



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

2021 DEC 16 AM 11:23  
CITY CLERK  
SALEM, MASS

**December 16, 2021**  
**Decision**  
**City of Salem Board of Appeals**

**The petition of WRIGHT FAMILY IRREVOCABLE TRUST, for special permit from provisions of Section 3.2.8 *Affordable Accessory Dwelling Units* of the Salem Zoning Ordinance for an existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit. (Map 27, Lot 221) (R2 Zoning District)**

A public hearing on the above Petition was opened on October 20, 2021, it was continued to November 17, 2021. The meeting was closed on November 17, 2021.

On November 17, 2021, Those of the Salem Board of Appeals present were Peter Copelas (Vice Chair), Paul Viccica, Carly McClain, Rosa Ordaz and Steven Smalley

The petitioner seeks special permit from provisions of Section 3.2.8 *Affordable Accessory Dwelling Units* of the Salem Zoning Ordinance for an existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

## **Statements of Fact:**

The petition is date stamped September 21, 2021. The petitioner has requested a special permit per Section 3.2.8 *Affordable Accessory Dwelling Units* of the Salem Zoning Ordinance for an existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

1. 9 Appleton Street is owned by The Wright Family Irrevocable Trust.
2. The petitioner is The Wright Family Irrevocable Trust.
3. The representative was Attorney Joseph Correnti.
4. 9 Appleton Street is in the R2 residential two-family zone.
5. The requested relief, if granted, would allow the petitioner a detached affordable accessory dwelling unit.
6. On October 20, 2021, attorney Kristen Kolick stated that petitioner would like to continue to November 17, 2021, when there will be a full board present. There were

- only four members present for October 20, 2021. The board made a motion to continue. The motion passed.
7. On November 17, 2021, attorney Joseph Correnti presented the petition for 9 Appleton Street to the board.
  8. Attorney Correnti spoke to how the requirements for an accessory dwelling differ from the typical zoning board application in terms of the requirements for an existing detached structure on a property per the Salem Zoning Ordinance. The petitioner is seeking relief from the rear and side setbacks for the secondary structure which is a special permit per Ordinance 3.2.4.3 *Accessory Buildings and Structures*, it pertains to the secondary structure. Attorney Correnti also stated that the secondary structure would be in compliance with the Salem zoning ordinance 3.2.8.5(a-t) upon submittal of the paperwork to the Building Department for a building permit.
  9. Joanne Wright, owner of the property, spoke to how the structure would be a benefit for her family as her extended family is growing. She spoke about how the garage would bring great relief for the family. Also, it would be great potential for rental unit in the years to come.
  10. A memo from the Clerk of the Salem Historical Commission was presented on how the second structure was a carriage house and how the carriage house had come before the Zoning Board a year previous (2020). Two Historical Commission members visited the site and offered feedback for modifications to the already altered carriage house, as the relief requested in 2020 was for the reuse and preservation of a historic carriage house. Shortly after the feedback, the petitioner withdrew its application under the historic carriage house ordinance without prejudice.
  11. Paul Vicicca inquired about whether the petitioner thought that the Accessory Dwelling Unit ordinance usurped the historic carriage house ordinance. Attorney Correnti stated that the petitioner did not feel that way and that the ADU Ordinance offered an alternative path for a dwelling unit. Attorney Correnti reinforced that the petitioner was applying for the special permit under the City Ordinance for Accessory dwelling units
  12. Peter Copelas stated that the petitioner had a choice as to what path they wanted to take while applying for the special permit.
  13. Building Commissioner, Thomas St. Pierre spoke to the fact that since the renovations were completed and the property is not in a historic district, the owners could do what they wanted to their carriage house/barn. At the time of the original permit (2020) the only way to get a dwelling unit in the secondary structure was to apply through the historical carriage house section of the ordinance. After the petitioner had spoken with the Historical Commission, they decided they did not want to move forward with the historical carriage house ordinance application, which left them with a property that they could not use. Then the City passed the new ADU ordinance and the petitioners were now well with within their rights to apply for the special permit.
  14. They were no (0) public comments for 9 Appleton Street.
  15. There were five (5) letters of support for the petition, including Ward 6 Coucillor Megan Ricciardi.
  16. 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 November 17, 2021 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 structure to the neighborhood:

1. Social, economic, or community needs were served by adding additional housing.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking due to off street parking provided.
3. Adequate utilities and other public services already service the property.
4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will be in keeping with the neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. The property will have higher value with an ADU as part of the secondary structure.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Paul Viccica, Steven Smalley, Peter Copelas(Vice Chair), Carly McClain, Rosa Ordaz). None (0) opposed to grant The WRIGHT FAMILY IRREVOCABLE TRUST a special permit from provisions of Section 3.2.8 *Affordable Accessory Dwelling Units* of the Salem Zoning Ordinance for an existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

**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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. 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.