



DOMINICK PANGALLO  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
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**July 12, 2023**

### **Decision**

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

The petition of CARFIVE REALTY, LLC at 307 HIGHLAND AVENUE (Map 8, Lot 138) (B2, ECOD Zoning Districts) for Special Permit per Section *3.1.4 Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate motor vehicle rental business.

A public hearing on the above petition was opened on June 21st, 2023 and was closed on June 21st, 2023.

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

### **Statements of Fact:**

The petition is date stamped May 31, 2023. The petitioner requests to operate motor vehicle rental business.

1. 307 Highland Avenue is owned by Carfive Realty, LLC.
2. The petitioner was Carfive Realty, LLC.
3. Attorney Bill Quinn was the representative for Carfive Realty, LLC
4. 307 Highland Avenue is located in the B2 and ECOD zoning districts. (Map 8, Lot 138).
5. On June 21st, 2023 Attorney Bill Quinn presented the plans to the board.
6. Attorney Quinn reviewed the site plan for 307 Highland Avenue. Attorney Quinn explained that this site is well controlled by traffic lights that allow for space and time so that vehicles can come and go from the site.
7. Attorney Quinn stated that his client already has a business across Highland Avenue with the appropriate certifications for selling vehicles. His client would like to take advantage of this site to allow him to consolidate his operation that is nearby.
8. Attorney Quinn stated that there will be no national companies that will come to acquire many vehicles at one time.

9. The proposal is strictly for cars that the petitioner accumulates, cleans and tries to rent.
10. Attorney Quinn stated this proposal will increase the number of options for car rentals in the city. Also, the proposal would provide new jobs in the city.
11. There will be no more than three people working at the site. A manager/salesperson and two mechanics and/or technicians that will clean and detail the cars before they are able to be presented to rent on the lot.
12. There will be no bodywork or repairs done to the vehicles at this location.
13. Attorney Quinn stated that the site plan shows adequate and conforming parking for the employees and customers for the proposed business.
14. Attorney Quinn stated that the property would use Greenledge Street as access and egress from the property. Attorney Quinn stated that there is access to Highland Avenue from the property due to some prior curb cuts at the site. However, their intention is to not use the direct access to Highland Avenue via the curb cuts.
15. Attorney Quinn reviewed both submitted parking plans. One of the plans showed there will be enough parking to accommodate up to forty-five spaces for overnight parking.
16. Attorney Quinn inquired as to what questions the board may have.
17. Peter A. Copelas inquired to the Building Commissioner, Voula Orfanos, about any concerns that she had about the property.
18. Mrs. Orfanos stated that petitioner had already started the business before they had approval from the city and petitioner had subsequently been cited for the violation. The petitioner had been storing vehicles on the site before they had the proper permits. It was expressed that this was a concern based on actions before approval.
19. Italo De Souza, owner, spoke that he had erred earlier when he was sited by the city. He went to the Building Commissioner and got clarification and moved the vehicles from the vacant lot. This led to him coming to the Zoning Board for approval.
20. Mr. De Souza stated that he is a resident of Salem. He enjoys living in the city and when he became aware that he had made a mistake he fixed it and came to the Zoning Board of Appeals. He came in front of the board to do the right thing.
21. Mr. De Souza stated that the vehicles will be on the site only for the car rental business and that he won't keep vehicles on the site from his car dealership business across the street.
22. There were no more comments from the board.
23. Chair Copelas opened the meeting up to public comments. There were none.
24. Nina Vyden 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, Hannah Osthoff, Carly

McClain and Paul Viccica and none (0) opposed to grant CARFIVE REALTY, LLC a Special Permit per Section *3.1.4 Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to operate motor vehicle rental business.

**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 requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. A Certificate of Occupancy is to be obtained.
4. A Certificate of Inspection is to be obtained.
5. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
6. 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.
7. 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.
8. 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. Curb cuts at 307 Highland Avenue are to be decommissioned.
2. All vehicles stored at 307 Highland Avenue are to be used for rental use only.

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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.

