

**City of Salem Board of Appeals
Meeting Minutes
Wednesday, May 21, 2014**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, May 21, 2014 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

Ms. Harris calls the meeting to order at 6:35 p.m.

ROLL CALL

Those present were: Annie Harris (Acting Chair), Richard Dionne, Tom Watkins, Mike Duffy, and Peter A. Copelas (Alternate). Also present were Thomas St. Pierre, Building Commissioner, and Dana Menon, Staff Planner.

APPROVAL OF MEETING MINUTES

April 16, 2014 Draft Meeting Minutes

Motion and Vote: Mr. Dionne moves to approve the minutes as written, seconded by Mr. Duffy. The vote was unanimous with five (5) in favor (Mr. Watkins, Mr. Duffy, Mr. Dionne, Ms. Harris, and Mr. Copelas) and none (0) opposed.

REGULAR AGENDA

Project: Petition requesting a special permit per Sec. 3.3.2 Nonconforming Uses and Section 9.4 Special Permits of the Salem Zoning Ordinance, to allow the extension of the existing nonconforming retail use, in order to sell firearms at the property.
Applicant: **MICHAEL BEAULIEU**
Location: **128 MARGIN STREET (R2 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 9, 2014 and accompanying materials
- May 14, 2014 email from applicant requesting to withdraw

Applicant submitted a letter requesting to withdraw.

Motion and Vote: Mr. Duffy makes a motion to approve the application. The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition requesting a special permit per Sec. 3.1 Principal Uses of the Salem Zoning Ordinance, to allow the operation of a medical clinic providing analytical testing, and requesting a variance from the provisions of Section 5.1.8 Table of Required Parking Spaces of the Salem Zoning Ordinance, to allow fewer than the required number of off-street parking spaces.
Applicant: **ALPHA ANALYTICAL**
Location: **121 NORTH STREET (B1 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 17, 2014 and accompanying materials

Eugene Shehu presents the application. He says he would be doing analytical drug testing at the site, with two-to-three

employees maximum. There would be no foot traffic there, it would just be the employees there.

Ms. Harris asks if the operating hours would be normal business hours – Monday through Friday, 9am-5pm. Mr. Shehu affirms.

Mr. Shehu adds that the samples would come straight from the doctors or courts. Mr. Shehu would either collect them himself, or an employee would collect them. A regular car would drop them off, it wouldn't require a delivery truck.

Mr. Copelas asks if this an existing business, and if the applicant has contracts in place to provide business. Mr. Shehu replies that this is a new business, and this is his first step in the process of opening the business.

Mr. Dionne asks about the kind of testing that will be done. Mr. Shehu states that the business will be testing for drugs of abuse, for courts that require them. A doctor would request the samples to be tested, Mr. Shehu's business would collect the samples and test them.

Mr. Watkins asks for clarification on the parking. Mr. Shehu clarifies that there's room on site for one legal parking space. He proposes that if needed he could remove a small wooden fence on the property, to make room for another car. Additionally, he believes there is plenty of street parking. Mr. Watkins clarifies that this location was formerly a former bait & tackle shop, Mr. Shehu concurs and adds that its last use was as a sewing shop.

Ms. Harris opens public comment on the petition:

Rosemary O'Connor 111 Mason Street asks how many parking spaces are required. Ms. Harris reads the requirements of the Salem Zoning Code, and states that according to the code the business would require 2 spaces – 1 space for him as a professional, and 1 space for the 2 additional employees. Ms. Harris notes that it sounds like it's possible that he could put both spaces on the property. Ms. O'Connor adds that North street is very busy, so putting the parking on the street is not ideal. Ms. Harris clarifies that that applicant can only rely on the street parking if the Board grants him the variance from the parking requirements, otherwise he has to provide all of the required parking spaces on the property.

Mr. Copelas asks the applicant about the likelihood that a second off-street spot can be fit onto the property. Mr. Shehu states that the parking spaces would be tandem, front-to-back. Mr. St. Pierre added that a tandem space is not a legal space, so it would still require a variance. Mr. St. Pierre suggests that the Board could put a condition on the Special Permit requiring the 2 tandem spaces on-site "if feasible". The Board also discusses the feasibility of employees walking from the train station.

Mr. Watkins states that he's in favor of the special permit for the use, but isn't sure about the variance for the parking, as he'd prefer to see the 2 off-street parking spots. He states that he'd like the applicant to go back and see if the spots can be legal. Mr. St. Pierre adds that the Board can add a condition to the Special Permit that the applicant shall create the 2nd spot, if it's feasible to create the additional parking space without violating any of the other dimensional requirements of the Zoning Code.

Mr. Duffy states the findings for the Special Permit: there does appear that there's some need for this business, based on the submitted petition, by courts and other companies requiring this kind of testing. The board is attempting to address the issues with parking with the conditions set upon the approval. Utilities and public services appear to be adequate. The proposed business is not more detrimental than what is currently there; there are no significant impacts on the natural environment or view; and there will be beneficial economic and fiscal impacts.

Mr. Duffy states the findings for the Variance: the Variance can be granted without substantial detriment, as requiring the 2nd parking space limits the impact of the Variance. There won't be much impact from the employee parking or traffic. The requested variance is not nullifying or derogating from the intent or purpose of the ordinance. No plan or picture of the actual property was supplied to the Board, but the Board is adding a special condition that might allow for 2 cars to be parked on-site. The parking is an issue that is unique to this parcel.

Motion and Vote: Mr. Duffy makes a motion to approve the application for a Special Permit and Variance, with 8 standard conditions and four (4) special conditions to the special permit: 1) the petitioner shall provide two (2) parking spaces on the property if feasible; 2) the maximum number of employees working at one time shall be limited to three (3); 3) the applicant shall have to petition the Board for a modification to the Special Permit in order to have more employees working at one time; 4) there shall be no walk-in clients. The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition requesting special permits per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures and Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance, to allow the renovation of an existing nonconforming single-family residence into a two-family residence, with less than the required minimum lot area per dwelling unit.

Applicant: **JOSEPH & MARIA GAGNON**

Location: **105 BROADWAY (R2 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 28, 2014 and accompanying materials
- Photos of the property after clean-up by Mr. Gagnon, submitted to the Board.

Joseph Gagnon, owner and petitioner, presents the petition. Mr. Gagnon purchased the property about 6 weeks ago, and is seeking to convert it from a single-family to a two-family use. The petitioner has spoken to abutters, and states that there have been no objections. The house was condemned previously. Mr. Gagnon had to hire a haz-mat company to remove hazardous waste materials. He has rehabilitated 2 houses previously. The lot is 5,000 square feet - the majority of the lots in this area are a similar size. Mr. Gagnon will provide the 3 required parking spaces on-site. Most of the structures in the surrounding area are multi-family. There are three single-family homes on Broadway, Mr. Gagnon states that he has spoken with all 3 owners and that they're all thrilled about the rehabilitation work. Mr. Gagnon concludes that it is easier to rent out 2 apartments than a whole house in that area.

Mr. St. Pierre speaks to Mr. Gagnon's business reputation. The Building Department has worked with Mr. Gagnon on several other renovations, and highly recommends the way he does business – he goes through the building process thoroughly and properly.

Ms. Harris opens public comment on the petition:

Ewan Miller - 103 Broadway, speaks in favor of the petition. The house was an eyesore, and it was getting worse and worse. One more 2-family house won't bother anyone on the street. There is room for the required parking. The petitioner is changing the hazardous waste site into a decent house.

Mr. Duffy states that it looks like a good proposal. What is proposed meets the standards for a special permit. It's adding a little density, but it wouldn't outweigh the beneficial impacts to the neighborhood. The petition is taking a house that's derelict and putting it to good use. The proposal addresses traffic and parking considerations. Utilities & public services are adequate. Based on the petitioner's presentation and the neighbor's comment, the proposal would bring the property up to the neighborhood character. There will be no detrimental impact on the environment, and the proposal will have a positive economic and fiscal impact.

Motion and Vote: Mr. Duffy makes a motion to approve the application with 9 standard conditions. The motion is seconded by Mr. Copelas. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition requesting a special permit per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to construct an addition at the rear of the existing nonconforming structure, and a variance from the requirements of Sec. 3.2.4 Accessory Buildings and Structures of the Salem Zoning Ordinance, to allow the expansion of a previously-approved garage such that one wall lies on the southern property line.

Applicant: **RAYNALDO DOMINGUEZ**

Location: **38 CABOT STREET (R2 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 22, 2014 and accompanying materials, including a letter from Michael P. Kiley, 40 Cabot Street, in support of the petitioner's request to construct the left side wall of the garage on the shared property line.
- Photos submitted to the Board.

Mr. Raynaldo Dominguez, 38 Cabot St, presents the petition. Mr. Dominguez states that he received approval [from the Board of Appeals] for the old garage previously. He laid the foundation down for that previously approved garage, and found that the layout of the foundation makes it difficult to back out of the garage without hitting the house. He proposes to remove the left-hand side of the garage foundation, and rebuild it to extend the garage to the property line on that side. It will be expensive just to do that one side. Mr. Dominguez states that he has support from the neighbor on that side.

Ms. Harris asks - that neighbor is Mr. Kiley? Mr. Dominguez confirms this, and states that Mr. Kiley's property is located on the side where the garage foundation is. Mr. Dominguez submits existing photos of the garage foundation to the Board.

Ms. Harris states that – there was a decision made in 2011 for a Variance from side yard setback and accessory structure height requirements. The conditions were the standard conditions, there were no special conditions.

Mr. St. Pierre asks for clarification on the final size of the garage. One submitted plan shows the garage up against the rear lot line of the property, the other submitted plan doesn't. The plan titled "kitchen addition" shows the garage in a different position. Ms. Harris asks about the dimensions of the proposed garage. Mr. Dominguez clarifies that the garage is now 15 feet wide by 24 feet long, and the proposal is to expand it to 18 feet wide by 24 feet long. Ms. Harris notes that the existing plan shows that the existing garage is 18 feet long, not 24 feet long. The old decision stipulates that the garage was permitted for 15 feet by 24 feet.

Mr. Copelas asks if this had been the proposal from the start, how would the Board have reacted? Mr. St. Pierre – adds that when you build on a zero-lot-line, the soffit might overhang the property line. Mr. Dominguez responds that the old garage was right on the property line. There wouldn't be any windows on that side of the garage. Mr. St. Pierre states that the proposed garage roof could have no overhang at all (without soffit or gutter), or else it would overhang the neighbor's property. Mr. St. Pierre asks the applicant how he proposes to address that concern. Ms. Harris offers that the Board could condition that the garage has to be a foot off the property line. Mr. Watkins adds that the water runoff from the garage roof would go straight onto the abutting property, and suggests moving the garage two feet from the property line. Mr. Dominguez states that the existing foundation is built 3 feet from the property line, and offers that the gutters on the garage would move the water away from the abutting property.

Mr. Copelas points out that the proposed kitchen addition would make the existing layout of the garage even more difficult. He states that without the kitchen addition, backing out of the garage is difficult but it's doable.

Ms. Harris adds that the current neighbor might not mind the proximity of the garage, but the next might. If we give an additional 2 feet of relief from the existing location - requiring a 1-foot offset from the property line, it would almost straighten the route out.

Ms. Harris opens public comment on the petition: No comment is heard.

Mr. St. Pierre states that he'd highly recommend a one-foot setback. On a zero-lot line, the footing of the garage would have to be on the neighbor's property. We can't condone building on the neighbor's property.

Motion and Vote: Mr. Watkins makes a motion to approve a modification to the previous Board of Appeals decision of June 1, 2011 to allow the extension of the garage to extend to within 1 foot of the side lot line, with all of the original conditions of that decision still applicable. The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Ms. Harris raises the second issue, the expansion of the kitchen.

Mr. St. Pierre asks if it is a single-story addition, which Ms. Dominguez confirms.

Mr. Duffy notes that the drawing depicts it as having a deck on top, and asks how that would be accessed. Ms. Dominguez states that it would be for the second floor. The tenants on the second floor have an existing small porch, and that would have to be rebuilt.

Mr. St. Pierre asks if the existing back porch provides an exit for the second floor tenants. Mr. Dominguez notes that in the proposed addition, the stairs to the second floor would be on the right side of the house. Mr. St. Pierre notes that these stairs are not shown on the submitted drawings.

Mr. Copelas and Ms. Harris note that that the submitted side view is not to scale.

Mr. St. Pierre recommends that the applicant request to continue, and return with properly scaled drawings that show all of the proposed features. Mr. Duffy agrees with that the lack of illustration of the proposed access to the second floor is an issue. Mr. Duffy and Ms. Harris clarify the drawings required and the level of detail needed. Mr. St. Pierre adds that the submitted drawings show different locations for the kitchen extension, and states that there has to be one consistent plan.

Motion and Vote: Mr. Duffy makes a motion to approve the applicant's request to continue to the June 18, 2014 Board of Appeals regularly scheduled meeting. The motion is seconded by Mr. Dionne. The vote was unanimous with five (5) in favor (Mr. Watkins, Mr. Duffy, Mr. Dionne, Ms. Harris, and Mr. Copelas) and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition requesting a special permit per Sec 3.3.2 Nonconforming Uses and Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance, to allow the operation of a dog daycare business and the fencing of the outside space.
Applicant: **G. RACHEL HILL**
Location: **1 FLORENCE STREET (R3 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 30, 2014 and accompanying materials

Ms. Rachel Hill and Mr. Greg Salamida present the petition. Ms. Hill owns Healthy Hounds Doggy Daycare. They moved into their current location on Summer Street knowing that it would be temporary, as the building will be coming down. They are proposing to move to 1 Florence Street.

Ms. Harris views the submitted plot plan, and confirms that the blue line is the proposed fence for the outdoor area.

Mr. Copelas asks which part of 1 Florence street the applicant will be using. Mr. Salamida indicates they will be using the southern end of the building. Ms. Harris asks how the dogs will go from the building to the fenced dog area. Mr. Salamida indicates that they would put a moveable fence between the building and the proposed fenced dog area, a few feet off of the eastern property boundary, parallel to the existing permanent fence on the eastern property boundary.

Mr. St. Pierre notes that the application should just be for a special permit for *use*, not for a nonconforming structure, and adds that his understanding is that the fence is just to show what parts of the property will be used. Ms. Harris confirms that the special permit is then only for the use of the property.

Ms. Harris opens public comment on the petition:

Anthony Picarello, 1 Florence St, owner of the building, speaks in favor of the petition.

Mr. Dionne notes that there doesn't seem to be any opposition from the neighbors.

Mr. Duffy states the findings: the petition serves a community need by caring for pets in the area, there have been no objections or concerns expressed regarding impacts on parking or loading, the utilities and the public services will be adequate, the proposed business is in keeping with neighborhood character, there are minimal - if any - impacts on the natural environment and view, and the proposal will have a positive economic and fiscal impact.

Mr. St. Pierre asks if the business will be run strictly in the daytime, or if it will be overnight. The applicant states that the overnight care they've provided so far hasn't been at the dog daycare property, but they'd like to have the option down the road of having overnight use approved. Mr. St. Pierre suggests that the Board condition it for daytime service for now, and that if the applicant wants to change to overnight use in the future, they'd come back before the Board. The applicant clarifies that the business is generally open 7am-7pm, and it sometimes opens at 6:30am.

Motion and Vote: Mr. Duffy makes a motion to approve the application for a Special Permit for 3.3.2 Nonconforming Uses for the operation of a dog daycare business, with 7 standard conditions, and with the special condition that it shall only be open only during typical retail hours, 6:30am-11pm. The motion is seconded by Mr. Copelas. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition requesting a special permit per Sec 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance, to allow the addition of a covered porch and rear steps, as well as raising the roofline of the existing structure.
Applicant: **CHAPMAN MILLER**
Location: **13 GRAFTON STREET (R1 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 30, 2014 and accompanying materials
- Letter of support from abutter at 11 Grafton St, submitted to the Board.

Chapman Miller, petitioner, presents the petition.

Ms. Harris reads a letter of support submitted by Sam Hiljeh and Weam Alserabi at 11 Grafton Street.

Ms. Harris asks where specifically the roof is being raised. Mr. Miller indicates on the plan that the main dwelling roof is being raised.

Ms. Harris asks what the additional square footage of the house will be. Mr. Miller indicates that it will be about 200 additional square feet on the second floor, plus the area over the covered porch. Mr. St. Pierre adds that the side porch is about 23 feet by 8 feet.

Mr. Duffy notes that the proposal will change the building, but it won't result in any further encroachment on the required setbacks. Mr. St. Pierre confirms, and states that the lot coverage would still be in conformance with the zoning code. Mr. St. Pierre clarifies that the petition requires a Special Permit as its proposing to continue a non-conforming line along the front of the property (along Grafton Street).

Ms. Harris opens the hearing for public comment.

Patrick Collins, 16 Grafton Street, states that the proposal will improve not only the petitioner's house, but will improve the whole neighborhood.

Mr. St. Pierre states that he has worked with Mr. Miller on another renovation under progress. Everything has been done well and correctly.

Mr. Duffy states that based on the application and plans submitted, and the statements heard today, the beneficial impacts would outweigh any negative impacts on the neighborhood. There would be no impact on traffic flow & safety, the utilities and public services will be adequate, the proposal will improve the property and the neighborhood character, the impacts on the view & natural environment is not an issue here, and the proposal would have a positive economic and fiscal impact.

Motion and Vote: Mr. Duffy makes a motion to approve the application with 9 standard conditions. The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Project: Petition special permit per Sec 9.4.2 Special Permits – Criteria and Sec. 3.3.2
Nonconforming Uses of the Salem Zoning Ordinance, to allow the operation of a real estate consulting office in a building currently in a nonconforming use, at the property located at
Applicant: **RODNEY SINCLAIR**
Location: **107 FEDERAL STREET (R2 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 30, 2014 and accompanying materials
- Business brochures submitted to the Board.
- Proposed list of special conditions submitted to the Board

Mr. Rodney Sinclair presents the petition. He has been in business for about 4 years, previously out of his home in Jamaica Plain. With his young son, he needs more space, and wants to move into some office space. This space on Federal Street has historically been a commercial space. He is currently renting the space, with an option to purchase in one year. The space would allow him to hire an intern and possibly an administrative person. He held a community meeting at the space and there was a general sense of support for the business. The space itself has been vacant for the past couple of years, and the previous use didn't allow for "eyes on the street." Neighbors mentioned that they would welcome some active use in the space, to discourage unwanted activities on the street. Mr. Sinclair's business mostly consists of assisting large-scale real estate projects through permitting, concept development, contractor selection, construction process, community process, etc. He plans on using this space as his headquarters. He does not intend, and does not need, to have walk-in business. It has been a successful and consistent business. He has gone over some conditions with some folks in the neighborhood who have expressed specific concerns, which he submits to the Board. He does want to clarify that the hours of operation proposed would be modified from those listed on the proposed conditions to be 10am-7pm.

Ms. Harris reads three letters from the public into the record:

1. Joel Caron, 4 Andover Street, in opposition to the petition, stating that the proposed use will have no relationship to the neighborhood, and will not benefit the residential neighborhood.
2. Jane Arlander, 93 Federal Street, in opposition to the petition, stating that there would likely be more than 2 or 3 employees, and that the proposed use is not in keeping with existing quiet residential character of the neighborhood.
3. Meg Twohey, 122 Federal Street, in opposition to the petition, stating that the proposed commercial use would have a more detrimental impact on the neighborhood than the previous commercial uses. No on-site retail real estate sales should be allowed, no additional parking should be permitted, and proposed educational classes to the neighborhood should not be allowed.

Ms. Harris reads the nine proposed conditions submitted by the applicant. See Attachment A for the submitted list of conditions.

Ms. Harris opens the hearing for public comment

John Carr, 7 River Street, Salem – states that he prepared the submitted conditions. He refers to the August 17, 2006 Decision regarding the existing non-conforming use. The existing non-conforming use was by appointment only, and there was no retail. 107 Federal Street is the only non-conforming use along that stretch of Federal Street. Mr. Sinclair is only going to use the space as private office space. Mr. Sinclair has assured Mr. Carr that he will not be bringing people to the space. If Mr. Sinclair adheres to these conditions, Mr. Carr can support it. If the conditions are not adopted, he will appeal.

Barbara Cleary, 104 Federal Street – had some concerns about the proposal, but is now supportive of the petition with the submitted conditions. Just wants to add that the phrase “or real estate brokerage sales” should be inserted after the first line of condition #6.

Steve Whittier, 10 River Street – has met with Mr. Sinclair, gives him credit for his involvement of the neighborhood, and would welcome him.

Mr. Carr adds that he supports Mr. Sinclair’s proposed change to the hours.

Mr. Watkins asks if the proposed condition #4 can be an enforceable condition. It seems that it would probably be part of the findings of the Board, if they granted the Special Permit. Mr. St. Pierre agrees with Mr. Watkins’ statement on condition #4, and adds that #10 is something that has typically been enforced.

Mr. Copelas states that the part of condition #8 stating that “at no time shall the business become a nuisance to the residential historic neighborhood...” is not enforceable.

Mr. Duffy adds that there are other ordinances that would govern some of the concerns laid out in the submitted conditions, such as excessive noise, litter, and trash. The hours of operations could be fixed per the conditions the Board sets.

Ms. Harris states that parking is a significant concern. Mr. Duffy concurs, and notes that if submitted condition #7 (no more than 3 people there at one time) is followed, then the parking situation would be better. The Board continues discussion of appropriate edits to the submitted conditions, which of the submitted conditions to apply to the Special Permit, and carrying over conditions from the previous (August 17, 2006) Decision.

Motion and Vote: Mr. Watkins makes a motion to approve the application with 6 standard conditions, and with the following the special conditions: (#5 as edited by Board; #7 as edited, #8 as edited, #7 edited from the Aug 17 2006 decision). The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy)– and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Discussion: Ms. Harris states that the proposed use is no more detrimental than the previous use. Mr. Duffy adds that the proposal is fairly consistent, at least in terms of the scope and what's been permitted by our conditions, to be similar to the graphic design business.

Project: Petition requesting a special permit per Sec 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance, to allow a 20'-9" x 16'-11" single-story addition to the existing residence and Bed & Breakfast.
Applicant: **PHILIP MARCHAND**
Location: **47 SUMMER STREET (R2 Zoning District)**

Documents & Exhibitions:

- Application date-stamped April 30, 2014 and accompanying materials
- Petition of support from neighbors submitted to the Board.

Attorney Scott Grover presents the petition. The Marchands live on the property and operate a small bed and breakfast there. They are proposing to add a small second-story addition to an existing single-story part of the building. The purpose of the addition is to create a single room with a laundry room, to make room for the expected baby. There would be no change to the building footprint. The proposed change is consistent with the rest of the house. Mr. Marchand asked his neighbors for support of the petition. This proposal will also have to go before the Historic Commission, so the proposal will have that oversight as well.

Ms. Harris opens the hearing for public comment.

Joseph Gagnon, 23 High Street, speaks in support of the petition.

Brian Shaughnessy, 4 Broad Street, speaks in support of the petition. Mr. Shaughnessy states that the applicants are great neighbors, run a business in a residential neighborhood that has never impacted any of the neighbors. This addition will allow the Marchands to stay in the home rather than having to sell it.

Atty. Grover states that the property is currently approved for a 3-bedroom Bed and Breakfast, and the proposal would reduce that to 2-bedrooms used for the Bed and Breakfast, which would actually decrease the impact of the bed and breakfast business on the neighborhood.

Motion and Vote: Mr. Duffy makes a motion to approve the application with 8 standard conditions. The motion is seconded by Mr. Dionne. A roll call vote is taken, and is unanimous with five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy) – and none (0) opposed. The decision is hereby incorporated as part of these minutes.

Discussion: Mr. Duffy states that the adverse impacts of the proposal will not outweigh the beneficial impacts, the business is already in place, and is a very good, neighborly business. It serves a community need, there is no additional impact on traffic flow & safety, the utilities & public services are adequate, there are no apparent negative impacts on the natural environment including view, the proposal will not create a negative economic or fiscal impact, in fact the economic/fiscal impact will possibly even be positive.

OLD/NEW BUSINESS

None

ADJOURNMENT

Mr. Dionne motioned for adjournment of the April 16, 2014 regular meeting of the Salem Board of Appeals at 9:05 PM.

Motion and Vote: Mr. Dionne made a motion to adjourn the April 16, 2014 regular meeting of the Salem Board of Appeals, seconded by Mr. Copelas, and a unanimous vote was taken with five (5) in favor (Mr. Watkins, Ms. Harris, , Mr. Dionne, Mr. Copelas, and Mr. Duffy) - and none (0) opposed.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: http://saalem.com/Pages/SalemMA_ZoningAppealsMin/

Respectfully submitted,
Dana Menon, Staff Planner

Approved by the Board of Appeals 6/18/2014

Attachment A

Suggested Conditions of Approval submitted to the Board on 5/21/2014 by Mr. Rodney Sinclair, in support of his petition for 107 Federal Street.

1. Petitioner shall comply with all city and state statues, ordinances, codes and regulations.
2. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board and the Salem Historical Commission.
4. In no event shall the real estate consulting business have a more deleterious effect on the R-2 residential zoning district in which it is located than has been the case with the pre-existing non-conforming graphic design business (Studio 107 and ancillary art gallery owned and operated by Christine McClearn.)
5. The petitioner shall be limited to the office use for a non-retail, real estate consulting business only, subject to the other conditions of this Special Permit, and such business shall be limited to the first floor of the site only.
6. The real estate consulting business shall not include any retail or commercial sales activity of any kind on the premises. The premises shall only be used as the office space where those affiliated with the business can perform their private office duties. All meetings with customers or clients shall occur off-site. Without limiting the generality of the foregoing there shall be no advertising posted on the premises.
7. There shall never be any more than (3) people affiliated with the business on site (including the business owner). This 3-person limitation includes (without limitation) employees, interns, paraprofessionals, support staff, or any other individuals of whatever description.
8. The hours of operation will be limited to Monday to Friday from 8:30am to 7:00pm (and shall not include holidays). At no time shall the business become a nuisance to the residential historic neighborhood, including (without limitation) as a result of excessive noise, hours of operation, litter, or demands on parking in the neighborhood.
9. This Special Permit will expire upon the first to occur of the expiration or relocation of the business (Sinclair Development Solutions), the change of the majority of ownership of same, or the violation of any of the conditions of this Special Permit. Any future business seeking to occupy this space is required to apply for a new Special Permit.