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BOARD OF APPEALS

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2020 DECS
CITY CLERK
SALEM, MASS
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December 2, 2020

Decision

City of Salem Board of Appeals

Petition of ALAN NOVEMBER for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to alter and enlarge an existing two-family home by adding a second-story shed dormer to the rear of the existing carriage house and constructing a one-story breezeway connecting the carriage house and main dwelling at 14 CAMBRIDGE STREET (Map 25, Lot 439) (R2 Zoning District).

A public hearing on the above Petition was opened on November 18, 2020 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Rosa Ordaz, Jimmy Tsitsinos, Paul Viccica, Carly McClain (Alternate), and Steven Smalley (Alternate).

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to alter and enlarge an existing two-family home by adding a second-story shed dormer to the rear of the existing carriage house and constructing a one-story breezeway connecting the carriage house and main dwelling at 14 Cambridge Street.

Statements of Fact:

1. In the petition date-stamped October 20, 2020, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to alter and enlarge an existing two-family home by adding a “second-story shed [sic] dormer to rear of existing carriage house and construct one story breezeway”.
2. 14 Cambridge Street is owned by petitioner Alan November.
3. 14 Cambridge Street is a two-family home in the Residential Two-Family (R2) zoning district. This is an allowed use in the district.
4. The property is nonconforming to dimensional requirements including minimum lot area, minimum lot frontage, and front, side, and rear yard setbacks.
5. The proposal is to add a second-story shed dormer to the rear of the existing carriage house and construct a one-story breezeway to connect the carriage house and main dwelling.
6. The proposed breezeway would be located within the required rear-yard setback of 30 feet, but it would not be located closer to the rear lot line than the carriage house is currently.
7. The petitioner attests that the property will remain a two-family home; the petition is to move some living space to the carriage house.

8. The requested relief, if granted, would allow the petitioner to expand a nonconforming two-family home by adding a dormer to the existing carriage house and construct a one-story breezeway connecting the carriage house and main dwelling.
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 November 18, 2020 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
10. At the November 18, 2020 public hearing, Attorney William Quinn discussed the proposal. Attorney Quinn explained that the petitioners have restored and maintained this property. He discussed how this proposal would include refurbishing the barn, adding to the site's overall quality. He noted that the expansion and addition would only add living space to the two existing units; this project will not be adding any units. Attorney Quinn mentioned that members of the proponent's team had walked the site with Patricia Kelleher of the Salem Historical Commission, even though the Historical Commission has issued a Certificate of Non-Applicability. The Certificate of Non-Applicability was issued in September due to the work not being visible from the public way. Architect Dan Ricciarelli presented plans of the proposed changes.
11. At the November 18, 2020 public hearing several members of the public spoke about the project. Two members of the public, Jeremy and Ellen Schiller whose home abuts the property asked about the windows being added to the existing carriage house. Another member of the public, David Driscoll of 16 Cambridge Street, expressed concern about parking and whether the proposed breezeway fits the character of the neighborhood. Another member of the public, Karen Cody of 18 Cambridge Street, expressed concern that the proposal would encroach on her privacy. Karen Cody was also concerned about parking, and that neighbors were not made aware of the project. A final member of the public, Jennifer Kiefer, questioned whether this addition would make a short-term rental property. No (0) members of the public spoke in favor of the proposal.
12. At the November 18, 2020 public hearing, Attorney Quinn noted that the proposal is not adding any units, so there should not be any concern about parking. He noted that carriage houses are being renovated in many places in Salem, so this proposal is not unusual. He reiterated that the proposal is "so benign" that the Historical Commission issued a Certificate of Non-Applicability. Lastly, he stated that there was no intention to have short term rental on site, and he believes it is not allowed.
13. At the November 18, 2020 public hearing, Paul Viccica noted that the presented project plans show three kitchens. Mr. Ricciarelli noted this is an error in the drawings, and there will only be two kitchens. Mr. Viccica recommended the Board add a special condition to the decision to ensure that the final project only has two kitchens.
14. At the November 18, 2020 public hearing, Chair Duffy noted that the relief is relatively minor, as the proposed extension is not going closer to the rear lot line than the existing carriage house. Chair Duffy discussed how the proposal meets the criteria for special permit (as noted below).

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 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 enhance the use of the house by adding living space.
2. Traffic flow and safety, including parking and loading: The property will remain a two-family home, so no negative 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.
5. Neighborhood character: The project is in keeping with the neighborhood character.
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.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Jimmy Tsitsinos, Mike Duffy (Chair), Rosa Ordaz, Paul Viccica, and Carly McClain) and none (0) opposed to grant the requested special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to alter and enlarge an existing two-family home by adding a second-story shed dormer to the rear of the existing carriage house and constructing a one-story breezeway connecting the carriage house and main dwelling at **14 Cambridge Street**, 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. 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, as amended. No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Special Condition:

1. The existing kitchen in the second unit shall be demolished and will be replaced by a kitchen within the carriage house. Each of the two units at the property will have not more than one kitchen.

Mike Duffy / LM
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.