



ACTING MAYOR
ROBERT K. MCCARTHY

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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April 10, 2023

Decision

City of Salem Board of Appeals

The petition of WILLIAM MUNROE at 19 WINTER ISLAND ROAD (Map 44, Lot 24) (R1 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Structures* of the Salem Zoning Ordinance to add a deck with stairs on one side of the house on the first-floor level with a balcony above at the second-floor level. These structures will be within the required setback of ten feet.

A public hearing on the above petition was opened on March 22, 2023 and was closed on March 22, 2023.

On March 22, 2023, the following members of the Salem Board of Appeals were present: Peter A. Copelas (Chair), Carly McClain, Paul Viccica, Nina Vyedin and Steven Smalley.

Statements of Fact:

The petition is date stamped February 16, 2023. The petitioner requests to build a deck with stairs on one side of the house on the first-floor level with a balcony above at the second-floor level.

1. 19 Winter Island Road is owned by William Munroe.
2. The petitioner was William Munroe.
3. William Munroe was represented by Attorney, Scott Grover.
4. 19 Winter Island Road is located in the R1 zoning district. (Map 44, Lot 24).
5. On March 22, 2023 Scott Grover presented the plans to the board. The lot at 19 Winter Island Road is approximately three thousand square feet (3,000 Sq.ft). The property is a corner lot.
6. The property at 19 Winter Island Road is an existing nonconforming structure. It does not conform to the front and side setbacks or lot area of an R1 Zoning District.

7. Peter Pitman, Pitman and Wardley Associates, discussed the plans for 19 Winter Island Road to the board.
8. Currently, there is not a lot of outdoor space at the location. The petitioner would like to utilize what they have for outdoor space by adding two decks to the property. A larger deck on the first floor and a balcony deck, above, for the second floor.
9. The proposed decks will encroach slightly into the side setbacks of the property. This will increase the nonconformity of the property.
10. Attorney Grover stated that the new nonconformity will be no more detrimental to the neighborhood and will have a minimal impact in the neighborhood.
11. Attorney Grover stated that Mr. Munroe did speak to all his direct abutters and the neighbors stated that they approved of Mr. Munroe's petition.
12. Attorney Grover went over the criteria for acquiring a special permit.
13. Peter Pitman went over the plans for the proposed deck.
14. Chair Copelas stated he liked the design of the project and was glad to hear that the petitioner had spoke with the neighbors to get feedback for the deck proposal.
15. Chair Copelas opened the meeting up to questions from the members of the board.
16. Nina Vyden stated she felt this was a nice design and a good project for the area.
17. There were no more questions from the board.
18. Chair Copelas opened the meeting up to the public.
19. Doug Karam, 25 Winter Island Road, stated that he approves of the proposal.
20. Paul Viccica made a motion to approve the petition.
21. The March 22, 2023 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, Peter Copelas(Chair), Carly McClain, Nina Vyedin and Paul Viccica and none (0) opposed to grant WILLIAM MUNROE at 19 WINTER ISLAND ROAD a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Structures* of the Salem Zoning Ordinance to add a deck with stairs on one side of the house on the first-floor level with a balcony above at the second-floor level.

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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. 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.
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 A. Copelas/ 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.