



KIMBERLEY DRISCOLL
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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2018 MAY 30 AM 11:43
CITY CLERK
SALEM, MASS.

May 30, 2018

Decision

City of Salem Board of Appeals

Petition of STEFAN GUTERMUTH, seeking a special permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a 15' x 26' one story addition, decks and front porch at 29 PIERCE ROAD (Map 31 Lot 302) (R-1 Zoning District).

A public hearing on the above Petition was opened on May 16, 2018 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, Chris Drucas, and Paul Viccica.

The petitioner is seeking a special permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a 15' x 26' one story addition, decks and front porch.

Statements of fact:

1. In the petition date-stamped April 23, 2018, the Petitioner requested a special permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a 15' x 26' one story addition, decks and front porch.
2. Paul Lessard, architect, and Stefan Gutermuth, petitioner, presented the petition.
3. The property is located in an R-1 Zoning District and the existing building is non-conforming as to lot size, front, side and rear yard setbacks.
4. The petitioner is proposing to construct a 15' x 26' one story addition with a deck on either side. One deck 12' x 13', a second deck to be 14' x 15' and an expanded front porch measuring approximately 29' x 7' feet. The petitioner is proposing to increase the existing non-conformity along the side yard setback, create a new non-conformity as to lot coverage and construct within the front yard setback.
5. Currently, the existing structure is approximately four (4') feet from the rear property boundary where thirty (30) feet is required. The front of the house meets the front yard setbacks. The property owner is proposing a deck that is within approximately three (3) feet from the rear yard, 32.3% lot coverage, and be within approximately 6.7' feet of the front yard where fifteen (15') feet is required.
6. At the May 16, 2018 meeting, the Board requested that the petitioner reduce the proposed added square footage to be closer to complying with the lot coverage requirement.
7. The requested relief, if granted, would allow the petitioner to construct a 15' x 26' one story addition, decks and front porch.

8. At the public hearing one (1) member of the public spoke in favor and none (0) spoke 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 public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the proposed alteration and expansion will not be more substantially more detrimental than the existing non-conforming structure to the neighborhood as amended.

1. Social, economic and community needs are served by this proposal
2. There are no impacts to traffic flow and safety, including parking and loading
3. Adequate utilities and public services already service the property.
4. Impact on the natural environment and drainage are minimally affected.
5. The proposed addition and expansion is consistent with the neighborhood character.
6. The potential fiscal impact, including impact on the City tax base and employment.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Rebecca Curran (Chair), Mike Duffy, Chris Drucas, and Paul Viccica), and one (1) (Peter A. Copelas), opposed to grant a special permit Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a 15' x 26' one story addition, decks and front porch subject to the following 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.

Special Condition:

1. The petitioner shall amend the proposal as follows; the westerly deck be decreased in width to align with the south elevation to approximately three (3) feet less wide, the easterly deck to be reduced in width by approximately 3.6 feet, which is the width of the proposed stair. Further, the petitioner shall remove the proposed westerly side staircase.
2. The siding shall be clapboard siding as indicated in the proposal.

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.