



ACTING MAYOR  
ROBERT K. MCCARTHY

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
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**April 10, 2023**

### **Decision**

### **City of Salem Board of Appeals**

The petition of FARM DIRECT CO-OP, INC. at 128 MARGIN STREET (Map 25, Lot 507) (R2 Zoning District) for a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to convert the non-conforming commercial/retail use of this structure to another non-conforming use of food warehousing, refrigeration, freezing, shelf storage, and coolers. There will also be basic office work conducted on site. The total space is approx. one thousand eight hundred square feet. (1,800 sq.ft)

A public hearing on the above petition was opened on March 22, 2023 and was closed on March 22, 2023.

On March 22, 2023, the following members of the Salem Board of Appeals were present: Carly McClain (Vice-Chair), Paul Viccica, Nina Vyedin and Steven Smalley.

### **Statements of Fact:**

The petition is date stamped February 21, 2023. The petitioner requests to convert a nonconforming use of commercial/retail to another nonconforming use of food warehousing.

1. 128 Margin Street is owned by Naumkeag Realty Trust, Peter A. Copelas, Jr., Trustee.
2. The petitioner was Farm Direct Co-op, INC.
3. Farm Direct Co-op was represented by Attorney Bill Quinn.
4. 128 Margin Street is located in the R2 zoning district. (Map 25, Lot 507).
5. On March 22, 2023, Bill Quinn presented the petition to the board.
6. The property at 128 Margin Street is an existing nonconforming structure. The petitioner would like to go from commercial use to food warehousing use.

7. The Farm Direct Co-Op (FDC) is a nonprofit organization that distributes organic materials and goods to a private membership. The FDC has been in operation since the year 2000.
8. The FDC gathers the organic food from local farms and then ship the goods to several distribution locations in Salem, Marblehead and Melrose. This site is to be a warehouse where the store and sort the food for distribution.
9. Attorney Quinn stated the City of Salem does characterize the building as a warehouse so this does not deviate from the warehouse use.
10. There are eight (8) parking spaces and an adjacent lot that could be used for parking.
11. Attorney Quinn addressed the criteria for the special permit. Attorney Quinn stated that this petition is a great opportunity to serve the public interest.
12. Acting Chair McClain opened the meeting up questions from the board.
13. Nina Vyedin inquired how often pick and drop off will occur at this location.
14. Attorney Quinn stated that at this current time there is no plan for pick up and delivery at this location. The trucks will be leaving from the site two times a week-Tuesdays and Thursdays.
15. Paul Viccica asked Julie Potter, Director of FDC, about how the process will work with the pick-up of materials from the site. Ms. Potter explained the truck will go around to local farms and collect the products and bring those products to the site and drop them off. It will then take the produce that has been collected previously out for delivery.
16. Paul Viccica inquired about how the FDC will use the office space at the site. Ms. Potter stated that proposed office is set up as break room currently. She stated she was not sure on how they were going to utilize the office space. She had not determined if they were going to keep the office space or use the space for a different use.
17. Vice-Chair McClain read the letters from S. Robinson, 3 Downing Street, inquired about where cooling systems would be placed at the property. It was discussed that there would be no refrigeration systems that required machinery outside of the property.
18. A letter from Nancy Epstein, 25A Marion Road, supported the petition.
19. A letter from Elaine Wintman, 28 Beckford Street, supported the petition.
20. A letter from Nina Cohen, 22 Chestnut Street, supported the petition.
21. Patti Morsillo, Ward 3 Councilor, expressed her support for petition.
22. Vice-Chair McClain went over the criteria for a special permit.
23. Paul Viccica made a motion to approve the petition.
24. The March 22, 2023 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Steven Smalley, Carly McClain (Vice-Chair), Nina Vyedin and Paul Viccica and none (0) opposed to grant FARM DIRECT CO-OP, INC. at 128 MARGIN STREET (Map 25, Lot 507) (R2 Zoning District) a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem

Zoning Ordinance to convert the non-conforming commercial/retail use of 128 Margin Street to another non-conforming use of food warehousing, refrigeration, freezing, shelf storage, and coolers. There will also be basic office work conducted on site.

**Receiving five (5) in favor votes, the petition for a Special Permit is GRANTED.**

**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.
9. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

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Peter A. Copelas/ 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.