



CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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KIMBERLEY DRISCOLL
MAYOR

2022 MAR - 1 PM 12: 10
CITY CLERK
SALEM, MASS

March 1, 2022

Decision

City of Salem Board of Appeals

The petition of SKOMURSKI DEVELOPMENT, LLC, at 73 FLINT STREET (Map 26, Lot 3) (R2 Zoning District) for a special permit per Section 3.3.3 *Nonconforming Structures and 3.3.5 Nonconforming Single-and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a dormer to the front and rear of the building to improve habitability of the existing living space.

A public hearing on the above petition was opened on February 16, 2022 and was closed on February 16, 2022.

On February 16, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Rosa Ordaz, Carly McClain, Paul Viccica and Steven Smalley.

The petitioner seeks a special permit per Section 3.3.3 *Nonconforming Structures and 3.3.5 Nonconforming Single-and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a dormer to the front and rear of the building to improve habitability of the existing living space.

Statements of Fact:

The petition is date stamped December 29, 2021. The petitioner has requested a special permit per Section 3.3.3 *Nonconforming Structures and 3.3.5 Nonconforming Single-and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a dormer to the front and rear of the building to improve habitability of the existing living space.

1. 73 Flint Street is owned by Skomurski Development, LLC.
2. Skomurski Development, LLC was represented by Scott Grover, Attorney.
3. 73 Flint Street is located in the R2 zoning district. (Map 26, Lot 3)
4. The requested relief, if granted, would allow the Petitioner to construct a dormer to increase the living space of the home.
5. On February 16, 2022, Scott Grover presented the petition for 73 Flint Street to the Board.

6. 73 Flint Street is currently used as two-family unit. The house is in a significant state of disrepair. Skomurski Development is in the process of interior and exterior improvements. As part of those improvements, they would like to improve the quality of the living space on the third floor of the unit.
7. The petitioner would like to construct dormers on the front and the back of the building. The building will remain as a two-family home.
8. Sanir Lutfija, architect, discussed the proposals. They want to limit the massing of the home with the addition of the dormers. They will extend the western extension of the second floor all the way down to the first floor and have that addition be a bathroom for the first floor. Also, to increase the privacy, they will offset the windows, so they are not directly across from the neighbor to the west.
9. Paul Viccica inquired if they had a plan of the attic level. There was not a plan submitted for the attic with the dormers. Mr. Viccica mentioned that the aesthetics of the proposed plans were not in the character of the neighborhood as Flint Street leads into Mack Park from a historic part of Salem.
10. Chair Duffy turned the meeting over to public comment. There were none (0).
11. There was a letter from Carol Carr, 7 River Street, that discussed the lack of historic character for the proposed dormer. She also wrote that she believed that the petitioner should seek out some feedback from the Historical Commission for ideas on improving the proposed dormer.
12. Chair Duffy discussed the special permit criteria.
13. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the December 15, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by this petition.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.
3. Adequate utilities and other public services: The petition will not impact utilities or public services.

4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will not have a negative impact on the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will be a positive fiscal impact on the city or its tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Rosa Ordaz, Mike Duffy (chair), Carly McClain, Paul Viccica and Steven Smalley) and none (0) opposed to grant SKOMURSKI DEVELOPMENT, LLC a special permit per Section 3.3.3 *Nonconforming Structures* and 3.3.5 *Nonconforming Single-and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a dormer to the front and rear of the building to improve habitability of the existing living space.

Receiving five (5) in favor votes, the petition for a special permit is approved.

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.

A handwritten signature in black ink that reads "Mike Duffy / DC". The signature is written in a cursive style and is positioned above a horizontal line.

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.