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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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November 4, 2022

Decision

City of Salem Board of Appeals

The petition of WILLIAM CRAIG at 181 MARLBOROUGH ROAD (Map 10, Lot 16) (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 demolish the second floor and construct a new second and third floor of the property. All construction will stay within the existing footprint of the structure. Relief is requested for three (3) stories, where two and half (2.5) stories is allowed.

A public hearing on the above petition was opened on October 19, 2022 and was closed on October 19, 2022.

On October 19, 2022, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Mike Duffy(Chair), Paul Viccica, Peter Copelas and Nina Vyden

Statements of Fact:

The petition is date stamped September 12, 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 construct a new second and third floor for the residence.

1. 181 Marlborough Road is owned by William Craig Jr.
2. The petitioner was William Craig Jr.
3. 181 Marlborough Road is located in the R1 zoning district. (Map 10, Lot 16).
4. The requested relief, if granted, would allow the Petitioner to a construct a second and third floor to their residence.
5. On October 19, 2022, William Craig Jr. presented to the board.
6. Mr. Craig discussed that this petition was granted in 2019 by the Salem Zoning Board of Appeals.

7. Mr. Craig intends to remove the second story of the property and rebuild the second story with dormers. All the plans will be done within the existing footprint of the structure.
8. Mr. Craig stated that due to the Covid epidemic they were not able to begin their construction from the 2019 approval. They did not begin the construction within the required amount of time and the special permit timed out and became expired. These are the reasons why Mr. Craig was back in front of the board.
9. Chair Duffy opened the meeting up to members of the board. Tom St. Pierre inquired if anything had changed with the plans from the 2019 ZBA decision. Mr. Craig stated that there were no changes.
10. Chair Duffy opened the meeting up to public comment. There were none.
11. Chair Duffy discussed the criteria for a special permit.
12. Paul Viccica made a motion to approve the petition.
13. The October 19, 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 five (5) in favor (Nina Vyedin, Mike Duffy(Chair), Rosa Ordaz, Paul Viccica and Peter Copelas) and none (0) opposed to grant WILLIAM CRAIG a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish the second floor and construct a new second and third floor of the property. All construction will stay within the existing footprint of the structure.

Receiving five (5) 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.

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.

