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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

September 26, 2016

Decision

City of Salem Board of Appeals

Petition of JOAN DONOVAN OLIVER and THOMAS M. CITRINO seeking a Special Permit per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures to expand the nonconforming structure at the property located at 49 FELT STREET (Map 27 Lot 585)(R-1 Zoning District)

A public hearing on the above Petition was opened on September 21, 2016 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, and Tom Watkins.

The Petitioner seeks a special permit per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures to expand the dimensionally nonconforming structure.

Statements of fact:

1. In the petition date-stamped August 25, 2016, the Petitioner requested a special permit per Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures.
2. The property is located in an R-1 Zoning District and the building is dimensionally non-conforming as to the side yard setback.
3. The petitioner is proposing to build a 12 x 12 three season porch and extend along an existing non-conforming side wall of the house and a 9' x 16' open air rear deck.
4. The petitioner originally received a building permit for a deck, but constructed a three season porch and non-enclosed rear deck.
5. The requested relief, if granted, would allow the petitioner to keep the already constructed three season porch and rear deck.
6. At the public hearing, no (0) members of the public spoke in opposition to the petition or in favor 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, makes the following **findings**:

Special Permit Findings:

1. There are social, economic and community needs served by the proposal
2. There will be no impacts to traffic flow and safety, including parking and loading
3. There will be no impact to the adequacy of utilities and other public services
4. There will be no impacts on the natural environment, including drainage
5. The three season porch and associated deck fit with the existing character of the neighborhood.

6. The potential fiscal impact, including impact on City and tax base and employment 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), Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, and Tom Watkins) and none (0) opposed, to approve the special permit to expand the non-conforming structure subject to the following **terms, conditions and safeguards**:

Standard:

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 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.


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.