

City of Salem Zoning Board of Appeals
Meeting Minutes
June 12, 2024

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, June 12, 2024 at 6:30 pm via remote participation in accordance with Chapter 2 of the Act of 2023 and a Special Act extending remote participation meetings.

Chair Nina Vyedin calls the meeting to order at 6:30 pm.

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

ROLL CALL

Those present were: Nina Vyedin, Paul Viccica, Ellen Simpson, Hannah Osthoff, and Stephen Larrick. Also in attendance were Daniel Laroe – Staff Planner, Voula Orfanos — Acting Zoning Officer, and Jonathan Pinto – Recording Clerk. Those absent were: Carly McClain

REGULAR AGENDA

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

Applicant: **Pasquanna Developers, Inc.**

Project: 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). This is a refiling for a Variance from Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to construct two (2) single-family dwellings on five (5) separate and contiguous land court parcels. One proposed dwelling will meet the requirements of the Salem Zoning Ordinance for R1 Zoning. The other proposed dwelling will be constructed at 10,788 square feet. The relief, if granted, would be for minimum lot area, lot area per dwelling unit and lot width.

Documents and Exhibitions

- Application date-stamped March 29, 20and supporting documentation

Chair Vyedin introduces the petition.

Patrick Delulis introduces himself on behalf of the petitioner and notes that the petition originally came before the Board two years ago. Mr. Delulis provides background information on the petition and developers. He presents a map of the location as well as an aerial view. Mr. Delulis also discusses the circumstances leading to having frontage on a paper street based on previous developments and deviations from land court plans by other developers. Land Court plans show the petitioner’s five parcels, of which three are proposed to be combined to create a conforming lot, and two would be combined to create a lot that is 10,788 square feet. Mr. Delulis notes that the Witch Hill subdivision was permitted as a cluster development, so most of the parcels are well below the R1 zoning requirements and range from 6,000 square feet to 11,000 square feet. Mr. Delulis also notes that technically the petitioner’s parcels are not part of that subdivision.

Mr. Delulis next presents a site plan demonstrating the two proposed lots. He notes that the previously approved variance lapsed because of a lengthy Conservation Commission process, but that the relief was originally granted in August 2022 by the ZBA. The Conservation Commission had concerns regarding vernal pools and required the petitioner to come return after monitoring and documentation. Mr. Delulis indicates the Conservation Commission approved after one year, but that they did not receive conditions until April of this year.

Chair Vyedin asks if the petitioner had to go before the Planning Board as well. Mr. Delulis states there were discussions with the Planning Department, and that they wanted to wait to finish the ZBA process before obtaining any building permits.

Chair Vyedin asks if the plans are the same as previously approved. Mr. Delulis explains a supplemental plan was submitted that went through the Conservation Commission that provides more details than the original plan.

Mr. Delulis discusses the site plan showing the location of the proposed homes, and presents photos of the property, as well as a site development permit plan. The lot has been cleared, and the petitioners are awaiting next steps.

Mr. Viccica asks that the petitioner review the variance requirements. He also notes the minutes from prior approval also noted a special condition regarding access to the property should Circle Hill Road be developed by the City. Mr. Delulis explains that Circle Hill Road is a paper street that still shows up on assessors' maps, but is unconstructed. Nobody in the neighborhood wants this roadway to connect to Witchcraft Heights, according to Mr. Delulis, and he discusses concerns about increased traffic. Mr. Viccica states that the current plans are more detailed, and it seems the special condition was related to ambiguity as to how the lots would be accessed, which is now clearer.

Mr. Delulis discusses the variance requirements and statement of hardship, noting the location and property history, as well as limitations to buildable area based on ledge and surface conditions.

Mr. Larrick asks about the potential for creating Circle Hill Road and if that were to occur whether the lots would be accessible from Circle Hill Road. Mr. Delulis confirms.

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

Motion and Vote: Mr. Larrick motions to approve the petition of PASQUANNA DEVELOPERS, INC. at 50 CIRCLE HILL ROAD (Map 9, Lot 256) (R1 Zoning District) for a Variance from Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to construct two (2) single-family dwellings on five (5) separate and contiguous land court parcels, where one proposed dwelling will meet the requirements of the Salem Zoning Ordinance for R1 Zoning and the other proposed dwelling will be constructed at 10,788 square feet, 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 is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. Petitioner shall obtain street numbering from the City of Salem's Assessor's Office and shall display said number so as to be visible from the street.
10. All construction shall be done per the plans and dimension submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
11. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

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

Location: **6 West Terrace (Map 33, Lot 739) (R1 Zoning District)**

Applicant: **Emily Froeschl**

Project: A public hearing for all persons interested in the petition of EMILY FROESCHL at 6 WEST TERRACE (Map 33, Lot 739) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single and Two-family Structures of the Salem Zoning Ordinance to alter an existing nonconforming structure by demolishing the rear yard enclosed porch and replacing it with a 28'4" x 12' one-story addition. The proposed addition will be 5'5" from the side yard setback where 10 feet is required.

Documents and Exhibitions

- Application date-stamped April 30, 2024 and supporting documentation

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

Architect Helen Sides introduces herself on behalf of the petitioner and presents the plot plan. Ms. Sides discusses the rear yard dimensions and proposal to demolish the existing enclosed porch, which will be replaced by a 28-foot 4-inch by 12-foot one-story addition. The rear setback will be conforming, but the side setback nonconformity will remain the same.

Ms. Sides also presents floor plans for the proposed addition.

Chair Vyedin opens the floor to public comment.

Pauline Morency introduces herself as an abutter and states that her understanding was that this was initially supposed to be a porch, but is now going to be a new structure, and expresses concern that the petitioner's roommate is conducting massage out of the home. Ms. Morency wants to make sure this addition will not be used as a massage area with people coming and going in the back.

Ms. Sides explains that the addition will be additional living space connected to the kitchen with a pantry. Ms. Morency contends that the Board approves any nonconformity that comes before them. Ms. Vyedín confirms that none of the nonconformities are increasing with the proposal, and that the petitioner is seeking a Special Permit which is within their right.

Ms. Sides discusses the statement of grounds.

Motion and Vote: Ms. Osthoff motions to approve the petition of EMILY FROESCHL at 6 WEST TERRACE (Map 33, Lot 739) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single and Two-family Structures of the Salem Zoning Ordinance to alter an existing nonconforming structure by demolishing the rear yard enclosed porch and replacing it with a 28'4" x 12' one-story addition, which will be 5'5" from the side yard setback where 10 feet is required, subject to the following standard conditions:

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

Ms. Simpson seconds the motion. **The vote is four (4) in favor (Nina Vyedín, Hannah Osthoff, Stephen Larrick, and Ellen Simpson) and none (0) opposed. The motion passes.**

Location: **11 March Street (Map 36, Lot 176) (R2 Zoning District)**

Applicant: **Johane Jean-Baptiste**

Project: A public hearing for all persons interested in the petition of JOHANE JEAN-BAPTISTE at 11 MARCH STREET (Map 36, Lot 176) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single and Two-family Structures of the Salem Zoning Ordinance to expand an existing nonconforming structure with a 192 square foot, one story addition. The addition proposes a 1.8' front yard setback where a 15' front yard setback is required. A 3.4' side yard setback and a 25' rear yard setback. In the R2 District, 10 feet is required for a side yard setback and 30 feet is required for the rear yard setback.

Documents and Exhibitions

- Application date-stamped May 20, 2024 and supporting documentation

Chair Vyedin introduces the petition.

Attorney Ryan Carlucci introduces himself on behalf of the petitioner and explains that Ms. Jean-Baptiste engaged a builder in late 2023 to build a small 192 square foot bedroom for her elderly mother. At the time, the contractor informed her that the permits were fine, but in 2024 the building inspector put a stop work order on the unfinished addition, and construction stopped. The building inspector informed the petitioner that the issue was related to the setback requirements. Mr. Carlucci indicates the property is two parcels, parcel 1 which is zoned R2 and where the original house was, and parcel 2 where the addition was built, which is zone B4. Mr. Carlucci explains the relief requested, assuming that the R2 district requirements apply to expand an existing nonconformity. Mr. Carlucci presents a plot plan showing the parcels and zoning.

Chair Vyedin asks about the status and progress of the addition. Mr. Carlucci indicates it has been framed but unfinished on the interior, and that construction has not continued since the stop order.

Ms. Simpson asks about driveway access, and Mr. Carlucci explains where the driveway is located on the plans as well as the parking area.

Mr. Viccica asks if the two separate lots/parcels are owned by the same person. Mr. Carlucci confirms the lot is owned by one person and the deed lists it as two separate parcels.

Ms. Osthoff asks about the setback requirements for B4, and if the Board will consider the R2 or B4 requirements. Ms. Orfanos clarifies that pursuant to Section 2.4, if a lot is split by district boundary lines, the regulations for the less restrictive lot shall extend not more than 30 feet. She explains that the R2 would apply in this case as the one with more restrictive requirements. Mr. Larrick and Chair Vyedin ask for clarification and suggest the B4 requirements should be considered if they are less restrictive and the addition does not extend farther than 30 feet into the B4 lot. Ms. Orfanos further explains, and Chair Vyedin suggests moving forward on the petition as advertised with relief being sought.

Chair Vyedin asks the Board to consider if the addition had not already begun, whether they would have approved the petition or not.

Mr. Viccica asks that the applicant discuss the Special Permit requirements. Mr. Carlucci discusses the requirements and the benefits of the proposal, noting that traffic, utilities and natural environment will not be affected. Chair Vyedin and Mr. Viccica briefly discuss and compare the B4 and R2 requirements.

Chair Vyedin opens the floor to public comment.

Melissa Weed of 13 March Street introduces herself and states she is concerned because on January 11th, 2024, a truck doing work on the property hit her building, and there was no resolution regarding the incident and damage. Ms. Weed asks that if this is approved, no large trucks go back there because the property has an easement and shared driveway. She states that several residents of 13 and 13.5 March Street feel similarly.

Chair Vyedin asks the petitioner if there is an alternate option, but Mr. Carlucci states the only option is the right of way. They continue to discuss the property, and Mr. Carlucci presents images of the property and addition. Chair Vyedin and Mr. Viccica discuss a special condition that no trucks larger than a pickup truck can access the site through the right of way through the end of construction.

Charlett Smart of 7 March Street introduces herself and states she is concerned that this dwelling is so close to her property line. Ms. Smart states she can touch the addition from the back yard. She also indicates this is the second addition on the property. Ms. Smart contends that her fence is two feet within her property line, and that if the addition is 1.8 feet away from the fence it could potentially be on her property, or very close.

Mr. Viccica asks if there is a survey of the building as it is today on the site. Mr. Carlucci states there is and presents it. Mr. Viccica states that typically an addition would not be allowed to be built so close to a property line, and that the survey suggests the addition is right about on the line. Mr. Viccica reiterates why post construction approvals are problematic, because the only way they can deal with something that impinges on another property is to tear down the construction. He states that while that is not the case here, it is very close.

Chair Vyedin suggests the petitioner provide all the original dimensions and setbacks of the existing structure prior to the addition and confirm whether there were any prior approved additions. Mr. Viccica adds that the petitioner should submit to the Board the setback requirements for both R2 and B4 zones, with clarity about what relief is being sought.

Motion and Vote: Mr. Viccica motions to continue the petition of JOHANE JEAN-BAPTISTE at 11 MARCH STREET (Map 36, Lot 176) (R2 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-family Structures of the Salem Zoning Ordinance to expand an existing nonconforming structure with a 192 square foot, one story addition with a 1.8' front yard setback where a 15' front yard setback is required, a 3.4' side yard setback, and a 25' rear yard setback to the next regularly scheduled meeting of the Zoning Board of Appeals on July 17, 2024.

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

Location: **7 Vista Avenue (Map 9, Lot 266) (R1 Zoning District)**

Applicant: **Madenna Nicholson**

Project: A public hearing for all persons interested in the petition of MADENNA NICHOLSON at 7 VISTA AVENUE (Map 9, Lot 266) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Singleand Two-Family Residential Structures of the Salem Zoning Ordinance to construct a 15' X 24.2' addition at the rear of the existing dwelling. The proposed addition and stairwell will be 14.7' feet at its closest point into the rear yard setback. In the R1 zoning district, 30 feet is required.

Documents and Exhibitions

- Application date-stamped May 22, 2024, and supporting documentation

Chair Vyedin introduces the petition.

Attorney AJ Capano introduces himself on behalf of the petitioner and presents a plot plan. Mr. Capano describes the property and shows the proposed addition, part of which will replace a portion of the wrap-around deck. The living space will be increased with the one-story addition. Mr. Capano explains the existing nonconformities are not being increased with the proposal except for the rear yard setback, which will go from 32.2 feet to 14.7 feet where 30 feet is required. He explains that the peculiar lot shape is what makes the nonconformity increase, despite there being a large rear yard.

Ms. Osthoff asks how far beyond the existing deck the addition will be, and Mr. Capano confirms it will be about five feet.

Ms. Nicholson states she spoke with her neighbors and that they did not have any concerns.

Mr. Capano discusses the statement of grounds and Special Permit requirements.

Chair Vyedin opens the floor to public comment.

Samary Montes of 4 Scenic Avenue introduces herself and states she has concerns about where the stairs will be located as they will be close to the property line. She states she did not speak with the petitioner. Martin Federoa also introduces himself from 4 Scenic Avenue and states that the proposed stairs will be close to the corner of their fence.

Mr. Viccica suggests there are other potential locations for the stairs, and that they could be moved adjacent to the existing deck. Mr. Capano states they would be fine with working with the builders to move the stair location.

Ms. Nicholson apologizes for not speaking to the commenters and states she tried but they were not home.

Motion and Vote: Mr. Viccica motions to approve the petition of MADENNA NICHOLSON at 7 VISTA AVENUE (Map 9, Lot 266) (R1 Zoning District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures of the Salem Zoning Ordinance to construct a 15' X 24.2' addition at the rear of the existing dwelling, where the proposed addition will be 17.6 feet at its closest point into the rear yard setback, subject to the following standard conditions:

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

And the following special condition:

1. The stairs shall be relocated or re-oriented so as to not reduce the 17.6-foot setback.

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

Location: **16 Loring Avenue (Map 32, Lot 88) (R2 Zoning District)**

Applicant: **William F. Quinn**

Project: A public hearing for all persons interested in the petition of WILLIAM F. QUINN f/b/o SANDRA S. POWER, TRUSTEE at 16 LORING AVENUE (Map 32, Lot 88) (R2 Zoning District), for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to add an additional dwelling unit on the second floor to convert the five (5) family dwelling into a six (6) family dwelling. The petitioner is also seeking a variance from Section 4.1.1 Dimensional Requirements for lot area per dwelling unit. The existing nonconforming five (5) family home has approx. 3,400 sq. ft per dwelling unit. The proposed six (6) family dwelling would have approx. 2,833 sq. ft per dwelling unit. In the R2, 7,500 sq. ft. per dwelling unit is required.

Documents and Exhibitions

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

Chair Vyedin introduces the petition.

Attorney Bill Quinn introduces himself and explains that the petitioner lives in a large 25-room house with lots of detail across the street from the old Salem State headquarters building. Mr. Quinn indicates the building is over 100 years old, and after the Salem fire in 1914 the owner had large amounts of fill brought to the rear of the site to add level ground to the backyard. All the surrounding properties have hills leading down to Charles Street comparatively. A five-car concrete garage for the owners was created facing onto Charles Street, and above that is lots of fill being held with retaining walls and the roof of the garage. Mr. Quinn explains the Power's purchased this property in the 1960's and have lived there throughout that time. Mr. Quinn contends that Mr. Powers and his son spent countless hours installing drainage pipes around the top of the garage and on the sides to try to contain surface water drainage. Approximately 20 years ago they had water coming into the concrete garage, and a large job costing over \$40,000 was done of professional drainage and ceiling work. That is the present condition, according to Mr. Quinn. He further explains that this is a repeat petition, noting he came before the Board in 2022 and had a presentation seeking a Special Permit and Variance to expand this building from a five unit dwelling to a six unit dwelling, with adequate parking for 9 cars. For various reasons, the petitioners did not understand that if work was not undertaken within a year they would lose the relief for the Variance. It was already too late to file for an extension, and it was decided it would be best to come before the Board essentially for the same approval that was previously granted. Mr. Quinn explains the delay was a combination of family decision making, the economy, rising interest rates, and everything occurring post-Covid. He regrets not filing for an extension, but states the circumstances are what they are. Mr. Quinn states the relief sought is exactly the same, and discusses the revised parking plan and plot plan, as well as floor plans showing the subdivision creating the sixth unit. Mr. Quinn also notes that three story wood frame exit stairs are necessary even if the building has sprinklers installed because it is more than four units. A second revised plan shows the location and extension of the stairway.

Mr. Quinn presents the most recent plans for review, which also includes additional labeling of decks and parking space dimensions. He reiterates that the relief sought is identical to the relief granted in 2022. Mr. Quinn adds that the proposal is based on Ms. Power's desire to stay in the home and need for more income to maintain the property and its Victorian structure. Mr. Quinn also presents updated elevations showing the egress stairway.

Chair Vyedin asks Mr. Quinn to summarize the statement of grounds and statement of hardship and he does.

Ms. Simpson asks about the parking plan, and Mr. Quinn states the parking plan has not changed, just updated to include dimensions. He notes there is a two-foot buffer between the parking spaces and any property lines.

Chair Vyedin opens the floor to public comment.

Justin Haggerty of 20 Loring Avenue, Unit 1 introduces himself and states he purchased his property a year ago and was not here for the initial approval. Mr. Haggerty states he is concerned with the retaining walls and wonders if they are adequate. He states that potential buyers of his unit have asked about the state of the retaining walls.

Mr. Quinn states that if the building inspector determines that updates are legally required or recommended, the property owner is eager to maintain and improve the property. He argues the property owner has an interest in the retaining walls being maintained and not breaching.

Motion and Vote: Ms. Simpson motions to approve the petition of WILLIAM F. QUINN f/b/o SANDRA S. POWER, TRUSTEE at 16 LORING AVENUE (Map 32, Lot 88) (R2 Zoning District), for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to add an additional dwelling unit on the second floor to convert the five (5) family dwelling into a six (6) family dwelling, as well as a variance from Section 4.1.1 Dimensional Requirements for lot area per dwelling unit, subject to the following standard conditions:

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

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

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

MEETING MINUTES

May 15, 2024

No Board members have edits.

Motion and Vote: Ms. Osthoff motions to approve the minutes from the May 15, 2024, meeting of the Zoning Board of Appeals, as drafted Ms. Simpson seconds the motion. **The vote is five (5) in favor and none (0) opposed. The motion passes**

OLD/NEW BUSINESS

Revisions to the Zoning Board of Appeals Fee Schedule

Chair Vyedín states she is fine with staff recommendations. Ms. Osthoff states they seem consistent with surrounding towns.

Motion and Vote: Mr. Viccica motions to approve the updated fee schedule recommended by City staff to go into effect July 1, 2024. Ms. Osthoff seconds the motion. **The vote is five (5) in favor, and none (0) opposed. The motion passes**

Next Meeting
July 17, 2024

ADJOURNMENT

Motion and Vote: Mr. Viccica motions to adjourn the meeting. Ms. Osthoff seconds the motion.

The vote is all in favor. The motion passes.

The meeting ends at 9:15 PM on June 12, 2024.

For actions where the decisions have not been fully written into these minutes, copies of the Decisions have been posted separately by address or project at:

<https://www.salem.com/zoning-board-appeals/pages/zoning-board-appeals-decisions-2024>

Respectfully submitted,
Daniel Laroe, Staff Planner