



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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

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

2015 JUL 29 P 2:10  
FILE #  
CITY CLERK, SALEM, MA

Petition of HIPOLITO L. MADERA seeking a Special Permit requesting relief from Sec. 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to allow a change of use from a motor vehicle light service garage to a motor vehicle body repair shop for the property located at 4 FLORENCE (Map 34 Lot 103) (I 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), James Tsitsinos, Tom Watkins, Mike Duffy, Paul Viccica (alternate).

The Petitioner seeks a Special Permit from the provisions of *Sec. 3.0 Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, to allow a change of use from a motor vehicle light service garage to a motor vehicle body repair shop.

### Statements of fact:

1. In the petition date-stamped June 22, 2015, the Petitioner requested a Special Permit per *Sec. 3.0 Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, to allow a change of use from a motor vehicle light service garage to a motor vehicle body repair shop.
2. Mr. Madera and Mr. La Pointe presents the petition.
3. The petitioner proposes to install a 240 square foot paint spray booth inside and existing auto repair shop.
4. The petitioner proposes to a spray paint booth for light auto body work and plastic bumper painting.
5. The entire shop is approximately 1,956 square feet and located in an industrial zoning district.
6. The requested relief, if granted, would allow the petitioner to change the use from a motor vehicle light service garage to a motor vehicle body repair shop.
7. At the public hearing, no (0) member of the public spoke in support and four (4) members spoke in opposition to the petition.
8. 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, makes the following **findings**:

### Findings for Special Permit:

1. Social, economic, or community needs served by the proposal- have negative impacts on the community with particular concern for health and welfare of the Cherry Street neighborhood regarding the effects of fumes from paint and lacquers used in the spray paint booth on the neighborhood.
2. There are negative impacts of traffic flow and safety, including parking and loading pertaining to the proposal.
3. Adequacy of utilities and other public services will not be affected.
4. Impacts on the natural environment, including drainage may be affected from the effects of ventilation of the proposed spray booth.


5. The proposal will have negative impacts on the neighborhood character particularly pertaining to health and welfare regarding the effects of fumes vented from paint and lacquers used in the spray paint booth.
6. Potential fiscal impact, including impact on the City tax base and employment may be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted none (0) in favor and five (5) opposed, (Peter A. Copelas (Vice-Chair), James Tsitsinos, Tom Watkins, Mike Duffy, Paul Viccica (alternate)) to approve the requested Special Permit to allow a change of use from a motor vehicle light service garage to a motor vehicle body repair shop 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. A Certificate of Inspection 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.

**The Board denied the request.**

  
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.*