



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TEL: 978-619-5685

2021 NOV -11 PM 3:03  
CITY CLERK  
SALEM, MASS

November 4, 2021  
Decision  
City of Salem Board of Appeals

**Petition of CYNTHIA NINA-SOTO or a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing single-family home by adding a three-car garage within the required front-yard setback and add paved driveways that exceed the maximum twenty (20) foot width at the street lot line at 66 WILLSON STREET (Map 24, Lot 23) (R1 Zoning District).**

A public hearing on the above Petition was opened on September 22, 2021 pursuant to M.G.L. Ch. 40A, § 11 continued to October 20, 2021; and closed on October 20, 2021.

On September 22, 2021, Those of the Salem Board of Appeals present were Mike Duffy (Chair), Paul Viccica, Carly McClain, Rosa Ordaz, and Peter Copelas.

On October 20, 2021, Those of the Salem Board of Appeals present were Mike Duffy (Chair), Paul Viccica, Carly McClain, and Peter Copelas.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing single-family home by adding a three-car garage within the required front-yard setback and add paved driveways that exceed the maximum twenty (20) foot width at the street lot line at 66 Willson Street.

## Statements of Fact:

1. In the petition date-stamped August 31, 2021, the petitioner requested a special permit per Section 4.1.1 Table of *Dimensional Requirements* to “to repair, expand, and attach an existing garage to the home.” at 66 Willson Street.
2. 66 Willson Street is owned by petitioner Cynthia Nina-Soto.
3. 66 Willson Street is a single-family home in the Residential Single-Family (R1) zoning district.
4. If the requested relief is granted, it would allow the petitioner to create a three-car garage and add paved driveways.
5. There was some confusion over whether the petitioner was seeking a variance or a special permit. The Building Commissioner and the Board discussed the difference for the petitioner.



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6. There was clarity given over whether Ms. Nina-Soto would need a variance for a curb cut after having the garage and driveway finished.
7. The Building Commissioner was going to get communication from the city solicitor and suggested the board approve the special permit for the construction of the three car garage and driveway so the petitioner could begin construction due winter weather approaching.
8. The petitioner suggested that they would be willing to have a vote on the special permit and see what the city solicitor required about the variance for single-family and two-family dwellings. Indicating that they would reapply for the variance if required.
9. 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 October 20, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

At the public hearing no (0) members of the public spoke for or against to the petition.

### **Special Permit Findings:**

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming structure to the neighborhood:

1. Social, economic, or community needs are served by this proposal. The work will increase the use of the house and make the upper stories of the house more usable and safe.
2. Traffic flow and safety, including parking and loading: No impact is expected.
3. Adequate utilities and other public services already service the structure.
4. Impacts on the natural environment, including drainage: No negative impact is expected; drainage would remain on-site.
5. Neighborhood character: The project is in keeping with the neighborhood character. This is a rather minor addition in the rear of the house.
6. Potential fiscal impact, including impact on City tax base and employment: There is a potential positive fiscal impact, including enhancing the City's tax base by enhancing the value of the property.



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On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Paul Viccica, Carly McClain, Peter Copelas, and Mike Duffy (Chair)) and none (0) opposed to grant to Cynthia Nina-Soto the requested Special Permit per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from setback requirements and the requested Special Permit **Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures** to expand an existing single-family home by adding a three-car garage within the required front-yard setback and add paved driveways that exceed the maximum twenty (20) foot width at the street lot line, subject to the following terms, conditions, and safeguards:

#### 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 is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions, submitted to and approved by this Board, as amended. 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.



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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.