



DOMINICK PANGALLO
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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December 11, 2023

Decision

City of Salem Board of Appeals

The petition of GAETANO FODERA at 38 WILLSON STREET (Map 24, Lot 39) (R1 Zoning District) for a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to extend the existing second-floor mudroom approximately 10 feet outward to be flush with the existing deck. The existing deck would also be closed by the extension of the existing roof.

A public hearing on the above petition was opened on October 18, 2023 and was continued to the November 15, 2023 hearing. It was closed on November 15, 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.

On November 15, 2023 the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Paul Viccica, Nina Vyedin, Rosa Ordaz and Hannah Osthoff.

Statements of Fact:

The petition is date stamped September 6, 2023. The petitioner proposes to extend the existing second-floor mudroom approximately 10 feet outward to be flush with the existing deck. Petitioner proposed to enclose the extended deck.

1. 38 Willson Street is owned by Gaetano Fodera.
2. The petitioner was Gaetano Fodera.
3. The representative was Marc Maniscalco.
4. 38 Willson Street is located in the R1 zoning district. (Map 24, Lot 39).
5. On October 18, 2023, Marc Maniscalco presented the plans to the board.
6. Mr. Fodera purchased the property in 2017. They want to expand the living space to accommodate their growing family.

7. The property is a two-family residence, in which Mr. Fodera and his family live on the second floor.
8. Mr. Maniscalco reviewed the submitted plans for the board. The proposed addition to the mudroom would add an additional four hundred (400) square feet of living space.
9. Hannah Osthoff stated that she was having a hard time understanding the requested relief based on the plans. She inquired if the first floor under the proposed extension will continue to be exposed or is it being closed in as well.
10. Mr. Maniscalco showed board members photographs of the property to try and give a better understanding of the requested relief.
11. Board members expressed their concern for this petition with the lack of submitted details in the plans.
12. The Board requested the representative to continue to the next board meeting. This was to provide additional time to gather the proper documentation for the next board meeting. Board members requested renderings and elevations to accompany the petition.
13. Mr. Maniscalco agreed and requested to continue to the next meeting that is on November 15, 2023.
14. On November 15, 2023, Mr. Maniscalco reiterated to the board that the variance request for this petition had been removed after discussions with the Building Commissioner. They were only seeking relief via special permit.
15. Mr. Maniscalco shared with the board the petitioner's updated elevations and renderings for the project. The deck would be covered and it would be flush with the roof.
16. Mr. Maniscalco reiterated the elevations for the structure would not change with this project. And the house is within the required setback for the R1 Zoning District.
17. Mr. Maniscalco stated that this needed a special permit and not by-right is because the structure exceeds thirty (30%) percent of lot area coverage due to its non-conforming nature.
18. Mr. Copelas opened the meeting to questions from the board. There were none.
19. Mr. Copeals opened the meeting to public comment. There were none.
20. Hannah Osthoff made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas(Chair), Nina Vyden, Carlie McClain, Hannah Osthoff and Paul Viccica and none (0) opposed to grant GAETANO FODERA at 38 WILLSON STREET (Map 24, Lot 39) (R1 Zoning District) a Special Permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to extend the existing second-floor mudroom approximately 10 feet outward to be flush with the existing deck. The existing deck would also be closed by the extension of the existing roof.

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. 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.