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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
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Decision

City of Salem Board of Appeals

Petition of GRINDLE PROPERTIES, LLC and property owner PEQUOT FILLING STATION, INC. for a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment) at 82-84 CONGRESS STREET (Map 34, Lot 218) (R3 Zoning District).

A public hearing on the above Petition was opened on February 19, 2020 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter Copelas, Rosa Ordaz, Jimmy Tsitsinos, and Paul Viccica. Board members Mike Duffy (Chair) and Carly McClain were absent. Peter Copelas served as Acting Chair.

The petitioner seeks a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use to another nonconforming use.

Statements of Fact:

1. In the petition date-stamped January 24, 2020, the petitioner requested a special permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment) at 82-84 Congress Street.
2. 82-84 Congress Street is owned by Pequot Filling Station, Inc.
3. 82-84 Congress Street is currently used for motor vehicle service and repair. This is a nonconforming use in the Residential Multifamily (R3) zoning district.
4. The proposal is to change from the existing nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment), which the application describes as “less detrimental.”
5. Per the Statement of Grounds submitted with the petitioner, “The Petitioner proposes to use the existing building as its base of operations for the Salem Laundry Company.”
6. No structural changes are noted in the application.
7. The requested relief, if granted, would allow the petitioner to change from one nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment) at 82-84 Congress Street.
8. At the February 19, 2020 meeting of the Board of Appeals, Attorney Kristin Kolick, representing petitioner Grindle Properties, LLC, discussed the petition. Attorney Kolick explained that the hope is

to bring the Salem Laundry Company back to Salem from its present location in Lynn. This would be a central location for the Salem Laundry Company's base of operations, as they could keep their laundromats (located both north and south of Salem) stocked and there is already space for a repair shop and for office space. They would repair laundry machines on site, accept deliveries, and have an office there. There will typically be one to two employees working there.

9. This site will not be used as a laundromat.
10. At the February 19, 2020 public hearing Attorney Kolick noted that the Salem Laundry Company worked harmoniously in the space now occupied by Kokeshi next to Derby Lofts, with no complaints from residential abutters.
11. At the February 19, 2020 public hearing Attorney Kolick reviewed the special permit criteria. She noted that there is adequate parking on site. Large deliveries are expected no more than once a week. No changes to the existing curb cuts or building are proposed. The exterior will be maintained and rehabilitated. No changes are anticipated to utilities or public services. The mixed-use character of the neighborhood is well-suited to this type of business. No impact to the natural environment is anticipated. A positive impact to the tax base and employment is anticipated. This a less intensive use from a traffic standpoint than the motor vehicle service and repair use. They are expecting less traffic and that traffic will not be disruptive. No impact is anticipated to the natural environment. The use will bring jobs and get the Salem Laundry Company back into Salem. There should be little impact on City services.
12. At the February 19, 2020 public hearing, there was some discussion of hours of operation and when deliveries would be expected. Manager of Grindle Properties and President of Salem Laundry Company, Inc., Jeff Hooper stated he anticipated that they would likely be open 7 am to 5 pm, normally 5 days a week, but he could not say that they would not use it on weekends. They may access the space on weekends. Mr. Hooper said they would typically expect deliveries during the day.
13. At the February 19, 2020 public hearing, in response to questions from the Board, Mr. Hooper noted that no outdoor storage is anticipated and that at this time, no other uses for the parking spaces are anticipated. He noted that the use may change in the future.
14. At the February 19, 2020 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.

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** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the proposed nonconforming use is not substantially more detrimental than the existing nonconforming use to the neighborhood.

1. Social, economic, or community needs are served by the proposal.
2. Traffic flow and safety, including parking and loading: The proposal is likely to decrease the traffic impacts and parking requirements from the motor vehicle service and repair use. This should mark an improvement to traffic flow and safety, including parking and loading.
3. Adequacy of utilities and other public services: No change is anticipated to utilities and other public services.

4. Impacts on the natural environment, including drainage: No impact is anticipated. No change to the footprint is anticipated.
5. Neighborhood character: The proposed use is appropriate for the mixed-use character of the neighborhood.
6. Potential fiscal impact, including impact on City tax base and employment: This proposal may have a positive impact on employment.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Rosa Ordaz, Jimmy Tsitsinos, Paul Viccica, and Peter Copelas (Acting Chair)), and none (0) opposed to grant the requested Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from one nonconforming use (motor vehicle service and repair) to another nonconforming use (office, storage, warehousing and repair of equipment) at **82-84 Congress Street**, subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. Exterior finishes of the new construction shall be in harmony with the existing structure.
4. A Certificate of Occupancy is to be obtained.
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.
7. All construction shall be done per the plans and dimensions submitted to and approved by this Board. No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

 /BTC

Peter Copelas, Acting 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.