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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK, SALEM, MASS.

January 4, 2017

Decision

City of Salem Board of Appeals

Petition of TRYAD COUNSELING AND HEALING CENTER LLC, requesting a Special Permit per Sec. 3.2.2 Home Occupation to allow a professional office to be located in an existing dwelling at 22 HANCOCK STREET (Map 33 Lot 192)(R-2 Zoning District)

A public hearing on the above Petition was opened on December 21, 2016, pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, and Jimmy Tsitsinos.

The petitioner is seeking a Special Permit Special Permit per Sec. 3.2.2 Home Occupation to allow a professional office to be located in an existing dwelling unit.

Statements of fact:

1. In the petition date-stamped November 18, 2016, the Petitioner requested a Special Permit per Sec. per Sec. 3.2.2 Home Occupation to allow a professional office to be located in an existing dwelling.
2. Sandrine Aegerter, owner and practitioner of Tryad Counseling and Healing Center LLC, presented the petition.
3. The property is located in an R-2 Zoning District and is a two-family home.
4. The petitioner is the proposing to have a psychotherapy/alternative healing professional office in a private home. The office will provide mental health counseling services provided by a Licensed Mental Health Clinician and energy healing services.
5. The petitioner is proposing to offer services for no more than 32 hours a week from 7am to 9:30pm Monday through Sunday.
6. The business will be operated entirely within the dwelling unit, with no display visible from the street.
7. The home occupation will be operated only the residents of the dwelling unit including Ms. Aegerter and her partner.
8. The home occupation will not utilize more than twenty-five (25) percent of the gross floor area of the dwelling unit.
9. The petitioner will install a small professional sign on the front door that does not exceed one-half (1.5) square feet.
10. There are two (2) off-street parking spaces at the property associated with the dwelling unit. The petitioner has one (1) personal vehicle and is providing one (1) parking space for her patients. The number of parking spaces provided meets the parking requirement of one (1) space for each home occupation.
11. The requested relief, if granted, would allow the Petitioner Special Permit per Sec. 3.2.2 Home Occupation to allow a professional office to be located within a dwelling unit.

12. At the public hearing one (1) member of the public spoke in opposition to the proposal due to parking concerns and none (0) spoke in favor, 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 proposed home occupation meets the criteria for a home occupation special permit.
2. There are no impacts on traffic flow and safety, including parking and loading as there are three (3) on-site parking spaces that conform to the parking requirements of the Salem Zoning Ordinance.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal improves neighborhood character as it improves the property.
6. The potential fiscal impact, including impact on the City tax base is positive.


On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Tom Watkins, Mike Duffy) in favor and none (0) opposed, to grant a Special Permit per Sec. 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to reconstruction, extension, alteration or change a nonconforming single or two-family structure subject to the following **terms, conditions and safeguards**:

Standard Conditions:

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. Exterior finishes of new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Condition:

1. The sole proprietor and partner shall be the only individuals to provide psychotherapy/alternative healing services at this location.


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.

