



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

March 28, 2022

Decision

City of Salem Board of Appeals

The petition of CARGILL STORAGE SYSTEMS, LLC at 53-59 MASON STREET (Map 26, Lot 90) (NRCC Zoning District), for a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning for the purpose of having indoor year-round and seasonal storage of boats, classic automobiles and recreational vehicles.

A public hearing on the above petition was opened on March 16, 2022 and was closed on March 16, 2022.

On March 16, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Rosa Ordaz, Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley.

The petitioner seeks a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance for the purpose of having indoor, year-round and seasonal storage of boats, classic automobiles and recreational vehicles.

Statements of Fact:

The petition is date stamped January 25, 2022. The petitioner has requested a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance for the purpose of having indoor, year-round and seasonal storage of boats, classic automobiles and recreational vehicles.

1. 53-59 Mason Street is owned by 53-59 Mason St, LLC.
2. The Petitioner is Cargill Storage Systems, LLC.
3. Cargill Storage Systems, LLC was represented by Attorney Scott Grover.
4. 53-59 Mason Street is located in the NRCC zoning district. (Map 26, Lot 90)
5. The requested relief, if granted, would allow the Petitioner to change from one nonconforming use to another nonconforming use for indoor storage.
6. On March 16, 2022, Attorney Scott Grover presented the petition for 53-59 Mason Street to the Board.

7. 53-59 Mason Street is currently an industrial and commercial building in the North River Canal Corridor Zoning District. The building at 53-59 Mason Street was constructed before the North River Canal Corridor was created for the zoning ordinance. There is a number of commercial businesses that operate at the property at 53-59 Mason Street.
8. The applicant is looking to lease approximately 14,000 square feet of space in the property for year-round and seasonal indoor storage of classic automobiles, recreational vehicles and boats.
9. There will be no storage of any kind outside of the building. There will be no maintenance or repair work conducted on site and no exterior changes to the building. This would be a special permit for indoor storage only which would be an extension of a non-conforming use for this property.
10. The petitioner intends to only use the Commercial Street entrance for the drop off of vehicles and boats. This is because the Mason Street entrance would not provide adequate space for trailers to turn into the property.
11. Paul Viccica asked the petitioner to show on the plot plan where the actual location would be for entering the property and where the drop off of vehicles would be located.
12. Rosa Ordaz inquired about what hours would the business be in operation for the drop off and pick up vehicles or boats. The hours of operation will be from 8 a.m. to 6 p.m.
13. Attorney Grover reiterated that this would be seasonal storage. There will be months where there is not a lot of coming and going from the property.
14. Chair Duffy opened the meeting up to public comment. There were none.
15. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the March 16, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by this petition.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.
3. Adequate utilities and other public services: The petition will not impact utilities or public services.

4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will not have a negative impact on the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will be a positive fiscal impact on the city or its tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted six (6) in favor (Rosa Ordaz, Mike Duffy (chair), Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley) and none (0) opposed to grant CARGILL STORAGE SYSTEMS, LLC at 53-59 MASON STREET a Special Permit per Section 3.3.2 Nonconforming Uses of the Salem Zoning for the purpose of having indoor year-round and seasonal storage of boats, classic automobiles and recreational vehicles.

Receiving five (6) in favor votes, the petition for a special permit is approved.

Standard Conditions:

1. 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 Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Special Conditions:

1. There will be no outside storage of any kind outside of the property.
2. Deliveries will only occur from the Commercial Street entrance
3. The hours of operation will be from 8 a.m. to 6 p.m.

A handwritten signature in dark ink that reads "Mike Duffy" followed by a stylized "DL" monogram.

Mike Duffy, 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.