



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

June 13, 2022

Decision

City of Salem Board of Appeals

The petition of RYAN MCSHERA at 9 ALBION STREET(Map 15, Lot 183) (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 to tear down a small portion of the rear of the building and rebuild a 13' wide by 18' deep addition.

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 28, 2022. The petitioner seeks Special Permit per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to tear down a small portion of the rear of the building and rebuild a 13' wide by 18' deep addition.

1. 9 Albion Street is owned by Jesse Chamberlain.
2. The petitioner was Ryan McShera.
3. 9 Albion Street is located in the R1 zoning district. (Map 15, Lot 183)
4. The requested relief, if granted, would allow the Petitioner to tear down a small portion of the rear of the building and rebuild a 13' wide by 18' deep addition.
5. On May 25, 2022, Ryan McShera, presented to the board.
6. The existing lot is nonconforming. It has nonconforming front and side yard setbacks.
7. The proposed addition has rear stairs that will reduce the required side setbacks by fifty percent (50%). The proposed side yard setbacks are +/- five feet (5).

8. Paul Viccica inquired as to why the proposed back stairs are extending out seven feet (7 ft) and not next to the building.
9. Mr. McShera explained that the design was to give the owners a little exaggerated landing at the top of the stairs for plants or other items.
10. Chair Duffy opened the meeting up to public comment.
11. Lev McClain, 22 Albion Street, he stated that he met with the owners of the home and fully supported the petition.
12. Chair Duffy went over the criteria for a Special Permit.
13. Peter Copelas made the motion to approve the petition at 29 Albion Street.
14. 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 Ryan McShera a Special Permit for per Section 3.3.5 *Non-conforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to tear down a small portion of the rear of the building and rebuild a 13' wide by 18' deep addition.

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 dark ink that reads "Mike Duffy" followed by a stylized monogram or initials.

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.