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CITY CLERK
SALEM, MASS

November 1, 2017

Decision

City of Salem Board of Appeals

Petition of ALEXIS ABARE seeking a Special Permit per Sec. 3.1 *Principal Uses*, of the Salem Zoning Ordinance, to allow an indoor commercial recreational use including puzzle rooms and virtual reality experiences. The petitioner is also requesting Variances for relief from Sec. 3.3.4 *Variance Required* to allow less than the required setbacks and Sec. 5.1.8 *Table of Required Parking Spaces* to allow less than the required number of parking spaces at the property of 1 JEFFERSON AVE (Map 25, Lot 649)(I Zoning District)

A public hearing on the above Petition was opened on June 21, 2017 pursuant to M.G.L Ch. 40A, § 11 and was continued to the next regularly scheduled meeting of August 16, 2017, September 20, 2017 and October 18, 2017. The hearing was closed on October 18, 2017 with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate).

The Petitioner seeks a Special Permit per Sec. 3.1 *Principal Uses*, of the Salem Zoning Ordinance, to allow an indoor commercial recreational use including puzzle rooms and virtual reality experiences. The petitioner is also requesting Variances for relief from Sec. 3.3.4 *Variance Required* to allow less than the required setbacks and Sec. 5.1.8 *Table of Required Parking Spaces* to allow less than the required number of parking spaces.

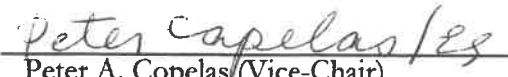
Statements of fact:

1. In the petition date-stamped May 26, 2017, the Petitioner requested a Special Permit the petitioner Special Permit per Sec. 3.1 *Principal Uses*, of the Salem Zoning Ordinance, to allow an indoor commercial recreational use including puzzle rooms and virtual reality experiences. The petitioner is also requesting Variances for relief from Sec. 3.3.4 *Variance Required* to allow less than the required setbacks and Sec. 5.1.8 *Table of Required Parking Spaces* to allow less than the required number of parking spaces.
2. Attorney Scott Grover presented the petition.
3. The property is located in an Industrial Zoning District. The petitioner is proposing to establish a new business in the existing building offering a variety of indoor entertainment options including puzzle rooms, virtual reality experiences and theatrical exhibits year-round.
4. Currently, portions of the building are occupied primarily with storage and office space.
5. In the Industrial Zoning District, indoor commercial recreational uses are permitted by Special Permit under Section 3.3.4 of the Zoning Ordinance.
6. The petitioner is also proposing structural changes to the existing non-conforming structure. The petitioner is proposing three (3) new stairways that will encroach further into the already existing nonconforming setbacks. The setback requirements are thirty (30 ft) feet and the petitioner is proposing to be within 14.8 feet at the most narrow point.

7. The petitioner is also proposing to install shipping containers along the rear and sides of the building to provide an expansion of space and better circulate visitors through the virtual reality and puzzle room experience.
8. The petitioner is also requesting a variance from the parking requirements of Section 5.1.8 of the Zoning Ordinance to allow less than the required parking spaces. Under this section, one (1) parking space is needed for each 36 square feet of floor area plus one space for each two (2) employees. To comply with the requirements of the Zoning Ordinance, the petitioner would need to provide 180 parking spaces on the property. The petitioner is proposing a total of twenty-three (23) parking spaces.
9. The petitioner proposed to off-set parking demand by limiting the number of people and timing of arrival through online ticketing sales and timed ticketing. The petitioner proposed a trolley service to pick-up and drop-off patrons during the October season and to pay for employee parking or pay for Lyft and Uber services to eliminate additional vehicle parking demand.
10. The petitioner also proposed to make it know to their patrons that parking is limited and to encourage the use of public lots and the MBTA garage during October.
11. During October, it is expected that between 200 and 300 guests could be visiting at one time and queued inside of the building to wait for a turn to experience the exhibit.
12. At the June 21, 2017 meeting, the Board expressed concern about the number of parking spaces and proposed alternative methods of transit to the site during October and requested that the petitioner work with a traffic engineer to provide information on traffic and parking impacts, pedestrian circulation and safety, and loading.
13. The Planning Department also requested that the petitioner consider further traffic mitigation including the addition of a crosswalk at the driveway openings and other mitigation opportunities to allow for safe pedestrian access to and from the site.
14. The requested relief, if granted, would allow the Petitioner to have an indoor commercial recreational use including puzzle rooms and virtual reality experiences, construct within the required setbacks and allow less than the required number of parking spaces.
15. At the June 21, 2017 meeting the petitioner requested to continue to the regularly scheduled meeting on August 16, 2017 to allow the petitioner time to work with a traffic engineer.
16. At the August 16, 2017 meeting, the petitioner requested to continue to the September 20, 2017 meeting. No testimony was heard on this date.
17. At the September 20, 2017 meeting, the petitioner requested to continue to the October 18, 2017 meeting. No testimony was heard on this date.
18. At the October 18, 2017 meeting the petitioner requested to withdraw the application without prejudice.
19. At the public hearing, twenty-two (22) abutters and two (2) City Councilors spoke in opposition to the application, due to concerns about traffic and parking.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate) and none (0) opposed, to allow the petitioner to withdraw the application without prejudice.

The application is withdrawn without prejudice.


Peter A. Copelas (Vice-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.