

## City of Salem Zoning Board of Appeals

### **DRAFT Meeting Minutes**

September 16, 2026

A meeting of the Salem Zoning Board of Appeals (“Salem ZBA”) was held on Wednesday, September 16, 2026, at 6:30 pm via remote participation in accordance with Section 30A of Chapter 20 of the Acts of 2021, as amended by Section 40 of Chapter 2 of the Acts of 2023, and further amended by Section 1 of Chapter 2 of the Acts of 2025. The City is authorized to conduct remote meetings of its public bodies through June 30, 2027.

#### **Chair 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: Chair Nina Vyedin, Vice Chair Christa McGaha, Ellen Simpson, Peter Habib, Elena Eimert, and Stephen Larrick. Also in attendance were Brennan Postich — Staff Planner, Gail Kubik — Building Inspector, Omar Bennani — Assistant City Solicitor, and Voula Orfanos — Building Commissioner. Those absent were: Hilary Forbes.

#### **REGULAR AND CONTINUED PETITIONS**

- Location: **35 Congress Street Shetland Park Building 2, Unit 2120 (Map 34, Lot 0448) (Industrial Zoning District; Coastal Resiliency Overlay District; Waterfront Industrial Overlay District)**
- Applicant: **Prime Group Shetland Park, LLC, and Alessandro Mazzotta**
- Project: A public hearing for all persons interested in the petition of PRIME GROUP SHETLAND PARK, LLC and ALESSANDRO MAZZOTTA regarding the property located at 35 CONGRESS STREET, SHETLAND PARK BUILDING 2, UNIT 2120, (Map 34, Lot 0448) (Industrial Zoning District; Coastal Resiliency Overlay District; Waterfront Industrial Overlay District) to appeal the Building Commissioner’s decision to revoke a building permit for that property, including on the basis that the proposed use is a data center, a not permitted use per Section 3.1 Principal Uses of the Salem Zoning Ordinance. The petitioners contend that the proposed use is allowed as-of-right and the appeal requests that the Board: 1) reinstate the building permit to allow construction under the original scope of work, and 2) direct the Building Department to either review the expanded scope of work for building code compliance, or to review a new building permit application with instructions that the expanded scope of work cannot be denied based on the proposed use.

#### Documents and Exhibitions

- Application date-stamped \_\_\_\_\_, 2026 and supporting documentation

Chair Vyedin introduces the petition and explains that, as this is an appeal, the petitioner will have time to present, after which the Board will ask questions, then the City Building Department will also have time to present, after which the Board will ask questions, followed by public comment.

Attorney Gary Ronan introduces himself on behalf of the petitioner and explains that the petitioner believes their building permit, which has been revoked, should be reinstated. Mr. Ronan asks that the Building Department consider the expanded version of the petitioner's project, either under this or a new application if necessary. Mr. Ronan presents a site plan of the property highlighting the project location. Mr. Ronan states it is a small tenant space in Shetland Park that was previously occupied, and that there will be no construction other than interior renovation of an existing space in the building. He also presents a floor plan of a buildout that was approved with the building permit. Mr. Ronan explains the floor plan and operations and notes a future tenant space that was part of the unit and originally not proposed to be built out. Renderings and diagrams of the proposed project are shown, describing it as an IT services office with desks and a conference room. Mr. Ronan indicates this is an industrial district, and that the use is allowed in the district. Mr. Ronan contends the space will be used for the delivery of low-latency inference computer services to customers, which he explains is something that helps with the delays associated with connections to various servers, particularly for emergency services, self-driving cars, and other things where the latencies matter. Mr. Ronan states this business operation would offer low-latency computing to businesses in and around Salem. He argues that this is not an AI data center to assist with things like ChatGPT. Mr. Ronan discusses zoning in the Industrial Zoning District and states there is an allowed-by-right use for business or professional offices. He explains this category in detail and asserts that the business is providing a qualified service under the category. Mr. Ronan further suggests the Building Department seemed to have initially agreed because they issued a building permit. He explains that on June 23rd there was a site visit where Building Department representatives came to inspect the site. During this visit, the construction team raised with the department that there would be a petition to increase the size of the buildout. Mr. Ronan states the only change was to be an increase into the future tenant space previously noted, and to provide additional cooling and electrical support for the space. Mr. Ronan next presents revised floor plans showing the proposed expansion and describes the changes, but states that there is no change in the underlying proposed use. On July 6th, the Building Department presented its revocation letter, which stated that the changes were substantive enough to warrant a new building permit application, and revoked the initial permit under the suspicion that this was no longer, in fact, an IT services company use under the allowed use, but rather a data center, which is disallowed. Mr. Ronan explains the appeal of the Building Department's decision, and suggests the decision was wrong because: 1) the use is allowed by right as a common professional business office use; 2) it was based on the incorrect assumption that this is a data center, which he argues it is not; and 3) -.

Robert Moser, founder, principal, and CEO of Prime Group, interrupts Mr. Ronan to further explain what a low-latency inference computer service is. Mr. Moser states it is for rapid response for triage, for police responses and emergency communications, as well as other vital applications that cannot have delays between request and response. He states there are many differences between an AI data center and an inference point, such as the equipment that is used, and states it is mainly the execution of applications that are already being used, but that it would reduce latency to five to ten milliseconds. Mr. Moser suggests the proposal would be a huge economic boom for the City because it would draw in more companies that require such low latency services. He suggests the impact could be over \$1 billion over a ten-year period, and that 600 jobs could be created by companies that would want to move in and take advantage of the low latency. Mr. Moser

characterizes the services as the “last mile compute,” reducing delay. Mr. Moser also contends that the services do not use water like a data center. He explains there is a closed-loop water system that is not connected to the sewer or utility systems. Mr. Moser suggests this could provide opportunities in healthcare, education, manufacturing, and other areas.

Chair Vyedin asks clarifying questions about what inference means in this situation. Mr. Moser indicates it has to do with responses to questions. She asks which chip is being used, and Mr. Moser states he does not know specifically, but that it is an NVIDIA chip. Chair Vyedin notes there can be a big difference in power use depending on the type of chip. Jonathan Krausche of Prime Group introduces himself and states it would depend on the specific tenants, but that it could be NVIDIA Vera Rubin or GB300 chips that sit on a typical rack. He indicates they will be efficient with their use of power and keep it to 2.5 megawatts, where the previous tenant used 3 megawatts on average. Chair Vyedin confirms that there are no training-use chips. Ms. Vyedin also asks additional questions about the space and use. Mr. Moser indicates the closest location offering this service is in Austin, Texas, and that this would help reduce latency for local uses. Mr. Moser states the proposal is to provide the space, and a tenant will provide the inference. Chair Vyedin asks about employees, and the petitioners indicate there would be about 20 full-time employees. Chair Vyedin asks clarifying questions about the differences between the original and revised plans, as well as which spaces in the floor plan will be for servers and which will be used by humans. Mr. Ronan compares the two plans. Chair Vyedin asks how much of Shetland Park is owned by Prime Group, and Mr. Moser indicates they own all of the buildings, of 1.5 million square feet. Ms. Vyedin next asks about expenses incurred between the permit being granted initially and when it was revoked. Mr. Moser indicates that buildout has begun, and that they are fearful of losing a multimillion-dollar client/tenant. Chair Vyedin asks to see the permit application and also asks if the specific proposed services were clearly discussed with the Building Department prior to initial approval. She also asks about the difference in power use between a regular CPU or power server and an inference chip. Mr. Moser states it would be governed based on the specific use and power cap. Mr. Moser further discusses differences between the proposed use and an AI data center. Chair Vyedin expresses concerns about the similarities, and Mr. Moser retorts that it is equivalent to saying anything with four wheels is a race car. Chair Vyedin asks if low-latency inference computing services are listed as an approved use under the Salem Zoning Ordinance, and Mr. Ronan states it is not, but insists that this qualifies as a business or professional office, which is an allowed use. He also states that “data center” is not a defined term in the Zoning Ordinance, and that the proposal should be allowed as a use that falls under a category that is allowed. Chair Vyedin next asks if there are any other businesses offering this service in Salem. Mr. Moser states that some hospitals have their own low-latency systems but that he is otherwise unaware.

Ms. Simpson suggests the first plans look like an office use with a server room to support the office use, and that the revised plans seem to be primarily a large number of servers being supported by a small number of people. Ms. Simpson questions why the petitioner would risk the large sum of the permit cost to then substantially change the use. Mr. Moser contends that the future tenant space was always indicated, but it was not known at the time what the use would be. Mr. Moser asks if this comes down to a question of the number of computers a business uses. Chair Vyedin clarifies that this is about square footage, as well as primary versus accessory uses. Chair Vyedin also asks that Mr. Moser refrain from interrupting Board members while they are speaking. Ms. Simpson states that from her review of the initial and revised plans, it appears as if the initial proposal was for an office use, but that the revised plans are clearly for server warehousing. Mr. Krausche states that he has built many buildings, including retail spaces, and suggests that they are constantly in flux and

changing depending on tenant use. Mr. Krausche contends the actions taken here were standard practice regarding getting an initial permit. He contends he has built more malls than anyone on this phone/zoom call and that nothing about the petitioner process was out of the ordinary or deceptive.

Mr. Larrick notes that the application gave examples of banks and hospitals as other businesses that use similar technology, and he asks if in those cases the servers are in support of a larger business, whereas here the servers themselves seem to be the business. Mr. Moser states the demand will dictate the number of servers and size, and states that this service will allow other companies to grow. Mr. Ronan acknowledges that the service here is different than a bank or hospital, but that does not preclude it from being a business or service provider. Mr. Larrick asks if there is any other use in the use table in the Zoning Ordinance that this would fit under if not for business/professional use, and Mr. Ronan states the petitioners feel strongly that this falls under that category. Mr. Larrick asks additional clarifying questions, and notes there was a press release about Prime Group providing edge data centers as part of their business portfolio. Mr. Moser explains the press release was about a change in business model to provide more for the local economy.

Vice Chair McGaha asks further questions regarding primary versus accessory uses, noting the information provided in the initial petition for an IT services use. She notes that the reduction to the staff room and increase in server spaces raises the question about changes in the principal use. Mr. Ronan clarifies that there was no reduction in staff area, just an additional buildout for servers and uninterruptible power supply. Ms. McGaha clarifies that she meant a reduction in proportion to the overall square footage. Mr. Ronan again argues that this qualifies as a business that sells a service, and that the Building Department does not have the power to arbitrarily say that they think a business is an AI data center versus an IT services company based on a criterion that is not expressed in the Zoning Ordinance. He insists this was a mistake, and he asks that the Board correct that mistake with this appeal.

The Board members and petitioners continue to discuss the matter of use, primary use, accessory use, and what is allowed. The petitioners insist the use has not changed since the initial approval and permit. Mr. Habib asks clarifying questions about the initial approval and described use, and Mr. Ronan indicates it was for an IT services company. Mr. Larrick discusses the business category further and asks if there is a business that would not fall under the category of service. There is a discussion of use categories and the fact that a data center does not currently exist. There is also a discussion of what a data center is and various computing capacities, the need for cooling, and the scale at which the technologies use the resources of their space. Mr. Ronan insists that this proposal is not what people fear in terms of resource use, energy use, noise, and other issues that other communities have faced with larger data centers. Mr. Ronan contends there will be no additional power use beyond what is currently being used at the building and that municipal water will only be drawn upon for the bathroom and kitchen, not for cooling, as it will be a closed-loop system with delivery of off-site water. With respect to heat and noise, Mr. Ronan states it will be minimal in an existing industrial building. There is further discussion of business use and how the petition qualifies as a business or professional use, as well as scale. Mr. Moser asks if cutting the server room in half would make the project more acceptable. Chair Vyedin notes that one of the issues is that the ultimate end use of the space was not fully captured in the initial building permit, and that this ultimate use is not one in the table of allowed uses. Mr. Moser states that he has many tenants in Shetland Park offering digital services and asks if he should tell them all to cease operating. Ms. Vyedin suggests that servers providing inference are different than a company providing a digital service. There is a continued discussion of the use and ultimate service provided by the petitioner,

as well as the definition of “digital service”. Mr. Moser continues to interrupt Chair Vyedin and suggests that she is making the petition sound like something it is not. He insists this is a vital business service.

Mr. Larrick next asks about generators on external pads in the initial plans. Mr. Ronan states the initial plans had one generator, and now the revised plans have three generators to provide backup power, and two of the three go on existing pads. Mr. Larrick questions whether the additional generator would be considered an accessory structure and require a special permit. Mr. Moser states that if the generators are a concern, they are not necessary.

The Board and petitioners continue to discuss the matter. Chair Vyedin yields the floor to the Salem Building Department.

Mr. Bennani introduces himself and clarifies that the City is not asking the Board to create a new use category, nor is it relying solely on the label “data center” in its decisions. He states the question is based on the particular business and its functions and whether it fits the business or office professional category. If the operation does not fit the category, then it is not as of right. Mr. Bennani notes that after the expanded proposal, the Building Department determined the operation no longer fit the definition of business or professional office use. He provides additional clarifications and explains that as more information came to light about what the initial proposal was with the expansion, it became apparent that this was not an allowed use. Mr. Moser interrupts Mr. Bennani to suggest the City’s position is that any business offering a digital service is not an allowed use. Chair Vyedin asks Mr. Moser to please refrain from interrupting, and Mr. Ronan confirms that the petitioner must not speak when he does not have the floor. Mr. Bennani further explains why the permit was revoked rather than just the expansion being denied, stating again that it was because more information about the use came to light.

Ms. Orfanos provides additional information regarding the Building Department’s authority as well as the facts that the Department became aware of with respect to the petition. Ms. Kubik also provides details regarding the revocation of the permit and the timeline of events regarding the petitioner. Ms. Kubik notes that the petitioner and their attorney have only been reading an incomplete definition of the use category and proceeds to read the full definition. She discusses the definition of merchandise. Ms. Kubik also indicates that the description of the business in the initial permit petition was an IT services office, but no further information was provided to support such claims. She provides additional details and notes that if the petitioner has in fact begun demolition and construction pursuant to the pre-construction walk-through where the initial permit was revoked, then that would be a violation. Ms. Kubik continues to discuss the question of use, as well as the total generator capacity being proposed and the zoning issues that arose from the additional proposed generators. Chair Vyedin asks how much the petitioner paid for their permit, and Ms. Kubik states it was around \$207,000. The plan review process and permitting in general are discussed. Ms. Kubik contends that the petitioner’s proposed use is a unique use that is not included in the use table. The Board and Building Department staff continue to discuss the matter and timeline of events to date, with clarifications from the petitioner and staff.

Chair Vyedin opens the floor to public comment.

Kara McLaughlin introduces herself as the Chair of the Board at Salem Academy Charter School and states she does not have a stance as opposed or for the petition, but makes it clear that it is

important to make sure that children are safe, and she notes that there is a nearby public school with 500 students. Ms. McLaughlin asks the Board to review details in light of the proximity to students.

Christina Fox introduces herself as a resident of Salem living on Loring Avenue and expresses opposition to the petition. Ms. Fox asserts that the withdrawal and revocation of the permit should be upheld based on the various issues identified, and also notes there are several articles referencing the Prime Group's expansion into AI data centers. Ms. Fox also states that the definition of a data center is any facility that primarily contains electrical equipment used to process, store, and transmit digital information, which may be a free-standing structure or a facility within a larger structure, that uses environmental control equipment to maintain operation of that electrical equipment.

Ward 6 City Councilor Katelyn Holappa introduces herself and states that the category "business or professional office use" cannot become a catch-all term for any use to be allowed by right in Salem as long as someone has a business case, because it would undermine zoning laws and create issues of ambiguity between commercial and industrial uses. Ms. Holappa also expresses concerns about the power usage and heat output.

Josh Manion of 7 Gables Circle introduces himself as the senior zoning review planner for the City of Somerville. Mr. Manion expresses opposition to the petition and asks that the Board uphold the revocation of the building permit. Mr. Manion suggests the proposal looks, feels, sounds, and acts like a data center.

Lucy Corchado of 1 Chase Street introduces herself and expresses concerns about the petition relating to health and environmental impacts, particularly with respect to diesel generators and cooling infrastructure. Ms. Corchado expresses dismay at the lack of transparency and suggests the revocation of the permit is warranted.

Jim Lacy of 30 Sumner Road introduces himself and suggests that the words "as of right" should be stricken from the vocabulary of all humanity. Mr. Lacy expresses concerns about the petition and what the ultimate end uses might be by the inference points.

Tynah Hull introduces herself as a resident of Salem and a CEO of a software company. Ms. Hull discusses IT services.

Elisa Dhanger introduces herself as a resident of Salem on Tremont Street and expresses opposition to the petition. Ms. Dhanger states it seems like pertinent information was not disclosed, and that the lack of transparency makes the revocation warranted. She also speaks anecdotally about a business not being able to go through with plans due to disruption from a nearby data center.

Kate (no last name or address provided) states her grandfather worked at a water generation plant with giant turbines providing electricity and that it was not an office. She expresses concerns regarding noise from any potential data center and additional expansion, and suggests the appeal be denied.

Sarah Wells of Ord Street introduces herself and states she supports denying the appeal. Ms. Wells expresses concerns about potential wastewater associated with the cooling and the fact that the petition is to set up shop right next to the wharf.

Rebecca Love introduces herself and contests the petitioner's claim that this is not a data center. She reads a definition of a data center and states that it is identical to what the petitioner is proposing. Ms. Love states there should be no sidestepping of Zoning Ordinances and that this should be reviewed and permitted as a data center, not anything else.

Timothy Paul introduces himself as a Salem resident off of Lafayette Street. Mr. Paul states he is a lifelong resident of Salem and suggests it reflects poorly on Shetland Park that the petition lacked transparency and seemed to seek a loophole for approval. Mr. Paul speaks against the proposal.

Jennifer MacGregor introduces herself as a Salem resident and speaks in opposition to the petition. She suggests that if a party is hiding something, they are most likely doing something wrong, and that the lack of transparency here is telling.

Adam Kaczmarek of Essex Street introduces himself and expresses concerns regarding the plans for additional buildout and use of additional and oversized generators. Mr. Kaczmarek speaks against the proposal.

Candy Dedarien introduces herself as a Salem resident and states she is not in support of the petition. She speaks to the lack of transparency and echoes other concerns raised by other members of the public.

A resident who provided no name or address states that AI and data centers have already proven to be a noise disturbance and affect wildlife negatively. He expresses concerns regarding environmental impacts and water usage, and speaks against the petition overall.

Jennifer N. introduces herself and asks that the Board deny the appeal and uphold the revocation of the permit. She suggests that developers with such vast experience were being intentional when they were not transparent about plans.

Nathan Leshin of Carlton Street introduces himself and speaks against the proposal due to the potential negative impacts on the community and environment. He states he is morally opposed to the further development of data centers and AI in general. He echoes the concerns raised by others and asks the Board to deny the appeal.

Phil Laffy of 1431 Fort Avenue introduces himself and states he is in favor of the proposal, suggesting that Attorney Ronan made valid points. Mr. Laffy contends this is a service that is being proposed to be provided in an industrial zone, and that the closed-loop water cooling system seems to be responsible. He states that this is not AI despite what other commenters have suggested, but inference, and that he does not agree with many of the comments provided so far. He suggests the petition be approved.

Lindsay Morsillo of 53 Broad Street introduces himself and suggests the issue here is scale. Mr. Morsillo states it is a large amount of resources and density in a small space, and that he is opposed to the petition.

Mack Normand introduces herself as a local community member and raises concerns about transparency and speaks against the proposal.

Carley Winn introduces herself and states that data centers create issues related to noise and suggests that having this on the water will merely exacerbate and echo the noise issue for residents and the fish.

The petitioner is given an opportunity to respond to the comments. Mr. Moser notes that the concerns about water are misplaced, as it is a closed-loop cooling system, and offers assurances that there would be noise mitigation measures and other lengths taken to ensure that the use is not a nuisance or disturbance to the community. He states that the purpose of the petition is to help grow Shetland Park and provide business opportunities for the community. He also states he would be willing to reduce the number of generators if that would make the petition more amenable. Mr. Moser insists that there was no attempt to mislead the Building Department or the public about the petition and ultimate plans.

The Board votes to close the public hearing. Ms. McGaha motions to close the public hearing, and Ms. Simpson seconds. The vote is all in favor, and the public hearing closes.

The Board discusses the petition further and deliberates before bringing the matter to a vote. The Board finds that the proposed use does not properly fall under the category of business or professional office use.

**Motion and Vote:** Ms. Simpson motions to approve the petition of PRIME GROUP SHETLAND PARK, LLC and ALESSANDRO MAZZOTTA regarding the property located at 35 CONGRESS STREET, SHETLAND PARK BUILDING 2, UNIT 2120, (Map 34, Lot 0448) (Industrial Zoning District; Coastal Resiliency Overlay District; Waterfront Industrial Overlay District) to appeal the Building Commissioner's decision to revoke a building permit for that property, including on the basis that the proposed use is a data center, a not permitted use per Section 3.1 Principal Uses of the Salem Zoning Ordinance. The petitioners contend that the proposed use is allowed as-of-right and the appeal requests that the Board: 1) reinstate the building permit to allow construction under the original scope of work, and 2) direct the Building Department to either review the expanded scope of work for building code compliance, or to review a new building permit application with instructions that the expanded scope of work cannot be denied based on the proposed use.

Mr. Habib seconds the motion. **The vote is none (0) in favor and five (5) opposed (Christa McGaha, Ellen Simpson, Peter Habib, Stephen Larrick, and Nina Vyedin). The motion does not pass.**

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|------------|-------------------------------------------------------------------------------------------------------|
| Location:  | <b>56 Highland Avenue (Map 25, Lot 0015) (R2 Zoning District; Entrance Corridor Overlay District)</b> |
| Applicant: | <b>Nicole Roblero</b>                                                                                 |

**Project:** A public hearing for all persons interested in the petition of NICOLE ROBLERO at 56 HIGHLAND AVENUE (Map 25, Lot 0015) (R2 Zoning District; Entrance Corridor Overlay District [ECOD]) for Variances per Section 6.8 Visibility at Intersections and Section 8.2.4 Fences of the Salem Zoning Ordinance to allow a fence approximately 4.7 feet to 5.6 feet high within the triangular area formed by the intersection of street lines and a straight line joining said street lines at points which are twenty-five feet distant from the point of intersection, where three feet is permitted, and approximately 4.6 feet to 7.9 feet above the curb level and 4.2 feet to 4.8 feet above the lawn where four feet from the curb level of the street, or average grade elevation of the land where the fence is to be located, is permitted in the ECOD.

#### Documents and Exhibitions

- Application date-stamped \_\_\_\_\_, 2026 and supporting documentation

Chair Vyedin introduces the petition.

Brian Barrett introduces himself on behalf of the petitioner and discusses the proposal to keep the existing fence as constructed. Mr. Barrett explains that the petitioner went to the Building Department years ago when originally seeking to build her fence, and was erroneously told that she did not need a permit. Based on that, the petitioner built the fence in question. After building the fence, the petitioner was informed she was in violation of City Zoning Ordinances for height and visibility. The petitioner then sought a variance, but was denied, and Mr. Barrett indicates that was prior to the change in the variance standard. Mr. Barrett argues that in this instance, the new standard of having a practical difficulty would apply, and seeks relief from the Board. Mr. Barrett discusses the property and location, as well as the need for the fence, which is based on the petitioner having children and pets in the yard frequently and wanting to ensure safety. Mr. Barrett provides additional background information and also discusses the issue of visibility at the corner of Highland Avenue and Proctor Street. Mr. Barrett asserts that the fence does not impede visibility any more than existing obstacles such as parked cars, trees, bushes, and other sightline issues in the area. Mr. Barrett presents photos of the intersection and nearby conditions. He states the fence is not an issue, and asks that the Board grant the requested relief. He also notes that the fence has been up for about two years now, and has not caused any known issues of visibility or impeded safety.

Chair Vyedin asks clarifying questions and discusses the petition. She also asks about measurements regarding the fence and the triangular area. Mr. Barrett presents a plot plan and explains further. Mr. Habib also asks clarifying questions regarding measurements and fence height, and potential modifications. Ms. Simpson asks additional clarifying questions about the triangular area measurement and whether it is drawn accurately. Mr. Postich presents an alternative measurement of the triangular area, and the Board discusses whether the triangle point should be at the curb line/sidewalk or at the edge of the no parking area. The question of whether the wording in the ordinance of “street line” means property line or the line associated with the road shoulder is raised and discussed at length. Ms. Orfanos agrees with the petitioner’s interpretation of the triangular area and “street line”. Ms. Simpson discusses the retaining wall, and also questions whether the fence increases or decreases safety for pedestrians walking by and cars. There is also a discussion of other nearby fences, and the balancing of safety for all parties, as well as what heights and measurements the Board might be comfortable approving. Ms. Simpson states she would be fine with a taller fence

if it can be seen through. They discuss solutions for visibility at the corner, including lowering the corner height of the fence, and Mr. Barrett discusses financial hardship. The petitioner confirms that they would be comfortable with lowering the height of the fence at the corner by approximately one foot.

Chair Vyedin opens the floor to public comment.

A public commenter (no name or address provided) suggests the proposed change to the corner would be an adequate solution.

Attorney Stein suggests that rather than a special condition, the petition be approved as amended through the Board's discussion. A diagram is presented showing the reduction in height by one foot at the corner. The Board summarizes its findings of practical difficulty.

**Motion and Vote:** Mr. Larrick motions to approve the petition of NICOLE ROBLERO at 56 HIGHLAND AVENUE (Map 25, Lot 0015) (R2 Zoning District; Entrance Corridor Overlay District [ECOD]) for Variances per Section 6.8 Visibility at Intersections and Section 8.2.4 Fences of the Salem Zoning Ordinance to allow a fence that should not exceed 3.6 to 4.6 feet high within the triangular area formed by the intersection of street lines and a straight line joining said street lines at points which are twenty-five feet distant from the point of intersection, where three feet is permitted, and approximately 4.6 feet to 7.9 feet above the curb level and 4.2 feet to 4.8 feet above the lawn where four feet from the curb level of the street, or average grade elevation of the land where the fence is to be located, is permitted in the ECOD, as amended through discussion during the meeting for all the reasons stated during discussion.. The approval is 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. The exterior finishes of 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 Assessor's Office and shall display said number to be visible from the street.
10. 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.
11. 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.

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

Mr. Habib seconds the motion. **The vote is four (4) in favor (Nina Vyedin, Christa McGaha, Stephen Larrick, and Peter Habib) and one (1) opposed (Ellen Simpson). The motion passes.**

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| Location:  | <b>7 Burnside Street and 5 Skerry Street Court (Map 36, Lot 0157; Map 36, Lot 0149) (R2 Zoning District)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Applicant: | <b>Graham Wing (formerly Graham Hines)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Project:   | A public hearing for all persons interested in the petition of GRAHAM WING (formerly Graham Hines) at 7 BURNSIDE STREET and 5 SKERRY STREET COURT (Map 36, Lot 0157; Map 36, Lot 0149) (R2 Zoning District) for a Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to divide an existing merged parcel and construct a two-family house at 5 Skerry Street Court. The proposal would create a 4,393-square-foot lot at 7 Burnside Street with a 2,196-square-foot lot area per dwelling unit, and a 3,820-square-foot lot at 5 Skerry Street Court with a 1,910-square-foot lot area per dwelling unit, thirty-seven-foot frontage, and insufficient front, side, and rear setbacks. |

#### Documents and Exhibitions

- Application date-stamped \_\_\_\_\_, 2026 and supporting documentation

Chair Vyedin introduces the petition.

Attorney Quinn introduces himself on behalf of the petitioner and indicates this is the third time before the Board, as this is a project that has needed iterations in reaction to concerns from the neighborhood. Mr. Quinn presents the most recent site plan submitted and discusses the changes. Flooding and surface water drainage have been a concern, and there will be an adequate engineering plan and drainage system that the petitioner is willing to have as a special condition. The townhouses have also been reduced in size, and landscaping has been introduced. Mr. Quinn presents elevations and also discusses parking. The original plan had six crowded parking spaces, and the updated plans have three parking spaces to show changes in circulation, which the petitioner would like feedback on from the Board. Mr. Quinn acknowledges that the petition would need to be re-advertised to request parking relief if the Board would be more amenable to this type of parking plan. He notes there could be an option for four spaces as well.

Attorney Quinn requests to continue the matter to the next regularly scheduled ZBA meeting.

Chair Vyedin opens the floor to public comment.

Abigail Clark of 3 Skerry Street Court introduces herself to express opposition to the plans, even in their updated condition. She expresses concerns regarding density, parking, and construction impacts.

Heather Roman of 8 Skerry Street Court introduces herself and notes that the new plans do not contain square footage for the new buildings. Ms. Roman also asks for clarification regarding the merger and subdivision of the lots.

Ian Clark of 3 Skerry Street Court notes he submitted a letter expressing his concerns, including disruption to nearby trees.

Gretchen Buckley of 3 Skerry Street Court introduces herself and asks the Board to read her latest letter. Ms. Buckley also asks that the Board expand on what is meant by “health, safety, and welfare” in the ordinance considerations.

Pat Frederickson of 1 Skerry Street Court introduces herself and states that if the address of the new buildings is on Skerry Street Court, that is where the new owners will want to park, and she asserts there is already nowhere to park. She suggests using a Burnside Street address for the new proposed units, and also asks that there be a fence preventing access from the property to Skerry Street Court, and suggests that would make it so the lots do not need to be unmerged.

**Motion and Vote:** Mr. Habib motions to continue the petition of GRAHAM WING (formerly Graham Hines) at 7 BURNSIDE STREET and 5 SKERRY STREET COURT (Map 36, Lot 0157; Map 36, Lot 0149) (R2 Zoning District) for a Variance per Section 4.1.1 Dimensional Requirements of the Salem Zoning Ordinance to divide an existing merged parcel and construct a two-family house at 5 Skerry Street Court. The proposal would create a 4,393-square-foot lot at 7 Burnside Street with a 2,196-square-foot lot area per dwelling unit, and a 3,820-square-foot lot at 5 Skerry Street Court with a 1,910-square-foot lot area per dwelling unit, thirty-seven-foot frontage, and insufficient front, side, and rear setbacks. The petition would continue to the next regularly scheduled meeting of the Zoning Board of Appeals on October 21, 2026.

Ms. McGaha seconds the motion. **The vote is five (5) in favor (Stephen Larick, Christa McGaha, Ellen Simpson, Nina Vyedin, and Peter Habib) and none (0) opposed. The motion passes.**

Location:       **22 Vista Avenue (Map 09, Lot 0059) (R1 Zoning District)**

Applicant:       **Michael Kostopoulos**

**Project:** A public hearing for all persons interested in the petition of MICHAEL KOSTOPOULOS at 22 VISTA AVENUE (Map 09, Lot 0059) (R1 Zoning District) for a Variance per Section 3.2.4 Accessory Buildings and Structures of the Salem Zoning Ordinance to construct a twenty-one-foot-tall, two-story detached garage with a second-floor accessory dwelling unit (ADU). The proposal amends a decision dated September 2, 2025, which granted a Variance per Section 4.1.1 Dimensional Requirements and a Special Permit per Section 3.2.4(1) Accessory Buildings and Structures to construct an eighteen-foot-tall, 1.5-story, four-car detached garage two feet from the rear property line.

#### Documents and Exhibitions

- Application date-stamped \_\_\_\_\_, 2026 and supporting documentation

Chair Vyedin introduces the petition.

Attorney Bill Quinn introduces himself on behalf of the petitioner and describes the events to date, as well as the updated proposal for an ADU and garage combo. He presents updated drawings showing the updated height to make the ADU more comfortable. Mr. Quinn states there is a proposed user already for the ADU as well.

The Board and staff discuss the matter and ask clarifying questions.

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

**Motion and Vote:** Mr. Larrick motions to approve the petition of MICHAEL KOSTOPOULOS at 22 VISTA AVENUE (Map 09, Lot 0059) (R1 Zoning District) for a Variance per Section 3.2.4 Accessory Buildings and Structures of the Salem Zoning Ordinance to construct a twenty-one-foot-tall, two-story detached garage with a second-floor accessory dwelling unit (ADU). The proposal amends a decision dated September 2, 2025, which granted a Variance per Section 4.1.1 Dimensional Requirements and a Special Permit per Section 3.2.4(1) Accessory Buildings and Structures to construct an eighteen-foot-tall, 1.5-story, four-car detached garage two feet from the rear property line. The approval is 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. The exterior finishes of 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 Assessor's Office and shall display said number to be visible from the street.
10. 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.
11. 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.
  12. Petitioner shall schedule Assessing Department inspections of the property, at least annually, to project completion and a final inspection upon project completion.

Mr. Habib seconds the motion. **The vote is five (5) in favor (Ellen Simpson, Peter Habib, Christa McGaha, Nina Vyedin, and Stephen Larrick) and none (0) opposed. The motion passes.**

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|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location:  | <b>75 North Street (Map 26, Lot 0058; Map 26, Lot 0057; Map 26, Lot 0054) (North River Canal Corridor Neighborhood Mixed Use District; Coastal Resiliency Overlay District)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Applicant: | <b>75 North Street LLC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Project:   | A public hearing for all persons interested in the petition of 75 NORTH STREET LLC at 75 NORTH STREET (Map 26, Lot 0058; Map 26, Lot 0057; Map 26, Lot 0054) (North River Canal Corridor Neighborhood Mixed Use District; Coastal Resiliency Overlay District) for an amendment to the decision dated December 11, 2023, at 75 North Street, 3 South Mason Street, and 2 Commercial Street, allowing the construction of a sixty-unit, four-story, transit-oriented mixed-use development. The amendment requests to eliminate the special condition prohibiting the assignment of parking spaces to individual units or residents. |

#### Documents and Exhibitions

- Application date-stamped           , 2026 and supporting documentation

Chair Vyedin introduces the petition.

Attorney Scott Grover introduces himself on behalf of the petitioner and discusses the request to amend the Board's December 11, 2023 decision to eliminate the special condition prohibiting the assignment of parking spaces to individual units or residents. Mr. Grover explains the relief that was granted in 2023, and states that since then a team has been working to obtain all the permits and site plan approval for the project. Mr. Grover states a construction company would like to purchase and develop the property, but that they would like to do so with a homeownership model rather than a rental model (which was originally contemplated). Therefore, Mr. Grover indicates the amendment would make the home ownership model more viable and allow for spots to be designated. He also notes that the special conditions were more relevant prior to the changes in the Zoning Ordinance,

and also made more sense for a rental model. Mr. Grover also asks that the permit be extended for an additional year to September 11, 2027, to allow time for the project to get underway next year.

Chair Vyedin notes that the extension request was not advertised, but Mr. Grover clarifies that it is merely a written request to the Board and does not require advertising. Mr. Postich notes that a written request was not submitted, and Mr. Grover indicates he is making the request now at the meeting as part of the hearing. After some discussion, Mr. Grover indicates he will submit a written request for an extension, and it will be dealt with at another meeting.

The Board discusses the matter and the request further.

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

The Board concludes that the change would not alter or affect the original findings.

**Motion and Vote:** Mr. Habib motions to approve the petition of 75 NORTH STREET LLC at 75 NORTH STREET (Map 26, Lot 0058; Map 26, Lot 0057; Map 26, Lot 0054) (North River Canal Corridor Neighborhood Mixed Use District; Coastal Resiliency Overlay District) for an amendment to the decision dated December 11, 2023, at 75 North Street, 3 South Mason Street, and 2 Commercial Street, allowing the construction of a sixty-unit, four-story, transit-oriented mixed-use development. The amendment requests to eliminate the special condition prohibiting the assignment of parking spaces to individual units or residents. The petition is subject to the following standard conditions:

Ms. McGaha seconds the motion. **The vote is five (5) in favor (Christa McGaha, Ellen Simpson, Peter Habib, Stephen Larrick, and Nina Vyedin) and none (0) opposed. The motion passes.**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location:  | <b>8 Connors Road (Map 36, Lot 0328) (R1 Zoning District; Coastal Resiliency Overlay District)</b>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Applicant: | <b>Michael Hopkins</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Project:   | A public hearing for all persons interested in the petition of MICHAEL HOPKINS at 8 CONNERS ROAD (Map 36, Lot 0328) (R1 Zoning District; Coastal Resiliency Overlay District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Residences of the Salem Zoning Ordinance to construct a second story to a nonconforming 1.5-story single-family house within the property's required side and front setbacks, increasing the structure's height from approximately 15.5 feet to 23.25 feet. |

#### Documents and Exhibitions

- Application date-stamped \_\_\_\_\_, 2026 and supporting documentation

Chair Vyedin introduces the petition.

Attorney Quinn introduces himself on behalf of the petitioner and explains the requested relief being sought. Mr. Quinn indicates the plan is to add a second story to provide room for the petitioner's growing family and space requirements. He presents a dimensional table as well as a site plan, and floor plans for the project. Mr. Quinn provides additional details, and the Board asks clarifying questions about the special permit request. Elevations are presented for existing and proposed conditions. The Board finds that the proposal would not be any more detrimental to existing conditions or the neighborhood. The petitioner introduces himself and notes there are two letters in support of the project from abutters.

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

**Motion and Vote:** Ms. McGaha motions to approve the petition of MICHAEL HOPKINS at 8 CONNERS ROAD (Map 36, Lot 0328) (R1 Zoning District; Coastal Resiliency Overlay District) for a Special Permit per Section 3.3.5 Nonconforming Single- and Two-Family Residences of the Salem Zoning Ordinance to construct a second story to a nonconforming 1.5-story single-family house within the property's required side and front setbacks, increasing the structure's height from approximately 15.5 feet to 23.25 feet. The approval is 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. The exterior finishes of 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 five (5) in favor (Nina Vyedin, Stephen Larrick, Ellen Simpson, Christa McGaha, and Peter Habib) and none (0) opposed. The motion passes.**

## MEETING MINUTES

August 19, 2026

**Motion and Vote:** Ms. Simpson motions to approve the minutes from the August 19, 2026 meeting of the Zoning Board of Appeals as drafted. Mr. Larrick seconds the motion. **The vote is all in favor. The motion passes.**

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## OLD/NEW BUSINESS

**Staff updates on the Board's application requirements and standard conditions.**

The Board did not open this item.

**Board Vote on Updated Application Requirements and Standard Conditions**

The Board did not open this item.

## Next Meeting

October 14, 2026

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## ADJOURNMENT

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

**The meeting ends at 12:19 AM on September 17, 2026.**

*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-2026>

Respectfully submitted,  
Brennan Postich, Staff Planner