



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

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FILE #  
CITY CLERK, SALEM, MASS.

September 10<sup>th</sup>, 2014

## Decision

### City of Salem Board of Appeals

**Petition of JOSEPH DIPIETRO requesting a Variance from the provisions of Section 5.1 *Off-Street Parking* of the Salem Zoning Ordinance to allow the creation of a 11-foot by 13-foot off-street parking stall, when the minimum allowed off-street parking stall dimensions are 9-feet by 19-feet. The proposal is for the property located at 44 CHESTNUT ST (R2 Zoning District)**

A public hearing on the above Petition was opened on August 27, 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, Mr. Copelas (Alternate), and Mr. Tsitsinos (Alternate).

The Petitioner seeks a Variance from the provisions of Section 5.1 *Off-Street Parking* of the Salem Zoning Ordinance.

#### Statements of fact:

1. In the petition date-stamped July 24<sup>th</sup>, 2014, the Petitioner requested a Variance from the provisions of Section 5.1 *Off-Street Parking* of the Salem Zoning Ordinance to allow the creation of a 11-foot by 13-foot off-street parking stall when the minimum allowed off-street parking stall dimensions are 9-feet by 19-feet.
2. The Petitioner was not in attendance, no testimony was presented.
3. Ms. Curran read a letter submitted to the Board by Jeffrey and Katherine Casiglia of 44 Chestnut Street, stating that they are the new property owners of 44 Chestnut Street, and that, while they did not submit the petition, they are not interested in pursuing this project at this time. The creation of the parking space would require removal of a healthy street tree and an historic iron fence.
4. The requested relief, if granted, would allow the Petitioner to construct an 11-foot by 13-foot off-street parking space.
5. At the public hearing, no members of the public spoke in opposition to or in favor of the petition.

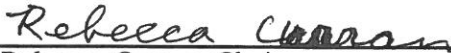
The Salem Board of Appeals, under the circumstances, makes the following **findings**:

#### Findings

1. No testimony was presented.
2. No one appeared on behalf of the applicant
3. The applicant is no longer the property owner.
4. The current property owner submitted a letter expressing that at this time they do not wish to construct a parking space at the described location.

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On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) opposed (Mr. Watkins, Ms. Curran, Mr. Tsitsinos, Mr. Copelas and Mr. Duffy) and none (0) in favor, to approve the requested Variance to allow the creation of a 11-foot by 13-foot off-street parking space. The petition is denied.

  
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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.*