particularly with respect to mitigating issues. Ms. Tonthat states she is disturbed that all the opposition comes from privileged homeowners and how they preface their objections with claims that they care about affordable housing and the low income community. She also states that calls for further delays are inappropriate as these residents need safe and accessible housing now.

Lori Stewart of 7 Barnes Road introduces herself and speaks in favor of the proposal. Ms. Stewart states that while she does not live in the Willows, she lives off Highland Avenue which has seen lots of construction and development. She acknowledges that construction can be taxing, but states she has had a difficult time listening to most of the commenters. Ms. Stewart states that while she is currently a homeowner, she was not always one, and that she was a public housing tenant for 15 years. She states there was a time when she needed a safe place to live and she was provided with one. Ms. Stewart indicates she works for a low income housing development here in Salem and there are waitlists of three to five years, noting they get up to 20 calls a day looking for housing. Ms. Stewart contends that existing solutions have not fixed this problem in Salem or in the US. Ms. Stewart argues this development will create more affordable housing at good low rates for people at lower incomes, and that she is in favor of the proposal. Ms. Stewart suggests it is disturbing to see how many people have put so much time and effort into looking at ways with zoning or otherwise to try to keep people out. She maintains that that is not who we are in Salem, and that it is wrong.

Seth Lepoint of 18 Webb Street responds to Ms. Bailey and Ms. Stewart to state that the issue for him is not low income housing or the number of units. Instead, Mr. Lepoint states he takes issue with the fact that a private for-profit entity is involved. Mr. Lepoint suggests that Beacon Communities will be getting tax benefits and making money at residents' expense. Mr. Lepoint notes that he is not a homeowner because he has been priced out of several towns around Boston, and states he is close to being priced out of Salem. Mr. Lepoint also claims that the populations of Salem and Beverly have stayed the same in ten years, and questions who will actually be living here and for whom it is being built. Mr. Lepoint inaccurately states only 50 of the units will be for lower income individuals. Mr. Lepoint next states that there is not a housing crisis, but that places are just not affordable. Next, Mr. Lepoint notes that there is a large development occurring on Derby Street near the power plant, and says he would like to know what is going on there. Mr. Lepoint contends that Salem is becoming over developed with no concern for residents who live here and have to pay for it.

Ward 5 Councilor Jeff Cohen of 12 Hancock Street introduces himself and states that Beacon Communities and the Salem Housing Authority have been diligent in their processes. Based on his background, Mr. Cohen also states that through the iterations this project has been one of the most resilient and sustainable projects proposed in the City. Councilor Cohen indicates that rental stock

is diminishing at a rapid pace due to condo conversions and Airbnb's. Councilor Cohen indicates he appreciates the Board's previous decision regarding 10 Howard Street, as it helps address the housing situation we are in. Mr. Cohen commends Ms. Bailey for her input and remarks, emphasizing how destructive isolation can be anyone, but particularly for seniors. He also notes that current residents of Lee Fort Terrace are in unsafe housing, and that while some may not feel comfortable with a private entity being involved in the project, the reality is that the federal and state monies that built the public housing in this country do not exist anymore. Councilor Cohen speaks in favor of the project, noting Beacon and SHA for their transparency.

Nina Vyedin of 27 Daniels Street introduces herself and states she would not consider the area to be very old and historic, and she thinks the proposal would fit in well. Ms. Vyedin commends the addition of public space, stating the project does not seem disruptive, but rather well designed. To individuals concerned about change, Ms. Vyedin claims that after living in places that have changed drastically, it may be scary but assures they will be okay. She suggests that these people will become their new neighbors, they will interact, and the building will blend into their everyday life. While she agrees about having some discomfort about a for-profit entity being involved, Ms. Vyedin acknowledges that something needs to be done and that public housing funding has been gutted over time. To those concerned on these grounds and those claiming to care about affordable housing she suggests appealing for more funding for public housing, but states that it will not help with the immediate need right now. Ms. Vyedin asks the Board to approve the proposal, and suggests they not spend too much time or give too much control to those speaking out against, but rather to listen to the needs of the future residents.

Ward 7 Councilor Andy Varela of 23 Cedar Crest introduces himself and thanks Ms. Bailey for her comments, noting it is important to hear from the current and future residents of Lee Fort Terrace. Councilor Varela speaks to the need for public housing and for current Lee Fort Terrace residents to have safer and more accessible space. Mr. Varela states he hopes that abutters and those opposed take the time to really listen to the residents that live at Lee Fort Terrace. He suggests this is a positive project, and hopes that homeowners consider and listen to the economically disadvantaged residents more going forward.

Pat Gozemba of 17 Sutton Avenue introduces herself as a resident of the Willows, and states she drives or walks by Lee Fort Terrace every day. Ms. Gozemba states she cares about sustainability and resiliency, and that she thinks this project is particularly good. She expresses gratitude for such an environmentally sound and beautiful proposed residence for seniors and low income households. Ms. Gozemba indicates she likes the landscape design and resiliency considerations. Ms. Gozemba suggests that none of those opposing this project seem to ever speak up or complain about high-end housing being sited in a flood plain, but suddenly when the project is for low-income households many people speak up against it. Ms. Gozemba asks that we be fair to those most in need of affordable housing. She states she will be happy to see this new building in the neighborhood.

Perla Peguero of 30 Boardman Street introduces herself and asks if she could get the range in today's numbers of the rents that will be asked for based on the AMI considerations discussed. Ms. Peguero states she would like to have a better sense of what the affordability range is. Ms. Peguero indicates her mother was a resident at Pioneer Terrace for six years and that she had an excellent experience. Ms. Peguero states there was a good sense of community that was baked into the housing development and speaks to the importance of relationships and community. Ms. Peguero argues that others have made spurious comments assuming that because she is not supportive of the

breadth of this project that she is somehow against affordable housing. Ms. Peguero acknowledges that we need affordable housing and more of it, but suggests, without further detail, that there could be a more thoughtful and appropriate way. She states that it is unfortunate that because she has that opinion, she is considered to be against affordable housing or that she does not want poor people around her. Ms. Peguero clarifies that she does not think this project was conceived in the best way. Ms. Peguero suggests that while funding for public housing has dried up, perhaps a non-profit could have been selected to work with the Salem Housing Authority.

Darguin Fortuna of 5 Warner Street introduces himself and states he runs in the area often. Mr. Fortuna notes that there are people who will never have the privilege of owning their own home, a privilege many of the commenters tonight have. Mr. Fortuna states that the affordable housing problem is an issue now and must be addressed. He notes that he has lived here for 11 years, and that his grandmother lived here for 25, arguing that Salem has always been crazy to drive in. Mr. Fortuna states he doubts many of the commenters have even looked at the plan details, but that as an architect, while he recognizes some pros and cons, overall he thinks the project is positive. Mr. Fortuna maintains that he wants more people running and biking beside him in the neighborhood and creating more community relationships. He argues that Salem fosters diversity and community, and speaks in favor of the proposal.

Attorney Grover explains that the next step will be presenting the engineering peer review, which is currently underway. It will not be ready by the August 17 meeting, so perhaps will require a special meeting early in September, but that for now the best approach is to continue to the August 17th meeting.

Motion and Vote: Mr. Copelas motions to continue the petition of BC LEEFORT TERRACE LANE COMMUNITIES, LLC at 1 LEEFORT TERRACE LANE(Map 41, Lot 249) and at 2 LEEFORT TERRACE LANE(Map 41, Lot 242) (R2 Zoning District), for a Comprehensive Permit pursuant to M.G.L. Chapter 40B, to construct one hundred twenty-four (124) new units, Fifty (50) of those units will be replacing the current units at Leefort Terrace to the next regularly scheduled meeting of the Zoning Board of Appeals on August 17, 2022.

Ms. McClain seconds the motion. **The vote is five (5) in favor (Mike Duffy (Chair), Steven Smalley, Paul Viccica, Peter Copelas, and Carly McClain) and none (0) opposed . The motion passes.**

Location: **50 Circle Hill Road (Map 9, Lot 256) (R1 Zoning District)**

Applicant: **Pasquanna Developers, Inc.**

Project: A continuance of a public hearing for all persons interested in the petition of PASQUANNA DEVELOPERS, INC. at 50 CIRCLE HILL ROAD(Map 9, Lot 256) (R1 Zoning District), for a Variance per Section 4.1 Dimensional Requirements of the Salem Zoning Ordinance to construct two (2) single-family dwellings on five (5) separate and contiguous land court parcels. One dwelling will meet the requirements of the Salem Zoning Ordinance for R1 Zoning. The other dwelling will be constructed at 10,788 sq.ft.

the relief, if granted, would be for minimum lot area, lot area per dwelling unit and lot width.

Documents and Exhibitions

- Application date-stamped April 12, 2022 and supporting documentation

Chair Duffy introduces the petition.

Patrick Delulis introduces himself and describes his family ownership of the parcels, noting it is somewhat of an outlier from the other developments he undertook in the area. Mr. Delulis explains that access to the multi-development parcel is off of Mooney Road, which intersects with Route 107 just after the tennis courts behind the high school. He indicates this is a neighborhood with one way in and one way out and 47 homes. Mr. Delulis states Ken Steadman built the Witch Hill subdivision as an extension of what was Pasquanna Developers Sable Heights subdivision, which added 26 homes to the neighborhood, and is still ongoing. Apparently Mr. Steadman has finished his subdivision and is in the process of turning over the roads he constructed to the City. He explains the history of the property and development some more, and explains that at this point in time the roads constructed are still under Mr. Steadman's ownership and control. Mr. Delulis notes there are lengthy permitting processes regarding engineering and wetland issues, along with the proposed driveway which is included in the proposed plans. The existing development was completed in several phases, with many street name changes over time. The original Sable Heights, constructed to the intersection of what is now Durkin Road, included Seymour Street and was completed in the 1960's and 1970's. At that time, what is now Durkin Road was originally Sable Road, and was then renamed Circle Hill Road, which is why the parcel being discussed has a Circle Hill Road address. The City renamed Circle Hill Road to Durkin because the road did not connect to the Circle Hill Road in Witchcraft Heights. Mr. Delulis explains that with Sable Heights 2, Mooney Road was constructed and Durkin Road was extended. This was completed in the mid 1990's. Subsequently, on the opposite side of the Circle Hill parcel, he states his family owned another parcel across from the playground. That parcel was large enough to create a formal subdivision through the Planning Board, and that has been developed into three single-family homes. Mr. Delulis indicates that because the City sold land to Mr. Steadman and because roads have been extended, among other factors, it is economically feasible to do something with the remaining parcels of land. Mr. Delulis explains the parcel is slightly undersized, but that he is seeking relief to build high quality, nice homes. He adds that this cluster of parcels is adjacent to but not formally part of Mr. Steadman's subdivision, despite being closer to Mr. Steadman's subdivision than his own. Mr. Delulis provides a presentation of the proposal, and speaks of previous successful applications before the Board. He indicate he spoke to many neighbors who he is friendly with, and that after a mail drop to all 47 homes he also had a neighborhood meeting about the proposal. Mr. Delulis contends that most of the feedback was anger and frustration, but aimed toward Ken Steadman and his work developing his nearby neighborhood. Mr. Delulis claims he spoke to neighbors about concerns regarding truck traffic and access to homes during construction. Mr. Delulis notes he has also offered to construct a formal path to connect to the walking trails that

were made at the development created by Mr. Steadman, and presents maps and photos of the subdivisions. He also identifies paper streets that do not technically exist. He states that none of the neighbors gave the impression they were opposed to this specific petition. Mr. Delulis presents an overview of the plot of land and how it connects with Durkin Road, along with land court plans showing the five parcels, and a proposed site plan. He indicates the driveway to be constructed into and along the proposed dwelling will go just as far as the second house. Of the 24 parcels in Witch Hill, Mr. Delulis notes that only six exceed 10,788 square feet, which is the size he is seeking relief for.

Chair Duffy if any relief is being sought for the other home, or just for the one with the 10,788 square foot lot. Mr. Delulis confirms it is the latter. He further explains that paper streets can be used as frontage as long as you have access, which in this case work with Circle Hill Road connecting into Durkin Road and Marin Lane. Mr Delulis further explains the utility connections, noting that these would be outside the HOA and therefore cannot tie into the subdivision utilities.

Mr. Copelas states these are some of the most interesting lots he has discovered in Salem that he had not previously been aware of. Mr. Copelas states the history of the parcels and subdivisions are interesting and curious, but that the property itself seems to be able to handle the two proposed homes.

Mr. Delulis further explains that the parcel he is seeking relief for has unique characteristics, such as being next to high tension power lines and no other parcels abutting. He presents photos of the lots, the house behind the lot that would be on Mooney Road, the existence of ledge on the parcel seeking relief, and the naturally occurring walking trail. Mr. Delulis presents concept plans, and suggests his proposal will augment the neighborhood while creating two nice homes. Chair Duffy clarifies that without the requested relief, only one home would be able to be built on the land and Mr. Delulis confirms.

Mr. Copelas notes that the property is not able to take part in the existing cluster, and that the lot is still bigger than other ones farther down the road on Martin Lane and other offshoots. He suggests this speaks to the variance request in terms of the uniqueness of the parcel as well. Chair Duffy agrees, and states that the relief being sought is minimal.

Chair Duffy opens the floor to public comment.

Nina Vyedin of 27 Daniels Street asks who will own the driveway serving the two houses, and whether there will be an easement. Mr. Delulis states they have not yet determined the details, but that there would be shared responsibility between the homes, whether through an easement or covenant in the deed.

Mr. Copelas asks if the extension of Circle Hill is expected to be accepted by the City, and Mr. Delulis states only the shared driveway will be built, not a full road construction on the Circle Hill paper street.

Darguin Fortuna of 5 Warner Street states he agrees with the hardships presented and thinks the proposal is well done.

Chair Duffy discusses stated hardship with respect to the property history, size, and the existence of ledge. He notes this is a minor request for relief based on the unique conditions of the parcels in question, adding that the undersized lot is larger than the majority of lots in the surrounding neighborhood.

Motion and Vote: Mr. Copelas motions to approve the petition of PASQUANNA DEVELOPERS, INC. at 50 CIRCLE HILL ROAD(Map 9, Lot 256) (R1 Zoning District), for a Variance per Section 4.1 Dimensional Requirements of the Salem Zoning Ordinance to construct two (2) single-family dwellings on five (5) separate and contiguous land court parcels with relief for minimum lot area, lot area per dwelling unit and lot width 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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
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.

And the following special condition.

1. To extent any additional relief is needed for driveway access on Frontage Road, the petitioner will need to come back before the Zoning Board of Appeals.

Ms. McClain seconds the motion. **The vote is five (5) in favor (Mike Duffy (Chair), Steven Smalley, Paul Viccica, Peter Copelas, and Carly McClain) and none (0) opposed . The motion passes.**

Location: **70 Proctor Street (Map 15, Lot 386) (R1 Zoning District)**

Applicant: **George Lambos**

Project: A continuance of a public hearing for all persons interested in the petition of GEORGE LAMBOS at 70 PROCTOR STREET(Map 15, Lot 386) (R1 Zoning District), for a Special Permit per Section 3.3.5 Non-conforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to convert a two (2) family dwelling into a three (3) family dwelling by constructing the third (3rd) dwelling in the basement.

Documents and Exhibitions

- Application date-stamped April 27, 2022 and supporting documentation

Chair Duffy introduces the petition.

Darguin Fortuna introduces himself as the project architect on behalf of the applicant. Mr. Fortuna demonstrates the project location, noting the property is an existing nonconforming two-family in an R1 zone. The property is surrounded by a hospital, a non-buildable lot, and similar projects. Mr. Fortuna explains the relief being requested, which is to convert the two-family dwelling to a three-family dwelling by constructing habitable space in the basement. Mr. Fortuna explains there are nearby three-family homes, and demonstrates how the zoning in the area splits between R1, R2, and R3, noting the property exists on a sliver of R1 tightly “strangled” by R2 and R3 zones on either side. Mr. Fortuna presents the plan for parking and argues it will meet the necessary requirements, with a small extension of the driveway for an additional spot. Mr. Fortuna notes there is an additional option for parking which would move the additional space being created. He identifies an additional egress that will be constructed for the added unit, and states the unit will have sprinklers. Mr. Fortuna contends the proposal increases housing stock in Salem while having minimal impact on traffic, and indicates the additional unit will have three bedrooms and two bathrooms. Mr. Fortuna states he has a letter of support from Councilor Domingo Dominguez. He notes that he could have applied for an ADU by right, but that the property owner would need to reside in the property and he does not wish to be tied to the property forever.

Mr. Copelas states he wishes Mr. St. Pierre were still present for guidance, as he was always under the impression that in an R1 zone, regardless of the proximity to an R2 or R3 zone, converting from a two-family to a three-family dwelling is not allowed by special permit. Putting that issue aside, Mr. Copelas expresses serious concerns about the parking plan, noting that the configuration only shows two legal parking spaces, as tandem spaces are not recognized. Further, Mr. Copelas indicates he does not believe the spaces are wide enough. He notes there is also no on-street parking nearby, so there is no option for overflow. Mr. Copelas states no relief is being sought for parking, and as presented the parking is insufficient for the three units.

Mr. Viccica states the Board cannot act on the petition as it was not advertised for a variance related to parking, and there are not five legal spaces as presented.

Mr. Copelas agrees that the Board cannot act on this application, and Chair Duffy agrees.

Mr. Fortuna suggests the existing parking of four spaces utilizing tandem parking is grandfathered in, and that the alternative option could work for the additional space. He states he is aiming to provide the additional spot for the new unit.

Chair Duffy notes there are no dimensions provided for the alternative parking option to know if it meets dimensional requirements. He confirms that the application must be refined before the Board can act.

Chair Duffy opens the floor to public comment.

Nina Vyedin of 27 Daniels asks about the floor plans for the basement unit, and whether it is ok for the two means of egress to be next to each other on one side of the house. Mr. Fortuna states that ideally they would be on opposite sides, but that this layout worked best due to small size restrictions.

Chair Duffy suggests showing providing dimensions of the additional space and determining whether a two family can become a three-family by way of special permit. Mr. Copelas suggests also explaining the existing four spaces and whether they are grandfathered in to be counted as four legal spaces, and how the requirement for an additional 1.5 spaces for the new unit is satisfied.

Motion and Vote: Mr. Viccica motions to continue the petition of GEORGE LAMBOS at 70 PROCTOR STREET(Map 15, Lot 386) (R1 Zoning District), for a Special Permit per Section 3.3.5 Non-conforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to convert a two (2) family dwelling into a three (3) family dwelling by constructing the third (3rd) dwelling in the basement to the next regularly scheduled meeting of the Zoning Board of Appeals on August 17, 2022.

Mr. Copelas seconds the motion. **The vote is five (5) in favor (Mike Duffy (Chair), Paul Viccica, Peter Copelas, Steven Smalley, and Carly McClain) and none (0) opposed. The motion passes.**

REGULAR AGENDA

Location:	122 Derby Street (Map 41, Lot 12) (B1 Zoning District)
Applicant:	Robert W. Burkinshaw, Trustee of the Robert W. Brunkishaw Trust
Project:	A public hearing for all persons interested in the petition of ROBERT W. BURKINSHAW, TRUSTEE OF THE ROBERT W. BRUKINSHAW TRUST at 122 DERBY STREET(Map 41, Lot 12) (B1 Zoning District), for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to extend and structurally change a portion of the second floor and to reconstruct a portion of the building's "shed" to a one and a half (1½) story structure.

Documents and Exhibitions

- Application date-stamped May 13, 2022 and supporting documentation

Chair Duffy introduces the petition.

Attorney Thomas Flanagan introduces himself on behalf of the petitioner and explains the property houses Ye Olde Pepper Company, a candy and confection store that has been there since 1971. Mr. Flanagan states the architect is John Andrews, and he proceeds to describe the relief requested. The structure will be extended and changed slightly to add a second floor to a part where there is currently only one floor, and on the right hand side of the project a storage shed that will be one to 1.5 stories will be built. Mr. Flanagan explains there used to be a shed which was taken down due to safety and integrity issues, but the foundation remains. Mr. Flanagan presents renderings of the proposal, and photos of the lawful preexisting nonconforming structure. He notes that the proposal doe snot create any new nonconformities, and that the reason for the proposal is to allow the company to store supplies and products on site. A large portion of the candy manufacturing is in

Lawrence, and the additional storage will allow for fewer trips/deliveries. Mr. Flanagan explains there will be no change in use and that the height will be no higher than the current peak height.

Mr. Viccica asks if there is, or will be any residence in the building. Mr. Flanagan indicates there will not be, and that it will be strictly for business operations and storage.

Mr. Copelas asks to see the photos of existing conditions, and Mr. Flanagan presents them.

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

Chair Duffy states the proposal seems straight forward with minimal changes, and summarizes proposal and findings, acknowledging the statement of grounds submitted.

Motion and Vote: Mr. Copelas motions to approve the petition of ROBERT W. BURKINSHAW, TRUSTEE OF THE ROBERT W. BRUKINSHAW TRUST at 122 DERBY STREET (Map 41, Lot 12) (B1 Zoning District), for a Special Permit per Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to extend and structurally change a portion of the second floor and to reconstruct a portion of the building's "shed" to a one and a half (1½) story structure, 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.

Mr. Viccica seconds the motion. **The vote is five (5) in favor (Mike Duffy (Chair), Steven Smalley, Paul Viccica, Peter Copelas, and Carly McClain) and none (0) opposed . The motion passes.**

Location: **22 Proctor Street (Map 15, Lot 345) (R2 Zoning District)**

Applicant: **Lorjan Karagjozi**

Project: A public hearing for all persons interested in the petition of LORJAN KARAGJOZI at 22 PROCTOR STREET(Map 15, Lot 345) (R2 Zoning District), to modify an existing condition of a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy.

Documents and Exhibitions

- Application date-stamped May 19, 2022 and supporting documentation

Chair Duffy introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the petitioner, and explains that his client purchased a three-family property at the top of Proctor Street. He notes it is an existing nonconforming three-family dwelling in an R2 zone. Mr. Quinn indicates that in 1986 a special permit was granted to allow the property to go from a two-family to a three-family, and has remained as so since. Other special permits were granted for construction of a rear addition and porch enclosure over the years, but the property has remained a three-family dwelling. When the property was purchased earlier this year, it came to light that a condition was attached to one of the prior special permits that requires the building remain owner occupied, or would otherwise revert to a two-family dwelling. Mr. Quinn states the condition was imposed over 35 years ago, and that his client was well into the transaction and purchase agreement when they found out. The building is currently occupied, and none of the tenants are the current or prior owners. Mr. Quinn states his client has extended the leases to all there families occupying the units, and that they intend to remain at the property. Following the owner occupancy condition would require the current owner to evict one of the existing family tenants. Mr. Quinn explains the request is for a special permit to convert the property to the same use, but remove the owner occupancy requirement. He adds there will be no new units, no construction, and no changes to the property or parking.

Mr. Copelas notes the City has plenty of three-family homes that are not owner occupied, and suggests it is a difficult condition to enforce. He suggests it appears it may have been some time since the property was last owner occupied.

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

Motion and Vote: Mr. Viccica motions to approve the petition of LORJAN KARAGJOZI at 22 PROCTOR STREET(Map 15, Lot 345) (R2 Zoning District), to modify an existing condition of a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy, subject to the following standard conditions:

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

5. 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.

Mr. Copelas seconds the motion. **The vote is five (5) in favor (Carly McClain, Steven Smalley, Mike Duffy (Chair), Paul Viccica, and Peter Copelas) and none (0) opposed. The motion passes.**

MEETING MINUTES

May 25, 2022

Motion and Vote: Mr. Copelas motions to approve the May 25, 2022 Zoning Board of Appeal meeting minutes as drafted. Mr. Viccica seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes.**

OLD/NEW BUSINESS

City Assessor Standard Conditions

Stephen Cortes City Assessor introduces himself, and explains the Assessment Department's request to add to the existing standard conditions. Mr. Cortex summarizes the assessor's duties, and notes there are is often confusion between inspectional services and assessors. He explains that there is sometimes pushback from developers and property owners, as there is a misguided myth that tax assessors are out to get property owners rather than make a fair assessment. He further explains that the assessor's office does not have phone numbers or email addresses, so letters often go to empty addresses, and the proposed condition would avoid the current pushback the assessors currently face.

Chair Duffy says the request seems to make sense, and Mr. Copelas agrees, noting there does not seem to be any harm in adding the condition.

Mr. Viccica asks how adding the condition affects how homeowners behave, and why they would not just ignore or provide pushback as they currently do. He also asks why this would not be part of the certificate of occupancy or inspection. Mr. Cortes provides more details, noting that an assessment is not required for every permit or certificate, only with new constructions currently. Mr. Viccica notes this will only affect people coming before the Board. The Board and Mr. Cortes discuss the condition and language further, and agree the addition makes sense.

Motion and Vote: Mr. Copelas motions to adopt the proposed language and addition to the standard conditions. Mr. Viccica seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes.**

ADJOURNMENT

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

The meeting ends at 11:17 PM on July 27, 2022.

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-2022>

Respectfully submitted,

Daniel Laroe, Staff Planner