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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

March 29, 2017

Decision

City of Salem Board of Appeals

Petition of BONT LLC, seeking a Special Permit requesting relief from *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to reconstruct, extend or structurally change a non-conforming structure to allow an expansion of the structure at the property of 98-100 BRIDGE STREET (Map 36 Lot 166)(R-2 Zoning District).

A public hearing on the above Petition was opened on March 15, 2017 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on this date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Copelas (Vice- Chair), Mr. Duffy, Mr. Watkins, Mr. Tsitsinos.

The Petitioner seeks a Special Permit per *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to reconstruct, extend or structurally change a non-conforming structure to allow an expansion of the structure.

Statements of fact:

1. In the petition date-stamped February 17, 2017, the Petitioner requested Special Permits per Section 3.3.3 Nonconforming Structures to allow the petitioner to reconstruct, extend or structurally change the non-conforming structure.
2. Attorney Paul Lynch of Marblehead and petitioner Emily Stuart presented the petition.
3. The existing structure is used as a four (4) unit dwelling and will continue to be used as a four (4) unit structure. There are currently six (6) bedrooms and the petitioner is proposing an additional four (4) bedrooms to create two (2) two (2) bedroom units and two (2) three (3) bedroom units.
4. The property is a non-conforming structure as to lot area, frontage, front yard setbacks, rear yard setbacks and parking.
5. The petitioner is proposing to remove a portion of the existing building located in the center of the structure and plans to construct a two (2) story addition in the same location. The petitioner is also proposing to construct a rear stair and associated decking.
6. The proposed expansion will not create any new non-conformities.
7. There are currently two (2) parking spaces at the property. The petitioner is proposing to pave the rear yard to provide a total of four (4) parking spaces such that each unit will have one (1) parking space.
8. The requested relief, if granted, would allow the Petitioner to reconstruct, extend, alter a non-conforming structure by constructing a rear addition on the existing structure.
9. At the public hearings no members spoke in favor and or in opposition to the proposal.

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 proposed reconstruction, extension or structural change is not more detrimental than the existing non-conforming structure to the neighborhood.

1. The Board finds that there are social, economic and community needs served by the proposal as the proposal will allow the petitioner to greatly improve the cosmetic and structural integrity of the structure.
2. There are no impacts on traffic flow and safety, including parking and loading. The proposal includes the required parking for a residential use.
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.
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 (Ms. Curran (Chair), Mr. Copelas (Vice- Chair), Mr. Duffy, Mr. Watkins, Mr. Tsitsinos) and none (0) opposed, to grant a Special Permit, to reconstruct, extend or structurally change a non-conforming structure to allow an expansion of the structure subject to the **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. 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 shall 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.