



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

2021 NOV -11 PM 3: 02
CITY CLERK
SALEM, MASS

November 4, 2021
Decision
City of Salem Board of Appeals

Petition of PETER SOUHLERIS, for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to convert a single-family dwelling to a two-family dwelling at 44 BUFFUM STREET (Map 27, Lot 82) (R2 Zoning Districts).

A public hearing on the above Petition was opened on September 22, 2021 pursuant to M.G.L Ch. 40A, § 11 continued to October 20, 2021; and closed on October 20, 2021.

On September 22, 2021, Those of the Salem Board of Appeals present were Mike Duffy (Chair), Paul Viccica, Carly McClain, Rosa Ordaz, and Peter Copelas.
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 a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to convert a single-family dwelling to a two-family dwelling at 44 Buffum Street .

Statement of Facts:

1. In the petition date-stamped August 30, 2021, the petitioner requested a special permit per Section 4.1.1 Table of *Dimensional Requirements* to “to convert a former two-family dwelling back to a two-family dwelling from a single-family dwelling.” at 44 Buffum Street.
2. 44 Buffum Street is owned by John and Terri Tirabassi.
3. The petitioner was Peter Souhleris
4. They were represented by attorney Scott Grover
5. 44 Buffum Street is a single-family home in the Residential Single-Family (R2) zoning district.
6. The requested relief, if granted, would allow the petitioner to make the current single-family dwelling into a two-family dwelling.
7. One (1) member of the public called in. Ken Meilkarz who is an abutter at 42 Buffum expressing the fact that water from the driveway pitch has continually been draining water into his cellar.



CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

KIMBERLEY DRISCOLL
MAYOR

8. The petitioner agreed to construct a drainage ditch to drain water away from 42 Buffum Street.
9. The Building Commissioner reiterated that zoning ordinance requires two feet of pavement from the abutter's property line to be included in the construction of the drainage ditch.
10. There were twelve (12) signatures supporting the approval for a special permit for 44 Buffum Street.
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 October 20, 2021 meeting of the Board of Appeals was held remotely, via the online platform

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.
2. Traffic flow and safety, including parking and loading: No 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; drainage would remain on-site.
5. Neighborhood character: The project is in keeping with the neighborhood character. This is a rather minor addition in the rear of the house.
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 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



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

minimal lot requirement and the requested Special Permit **Section 3.3.5 Nonconforming Single- and Two-Family Residential Structures** to convert a single-family dwelling into a two-family dwelling at 44 Buffum 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. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. 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.

Special Conditions:

1. To remediate the drainage issue which affects the neighbor at 42 Buffum Street and the driveway edge shall be kept two (2) feet from the property line.



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

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 Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to convert a single-family dwelling into a two-family dwelling at 44 Buffum Street.


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.