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MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS.

October 2, 2013

## Decision

### City of Salem Board of Appeals

**Public Hearing - Petition of TWELVETONE, LLC requesting a Modification to a Special Permit under Section 3.1 of the Salem Zoning Ordinance in order to change the use of the property from a non-conforming Commercial use to a Residential Single-Family use, for the property located at 1 PLEASANT ST (R2).**

A public hearing on the above Petition was opened on September 18, 2013 pursuant to M.G.L. Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Dionne, Mr. Duffy, Ms. Harris, Mr. Watkins, and Mr. Eppley (Alternate).

The Petitioner seeks a Modification to a Special Permit pursuant to Sec. 3.1 of the Salem Zoning Ordinance.

#### **Statements of fact:**

1. Mr. Steven Spungin presented the petition for the property at 1 Pleasant Street (R2 Residential Two-Family Zone)
2. In the petition, date-stamped August 28, 2013, the Petitioner requests a Modification to a Special Permit to restore the property to Single-Family Residential use from a non-conforming Commercial use (previously permitted by Special Permit).
3. The petitioner does not propose any exterior alterations to the structure.
4. The building was originally constructed as a one-family residence.
5. The 1 parking space adjacent to the building at 1 Pleasant Street will remain reserved for use by residents of 1 Pleasant Street. The other parking spaces will continue to be dedicated to use by the music school in the adjacent building.
6. At the public hearing no members of the public in attendance spoke in favor or in opposition to the petition. No written comments regarding the petition were received prior to the public hearing.

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:

#### **§9.4 Special Permits**

##### **§9.4.2 Criteria, Subsections 1 through 6**

1. The existing building was originally built for Residential use.
2. The property is in a R2 Residential Two-Family Zone, which allows Single-family and Two-family uses by-right.

3. The exterior of the building and the parking accommodations will remain unchanged from the existing condition.

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 Salem Board of Appeals **concludes:**

1. A Modification to a Special Permit to change the property to a Single-Family Residential Use is granted as conditioned.
2. In permitting the Modification to a Special Permit, the Salem Board of Appeals requires certain appropriate terms, conditions and safeguards as noted below.

In consideration of the above, the Salem Board of Appeals voted five (5) in favor (Ms. Curran – Chair, Mr. Dionne, Mr. Duffy, Ms. Harris, and Mr. Watkins in favor) and none (0) opposed, to approve the Modification to a Special Permit to change the property to a Single-Family Residential Use, subject to the following **terms, conditions, and safeguards:**

1. The one (1) parking space adjacent to the building at 1 Pleasant Street will be dedicated to the use of the residents of 1 Pleasant Street.
2. All other conditions of the special permit remain in effect



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.*