



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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

November 30, 2022

Decision

City of Salem Board of Appeals

The petition of JUSTIN MATTERA at 57 MEMORIAL DRIVE (Map 42, Lot 12) (R1 Zoning District), for a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand the existing second floor and to construct an addition to one side. In addition, the front porch will be enclosed. A new porch, deck and pool will be constructed. The building does not conform to the thirty (30) foot rear setback.

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 26, 2022. The petitioner seeks to expand the existing second floor and to construct an addition to one side. In addition, the front porch will be enclosed. A new porch, deck and pool will be constructed.

1. 57 Memorial Drive is owned Justin Mattera
2. The petitioner was Justin Mattera.
3. Justin Mattera was represented by Attorney Scott Grover and Steven Livermore, Architect.
4. 57 Memorial Drive is located in the R1 zoning district. (Map 42, Lot 12).
5. On November 16, 2022, Attorney Scott Grover presented to the board. Currently, the house does not comply with the required thirty (30) feet of rear yard setback. This makes it a legally non-conforming structure. Mr. Mattera is trying to expand the size of his home to provide room for his growing family.

6. Mr. Mattera is proposing to expand the second story of the building and construct a new addition on one side. The existing front porch will be enclosed, a new porch will be created and a deck and a pool will be included in the improvements. This proposed expansion will increase the nonconformity of the rear set back.
7. Attorney Grover mentioned that the property just to the right, is 59 Memorial Avenue was a petition that Mr. Grover brought before the Board of Appeals a few years ago, and a very similar edition was allowed by the board. This proposal is consistent with what's happening in that neighborhood.
8. Mr. Grover mentioned that there is a construction program going on with the city owned land that is adjacent to the property to stabilize and restore the old sea wall which is helping to enhance the natural environment. Mr. Grover mentioned that with all the improvements going on near and at the property, the tax revenue for the city will be increased.
9. Steven Livermore, Architect, discussed the proposed plans with the board.
10. Peter Copelas inquired about the change in location for the driveway to the home. The proposed plans have the driveway changing sides which would require an approximately twenty-foot curb cut.
11. Tom St. Pierre, Building Commissioner, stated that twenty feet of curb cut is allowed by right in the R1 zoning district. However, the petitioner will need to close up the current driveway with a curb by project's completion, if approved.
12. Mr. Copelas opened the meeting up to public comment. There were none.
13. Mr. Copelas read letters from neighbors Terry and Brenda Buckley at 58 Memorial Avenue, supporting the project.
14. Patrick Sargent, 48 Memorial Avenue, stated he was in favor of the petition.
15. Steven and Cindy Navarro, 55 Memorial Avenue, stated they felt the petition would be a positive enhancement to the neighborhood.
16. Mr. Copelas went over the criteria for a special permit.
17. Rosa Ordaz made a motion to approve the petition.
18. 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, Peter Copelas (Acting Chair), Rosa Ordaz, Carly McClain, and Nina Vyedyn and none (0) opposed to grant JUSTIN MATTERA a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand the existing second floor and to construct an addition to one side. In addition, the front porch will be enclosed and a new porch, deck and pool will be constructed.

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. 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 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.

