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BOARD OF APPEALS

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2019 JUL 31 PM 2:57
CITY CLERK
SALEM, MASS

July 31, 2019

Decision

City of Salem Board of Appeals

Petition of DEAN WALSH for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 12' by 12' one story addition to connect an unused room to the rest of the two-family house at 20 BOARDMAN STREET (Map 35, Lot 462) (R2 Zoning District).

A public hearing on the above Petition was opened on July 17, 2019 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Jimmi Heiserman, Rosa Ordaz (alternate), Jimmy Tsitsinos, and Paul Viccica (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 June 21, 2019, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to construct a 12' by 12' one story addition to connect an unused room to the rest of the two-family house at 20 Boardman Street.
2. Petitioner Dean Walsh presented the petition.
3. The property is a two-family home located in the Residential Two-Family (R2) Zoning District.
4. The property is nonconforming to several dimensional requirements, including minimum lot area, minimum lot area per dwelling unit, minimum lot frontage, minimum depth of front yard, minimum width of side yard, and maximum lot coverage.
5. The requested relief, if granted, would allow the petitioner to construct a 12' by 12' one story addition to connect an unused room to the rest of the two-family house at 20 Boardman Street.
6. At the July 17, 2019 public hearing, Dean Walsh discussed the petition. Mr. Walsh explained that he and his wife live on the top two floors of the building, and they are hoping to add a space between one of the existing first floor rooms and the other so they can move to the first floor. He noted that the addition will be three feet farther from the side property line than the existing side of the house.
7. At the July 17, 2019 public hearing, Peter A. Copelas noted that the nonconformity of lot coverage is increasing.
8. At the July 17, 2019 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.
9. At the July 17, 2019 public hearing, Chair Duffy reviewed the special permit criteria.

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:

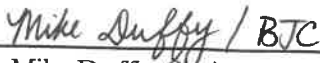
The Board finds that the proposed nonconforming structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. Social, economic and community needs served by the proposal: this proposal will allow for better use of the property.
2. Traffic flow and safety, including parking and loading, will not be impacted.
3. Adequate utilities and public services service the property; the need for utilities and public services is not increasing.
4. Impacts on the natural environment, including drainage: there will be slightly more roof coverage but there is no indication of a negative impact on the natural environment or drainage.
5. Neighborhood character: This proposal is in keeping with the neighborhood character. The effects of this infill addition will be behind the house.
6. Potential fiscal impact, including impact on City tax base and employment: There is likely to be a positive fiscal impact as this proposal will increase the assessed value of the property.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Jimmi Heiserman, Jimmy Tsitsinos, Paul Viccica, Mike Duffy (Chair), and Peter A. Copelas) and none (0) opposed to grant the requested Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 12' by 12' one story addition to connect an unused room to the rest of the two-family house at **20 Boardman Street**, subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. 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

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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.