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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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2017 NOV 29 PM 12:46

CITY CLERK
SALEM, MASS

November 29, 2017

Decision

City of Salem Board of Appeals

Petition of CHANEL DESJARDINS, TRUSTEE, 2 CABOT STREET REALTY TRUST seeking a special permit per *Sec. 3.3.3 Non-conforming Structures* to allow two (2) residential dwelling units and variances per *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, to allow less than the required lot area per dwelling unit and number of parking spaces at 2 CABOT STREET (Map 34, Lot 79)(R-2 Zoning District).

A public hearing on the above Petition was opened on November 15, 2017 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Paul Viccica.

The petitioner is seeking a special permit per *Sec. 3.3.3 Non-conforming Structures* to allow two (2) residential dwelling units and variances per *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, to allow less than the required lot area per dwelling unit and number of parking spaces.

Statements of fact:

1. In the petition date-stamped September 26, 2017, the Petitioner requested a special permit per *Sec. 3.3.3 Non-conforming Structures* to allow two (2) residential dwelling units and variances per *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, to allow less than the required lot area per dwelling unit and number of parking spaces.
2. On October 18, 2017, the petitioner requested a continuation to the next regularly scheduled meeting on November 15, 2017. No testimony was heard at this meeting.
3. In a letter dated November 13, 2017, the petitioner requested to withdraw the petition without prejudice as the Building Commissioner agreed that, based upon the facts submitted, the existing two (2) family use with one off-street parking space preceded the 1965 enactment of the Zoning Map and is therefore grandfathered as a pre-existing nonconforming use.
4. The requested relief, if granted, would allow the petitioner to withdraw the application without prejudice.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Paul Viccica), and none (0) opposed to allow the petitioner to withdraw the application without prejudice.

THE PETITION IS WITHDRAWN WITHOUT PREJUDICE.

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Rebecca Curran/ES

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.