



# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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KIMBERLEY DRISCOLL  
MAYOR

**May 11, 2022**

## **Decision**

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

2022 MAY 11 AM 9:46  
CITY CLERK  
SALEM, MASS

The petition of ERIK SAYCE at 3 MILK STREET (Map 35, Lot 554) (R2 Zoning District), for a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-family structures* of the Salem Zoning Ordinance to construct a shed dormer on the south side of the existing gable roof that is approximately 30' by 10'.

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

#### **Statements of Fact:**

The petition is date stamped February 24, 2022. The petitioner seeks Special Permit for per Section 3.3.5 *Nonconforming Single- and Two-family structures* of the Salem Zoning Ordinance to construct a shed dormer on the south side of the existing gable roof that is approximately 30' by 10'.

1. 3 Milk Street is owned by Erik Sayce.
2. The petitioner was Seger Architects, Inc.
3. 3 Milk Street is located in the R2 zoning district. (Map 35, Lot 554)
4. The requested relief, if granted, would allow the Petitioner to construct a shed dormer to the existing roof.
5. On April 27, 2022, Julia Mooradian, Seger Architects, presented to the board.
6. The Sayce family has just had a baby and would like to increase the current living space at 3 Milk Street.
7. The house at 3 Milk Street is already a nonconforming structure for the R2 Zoning District.

9. The proposed dormer would not increase the non-conformity of the home. It would be on the side of the house that faces the current garage on the property and would not be facing the abutting property.
10. Chair Duffy opened the meeting up to comments from the members of the board.
11. There were no comments from the board members.
12. Chair Duffy opened the meeting up to comments from the public.
13. Gary and Jane Sturgewell, 17 Andrew Street, spoke in favor of the petition.
14. Lloyd Pernice, 16 Pickman Street, spoke in favor of the petition.
15. Erik Sayce, property owner, thanked the board for seeing the petition. He spoke to how the house was vacant when they first purchased the home. They are looking forward to staying in the neighborhood which is very close to their business.
16. Chair Duffy addressed the Special Permit criteria.
17. Peter Copelas made the motion to approve the petition at 3 Milk Street.
18. 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 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 ( Rosa Ordaz, Mike Duffy (chair), Carly McClain, Paul Viccica and Peter Copeals) and none (0) opposed to grant Erik Sayce a Special Permit for per Section 3.3.5 *Nonconforming Single- and Two-family structures* of the Salem Zoning Ordinance to construct a shed dormer on the south side of the existing gable roof that is approximately 30' by 10'.

**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.

  
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.