



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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November 30, 2022

Decision

City of Salem Board of Appeals

The petition of MATTHEW FORMICA at 13 MALL STREET (Map 35, Lot 133) (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 dormer addition that will bring the total amount of stories to three (3). In the R2 district the maximum height is two and a half (2.5) stories.

A public hearing on the above petition was opened on November 16, 2022 and was closed on November 16, 2022.

On November 16, 2022, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter Copelas (Acting Chair), Carly McClain, Nina Vyedin and Steven Smalley.

Statements of Fact:

The petition is date stamped September 20, 2022. 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 dormer addition that increases the amount of stories to three (3).

1. 13 Mall Street is owned by Matthew Formica and Susan Tuxbury.
2. The petitioner was Matthew Formica.
3. 13 Mall Street is located in the R2 zoning district. (Map 35, Lot 133).
4. The requested relief, if granted, would allow the Petitioner to a construct a dormer addition that brings the total of stories to three (3).
5. On November 16, 2022, Sunir Lutfija, Seger Architects, Inc. presented to the board. Mr. Lutfija explained that this is a 2 ½ story home in the R2 zoning district. The home currently has a bedroom at the third floor of the property with limited height. The addition of the shed dormer will provide additional space on the upper most floor. Mr. Lutfija stated that they are keeping the

- dormer in from the edge of the roof line to minimize the massing on the upper floor.
6. The proposed siding, windows and trim will match the existing conditions of the house.
 7. Peter Copelas opened the meeting up to questions from the Board.
 8. Mr. Copelas inquired if there was already a dormer on one side and they are requesting to add another dormer on the other side of the roof. Mr. Lutfija stated that there are currently two small gable style pop out windows. The proposed dormer would go on the other side of the home.
 9. There were no questions from the rest of the board.
 10. The meeting was opened to public comment.
 11. Kerry Murphy, 10 ½ Mall Street, stated she was in support of the proposed shed dormer addition.
 12. A letter of support for the petition from John and Nadene Stillings, at 15 Mall Street was read for the record.
 13. Mr. Copelas discussed the criteria for a special permit.
 14. Nina Vyedin made a motion to approve the petition.
 15. The November 16, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Steven Smalley, Peter Copelas(Acting Chair), Rosa Ordaz, Carly McClain and Nina Vyedin and none (0) opposed to grant MATTHEW FORMICA at 13 MALL STREET, a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a dormer addition that will bring the total amount of stories to three (3).

Receiving five (5) in favor votes, the petition for a Special Permit is GRANTED.

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.
10. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Peter Copelas/Acting 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.

