

KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

FILE #
CITY CLERK, SALEM, MASS
2014 JUN 11 P 3:27

June 11, 2014

Decision

City of Salem Board of Appeals

Petition of PHILIP MARCHAND requesting a Special Permit per Sec 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to allow a 20'-9" x 16'-11" single-story addition to the existing residence and Bed & Breakfast, at the property located at 47 SUMMER STREET (R2 Zoning District).

A public hearing on the above Petition was opened on May 21, 2014 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. Harris (acting Chair), Mr. Dionne, Mr. Duffy, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped April 30, 2014, the Petitioner requested a Special Permit per Sec 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to allow a 20'-9" x 16'-11" single-story addition to the existing residence and Bed & Breakfast.
2. Attorney Scott Grover presented the petition for the property at 47 Summer Street.
3. The petition proposes to add a small second-story addition to an existing single-story portion of the building. The purpose of the addition is to create a single bedroom with a laundry room, to accommodate an expected baby. The proposed addition would not change the existing building footprint.
4. The property is currently in use as a single-family residence and 3-bedroom Bed and Breakfast.
5. The proposed change to the existing building would allow continued use as a single-family residence, and would reduce the Bed and Breakfast to 2 bedrooms.
6. The proposed addition would be in a style consistent with the existing structure, and the proposal also requires review and approval by the Historic Commission.
7. The requested relief, if granted, would allow the Petitioner to expand the existing non-conforming single-family residential structure, by adding a single-story addition on top of an existing single-story portion of the existing building, such that the entire structure will be two stories.
8. At the public hearing, two abutters expressed their support of the petition, one noting that the proposed addition would allow the applicants to remain in the home and the neighborhood.


The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petitions, 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 – Special Permit to allow the renovation and expansion of an existing nonconforming structure:

1. The adverse impacts of the proposal do not outweigh its beneficial impacts.
2. The proposal serves a community need.
3. There will be no additional impact on traffic flow or safety.
4. The utilities and public services to the building will be adequate.
5. The Bed and Breakfast business is already in place, and has fit in well with the neighborhood.
6. There are no apparent negative impacts on the natural environment, including view.
7. The proposal will not create a negative economic or fiscal impact – there is potential for the proposal to have a positive economic and fiscal impact.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy in favor) and none (0), to grant the requested Special Permit to allow a 20'-9" x 16'-11" single-story addition to the existing residence and Bed & Breakfast, subject to the following **terms, conditions, and safeguards:**

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 is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board



Annie Harris, Acting 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.