



CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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KIMBERLEY DRISCOLL
MAYOR

February 4, 2022

Decision

City of Salem Board of Appeals

2022 FEB - 4 AM 9:10
CITY CLERK
SALEM, MASS

The petition of RYAN McSHERA at 10 PLEASANT STREET (Map 36, Lot 442) (R2 Zoning District), for a special permit from provisions of Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish a non-conforming single-story structure and construct a nonconforming 2.5 story structure.

A public hearing on the above Petition was opened on January 19, 2022. The public hearing was closed on January 19, 2022.

On January 19, 2022, the following members of the Salem Board of Appeals were present: Peter Copelas, Mike Duffy (chair), Rosa Ordaz, Carly McClain and Paul Viccica.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish a non-conforming single-story structure and construct a nonconforming 2.5 story structure.

Statements of Fact:

The petition is date stamped October 27, 2021. The petitioner has requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish a non-conforming single-story structure and construct a nonconforming 2.5 story structure.

1. 10 Pleasant Street is owned Christian Bohler.
2. Christian Bohler was represented by Ryan McShera, Architect.
3. 10 Pleasant Street is in a R2 zoning district. (Map 36, Lot 442)
4. The requested relief, if granted, would allow the Petitioner to demolish a non-conforming single-story structure and construct another non-conforming 2.5 story structure.
5. On January 19, 2022, Ryan McShera presented the petition for 10 Pleasant

Street to the Board.

6. 10 Pleasant Street is currently used as single-family dwelling on a non-conforming lot. 10 Pleasant Street is already a non-conforming structure in the R2 zoning district that does not meet the dimensional requirements of lot area-15,000 sq. feet. It is 5,637 sq. feet. The required frontage is 100 feet and the property has 52 feet.
7. The petitioner would like to demolish a single-story workshop on the property and replace it with a 2.5 story addition.
8. Peter Copelas inquired about the proposed plans and how there was a dormer being proposed on the plans but was not asked for in the relief request. Ryan McShera acknowledged that that was a mistake on the part of the petitioner.
9. Building Commissioner, Tom St. Pierre agreed that the plans submitted were not matching the request for relief that they were asking for. He stated that the petitioner could still move forward with the proposed addition if they wanted to construct the addition without the proposed dormers.
10. Ryan McShera spoke to the owners, and they agreed that they were willing to not construct the dormer in question. They would like to move forward with the petition without the rear dormers on the addition which could be granted with an approval of the special permit and conditions for the relief.
11. There was zero (0) letters submitted for public comment.
12. There was zero (0) members of the public, that spoke at the meeting about this petition.
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 be in keeping with and improving the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will not be any 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 (Peter Copelas, Rosa Ordaz, Mike Duffy (chair), Carly McClain and Paul Viccica) and none (0) opposed to grant RYAN McSHERA at 10 PLEASANT STREET a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish a non-conforming single-story structure and construct a nonconforming 2.5 story structure.

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.

Special Conditions:

1. Left Side elevation design will remove the two most left and rear dormers from the plans.

Handwritten signature of Mike Duffy in cursive script, with the initials 'DL' at the end.

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.