



DOMINICK PANGALLO  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

**November 6, 2023**

## **Decision**

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

The petition of ROBERTA REDDY at 31 CALUMET STREET (Map 10, Lot 57) (R1 Zoning District) to amend a previous Board of Appeals decision. Applicant is seeking a Variance per Section *4.1.1 Dimensional Requirements* of the Salem Zoning Ordinance to apply the same relief that was in the original decision to the third lot at the property. The relief would be for lot area per dwelling unit and minimum lot area.

A public hearing on the above petition was opened on October 18, 2023 and was closed on October 18, 2023.

On October 18, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Nina Vyedin, Rosa Ordaz and Hannah Osthoff.

### **Statements of Fact:**

The petition is date stamped September 22, 2023. The petitioner proposes to amend a previous Board of Appeals decision to apply the same relief that was in the original decision to the third lot at the property. The relief would be for lot area per dwelling unit and minimum lot area.

1. 31 Calumet Street is owned by Roberta Reddy.
2. The petitioner is Roberta Reddy.
3. The representative is Scott Grover.
4. 31 Calumet Street is located in the R1 zoning district. (Map 10, Lot 57).
5. On October 18, 2023, Attorney Scott Grover presented the plans to the board.
6. Attorney Grover reviewed the relief granted in the 2021 Board of Appeals decision. The original petition granted three lots from the original parcel at 31 Calumet Street. Two of the lots were new vacant lots consisting of approximately 9,995 sq.ft. with frontage of 100 feet.
7. At the time of the original petition, the plot plan stated that the northerly lot, where the Reddys lived was 15,000 sq.ft as required by the Salem Zoning Ordinance for the R1 district.

8. The problem arose when the Reddys were preparing to develop the new lots, Mr. Tarazona, the surveyor, who drafted the approved plan, discovered that a small portion at the southerly end had been deeded to an abutter many years ago. As a result, there was not enough land area to maintain the size of the lot with the dwelling at 15,000 square feet. On the newly submitted plan, the lot is now shown correctly at 12,503 square feet.
9. The lot lines at 31 Calumet Street had to be shifted to accommodate the survey results that were discovered to be incorrect. This shrunk the size of the previously conforming lot with the original building.
10. The petitioner is seeking relief for the third lot that was extended to the two other lots for lot area and lot area per dwelling in the original petition. The frontage on all three lots remains conforming at 100 feet.
11. Attorney Grover discussed the statement of hardship for the requested variance.
12. There is a significant amount of ledge that exists at this property that prevents it being from being used for any productive purposes without incurring significant cost to remove that ledge. The cost of extending the unbuilt portion of Calumet Street and bringing utilities such as water and sewer to the property adds a major expense to the use of the undeveloped portion of the land.
13. Attorney Grover reminded the Board that during the original petition the Board found that those costs were significant if the zoning ordinance was strictly enforced. Only one additional lot could be created beyond the house lot.
14. Attorney Grover stated that they are back in front of the Board because in the original petition they did not seek relief for the lot with the Reddy's home on it due to the plot plan. Once they discovered the issue on the plot plan, the Reddys returned to the Board to request the appropriate relief for all three lots at 31 Calumet Street.
15. Chair Copelas expressed concern about the lack of specificity in the original decision about what was approved at 31 Calumet Street.
16. Attorney Grover replied that the plan that was approved and used for the petition is for three lots. The request for the amended decision is for the lot with the structure on it that does not meet the dimensional requirements of the original decision. The third lot, the lot with the home on it is slightly smaller than it was shown on the approved plot plan.
17. Nina Vyden stated she wanted more clarity on what relief was being requested.
18. Chair Copelas stated that the petition in front of the board was to grant a variance to the lot with the structure on it because that lot was actually incorrect when approved for the original decision in 2021.
19. Chair Copelas stated the current request to amend the decision is to grant a variance for the lot (A-1 on submitted plot plan) that has the structure on it. That particular lot received a variance; however, the dimensions were inaccurate on the approved plans. The petitioner is here today to amend the decision to received a variance for lot A-1. The dimensions for parcels B and C are the same and will not change.
20. Chair Copelas opened the meeting up to public comment. There were none.

21. Attorney Grover reiterated that the frontage of lot A-1 was 150 feet. And they are in front of the board because now the frontage of A-1 is 125 feet.
22. Attorney Grover reviewed the criteria for a variance. He stated that the hardship is there are significant costs to redevelop these two lots. The road needs to be extended. There is significant amount of ledge needs to be removed and utilities need to be brought up. Water and sewer that needs to be brought in from the Peabody side of Calumet Street to serve this property. If the zoning ordinance were strictly enforced, one would end up with just two lots, the one with the house and one additional lot. And that is not enough to sustain the cost of developing it at all. One would have this large parcel of land that you could not do anything with other than keep the existing house on it. That creates the hardship. And then the third element of the variance request that it be consistent with the intent of the Zoning ordinance. That is that the lots up in that area, are of similar size to the ones that are proposed here. We are doing something that that is consistent with the goals of zoning, which is to have harmonious use of properties, consistent sizes and properties, things like that.
23. Chair Copelas inquired if any board members had any more to contribute.
24. The board stated that they felt comfortable to move forward with a vote on this petition.
25. Nina Vyden made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas(Chair), Nina Vyden, Rosa Ordaz, and Hannah Osthoff and none (0) opposed to amend the decision for ROBERTA REDDY at 31 CALUMET STREET and to grant a a Variance per Section *4.1.1 Dimensional Requirements* of the Salem Zoning Ordinance to apply the same relief that was in the original decision to the third lot (A-1) at the property. The relief would be for lot area per dwelling unit and minimum lot area.

**Receiving four (4) 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. 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.
8. 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.
9. 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.