



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

TELEPHONE: 978-745-9595

FAX: 978-740-9846

2011 MAY -4 A 10: 21

CITY CLERK
10/11/11

May 4, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of PAULA PEARCE requesting a Special Permit and Variances from height, number of stories, lot area per dwelling unit, lot coverage, and front, side and rear setbacks in order to demolish the existing building on 15 HIGH STREET and construct a one-unit, three-story residence (R-2).

A public hearing on the above Petition was opened on April 20, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Elizabeth Debski, Richard Dionne, Annie Harris, Jamie Metsch, and Jimmy Tsitsinos (alternate).

Petitioner seeks a Special Permit pursuant to Section 3.3.3 and Variances pursuant to Section 4.0 of the City of Salem Zoning Ordinances.

Statements of fact:

1. 15 High Street, and the abutting property at 17 High Street, are owned by T. William Smith; petitioner Paula Pearce intends to purchase both.
2. 15 and 17 High Street are lots held in common ownership, but with two distinct uses, and have not merged for zoning or assessment purposes.
3. The petitioner, Paula Pearce, and her attorney, Alessandra Baldizzone Donovan, presented the petition at the hearing.
4. In a petition date-stamped April 7, 2011, the petitioner requested a Special Permit and Variances from number of stories, lot area per dwelling unit, lot coverage, and front, side and rear setbacks in order to demolish the existing building on 15 High Street and construct a one-unit, three-story residence.
5. At the hearing, the petitioner noted that three garage parking spaces would be included on site at 15 High Street – one for 15 High Street and two to be available for use for the two units on 17 High Street.
6. At the April 20, 2011 hearing, two residents asked questions about the proposal, but neither opposed it. Both residents noted that the proposal would improve the property.

The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following **findings**:

1. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed project would improve the property and neighborhood and provide parking that does not currently exist.
2. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. Variances from height, number of stories, lot area per dwelling unit, lot coverage, and front, side and rear setbacks are granted.
2. A Special Permit under Sec. 3.3.3 of the Salem Zoning Ordinance is granted.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Debski, Harris, Curran, Dionne and Metch in favor) and none (0) opposed, to grant petitioner's request for a Special Permit and a Variance subject to the following **terms, conditions, and safeguards**:

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. A Certificate of Occupancy is to be obtained.
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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. Petitioner will provide two (2) spaces at 15 High Street for use by 17 High Street. Spaces will be secured by condominium documents or deed.

Rebecca Curran / DMK
Rebecca Curran, Chair
Salem 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.