



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

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FILE #
CITY CLERK, SALEM, MASS.

November 20, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of ERIC GLASS requesting a Special Permit to expand a nonconforming use in order to conduct bottling on the premises of 51R CANAL ST/4 FLORENCE ST (B4 & R2)

A public hearing on the above Petition was opened on November 7, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on November 7, 2012 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Annie Harris, Michael Duffy, Jamie Metsch, Richard Dionne, and Jimmy Tsitsinos (alternate).

Petitioner seeks a Special Permit pursuant to Section 3.3.2 of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped September 13, 2012, petitioner requested a Special Permit to expand the nonconforming use of the property by allowing bottling on the premises.
2. Eric Glass represented himself at the hearing.
3. At the hearing and in his application, Mr. Glass explained that his intent was to import, warehouse, wholesale, distribute and bottle alcohol spirits on the premises. He further explained that no distillation or pressurization would take place on the premises.
4. Exterior changes are not part of the proposal.
5. At the hearing, no member of the public spoke in favor of or against the project.

The Board of Appeals, 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. Desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed business would be less detrimental to the neighborhood than other types of businesses allowed there by right, including those that generate significant truck traffic.

2. 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 voted five (5) in favor (Curran, Harris, Dionne, Duffy and Metsch) and none (0) opposed, to grant the requested Special Permit. A Special Permit under Section 3.3.2 is granted to allow for the bottling on the property at 51R Canal Street/4 Florence Street.

The Board of Appeals voted to grant petitioner's request for a 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. A Certificate of Occupancy is to be obtained.
6. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.



Rebecca Curran, Chair
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.