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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

March 4, 2015

Decision

City of Salem Board of Appeals

Petition of JUNIPER POINT 103 BRIDGE STREET LLC seeking Special Permits per Sec. 3.3.3 Nonconforming Structures, to allow a change from an existing non-conforming two family structure to a multi-family structure and to construct a rear addition. The proposal is for the property located at 103 BRIDGE STREET (Map 36, Lot 378) (B1 Zoning District).

A public hearing on the above Petition was opened on January 21, 2015 and continued to the next regularly scheduled meeting on February, 18, 2015 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on this date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, Mr. Copelas, Mr. Tsitsinos (alternate).

The Petitioner seeks a Special Permit per Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped December 29, 2014, the Petitioner requested Special Permits per Section 3.3.3 Nonconforming Structures to allow a change from a non-conforming two (2) family structure to multi-family structure by constructing a rear addition.
2. A public hearing for the petition was opened on January 21, 2015 and continued to the next regularly scheduled meeting on February 18, 2015 at the request of the Zoning Board of Appeals for additional information regarding drainage mitigation on the site.
3. Attorney Correnti presented the petition.
4. The petitioner proposes to construct a rear addition with five (5) units to an existing nonconforming two (2) family structure.
5. There are eight (8) parking spaces proposed on-site at the rear of the property.
6. A drainage narrative and plan, written by NATIVETec, and dated February 17, 2015, was submitted as part of the record for this project. As shown on this plan, the petitioner proposes to install 3 (three) Stormtech Systems for drainage mitigation on this site.
7. The existing two (2) family structure is a historic home.
8. The requested relief, if granted, would allow the Petitioner to reconstruct, extend, alter a non-conforming structure by constructing a rear addition on the existing structure.
9. At the public hearings four (4) members spoke in favor and nine (9) members 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 Board finds that the proposal, to construct a multi-family dwelling in a B1 Zoning District, is an allowable use by right and by requesting Special Permits per Section 3.3.3 Nonconforming Structures to structurally extend, alter or structurally change the existing structure preserves a significantly historic structure.
2. The board finds that the proposed expansion of this dimensionally non-conforming building is not more detrimental than the existing structure to the impact on the social, economic or community needs served by the proposal. The construction of the allowed use of a multi-family in this configuration preserves a historically significant structure
3. There are no impacts on traffic flow and safety, including parking and loading. The proposal includes the required parking for a residential use.
4. The capacity of the utilities is not affected by the project.
5. There are no impacts on the natural environment, including drainage as the proposed drainage mitigation plan addresses stormwater management/drainage concerns. The drainage on this property is being improved by the addition of 3(three) StormTech Systems.
6. The proposal conforms to the existing neighborhood character.
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 five (5) in favor (Rebecca Curran, Mike Duffy, Peter Copelas, Tom Watkins and Jimmy Tsitsinos) and none (0) opposed, to grant a Special Permit, to allow a change from an existing non-conforming two family structure to a multi-family structure and to construct a rear addition, subject to the following eight (8) standard and six (6) special **terms, conditions, 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 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 Conditions:

1. The petitioner shall remove the 1970's era bay window on the façade of the historic building and replace the windows with two windows that match the existing windows of the front façade;
2. A solid 6 (six) foot high fence shall be installed along the perimeter of the property
3. The drainage plan written by NATIVEtec, dated February 17, 2015, as presented shall be adhered to;
4. No trash storage shall be located on the property line, along the fence line, or in front of the property
5. Snow storage shall be off site and a snow removal plan shall be incorporated into the homeowner/condo association documents
6. The total number of bedrooms in the building shall be limited to ten (10) bedrooms.


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.