



DOMINICK PANGALLO  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

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**August 21, 2023**

### **Decision**

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

The petition of PAUL AND BETH FRANCIS at 1 ROSEDALE AVENUE (Map 31, Lot 241) (R1 Zoning District) for a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to remove an existing dilapidated solarium structure (sunroom) and replace it with a single-story addition. The petitioner also proposes to construct a new deck.

A public hearing on the above petition was opened on August 16, 2023 and was closed on August 16, 2023.

On August 16, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Carly McClain, Paul Viccica, Rosa Ordaz and Hannah Osthoff.

### **Statements of Fact:**

The petition is date stamped July 13, 2023. The petitioner proposes to remove an existing dilapidated solarium structure (sunroom) and replace it with a single-story addition and a new deck.

1. 1 Rosedale Avenue is owned by Paul and Beth Francis.
2. The petitioner was Paul and Beth Francis.
3. The representative was Architect William Nolan.
4. 1 Rosedale Avenue is located in the R1 zoning district. (Map 31, Lot 241).
5. On August 16, 2023, William Nolan presented the plans to the board.
6. Mr. Nolan reviewed the plot plan and discussed the layout of the property. Mr. Nolan explained that due to growing family size, the petitioners are looking to expand the available space for gatherings.
7. The sunroom (solarium) is currently in poor condition (dilapidated) which is the reason the petitioner has come to the Board of Appeals. They want to

reconstruct that portion of the home and connect it to the room with the bay window that has views of the harbor.

8. The proposed addition is approximately sixty-five square feet and once completed, will in-fill the space between the bay window room and where the current sunroom is. They will not be increasing the nonconformity of the home with this proposal.
9. The need to replace the sunroom is the genesis for the project.
10. The petitioner is looking to square off the home and create additional living space.
11. Mr. Nolan reviewed the floor plans for the interior view of the proposed addition.
12. Mr. Nolan reviewed the plans for the existing deck which they are proposing to expand to the existing bulkhead with the proposal. The deck is approximately twelve to fifteen inches in height and will not require a railing.
13. Peter Copelas inquired about the floor plans and how there was another sixty-five square foot addition on the other side of the deck.
14. Mr. Nolan stated that the plans had a copy and paste of a note from the other side of the deck and that they are not adding the sixty-five square foot addition on the right side of the deck. That was an error on the plans.
15. Chair Copelas opened the meeting to questions from the board.
16. Hannah Ostoff inquired about the height of the deck and if it will need a railing.
17. Mr. Nolan stated that the deck, by code, will not need a railing. However, due to the grandchildren being present at the home, he wanted to reserve the right to have a railing if the owners requested one.
18. Chair Copelas opened the meeting to public comments.
19. There were none.
20. Mr. Nolan reviewed the criteria for a special permit.
21. Rosa Ordaz 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 Copelas(Chair), Rosa Ordaz, Carly McClain, Hannah Osthoff and Paul Viccica and none (0) opposed to grant PAUL AND BETH FRANCIS at 1 ROSEDALE AVENUE a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to remove an existing dilapidated solarium structure (sunroom) and replace it with a single-story addition and a new deck.

**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.

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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.

