



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

August 1, 2018

Decision

City of Salem Board of Appeals

Petition of ROBERT LIANI, JR. TRUSTEE of 96 BRIDGE STREET REALTY TRUST, requesting a special permit per Sec. 3.3.2 *Non-conforming Use* and Sec. 3.3.3 *Non-conforming Structure* to allow the petitioner to expand the existing retail bake shop and construct a second floor addition for storage and employee space at 96 BRIDGE STREET (Map 36, Lot 117) (R-2 Zoning District)

A public hearing on the above Petition was opened on July 18, 2018 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Paul Viccica.

The petitioner is seeking a special permit per Sec. 3.3.2 *Non-conforming Use* and Sec. 3.3.3 *Non-conforming Structure* to allow the petitioner to expand the existing retail bake shop and construct a second floor addition for storage and employee space.

Statements of fact:

1. In the petition date-stamped June 26, 2018, the Petitioner requested a special permit per Sec. 3.3.2 *Non-conforming Use* and Sec. 3.3.3 *Non-conforming Structure* to allow the petitioner to expand the existing retail bake shop and construct a second floor addition for storage and employee space.
2. Attorney William Quinn- Tinti, Quinn, Grover and Frey- presents the petition.
3. The property is located in the R-2 Zoning District.
4. The petitioner is proposing to expand the existing non-conforming use and structure by enlarging the entrance vestibule and construction a second story addition for use as storage, an employee lounge and lockers.
5. The expansion will not increase the number of customer seats or the number of employees, and does not require additional parking.
6. The existing structure is approximately 1,926 square feet. The petitioner is proposing to expand the existing customer entrance vestibule by approximately 65 square feet and the proposed second floor is approximately 1,062 square feet. The petitioner is proposing a total expansion of 1,127 square feet.
7. The requested relief, if granted, would allow the Petitioner to expand the existing retail bake shop and construct a second floor addition for storage and employee space.
8. At the public hearing no members of the public spoke in favor 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, and the Petitioner's

presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings for Special Permit:

The Board finds that the proposed expansion of the existing non-conforming use and structure is not substantially more detrimental than the existing non-conforming use and structure to the neighborhood.

1. There are positive social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. Drainage will be improved by the proposal.
5. The proposal fits with the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Paul Viccica) in favor and none (0) opposed, to allow the petitioner to expand the existing retail bake shop and construct a second floor addition for storage and employee space subject to the following **terms, conditions and safeguards**:

1. The 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 new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Peter A. Copelas / Es
Peter A. Copelas (Vice-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.