



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

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CITY CLERK
SALEM, MASS

December 20, 2021 Decision City of Salem Board of Appeals

The petition of JESSICA KANE at 201 NORTH STREET (Map 17, Lot 288) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a one-story addition by encroaching into the 10' setback by about 1'. In addition, the proposal is to remove an entry porch and build a one-story heated entry.

A public hearing on the above Petition was opened on December 15, 2021. The public hearing was closed on December 15, 2021.

On December 15, 2021, the following members of the Salem Board of Appeals were present: Peter Copelas, Mike Duffy (Chair), Rosa Ordaz and Steven Smalley.

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 one-story addition by encroaching into the 10' setback by about 1'. In addition, the proposal is to remove an entry porch and build a one-story heated entry.

Statements of Fact:

The petition is date stamped October 12, 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 one-story addition by encroaching into the 10' setback by about 1'. In addition, the proposal is to remove an entry porch and build a one-story heated entry.

1. 201 North Street is owned by the Petitioner, Jessica Kane.
2. The Petitioner is represented by architect, Helen Sides.
3. 201 North Street is located in the R2 Residential Two-family Zone.
4. The requested relief, if granted, would allow the Petitioner to construct a one-story addition and remove and build a one-story heated entry to the property.

5. On December 15, 2021, Architect Helen Sides appeared before the Board to present the petition. In her opening, she stated that the petitioner is no longer going to modifying the entry way to the house.
6. Ms. Sides stated that they are looking to remove the deck at the rear of the house, so that they can construct the one-story addition to their property.
7. Ms. Sides also mentioned that there has been public support by the direct abutters, and they have written a letter. The letter is from Paul and Maureen Haley at 199 North Street explaining their support for the construction of the one-story structure.
8. Chair Duffy recognizes the letter and reads it for the public record.
9. Jessica Kane, the petitioner, discusses why they want to add the one-story addition. They home school their children and the addition gives them an opportunity to improve the learning and living space while they work from home. They intend on using that as their home school/office space. She also mentioned that she is happy to have their neighbor's support.
10. Chair Duffy opens the meeting up to public comment. There were none (0).
11. 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: No negative impact by this petition.
2. Traffic flow and safety, including parking and loading: No negative impact by this petition.
3. Adequate utilities and other public services already service the structure.
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. No negative impact by this petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Mike Duffy (Chair), Steven Smalley, Peter Copelas, Rosa Ordaz) and none (0) opposed to

grant JESSICA KANE a special permit under Section Section 3.3.5 *Nonconforming Single- and Two-family residential structures* of the Salem Zoning Ordinance to construct a one-story addition by encroaching into the 10' setback by about 1'.

Receiving four (4) 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.

Handwritten signature of Mike Duffy in cursive, 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.