



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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

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FILE #
CITY CLERK, SALEM, MASS.

July 29, 2015 Decision City of Salem Board of Appeals

Petition of SIXTY FOUR BRIDGE LLC, seeking a Special Permit per Sec. 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to allow a partial change of a nonconforming use to another nonconforming use to allow the first floor to be converted from office space to an art gallery with an accessory gift shop located at the property of 64 BRIDGE STREET (Map 36 Lot 153)(R2 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 Paul Viccica (alternate).

The Petitioner seeks a Special Permit from the provisions of Sec. 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to allow a partial change of a non-conforming use to another non-conforming use to allow the first floor to be converted from office space to an art gallery with an accessory gift shop.

Statements of fact:

1. In the petition date-stamped June 23, 2015, the Petitioner requested a Special Permit from the provisions of Sec. 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to allow a partial change of a non-conforming use to another non-conforming use to allow the first floor to be converted from office space to an art gallery with an accessory gift shop
2. Attorney Atkins presented the petition on behalf of the petitioner.
3. The petitioner proposes to partially change a non-conforming office building to an art gallery with an accessory gift shop. The second floor will remain as an office space for the current tenant.
4. There are no proposed structural changes to the exterior of the building.
5. There are fifteen (15) on-site parking spaces and meet the zoning requirements for a retail use.
6. There are no proposed changes to traffic flow and circulation.
7. The requested relief, if granted, would allow a partial change a nonconforming use to another nonconforming use to allow the first floor to be converted from office space to an art gallery with an accessory gift shop.
8. At the public hearing, no members of the public spoke in favor or in opposition to the proposal.

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 change from would not be more substantially detrimental than the existing non-conforming structure and will significantly benefit the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. Adequacy of utilities and other public services are sufficient.
4. There are no impacts on the natural environment, including drainage.
5. The proposal conforms to the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive due to the anticipated rehabilitation of the residential units and new commercial space.

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, Paul Viccica (alternate)) and none (0) opposed, to approve the requested Special Permit to allow a partial change of a nonconforming use to another nonconforming use to allow the first floor to be converted from office space to an art gallery with an accessory gift shop subject to the following **terms, conditions and safeguards:**

Standard Conditions:

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.


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.