



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 ♦ FAX: 978-740-9846

2016 NOV 30 P 1:00
FILE #
CITY CLERK, SALEM, MASS

November 30, 2016 Decision

City of Salem Board of Appeals

Petition of CHRISTOPHER B. CRONIN, TRUSEE, seeking a Special Permit per Sec. 3.3.3 *Nonconforming Structures* to expand an existing rear deck and provide access to an existing second floor unit by means of an exterior stairway at 61 BROAD STREET (Map 25, Lot 275) (R-2 Zoning District).

A public hearing on the above Petition was opened on November 16, 2016 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Jim Hacker (alternate), and Paul Viccica (alternate).

The Petitioner is seeking a Special Permit per Sec. 3.3.3 *Nonconforming Structures* to expand an existing rear deck and provide access to an existing second floor unit by means of an exterior stairway at the property.

Statements of fact:

1. In the petition date-stamped October 25, 2016, the Petitioner requested a a Special Permit per Sec. 3.3.3 *Nonconforming Structures* to expand an existing rear deck and provide access to an existing second floor unit by means of an exterior stairway at the property.
2. Attorney Scott Grover presents the petition on behalf of the applicant.
3. The property is an existing two-family home in an R-2 Zoning District.
4. There is an existing nonconforming rear porch that is within the required 30' foot rear yard setback.
5. The petitioner is proposing to expand the second floor deck along the entire rear façade and construct an exterior stair to serve the second floor unit.
6. Currently, the property is a two-family home with access to both units through an interior common hallway to create more interior space for the two (2) units.
7. The petitioner is also proposing to install a driveway where there is currently a landscaped side yard to provide off-street parking spaces.
8. The requested relief, if granted, would allow the petitioner to expand an existing rear deck and provide access to an existing second floor unit by means of an exterior stairway.
9. At the public hearing, two (2) members of the public spoke opposition to and no (0) members spoke in support of 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, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings for Special Permit:

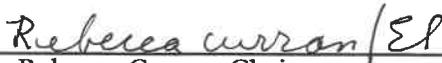
The Board finds that expansion of the rear deck and associated stairway will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. The proposed extension of a non-conforming would not be more substantially detrimental than the existing non-conforming structure to the impact on the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. There are no significant impacts to the neighborhood character.
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 four (4) in favor (Rebecca Curran, Peter A. Copelas, Tom Watkins, and Jim Hacker (alternate)) and none (0) opposed, Paul Viccica (alternate) abstained, to expand an existing rear deck and provide access to an existing second floor unit by means of an exterior stairway subject to the following **terms, conditions and safeguards**:

Standard Conditions:

1. The 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.



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.