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# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 DEC -2 P 2: 24

FILE #  
CITY CLERK, SALEM, MASS.

## December 2, 2015 Decision

### City of Salem Board of Appeals

Petition of HIPPOLITO MADERA requesting a Special Permit from Sec. 3.1.2 of the Salem Zoning Ordinance to allow a change of a motor vehicle service use to a motor vehicle general and body repair use at the property located at 35 BRIDGE STREET (Map 36 Lot 235) (B-4 Zoning District).

A public hearing on the above Petition was opened on November 21, 2015 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair) Peter A. Copelas, James Tsitsinos, Tom Watkins, Mike Duffy.

The Petitioner seeks a Special Permit from the provisions of *Sec. 3.0 Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, to allow a change of use from a motor vehicle general to a motor vehicle body repair shop.

#### Statements of fact:

1. In the petition date-stamped October 27, 2015, the Petitioner requested a Special Permit per *Sec. 3.0 Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, to allow a change of use from a motor vehicle general service garage to a motor vehicle body repair shop.
2. Attorney Grover presented the petition on behalf of the applicant.
3. The property is located in a Wholesale Automotive Zoning District (B-4).
4. The property was used within two (2) years as an auto-repair garage, which has since vacated the building in the last several months. The property at one time operated a spray paint booth.
5. The petitioner intends to relocate an existing business on Florence Street to this location and install a spray paint booth.
6. Under the City of Salem Zoning Ordinance, the proposed use of a motor vehicle body repair shop requires a Special Permit under Section 3.1.2.
7. The petitioner proposes to a spray paint booth for light auto body work and plastic bumper painting.
8. The requested relief, if granted, would allow the petitioner to change the use from a motor vehicle service garage to a motor vehicle body repair shop.
9. At the public hearing, no (0) members of the public spoke in support and no (0) members spoke in opposition to the petition.
10. 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, makes the following **findings**:

**Findings for Special Permit:**

1. Social, economic, or community needs served by the proposal to retain an existing business in the City that fits with the automotive and industrial character of the neighborhood.
2. There are no negative impacts of traffic flow and safety, including parking and loading pertaining to the proposal.
3. Adequacy of utilities and other public services will not be affected.
4. Impacts on the natural environment, including drainage will not be affected.
5. The proposal will not have negative impacts on the neighborhood character.
6. Potential fiscal impact, including impact on the City tax base and employment may be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor and none (0) opposed, (Rebecca Curran, Peter A. Copelas, James Tsitsinos, Tom Watkins, Mike Duffy) to approve the requested Special Permit to allow a change of use from a motor vehicle service garage to a motor vehicle body repair shop subject to the following **terms, conditions and safeguards**:

Standard:

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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

**Special Condition:**

1. No vehicles or dumpsters may be located on the property along the entire length of Ferry Street.

  
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.*