



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 ♦ FAX: 978-740-9846

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FILE #
CITY CLERK, SALEM, MASS.

August 29, 2014

Decision

City of Salem Board of Appeals

Petition of NICK OSGOOD requesting a Special Permit per Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the addition of a roof deck to an existing nonconforming three-family residential building, for the property located at 4 BENTLEY STREET (R2 Zoning District).

A public hearing on the above Petition was opened on July 16, 2014 pursuant to M.G.L. Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special Permit from Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance and a Variance under Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped June 25, 2014, the Petitioner requested a Special Permit to extend an existing nonconforming structure by adding a roof deck to an existing nonconforming three-family residential building in an R2 zoning district.
2. Mr. Nick Osgood presented the petition for 4 Bentley Street.
3. At the public hearing, three members of the public spoke in opposition to the petition, stating concerns regarding density, infringements on their privacy, and the negative impact of the proposed privacy fence on the value of the property and the character of the neighborhood.
4. Mr. Osgood requested to withdraw the petition without prejudice.

The Salem Board of Appeals, after thorough review of the petition including the application narrative and plans, and careful consideration of the Petitioner's presentation and testimony by the public, voted to grant the withdrawal of the petition for 4 Bentley Street without prejudice by a vote of four (4) in favor (Mr. Watkins, Ms. Curran, Mr. Copelas and Mr. Duffy in favor) and none (0) opposed.

GRANTED PERMISSION TO WITHDRAW WITHOUT PREJUDICE

Rebecca Curran, 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.