



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

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2019 MAY 29 PM 2:39

CITY CLERK  
SALEM, MASS

May 29, 2019

### Decision

### City of Salem Board of Appeals

**Petition of DEARBORN LLC for a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to convert a historic carriage house into a dwelling unit at 30 1/2 DEABORN STREET (Map 27, Lot 441) (R2 Zoning District).**

A public hearing on the above Petition was opened on May 15, 2019 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Peter A. Copelas, Jimmi Heiserman, Patrick Shea, Jimmy Tsitsinos, and Paul Viccica (Alternate).

The Petitioner seeks a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to convert a historic carriage house into a dwelling unit.

#### **Statements of Fact:**

1. In the petition date-stamped April 2, 2019, the Petitioner requested a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to convert a historic carriage house into a dwelling unit.
2. Donna Goulart, acting for petitioner Dearborn LLC, presented the petition.
3. The property is a single-family home located in the Residential Two-Family (R2) zoning district.
4. The petitioner is proposing to convert the historic carriage house on the property into a dwelling unit. The proposal includes renovations. As noted in the Statement of Grounds submitted with the application, the proposal includes pouring a new foundation, stabilizing the structure, and bringing the structure up to code, in addition to internal and external renovations. Changes include bringing utility lines out to the carriage house, adding an "entry stoop," and "adding windows appropriately, significantly improving each of the four elevations and rehabilitating the building."
5. The footprint and height of the building will not change under this proposal.
6. "Dwelling unit in historic carriage house" is a use allowed by special permit from the Zoning Board of Appeals in the R2 zoning district.
7. A historic carriage house is defined in Section 10 *Definitions* of the Salem Zoning Ordinance as "An accessory or outbuilding, originally built to house carriages, horses, or for use as a barn, that has been in existence since 1900 at its present location."
8. The petitioner provided documentation supporting the historic presence of the carriage house, including two emails and Plate 9 of the 1897 Salem Atlas. Plate 9 of the 1897 Salem Atlas shows this carriage house structure. This documentation was provided to demonstrate that the structure meets the definition of a historic carriage house as defined in Section 10 of the Salem Zoning Ordinance.

9. The requested relief, if granted, would allow the petitioner to convert the existing historic carriage house on the property into one dwelling unit.
10. The application was accompanied by plans and elevations prepared by LDa Architecture & Interiors, titled "Dearborn Carriage House" and dated March 18, 2019.
11. At the May 15, 2019 public hearing John Day of LDa Architects & Interiors, representing the petitioner, presented the petition. Mr. Day described the proposed renovations. Mr. Day stated that it is a pre-existing nonconforming condition. He noted that they are not proposing to enlarge the footprint or the height of the carriage house. The only coverage enlargement is a stoop at the door. He noted that they are proposing to add dormers and convert the use. The carriage house structure is currently used as a garage with interior stairs and a second floor. He explained that the structure is on a slab that has cracked, moved, and lifted, and that they propose to renovate the building and modernize systems and insulation. All utilities will be housed inside the structure. The garage door opening will be maintained, but will be replaced by fixed doors with glass in them, to maintain the carriage house style. The hay loft door will remain. Dormers will be added at a story and a half on both sides of the structure, and windows will be added for daylight and ventilation. Mr. Day stated that the building will be completed using materials with historic character, including cedar and trims appropriate to the neighborhood and the carriage house. Mr. Day explained the interior layout of the proposed dwelling unit. Gutters will be added to the exterior to control rainwater. No curb cut is proposed and no additional parking is required.
12. Mr. Day explained that this is proposed to be used by the owners in the summer time. Mr. Day stated that structure is not proposed to be used for short-term rentals.
13. Peter Copelas asked about the exterior changes. Mr. Day confirmed that the dormers and the overhang at the front door, as well as fenestration, are the only additions to the exterior. Mr. Day stated that the eave line and the roof angle remain the same. Mr. Day explained the addition of the foundation and crawl space for mechanicals.
14. Chair Duffy summarized a memo submitted by Patti Kelleher, City of Salem Preservation Planner. Chair Duffy noted that Patti Kelleher described some of the historic features of the carriage house and commented that this proposal would be consistent with the City's historic carriage house regulations. Chair Duffy also noted that the Board received letters from Brian Dawson of 30 Dearborn Street, Michael and Agnes Jacob of 26 Southwick Street, and Debra Lojko of 32 Dearborn Street, all in support of the petition.
15. At the May 15, 2019 public hearing, three (3) members of the public spoke in favor of the petition and no (0) members of the public spoke in opposition to the petition. In response to a question from Arthur Sharp of 29 Orchard Street, Mr. Day stated that their intention is to maintain the maple tree on the property.
16. In response to a question about short-term rentals, Mr. Day stated that he believed the owners would accept a condition of no short-term rentals.
17. Chair Duffy stated that there is indication that this proposal meets the historic regulation.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings**:

**Findings for Special Permit:**

The Board finds that the proposed use is not substantially more detrimental than the existing use.

1. Social, economic and community needs served by the proposal: The existing slab and foundation is inadequate and unsafe. A new foundation will stabilize the structure and bring it up to code.
2. There will be no impact on traffic flow and safety, including parking and loading. There will be no change to the driveway or the curb cut.
3. Adequacy of utilities and other public services: Water, sewer, electric and gas lines will be brought to the carriage house. However, the addition of fixtures for one bathroom and one kitchen is not an additional burden more than the existing utility system can support.
4. Impacts on the natural environment, including drainage: The impermeable area of the site will increase by approximately 24 square feet as a result of the new carriage house entry stoop. The rear yard will be more appropriately landscaped.
5. Neighborhood character: The proposed project will allow the carriage house to integrate better into the neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment: The proposed project will impact the city tax base positively by increasing property value.

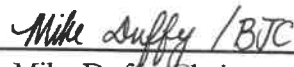
On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Jimmi Heiserman, Mike Duffy (Chair), Peter A. Copelas, Patrick Shea, and Jimmy Tsitsinos) and none (0) opposed to grant the requested Special Permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to convert a historic carriage house into a dwelling unit at **30 1/2 Dearborn Street**, subject to the following **terms, conditions, and safeguards**:

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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Condition:

1. The unit shall not be used for short-term rentals as defined in the Salem Code of Ordinances.

  
Mike Duffy, 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.