



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

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FILE #
CITY CLERK, SALEM, MASS.

May 30, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of JAY GOLDBERG/WILLIAM GOLDBERG requesting a Special Permit under Sec. 3.3.2 of the Salem Zoning Ordinance to allow an obedience training and doggie daycare with grooming services and dog retail products on the property located at 50 GROVE STREET, Salem, MA (BPD Zoning District).

A public hearing on the above Petition was opened on May 16, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on May 16, 2012 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Richard Dionne, Annie Harris, Jamie Metsch, and Jimmy Tsitsinos.

Petitioner seeks a Special Permit pursuant to Section 3.3.2 of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped April 25, 2012, petitioner requested a Special Permit to allow an obedience training and doggie daycare with grooming services and dog retail products on the property located at 50 Grove Street.
2. Jay Goldberg presented the petition at the hearing. William Goldberg was also present.
3. A letter of support was submitted by Christine Thomson, owner of Decorative Arts Conservation at 50 Grove Street.
4. At the hearing, several residents expressed concerns about impacts to abutting properties, dog waste on the site, and the hours of operation.

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 be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed use is in a location surrounded largely by vacant and industrial properties, and even if these parcels were redeveloped for residential use in the future, impacts to neighbors would be minimal. Additionally, Board members did not believe the project would generate significant traffic volumes. They also felt the business served a community need.
2. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

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 voted five (5) in favor (Curran, Dionne, Metsch, Harris, and Tsitsinos) and none (0) opposed, to grant the requested Special Permit. A Special Permit under Section 3.3.2 is granted to allow for the proposed use of a doggie daycare with grooming services and dog retail products on the property located at 50 Grove Street.

The Board of Appeals voted to grant petitioner's request for a Special Permit subject to the following **terms, conditions, and safeguards**:

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. Petitioner is to contact the Conservation Agent to determine whether the proposed fenced area/dog pen requires action by the Conservation Commission.
9. Hours of operation for the doggie day care are 8 a.m to 6 p.m., M-F and 8 a.m. to 4. p.m. Saturday, with obedience classes given 6 p.m. to 8 p.m. M-F. No obedience classes will be given after 8 M-F or after 4 Saturday. There will be no Sunday hours.
10. The facility is to have no more than 50 dogs.



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.