



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

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April 28, 2020

Decision

City of Salem Board of Appeals

Petition of JAMES SULLIVAN & EMMA HAMILTON for a special permit per Sections 3.1 *Principal Uses* and 10 *Definitions* of the Salem Zoning Ordinance to renovate an existing historic carriage house to add a one-family dwelling unit on the second floor at the two-family house at 374 ESSEX STREET (Map 25, Lot 208) (R2 Zoning District).

A public hearing on the above Petition was opened on April 1, 2020 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Carly McClain, Rosa Ordaz, Steven Smalley, and Paul Viccica. Board member Jimmy Tsitsinos was absent.

The petitioner seeks a special permit per Sections 3.1 *Principal Uses* and 10 *Definitions* of the Salem Zoning Ordinance to renovate an existing historic carriage house to add a one-family dwelling unit on the second floor.

Statements of Fact:

1. In the petition date-stamped February 24, 2020, the petitioner requested a special permit per Sections 3.1 *Principal Uses* and 10 *Definitions* of the Salem Zoning Ordinance to renovate an existing historic carriage house to add a one-family dwelling unit on the second floor at the two-family house at 374 Essex Street.
2. 374 Essex Street is owned by petitioners James Sullivan and Emma Hamilton.
3. 374 Essex Street is a two-family home in the Residential Two-Family (R2) zoning district. The two-family residential use is allowed in the R2 district.
4. There is an existing two-story historic carriage house on the property.
5. The proposal is to renovate the carriage house in order to add a one-family dwelling unit. This unit would be located on the second floor of the carriage house. The first floor would continue to be used as a garage.
6. Interior and exterior renovations are planned. Under the proposal, the footprint of the carriage house would not be expanded.
7. "Dwelling unit in historic carriage house" is a use allowed by special permit from the Zoning Board of Appeals in the R2 zoning district.
8. A historic carriage house is defined in Section 10.0 *Definitions* of the Salem Zoning Ordinance as "an accessory or outbuilding, originally built to house carriages, horses, or for use as a barn, that has been in existence since 1900 and its present location."

9. Included with the application are City of Salem Ward Plans of 1874 and 1898 which appear to show the carriage house structure.
10. The property is located in the McIntire Historic District. The proposal has been granted a Certificate of Appropriateness from the Salem Historical Commission (dated December 9, 2019, as noted above).
11. The requested relief, if granted, would allow the petitioner to renovate an existing historic carriage house to add a one-family dwelling unit on the second floor.
12. The April 1, 2020 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
13. At the April 1, 2020 meeting of the Board of Appeals, Attorney William Quinn, representing the petitioners, discussed the petition. Attorney Quinn presented sections of Assessor's Maps from 1874 and 1898 that show the carriage house and label it as a stable or barn. Attorney Quinn noted that the two-story carriage house has always been used for storage of vehicles and that the second floor is unfinished loft or storage. He stated that the applicant lives in a two-story Colonial home at the front of the site. Attorney Quinn noted that properties on both sides of the backyard have renovated their carriage houses, so this will be another important precedent in saving the historic fabric of the neighborhood and preserving an original carriage house, so it is totally appropriate. Attorney Quinn stated that the design has already been approved by the Salem Historical Commission.
14. At the April 1, 2020 public hearing, Attorney Quinn discussed the grounds for the carriage house special permit, stating that this historic carriage house has been in the same location since at least 1900 and was used as a "barn, stable, or shed" in its current location. He stated that this historically appropriate renovation of an historic carriage house is an improvement over an un-improved, basically unused carriage house. Attorney Quinn added that there will be five parking spaces on site: three within the carriage house and two behind the primary building. He discussed the other special permit criteria, noting that they are met.
15. At the April 1, 2020 public hearing, architect Dan Ricciarelli of Seger Architects presented and discussed the renovation plans. He noted that much of the materials will remain; they are filing for national and state tax credits. Mr. Ricciarelli noted that the second floor is currently in bad shape, with a settlement in the middle due to an unsupported beam. The second floor will be restructured inside for a residence, and the roof will be restructured to hold up the existing slate roof and ridge. The property is undergoing a complete restoration and renovation. The garage doors will be replaced with upward-acting doors that look like carriage house doors; the windows will be glazed; the hay bale door will be a fixed light, with the barn door activated behind it.
16. At the April 1, 2020 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.
17. At the April 1, 2020 public hearing, Chair Duffy reviewed the special permit criteria, noting that Attorney Quinn has discussed them. He noted that the historic plans indicate that this carriage house was in place prior to 1900 and was shown as a barn or other designated carriage house. He noted that no concerns have been expressed regarding the project.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, 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 structure meets the definition of a historic carriage house and the proposed use will not outweigh its beneficial impacts to the City or the neighborhood.

1. Social, economic, or community needs are served by the proposal: The proposal is consistent with expectations for developing and reclaiming historic carriage houses, which is a benefit to the City.
2. Traffic flow and safety, including parking and loading: There are five compliant on-site parking spaces.
3. Existing utilities and other public services are adequate.
4. Impacts on the natural environment, including drainage: No impacts are anticipated
5. Neighborhood character: The historically sensitive restoration of this carriage house is an improvement to the neighborhood and is appropriate given the historic nature of the area and the presence of other restored historic carriage houses nearby.
6. Potential fiscal impact, including impact on City tax base and employment: Any fiscal impact, including to the City tax base, is likely to be positive.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas, Mike Duffy (Chair), Rosa Ordaz, Paul Viccica, and Steven Smalley) and none (0) opposed to grant the requested Special Permit per Sections 3.1 *Principal Uses* and 10. *Definitions* of the Salem Zoning Ordinance to renovate an existing historic carriage house to add a one-family dwelling unit on the second floor at the two-family house at 374 Essex 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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. All construction shall be done per the plans and dimensions submitted to and approved by this Board. 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.


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.