



# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TEL: 978-619-5685

KIMBERLEY DRISCOLL  
MAYOR

**June 13, 2022**

## Decision

### **City of Salem Board of Appeals**

2022 JUN 13 AM 9:44  
CITY CLERK  
SALEM, MASS

The petition of DAVID POLUMBO at 12 LAUREL STREET(Map 33, Lot 303) (R2 Zoning District), for a Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a two-story dwelling unit behind the existing residence and connect it by a covered breezeway. The addition will result in two (2) connected dwelling units.

A public hearing on the above petition was opened on May 25, 2022 and was closed on May 25, 2022.

On May 25, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley.

### **Statements of Fact:**

The petition is date stamped March 29, 2022. The petitioner seeks a Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a two-story dwelling unit behind the existing residence and connect it by a covered breezeway. The addition will result in two (2) connected dwelling units.

1. 12 Laurel Street is owned by David Palumbo.
2. The petitioner was David Palumbo and Mathew Palumbo.
3. 12 Laurel Street was represented by attorney Bill Quinn.
4. 12 Laurel Street is located in the R2 zoning district. (Map 33, Lot 303)  
The requested relief, if granted, would allow the Petitioner to construct a two-story dwelling unit behind the existing residence and connect it by a covered breezeway. The addition will result in two (2) connected dwelling units.
5. On May 25, 2022, Bill Quinn, presented to the board.
6. John Seger, architect, and Matt Palumbo, brother and lawyer of David Palumbo were present for questions.

7. Attorney Quinn expressed the historical context of the property. It was constructed by the first Japanese National to graduate high school in the United States. The home was originally constructed in the 1890's.
8. The building is not listed in the historic register and it is not located in any historical district. However, to preserve the building's character, they believed that to construct on the building would not be prudent. Therefore, they are seeking to construct another building connected via a breezeway as the best option for use of the land.
9. John Seger went through the proposed plans for the new construction. He described the arts and crafts style of the home and the detail of the trims and the eaves. He stated that the home has a very unique character for the area. He stated that the structure of the home is in good shape.
10. In the beginning of the design process, they felt that they needed to respect the original home more. Therefore, it was decided to not build on the current structure but to move the proposed second dwelling further away from the original structure and connect the two dwellings through a breezeway.
11. Matt Palumbo addressed the board. He stated that when they were going through the submittal process, he learned that the neighbors had concerns about this property being constructed due to the issues that have been surrounding another property owned by David Palumbo. He stated that he had made contact with the majority of neighbors and had heard their concerns surrounding the intentions with the project at 12 Laurel Street. He also wanted to make clear that he was aware of the issues with his other property at 10 Linden Street which is adjacent to this proposed property.
12. Mr. Palumbo stated that he was aware of the issues caused by renting to college students at the property of 10 Linden Street. And wanted to make sure that the neighbors knew he had not renewed the leases of any of the students and would not be renting to students at either properties of his 10 Linden Street property or the proposed property at 12 Laurel Street.
13. Mr. Palumbo stated that their intention would be to remodel the current home and develop the other one. Once the work was complete, they have the intention to sell the homes and to not rent them.
14. Chair Duffy opened the meeting up to questions from the board.
15. Peter Copelas commended Seger Architects for their thoughtfulness around the development of plans surrounding the proposed dwellings at 12 Laurel Street.
16. Mr. Copelas wanted the petitioner to be clear that there were over twenty (20) letters of opposition to the proposed plans. He wanted to be clear that these petitions are never viewed as "popularity contests" and because a majority of people are against it, doesn't mean that the board makes their determination based on that. He expressed that after reading the comments there was a lot to pay attention to. He stated that special permit requirements are less stringent than that of a variance but nonetheless the criteria requires that the board find that social and economic needs are met for the proposal. Also, the impact of traffic and parking on the community need to be addressed. He felt that the public comments greatly expressed that there will be a significant

- impact on the community. He stated that after reading all of the comments that he could not find a way that this proposal serves the community needs.
17. Mr. Copelas also made clear that the owners have owned another adjacent property for five (5) years and have done little to nothing to quell the issues that have gone on at the other owned property.
  18. Carly McClain stated that she also read the comments and watched the submitted videos and she felt that there was not a lot of benefit to the community by this petition. She expressed that through the plans, it looked like this proposal would be similar to a dormitory style housing. Also, public comment expressed that people were distraught over the issues arising from the property and its renters. She stated that there was not a single letter from the public that was in favor of this proposal.
  19. Paul Viccica stated that the comments were disheartening about the property at 10 Linden Street. He also wanted to know about how this was an addition when it is clearly two (2) homes on a single lot. He felt that this petition was challenging the Salem Zoning of the R2 zone in an extreme manner.
  20. Attorney Quinn stated that the definition of a two-family dwelling in the R2 zoning district did not require the residences to be piled on top of one on the other. He also commented that there were two (2) other projects that had similar designs that were ok'd in the R2 zoning districts throughout the City.
  21. Building Commissioner, Tom St. Pierre, stated that in the review of the plans there was nothing that would prohibit the petition.
  22. Peter Copelas reiterated that the community needs were not being met by this petition.
  23. Attorney Quinn stated that this way of arranging the two homes is not prohibited by the zoning ordinance and there are similar properties throughout the city. Also, as long as there is a connection between the two buildings it was not prohibited by the zoning ordinance.
  24. Attorney Quinn also stated, in Salem, it is prohibited to have more than three (3) unrelated people in any dwelling unit in any single-family neighborhood.
  25. Carly McClain inquired if someone would need to get permits to "condo-ize" a dwelling.
  26. Attorney Quinn responded saying that there is no law in Massachusetts that tells owners how they use their home. There is no place in Massachusetts to go get permission to allow one to turn a two-family home into two separate condominiums.
  27. Chair Duffy opened the meeting up to public comment.
  28. Marie Hanabusa, 12 Linden Street, commented that she has concerns about the Palumbo brothers owning both properties and the property's close proximity to each other. She suggested that the Palumbo brothers should turn the "problem property" into condos to show to the neighbors that they can responsibly manage the property and as a show of good faith to the neighbors who have had to deal with the trouble from the home at 10 Linden Street.
  29. Karina Corrigan, 6 Briggs Street, stated how important the property at 12 Laurel Street is with its historical significance. She also expressed her support for the proposed design of the property. She also wanted to express her

gratitude to the Palumbo brothers for including her and the Peabody Essex Museum in conversations about how to move forward with the property at 12 Laurel Street.

30. Jeff Cohen, 12 Hancock Street, expressed that as he was campaigning for ward councilor, he had numerous conversations with neighbors concerning the property at 10 Linden Street. He stated he was taken aback by the things the neighbors were sharing with him about what transpires at the property. He also stated that is the most important thing to do for the city is to protect the safety of its residents.
31. Simeen Brown, 9 Linden Street, stated that she is landlord and neighbor at 10 Linden Street. She understands that the owners want to make money. However, Mr. Palumbo doesn't live in Salem and therefore he doesn't have a stake in what happens in the neighborhood. Also, that he doesn't know what goes on daily at his property at 10 Linden Street. She stated that 10 Linden Street is "the worst" house on the street. She felt that the best option was to convert 10 Linden into condominiums.
32. Nohara Lopez-Okoli, 16 Linden Street, expressed her experiences with the problems at the house at 10 Linden Street. She was not in support of renting to students due to their impact on the neighborhood.
33. Attorney Quinn stated that after hearing all the feedback from neighbors and discussing with his client, they felt that it would be the best course of action to withdraw the petition without prejudice.
34. Carly McClain made the motion to allow the petition to withdraw without prejudice.
35. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the May 25, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Mike Duffy (chair), Carly McClain, Paul Viccica, Steven Smalley and Peter Copeals) and none (0) opposed to allow the petitioner to withdraw without prejudice.

**Receiving five (5) in favor votes, the petition is withdrawn without prejudice.**



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.