



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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**June 27, 2022**

## **Decision**

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

2022 JUN 27 AM 9:04  
CITY CLERK  
SALEM, MASS

The petition of JESSICA BLOMERTH at 137 FORT AVENUE (Map 44, Lot 7) (R1 Zoning District) for a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-family Residential Structures* of the Salem Zoning Ordinance to construct a two (2) story addition to the dwelling. The proposed construction will be thirty-four (34) feet in height where the R1 Zoning district requires a height of thirty-five (35) feet.

A public hearing on the above petition was opened on April 27, 2022 and was continued to June 15, 2022 and was closed on June 15, 2022.

On April 27, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Rosa Ordaz, Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley. At the June 15, 2022 Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley were present.

### **Statements of Fact:**

The petition is date stamped February 18, 2022. The petitioner seeks a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-family Residential Structures* of the Salem Zoning Ordinance to construct a two (2) story addition to the dwelling. The proposed construction will be thirty-four (34) feet in height where the R1 Zoning district requires a height of thirty-five (35) feet.

1. 137 Fort Avenue is owned by Jessica Blomerth.
2. The petitioner was Jessica Blomerth.
3. 137 Fort Avenue is located in the R1 zoning district. (Map 44, Lot 7)
4. The requested relief, if granted, would allow the Petitioner two (2) additional floors to the residential structure that would remain under the height requirements in a R1 Zoning District.
5. On April 27, 2022, Michael Blomerth presented to the board. Mr. Blomerth stated that they have a single floor living space currently, and they are looking

- to expand their home for their family. This expansion would increase the living space at the home by the addition of the two floors of living space.
6. Mr. Blomerth is also looking to add the roof deck to the location.
  7. Chair Duffy opened the meeting up to comments from the members of the board.
  8. Paul Viccica requested that the petitioner explain the design drawings.
  9. Mr. Blomerth showed the street view portion of the drawings to explain that the two floor addition would bring the height of the roof to thirty (30) feet with the additional four (4) feet for the railing to the roof deck. The third level of the dwelling would have dormers to increase the space. Mr. Blomerth explained that the expansion would only be seven (7) feet from the original roofline. This was shown in the plans.
  10. Rosa Ordaz inquired if there would be a fifty percent (50%) removal of the roof. It was determined that this petition would require over 50 percent (50%) of the roof to be removed which requires the petitioner to meet with the Historical Commission for an approval and may require a demolition delay.
  11. It was recommended that the petition be continued to the June 15<sup>th</sup>, 2022 meeting so that they petitioner may speak with the Historical Commission.
  12. The board opened the meeting up to public comments.
  13. Michael Robbins, 41 Columbus Avenue, expressed that he and his wife are in favor of this petition.
  14. Virginia Lavoie, 135 Fort Avenue, also expressed her support for the petition.
  15. The board moved to continue the petition to the June 15<sup>th</sup> meeting.
  16. On June 15, 2022 Michael Blomerth reviewed the plans for construction. He verified that they had gone in front of Historical Commission and received a waiver for the demolition delay on June 1, 2022.
  17. Peter Copelas opened the meeting to board member questions.
  18. There were none.
  19. Peter Copelas then opened the meeting to public comment on 137 Fort Avenue.
  20. There were none.
  21. Vice Chair Copelas reviewed the criteria for a special permit.
  22. 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 April 27, 2022 and June 15, 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.

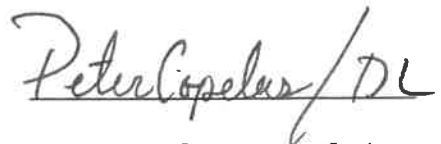
On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (5) in favor (Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley) and none (0) opposed to grant of JESSICA BLOMERTH a Special Permit for per Section 3.3.5 *Nonconforming Single- and Two-family Residential Structures* of the Salem Zoning Ordinance to construct a two (2) story addition to the dwelling.

**Receiving four (4) 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 dark ink, reading "Peter Copelas" followed by a stylized "DL" or similar mark.

Peter 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.