



KIMBERLEY DRISCOLL
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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

March 28, 2022
Decision
City of Salem Board of Appeals

The petition of LISA AND JOHN BARTLETT at 143-145 DERBY STREET (Map 41, Lot 319) (B1 Zoning District)), for a variance per Section 4.1 *Dimensional Requirements* of the Salem Zoning Ordinance for minimum lot area, side yard setback, front yard setback, and minimum lot area per dwelling to construct a new mixed-use building to include two commercial units and five residential units. The B1 Zone: +/- 3,780 sq ft proposed/6,000 sq ft required, Front and side yard setbacks are 0' / required 15' front yard, 20' side yard. 3,500 sq ft per dwelling unit required, 1,600 sq ft proposed.

A public hearing on the above Petition was opened on December 15, 2021, it was continued to January 19, 2022. The petition was again continued to February 16, 2022, and again to March 16, 2022. The public hearing was closed on March 16, 2022.

On December 15, 2021, the following members of the Salem Board of Appeals were present: Peter Copelas, Mike Duffy (chair), Rosa Ordaz and Steven Smalley.

The petitioner seeks a variance per Section 4.1 *Dimensional Requirements* of the Salem Zoning Ordinance for minimum lot area, side yard setback, front yard setback, and minimum lot area per dwelling to construct a new mixed-use building to include two commercial units and five residential units.

Statements of Fact:

The petition is date stamped October 1, 2021. The petitioner has requested a variance per Section 4.1 *Dimensional Requirements* of the Salem Zoning Ordinance for minimum lot area, side yard setback, front yard setback, and minimum lot area per dwelling to construct a new mixed-use building to include two commercial units and five residential units.

1. 143-145 Derby Street is owned by the Petitioner, Lisa and John Bartlett.
2. The Petitioner is represented by architect, Andrew Crocker.
3. 143-145 Derby Street is located in the B1 Business Neighborhood zone.
4. The requested relief, if granted, would allow the Petitioner to construct a new mixed-use building that includes two commercial units and five residential units.
5. On December 15, 2021, the public hearing was opened.

6. The proposal is that the two units on the first floor will be commercial units, while the new building at 145 Derby Street will be three (3) floors with two (2) units on each of the second and third floor. These unit will each be about a thousand (1,000) square feet. The existing building with have two (2) floors with one unit for both floors.
7. Andrew Crocker states that the plans have been drawn to have the property built right up to the street line to allow for the parking spaces in the rear of the property. This will meet the parking requirements for the commercial space on the first floor.
8. Peter Copelas asks the petitioner to elaborate on the ten (10) parking spaces and the requirements for both residential and retail spaces for the proposed structure.
9. A comment was made that there were no parking requirements for the B1 zoning district. The board and the acting Building Commissioner, Steve Cummings, agreed that that wasn't accurate and that the board needed to have some time to clarify for the petitioner and to make clear of the requirements for the variance.
10. A continuance was asked for and the board voted on a continuance.
11. The motion to continue was passed.
12. On March 16, 2022 Lisa and John Bartlett, property owners, were present at the public meeting and spoke directly to the board. They expressed that they would like to withdraw their application without prejudice. They were not able to finalize a plan for their petition and did not want to take any more time from the board for their petition. They stated that they are planning on moving forward with a petition in the future.
13. The board made a motion to allow for the petition to be withdrawn without prejudice
14. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the March 16, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted six (6) in favor (Paul Viccica, Mike Duffy(Chair), Steven Smalley, Peter Copelas(Vice Chair), Carly McClain, and Rosa Ordaz) and none (0) opposed to allow the applicant to withdraw the petition without prejudice.

The application is withdrawn without prejudice.

A handwritten signature in dark ink that reads "Mike Duffy / DL". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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.