



CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
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ROBERT MCCARTHY
ACTING MAYOR

May 24, 2023

Decision

City of Salem Board of Appeals

The petition of NORTH SHORE PROPERTY GROUP LLC at 107 LEACH STREET (Map 33, Lot 542) (R2 Zoning District) for a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to expand a nonconforming three-family home with the addition of a dormer (8' x 10' $\frac{3}{4}$ ") to allow for a full story. This will bring the full height of the structure to three stories.

A public hearing on the above petition was opened on March 22, 2023 and was continued to May 17th, 2023 and was closed on May 17, 2023.

On March 22, 2023, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter Copelas (Chair), Carly McClain, Paul Viccica, Nina Vyedin and Steven Smalley.

On May 17, 2023, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter A. Copelas (Chair), Paul Viccica and Nina Vyden.

Statements of Fact:

The petition is date stamped February 22, 2023. The petitioner requests to expand a nonconforming three-family home with the addition of a dormer.

1. 107 Leach Street is owned by North Shore Property Group LLC.
2. The petitioner was North Shore Property Group LLC.
3. North Shore Property Group LLC was represented by Jenna Buonfiglio.
4. 107 Leach Street is located in the R2 zoning district. (Map 33, Lot 542).
5. On March 22, 2023 Jenna Buonfiglio presented the plans to the board.
6. Currently, at 107 Leach Street, there are small dormers with windows on both the North and South elevation with a regular slope roof on the east and west of the structure. The proposed structure would eliminate those north and south dormers and create new dormers that would be on the east and west elevation of the structure.

7. The purpose of the requested relief is to increase the livability of the third floor while not increasing the overall height of the building.
8. Ms. Buonfiglio stated that the petitioner had gone in front of the Conservation Commission and received an Order of Conditions to rebuild the seawall and the pier that is at the rear of the property.
9. Nina Vyden inquired if the Special Permit was the only relief requested due to a variance request being crossed out on the application.
10. Ms. Buonfiglio stated that they originally were going to apply for a variance and after speaking with the Building Commissioner, it was determined that a Special Permit was all that was needed for this relief.
11. Tom St. Pierre, Building Commissioner, confirmed this was true.
12. Chair Copelas opened the meeting to comments from the public.
13. Jeff Cohen, 12 Hancock Street, Ward 5 Councilor, stated the Mr. Buonfiglio has done great work on Hancock Street on rebuilding a home that burned down in a fire.
14. Mr. Cohen also stated that multiple people in the Ward reached out to him and expressed their support for the petition.
15. Mr. Cohen expressed his support for the petition.
16. Chair Copelas read a letter of support signed by eleven (11) neighbors of 107 Leach Street for the record.
17. Paul Viccica inquired about any more changes to the structure besides the dormers.
18. Mathew Carlson, MAC design, stated at the rear section of the building on the driveway side and then across the rear itself, we are proposing a reconfiguration, but nothing would change dimensionally and no changes for any non-conformities or setbacks.
19. Mr. Viccica stated that the submitted plot plan shows three grayed out areas and two dimensions. One is 8.5 feet plus or minus and one is 9.7 feet plus or minus.
20. Mathew Carlson stated that was correct.
21. Mr. Viccica then inquired about the plans because that would be an increase in non-conformity from 8.5 feet to 9.7 feet.
22. Mathew Carlson stated that Mr. Viccica was correct in reading the plan. Mr. Carlson stated that they are not increasing the non-conformity of the property and that the survey was providing erroneous measurements.
23. The petitioner requested a continuance to revise the plot plan to show the correct measurements that supports that there is no increase in the non-conformity of the structure.
24. Nina Vyedin made a motion to continue the meeting until the next scheduled Zoning Board meeting.
25. The board approved the motion to continue to the next scheduled Zoning Board meeting.
26. The March 22, 2023 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

27. On May 17th, 2023, Representative Jenna Buonfiglio continued to share the intended plans with the Board.
28. Representative Buonfiglio stated to the Board that since the last ZBA meeting the petitioner had gone in front of the Historical Commission for two meetings. The meetings resulted in some design changes that the Historical Commission recommended to the petitioner.
29. These design recommendations changed their original submitted plans for the roof. The Historical Commission approved the design changes for the property. Representative Buonfiglio wanted to go through the design changes for the roof.
30. Representative Buonfiglio stated the design recommendations were to keep the structure more in line with the other houses in the neighborhood.
31. Representative Buonfiglio stated also that the petitioner agreed to the design changes to obtain a demolition delay waiver.
32. Representative Buonfiglio went over the new plans regarding the roof for the board. She also reviewed the new plot plan for the property to verify that there was no new non-conformity being added at the site. The corrected plot plan was reviewed.
33. Paul Viccica asked Mrs. Buonfiglio to go over the height restrictions of the property in a R2 district and the new plans for the roof.
34. Mrs. Buonfiglio stated that the new roof plan is three (3) feet higher than the original plan, however, they are still under the thirty-five (35) feet height requirement of a R2 zoning district.
35. Mrs. Buonfiglio also stated from their architect that in the previous iteration, they were maintaining the ridge height of the existing structure. The current gambrel structure is between three (3) to four (4) feet taller than the previous iteration. The overall height of the building has changed from the previous proposal due to input from the Historical Commission. Again, the footprint of the structure has not changed.
36. Chair Copelas inquired if the board had any other questions. There were none.
37. Chair Copelas inquired if there were any questions from the public. There were none.
38. Chair Copelas asked Mrs. Buonfiglio to review the criteria for a Special Permit.
39. Nina Vyden made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas(Chair), Rosa Ordaz, Nina Vyden and Paul Viccica and none (0) opposed to grant NORTH SHORE PROPERTY GROUP LLC a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to expand a nonconforming three-family home with the addition of a dormer (8' x 10' $\frac{3}{4}$ ") to allow for a full story. This will bring the full height of the structure to three stories.

Receiving four (4) 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 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. 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.
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.
11. 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.