



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TELE: 978-745-9595 ♦ FAX: 978-740-9846

2013 OCT -2 P 12:09

FILE #  
CITY CLERK, SALEM, MASS.

October 2, 2013

## Decision

### City of Salem Board of Appeals

Petition of NEW ENGLAND POWER COMPANY d/b/a NATIONAL GRID for a new Special Permit for an Essential Services Use pursuant to Section 3 *Use Regulations* and a Special Permit to extend a pre-existing non-conforming use pursuant to Section 3.3.2 *Nonconforming Uses and Structures*, for the construction of a new control house with related facilities at the property located at 57 CANAL ST (B4, R2, and Entrance Corridor Overlay Zoning Districts).

A public hearing on the above Petition was opened on September 18, 2013 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Dionne, Mr. Duffy, Ms. Harris, Mr. Watkins, and Mr. Eppley (Alternate).

The Petitioner seeks a Special Permit pursuant to Sec. 3.0 Use Table and a Special Permit pursuant to Section 3.3.2 of the Salem Zoning Ordinance.

#### Statements of fact:

1. Attorney Joshua Lee Smith representing New England Power Company, d/b/a/ National Grid and Mr. Dan McIntyre, consulting engineer, presented the petitions for the property at 57 Canal Street (B4, R2, and Entrance Corridor Overlay Zoning Districts).
2. In the petition, date-stamped August 28, 2013, the Petitioner requests a Special Permit for an Essential Services Use pursuant to Section 3 *Use Regulations* and a Special Permit to extend a pre-existing non-conforming use pursuant to Section 3.3.2 *Nonconforming Uses and Structures*, for the construction of a new control house with related facilities.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petitions, 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:

#### §9.4 Special Permits

##### §9.4.2 Criteria, Subsections 1 through 6

1. The facility is and has been an essential services use since the 1950s. The facility as proposed continues that essential services use to meet the needs of the community. The updating of the control house and related facilities is necessary to improve the capacity and reliability of electrical service to the City of Salem and neighboring communities.
2. The facility, as proposed, does not change the traffic flow or safety of the neighborhood traffic flow of the neighborhood.
3. The proposed facility will not adversely impact the public services and has adequate access to utilities.

4. The proposed facility will not be substantially more detrimental than the existing nonconforming use to the neighborhood.
5. The proposed work includes planting new trees and shrubs for screening of abutters, and screening of Canal Street where feasible. All new lighting will be directed downward toward equipment on-site, and will not be directed out of the site."

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 Salem Board of Appeals **concludes**:

1. A Special Permit for an Essential Services Use under Section 3 Use Table and a Special Permit to extend a pre-existing non-conforming use under Section 3.3.2 for the construction of a new control house with related facilities are granted as conditioned.
2. In permitting the Special Permit for an Essential Services Use and a Special Permit to extend a pre-existing non-conforming use, the Salem Board of Appeals requires certain appropriate terms, conditions and safeguards as noted below.

In consideration of the above, the Salem Board of Appeals voted five (5) in favor (Ms. Curran – Chair, Mr. Dionne, Mr. Duffy, Ms. Harris, and Mr. Watkins in favor) and none (0) opposed, to approve the Special Permit for an Essential Services Use and the Special Permit to extend a pre-existing non-conforming use, subject to the following **terms, conditions, and safeguards**:

1. The 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 Inspection is to be obtained.
6. 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.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. A retaining wall shall be constructed along the western boundary of 8 Cypress Street, and no barbed wire shall be affixed to the top of the chain link fence that will be installed on top of the retaining wall along the western boundary of 8 Cypress Street.
9. Additional landscaping shall be installed along Canal Street, where feasible, and along the northern boundary of 8 Cypress Street, in order to provide screening.
10. The location of the building may vary from the location shown on the submitted plans by no more than 20 feet eastward, and it shall not be moved any closer to Canal Street.
11. The barbed wire affixed to the top of the chain link fence bordering the north side of 8 Cypress Street shall be angled in toward the site, and shall not be angled out over 8 Cypress Street.



Rebecca Curran, Chair  
Board of Appeals

City of Salem Board of Appeals  
October 2, 2013  
Project: 57 Canal Street  
Page 3 of 3

*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.*