



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

2022 JUN 27 AM 9:04

June 27, 2022

Decision

City of Salem Board of Appeals

The petition of R. ERIC RUMPF, TRUSTEE OF 75 NORTH STREET REALTY TRUST at 75 NORTH STREET (Map 26, Lot 58) (NRCC/BPD Zoning District), for a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to convert from a nonconforming light manufacturing, fabrication and assembly use to a nonconforming dog training facility use.

A public hearing on the above petition was opened on June 15, 2022 and was closed on June 15, 2022.

On June 15, 2022, the following members of the Salem Board of Appeals were present: Carly McClain, Paul Viccica, Peter Copelas (Vice Chair) and Steven Smalley.

Statements of Fact:

The petition is date stamped April 27, 2022. The petitioner seeks a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to convert from a nonconforming light manufacturing, fabrication and assembly use to a nonconforming dog training facility use.

1. 75 North Street is owned by R. Eric Rumpf.
2. The petitioner was R. Eric Rumpf.
3. R. Eric Rumpf was represented by Attorney Bill Quinn.
4. 75 North Street is located in the NRCC/ BPD zoning district. (Map 26, Lot 58)
5. The requested relief, if granted, would allow the Petitioner to convert the property from a nonconforming light manufacturing use to a dog training use which is also a nonconforming use.
6. On June 15, 2022, Attorney Bill Quinn presented to the board. The existing site consists of the foundation of the old Salem Paint Company at 75 North Street that burned down many years ago. The foundation of the building has been improved and renovated to house several light industrial businesses in

- the building over the years. When the NRCC zoning district came to be, it made the building a current legal nonconforming use. So, to put a dog training facility into the property would require a Special Permit from the Zoning Board of Appeals to convert from one nonconforming use to another.
7. Attorney Quinn had spoken with the Building Commissioner about this specific use and was informed that it would be best to come in front of the Zoning Board to apply for the special permit from one nonconforming use to another nonconforming use.
 8. Attorney Quinn stated that the property abuts the Salem Dog Park as well as a veterinarian clinic on Commercial Street. So, this use would be a welcome and appropriate addition to the area.
 9. Vice Chair Copelas inquired about flooding to the property due to a dam that was erected by the back double doors. Mr. Copelas inquired if there were plans to mitigate potential water issues at the property. Attorney Quinn stated that due to the interior materials, concrete mostly, and the proposed use, that there wasn't a large concern over flooding damage at the property.
 10. Mr. Copelas opened the meeting up to public comment.
 11. Victoria Ricciardiello, 5 Forster Street, inquired about what type of breeds were being considered for training-such as breeds like Dobermans and Rottweilers or a specific type of dog.
 12. Shawna Duffy, owner, responded that they will be training pet dogs and that they do not have any breed restrictions. Shawna stated that they focus mostly on recall, leash reactivity, and how-to walk-in heel.
 13. Nina Vyedin expressed that she thought the area is very dog heavy and this would be a good addition to the area.
 14. Peter Copelas asked attorney Quinn to go over the criteria for a special permit.
 15. Carly McClain made a motion to approve the special permit.
 16. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the June 15, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by this petition.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.

3. Adequate utilities and other public services: The petition will not impact utilities or public services.
4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will not have a negative impact on the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will be a positive fiscal impact on the city or its tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Steven Smalley, Carly McClain, Paul Viccica and Peter Copelas) and none (0) opposed to grant R. ERIC RUMPF, TRUSTEE OF 75 NORTH STREET REALTY TRUST at 75 NORTH STREET a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to convert from a nonconforming light manufacturing, fabrication and assembly use to a nonconforming dog training facility use.

Receiving four (4) in favor votes, the petition for a special permit is approved.

Standard Conditions:

1. 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 the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is

demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.

11. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

A handwritten signature in dark ink, reading "Peter Copelas" followed by a stylized "DL" or similar mark.

Peter Copelas/ Vice 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.