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BOARD OF APPEALS

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2017 MAY -3 AM 11:42
CITY CLERK
SALEM, MASS

May 3rd, 2017

Decision

City of Salem Board of Appeals

Petition of JUNIPER 89 BRIDGE ST LLC, requesting a Special Permit per Sec. 3.3.3 Nonconforming Structures and a Variance per Sec. 5.1.8 Table of Required Parking Spaces of the Salem Zoning Ordinance, to allow the petitioner to extend a nonconforming structure and provide four (4) parking spaces (5 required) at 89 BRIDGE STREET (Map 36, Lot 374)(B-1, ECOD Zoning Districts).

A public hearing on the above Petition was opened on April 19, 2017 pursuant to M.G.L Ch. 40A, § 11 heard on that date with the following Salem Board of Appeals members present: Mr. Copelas (Vice-Chair), Mr. Watkins, Mr. Duffy, and Mr. Viccica (alternate).

The Petitioner seeks a Special Permit from the provisions of section Sec. 3.3.3 *Nonconforming Structures* and a Variance per Sec. 5.1.8 *Table of Required Parking Spaces* of the Salem Zoning Ordinance, to allow the petitioner to extend a nonconforming structure and provide four (4) parking spaces (5 required).

Statements of fact:

1. In the petition date-stamped March 29, 2017, the Petitioner requested a Special Permit per section Sec. 3.3.3 *Nonconforming Structures* and a Variance per Sec. 5.1.8 *Table of Required Parking Spaces* of the Salem Zoning Ordinance, to allow the petitioner to extend a nonconforming structure and provide four (4) parking spaces (5 required).
2. Attorney Kristin Kolick-63 Federal Street of Serafini, Darling & Correnti, LLP presented the petition.
3. The property is located within a B-1 and ECOD Zoning Districts.
4. The petitioner proposes to rehabilitate an existing two-family residential building that has been historically used as a three-family building to create a three- unit condominium with four (4) parking spaces. A multi-family residential building is an allowable use by right in the B-1 Zoning District.
5. The petitioner is proposing to construct an addition to the rear of the second and third floor of the existing non-conforming structure.
6. During the public hearing, the Building Inspector gave an opinion that the petitioner did not need to request a Variance for relief from the parking requirements per sec. 5.1.8 *Table of Required Parking Spaces*. The structure is an existing two-family structure with a proposal to expand the existing structure and add a third unit. The Building Inspector stated that the parking requirements of Sec. 5.1.8 applied to the new unit only, which would require a total of 1.5 parking spaces.

7. Based on the Building Inspector's opinion, the petitioner withdrew the request for a Variance for relief from the parking requirements per sec. 5.1.8 Table of Required Parking Spaces because the four (4) proposed parking spaces exceed the requirements of the Zoning Ordinance in this case.
8. The petitioner is requesting a Special Permit per Sec. 3.3.3 Nonconforming Structures, to allow an addition to the rear of the second and third floors.
9. The proposed addition will not increase or create a new non-conformity.
10. Renovation will be consistent with the newly renovated buildings in the neighborhood. The proposed plan provides parking on a site that currently has no parking, and will benefit the neighborhood by taking cars off of the street. Utilities and other public services are in place and will be adequate to serve the proposed expansion. The existing building has a similar appearance to the other buildings being renovated on Bridge Street and will maintain many of the existing design elements, which fit with the neighborhood character. The building, as proposed, will be similar in size and scale to the neighboring buildings. The proposed plan will have no substantial impact to the natural environment, including drainage. The proposed plan will have a positive economic impact for the City tax base and employment.
11. The requested relief, if granted, would allow the Petitioner to construct the addition as proposed.
12. At the public hearing, eight (8) members of the public spoke in favor and/or submitted letters in support of the proposal and none (0) spoke 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:

1. The proposed —extension of the non-conforming structure would not be substantially more detrimental than the existing non-conforming structure to the neighborhood.
2. The community need for housing is served by the proposal.
3. There are no negative impacts on traffic flow and safety, including parking and loading.
4. The capacity of the utilities is not affected by the project.
5. There are no impacts on the natural environment, including drainage.
6. The proposal improves neighborhood character as it improves the property.
7. The potential fiscal impact, including impact on the City tax base is positive.

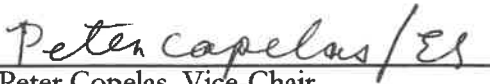
On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor Mr. Copelas (Vice-Chair), Mr. Watkins, Mr. Duffy, and Mr. Viccica (alternate) and none (0) opposed, to allow the petitioner to extend a nonconforming structure, subject to the following **conditions, terms, 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 the new construction shall be in harmony with the existing structure.
6. 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.
7. A Certificate of Occupancy shall be obtained.
8. A Certificate of Inspection shall be obtained.
9. 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 obtain an easement from the owners of 87 Bridge Street to allow access to the rear of 89 Bridge Street from Barton Street and over 87 Bridge Street for the purpose of creating and maintaining parking spaces in the rear of 89 Bridge Street, as per the plans.


Peter Copelas, Vice-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.