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BOARD OF APPEAL

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CITY CLERK
CITY OF SALEM, MASSACHUSETTS

March 24, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of PAUL FERRAGAMO seeking Variances from minimum lot area, minimum lot width/frontage, and minimum depth of front yard to allow for a proposed subdivision for eleven (11) single-family house lots at 405-427 Highland Avenue, Salem, MA (R-1 Zoning District).

A public hearing on the above Petition was opened on March 16, 2011 pursuant to Mass General Law Ch. 40A, §§ 11. The meeting was closed on March 16, 2011 with the following Zoning Board of Appeals members present: Rebecca Curran, Elizabeth Debski, Richard Dionne, Bonnie Belair (alternate) and James Tsitsinos (alternate).

Petitioner seeks variances pursuant to the Salem Zoning Ordinance, §4.1.1: Table of Dimensional Requirements.

Statements of fact:

1. Attorney George Atkins presented the petition on behalf of the petitioner, who owns the property.
2. In a petition date-stamped December 22, 2010, the applicant requested variances from minimum lot area, minimum lot width/frontage, and minimum front yard depth.
3. The property, the site of a single-family home, currently has the address of 419 Highland Avenue. 405-427 Highland Avenue is the applicant's proposed street numbering after subdivision.
4. The Board of Appeals had granted relief for a similar plan on April 15, 2009. However, the Attorney Atkins stated that the Massachusetts Department of Transportation, which has jurisdiction over Route 107/Highland Avenue, would not approve the site entrance as previously configured, and so they are proposing a relocated site entrance. Attorney Atkins stated that this change caused the reconfiguration of the house lots, with minor changes in the relief needed.

5. At the hearing, two residents spoke in support of the project, both stating their preference for the reconfigured site driveway. No one spoke in opposition.
6. At its meeting on March 16, 2011, the Board of Appeal voted five (5) in favor and none (0) opposed to grant Variances from dimensional requirements to allow for the redevelopment of the site as proposed in the plan titled "ZBA Submittal: Subdivision Plan, Locus Plan for 11 Residential Lots for a site at #405-427 Highland Ave., Salem, Massachusetts," dated October 22, 2010, and prepared by Patrowicz Land Development Engineering and North Shore Survey Corporation.

The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following **findings**:

1. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance. Board members expressed that they felt this was a well thought out project that could potentially increase property values in the area. Additionally, they noted that changes from the previously approved plan were better for neighbors and that the new site driveway, including the proposed traffic light, were an improvement over the original plan.
2. The applicant may vary the terms of the Residential One-Family District to construct the proposed development, which is consistent with the intent and purpose of the City of Salem Zoning Ordinance.
3. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

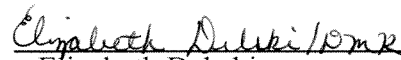
On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. To allow for the redevelopment of the site as proposed, the requested Variances from dimensional requirements are granted.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Curran, Debski, Belair, Tsitsinos and Dionne) and none (0) opposed, to grant petitioner's requests for Variances subject to the following **terms, conditions, and safeguards**:

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. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Occupancy is to be obtained.
6. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said numbers so as to be visible from the street.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.


Elizabeth Debski,
Salem Zoning 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.