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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 LARISSA LUCAS, seeking a Special Permit per *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to structurally change the existing nonconforming structure at the property of 15 RIVER STREET (Map 26 Lot 606)(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. Watkins, and Mr. Tsitsinos.

The Petitioner seeks a Special Permit per Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to structurally change the existing nonconforming structure.

Statements of fact:

1. Larissa Lucas, petitioner, presents the petition.
2. In the petition date-stamped May 23, 2016 the Petitioner requested a Special Permit per Sec. 3.3.3 Nonconforming Structures to allow the petitioner to structurally change the existing non-conforming structure.
3. The petitioner proposes to construct an enclosed four (4) feet by five (5) feet structure in the rear corner to square off the building where there is currently an existing shed of the same dimensions.
4. The expansion will provide for a small kitchen expansion and rear entrance to the house.
5. The property is located in a historic district and the Salem Historical Commission reviewed and approved the proposed work ruling that the construction was in conformance with the historic character of the building and neighborhood.
6. The requested relief, if granted, would allow the Petitioner to structurally change the existing non-conforming structure.
7. At the public hearing nine (9) members of the public spoke in favor of, and none 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:

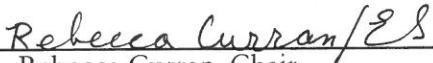
The Board finds that the structural change is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. Social, economic and community needs served by the proposal are not affected.
2. Traffic flow and safety, including parking and loading will not be affected.
3. Adequacy of utilities and other public services will not be affected.
4. Impacts on the natural environment, including drainage will not be affected.
5. Neighborhood character- The proposed addition conforms to the character of the neighborhood and structure.
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. Watkins, and Mr. Tsitsinos) and none (0) opposed, to grant a Special Permit per Sec. 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to allow the petitioner to change a use from one non-conforming use to another non-conforming use, 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 Inspection is to be obtained.
7. 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.