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MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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August 14, 2023

Decision

City of Salem Board of Appeals

The petition of ROGUS MOTOR GROUP, LLC at 207 HIGHLAND AVENUE (Map 13, Lot 2) (B2 Zoning District) for a Special Permit per Section *3.1.4 Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate an automobile dealership specializing the sale, service general and body repair of motor vehicles. Also, a Special Permit per Section *5.1.4 Reduction* to share the parking with the other tenant at the site.

A public hearing on the above petition was opened on June 21, 2023 and was continued to July 19th, 2023 and closed on July 19, 2023.

On June 21, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Carly McClain, Paul Viccica, Nina Vyedin and Hannah Osthoff.

On July 19th, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Carly McClain, Paul Viccica, Nina Vyedin, Rosa Ordaz and Hannah Osthoff.

Statements of Fact:

The petition is date stamped May 26, 2023. The petitioner proposes to operate an automobile dealership specializing in the sale, service general and body repair of motor vehicles.

4. 207 Highland Avenue is owned by Highland Avenue Realty Trust: Charles Patsios, Tr.
5. The petitioner was Rogus Motor Group, LLC, Rodolfo Cunha, Mgr.
6. The representative was Attorney Bill Quinn.
7. 207 Highland Avenue is located in the B2 zoning district. (Map 13, Lot 2).
8. On June 21, 2023, Bill Quinn presented the plans to the board.

9. Attorney Quinn explained that his client is proposing to run a car dealership at the site. The site has a showroom like other dealerships. In previous years, there has also been a Chevrolet dealership that occupied the site. Attorney Quinn stated that the lot is specifically designed to be for a car dealership. This proposed use would work well at the site.
10. Attorney Quinn stated that the other tenant, DeVita Medical, has already agreed to accommodate the petitioner to share the site's parking.
11. Attorney Quinn explained the layout of the parking lot at the site. There are approximately one hundred fifty spots at the site.
12. Attorney Quinn stated that they are not sharing parking spaces. That each tenant at the site will have their own designated parking spaces for their customer base.
13. Attorney Quinn explained how traffic would be able to access the site. Customers can enter and exit from Highland Avenue with preexisting curb cuts at the site.
14. Attorney Quinn stated that the petitioner would accept and condition that required them to speak with the traffic and parking department for additional safety measures if needed at the site.
15. The property is abutted by a several commercial uses and a residential complex across First street.
16. The hours of operation for the property are proposed to be eight in the morning to five at night.
17. Chair Copelas asked Attorney Quinn to go over the submitted parking plan. Currently, Devita has seventeen parking spots. The proposed plan provides an additional twenty-seven spots to Devita for a total of forty-four spots. This leaves a total of one hundred and nine parking spaces for the proposed use of the car dealership.
18. Chair Copelas opened the meeting to comments from the board.
19. Paul Viccica stressed that he was dissatisfied with the parking layout for the site. He stated that it was not up to the detail that the Board of Appeals required so that they could correctly rule. Mr. Viccica stated that he wanted a more descriptive parking plan for the site.
20. Mr. Viccica stated he wanted to see a plan that specifically calls out how many spaces are for inventory. How many spaces are for employees? How many spaces will be used for the vehicles needing to be kept overnight at the site? What spaces are dedicated to customers that are seeking services from the company?
21. Mr. Viccica stated that he felt the application was not comprehensive enough for him to be able to vote on the petition.
22. Attorney Quinn requested a continuance to the next Board of Appeals meeting in July to acquire the requested information.
23. Nina Vyedin made a motion to approve the continuance to the next meeting of the Board of Appeals on July 19, 2023.
24. On July 19, 2023 Attorney Quinn continued his petition to the board.

25. Attorney Quinn explained to the Board about the revised and more detailed parking plan at the site.
26. Attorney Quinn went over the parking plan for the site. The plan showed the layout for all the categories of parking. Fourteen employee parking spaces, five showroom parking spaces, twenty-eight repair parking spaces, and seventy inventory spaces. This is a total of one hundred and twenty-seven spaces.
27. Attorney Quinn reviewed the criteria for a Special Permit for the board.
28. Paul Viccica inquired about how vehicles are delivered to the site. Mr. Viccica inquired about what the car transports will look like for the property. Mr. Viccica asked if attorney Quinn would accept the special condition that car transport vehicles would not be allowed to use First Street for drop off or turning around.
29. Attorney Quinn stated that his client would be fine with that special condition.
30. Chair Copelas opened the meeting to public comment.
31. There were none.
32. Chair Copelas stated that he felt the petitioner had addressed all the concerns the Board had from the June meeting. He inquired if any board member would like to make a motion to approve the petition.
33. Nina Vyedin made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas(Chair), Nina Vyden, Carlie McClain, Rosa Ordaz, and Paul Viccica and none (0) opposed to grant ROGUS MOTOR GROUP, LLC at 207 HIGHLAND AVENUE Special Permits per Section *3.1.4 Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate an automobile dealership specializing the sale, service general and body repair of motor vehicles. Also, a Special Permit per Section *5.1.4 Reduction* to share the parking with the other tenant at the site.

Receiving five (5) in favor votes, the petition for Special Permits 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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.

7. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
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.

Special Conditions:

1. Multi-car transport vehicles shall not use First Street as access to or from the locus.

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.