



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

2017 AUG 30 AM 10:10
CITY CLERK
SALEM, MASS

August 30, 2017

Decision

City of Salem Board of Appeals

Petition of LORRAINE BOUCHER, requesting a Special Permit per *Sec. 3.0 Table of Uses* to allow a historic carriage house to be converted into a dwelling unit at 13 ARTHUR STREET (Map 23 Lot 35)(R-2 Zoning District).

A public hearing on the above Petition was opened on April 19, 2017 pursuant to M.G.L Ch. 40A, § 11 and continued to the following dates: May 17, 2017, June 21, 2017, July 19, 2017 and August 16, 2017. The hearing was closed on August 16, 2017 with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Tom Watkins, Jimmy Tsitsinos, Mike Duffy, and Peter A. Copelas.

The Petitioner is requesting a Special Permit per *Sec. 3.0 Table of Uses* to allow a historic carriage house to be converted into a dwelling unit.

Statements of fact:

1. In the petition date-stamped March 28, 2017 the Petitioner requested a Special Permit per *Sec. 3.0 Table of Uses* to allow a historic carriage house to be converted into a dwelling unit.
2. Dean and Lorraine Boucher, presented the petition. David Jaquith, project architect, was also present to discuss the proposed project.
3. The property is located in an R-2 Zoning District.
4. Currently, there is a primary building with two (2) dwelling units and a carriage house. The petitioner is proposing to convert the existing historic carriage house into a third dwelling unit on the property.
5. The carriage house was renovated approximately 22 years ago with the installation of vinyl windows and vinyl siding. The framing of the original structure is still exposed on the interior and the stone foundation still exists. The porch and concrete foundation were added, but pre-dated the current owners.
6. At the April 19, 2017 meeting the Board informed the applicant that the historic carriage house ordinance is a density bonus intended to restore historic structures. The Board expressed concern that the existing carriage house structure was significantly altered and no longer has traditional carriage house features on the exterior of the structure.
7. At the April 19, 2017 meeting the petitioner presented a map from 1911. As described in the Salem Zoning Ordinance, a historic carriage house is an accessory building originally built to house carriages, horses, or for use as a barn, that has been in existence since 1900 at its present location. The Board requested that the petitioner provide additional information to show that this building met the requirements of the Zoning Ordinance.

8. At the April 19, 2017 meeting architect David Jaquith presented elevation plans for the proposed restoration of the structure. The proposed renovation would consist of new windows, barn doors, clapboards, and other elements to make the structure appear old.
9. At the April 19, 2017 meeting, the Board requested additional maps to demonstrate that the structure met the definition of a historic carriage house in addition to submission of proposed elevations for the Board to review prior to the meeting, and interior photos.
10. At the April 19, 2017 meeting, John Farnsworth, a land surveyor from Lancaster, MA, testified that he searched aerial and topographic maps and did not find documentation prior to 1900 for this structure.
11. The public hearing was continued to May 17, 2017 to allow the petitioner more time to provide additional documentation.
12. At the May 17, 2017 meeting, the petitioner presented a map from Salem State University from 1897 that showed a stable behind the existing house. However, the map presented did not show the current carriage house structure in its current location. The Board requested additional information that may demonstrate that the structure met the definition of a historic carriage house as defined in the Salem Zoning Ordinance.
13. The public hearing was continued from the May 17, 2017 meeting to the June 21, 2017 meeting.
14. At the June 21, 2017 meeting the petitioner presented a map from 1906 and 1907. There was an existing outbuilding on this map and the 1897 map. The Board requested an opinion of the City Solicitor for a determination on whether the outbuilding could be considered a historic carriage house.
15. At the June 21, 2017 meeting the petitioner requested a continuation to allow the Board to request an opinion from the City Solicitor on whether the property met the definition of a historic carriage house. The petitioner requested a continuation to the next regularly scheduled meeting on July 19, 2017.
16. In a letter dated July 11, 2017, the City Solicitor provided an opinion and supplemental City Council meeting minutes from June 23, 1983 and February 23, 1984. Further, a property card from 1973 indicated that the property included a 320 square foot garage and 440 square foot barn. The property card information was consistent with the earlier maps provided by the applicant. The City Solicitor concluded, based on the applicant's evidence and the City property card, that the current accessory structure meets the definition of a historic carriage house.
17. On July 19, 2017, the public hearing was continued to the August 16, 2017 public hearing due to a lack of quorum. No additional testimony was heard and no further discussion with the Board occurred on this date.
18. On August 16, 2017, the Board discussed the City Solicitor's findings and the criteria for a special permit. The staff planner to the Historic Commission also reviewed the project and provided comments for the Board to consider.
19. The architectural design that is proposed is the conservation and architectural recreation of the historic features of the property rather than the preservation of existing architectural features. The Board requested that the petitioner consider working with the Historic Commission and find the original window openings and work with the applicant to design a more reasonable and nuanced architectural expression that is in keeping with the historic era of the building.
20. The requested relief, if granted, would allow a historic carriage house to be converted into a dwelling unit.

21. At the public hearing, thirteen (13) members of the public spoke in support and none 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, 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 Permits:

The Board finds that the structure meets the definition of a historic carriage house and the proposed use will not outweigh its beneficial impacts to the City or the neighborhood.

1. The social, economic, or community needs are served by the proposal as this project is a significant improvement to the neighborhood and is of economic value to the owner and community.
2. There are no impacts on traffic flow and safety, including parking and loading as the on-site parking requirements are met.
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 rehabilitation of the building and the creation of an additional dwelling unit conform to the existing 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 five (5) in favor (Rebecca Curran (Chair), Tom Watkins, Jimmy Tsitsinos, Mike Duffy, and Peter A. Copelas) and none (0) opposed to allow a historic carriage house to be converted into a dwelling unit, 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. Petitioner shall obtain street numbering from the City's Assessors Office and shall display said number so as to be visible from the street.
6. Exterior finishes of the new construction shall be in harmony with the existing structure.
7. A Certificate of Occupancy is to be obtained.
8. A Certificate of Inspection is to be obtained.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. The applicant shall voluntarily apply to the Historical Commission and shall amend architectural plans in accordance with comments from the Commission on the proposed design. The intent of this is to ensure that the historic carriage house restoration will be done in a manner that is consistent with the historic character of the building including the windows, doors, clapboards, and architectural proportions that are appropriate to capture the historic character of this structure.
2. The project shall be worked on continuously and be complete no later than one (1) year after the issuance of a building permit.

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.