



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 ♦ FAX: 978-740-9846

2016 NOV 30 P 1:00
FILE #
CITY CLERK, SALEM, MASS.

November 30, 2016

Amended Decision

City of Salem Board of Appeals

Petition of 161 FEDERAL STREET LLC, seeking an amendment to an existing Zoning Board of Appeal decision dated September 2, 2015 to construct an additional four (4) parking spaces at the rear of the property of 161 FEDERAL STREET (Map 25 Lot 112)(R2 Zoning District).

A public hearing on the above amendment to a previously approved petition was opened November 16, 2016 pursuant to M.G.L Ch. 40A, § 11. The public hearing was continued at the request of the applicant to August 19, 2015 and closed on this date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Tom Watkins, Paul Viccica (alternate), James Hacker (alternate).

The Petitioner seeks an amendment to a previously approved decision dated September 2, 2015, to amend the previously approved plot plan in order to construct an additional four (4) parking spaces at the rear of the property.

Statements of Fact:

1. Attorney Grover presents the proposed amendment to the decision.
2. In the petition date-stamped October 25, 2016 the Petitioner requested an amendment to a previous Zoning Board of Appeal decision to reflect the new parking plan titled, "Plot Plan of Land 161 Federal Street, Salem prepared for Dan Botwinik", dated September 29, 2016.
3. The property served as a rectory for St. James church and is located in an R2 Zoning District.
4. The petitioner is proposing to construct an additional four (4) parking spaces for a total of ten (10) parking spaces at the rear of the property.
5. The original site plan approved by the October 25, 2016 decisions for 161 Federal Street, provided six (6) parking spaced required by the Ordinance to serve the four (4) approved residential units at the property. As amended, the site plan for 161 Federal Street will provide an additional four (4) parking spaces to serve the existing three (3) residential units at the Griffin Place property.
6. The owner of 161 Federal Street has recently acquired an ownership interest in the adjacent property at 2 Griffin Place and proposed to allow access to the rear of 161 Federal Street over 2 Griffin Place via the private Right-Of-Way "Griffin Place" in exchange for providing parking to serve the Griffin Place property in the rear yard of 161 Federal Street. This permits eliminating access through a narrow driveway at 161 Federal Street.

7. A reciprocal easement will be granted to allow for access and parking by both parties.
8. The petitioner testified that a major benefit of the proposed amendment is to allow much easier access to the parking area at the rear of 161 Federal Street. Originally, the Board approved a Variance for a driveway to be less than the required twelve (12') feet wide to serve the property. The proposed amendment to the plot plan now provides an easier way to access the parking behind 161 Federal Street.
9. The property at 2 Griffin Place is a three-family dwelling unit with no legal parking spaces. Currently, residents informally park in front of the building. The petitioner is proposing to formalize parking for 2 Griffin Place by providing four (4) parking spaces. The property at 2 Griffin Place is not required to have any parking as there is no change of the number of units and there are currently no formal parking spaces at the property.
10. The petitioner is proposing to provide four (4) parking spaces at 161 Federal Street to serve the three (3) residential units at 2 Griffin Place. The parking at 161 Federal Street is specifically to allow for the preservation of an existing large tree at the rear left corner of the 161 Federal Street property.
11. The petitioner requests that the plot plan that was originally approved as part of the September 2, 2015 decision be amended.
12. The maintenance of Griffin Way will continue to be done by the owner or their assigns as the Right-Of-Way is privately owned.
13. At the public hearings three (3) members of the public spoke in favor and one (1) spoke opposition to, the proposed amendment.

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:

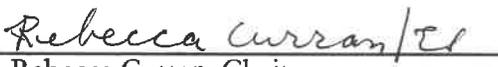
The Board finds that the modified access to allow passage over Griffin Place for access at 161 Federal Street and the request for four (4) additional parking spaces is not more detrimental than the previously approved plan.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted with five (5) in favor, (Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Tom Watkins, Paul Viccica (alternate), James Hacker (alternate)) and none (0) opposed subject to allow four (4) additional parking spaces amending an original site plan associated with the September 2, 2015 Decision to the new site plan dated September 29, 2016, subject to the following terms, conditions and safeguards:

All conditions set forth in the original decision dated September 2, 2015 shall remain and be adhered to by the applicant, unless explicitly eliminated or amended in this decision.

Special Conditions:

1. The petitioner shall attach a solid fence to the existing chain link fence across the rear of 161 Federal Street and along a portion between 161 Federal and 2 Griffin Place such that headlights will not shine on neighboring properties and snow will not be pushed across rear property lines.
2. A reciprocal easement to allow access to the rear of 161 Federal Street via Griffin Way shall be in place before a Certificate of Occupancy is obtained.


Rebecca Curran, 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.