



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
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**November 30, 2022**

### **Decision**

### **City of Salem Board of Appeals**

The petition of SHEILA CONNELLY and PING YIP at 15 FAIRFIELD STREET (Map 34, Lot 35) (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 demolish an existing unheated porch and to construct a fourteen foot by eleven foot (14' X 11') heated porch. Petitioner also wishes to construct a second-floor addition above the proposed new porch.

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 October 20, 2022. The petitioner seeks to demolish an existing unheated porch and to construct a fourteen foot by eleven foot (14' X 11') heated porch and to construct a second-floor addition above the proposed new porch.

1. 15 Fairfield Street is owned by Sheila Connelly and Ping Yip.
2. The petitioner was Sheila Connelly and Ping Yip.
3. 15 Fairfield Street is located in the R2 zoning district. (Map 34, Lot 35).
4. On November 16, 2022, Sheila Connelly and Ping Yip presented to the board. Ms. Connelly stated that the project consists of replacing an existing first floor porch and adding a second floor above the to be replaced porch. They have a porch that was built in the 50's and the roof is leaking. They had to turn the electricity off. The steps are crumbling. The wood is rotting. It is really time to demolish and replace the porch. Ms. Connelly mentioned that the line of the porch alongside the driveway will not change. The steps will be removed

- and a new set of steps will be put on the other side. In addition, they want to add a second floor to the porch to create a master bathroom connected to the master bedroom. The new work being proposed for the new porch and the second story bathroom will add about three hundred (300) square feet of indoor space to the property.
5. Mr. Copelas inquired about how the roof line will look when the addition is complete. Mr. Yip stated that they will be matching the style and the pitch of the roof with the second-floor addition.
  6. Mr. Copelas opened the meeting to public comments. There were none.
  7. Nina Vyedin asked the petitioner if any trees will be impacted during the construction of the addition. Ms. Connelly stated that there was a large copper Beech tree and their neighbor had recently trimmed the tree and would not be impacted by the construction of the addition.
  8. Mr. Copelas read letters for the record for the file. Letter was from J. Cohen Ward 5 Councilor.
  9. Mr. Copelas went over the criteria for a special permit.
  10. Nina Vyedin made a motion to approve the petition.
  11. 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 fact and findings, the Salem Board of Appeals voted five (5) in favor (Steven Smalley, Nina Vyedin, Rosa Ordaz, Carly McClain and Peter Copelas (Acting Chair) and none (0) opposed to grant SHEILA CONNELLY and PING YIP a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to demolish an existing unheated porch and to construct a fourteen foot by eleven foot (14' X 11') heated porch with a second-floor addition above the new porch.

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

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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.