



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

2021 NOV -1, PM 3: 03
CITY CLERK
SALEM, MASS

November 4, 2021
Decision
City of Salem Board of Appeals

The petition of 33 WSNS LLC for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing nonconforming single-family home by adding a two-story addition and raised patio at 2 OLIVER STREET (Map 35, Lot 99) (R2 Zoning District).

A public hearing on the above Petition was opened on October 20, 2021 and closed on October 20, 2021.

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 special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing nonconforming single-family home by adding a two-story addition and raised patio.

Statements of Fact:

1. The petition is date stamped September 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 expand an existing nonconforming single-family home by adding a two-story addition and raised patio.
2. 2 Oliver Street is owned by 33 WSNS LLC.
3. The petitioner is 33 WSNS LLC
4. The representative was William Quinn.
5. 2 Oliver Street is in the R2 residential two-family zone.
6. The requested relief, if granted, would allow the petitioner to construct the two-story addition and raised patio.
7. The reconstruction and addition to the structure will be to provide a new kitchen, dining room, kitchen/living room, and powder room to the first floor, and a master bedroom suite with bath, master closet, master bath and dressing room on the second floor, all as laid out in the plans by Pitman & Wardley Associates Architectural Design



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8. There is also a 1-family dwelling on the property on the second floor the existing carriage house, which is a separate structure from the applicant's dwelling.
9. The construction of 2 Oliver Street will not be changing any setbacks on the building. The construction is increasing the percentage of the existing home living space that can be used in the home.
10. The Salem Historical Commission has approved the plans submitted to them for the construction of 2 Oliver Street.
11. On October 20, 2021 Board member Paul Viccica inquires with the petitioner about whether the construction is to have additional guest quarters and will not be a second dwelling rental unit. Architect Pickman states that there is no stove included in the construction.
12. On October 20, 2021, Building commissioner, Tom St. Pierre also states that there is not a second means of egress in the construction plans which would no comply with building codes. He also clarifies that in a single family dwelling the board cannot dictate how many kitchens can be within a single-family dwelling.
13. On October 20, 2021, there were no (0) public comments for the petition at 2 Oliver St.
14. On October 20, 2021, Peter Copelas followed up with a question to verify that the construction would not be for the use as an accessory dwelling unit (ADU). Paul Viccica stated that they had the petitioner stating for the record that the new construction was not for an ADU.
15. 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.

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:

Social, economic, or community needs are served by this proposal.



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Traffic flow and safety, including parking and loading: No impact is expected.

Adequate utilities and other public services already service the structure.

Impacts on the natural environment, including drainage: No negative impact is expected.

Neighborhood character: The project is in keeping with the neighborhood character.

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.

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 Peter Souhleris the requested Special Permit per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimal lot requirement and the requested Special Permit for the petition of 33 WSNS LLC for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand an existing nonconforming single-family home by adding a two-story addition and raised patio at 2 OLIVER STREET.

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. Exterior finishes of the new construction shall be in harmony with the existing structure.
5. Petitioner shall obtain a building permit prior to beginning any construction.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.

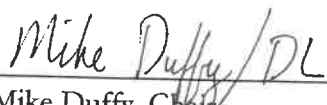


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8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
10. 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.


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.