



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK  
SALEM, MASS

October 26, 2018

## Decision

### City of Salem Board of Appeals

Petition of petitioner of KEVIN MCCAFFERTY, requesting a Special Permit per the dimensional requirements in Table 4.1.1 in the Zoning Ordinance to allow a dormer at the third floor attic level of the two-family home at 116 BRIDGE STREET (Map 36, Lot 69) (R-2 and ECOD Zoning District).

A public hearing on the above Petition was opened on October 17, 2018 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), James Hacker, Patrick Shea, and Paul Viccica.

#### Statements of fact:

1. The petitioner presented the petition.
2. The property is located in the R-2 Zoning District and Entrance Corridor Overlay District.
3. In the petition date-stamped September 18, 2018, the petitioner requested a Special Permit for relief from the dimensional requirements in Table 4.1.1 in the Zoning Ordinance to allow a dormer at the third floor attic level of the two-family home.
4. The property is a legal, nonconforming two-family residential structure.
5. Table 4.1.1 of the Zoning Ordinance allows a building height up to 2.5 stories within the R-2 Zoning District, which the applicant proposes to exceed by constructing a dormer at the third floor attic level.
6. At the public hearing, no members of the public spoke in favor of the petition and one spoke in opposition.

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:

The Board finds that the adverse effects of expanding the structure's nonconformity to allow the proposed dormer will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. A principal purpose of the requested relief is to allow adequate space for entry and exit from the third-floor living space by a stairway.


1. Community needs are served by the proposal, as an existing residential building will be enhanced.
2. Traffic flow and safety, including parking and loading are not impacted.
3. Adequacy of utilities and other public services will not be impacted.
4. Neighborhood character will not be impacted.

5. There are no impacts on the natural environment including view.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment will be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four in favor (Mike Duffy [Chair], James Hacker, Patrick Shea, and Paul Viccica) and none opposed, to grant a Special Permit for relief from the dimensional requirements in Table 4.1.1 in the Zoning Ordinance to allow a dormer at the third floor attic level of the two-family home, subject to the following **terms, conditions and safeguards**:

**Standard Conditions:**

1. Petitioner shall comply with all city and state statues, 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. Exterior finishes of the new construction shall be in harmony with the existing structure.
5. A Certificate of Occupancy is to be obtained.
6. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

  
Mike Duffy, 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.*