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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

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CITY CLERK, SALEM, MASS.

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November 2, 2016

Decision

City of Salem Board of Appeals

Petition of STEPHEN CUMMINGS, requesting a Special Permit per Sec. 3.3.5 Nonconforming Single and Two-Family Residential Structures of the Salem Zoning Ordinance to construct a 8' x 8' dormer at the property of 241 NORTH STREET (Map 17 Lot 159)(R-1 Zoning District).

A public hearing on the above Petition was opened on October 19, 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, Mike Duffy, Tom Watkins, Jimmy Tsitsinos.

The petitioner is requesting a Special Permit per Sec. 3.3.5 Nonconforming Single and Two-Family Residential Structures to construct an 8' x 8' foot dormer.

Statements of fact:

1. In the petition date-stamped September 27, 2016, the Petitioner requested a Special Permit per Sec. 3.3.5 Nonconforming Single and Two-Family Residential Structures of the Salem Zoning Ordinance to construct an 8' x 8' foot dormer.
2. Stephen Cummings, petitioner presents the petition.
3. The subject property is located in an R-1 Zoning District.
4. The petitioner proposes to construct an 8' x 8' foot dormer to provide headspace for a new bathroom. The petitioner will not be changing the footprint of the existing structure.
5. The property is dimensionally nonconforming with respect to side yard setback.
6. The requested relief, if granted, would allow the Petitioner to construct an 8' x 8' foot dormer.
7. At the public hearing no (0) members of the public spoke in favor 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:

1. The proposed alteration to the existing structure will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
2. There are no negative impacts on traffic flow and safety, including parking and loading.
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 is no impact 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) (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Jimmy Tsitsinos) in favor and none (0) opposed, to grant a Special Permit per Sec. 3.3.5 Nonconforming Single and Two-Family Residential Structures to construct an 8' x 8' foot dormer subject to the following **terms, conditions and safeguards:**

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 new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy shall 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/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.