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BOARD OF APPEAL

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June 22, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of LESLIE R. ABCUNAS, requesting a Home Occupation Special Permit for a massage business in the single-family home at 24 BELLEAU RD, Salem, MA (R-1 zoning district).

A public hearing on the above Petition was opened on June 15, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Elizabeth Debski and Jamie Metsch.

Petitioner seeks a Special Permit pursuant to Section 3.0 (Use Regulations) and Table of Principal and Accessory Use Regulations, of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped May 26, 2011, petitioner Leslie R. Abcunas requested a Special Permit for a Home Occupation to run a massage therapy business from the house in which she resides at 24 Belleau Road in the Residential One-Family District.
2. The house at 24 Belleau Road is owned by the petitioner's father, Mr. Joseph Abcunas, who also signed the petition form.
3. The petitioner represented herself at the hearing.
4. At the meeting on June 15, 2011, three residents of the neighborhood, Jane Camarda (20 Belleau Road), Deborah Gregory (22 Belleau Road), and Helen Brown (35 Belleau Road), spoke in support of the petition, speaking favorably about Ms. Abcunas's professionalism and the quality of her services. Resident Cynthia Hincman Bourgault (19 Belleau Road) and Ward 7 Councillor Joseph O'Keefe spoke in opposition, citing concerns about a business use being inappropriate for a Residential One-Family neighborhood.
5. The Board of Appeals received letters opposing the petition from Ms. Bourgault, Anne Marie and Richard St. Pierre (26 Belleau Road), and At-Large Councillor Joan Lovely.

6. At-Large Councillor Thomas Furey submitted a letter of opposition to the petition, but then submitted a letter of support after meeting with the petitioner about the proposal and touring the house.
7. At the hearing, some Board members expressed concern about the fact that Belleau Road is a dead-end street, and clients visiting the residence would need space to turn around.
8. Also at the hearing, some Board members felt the parking available was inadequate.
9. Also at the hearing, some Board members voiced concerns that a business use would be too intense for the quiet, residential neighborhood, thereby having a negative impact, particularly since two neighbors opposed the petition; other Board members felt the impact would be minimal.

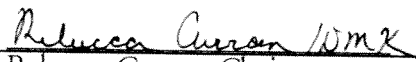
The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following findings:

1. Desirable relief may not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed business use would be too intense for the surrounding neighborhood, and would also present problems with cars needing to turn around on a dead-end street, and with insufficient parking.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. A Special Permit under Sec. Section 3.0 (Use Regulations) and Table of Principal and Accessory Use Regulations, of the City of Salem Zoning Ordinances, is denied.

In consideration of the above, the Salem Board of Appeals voted, three (3) in favor of granting petitioner's request for a Special Permit (Curran, Metsch and Debski) and two (2) opposed (Harris and Dionne), to granting petitioner's request for a Special Permit. The petition having not received the required majority, the petition is denied.


 Rebecca Curran, Chair
 Salem 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.