



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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June 13, 2022

Decision

City of Salem Board of Appeals

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

The petition of JOSEPH MANZI at 12 WINTER ISLAND ROAD(Map 44, Lot 34) (R1 Zoning District), for a Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance seeking relief from the number of stories and to expand the non-conformity of the structure by adding a shed dormer to the property.

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 Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance seeking relief from the number of stories and to expand the non-conformity of the structure by adding a shed dormer to the property.

1. 12 Winter Island Road is owned by Joseph Manzi.
2. The petitioner was Joseph Manzi
3. 12 Winter Island Road was represented by Stephen Livermore.
4. 12 Winter Island Road is located in the R1 zoning district. (Map 44, Lot 34)
5. The requested relief, if granted, would allow the Petitioner to construct a shed dormer for the dwelling which would increase the living space of the home.
6. On May 25, 2022, Stephen Livermore, presented to the board.
7. The petitioners want to do a single-family home renovation by increasing the nonconformity of the property at 12 Winter Island Road. As well as renovating a small, covered porch at the back of the property.
8. These renovations are to improve the living room and the entrances to the home. And to increase the size of the kitchen and dining room. They will be

moving the entrance to the home from Winter Island Road to the right side of the home.

9. The additions to the home will not encroach onto the current setbacks at the home.
10. The proposal is to modify the roof frame to make it into a gable roof to add some living space on the upper floors of the home.
11. There were no questions from the board members about the petition.
12. Chair Duffy opened the meeting to public comment. There was no public comment for this petition.
13. Chair Duffy addressed the criteria for the special permit.
14. Peter Copelas made a motion to approve the petition.
15. 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.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by this petition.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.
3. Adequate utilities and other public services: The petition will not impact utilities or public services.
4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will not have a negative impact on the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will be a positive fiscal impact on the city or its tax base.

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 Copelas) and none (0) opposed to grant Joseph Manzi for a Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the

Salem Zoning Ordinance to give relief from the number of stories and to expand the non-conformity of the structure by adding a shed dormer to the property.

Receiving five (5) in favor votes, the petition for a special permit is approved.

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.
9. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

A handwritten signature in black ink that reads "Mike Duffy" followed by a stylized "DL" monogram.

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.