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CITY CLERK, SALEM, MASS.

November 30, 2016

Decision

City of Salem Board of Appeals

Petition of JAY FAMICO seeking a Special Permit per Sec. 3.0 *Uses* to allow the conversion of a historic carriage house to a dwelling unit at 380 ESSEX STREET (Map 25, Lot 206)(R2 Zoning District)

A public hearing on the above Petition was opened on October 19, 2016 pursuant to M.G.L Ch. 40A, § 11 and no testimony was heard on that date. The public hearing was continued to the next regularly scheduled meeting on November 16, 2016 and closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Copelas, Mr. Watkins, Mr. Hacker (alternate), and Mr. Viccica (alternate).

The Petitioner seeks a Special Permit from the provisions of Section 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to allow the conversion of a historic carriage house to a dwelling unit.

Statements of fact:

1. In the petition date-stamped September 27, 2016, the Petitioner requested a Special Permit per Section 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, in order to allow the conversions of a historic carriage house to a dwelling unit.
2. Attorney Scott Grover and Dan Ricciarelli of Seger Architects presented the petition.
3. The property is located within an R-2 Zoning District.
4. The petitioner is proposing to refurbish and renovate an existing 31'5" x 37'3" historic carriage house. The scope of the project includes interior renovations to create a recreation room on the first floor and a single dwelling unit on the second floor.
5. A *historic carriage house* is defined by the City of Salem Zoning Ordinance as "an accessory or outbuilding, originally built to house carriages, horses, or for use as a barn, that has been in existence since 1900 at its present location."
6. The house and carriage house was constructed circa 1807.
7. The petitioner testified the community need that is served by this proposal is the need to restore the historic carriage houses because these structures significantly contribute to the Salem's historic fabric. The continued use of the structure will ensure its sustainability for years to come. Further, there is a significant need for housing and this project will provide one additional dwelling unit.
8. The petitioner presents a revised parking plan, dated September 7, 2016 that provides four (4) parking spaces on the property, which exceeds the minimum number of parking spaces required for two (2)

dwelling units. The petitioner proposed these locations for parking to keep the existing ally of mature trees on the property that line the existing driveway.

9. The petitioner testified that the utilities for the historic carriage house will be provided from the existing residence.
10. There is a positive fiscal impact to the City as an increase in property tax will be realized with the addition of a living unit.
11. The existing structure is in disrepair and there is no existing foundation. The trim, clapboards, roof and windows all need to be restored. The goal of this project is to stabilize and utilize this historic structure.
12. Dan Ricciarelli, architect, testified that the only major changes to the structure include adding an egress door on the left hand side of the carriage house doors where there is currently a window. The petitioner is also proposing to install French doors and a Juliette balcony in the existing second floor archway.
13. The owner plans to use the first floor as a personal storage/recreation room and the second floor as a single dwelling unit. The dwelling unit is approximately 1,100 square feet with two (2) bedrooms, living room, dining room, and bathroom.
14. During the public hearing the direct abutters, located at 38 Flint Street and 143 Federal Street strongly opposed the petition primarily due to privacy concerns and requested that the petitioner remove all windows on the first and second floor facing both properties and/or move the location of the structure to fit the required 30'ft rear yard and 10' ft side yard setbacks.
15. The petitioner proposed to eliminate the bathroom window by keeping the existing window and inserting black glass as to not allow anyone to see in or out. The petitioner proposes to provide a skylight on the second story at the bathroom location in lieu of a window.
16. The Board clarified with the petitioner that the bathroom window will remain, but the glass will be black spandrel glass as to not allow anyone to see in or out. The Board requested that the window structure will remain because it is part of the structural historic fabric of the building.
17. The proposal to eliminate the bathroom window black spandrel glass is subject, to Historic Commission approval.
18. As to the neighbor request to remove the first floor windows, the petitioner stated that the first floor is not part of the dwelling unit that is being considered by the Board. The first floor will be used as a recreation room associated with the main house and is a use permissible by right.
19. The petitioner offered to landscape the 4' foot buffer between the historic carriage house and property boundary with columnar evergreens to provide a vegetative screen between the carriage house and the abutter.
20. The petitioner testified that the project team considered moving the building to fit the current setback requirements, but felt that the preservation of the existing location of the historic carriage house and historic landscape is important.

21. The petitioner also offered the prohibition of the residential dwelling unit to be used as a short-term rental. This is a voluntary condition as the Board does not have the authority to limit the term of rental properties.
22. At the public hearing, three (3) members of the public spoke in opposition to the petition. Two (2) members of the public spoke 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**:

The adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood.

1. The proposed accessory use and associated building restoration will have a positive impact on the social, economic or community needs served by the proposal as it will provide an additional dwelling unit and allow the property owner to invest in the preservation and restoration of this historically significant structure.
2. There are no impacts on traffic flow and safety, including parking and loading as adequate parking is provided.
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 proposal conforms to the existing neighborhood character and will be a positive improvement to preserve and restore the existing historic building.
6. The potential fiscal impact, including impact on the City tax base is positive.

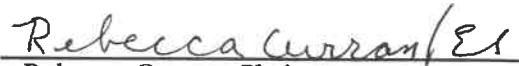
On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Ms. Curran (Chair), Mr. Watkins, Mr. Hacker (alternate), and Mr. Viccica (alternate); none (0) opposed, and Mr. Copelas abstained, to approve the requested Special permit to allow to the conversion of a historic carriage house to a dwelling unit, subject to the following **conditions, terms, 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. A Certificate of Occupancy shall be obtained
6. A Certificate of Inspection shall be obtained.
7. 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 property will remain a single family dwelling unit.
2. The petitioner shall voluntarily lease the property for no less than six (6) months at a time.
3. The petitioner shall install black spandrel glass in the bathroom window and install a skylight above the bathroom, if approved by the Salem Historic Commission.
4. The petitioner shall install columnar evergreens to provide vegetative screening in the existing four (4') buffer to provide privacy for the rear neighbors and carriage house tenant.


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.