



DOMINICK PANGALLO
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

December 11, 2023

Decision

City of Salem Board of Appeals

The petition of WALTER S. PALMER at 5 FAIRFIELD STREET (Map 34, Lot 32) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to alter a non-confirming one-family structure to a non-confirming two-family structure by adding a basement dwelling unit. There will be no exterior work or expansion of the existing building's footprint for this petition. Also, the applicant is seeking a variance from *5.1.5 and 5.1.6 Off-Street Parking Design*, applicant's driveway is eleven feet wide where twelve feet is required. In addition, one parking space is eighteen feet long, nineteen feet is required.

A public hearing on the above petition was opened on November 15, 2023 and was closed on November 15, 2023.

On November 15, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Nina Vyedin, Carly McClain, Paul Viccica and Hannah Osthoff.

Statements of Fact:

The petition is date stamped October 11, 2023. The petitioner proposes to add a basement dwelling unit to a single family non-confirming structure to a two-family non-confirming structure.

1. 5 Fairfield Street is owned by Walter S. Palmer.
2. The petitioner was Walter S. Palmer.
3. The representative was Bill Quinn.
4. 5 Fairfield Street is located in the R2 zoning district. (Map 34, Lot 32).
5. On November 15, 2023, Bill Quinn presented the plans to the board.

6. Mr. Palmer has been at this property for a long period of time. He has no intention of leaving the property. There is full headspace and six windows that are in the basement providing a bunch of light to the space in the basement.
7. There will be no exterior construction nor an increase in the structure's footprint. However, Mr. Palmer has intentions of modernizing the fixtures for the unit.
8. Under section 3.3.5 Non-conforming Single- and Two-family structures and in the R2 district this is an allowable use.
9. Due to the layout of the parcel, the petitioner has the required amount of parking, however, the sizes of the parking spaces make it necessary to have relief from the parking dimensions.
10. The original parking plan layout invaded the two-foot buffer zone to the public sidewalk. The designer of the parking had laid out two spaces one above the other and the third space in front of the garage to accommodate the two-foot buffer zone. However, this created a decrease in the dimensions of each parking space which is the reason for the parking relief.
11. Attorney Quinn stated the majority of sedan vehicles average between fifteen and sixteen feet long. Attorney Quinn stated that for SUVs or automobiles the proposed eighteen feet would be of adequate size for the parking at this location.
12. Chair Copeals inquired about parking space number two being twenty-two feet and parking space number three being eighteen feet. He wanted to know why the applicant cannot take a foot from space two and give it to parking space three to make it nineteen feet and make it conforming.
13. Nina Vyedin stated that for parallel parking you need to have twenty-two feet and nineteen feet is for diagonal parking.
14. Attorney Quinn stated that the issue with moving the parking is that there is a stairway and doorway that would have access blocked if the space's dimensions were adjusted or the space moved.
15. Nina Vyedin stated that moving the third space to the garage wouldn't change any of the relief the petitioner is seeking.
16. Attorney Quinn stated that one of the spots could be in the garage. However, currently there is hobby and workshop fittings in the garage.
17. Nina Vyedin stated she appreciated using the garage for other reasons and respected that the petitioner had come forth to the board for relief due to this reason.
18. Hannah Osthoff asked if there was a separate entrance for the basement unit.
19. There is a shared back door entrance that serves both units separately.
20. Catherine Palmer, owner, stated that there are three entrances to the house. There is a separate entrance that would be used for the second unit in the basement. There are two entrances for the main unit.
21. Chair Copelas opened the meeting to public comment. There were none.
22. Nina Vyedin expressed her concern about backing out of the driveway and the safety involved in backing out of the driveway.

23. Cathrine Palmer stated that they back into their spaces so they can pull out front facing into Fairfield Street. She stated that there is also good visibility in both directions on the street for merging onto Fairfield Street. There are also two speed bumps on Fairfield Street to help calm traffic.
24. Attorney Quinn stated that there have been other petitions in front of the board that have been approved because there is no way to increase the size of the driveways and the age of the developed lots makes it challenging to meet the zoning requirements that came into place after the parcel was developed.
25. Hannah Osthoff made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas(Chair), Nina Vyedin, Carlie McClain, Hannah Osthoff and Paul Viccica and none (0) opposed to grant WALTER S. PALMER at 5 FAIRFIELD STREET (Map 34, Lot 32) (R2 Zoning District) a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Residential Structures* and a variance from *5.1.5 and 5.1.6 Off-Street Parking Design*.

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

Receiving five (5) in favor votes, the petition for a Variance 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 Occupancy is to be obtained.
7. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or

more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.

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.

Peter A. Copelas/ 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.

