



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 ♦ FAX: 978-740-9846

2015 SEP 30 P 2: 20

FILE #
CITY CLERK, SALEM, MASS.

September 30, 2015

Decision

City of Salem Board of Appeals

Petition of HARBORLIGHT COMMUNITY PARTNERS, seeking a Special Permit requesting relief from *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit located at the property of 43 BOSTON STREET (Map 15 Lot 302) (B2 Zoning District).

Peter Copelas recused himself from the proceedings due to a potential conflict or perception of conflict of interest.

A public hearing on the above Petition was opened on September 16, 2015 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Jimmy Tsitsinos, Tom Watkins, and Paul Viccica.

The Petitioner seeks a Special Permit from the provisions of *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance, from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit.

Statements of fact:

1. In the petition date-stamped August 25, 2015, the Petitioner requested a Special Permit per *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance, from one nonconforming use to another, less detrimental, nonconforming use to allow a change from a rooming house to a multifamily residential dwelling unit.
2. Mr. Andrew Defranza, Executive Director of Harborlight Community Partners presented the petition.
3. The existing building serves as a rooming house and has twenty (20) rooms with shared bathroom facilities. The building is dimensionally nonconforming and covers almost the entire lot. There are no off-street parking spaces at this location and there is no space on the property to have off-street parking.
4. The petitioner proposes to reduce the density of the building occupancy by reducing the number of rooms from twenty (20) rooms and shared bathrooms to convert the existing space into twelve (12) small studio apartments with accessible units on the first floor and also provide a common space and office.
5. The footprint of the building is not proposed to change. The petitioner proposes to restore the building, update windows, improve the front façade and exterior of the building as presented in elevation plans titled "HCP Boston Street #43" dated September 14, 2015 by Siemasko & Verbridge, Beverly, MA.

6. The petitioner proposes to have management offices, a manager that will visit the property daily and a case worker that will be available to residents on an on-call basis.
7. The petitioner held a neighborhood meeting and received comments that neighbors requested the removal of an existing billboard in the vicinity of the property. The petitioner does not own the billboard, but expressed interest in working with the owner for the possible removal of the billboard.
8. The requested relief, if granted, would allow the petitioner to alter or structurally change a non-conforming structure to allow the enclosure of an existing covered porch.
9. At the public hearing, no (0) members of the public spoke in support and no (0) members 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, makes the following **findings**:

Findings for Special Permit:

The petitioner has demonstrated that the change from a nonconforming rooming house to a proposed multifamily residential use is less detrimental to the neighborhood than the existing nonconforming use.

1. The social, economic and community needs served by this proposal is positive and will continue to serve the same population as currently served.
2. There are no changes to the 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. The proposal would improve the existing neighborhood character as the petitioner proposes to decrease density, significantly invest in the restoration of the property, and improve management and access to services for occupants.
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 (Rebecca Curran (Chair), Jimmy Tsitsinos, , Tom Watkins and Paul Viccica) and none (0) opposed, to approve the requested Special Permit to allow a change from a nonconforming rooming house to a less detrimental nonconforming use of a multifamily residential dwelling unit subject to the following **terms, conditions and safeguards**:


Standard:

1. 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 finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to 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 petitioner shall make an effort to work with the owner of the billboard to remove it.
2. The applicant, its successors or assigns shall use the property as presented to the Board including providing management offices, a manager that will visit the property daily and a case worker that will be available to residents on an on-call basis. If there is a change to the use and/or management the applicant, its successors or assigns shall return to the Zoning Board of Appeals.


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.