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# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK SALEM, MASS.

2015 NOV -4 P 12:01

## November 4, 2015 Decision City of Salem Board of Appeals

A petition of HARBORLIGHT COMMUNITY PARTNERS, seeking a Special Permit requesting relief from Sec. 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to change from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit located at the property of 179 BOSTON STREET (Map 16 Lot 52) (B2 Zoning District).

A public hearing on the above Petition was opened on September 16, 2015 and continued to October 21, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Jimmy Tsitsinos, Mike Duffy, Jim Hacker (alternate), Paul Viccica (alternate).

The Petitioner seeks a Special Permit from the provisions of *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance, from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit.

### Statements of fact:

1. In the petition date-stamped August 25, 2015, the Petitioner requested a Special Permit per *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance, from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit.
2. The public hearing was opened on September 16, 2015 and continued to October 21, 2015.
3. Mr. Andrew Defranza, Executive Director of Harborlight Community Partners presented the petition on September 16, 2015 and on October 21, 2015.
4. The existing building serves as a rooming house and has seventeen (17) rooms with shared bathroom facilities. There are seven (7) off-street parking spaces.
5. The petitioner proposes to reduce the density of the building occupancy by reducing the number of rooms from seventeen (17) rooms and shared bathrooms to convert the existing space into fourteen (14) small studio apartments. The square footage of the units are less than 250 square feet such that only one (1) occupant may inhabit each residential unit.
6. Harborlight Community Partners will provide on-site staffing including a property manager, maintenance person, and case manager available. There will also be an on-site office with staff for part of every week day and on call staff for overnight and weekend hours.
7. The petitioner proposes to restore the building, update windows, improve the front façade and exterior of the building as presented in elevation plans titled "HCP Boston Street #179" dated October 13, 2015 by Siemasko & Verbridge, Beverly, MA.

8. The petitioner proposes to have management offices, a manager that will visit the property daily and a case worker that will be available to residents on an on-call basis.
9. The requested relief, if granted, would allow the petitioner to change from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit.
10. At the public hearing, one (1) member of the public spoke in support and none (0) spoke in opposition to the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, makes the following **findings**:

**Findings for Special Permit:**

The petitioner has demonstrated that the change from a nonconforming rooming house to a proposed multifamily residential use is less detrimental to the neighborhood than the existing nonconforming use.

1. The social, economic and community needs served by this proposal is positive and will continue to serve the same population as currently served.
2. There are no negative impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal would improve the existing neighborhood character as the petitioner proposes to decrease density, significantly invest in the restoration of the property, and improve management and access to services for occupants.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), James Tsitsinos, Mike Duffy, Jim Hacker (alternate), (Paul Viccica (alternate)) and none (0) opposed, to approve the requested Special Permit to allow a change from a nonconforming rooming house to a less detrimental nonconforming use of a multifamily residential dwelling unit subject to the following **terms, conditions and safeguards**:

**Standard Conditions:**

1. Petitioner shall comply with all city and state statues, 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 finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. A Certificate of Occupancy 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.

Special Condition:

1. The special permit shall be limited to Harborlight Community Partners and a change of owner or operator of this use is required to return to the Zoning Board of Appeals.

  
Rebecca Curran, Chair  
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

*Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.*