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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

February 4, 2015

Decision

City of Salem Board of Appeals

Petition of JUDYLYNN MONACO seeking a Special Permit per Sec. 3.1 *Principal Uses*, to operate a medical clinic for a portion of the property located at 4 TECHNOLOGY WAY (Map 7, Lot 79) (BPD Zoning District).

A public hearing on the above Petition was opened on January 21, 2015 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. Duffy, Mr. Watkins, Mr. Copelas, Mr. Tsitsinos (alternate).

The Petitioner seeks a Special Permit from the provisions of Sec. 3.1 *Principal Uses* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped December 29, 2014, the Petitioner requested a Special Permit to allow the use of a medical clinic for a portion of the property located at 4 Technology Way.
2. Ms. Joanne O'Connell, architect with NEMD Architects, Inc. of Providence, Rhode Island presented the petition on behalf of the applicant Davita Healthcare Partners. The petitioner, Judylynn Monaco, project manager and Ms. Julie Higgins Van Sickle, facility administrator for Davita Healthcare Services regional office located in Salem, MA were also present.
3. The petitioner, Davita Healthcare Partners is requesting a Special Permit per Sec. 3.1 *Principal Uses* to operate a medical clinic in a portion of property located at 4 Technology Way.
4. The current use of 4 Technology Way is research, technology and general office space.
5. The proposed medical clinic is a dialysis center that would provide services to approximately 66-88 patients per day and staff thirty-two (32) employees per day.
6. The current facility located at 10 Colonial Road in Salem does not meet current service demand. Therefore the company is seeking the possibility of relocation to 4 Technology Way.
7. The proposed hours of operation of the dialysis clinic are from 5am to 8pm.
8. Approximately 22 patients would access the site independently by car or by ambulance services in three shifts per day starting at 6am, 11am, and 4pm.
9. The facility will also have 1-2 deliveries made per week by a tractor trailer.
10. There are a total of ninety-five (95) parking spaces for the entire shared facility. The handicapped spaces that are located closest to the proposed clinic entrance would be designated for the dialysis center, while the remaining parking options for patients and employees will be first come first serve.
11. The requested relief, if granted, would allow the Petitioner to operate a medical clinic for a portion of the property at 4 Technology Way.

12. A petition in opposition was submitted as part of the records for this petition.
13. At the public hearing no (0) members of the public spoke in favor of and five (5) members spoke in opposition to, the petition. The opposition was generally on the grounds that the proposed use was in conflict with the industrial park.

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 expressed its understanding that Technology Way was created as an industrial park. Therefore commercial and retail based uses present conflicts with the existing and future industrial uses in this building and industrial park area. In particular, the proposed heavy client traffic was found to be in conflict with other uses in the building and industrial park area. The Board therefore finds that this use is inconsistent with the existing uses and in conflict with the current industrial park specifically:

1. The social, economic and community needs would be served by the proposal.
2. Traffic flow and safety, including parking and loading as proposed and discussed are inadequate for this location.
3. The utilities and other public services are adequate.
4. There are no impacts on the natural environment including drainage as no additional construction is proposed.
5. A medical clinic, as proposed, is inconsistent and incompatible with current uses at this location.
6. The potential fiscal impact, including impact on the City's tax base and employment would be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted none (0) in favor and five (5) opposed (Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins and Jimmy Tsitsinos), to grant a Special Permit, to allow the operation of a medical clinic located at 4 Technology Way.

THE PETITION IS DENIED.


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.