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BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

August 1, 2018

Decision

City of Salem Board of Appeals

Petition of FRANKLIN and ANGELA QUINTIN requesting a special permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a full third floor on the existing non-conforming structure at 4 RICE STREET (Map 36 Lot 208)(R-2 Zoning District)

A public hearing on the above Petition was opened on June 20, 2018 pursuant to M.G.L. Ch. 40A, § 11. The public hearing was continued to the July 18, 2018 meeting and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Jim Hacker.

The petitioner is seeking a Special Permit per Sec. 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, to allow the petitioner to construct a full third floor on the existing non-conforming structure.

Statements of fact:

1. In the petition date-stamped May 10, 2018, the Petitioner requested a Special Permit per Sec. 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, to allow the petitioner to construct a full third floor on the existing non-conforming structure.
2. Franklin and Angela Quintin- Petitioners, present the petition.
3. The property is located in the R-2 Zoning District.
4. The petitioner is proposing to construct a full third floor addition on the existing non-conforming structure by raising the roof by approximately seven (7) feet. The proposal will create a new non-conformity as to the maximum number of stories. The maximum number of stories in the R-2 Zoning District is 2.5 stories where the petitioner is proposing to construct a full third story.
5. The existing ridge line height is approximately 24'-9" and the petitioner is proposing to increase the height of the structure to 33'-8", which is below the 35' maximum allowable height in feet for the zoning district.
6. The property is currently utilized as a single family home and will continue to remain a single family home.
7. The requested relief, if granted, would allow the Petitioner Special Permit per 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, to allow the petitioner to construct a full third floor to expand the existing non-conforming structure.
8. At the public hearing no members of the public spoke in favor or 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 Permit:

The Board finds that the proposed extension, alteration or change to the non-conforming structure is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

1. The proposed expansion of a non-conforming structure would not be more substantially detrimental than the existing non-conforming structure to the impact on the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal fits with the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Jim Hacker) in favor and none (0) opposed, to grant a special permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures, to allow the petitioner to construct a full third floor on the existing non-conforming structure 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 Inspection shall be obtained.
7. A Certificate of Occupancy shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Peter A. Copelas / ES
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.