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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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August 14, 2023

Decision

City of Salem Board of Appeals

The petition of DEREK THOMAS at 46 BRIDGE STREET (Map 36, Lot 192) (R2, BRIDGE STREET NECK (BSN) Zoning Districts) for a Special Permit per Section *3.3.5 Single- and Two-Family Structures* of the Salem Zoning Ordinance. The petitioner proposes to convert a single-family residence into a two-family residence. The lot is non-conforming at 3375 sqft/ 5000 sqft required.

A public hearing on the above petition was opened on June 21, 2023 and was continued to July 19, 2023 and closed on July 19, 2023.

On June 21, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas(Chair), Carly McClain, Paul Viccica, Nina Vyedin and Hannah Ostoff.

On July 19, 2023 the following members of the Salem Board of Appeals were present: Peter Copelas(Chair), Carly McClain, Rosa Ordaz, Paul Viccica, Nina Vyedin and Hannah Ostoff.

Statements of Fact:

The petition is date stamped May 30, 2023. The petitioner proposes to convert a single-family residence into a two-family residence.

1. 46 Bridge Street is owned by Derek Thomas.
2. The petitioner was Derek Thomas.
3. 46 Bridge Street is located in the R2 and BSN zoning districts. (Map 36, Lot 192).
4. On June 21, 2023, Chair Copelas inquired with the petitioner, Derek Thomas, as to the location of the required materials for submittal for a variance

- application. Mr. Thomas stated that he did not submit one and would like to continue the petition to get the proper documentation ready for the board.
5. Nina Vyden made a motion to approve the continuance to the July 19, 2023 meeting.
 6. On July 19, 2023, Representative Anne Reynolds presented the plans to the board. Ms. Reynolds stated that the proposed use of a two-family home is allowed by right. 46 Bridge Street is a pre-existing nonconforming structure.
 7. Ms. Reynolds presented to the board that in the Bridge Street Neck Overlay District, only one parking space per unit is required. This is why the need for 1.5 spaces does not apply for this petition.
 8. Ms. Reynolds stated that all construction will be within the structure. There will be no increase in the footprint of the building.
 9. Ms. Reynolds reviewed the criteria for a special permit. The board found that the petition met the criteria for a Special permit.
 10. Chair Copelas opened the meeting to questions from the board. There were none.
 11. Chair Copelas opened the meeting up to public comment.
 12. There were none.
 13. 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 five (5) in favor (Peter A. Copelas(Chair), Rosa Ordaz, Nina Vyden, Carly McClain and Paul Viccica and none (0) opposed to grant DEREK THOMAS a Special Permit per Section *3.3.5 Single- and Two-Family Structures* of the Salem Zoning Ordinance.

Receiving four (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.

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.