



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 ERIC DUAIME at 49 ESSEX STREET(Map 35, Lot 378) (R2 Zoning District), for a Special Permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to replace the existing egresses with new exterior egresses. The second-floor units would include stairs and a raised platform totaling 178 square feet. The first-floor unit "1L" will have a 6.5'x3' raised platform built leading down to a single step then to ground level. The first-floor unit "1R" will have a 3'x4' raised platform also leading down to one step then to ground level.

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 August 17, 2022. The petitioner seeks a Special Permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to replace the existing egresses with new exterior egresses.

1. 49 Essex Street is owned Eric Duhaime
2. The petitioner was Eric Duhaime.
3. 49 Essex Street is located in the R2 zoning district. (Map 35, Lot 378).
4. The requested relief, if granted, would allow the Petitioner to replace the interior egresses with exterior egresses.
5. On September 21, 2022, Eric Duhaime presented to the board.
6. Mr. Duhaime explained to the board that he and his wife had purchased the four (4) family property in May of 2022 and had updated the roof and the heating system. Now they want to update and improve the home's egresses.

7. The current egresses are inside the home. They are small by measurement and winding throughout the home. The current egresses do not make moving in and out of the home easy nor safe. The proposed relief would make entering and exiting the property significantly easier and safer.
8. Mr. Duhaime shared photos of the current egresses. They measure only thirty-two (32) inches and 30 inches (30) respectively. He stated that he was not going to change the interior stairs. He wanted to add the exterior egresses as a better way to move items in and out of the property. Also, the new stairs would add space for people to move which increases the safety of the property.
9. Chair Duffy opened the meeting up to comments from the board. There were none.
10. Chair Duffy opened the meeting up to public comment. There were none.
11. Chair Duffy went over the special permit criteria.
12. Paul Viccica made a motion to approve the petition.
13. 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 ERIC DUAIME at 49 ESSEX STREET(Map 35, Lot 378) (R2 Zoning District), a Special Permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to replace the existing egresses with new exterior egresses.

**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.

