



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS: 38
BOARD OF APPEALS
CITY CLERK
SALEM, MASS

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

February 18, 2021

Decision

City of Salem Board of Appeals

Petition of RANDY GREENSPON & FRANCESCA SPARACIO for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to remove an existing accessory structure, and extend an existing non-conforming single-family residential structure by adding an attached three-bedroom dwelling unit atop a garage which would create a new nonconformity in minimum lot area per dwelling unit at 50 BRIDGE STREET (Map 36, Lot 172) (R2 and ECOD Zoning Districts).

A public hearing on the above Petition was opened on February 17, 2021 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Mike Duffy (Chair), Paul Viccica, Carly McClain (Alternate), and Steven Smalley (Alternate). Board members Peter A. Copelas, Rosa Ordaz, and Jimmy Tsitsinos were absent.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to remove an existing accessory structure, and extend an existing non-conforming single-family residential structure by adding an attached three-bedroom dwelling unit atop a garage which would create a new nonconformity in minimum lot area per dwelling unit at 50 Bridge Street.

Statements of Fact:

1. In the petition date-stamped February 18, 2021, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures*, and a variance from Section 4.1.1 *Dimensional Requirements* for relief from minimum lot area per dwelling unit. Staff Planner, Lev McCarthy, and Building Commissioner, Tom St. Pierre, determined that the proposal would not require a variance since the proposed new nonconformity would be included in the special permit per Section 3.3.5. Mr. McCarthy conferred with the petitioner, and the Legal Notice for this petition only includes the special permit.
2. 50 Bridge Street is owned by petitioners Randy Greenspon and Francesca Sparacio. The petitioners were represented by Brian Stein.
3. 50 Bridge Street is a single-family home located in the Residential Two-Family (R2) zoning district.



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4. The property is nonconforming to dimensional requirements including at least minimum depth of front yard and total lot area. The certified plot plan submitted with the application shows that, the existing home is 4.9 feet from the Bridge Street lot line, and 6.1 feet from the March Street lot line. The minimum depth of front yard in the R2 zoning district is 15 feet. Per the plot plan, the total lot area is 8,034 square feet. The minimum lot area required is 15,000 square feet.
5. The lot at 50 Bridge Street also contains an existing accessory structure. Per the application, the accessory structure was previously a nonconforming commercial use, and at the time of the application was, “in very poor condition and needs to be raised”. The proposal includes removing this existing accessory structure.
6. The proposal is to remove the existing accessory structure, and extend the existing nonconforming single-family residential structure by adding an attached three-bedroom dwelling unit atop a car garage. The proposed extension would be within the minimum front yard setback, but no closer than the front lot line than the existing nonconforming structure, and further from the lot line than the accessory structure the proposal would remove.
7. 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 February 17, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
8. At the February 17, 2021 public hearing, representative Brian Stein presented the proposal. Mr. Stein provided photos of the existing house and accessory structure, and plans of the proposed changes. Mr. Stein explained that the accessory structure is in poor condition. He stated that the project is to extend the existing single-family home by adding a three-bedroom dwelling unit atop an oversized garage. He stated the proposed project would generate some income for the property owners and provide housing for the city. He noted that the R2 zone requires 7,500 sq ft per dwelling unit, and this lot is only about 8,000 sq ft. The project would increase impervious surface on the lot from an existing 31 percent to just over 33 percent. Mr. Stein describes how the addition is designed to align with the existing house with gable roofs, the same pitch, and same trim. There will be parking on the northwest side of the property. There is an existing curb cut that is shared with the adjacent property, 5 March Street. He noted that the addition will be visible from Bridge Street.
9. At the February 17, 2021 public hearing Mr. Viccica asked for more information about the parking. Mr. Stein used the provided certified plot plan to show where there is an existing curb cut that is shared with the adjacent property. Mr. Stein confirmed they are hoping to use two existing curb cuts to accommodate the proposed parking. Mr. St. Pierre confirmed



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- that the maximum curb cut is 20 feet total. Mr. Stein confirmed that they would not exceed 20 feet. If they do, they will pursue additional relief.
10. At the February 17, 2021 public hearing Mr. St. Pierre asked if the applicant has received a waiver for demolition for the accessory structure they are proposing to remove. Mr. St Pierre recommended that they begin that process soon. Mr. Viccica recommended that the Board add a special condition to the decision that a Waiver of Demolition Delay Ordinance must be obtained prior to the removal of that structure.
 11. Mr. Viccica noted that there were two sizable condensing units that seem to be removed from the proposal. He asked where they will be relocated. Mr. Stein stated the condensing units will be placed behind the proposed garage, not within the required setbacks.
 12. At the February 17, 2021 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.

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 proposal is going to take down a dilapidated accessory structure, will provide an additional housing opportunity, and enhancing the value of this property.
2. Traffic flow and safety, including parking and loading: No negative impact is expected, and the addition of a garage will allow the owners to park their vehicles in a garage.
3. Adequate utilities and other public services already service the structure.
4. Impacts on the natural environment, including drainage: While there is a slight addition in lot coverage, the proposal addresses drainage and seems to mediate any impacts.
5. Neighborhood character: The designs look to be in keeping with the existing character of the neighborhood.



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6. Potential fiscal impact, including impact on City tax base and employment: There is potential positive fiscal impact on the city tax base and employment.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Steven Smalley, Paul Viccica, Mike Duffy (Chair), and Carly McClain) and none (0) opposed to grant to **Randy Greenspon & Francesca Sparacio** a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to remove an existing accessory structure, and extend an existing non-conforming single-family residential structure by adding an attached three-bedroom dwelling unit atop a garage which would create a new nonconformity in minimum lot area per dwelling unit at **50 Bridge 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. Certificate of Occupancy 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. 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.



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Special Conditions

1. A Waiver of Demolition must be granted before the demolition of the existing accessory structure.

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.