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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

August 31, 2016

Decision

City of Salem Board of Appeals

Petition of DINO STATI seeking a Special Permit per *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance to convert an existing fur retail store into an office space at the property of 189 LORING AVE (Map 31 Lot 130) (R1 Zoning District).

A public hearing on the above Petition was opened on August 17, 2016 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed that date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice- Chair), Jimmy Tsitsinos, Tom Watkins, Paul Viccica (alternate).

The petitioner is seeking a Special Permit per *Sec. 3.3.2 Nonconforming Uses* to convert an existing fur retail store into an office space.

Statements of fact:

1. In the petition date-stamped July 19, 2016, the Petitioner requested a Special Permit per *Sec. 3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance to convert an existing fur retail store into an office space.
2. Dino Stati, petitioner presents the petition.
3. The petitioner proposes to convert an existing fur retail store into an office space for a construction contractor company.
4. The proposed office will have four (4) employees and no large trucks or equipment will be stored on site.
5. There are four (4) parking spaces including two (2) legal parking spaces on the property and two (2) parking spaces reserved for the associated business on the street.
6. The petitioner is planning to make improvements to the façade of the building including constructing new windows along the façade of Grant Road and Loring Ave. The petitioner is also proposing to re-position the entryway and make landscape improvements.
7. No changes will be made to the footprint of the building.
8. At the public hearing one (1) member of the public spoke in favor of and none (0) spoke in opposition to, the petition.

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 and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

This notice posted on "Official Bulletin Board"
City Hall, Salem, Mass. on August 31, 2016
at 8:27 AM in accordance with M.G. Chap. 30A,
Sections 18-25.

Findings for Special Permit:

The Board finds that the proposed changed in non-conforming use will not be substantially more detrimental than the existing nonconforming use.

1. The Board finds that the change of use from a fur shop to a professional office will be a benefit to social, economic and community needs.
2. There is no impact on traffic flow or safety.
3. There is no impact on the existing utilities or other public services.
4. There is no impact on the natural environment, including drainage.
5. The proposal conforms to the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (Peter A. Copelas (Vice- Chair), Jimmy Tsitsinos, Tom Watkins, Paul Viccica (alternate)) in favor and none (0) opposed, to allow the petitioner to convert an existing fur retail store into an office space subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

1. The petitioner shall comply with all city and state statues, 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.
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 shall be obtained.
7. A Certificate of Inspection shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Rebecca Curran / 91
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.