



KIMBERLEY DRISCOLL  
MAYOR

## CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

120 WASHINGTON STREET, 3RD FLOOR  
SALEM, MASSACHUSETTS 01970

TELEPHONE: 978-745-9595

FAX: 978-740-9846

2012 FEB -1 A 10 16

FILE #  
CITY CLERK, SALEM, MASS.

February 1, 2012

### Decision

#### City of Salem Zoning Board of Appeals

**Petition of WING POWER ENERGY, INC. requesting a Special Permit under Section 3.0 of the Salem Zoning Ordinance to allow a research and development facility in the Industrial Zoning District, and a Variance from minimum rear yard depth, for the property located at 142 CANAL ST. (I Zoning District).**

A public hearing on the above Petition was opened on January 18, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on January 18, 2012 with the following Zoning Board of Appeals members present: Annie Harris (acting as chair), Richard Dionne, Jamie Metsch, Jimmy Tsitsinos and Bonnie Belair.

Petitioner seeks a Special Permit pursuant to Section 3.0 and a Variance under Section 4.0 of the City of Salem Zoning Ordinances.

#### **Statements of fact:**

1. Attorney Scott Grover represented the petitioner at the hearing.
2. In a petition date-stamped November 28, 2011, petitioner requested a Special Permit to allow a research and development facility in a portion of the building on 142 Canal Street a Variance from minimum rear yard depth, in order to allow a tower that tests different devices to generate wind power.
3. The Board received a letter from Paul Marquis, Energy and Sustainability Manager for the City of Salem, in support of the project.
4. At the hearing on January 18, 2012, two residents raised concerns about falling equipment and impacts to the nearby bike path.

The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following **findings**:

1. Literal enforcement of the provisions of the Zoning Ordinance would require the applicant to place the tower in an area that would take away parking spaces and interfere with other businesses on the site.
2. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since impacts to the neighborhood would be minimal.
3. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. A Special Permit under Section 3.0 is granted to allow a research and development use in the Industrial zoning district.
2. A Variance under Section 4.0 is granted to allow placement of a test tower as shown on the submitted plans.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Harris, Metsch, Dionne, Belair and Tsitsinos) and none (0) opposed, to grant petitioner's request for a Variance and Special Permit subject to the following **terms, conditions, and safeguards**:

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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
6. Height of the tower is not to exceed thirty-five (35) feet.

Annie Harris / DMX

Annie Harris,  
Salem 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.