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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

August 1, 2018

Amended Decision

City of Salem Board of Appeals

Petition of 139 GROVE STREET REALTY TRUST and 910 SARATOGA STREET REALTY TRUST requesting to amend the variance for required on- site parking and the variance for minimum lot area per dwelling unit, per *Sec. 8.4.9 and Sec. 4.1.1* of the Salem Zoning Ordinance of the November 2, 2016 Decisions of the Board of Appeals, which permitted the construction of 50 residential units and small commercial space at 70-92 ½ BOSTON STREET (former Flynnntan site). This requested amendment is to allow the petitioner to incorporate the adjacent parcel into the project for the construction of one building consisting of five (5) additional townhouse style units at 11 GOODHUE STREET (Map 15, Lot 298) (NRCC, Entrance Corridor Overlay District)

A public hearing on the above amendment to a previously issued decision was opened on July 18, 2018 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following members present: Peter A. Copelas (Vice-Chair), Mike Duffy, Chris Drucas, Jimmy Tsitsinos, Jim Hacker.

The Petitioner seeks to amend the variance for required on- site parking and the variance for minimum lot area per dwelling unit, per *Sec. 8.4.9 and Sec. 4.1.1* of the Salem Zoning Ordinance of the November 2, 2016 Decisions of the Board of Appeals, which permitted the construction of 50 residential units and small commercial space at 70-92 ½ BOSTON STREET (former Flynnntan site). This requested amendment is to allow the petitioner to incorporate the adjacent parcel into the project for the construction of one building consisting of five (5) additional townhouse style units and five (5) additional parking spaces.

Statements of fact:

1. Attorney Joseph Correnti presented the petition on behalf of the applicant.
2. In the petition date-stamped June 21, 2018, the Petitioner requested to amend the variance for required on- site parking and the variance for minimum lot area per dwelling unit, per *Sec. 8.4.9 and Sec. 4.1.1* of the Salem Zoning Ordinance of the November 2, 2016 Decisions of the Board of Appeals, which permitted the construction of 50 residential units and small commercial space at 70-92 ½ BOSTON STREET (former Flynnntan site). This request is to amend a variance that the Board granted in the November 2, 2016 decision to incorporate the adjacent parcel (11 GOODHUE STREET) into the project for the construction of one building consisting of five (5) additional townhouse style units and five (5) additional parking spaces.
3. The property is located in North River Canal Corridor (NRCC) and Entrance Corridor Overlay District.
4. The petitioner seeks to amend the November 2, 2016 Decision of the Zoning Board of Appeals that granted relief to allow for the construction of 50 dwelling units with some small commercial space at the former Flynnntan site. The petitioner is proposing to incorporate the adjacent lot at 11 Goodhue Street. This property was formerly operated as Witch City Cycles garage, and has since been demolished.

5. The petitioner is proposing to construct on the 11 Goodhue Street parcel one building with five (5) townhouse style units with five (5) additional parking spaces, to be built into the existing hillside and to be integrated into the existing development at 70-92 ½ Boston Street.
6. The original decision granted four (4) variances, two (2) of which are requested to be amended. The amendment to the variance for minimum lot area per dwelling unit, Section 4.1.1, and an amendment to the variance for on-site parking requirement, Section 8.4.9.
7. In the 2016 Decision, the Board granted a variance for minimum lot area per dwelling unit to allow approximately +/- 1,455 square feet per dwelling unit where 3,500 square feet per dwelling unit is required. With the incorporation of 11 GOODHUE STREET, the petitioner is requesting an amendment to modify the variance to allow a minimum lot area per dwelling unit of approximately +/- 1,395 square feet for the construction of five (5) additional dwelling units.
8. The proposed plan will clean up a site that was historically used for auto garage purposes and redevelop it for residential use, which is compatible with the NRCC Zoning District and the surrounding development.
9. At the time of the original Decision, Sec. 8.4.9 of the Salem Zoning Ordinance required 2 parking spaces per dwelling unit. The Board granted a variance to allow 1.82 parking spaces per dwelling unit where two (2) parking spaces were required. Since the original Decision, the Salem Zoning Ordinance has been amended to allow 1.5 parking spaces per dwelling unit in the North River Canal Corridor Overlay District.
10. The petitioner is requesting an amendment to this previously granted variance to reflect the proposed change from 1.82 parking spaces to 1.74 parking spaces per dwelling unit. The petitioner proposes to provide a total of 101 parking spaces, which now complies with the parking requirements of the Zoning Ordinance. Therefore, a variance from the provisions of the Salem Zoning Ordinance Sec. 8.4.9 is no longer required.
11. The requested relief, if granted, would allow the petitioner to amend the variance for required on-site parking and the variance for minimum lot area per dwelling unit, per *Sec. 8.4.9 and Sec. 4.1.1* of the Salem Zoning Ordinance of the November 2, 2016 Decisions of the Board of Appeals, which permitted the construction of 50 residential units and small commercial space at 70-92 ½ BOSTON STREET (former Flynntan site). This requested amendment is to allow the petitioner to incorporate the adjacent parcel into the project and allow the construction of one building at 11 Goodhue Street consisting of five (5) additional townhouse style dwelling units with five (5) additional parking spaces.
12. At the public hearing two members of the public spoke in favor of and none spoke in opposition to the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings for Amendments to Variances:

1. Special conditions and circumstances that especially affect the land, building, or structure involved generally not affecting other lands, buildings and structures in the same district include the fact that the property has a steep slope from Boston Street down to Goodhue Street with a 25-30 ft elevation change, an approximately fifteen (15') foot retaining wall and environmental conditions of the site.

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2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship for the following reasons: The unique topography of the site, including the steep slope from Boston Street down to Goodhue Street with a 25-30 ft. elevation change, an approximately fifteen (15') foot retaining wall and environmental conditions of the site greatly restrict the size and type of structure that can be constructed and create a hardship..
3. The desired relief may be granted without nullifying or substantially derogating from the intent of the district or purpose of the City of Salem Zoning Ordinance. The proposed plan will clean up a site that was historically used for auto garage purposes and redevelop it for residential use, which is compatible with the NRCC Zoning District and the surrounding development.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos and Jim Hacker) and one (1) opposed (Chris Drucas), to amend the variance for required on- site parking and the variance for minimum lot area per dwelling unit, per *Sec. 8.4.9 and Sec. 4.1.1* of the Salem Zoning Ordinance of the November 2, 2016 Decision of the Board of Appeals, which permitted the construction of 50 residential units and a small commercial space at 70-92 1/2 BOSTON STREET (former Flynntan site) to allow the petitioner to incorporate the adjacent parcel (11 GOODHUE STREET) into the project for the construction of one building consisting of five (5) additional townhouse style units and five (5) additional parking spaces subject to the following terms, conditions and safeguards:

Standard Conditions:

1. All conditions of the November 2, 2016 Decision shall remain in effect.
2. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.


Peter A. Copelas, Vice-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.