



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

August 1, 2018

Decision

City of Salem Board of Appeals

Petition of RYAN MACIONE, MANAGER, for BACIGALUP LLC requesting a special permit per Sec. 3.3.2 Non-Conforming Uses and Sec. 3.3.3 Non-Conforming Structures, to allow the petitioner to convert an existing mixed use structure of four (4) existing residential units and first floor offices to six (6) residential units by converting the first floor office to two (2) residential units at 27 NORTH STREET (Map 26 Lot 496)(R-2 Zoning District)

A public hearing on the above Petition was opened on July 18, 2018 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 (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Jim Hacker.

The petitioner seeks a special permit per Sec. 3.3.2 Non-Conforming Uses and Sec. 3.3.3 Non-Conforming Structures, to allow the petitioner to convert an existing mixed use structure of four (4) existing residential units and first floor offices to six (6) residential units by converting the first floor office to two (2) residential units.

Statements of fact:

1. Attorney William Quinn presents the petition on behalf of the petitioner.
2. The property is located in an R-2 Zoning District and is non-conforming as to the use and structure.
3. In the petition date-stamped June 21, 2018, the petitioner requested a special permit per Sec. 3.3.2 Non-Conforming Uses and Sec. 3.3.3 Non-Conforming Structures, to allow the petitioner to convert an existing mixed use structure of four (4) existing residential units and first floor offices to six (6) residential units by converting the first floor office to two (2) residential units.
4. In a letter dated December 10, 1984, the Zoning Enforcement Officer for the City of Salem, issued a letter stating that this structure was a six-family dwelling and the non-conforming use of the property could be continued. By Decision of the Board of Appeals issued on November 16, 1989, and subsequently recorded at the South Essex Registry of Deeds Book 10303, page 326, the Salem Board of Appeals granted a variance to allow the first floor of this structure to be used as a first floor professional office and four (4) upstairs apartments with the existing four (4) parking spaces to be maintained. This mixed use has continued until the office tenants recently vacated the first floor space.
5. The petitioner is proposing to restore the existing structure by making historically appropriate façade improvements and replace the first floor office space with two (2) residential units for a total of six (6) residential units.
6. The petitioner is not proposing any expansion of the existing building.

7. The requested relief, if granted, would allow the Petitioner to convert an existing mixed use structure of four (4) existing residential units and first floor offices to six (6) residential units by converting the first floor office to two (2) residential units.
8. At the public hearing three (3) members of the public spoke in favor and none (0) 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:

Findings for Special Permits:

The Board finds that the change in one non-conforming use to another non-conforming use and the proposed alteration of the existing non-conforming structure are not substantially more detrimental than the existing use and structure to the neighborhood.

1. Social, economic and community needs served by the proposal as an additional dwelling unit would provide housing to the community.
2. Traffic flow and safety, including parking and loading is adequate.
3. Adequacy of utilities and other public services will not be negatively impacted.
4. Impacts on the natural environment, including drainage will remain the same.
5. The proposal fits with the character of the neighborhood.
6. Potential fiscal impact, including the impact on City tax base and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Jim Hacker) and none (0) opposed, to grant a special permit per Sec. 3.3.2 Non-Conforming Uses and Sec. 3.3.3 Non-Conforming Structures, to allow the petitioner to convert an existing mixed use structure of four (4) existing residential units and first floor offices to six (6) residential units by converting the first floor office to two (2) residential units, 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 finished 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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street, if needed.

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9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Peter A. Copelas / E
Peter A. Copelas, Vice-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.