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MAYOR

## CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

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### Decision

City of Salem Zoning Board of Appeals

**Petition of THE SALEM MISSION LLC D/B/A LIFEBRIDGE requesting Variances from rear yard setback, height (feet), height (stories), minimum area per dwelling unit, and parking, to add two stories to the existing building at 56 MARGIN ST, Salem, MA, creating twenty-two (22) units of residential housing (R-2).**

A public hearing on the above Petition was opened on June 15, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was continued to July 20, 2011, September 21, 2011 and October 19, 2011, and was closed on October 19, 2011 with the following Zoning Board of Appeals members present: Rebecca Curran (chair), Richard Dionne, Jamie Metsch and Bonnie Belair (alternate).

Petitioner seeks Variances pursuant to Section 4.0 of the City of Salem Zoning Ordinances.

#### **Statements of fact:**

1. Attorney George Atkins represented The Salem Mission LLC d/b/a Lifebridge at the hearings.
2. In a petition date-stamped May 25, 2011, petitioner requested Variances pursuant to Sec. 4.0 of the Salem Zoning Ordinance to construct two additional stories on the existing building located at 56 Margin St., Salem, creating twenty units of housing. During the proceedings, Attorney Atkins stated that a typographical error was made on the application, and the request was in fact for twenty-two additional units.
3. The Board of Appeals received two letters in support of the petition from Councillor-At-Large Thomas Furey, 77 Linden Street. Councillor Furey spoke to the community's need for Lifebridge's services in his letters, as well as the quality of the plans.
4. The Board received a letter dated June 14, 2011 from Jeffrey M. Cox, LICSW, BSD, on behalf of the Greater Endicott Street Neighborhood Association,

requesting from Lifebridge further detail of the proposed building design, a traffic and parking study, written confirmation of the criteria for accepting residents (including sex offenders), and written confirmation of the number of shelter beds to be reduced as part of the project.


5. The Board received a letter from the Greater Endicott Street Neighborhood Steering Committee dated July 18, 2011, stating opposition to the project if the applicant could not promise to halt future expansion of the facility and reduce the number of shelter beds. The letter stated that the facility had already had negative effects on the surrounding neighborhood.
6. At the hearings, numerous residents spoke in opposition to the project, citing concerns about traffic, parking, the uncertainty about the number of shelter beds that would remain, and the degree of density on the site.
7. At the October 19, 2011 hearing, Councillors-At-Large Joan Lovely and Steven Pinto, and Ward 3 Councillor Jean Pelletier, all spoke in opposition to the project due to traffic, parking, and density issues.
8. At the hearings, some Board members expressed concerns about the degree of density on the site.
9. At the hearings, some Board members noted that the project provides twenty-two new units but no additional parking; while most residents do not have cars, the use may still generate the need for parking due to visitors, trainers, staff, and others. Additionally, Board members noted that residents may need cars as they obtain jobs, and felt that a total prohibition on resident parking would be unrealistic.

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 not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the density and intensity of use proposed for the site is too great for the site and for the neighborhood. The lack of parking would have a negative impact on the neighborhood, and the lack of ability to own a car would negatively impact residents of the facility.

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. Variances under Section 4.0 to construct two additional stories on the existing building located at 56 Margin St., Salem, creating twenty-two units of housing, are denied.
2. In consideration of the above, the Salem Board of Appeals voted, four (4) opposed (Curran, Metsch, Dionne and Belair) and none (0) in favor, to grant petitioner's request for Variances. The petition is denied.

  
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Rebecca Curran, Chair  
Salem 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.