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MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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February 5, 2024

Decision

City of Salem Board of Appeals

The petition of CIRCLE HILL BUILDERS LLC at 52 FORRESTER STREET (Map 41, Lot 224) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and two-family Residential Structures* to alter and to enlarge a non-conforming single-family structure to a two-family structure. The petitioner proposes to remove the existing garage and to construct a second dwelling which is physically connected to the existing structure.

A public hearing on the above petition was opened on January 17, 2024 and was closed on January 17th, 2024.

On January 17, 2024, the following members of the Salem Board of Appeals were present: Nina Vyedin (Chair), Carly McClain, Paul Viccica, and Hannah Osthoff.

Statements of Fact:

The petition is date stamped November 21, 2023. The petitioner requests to alter and to enlarge a non-conforming single-family structure to a two-family structure.

1. 52 Forrester Street is owned by CIRCLE HILL BUILDERS LLC.
2. The petitioner was CIRCLE HILL BUILDERS LLC.
3. The representative was Attorney Bill Quinn.
4. 52 Forrester Street is located in the R2 Zoning District (Map 41, Lot 224).
5. On January 17, 2024, Attorney Bill Quinn explained the requested relief to the board.
6. There is a single-family home and an old garage on the lot at 52 Forester Street.
7. Forrester Street has a mix of single-family, two-family and multi-family homes along it.
8. Attorney Quinn stated that the parcel of land has a lot of space to accommodate the addition to the home.
9. There will be three legal parking spaces provided.
10. The Applicant has appeared before the Historical Commission and was granted a waiver for Demolition Delay.

11. Matt Carlson, Architect, discussed the architectural plans for the board. The Applicant has developed plans for two equally sized dwelling units at the property.
12. Matt Carlson discussed that the property has substantial rear yard space, however, the structure is still non-conforming for multiple dimensions. Mr. Carlson stressed that the design was consistent with the fabric of the neighborhood.
13. Mr. Carlson stated that there would be minimal impact on the neighbors. They have been mindful of roof lines or dormers where the two structures would connect and their impact on sunlight for the neighbors. Mr. Carlson reviewed the solar study they had conducted at the property.
14. Paul Viccica stated that he likes solar studies, however, they are just moments in time. He stated that no matter what there would be an impact on sunlight to the abutting properties because the applicant is proposing to develop a 2 ½ story structure.
15. Chair Vyedin asked Mr. Carlson to review the parking layout. It was determined that the parking spots were all legally compliant with the Zoning Ordinance.
16. Chair Vyedin inquired about conversations that were had with abutters. Attorney Quinn stated that he was unsure if his client had spoken with abutters however, there have been no written public comments objecting to the proposal.
17. There was a letter of support for the project by Ryan Macione at 48 Forrester Street. Mr. Macione is a direct abutter of 52 Forrester Street.
18. Hannah Osthoff requested that Attorney Quinn review the Statement of Grounds for the petition.
19. Chair Vyedin opened the meeting up to public comment.
20. Councilor Jerzylo inquired about having only three parking spaces.
21. Attorney Quinn responded by saying the additional structure is a single-family and is required have one and a half spaces for a total of three parking spaces.
22. Paul Viccica made a motion to approve the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearings, and after thorough review of the petition, including the application narrative and plans, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination includes consideration of each of the following:

1. Social, economic, or community needs are served by this proposal. The proposal meets the community needs by adding an additional new dwelling to Salem's housing stock.
2. Traffic flow and safety, including parking and loading: The applicant is providing legal and adequate parking for three vehicles.
3. Adequate utilities and other public services already service the structure. The necessary municipal utilities that serve the original structure will also serve the new structure.
4. Impacts on the natural environment, including drainage: There will be no impact on the natural environment.
5. Neighborhood character: The project is in keeping with the neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment: Construction will allow for new and temporary construction jobs.

On the basis of the above statements of fact and findings, **the Salem Board of Appeals voted four (4) in favor (Nina Vyedin (Chair), Paul Viccica, Carly McClain, Hannah Osthoff)) and none (0) opposed** to grant CIRLCE HILL BUILDERS LLC at 52 FORRESTER STREET a Special Permit per Section 3.3.5 *Nonconforming Single- and two-family Residential Structures* to alter and to enlarge a non-conforming single-family structure to a two-family structure.

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. A Certificate of Occupancy is to be obtained.

6. A Certificate of Inspection is to be obtained.
7. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to visible from the street.
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 change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Nina Vyedin, 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.