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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 APR -1 P 4: 18

April 1, 2015

FILE #
CITY CLERK, SALEM, MASS.

Decision

City of Salem Board of Appeals

Petition of TROPICAL PRODUCTS, INC seeking Special Permit from the provisions of Sec. 3.3.2 *Nonconforming Uses* to allow an extension of a non-conforming use and a Special Permit from the provisions of Sec. 3.3.3 *Nonconforming Structures* to allow the extension of a non-conforming front setback dimension for the property located at 220 HIGHLAND AVENUE (Map 8 Lot 124) (B2 Zoning District).

A public hearing on the above Petition was opened on March 18, 2015 close on that date pursuant to M.G.L Ch. 40A, § 11 with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, Mr. Copelas, Mr. Tsitsinos (alternate).

The Petitioner seeks Special Permits per Sec. 3.3.2 *Nonconforming Uses* to allow an extension of a non-conforming use and a Special Permit from the provisions of Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped February 24, 2015, the Petitioner requested Special Permits per Section 3.3.2 Nonconforming Uses and Section 3.3.3 Nonconforming Structures to all the extension of a non-conforming front setback dimension.
2. Attorney Atkins presented the petition.
3. The petitioner proposes to construct a 574 square foot addition to the first floor and a 3, 485 square foot addition to the second floor on the front left side of the existing structure in accordance with plans titled "220 Highland Avenue" A-1 through A-4 and C-1 dated February 24, 2015.
4. The requested relief, if granted, would allow the Petitioner to allow the extension of a non-conforming front setback dimension.
5. At the public hearings no members 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, 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:

Findings for Special Permit:

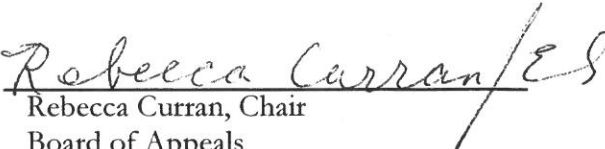
1. The Board finds that the proposal, to construct a multi-family dwelling in a B1 Zoning District, is an allowable use by right and by requesting Special Permits per Section 3.3.3 Nonconforming Structures to structurally extend, alter or structurally change the existing structure preserves a significantly historic structure.

2. The board finds that the proposed expansion of this dimensionally non-conforming building is not more detrimental than the existing structure to the impact on the social, economic or community needs served by the proposal.
3. There are no impacts on traffic flow and safety, including parking and loading.
4. The capacity of the utilities is not affected by the project.
5. There are no impacts on the natural environment, including drainage.
6. The proposal conforms to the existing neighborhood character.
7. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, Mr. Copelas, Mr. Tsitsinos (alternate) and none (0) opposed, to grant a Special Permit, to allow the extension of a non-conforming front setback dimension., subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

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. Exterior finishes of new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy shall be obtained.
7. 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.