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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

June 29, 2016

Decision

City of Salem Board of Appeals

Petition of THOMAS PELLETIER, seeking a Special Permit per Sec. 3.1 *Principal Uses* of the Salem Zoning Ordinance to allow a dwelling unit in a historic carriage house at the property of 138 NORTH STREET (Map 27 Lot 272)(R2 Zoning District)

A public hearing on the above Petition was opened on June 15, 2016 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Tsitsinos, Mr. Watkins.

The Petitioner seeks a Special Permit per Sec. 3.1 *Principal Uses* of the Salem Zoning Ordinance to allow a dwelling unit in a historic carriage house.

Statements of fact:

1. Thomas Pelletier, petitioner, presents the petition.
2. In the petition date-stamped May 23, 2016 the Petitioner requested a Special Permit per Sec. 3.1 *Principal Uses* of the Salem Zoning Ordinance to allow a dwelling unit in a historic carriage house.
3. The petitioner proposes to covert an existing carriage house to a single family dwelling unit.
4. The existing carriage house is used as a place for storage.
5. There is currently an existing two (2) family dwelling unit on the property, which is an allowable use in an R2 Zoning District.
6. The petitioner plans to rehabilitate the existing historic carriage house without any dimensional changes to the structure.
7. There are currently five (5) parking spaces on site, which is more than the required number of parking spaces for the property.
8. The requested relief, if granted, would allow the Petitioner to convert the existing historic carriage house into a dwelling unit.
9. At the public hearing one (1) member of the public spoke in favor of, or 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 Permit:

The Board finds that the carriage house is a historic structure and the change in use is not substantially more detrimental than the existing use to the neighborhood.

1. Social, economic and community needs served by the proposal as an additional dwelling unit would provide housing to the community.
2. Traffic flow and safety, including parking and loading is adequate as there are five (5) parking spaces, which exceed the number of required parking spaces.
3. Adequacy of utilities and other public services will not be negatively impacted.
4. Impacts on the natural environment, including drainage will remain the same.
5. The proposal fits with the character of the neighborhood.
6. Potential fiscal impact, including the impact on City 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 (Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Tsitsinos (Alternate)) and none (0) opposed, to grant a Special Permit per *3.1 Principal Uses* of the Salem Zoning Ordinance to allow a dwelling unit in a historic carriage house, subject to the following **terms, conditions and safeguards**:

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. Exterior finished 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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street, if needed.
9. 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 primary structure on the property shall remain a two (2) family dwelling unit.

Rebecca Curran/ES
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.