



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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November 4, 2022

Decision

City of Salem Board of Appeals

The petition of STACEY CORREIA at 20 COMMERCIAL STREET (Map 26, Lot 50) (NRCC Zoning District), for a Variance per Section 4.1.1 *Dimensional Requirements* and 5.0 *General Regulations* of the Salem Zoning Ordinance to make a 100 (one hundred) foot curb cut where a 30 (thirty) feet maximum curb cut is allowed.

A public hearing on the above petition was opened on October 19, 2022 and was closed on October 19, 2022.

On October 19, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy (Chair), Paul Viccica, Peter Copelas and Steven Smalley.

Statements of Fact:

The petition is date stamped July 25, 2022. The petitioner seeks a Variance per *Section 4.1 Table of Dimensional Requirements* and 5.0 *General Requirements* of the Salem Zoning Ordinance to make a 100 one-hundred-foot (100) curb cut where a thirty (30) feet maximum curb cut is allowed.

1. 20 Commercial Street is owned by Sarah Dixon and Rosalie Hezekiah
2. The petitioner was Stacey Correia
3. 20 Commercial Street is located in the NRCC zoning district. (Map 26, Lot 50).
4. The requested relief, if granted, would allow the Petitioner to make a curb cut of 100 (one hundred) feet where thirty (30) feet maximum curb cut is allowed.
5. On October 19, 2022, Stacey Correia presented to the board.
6. Ms. Correia stated that they were not looking for one hundred feet (100) they were looking for a variance for forty-two feet (42). (Plans indicate seventy-two (72) feet of requested curb cut).

7. Chair Duffy asked the petitioner to describe the conditions and traffic at 20 Commercial Street. Ms. Correia stated there was additional parking for their business on the west side of the property. She stated that there haven't been any traffic issues with exiting and entering of the property.
8. The requested relief, if granted, would require the cars to back up into Commercial Street from the property.
9. Rosalie Hezekiah, owner, suggested that there is minimal traffic that uses Commercial Street. This is because Commercial Street runs into a turnaround at the end of the street to come back in the other direction. The abutter to the west, National Lumber, is the only other property on that end of Commercial Street. Therefore, the traffic at that point on Commercial Street will be for the business itself.
10. Nina Vyedyn asked if on Commercial Street is the practice for most cars to back out onto Commercial Street when leaving the neighboring properties. Ms. Hezekiah stated that their other neighbor are the Knights of Columbus and they do not have a curb. Their patrons also back out onto Commercial Street.
11. Peter Copelas inquired if the petitioner had looked into reconfiguring their western lot. He expressed concern for the requested relief for the curb cut. He stated that this appeared to more of a convenience for the business and not a true hardship.
12. Ms. Correia stated that at any given time, with the amount of doctors staffed they can receive a large amount of clientele and need that parking for the staff and clients.
13. Ms. Hezekiah stated that sometimes they can have as much as thirteen staff members working at a time. Having that many staff members and that many clients requires them to have more parking to accommodate the increase in business and staff.
14. Paul Viccica reminded that board members that they had, in the past, approved the Knights of Columbus moving into their new building with having minimal parking requirements. He stated that there were no curb cuts on basically every other building on Commercial Street he didn't feel that this property should be required to held to a standard that the other properties on the street do not have to be held to.
15. Chair Duffy opened the meeting to members of the public. There were none.
16. Paul Viccica made a motion to approve the variance.
17. The October 19, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Steven Smalley, Mike Duffy(Chair), Paul Viccica, and Peter Copelas) and none (0) opposed to grant STACEY CORREIA a Variance per Section 4.1.1

Dimensional Requirements and 5.0 *General Regulations* of the Salem Zoning Ordinance to make a 100 (one hundred) foot curb cut.

Receiving four (4) in favor votes, the petition for a Variance is GRANTED.

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. A Certificate of Inspection is to be obtained.
5. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
6. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
7. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

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.

