



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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November 30, 2022

Decision

City of Salem Board of Appeals

The petition of STEVEN MAHAR at 44 HANSON STREET (Map 15, Lot 256) (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 kitchen addition that will be 4' X 11'.

A public hearing on the above petition was opened on November 16, 2022 and was closed on November 16, 2022.

On November 16, 2022, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter Copelas (Acting Chair), Carly McClain, Nina Vyedin and Steven Smalley.

Statements of Fact:

The petition is date stamped October 3, 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 kitchen addition that will be 4' X 11'.

1. 44 Hanson Street is owned by Kellie Sacco.
2. The petitioner was Steven Mahar.
3. 44 Hanson Street is located in the R1 zoning district. (Map 15, Lot 256).
4. The requested relief, if granted, would allow the Petitioner to construct a 4' X 11' kitchen addition.
5. On November 16, 2022, Erin Hayes, representing Mother Construction and Steven Mahar presented to the board. Ms. Hayes explained that house is already non-conforming in the front yard setback. The requested relief would be to expand the front of the structure to be in line with the right front side nonconforming setback of the current structure for the kitchen addition.

6. The proposed addition would improve the look of the house from the street. It will also provide additional space in the current kitchen as well as space for an at-home office.
7. Acting Chair Copelas expressed concern that some materials were incomplete for the proposal and inquired with Board members if they felt the application required a continuance for the materials to be submitted. The board felt that with the modest renovation, they had enough information to make a decision.
8. Acting Chair Copelas inquired what was going to be done with the current windows on the side of the house where the proposed addition would be. He reiterated this is why the Board prefers to have more materials.
9. Ms. Hayes stated that the current windows would be reused for the proposed addition and that they would be residing the house in congruence with the current structure.
10. Acting Chair Copelas opened the meeting to public comment. They were none.
11. Acting Chair Copelas went over the criteria for a special permit and special conditions for the petition.
12. Carly McClain made a motion to approve the petition.
13. The November 16, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Steven Smalley, Peter Copelas (Acting Chair), Rosa Ordaz, Carly McClain, and Nina Vyedyn and none (0) opposed to grant of STEVEN MAHAR at 44 HANSON STREET a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a kitchen addition that will be 4' X 11'.

Receiving five (5) in favor votes, the petition for a Special Permit is GRANTED.

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 Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. 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.
9. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Special Conditions:

1. Structure addition may not be more than eight (8) feet within front yard setback.
2. Layout of addition windows may not change from current layout unless petitioner returns to the Zoning Board of Appeals and the Board deems the change to be minimal.

Peter Copelas/ Acting 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.