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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

March 16, 2018

Decision

City of Salem Board of Appeals

Petition of NEIL P. CLINTON requesting a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home at 8 NURSE WAY (Map 14 Lot 327)(R-1 Zoning District)

A public hearing on the above Petition was opened on February 28, 2018 pursuant to M.G.L Ch. 40A, § 11 and was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Mike Duffy and Jim Hacker.

The petitioner is seeking a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home.

Statements of fact:

1. In the petition date-stamped January 29, 2018, the Petitioner requested a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home.
2. Neil Clinton, petitioner presented the petition.
3. The property is single family detached dwelling located in the R-1 District.
4. The petitioner is proposing to construct a 600 square foot finished accessory living area within the existing footprint of the home to provide an accessory living area for elderly parents to provide companionship, security, dignity, and independent living for Thomas and Ann Clinton due to age and health needs.
5. An accessory living area is defined as: A housekeeping unit, with its own sleeping, cooking and sanitary facilities, located within a single family dwelling that is subordinate in size to the principal unit, separated from it in a manner which maintains the appearance of the building as a single family dwelling, and allowed by special permit pursuant to Section 3.2.8 of the Salem Zoning Ordinance.
6. The requested relief, if granted, would allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home.
7. At the public hearing, no members of the public spoke in favor, or in opposition to the application.

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 purpose, procedure and requirements of Section 3.1 through and including 3.10 of this section have been fulfilled and the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or neighborhood.


1. There are community needs that are served by the proposal including by providing elderly family members with a means of companionship, security, dignity, and independent living.
2. There are no traffic flow and safety impacts including parking and loading.
3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, 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, Jimmy Tsitsinos, Mike Duffy and Jim Hacker) in favor and none (0) opposed, to allow the petitioner to allow the petitioner to construct a 600 sq. ft. accessory living area within the existing footprint of the home subject to the following **terms, conditions and safeguards**:

Standard:

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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

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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.

