



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2018 JAN -3 AM 9:57

CITY CLERK  
SALEM, MASS

January 3, 2018

## Decision

### City of Salem Board of Appeals

**Petition of JASPER PROPERTIES SERVICES, LLC, requesting a special permit per Sec. 3.3.5 *Non-Conforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to reconstruct and enlarge a single family structure at 31 JUNIPER AVE (Map 44, Lot 062) (R-1 Zoning District).**

A public hearing on the above Petition was opened on December 20, 2017 pursuant to M.G.L Ch. 40A, § 11 and the hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, Jimmy Tsitsinos.

The petitioner is seeking a special permit per Sec. 3.3.5 *Non-Conforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to reconstruct and enlarge a single family structure.

#### **Statements of fact:**

1. In the petition date-stamped November 15, 2017, the Petitioner requested a Special Permit per *Sec. 3.3.5 Non-Conforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to reconstruct and enlarge a single family structure.
2. Attorney William Quinn presented the petition.
3. The property is located in an R-1 Zoning District and is an existing dimensionally non-conforming single family structure.
4. The petitioner is seeking a special permit per Sec. 3.3.5 *Non-Conforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to reconstruct and enlarge a single family structure.
5. This house, which is located in the Juniper Point Neighborhood, was constructed around 1890 in the Victorian Eclectic style. The building is a contributing building in the Salem Willows National Register Historic District. The petitioner proposed to demolish the single family house and has been before the Salem Historic Commission for review through the Waiver of Demolition Delay process.
6. The existing structure is in poor condition.
7. The Historic Commission worked with the applicant and the applicant's architect on a design for a new building on the property that would be compatible with the surrounding historic streetscape.
8. A letter dated December 31, 2017, was submitted to the Zoning Board of Appeals on behalf of the Salem Historic Commission with recommendations for consideration.
9. The petitioner is proposing to reconstruct the existing non-conforming single family residential structure. The petitioner is proposing to construct a new three (3) bedroom single family home with an attached two (2) car garage.
10. The proposed structure is only twenty (20) feet wide and within three (3) feet of the rear yard setback.

11. The height of the new structure will be slightly more than what currently exists due to new building construction requirements within the flood zone.
12. At the public hearing no (0) members of the public spoke in favor of and two (2) opposed to the petition due to concerns about the height of the structure and proximity of the addition to the adjacent parcel.

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 Board finds that proposed reconstruction and expansion of the single family non-conforming structure is not substantially detrimental than the existing structure to the neighborhood.**

**Special Permit Findings:**

1. There are social, economic and community needs served by the proposal.
2. There will be no impacts to traffic flow and safety, including parking and loading.
3. There will be no impact to the adequacy of utilities and other public services.
4. There will be no impacts on the natural environment, including drainage.
5. The proposed is in keeping with the existing neighborhood character.
6. The potential fiscal impact, including impact on City and 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)(Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, Jimmy Tsitsinos) in favor and none (0) opposed, to allow a Special Permit to allow to reconstruct and enlarge a single family structure subject to the following **terms, conditions and safeguards**:

**Standard Conditions:**

1. Petitioner shall comply with all city and state statues, 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. A Certificate of Occupancy 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 and Conservation Commission.

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Project: 31 Juniper Ave.  
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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.*