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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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June 7, 2021

Decision

City of Salem Board of Appeals

Petition of THE LONG GAME LLC for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to expand an existing nonconforming warehouse and transportation use by allowing the premises to be used for a trucking business at 53-59 Mason Street (Map 26, Lot 90) and 38 Commercial Street (Map 26, Lot 47) (NRCC Zoning District).

A public hearing on the above Petition was opened on May 19, 2021 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Mike Duffy (Chair), Peter Copelas, Rosa Ordaz, Paul Viccica, and Carly McClain (Alternate). Board members Jimmy Tsitsinos and Steven Smalley (Alternate) were absent.

The petitioner seeks a special permit Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to expand an existing nonconforming warehouse and transportation use by allowing the premises to be used for a trucking business at 53-59 Mason Street and 38 Commercial Street.

Statements of Fact:

1. In the petition date-stamped April 12, 2021, the petitioner requested a special permit per Section 3.3 of the Zoning Ordinance “in order to To [sic] authorize an extension of a nonconforming use” at 53-59 Mason Street and 38 Commercial Street.
2. 53-59 Mason Street and 38 Commercial Street are owned by the petitioner, The Long Game LLC.
3. The petitioner was represented by Attorney Miranda P. Siemasko of Glovsky & Glovsky LLC.
4. 53-59 Mason Street and 38 Commercial Street is a commercial warehouse structure in the North River Canal Corridor (NRCC).
5. Per the Statement of Special Permit Grounds submitted with the original application, in September 2020, the petitioner signed a lease with Pedro Gutierrez, d/b/a Rabbit Hauling, to use office space and associated parking for the operation of a trucking business at 53-59 Mason Street and 38 Commercial Street. In the Statement the applicant notes on March 9, 2021 the Building Inspector issued a zoning violation notice to the petitioner stating that a transportation company (trucking) is not allowed in the NRCC Zoning District. Upon receiving notice, the petitioner applied for a special permit to allow the proposed trucking use.
6. The requested relief, if granted, would allow the petitioner to operate a trucking business at 53-59 Mason Street and 38 Commercial Street.

7. Prior to the May 19, 2021 meeting Attorney Siemasko submitted a written request to withdraw without prejudice. The written request reads in part: “The Owner has determined that the best course of action is to terminate the existing tenant lease that is the basis for the request”.
8. 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 May 19, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
9. At the May 19, 2021 public hearing, Attorney Miranda Siemasko described the request to withdraw without prejudice the application for a special permit. Ms. Siemasko notes the petitioner has entered into an agreement with Building Commissioner Tom St. Pierre that the use in question will be terminated, negating any need for relief.
10. At the May 19, 2021 public hearing, the Board voted **five (5) in favor (Paul Viccica, Mike Duffy (Chair), Peter Copelas, Rosa Ordaz, and Carly McClain (Alternate) and none (0) opposed** to allow the applicant to withdraw the petition without prejudice.

The application is withdrawn without prejudice.



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.