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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 SKOMURSKI DEVELOPMENT, LLC at 3 FEDERAL COURT (Map 26, Lot 500) (R2 Zoning District), for a Special Permit per Section 3.1 *Principal Uses* of the Salem Zoning Ordinance to renovate and convert a historic carriage house. All work will be done within the existing footprint of the existing structures.

A public hearing on the above petition was opened on 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 July 21, 2022. The petitioner seeks a Special Permit per Section 3.1.2 *Principal Uses* of the Salem Zoning Ordinance to renovate and convert a historic carriage house. All work will be done within the existing footprint of the existing structures.

1. 3 Federal Court is owned by Eric A. and Marie D. Olson.
2. The petitioner was Skomurski Development LLC.
3. The representative was attorney Scott Grover.
4. 3 Federal Court is located in the R2 zoning district. (Map 26, Lot 500).
5. The requested relief, if granted, would allow the Petitioner to renovate and convert a historic carriage house.
6. On September 21, 2022, attorney Grover, presented to the board.
7. 3 Federal Court is currently a three-family (3) home and the detached carriage house is unimproved and currently vacant. The carriage house has been at its current location since pre-1870.
8. The petitioner is seeking to move one of the existing units into the carriage house and convert the home back to a two-family (2) for a total of three (3)

- units on the property. The petitioner is not seeking a fourth (4th) unit on the property.
9. Attorney Grover went over the criteria for a special permit.
 10. Architect, Dan Ricciarelli, presented the plans for the board. He stated that they will also be going in front of the Historical Commission for this petition as well. The unit in the carriage house will be on both floors of the carriage house with kitchen and living space on the first floor (1st) and the bedroom and mechanicals on the second floor (2nd).
 11. Chair Duffy opened the meeting to questions from the board.
 12. Paul Viccica inquired about where the windows will go on the carriage house. Mr. Ricciarelli responded that the windows will be placed on the blank façade of the carriage house that will overlook a patio.
 13. Peter Copelas inquired about the large tree on the property, and would the tree be impacted by the anticipated construction on the property. Mr. Ricciarelli replied that the roots are very high, therefore they would be looking at options to put pathways around the roots of the tree to not negatively impact the tree itself. He also stated that there may need to be some trimming of limbs on the tree due to the over hanging nature on the carriage house.
 14. Chair Duffy opened the meeting up to public comments.
 15. Jean Arlander, 93 Federal Street, stated that the house was a three-family (3) unit and each unit had one (1) bedroom. She stated that she did not mind the conversion of the carriage house to a livable unit. However, she expressed interest in seeing a site plan that shows landscaping and the parking layout.
 16. Mary Richards, 6 Federal Court, stated she agreed with Ms. Arlander. She is happy that the proposal does not add a fourth unit. She also expressed that parking is already a huge issue. She stated there are trucks already parking across her driveway. She also would like to see a parking layout.
 17. Attorney Grover responded to the public comments. He stated that on-site they have enough parking for five (5) compliant parking spaces that meet the zoning requirements.
 18. Attorney Grover also stated that currently the City assesses the property as a three-family (3). There are three (3) gas meters and three (3) electric meters serving the property. Also, the City's building records state it is a three-family (3) home.
 19. Peter Copelas made a motion to approve the petition.
 20. 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 SKOMURSKI DEVELOPMENT, LLC at 3 FEDERAL COURT(Map 26, Lot 500) (R2 Zoning District), a Special Permit per Section 3.1 *Principal Uses* of the Salem Zoning Ordinance to renovate and convert a

historic carriage house. All work will be done within the existing footprint of the existing structures.

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.

Special Conditions:

1. The main structure will have no more than two (2) units in perpetuity.

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.

