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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
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June 10, 2014

Decision

City of Salem Board of Appeals

Petition of G. RACHEL HILL requesting a special permit per Sec 3.3.2 *Nonconforming Uses* and Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the operation of a dog daycare business and the fencing of the outside space, at the property located at 1 FLORENCE STREET (R3 Zoning District).

A public hearing on the above Petition was opened on May 21, 2014 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Harris (acting Chair), Mr. Dionne, Mr. Duffy, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special permit per Sec 3.3.2 *Nonconforming Uses* and a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance

Statements of fact:

1. In the petition date-stamped April 30, 2014, the Petitioner requested special permits per Sec 3.3.2 *Nonconforming Uses* and Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the operation of a dog daycare business and the fencing of the outside space.
2. Ms. Rachel Hill and Mr. Greg Salamida present the petition for the property at 1 Florence Street.
3. The petition proposes to operate a doggie daycare business out of 1 Florence Street, and to erect a fence for an outdoor dog run in an area at the rear of the property.
4. At the public hearing, it was determined that the application did not actually require a Special Permit under Section 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance— it only requires a Special Permit under Section 3.3.2 *Nonconforming Uses*.
5. The requested relief, if granted, would allow the Petitioner to operate a doggie daycare business at the property, including a fenced outdoor dog run.
6. At the public hearing, the owner of 1 Florence Street expressed his support for the petition. No other members of the public spoke in favor of, 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 petitions, 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:

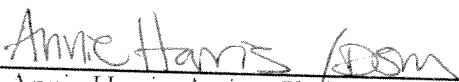
Findings –

1. The proposal serves a community need by caring for pets in the area.
2. There are no apparent additional impacts on traffic flow or safety.
3. The utilities and public services to the building will be adequate.
4. There are no apparent negative impacts on the natural environment, including view.

5. The proposed business is in keeping with the neighborhood character.
6. The proposal will have a positive economic and fiscal impact.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Mr. Watkins, Ms. Harris, Mr. Dionne, Mr. Copelas, and Mr. Duffy in favor) and none (0), to grant the requested Special Permit to allow the operation of a dog daycare business at the property, 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. 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. The business shall only operate during typical retail hours – 6:30am to 11:00pm.



Annie Harris, Acting 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.