



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

August 4, 2014

Decision

City of Salem Board of Appeals

FILE #
CITY CLERK, SALEM, MASS.
2014 AUG 14 A 9:25

Petition of LINDA RENNICKS requesting a Special Permit per Sec. 3.2.5 *Swimming Pools* of the Salem Zoning Ordinance, to allow an above ground pool to be closer than the required six-foot minimum setback from the rear property line, at the property located at 32 GALLOWS HILL ROAD (R1 Zoning District).

A public hearing on the above Petition was opened on June 18, 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. Curran (Chair), Mr. Dionne, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special Permit per Section 3.2.5 *Swimming Pools* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped May 8, 2014, the Petitioner requested a Special Permit to allow the location of the side of an above-ground pool 4.7 feet from the rear property line.
2. The Salem Zoning Ordinance requires a Special Permit to be obtained from the Board of Appeals to allow the side of a pool to be located less than six (6) feet from any rear or side property line.
3. Ms. Linda Rennicks presented the petition for the property at 32 Gallows Hills Road.
4. The petition is concerning a pool that has already been erected at the property. The pool is replacing a previously existing pool that was in the same location, but the new pool is a larger size, so that the side of the new pool is located closer to the rear property line.
5. The requested relief, if granted, would allow the Petitioner keep their pool in the current location, with the side of the pool located 4.7 feet from the rear property line.
6. At the public hearing, one abutter stated that they have no complaints with the location of the pool. A second abutter, Ms. Doris Boghosian of 28 Gallows Hill Road, stated that the petitioner has a spotlight illuminating the pool area that shines onto Ms. Boghosian's property.

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:

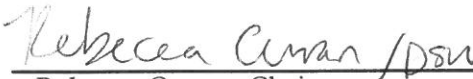
Findings – Special Permit to allow an above ground pool to be closer than the required six-foot minimum setback from the rear property line:

1. The impact on the community needs served is similar to the previous condition - There was an existing pool at this location, and there will continue to be a pool at this location.
2. There will be no impact on traffic flow and safety, parking, or loading in the area.
3. The adequacy of utilities and public services will remain the same as existing.

4. The impact on the neighborhood character is similar to the previous condition - There has always been a pool at this location, and there will continue to be a pool at this location.
5. This project has no economic or fiscal impact, nor an impact on City services, tax base, and employment.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Mr. Watkins, Ms. Curran, Mr. Dionne, and Mr. Copelas in favor) and none (0) opposed, to grant the requested Special Permit to allow an above ground pool to be closer than the required six-foot minimum setback from the rear property line, subject to the following **terms, conditions, and safeguards**:

1. The Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. A Certificate of Inspection is to be obtained.
3. The spotlight in the rear yard shall be shielded and directed away from 28 Gallows Hill Road



Rebecca Curran, 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.