

**City of Salem Board of Appeals**  
**Meeting Minutes**  
**Wednesday, January 21, 2015**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, January 21, 2015 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Ms. Curran calls the meeting to order at 6:42p.m.**

**ROLL CALL**

Those present were: Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos. Also in attendance –Michael Lutrzykowski, Assistant Building Inspector, and Erin Schaeffer, Staff Planner

**REGULAR AGENDA**

Project: A continuation of a public hearing for a petition requesting a Variance from the requirements of Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance to allow a reduction in minimum lot size from the required 15,000 square feet to 5010 square feet located at 46 SCHOOL STREET (map 27, Lot 7) and to allow a reduction in minimum lot size from the required 15,000 square feet to 6837 square feet at 48 SCHOOL STREET to create an additional rear lot.

Applicant: **MICHAEL BECKER**  
Location: **46-48 School Street (R2 Zoning District)**

Documents & Exhibitions:

- Letter dated January 21, 2015 requesting to withdraw without prejudice.

Curran: Continued public hearing reads the letter to request to withdraw without prejudice.

**Motion and Vote: Watkins makes a motion to allow Mr. Becker to withdraw the petition without prejudice. The motion is seconded by Copelas. The vote was with unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed.**

Project: A public hearing for a petition seeking Special Permits per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures, to allow a change from an existing non-conforming single family structure to a two family residential structure and to reconstruct rear addition. The applicant is also seeking a Variance per Sec. 4.1.1 Table of Dimensional Requirements to allow a reduction in minimum lot size per dwelling unit. The proposal is for the property located at 20 LINDENS STREET (Map 30, Lot 15)

Applicant: **JOSEPH R. GAGNON and MARIA K. GAGNON**  
Location: **20 LINDEN STREET (R2 Zoning District)**

### Documents and Exhibitions

- Application dated November 19, 2014 and supporting documentation

Mr. Gagnon, applicant, presents the petition. Mr. Gagnon states that he is changing the use of a non-conforming single family home to a conforming two-family structure in an R2 Zoning District and would like to reconstruct an existing rear porch addition that includes a kitchen and bathroom. Mr. Gagnon states that the existing rear porch kitchen and bathroom has been demolished and the applicant intends to build a smaller structure and increase the side yard setback from the existing non-conforming 1.3 feet to 5 feet from the right-side lot line that does not conform to the side yard setback requirements. The existing structure also did not conform to the lot coverage requirements. Mr. Gagnon is seeking special permits for allow a change in an existing non-conforming structure and to allow a reduction in minimum lot size per dwelling unit. The proposed footprint of the rear porch reconstruction is smaller than the pre-existing structure that was recently demolished.

Mr. Gagnon spoke to all of the abutters about the application and that there were no objections to the reconstruction of an existing rear porch addition that includes a kitchen and bathroom.

Ms. Curran states that a change of use from a single-family home to a two-family home can be done by-right in an R2 zoning district. Ms. Curran asks for clarification of the existing and proposed right side yard setback and restates that the existing structure was 1.3 feet from the lot line and the applicant intends to increase the side yard setback to 5 feet. The current zoning side yard setback requirements are 10 feet. Use is an allowed use by right.

Ms. Curran also states that there is than enough parking for the two units.

Ms. Curran asks for elevation plans of the rear addition.

Mr. Gagnon states that there are plot plans as part of the application and that the proposed structure will be a box that is approximately what existed. Mr. Gagnon states that the Building Department will be required a more detailed architectural plan prior to construction.

Mr. Watkins asks for clarification on whether the applicant is seeking special permits and a variance as the advertisement states that the applicant is asking for special permits and a variance, but the application states that the applicant is seeking special permits only.

Ms. Schaeffer clarifies that the applicant is seeking a Special Permit per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures to reconstruct rear addition and a Special Permit per Sec. 4.1.1 Table of Dimensional Requirements to allow a reduction in minimum lot size per dwelling unit.

Ms. Curran opens the discussion for public comment.

Jim Rose 25 Linden Street: Had an opportunity to tour the property and is supportive of the project. Mr. Rose requested a graphic for a better visual of what the front of the house and the parking in the back will look like.

Mr. Gagnon states that the front porch architectural detail will remain and will be enhanced by cutting the rotten post and rebuild the porch. The granite staircase will stay. As far as the parking, Mr. Gagnon will have the minimal requirement of provide four (4) parking spaces and to try to preserve the backyard.

Mr. Rose asks for more description of the driveway.

Mr. Gagnon states that the driveway will be straight back and the parking will be 4-5 feet off of the lot line. Cars will have enough room to turn around in the driveway to not have to back out of the driveway.

Mr. Rose asks for more clarification on the porch.

Mr. Gagnon states that the porch will be repaired and that the Victorian architectural detail will remain.

Mr. Rose requests that Mr. Gagnon places images of architectural detail of the façade and the parking on his website for the neighbors to have a visual of what is proposed.

Ms. Curran states that typically a decision has an elevation plans.

Mr. Gagnon provided pictures of the house and current existing rear addition.

Ms. Curran opens the discussion to board members.

Mr. Titsinos states that there is no problem with this project.

Mr. Watkins states that this will be a major improvement to the property.

Mr. Duffy states that it is better to have elevation plans in addition to a plot plan.

Mr. Curran asks if there are proposed windows.

Mr. Titsinos asks if there is a proposed back door on the addition.

Mr. Gagnon states that the structure will be slightly smaller than the previously existing structure. The materials will match the remaining structure and the windows and back porch will be the same as the previously existing structure.

Mr. Duffy states the findings for the special permits. With this description, this is a good discussion of statement of grounds. To touch on the conditions and the requirements the proposal, the project serves social and economic needs by taking a dwelling in disrepair and proposing to renovate and rehabilitate it and bring back to productive use. There is not a major introduction of high demand traffic and off-street parking proposed is within the parking requirements for this use. The existing utilities are adequate to accommodate the one additional dwelling unit proposed and there are no significant environmental impacts. This restoration fits and will upgrade neighborhood character. In addition, this project has the potential for positive fiscal impacts and property values. Support for all of these findings and there are benefits and would not derogate from the zoning.

**Motion and Vote: Mr. Copelas makes a motion to approve the petition for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures to reconstruct a rear addition and a Special Permit per Sec. 4.1.1 Table of Dimensional Requirements to allow a reduction in minimum lot size per dwelling unit. Conditions include eight (8) standard conditions and one special condition that architectural plans be submitted and approved by the Building Commissioner as per the project proposal. The motion is seconded by Mr. Duffy. The vote was with unanimous with five (5) (Rebecca**

**Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed.**

---

Project            A public hearing for a petition requesting a Special Permit per Sec. 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance, in order to allow an existing nonconforming use of a barbershop to be changed to another nonconforming use of a general office at the property located at 198 LORING AVE (Map 31, Lot 31)

Applicant        **DAVID POTTER**

Location         **198 LORING AVE (R1 Zoning District)**

Documentation & Exhibition

- Application date stamped November 25, 2014 and supporting documentation

Attorney McGloin presents the petition on behalf of the applicant. The petitioner is asking for a special permit for a change of use from one non-conforming use to another. The petitioner proposes to have a real estate general office space at this property location.

Ms. Curran asks for clarification of the number of employees and the hours of operation.

Attorney McGloin states that the applicant has two employees, he and his wife and that the hours of operation are sporadic. The space is intended for general office space for paperwork.

Mr. Tsitsinos asks whether any tools or storage will be associated with this office space.

Attorney McGloin states that there will be no special tools or storage associated with this business other than general office items such as computers.

Ms. Curran asks for clarification of the location of this proposed business particularly that it is proposed to be on the first floor.

Attorney McGloin states that the proposed office space will be on the first floor and the second floor is an existing apartment.

Ms. Curran opens discussion to the public.

Councillor O' Keefe states that he is in favor of the petition and specifically asks that the Board consider a special condition that there shall not be any motor vehicle parking on the sidewalk.

Curran: Is there any parking?

Attorney McGloin states that there is one (1) off-street and two (2) on-street parking spaces.

Mr. Watkins asks for clarification on the number of employees.

Attorney McGloin states that there will be two (2) employees.

Ms. Curran states that this location has had a non-conforming business use historically and that the proposed change of use is not more detrimental to the neighborhood.

Mr. Duffy states that the proposed use is not as intense of a use as the previous barbershop. There is a handwritten statement of reasons and criteria that address the standard conditions. The existing utilities are adequate to accommodate the proposed change of use and there are no significant environmental impacts. The proposed office space is in keeping of the neighborhood character. There is less of a need for parking and less impact on traffic with this particular use. All criteria have been met from the special permit.

**Motion and Vote: Copelas makes a motion to approve the petition requesting a Special Permit per Sec. 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance, in order to allow an existing nonconforming use of a barbershop to be changed to another nonconforming use of a general office with six (6) standard conditions and one (1) special condition that the petitioner agrees to prohibit all motor vehicle parking on the sidewalk. The motion is seconded by Mr. Watkins. The vote was with unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed.**

Project	A public hearing for a petition seeking a Variance from the provisions of Sec. 4.1.1 Table of Dimensional Requirements lot area, width, coverage, and setback requirements of the Salem Zoning Ordinance to allow the construction of an accessory structure that is physically separated, but held in common ownership with 25 Winter Island Road. The proposal is for the property located at 24 WINTER ISLAND ROAD (Map 44 Lot 32)
Applicant	<b>DOUGLAS and JEAN KARAM</b>
Location	<b>24 WINTER ISLAND ROAD (R1 Zoning District)</b>

#### Documentation & Exhibition

- Application date stamped November 24, 2014 and supporting documentation

Attorney Scott Grover presents the petition. The petitioners own 25 Winter Island Road and 24 Winter Island Road. The property located at 24 Winter Island Road has historically always been conveyed with the property located at 25 Winter Island Road. The existing use on this property has been for outdoor storage, and the petitioner would like to construct an accessory structure on the parcel located at 24 Winter Island Road.

Attorney Grover presents elevation plans and plot plans to the board. Elevation plans are presented for the proposed accessory structure with a one car garage and storage shed. Attorney Grover also submits a petition with abutter signatures in approval of the project. The proposed accessory structure fits all the current dimensional requirements for an accessory structure. However, interesting thing about this proposal is that the two lots are physically separated from one another and may not qualify as an accessory structure as defined in the zoning ordinance. Therefore, the petitioner is asking for a Variance from all dimensional requirements for a building as if 24 Winter Island Road is an independent lot from 25 Winter Island Road. As 24 Winter Island Road is a small lot, with current zoning regulations, it is not possible to place a structure on this property without relief. As for meeting the requirements of a Variance, the unique size, shape and topography is that 24 Winter Island Road, although jointly conveyed with 25 Winter Island Road, is physically

separated from the primary structure by a road. The hardship is that if the literal requirements of the zoning ordinance were enforced particularly for dimensional requirements, it would not be possible to build a structure on the property. In keeping with the neighborhood, the structure is consistent with other accessory storage uses and storage sheds on properties in the vicinity of 24 Winter Island Road.

Ms. Curran asks for affirmation that 24 and 25 Winter Island Road are under the same ownership and same deed.

Attorney Grover states that in the seventy-year (70) history of deeds, that 24 and 25 Winter Island Road have always remained deeded together.

Ms. Curran opens discussion to the public.

Mr. Richard Pabich 35 Winter Island Road- States his support for the project proposal.

Mr. Lutrzykowski states that the Building Department would like to suggest special conditions related to this project including that the accessory structure shall not be used as a dwelling unit and that 25 Winter Island Road and 24 Winter Island Road deed never be separated.

Ms. Curran asks whether there is any plumbing proposed for the accessory structure.

Attorney Grover states that there is no plumbing proposed.

Ms. Curran states the findings for a Variance including that the lot located at 24 Winter Island Road is unique because it is physically separated from 25 Winter Island Road, but deeded together. The proposed structure is in keeping with the neighborhood as the structure is consistent with other accessory storage uses and storage sheds on properties in close vicinity to the property. The literal enforcement of the zoning provisions would not allow for structure on the property. Ms. Curran also suggests that the board consider the following special conditions including: 1) that 24 and 25 Winter Island Road shall remain deeded together 2) the accessory structure shall not be used as a dwelling unit 3) no bathroom shall be installed in the accessory structure located at 24 Winter Island Road.

Mr. Duffy stated that the stated grounds for a Variance as described by Ms. Curran and Attorney Grover are supported.

Mr. Copelas states that this is an appropriate use for the property and requested more information on the history of how the large and small lot were physically separated.

Mr. Pabich stated that when the land was subdivided, each of the small and large lots were intended for little building lots about 100-years ago.

**Motion and Vote: Mr. Duffy makes a motion to approve the petition seeking a Variance from the provisions of Sec. 4.1.1 Table of Dimensional Requirements lot area, width, coverage, and setback requirements of the Salem Zoning Ordinance to allow the construction of an accessory structure that is physically separated, but held in common ownership with 25 Winter Island Road subject to six (6) standard conditions and the following three (3) special conditions: 1) the approved accessory building shall not be used as a dwelling unit 2) the**

property located at 24 Winter Island Road shall not be deeded separately from the property located at 25 Winter Island Road 3) No bathroom shall be installed in the accessory building. The motion is seconded by Mr. Watkins. The vote was with unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed.

Project	A public hearing for a petition seeking Special Permits from the provisions of Sec. 3.3.3 Nonconforming Structures, to allow a change from an existing non-conforming two family structure to a multi-family structure and to construct a rear addition. The proposal is for the property located at 103 BRIDGE STREET (Map 36, Lot 378) (B1 Zoning District).
Applicant	<b>JUNIPER POINT 103 BRIDGE STREET LLC</b>
Location	<b>103 BRIDGE STREET (B1 Zoning District)</b>

#### Documentation & Exhibition

- Application date stamped December 20, 2014 and supporting documentation

Attorney Correnti presents the petition on behalf of the petitioner Marc Tranos. The applicant, the owner of the property, is seeking a special permit from a non-conforming structure to construct a rear addition and add on to the existing non-conforming structure. The proposed structure and parking conforms to the dimensional and parking requirements of the zoning ordinance. The existing structure is a non-conforming two (2) family structure. The petitioner would like to add three units to the existing two-unit structure and provide eight (8) parking spaces in the rear of the property.

Mr. Tranos, property owner, presents part of the petition. Mr. Tranos states that the property was purchased in September 2014 and has the intention to restore the historic home and add a rear addition of three (3) units.

Ms. Curran asks the applicant about the present use.

Mr. Tranos stated that the current use of the property is a two-family non-conforming structure.

Ms. Curran asks for clarification about why the applicant is before the Board as a two-family and multi-family is an allowed use.

Correnti states that this project is before the Board because this is an existing non-conforming structure and the applicant is adding to the non-conforming structure. Mr. Correnti states that when there is an extension of a non-conforming structure a special permit is required as the applicant is increasing the physical structure from a two (2)-unit to five (5) unit structure. In relation to the Special Permit criteria the applicant intends to preserve the historic house, but needs to build the addition to support the cost of preserving the historic structure. In keeping with the neighborhood character, there are other multi-family homes along Bridge Street. The proposed height of the building will not be taller than the existing building and will conform with the dimensional requirements of the zoning ordinance.

Mr. Copelas asks for clarification about the density requirements for this lot.

Attorney Correnti states that the proposal meets the density and dimensional requirements of the zoning ordinance of a B1 Zoning District.

Ms. Curran asks for clarification on the location of the current driveway condition and whether the back of the lot is paved.

Mr. Copelas is going on with the current construction going on at this property including the large cellar hole.

Mr. Tranos stated that a building foundation permit was obtained to dig around the foundation of the existing structure to look at the condition of the foundation. Mr. Tranos stated that the foundation of the existing structure needed to be patched and that was underway.

Mr. Lutrzykowski confirmed that the applicant has obtained a foundation permit.

Ms. Curran opens the discussion for public comment.

Charlene Salvage 8 Warner Street- owns house behind the backyard and her back bedroom faces the proposed parking and proposed density. There is already a 6 foot high fence and proposes.

Ms. Curran asks the applicant whether there is a proposed fence between the property and 8 Warner Street.

Mr. Tranos stated that he intends to construct a white vinyl fence behind the property.

Ms. Salvage states that there is already a fence. She also states that she has not seen any pictures or the applicant's proposal. She asks for clarification on the proposed number of units increased and the location and orientation of the proposed 8 (eight) parking spaces.

Ms. Curran shows Ms. Salvage the plot plan for the proposed project.

Ms. Salvage restates her concerns that her bedroom window will be next to a parking lot and is concerned about noise.

Zoila Marquez 10 Warner Street- The resident presented Ms. Curran with a plot plan of her property and a photo of the rear yard fence of 103 Bridge Street. Ms. Marquez stated that part of the bump out along the rear yard fence of 103 Bridge Street may be her property. Mr. Curran states that there seems to be a discrepancy between the plot plan for 103 Bridge Street and 10 Warner Street. Ms. Marquez also states her concerns that the proposed building height is too high.

Lorraine Cody 8 Barton Street- spoke in opposition to the project and states the proposed density in the context of social and community, the addition of more units in a currently narrow section of Warner Street and Bridge Street is concerning. Ms. Cody is also concerned with adequate parking for visitors and runoff from the proposed impervious surface of the 8 (eight) parking spaces. Ms. Cody stated her disappointment that the petitioner did not reach out to the community or neighbors to discuss the project.



Mr. Cappozi 4 and 2 Saunders Street: Expresses opposition to the proposal over concerns about parking, traffic and additional density.

Ms. Lorraine Cody 8 Barton Street: Requests that the developer meets with the neighbors to discuss the project and possible mitigation related to the proposal.

Tom Doucette- Beverly, MA states his concerns to preserve the historic structure on the property and concerns regarding drainage.

Ms. Jessica Herbert, Salem Historic Commission- requests that the applicant consider replacing the bay window on the façade to a flat window in keeping with the historic design. Ms. Herbert also states that it is important to keep the house located at the 0' ft. lot line because it conforms to the standing streetscape. She states that she is happy to see the possibility of restoration of the historic structure.

Virginia Carson 104 Bridge Street- States her opposition to the project proposal due to concerns over parking.

Ms. Curran states that the parking proposed by the applicant conforms to current zoning requirements. Ms. Curran states concerns about drainage and runoff. The applicant is asked if there has been a drainage study done and states that the proposed project will create a lot that will be completely impervious. Ms. Curran also states concerns about an on-site location for snow removal.

Attorney Correnti states that there have been historic issues regarding drainage on the site and the applicant hopes to improve these conditions. The applicant has not had a drainage study completed, however there is a contractor and surveyor that can look at this.

Ms. Curran asks whether the applicant would consider meeting with the neighbors to discuss the project proposal as suggested by a concerned resident. Ms. Curran also states that the applicant needs to also submit drainage information about how the driveway will impact runoff and drainage on the property for Board for consideration.

Attorney Correnti asks the Chair for a moment to confer with his client.

Ms. Curran asks the applicant to clarify the number of units and bedrooms proposed.

Mr. Tranos states that the proposal is for 5 units with 2-3 bedrooms each.

Attorney Correnti asks the Chair for a moment to confer with his client.

Attorney Correnti has conferred with his client and has accepted a request to continue to the next Zoning Board of Appeals meeting on February 18, 2015.

Ms. Curran restates the request to provide drainage information from an engineer at the next regularly scheduled meeting at 6:30pm on Wednesday, February 18, 2015.

**Motion and Vote: Duffy makes a motion to continue the hearing of the petition to the next meeting on Feb 18, 2015. The motion is seconded by Mr. Copelas. The vote was with unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed.**

---

Project            A public hearing for a petition seeking a Special Permit from the provisions of Sec. 3.1 Principal Uses, to operate a medical clinic for a portion of the property located at 4 TECHNOLOGY WAY (Map 7, Lot 79) (BPD Zoning District).  
Applicant        **JUDYLYNN MONACO**  
Location        **4 TECHNOLOGY WAY (BPD Zoning District)**

Documentation & Exhibition

- Application date stamped December 29, 2014 and supporting documentation

Joanne O'Connell of NEMD Architects, Providence, Rhode Island, presents the petition. Julie Higgins Van Sickle, facility administrator for Davita Healthcare services in Salem, MA and Judylynn Monaco, Project Manager of Davita Healthcare Partners Inc. are also present.

The proposed clinic would see about 95 patients a day. About half of the patients would drive themselves and the other half would be dropped off by ambulance services. The proposed facility would employ about 30-40 staff and would have two (2) delivery trucks a week. Interior build out with the exception of building a canopy over the patient drop off area.

Ms. Curran asks the representative to clarify the proposed use of the facility.

Ms. O'Connell states that the proposed use is a dialysis center that will provide service for approximately 95 patients. The way dialysis works is that they clean the blood and clean out contaminants. Patient treatment periods are 3-6 hours and there will be three shifts. The hours of operation proposed are from 5am-8pm. There will be a patient shift starting at 6am, 11am and 4pm.

Mr. Tsitsinos asks for clarification on the current clinic's hours of operation.

Ms. Higgins Van Sickle, facilities administrator at 10 Colonial Road states that the current facility is at capacity and three days a week there are now four (4) shifts that start at 6am, 11am, 4pm and 8pm. Ms. Higgins Van Sickle also states that the current facility is located on Colonial Road and does not meet the current needs of the facility. Therefore, Davita Healthcare regional office is requesting to move to this proposed location.

Ms. Curran states that the current use of 4 Technology Way is a technology park and asks whether this use is consistent with or compatible with the current existing uses.

Ms. O'Connell states that the proposed space located at 4 Technology Way would be located separately from the existing business in the business park.

Ms. Curran looks at the proposed plot plan and asks the applicant to clarify what types of businesses currently exist inside the large corrugated metal building where Davita Healthcare Partners is interested in locating.

Ms. Judylynn Monaco states that the corrugated building describes a prior use for the structure.

Ms. O'Connell states that the corrugated building designation on the plot plan is a description of the building type.

Ms. Curran states that the applicant proposes to be housed in the large corrugated metal building and asks the applicant to clarify the other types of businesses that currently exist inside the building.

Ms. O'Connell states that the first floor is a bio-technology lab and storage, the second floor of the facility is occupied by offices and the other half is vacant.

Ms. Curran asks the applicant to clarify if there is any medical waste produced by this use.

Ms. O'Connell states that there will be medical waste produced and red bagged taken off site and disposed in a dumpster.

Ms. Monaco, clarifies that medical waste cannot be stored outside and the proposal includes a medical waste room with ventilation and vinyl protection that is required. No medical waste will be stored outside of the building.

Mr. Tsitsinos ask the applicant whether anything will be stored on the outside of the building.

Ms. O'Connell states that there is no storage outside of the building except for two (2) six (6) to eight (8) yard dumpsters designated for regular trash and recyclables.

Ms. Curran asks for information on proposed deliveries.

Ms. O'Connell states that there are between one (1) and two (2) deliveries per week and the truck is a 18 wheel truck.

Ms. Monaco states that the deliveries are made between 5am and 6am.

Ms. Higgins Van Sickle states that the proposed delivery hours may change from 8am to 9am.

Ms. O'Connell states that deliveries will be made during regular business hours.

Ms. Curran asks the applicant about traffic generation and asks for clarification on how patients get to the clinic.

Ms. O'Connell states that a little less than half of the clients drive themselves and a little more than half of the clients are dropped off by an ambulance service.

Ms. Curran asks the Board whether there are additional comments or questions before opening public comment.

Mr. Watkins: Asks the applicant to clarify whether the proposed space for Davita Healthcare is occupied.

Ms. O'Connell states that the space is currently vacant.

Mr. Watkins asks whether there are any utilities as it is now.

Ms. O'Connell states that there are utilities and clarifies that the suite where the clinic is proposed is currently vacant. There are other businesses that share the larger building including the bio-tech lab.

Mr. Watkins states that the applicant will be adding utilities, plumbing and electrical.

Ms. O'Connell- yes.

Ms. Curran reads a letter of public comment from Thermal Circuits, Inc located on One Technology Way, The Salem Glass Company, 3 Technology Way and Jacqueline's Wholesale Bakery, Inc, 94 Swampscott Road into the record in opposition.

Mr. Watkins asks for clarification of the statement of grounds description that a total of 88 patients will use services at the facility per day in addition to 30-40 staff members.

Ms. O'Connell – there will be 88 patients coming in and out of the facility per day in addition to the 30-40 staff members.

Ms. O'Connell state that the clinic runs in three shifts with 22 patients per shift starting at 6am, 11am and 4pm.

Ms. Monaco asks Ms. O'Connell and Ms. Higgins Van Sickle why the proposal states that there are 88 patients when the total number of patients per shift is a maximum of 22 with 66 patients.

Ms. Higgins Van Sickle states that there are 22 in-home patients included in the petition that also visit the facility twice (2) a month minimum. Twenty-one to twenty-two (21-22) patients are treated in the clinic per shift.

Mr. Watkins asks whether the patients run concurrently. A treatment can run between 3-6 hours, therefore patients may start at the same time and leave and different times.

Ms. O'Connell states that the patients run concurrently in three (3) shifts per day and leave the clinic at staggered times depending on the length of their treatment.

Ms. Curran asks for clarification on the number of employees.

Ms. O'Connell states that there will be thirty-two (32) employees.

Ms. Curran asks how many parking spaces are available and allocated to the proposed facility.

Ms. O'Connell states that there are ninety-five (95) parking spaces available. Not all patients drive themselves therefore less parking is required, but there is more traffic generation.

Mr. Copelas states that the ninety-five (95) spaces are allocated for the entire building and not only for the proposed medical clinic. Mr. Copelas states that the proposed clinic would take up a quarter of the first floor.

Ms. Curran asks for clarification on the designation and allocation of parking spaces for the dialysis center.

Ms. O'Connell states that the handicapped spaces that are closest to the entrance would be designated for the dialysis center only, while the remaining parking spaces would be available on a first come first serve basis.

Ms. Curran states that the proposed medical clinic seems to have a significant traffic impact. If there are ten (10) people per shift per day driving independently and ten (10) patients per shift per day are transported by ambulance service and there are thirty-two (32) employees per day, this seems to generate a lot of traffic trips.

Mr. Tsitsinos asks the applicant to give more information regarding the potential noise of the exhaust fan that is required for the building. Mr. Tsitsinos asks Councilor Siegel to speak about buffers built around an industrial exhaust fan for one of the existing businesses in the area.

Ms. O'Connell states that the exhaust fan needed as part of the proposed facility is not an industrial sized fan. It is similar to the size of an exhaust fan in a residential home.

Mr. Tsitsinos asks the applicant why an interior room for medical waste needs to have an exhaust fan.

Ms. O'Connell states that the interior room for medical waste is specifically for used sharps including IV needles and that is part of building requirements to have an exhaust fan in a room that stores trash. O'Connell restates that the proposed exhaust fan is not industrial sized.

Ms. Curran opens the discussion to public comment.

Mr. Todd Siegel, Ward 3 Councilor speaks in opposition of the proposal. Specifically, the industrial area was specifically built for industrial use and not retail. Councilor Siegel states that this location is not a retail space. There is also concern that should this petitioner be allowed to operate in this location and expand in the future, there may be a significant increase in traffic in the future. Councilor Siegel recognizes that there is a need in the community for the proposed service, but opposes the proposed location.

Dave Ekstrom 98 Swampscott Road- Concerned about the proposed use as a clinic in an industrial area.

Jack O'Neil, CFO Jacqueline's Wholesale Bakery, Inc, states concern that the proposed use is retail/consumer based in an industrial area. There is also concern about traffic generation from a proposed retail use.

Judylynn Monaco, Davita Healthcare- states that dialysis is a life-saving treatment in people with kidney failure and without this service they will not live. There is a need in this community for this service and unfortunately because of regulations with the Department of Health, there are not many places in this area that can meet the requirements of needing first floor space and parking. Technology Way was not a first choice for placement, but met requirements and regulations that are in compliance to provide treatment.

Mr. Arthur Sargent, Councilor at Large- states sympathy and recognizes the need for this service. Thermal Circuits and the relocation of Salem Glass Company to this industrial park provides significant investment in manufacturing and jobs for the area and the proposed medical clinic is incompatible with the existing uses of the industrial park.

Jim Miller, Vice President and Owner of Salem Glass- business is relocated to Technology Way and is specifically for technology and research. There is significant investment from the existing business with proposals to expand. The proposal is not compatible with the existing uses of this manufacturing park.

Attorney Correnti 63 Federal Street, Representing Thermal Circuits - Davita Healthcare is a very successful business and there is a clear need for this facility in the community. Comments are about this particularly location at Technology Way. Attorney Correnti states there are plans at Thermal Circuits to significant expand the manufacturing company. There is concern that the medical clinic proposal will generate significant traffic located at the facility. The proposed use does not fit the character of the existing neighborhood as the facilities located at Technology Way are specifically manufacturing and research uses.

Ms. O' Connell- states that the estimated number of ambulance trips is about 40 trips per day.

Mr. Copelas asked for clarification on whether ambulatory service trips will drop off and stay.

Ms. O' Connell states that the ambulatory services will not stay. Often times the ambulance will drop off and leave. Then an ambulance will come back at the end of a shift and pick up clients.

Mr. Copelas asks for further clarification on whether a patient using ambulatory services requires two ambulance trips.

Ms. O' Connell states that ambulatory services often drop-off patients and pick-up patients in one trip.

Ms. Curran states that the proposed medical clinic conflicts and is incompatible with the existing manufacturing and technology uses in the industrial park. The existing traffic flow on the property and parking is incompatible with the proposed service use. Swampscott Road is also difficult to travel due to existing traffic. As proposed, the medical clinic would generate traffic that is not well suited for the area, particularly along Swampscott Road and existing site use.

Judylynn Monaco, Davita Healthcare- Where is Colonial Road in reference with 4 Technology Way in where traffic is different?

Ms. Curran states that Swampscott Road is a connector road. People travel fast on Swampscott Road and there is a lot of retail off of Highland Ave. where there is a non-signalized intersection. There is a gym, transfer station and many other traffic generators on this road. Many people also use this road to commute. Many people use this road and the traffic is busier than the Colonial Road area.

Mr. Copleas- according to the criteria for a Special Permit is neighborhood character. The proposed clinic is a customer based/consumer use proposed in a location with existing manufacturing and research uses. The proposed use seems to be contrary to the character of the existing neighborhood. There are also traffic flow and safety issues as proposed. There are significant problems with this application.

Mr. Tsitsinos – there are too many large trucks for the average person to come in and out of the facility. There are 18-wheeler trucks that are currently operating at this facility.

Ms. O’Connell states that the traffic for the proposed clinic will not overlap with the manufacturing traffic. The clinic will have a shift at 6am and 11am. The delivery hours for the manufacturing businesses are from 7am to 11am.

Mr. Tsitsinos states that the bylaws are that there is no delivery to be made before 7am. It is also dangerous to have people driving to and load at this location with the existing large truck traffic from the current manufacturing facilities.

Mr. Duffy: based on the concerns of the current businesses at this location and residents in the community there are issues and concerns about traffic flow and safety and that the proposed use is inconsistent and incompatible with manufacturing use. Mr. Duffy sympathizes with the need and would like to keep in Salem in limiting the ability for this company to serve the community. This is not the right place for it.

**Motion and Vote: Mr. Copelas makes a motion to approve the petition for a Special Permit from the provisions of Sec. 3.1 Principal Uses, to operate a medical clinic for a portion of the property located at 4 TECHNOLOGY WAY. The motion is seconded by Mr. Duffy. The vote was with unanimous with none (0) in favor and five (5) (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) opposed.**

## **APPROVAL OF MEETING MINUTES**

November 19, 2014 meeting minutes were approved as printed.

**Motion and Vote: Mr. Watkins makes a motion to approve the minutes as written, seconded by Mr. Copelas. The vote was with 4 (four) (Rebecca Curran, Peter A. Copelas, Tom Watkins and Jimmy Tsitsinos) in favor and none (0) opposed. Mr. Duffy abstained due to not being present at the November 19, 2014 meeting.**

December 17, 2014 meeting minutes were approved as printed.

**Motion and Vote: Mr. Watkins makes a motion to approve the minutes as written, seconded by Mr. Copelas. The vote was with 3 (three) (Ms. Curran, Mr. Duffy, Peter A. Copelas) in favor and none (0) opposed. Mr. Watkins and Mr. Tsitsinos abstained due to not being present at the December 17, 2014 meeting.**

## **OLD/NEW BUSINESS**

Brewer Hawthorne Cove Marina Chapter 91 - FYI

## **ADJOURNMENT**

Mr. Watkins motioned for adjournment of the January 21, 2015 regular meeting of the Salem Board of Appeals at 9:15pm.

**Motion and Vote: Mr. Watkins made a motion to adjourn the January 21, 2015 regular meeting of the Salem Board of Appeals, seconded by Mr. Tsitsinos, and the vote is unanimous with five (5) in favor (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos) 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://salem.com/Pages/SalemMA\\_ZoningAppealsMin/](http://salem.com/Pages/SalemMA_ZoningAppealsMin/)*

Respectfully submitted,  
Erin Schaeffer, Staff Planner