



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS.

**November 2, 2016**

## **Decision**

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

**Petition of MATTHEW KEANE seeking a Variance per Sec 3.2.4 Accessory Buildings and Structures of the Salem Zoning Ordinance and a Special Permit per Sec. 3.3.3 Nonconforming Structures to construct a two-story garage at the property of 414 LAFAYETTE STREET (Map 32 Lot 169) (R1 Zoning District).**

A public hearing on the above Petition was opened on August 17, 2016 pursuant to M.G.L Ch. 40A, § 11 and continued to September 21, 2016. The hearing was closed October 19, 2016 with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Tom Watkins, Mike Duffy.

The petitioner is seeking a Variance per Sec. 3.2.4 Accessory Buildings and Structures and a Special Permit per Sec. 3.3.3 *Nonconforming Structures* to construct a two-story garage.

#### **Statements of fact:**

1. In the petition date-stamped July 25, 2016, the Petitioner requested a Variance per Section 3.2.4 *Accessory Buildings and Structures* and a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to construct a two-story garage.
2. On August 17, 2016, attorney John Keilty- 40 Lowell Street, Peabody, MA, requested a continuation of the public hearing to the next regularly scheduled meeting on September 21, 2016 due to the presence of only four (4) of five (5) Board members present at the August 17, 2016 meeting. No testimony was heard and no members of the public spoke in favor or in opposition to the petition.
3. On the September 21, 2016 meeting, the petitioner requested a continuation of the public hearing to the next regularly scheduled meeting on October 19, 2016 due to needing more time to work with the neighbors and adjust architectural plans. The public hearing remained open. No testimony was heard and no members of the public spoke in favor or in opposition to the petition.
4. On the August 19, 2016 meeting, the petitioner requested to withdraw the petition without prejudice. No testimony was heard and no members of the public spoke in favor or in opposition to the petition.
5. The Board closed the public hearing on October 16, 2016 and voted to allow the petitioner to withdraw the application without prejudice on this date.
6. At the public hearing no members of the public spoke in favor of and no one (0) spoke in opposition to, the petition.

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

The petition is withdrawn without prejudice.

Rebecca Curran/28  
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.*