



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS.

2015 JUL 29 P 2:11

## July 29, 2015 Decision City of Salem Board of Appeals

Petition of FRED J. DION YACHT YARD, INC., seeking a Special Permit per Sec. 3.3.2 *Nonconforming Uses* and 3.3.3 *Nonconforming Structures* to alter a nonconforming structure and extend a nonconforming use to allow the reconstruction of an existing storage shed. The applicant also requests Variances per Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from the maximum lot coverage and minimum distance between buildings at the property of 23 GLENDALE STREET (Map 33 Lot 646) (R1 Zoning District)

A public hearing on the above Petition was opened on July 15, 2015 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins and James Hacker (alternate).

The Petitioner seeks a Special Permit per Sec. 3.3.2 *Nonconforming Uses* and 3.3.3 *Nonconforming Structures* to alter a nonconforming structure and extend a nonconforming use to allow the reconstruction of an existing storage shed. The applicant also requests Variances per Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from the maximum lot coverage and minimum distance between buildings.

### Statements of fact:

1. In the petition date-stamped June 23, 2015, the Petitioner requested a Special Permit per Sec. 3.3.2 *Nonconforming Uses* and 3.3.3 *Nonconforming Structures* to alter a nonconforming structure and extend a nonconforming use to allow the reconstruction of an existing storage shed. The petitioner also requests Variances per Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from the maximum lot coverage and minimum distance between buildings.
2. Attorney Atkins presents the petition on behalf of the petitioner.
3. The petitioner proposes to construct additional boat storage space by reconstructing an existing storage shed.
4. The proposed storage shed will measure 60' wide, 80' long and 26' high.
5. The use of the entire parcel as a yacht storage and repair yard is nonconforming in the R-1 Zoning District.
6. The requested relief, if granted, would allow the petitioner to alter a nonconforming structure and extend a nonconforming use to allow the reconstruction of an existing storage shed
7. At the public hearing, one (1) member of the public spoke in support 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, makes the following **findings**:

**Findings for Special Permit:**

1. The proposed project will serve the social, economic and community needs.
2. There are no traffic flow and safety impacts including parking and loading.
3. Utilities and public services are adequate.
4. There are no significant impacts on the natural environment, including drainage.
5. The proposal fits with the neighborhood character.
6. The potential fiscal impact, including the impact on the City tax base and employment is positive.

**Findings for Variance:**

- 1) Special conditions and circumstances that especially affect the land, building or structure involved, generally not affecting other lands, buildings, and structures in the same district is that although the deed shows the acreage of the property is 200,000 square feet a significant portion of the property is tidal. If the tidal flats were included in the calculation for maximum lot coverage, the Variance would not have been necessary.
- 2) Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant in that the expansion is needed support the employment of eighteen (18) employees.
- 3) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, James Hacker (alternate)) and none (0) opposed, to approve a Special Permit to alter a nonconforming structure and extend a nonconforming use to allow the reconstruction of an existing storage shed and Variances per Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from the maximum lot coverage and minimum distance between buildings requested subject to the following **terms, conditions and safeguards**:

**Standard:**

1. 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 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 is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

**Special Condition**

1. Petitioner shall number or label buildings in such a way as to assist the Fire Department.

  
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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.*