



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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**September 30, 2022**

## **Decision**

### **City of Salem Board of Appeals**

The petition of MICHAEL REITER at 13 WILLOW AVENUE (Map 33, Lot 628) (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 rebuild and replace a two (2) family home. The proposed structure will have additional dormers that were not with the original structure.

A public hearing on the above petition was opened on August 17, 2022 and continued to September 21, 2022 and was closed on September 21, 2022.

On September 21, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy (Chair), Paul Viccica, Peter Copelas and Steven Smalley.

#### **Statements of Fact:**

The petition is date stamped June 29, 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 rebuild and replace a two (2) family home. The proposed structure will have additional dormers that were not with the original structure.

1. 13 Willow Avenue is owned by Michael Reiter
2. The petitioner was Michael Reiter.
3. 13 Willow Avenue is located in the R1 zoning district. (Map 33, Lot 628).
4. The requested relief, if granted, would allow the Petitioner to rebuild and replace a two (2) family home with the addition of dormers to the structure.
5. On August 17, 2022, due to lack of a quorum, the petition was continued to September 21, 2022.
6. On September 21, 2022, Michael Reiter presented to the board.
7. The structure at 13 Willow Avenue was lost in a fire and the petitioner would like to rebuild the structure to the specifications of the original structure with the addition of dormers. These dormers will increase the living space on the upper floor.

8. Mr. Reiter informed that he had canvassed his neighborhood to speak with as many neighbors as possible to inquire about the proposed construction. He stated that the people he spoke with supported the idea of constructing the new home.
9. Chair Duffy opened the meeting to comments from the board.
10. Chair Duffy inquired about the plans for the interior of the construction. Mr. Reiter replied that the second floor will be where most of the living space will be and the third floor with the addition of the dormers will be for three (3) bedrooms.
11. Peter Copelas asked if the building was going to be the same height as the previous structure. Mr. Reiter stated that it would be the same height as the original structure. The only new addition would be from the dormers.
12. Chair Duffy opened the meeting to public comment. There were none.
13. A page of signatures supporting the proposed construction was presented to the board.
14. A screen shot of a text message from a neighbor name Ron, no address was given, supporting the petition was read into the record.
15. Chair Duffy went over the criteria for a special permit.
16. Peter Copelas made a motion to approve the petition.
17. The September 21, 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 four (4) in favor (Steven Smalley, Mike Duffy(Chair), Paul Viccica, and Peter Copelas) and none (0) opposed to grant MICHAEL REITER at 13 WILLOW AVENUE to rebuild and replace a two (2) family home with the addition of dormers.

**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. 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.
10. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

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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.