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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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November 30, 2022

Decision

City of Salem Board of Appeals

The petition of JESSICA MARTINEZ at 47 LEAVITT STREET (Map 34, Lot 163) (R3 Zoning District), to amend the decision of a comprehensive permit. The amendment is to remove the automated parking arm at the garage entrance on Naumkeag Street as required by condition 4c in the comprehensive permit. The audio-visual alarm system would remain.

A public hearing on the above petition was opened on November 16, 2022 and was closed on November 16, 2022.

On November 16, 2022, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter Copelas (Acting Chair), Carly McClain, Nina Vyedin and Steven Smalley.

Statements of Fact:

The petition is date stamped October 24, 2022. The petitioner seeks to amend the decision of a 2017 comprehensive permit at "The Lighthouses" that are located at 34 Peabody Street, 47 Leavitt Street, and 38 Palmer Street. (Map 34, Lots 384,136,155)

1. 47 Leavitt Street is owned by Lighthouses Apartments and the North Shore Community Development Coalition.
2. The petitioner was Jessica Martinez.
3. 47 Leavitt Street is located in the R3 zoning district. (Map 34, Lot 163).
4. The requested amendment, if granted, would allow the Petitioner to remove the parking arm at 47 Leavitt Street and replace it with an alternative.
5. On November 16, 2022, Jessica Martinez presented to the board. Ms. Martinez stated that in her experience the parking arms are a bit redundant. The 47 Leavitt Street building is in the more residential part of The Point Neighborhood. The parking arm has been broken off several times and Ms. Martinez requested that it be removed. The audio-visual system would stay

- in place. Ms. Martinez stated that they would add other traffic calming mitigation.
6. Jonathan Lavash, The Lighthouses representative, stated that there wasn't any real security reason to have the parking arms. It is more for the safety of the pedestrians and the audio-visual system still alerts pedestrians if a vehicle is leaving the property. Mr. Lavash suggested an addition of a speed bump to help slow people coming out of the garage. Mr. Lavash stated a speed bump is far less a maintenance nuisance than the parking arms which have already been broken or damaged several times since installation.
 7. Mr. Copelas inquired to how many entrances and exits there were at the property. There are two at the location of 47 Leavitt Street. Mr. Copelas asked for clarification, are both arms being requested to be removed. Ms. Martinez stated that they were.
 8. Ms. Martinez explained that the audio part is an alarm that lets pedestrians know that a vehicle is approaching. The visual part is a light that flashes to signal approaching vehicles.
 9. Rosa Ordaz inquired if the arm was to be removed would there be money in the Lighthouses budget to cover the cost of speed bumps and mirrors at the two entrances at the property of 47 Leavitt Street. Ms. Martinez responded affirmatively.
 10. Peter Copelas opened the meeting to public comment. There were none.
 11. Rosa Ordaz made a motion to approve the petition.
 12. The November 16, 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 five (5) in favor (Steven Smalley, Peter Copelas (Acting Chair), Rosa Ordaz, Carly McClain and Nina Vyedin and none (0) opposed to amend the 2017 Comprehensive Permit decision to add mirrors and speed humps in lieu of the parking arm required in the 2017 Comprehensive Permit.

Receiving five (5) in favor votes, the petition to amend the decision is GRANTED.

Standard Conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.

3. A Certificate of Inspection is to be obtained.
4. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. Mirrors and speedhumps to be installed in place of the parking arms.
2. All other conditions from the 2017 Comprehensive Permit will remain in place.

Peter Copelas/ Acting 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.

