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BOARD OF APPEALS

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Decision

City of Salem Board of Appeals

The petition of PAM COFFIN at 11 ORNE SQUARE (Map 25, Lot 452) (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 construct a 14' x 10' one story addition. The relief required is for the rear setback where 30' is required and is currently 9.7'. The proposal would be to 2.1'.

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 construct a 14' x 10' one story addition. The relief required is for the rear setback where 30' is required and is currently 9.7'. The proposal would be to 2.1'.

Statements of Fact:

The petition is date stamped December 10, 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 construct a 14' x 10' one story addition. The relief required is for the rear setback where 30' is required and is currently 9.7'. The proposal would be to 2.1'.

1. 11 Orne Square is owned by the Petitioner, Pam Coffin.
2. Pam Coffin was represented by Helen Sides, Architect.
3. 11 Orne Square is located in the R2 zoning district. (Map 25, Lot 452)
4. The requested relief, if granted, would allow the Petitioner to construct a one-story addition with relief for the rear setback where 30' is required, 9.7' is the current setback and with relief it would become 2.1'.

5. On January 19, 2022, Helen Sides presented the petition for 11 Orne Square to the Board.
6. 11 Orne Square is currently used as single-family unit. 11 Orne Square is already a non-conforming structure in the R2 zoning district that does not meet the required rear setbacks of thirty (30) feet. The relief would allow for 2.1 feet as the rear setback.
7. The petitioner would like to build a one story addition that creates a larger rear entrance, a mud room and pantry that will connect to the kitchen.
8. There were three (3) letters submitted for approval of the petition from abutters.
9. There was one (1) member of the public, Jean Harrison, from 1 Orne Square that called in and made a comment opposing the petition. Ms. Harrison states that she is opposed to the petition under the grounds that this petition is against the rules and regulations of Condominium Association. Ms. Harrison also had concerns about the new construction and its fire proofing for the new construction.
10. Ms. Sides responded by stating that the construction would all be to building code.
11. Chair Duffy discussed that there was support submitted by the Condo Association voicing their support. Also, that the Zoning Board rules on the relief being requested and that the Zoning Board does not rule over matters such as that.
12. Chair Duffy addressed the statement of grounds from the petitioner and how the construction is a modest and simple structure with minimal impacts on the neighborhood.
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 Viccia) and none (0) opposed to grant PAM COFFIN a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 14' x 10' one story addition. Where the relief required is for the rear setback where 30' is required and would be to 2.1'.

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.

 Mike Duffy / DL

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.