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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

2018 DEC -3 AM 9:56

December 3, 2018

Decision

City of Salem Board of Appeals

Petition of JEFFREY MOLD for a special permit per Section 3.3.3 of the Salem Zoning Ordinance to expand a nonconforming structure to allow a height of three stories on the existing two-family house at 21 BECKET STREET (Map 41, Lot 132) (R2 Zoning District).

A public hearing on the above Petition was opened on November 19, 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), Peter A. Copelas, Jim Hacker, Patrick Shea, and Paul Viccica.

Petitioner seeks a special permit per Section 3.3.3 of the Salem Zoning Ordinance to expand a nonconforming structure to allow a height of three stories on the existing two-family house at 21 Becket Street.

Statements of fact:

1. In the petition date-stamped October 30, 2018, the Petitioner requested a special permit per Sections 3.3.3 and 3.3.4 of the Salem Zoning Ordinance, *Nonconforming Structures and Variance Required to expand, reconstruct or change the existing non-conforming structure*, and a variance from Section 4.1.1 Table of Dimensional Requirements to exceed the maximum height of buildings (stories) to build 3rd floor dormers.
2. Petitioner Jeffrey Mold presented the petition.
3. The property is located in the R2 Zoning District. Existing nonconformities are not noted in the application, but according to the submitted plan of the land, it appears that the existing lot is at least nonconforming per minimum lot area: 15,000 square feet is required per zoning, and the lot is 5,680 square feet.
4. At the public hearing, petitioner Mr. Mold stated that he proposes to raise the roof to 34' 3"±, to increase the height of the two legal bedrooms on the third story to usable height. Petitioner stated that he is also improving the property by gutting the property and bringing the staircase, wiring, and plumbing up to code.
5. The requested relief, if granted, would allow the petitioner to raise the roof to three stories, which exceeds the zoned maximum height of buildings in stories (2.5 stories) but is less than the maximum height of buildings in feet: the building will be 34'3"±, which is less than the maximum height of 35'.
6. At the public hearing, two (2) members of the public spoke in favor of the opposition and no (0) members of the public spoke in opposition to the petition.

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:

Special Permit Findings:


The Board finds that the proposed alteration will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

1. Social, economic and community needs are served by this proposal.
2. There is no impact on traffic flow or safety, including parking and loading.
3. The utilities and public services are certainly adequate.
4. There does not appear to be any impact on the natural environment, including drainage.
5. The project fits in with neighborhood character, considering discussion of neighborhood character and the proposed project at 15 Becket Street that took place earlier in the same meeting.
6. Potential fiscal impact, including impact on City tax base and employment would seem to be positive.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Mike Duffy (Chair), Patrick Shea, Peter Copelas, Jim Hacker, Paul Viccica) and none (0) opposed to approve the requested Special Permit per Section 3.3.3 of the Salem Zoning Ordinance to expand a nonconforming structure to allow a height of three stories on the existing two-family house at 21 BECKET STREET (Map 41, Lot 132) (R2 Zoning District), 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 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.



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.