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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2018 MAR 16 AM 10:01
CITY CLERK
SALEM, MASS

March 16, 2018

Decision

City of Salem Board of Appeals

Petition of D.E.N. REALTY TRUST requesting a Special Permit per Sec. 3.0 Table of Uses, to allow a change from a garden and landscaping center to a motor vehicle general repair at 61 JEFFERSON AVE (Map 24 Lot 113)(I Zoning District)

A public hearing on the above Petition was opened on February 28, 2018 pursuant to M.G.L Ch. 40A, § 11 and was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Mike Duffy and Jim Hacker (alternate).

The petitioner is seeking a Special Permit per Sec. 3.0 Table of Uses, to allow a change from a garden and landscaping center to a motor vehicle general repair.

Statements of fact:

1. In the petition date-stamped January 29, 2018, the Petitioner requested a Special Permit per Sec. 3.0 Table of Uses, to allow a change from a garden and landscaping center to a motor vehicle general repair.
2. Darren Palm of D.E.N. Realty Trust and Matt Dolan of EZ Auto Body present the petition.
3. D.E.N. Realty Trust is the property owner and is proposing to lease the front building to EZ Auto Body.
4. The property is located in the Industrial Zoning District.
5. The petitioner is requesting a special permit per Sec. 3.0 Table of Uses, of the Salem Zoning Ordinance, to allow a change of use from a garden and landscaping center to a motor vehicle general repair.
6. The petitioner is proposing to use the existing structure as a garage for auto repair. The building is approximately 75' x 25' and the petitioner is proposing twenty-two (22) stacked parking spaces along the side yard and front yard setbacks.
7. EZ Auto Body provides services for alignment, mechanical, and suspension repair and is looking to expand the business. EZ Auto Body currently operates at 63 Jefferson Avenue and plans to utilize this existing location in conjunction with 61 Jefferson Avenue.
8. EZ Auto Body plans to service 20-25 cars per week.
9. The Board requested that EZ Auto Body provide ten (10) designated parking spaces for employees between the two (2) properties.
10. The requested relief, if granted, would allow the petitioner change the use of the property from a garden and landscaping center to a motor vehicle general repair facility.
11. At the public hearing, one (1) member of the public spoke in support and one (1) in opposition to the application.

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, makes the following **findings**:

The adverse effects of the proposed use will not outweigh its beneficial impacts to the City or neighborhood.

1. There are community needs that are served by the proposal.
2. There are no significant traffic flow and safety impacts including parking and loading. The petitioner is currently operating a business next door and plans to move vehicles between the properties 61 and 63 Jefferson Avenue via an existing easement rather than utilizing Jefferson Avenue. The petitioner will also provide ten (10) designated employee parking spaces between the two (2) properties.
3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character. The petitioner will submit a landscaping plan to the Department of Planning and Community development for administrative review and approval. The landscaping plan shall comply with the requirements of Section 5.0 Off-Street Parking Design of the Salem Zoning Ordinance and the Entrance Corridor Overlay District landscaping requirements.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Mike Duffy and Jim Hacker (alternate) in favor and none (0) opposed, subject to allow a change from a garden and landscaping center to a motor vehicle general repair 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 finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. A Certificate of Occupancy is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Special Conditions:

1. The petitioner shall submit a parking and landscape plan, drawn by a landscape architect, designer or surveyor, that will comply with the requirements of Section 5.0 Off-Street Parking Requirements and the Entrance Corridor Overlay District requirements of the Salem Zoning Ordinance, to the Department of Planning and Community Development, for administrative review and approval prior to the issuance of a Building Permit.
2. Ten (10) off-street parking spaces shall be designated as employee parking spaces prior to the issuance of a Certificate of Occupancy.


Rebecca Curran, Chair

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.

