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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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April 29, 2015

Decision

City of Salem Board of Appeals

A petition of NORTHEAST ANIMAL SHELTER seeking a Special Permit from the provisions of Sec. 3.3.3 Nonconforming Structures to allow the extension of a non-conforming structure to allow a 4,928 square foot addition, without narrowing the side yard for the property located at 347 HIGHLAND AVE (Map 7 Lot 44)(BPD Zoning District).

A public hearing on the above Petition was opened on April 15, 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. Copelas, Mr. Duffy, Mr. Watkins, Mr. Dionne.

The Petitioner seeks a Special Permit requesting relief from Sec. 3.3.3. Nonconforming Structures of the Salem Zoning Ordinance, to allow for an extension of a non-conforming structure.

Statement of facts:

1. John Seger of Seger Architects presents the petition on behalf of the applicant. Attorney Jared Eigerman and Ms. Betty Ozolins, representative for Don Shapiro, also presented portions of the petition.
2. Northeast Animal Shelter received a Special Permit from the Zoning Board of Appeals on April 11, 2006.
3. Permit In the petition date-stamped March 24, 2015, the Petitioner requested a new and separate Special Permit requesting relief from Section 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to allow a 4,928 square foot single story addition and relocate existing outdoor play areas in accordance with plans titled "Northeast Animal Shelter" prepared by Seger Architects EX-0 through EX-6 dated March 22, 2015.
4. The proposed 4,928 square foot addition will extend along an existing non-conforming structure with an existing 8.8 feet side-yard setback.
5. There are a total of 86 parking spaces proposed. There will be 25-26 parking spaces removed to provide spaces for the proposed outdoor play areas.
6. Traffic flow and circulation patterns will remain the same.
7. There will be no impact on the adequacy of utilities or other public services.

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8. The petitioner will to work with a geotechnical engineer to complete a site analysis and possible stormwater management plan to construct an onsite drywell, if needed, to manage any additional stormwater that may be generated by the proposed addition.
9. The petitioner stated that the outdoor play areas are not dog runs as animals are never left in outdoor play areas unattended and are not left in the area for an extended period of time.
10. The Zoning Enforcement Officer confirmed that the petitioner has legally met the all conditions of the 2006 Special Permit and will continue to be bound by the Decision.
11. The proposed addition materials and architectural style will be in harmony with the existing structure.
12. The requested relief, if granted, would allow the Petitioner to allow the construction of a 4,928 square foot addition that will extend along and existing non-conforming structure and to relocate and expand the outdoor play areas in accordance with the titled "Northeast Animal Shelter" prepared by Seger Architects EX-0 through EX-6 dated March 22, 2015.
13. At the public hearing no 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 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

- 1. The Board finds that the proposed expansion of the Northeast Animal Shelter of this dimensionally non-conforming building is not more detrimental than the existing structure to the impact on the social, economic or community needs served by the proposal.**
- 2. There are no impacts on traffic flow and safety, including parking and loading as the number of parking spaces proposed are in compliance with the Salem Zoning Ordinance and traffic flow will remain the same.**
- 3. The capacity of the utilities is not affected by the project.**
- 4. There will be no impacts on the natural environment, including drainage as any stormwater management impacts will be mitigated through the construction of a drywell, if needed.**
- 5. The proposal conforms to the existing neighborhood character.**
- 6. The potential fiscal impact is positive.**

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Ms. Curran (Chair), Mr. Copelas, Mr. Duffy, Mr. Watkins, Mr. Dionne) in favor and none (0) opposed, to grant a Special Permit for relief from Sec. 3.3.3 Non-conforming Structures to allow the extension of a non-conforming structure to allow a 4,928 square foot addition, without narrowing the side-yard at the property located at 347 Highland Ave. The approval also includes the relocation of an existing play area, **subject to** the existing conditions that were approved in the Zoning Board of Appeals decision dated April 11, 2006.


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.