



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-619-5685

June 7, 2021

Decision

City of Salem Board of Appeals

Petition of DEBORA BONINI for a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to operate a beauty salon at 136 BOSTON STREET (Map 16, Lot 186) (B2 and ECOD Zoning Districts).

A public hearing on the above Petition was opened on May 19, 2021 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Mike Duffy (Chair), Peter Copelas, Rosa Ordaz, Paul Viccica, and Carly McClain (Alternate). Board members Jimmy Tsitsinos and Steven Smalley (Alternate) were absent.

The petitioner seeks a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to operate a beauty salon at 136 Boston Street.

Statements of Fact:

1. In the petition date-stamped April 26, 2021, the petitioner requested a special permit per Section 3.1.2 of the Zoning Ordinance to “open a small business of aesthetics and permanent makeup” at 136 Boston Street.
2. 136 Boston Street is owned by Maria A. Silva.
3. 136 Boston Street is a single-story commercial structure in the Business Highway (B2) zoning district and Entrance Corridor Overlay District (ECOD).
4. The proposed use (beauty salon) qualifies as a “personal service establishment”. Per Section 3.1.2 *Special Permit: Zoning Board of Appeals* and the *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, “personal service establishments” require a special permit from the Zoning Board of Appeals to be permitted in the Business Highway (B2) zoning district.
5. The proposal is to operate a beauty salon at 136 Boston Street.
6. 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 May 19, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
7. At the May 19, 2021 public hearing, petitioner Debora Bonini presented the proposal. Ms. Bonini was joined by a person named Gabrielle, who introduced themselves as Ms. Bonini’s cousin and stated they would help with interpretation.

8. At the May 19, 2021 public hearing, Peter Copelas noted that there are many personal service establishments along Boston Street, and he states that this use is certainly suited to the neighborhood character. Carly McClain stated that it did not seem that this use would be any different than the tattoo shops and beauty parlors along Boston Street.
9. At the May 19, 2021 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.
10. At the May 19, 2021 public hearing, Chair Duffy discussed how the proposal meets the criteria for special permit (as noted below).

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearings, and after thorough review of the petition, including the application narrative and plans, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination includes consideration for each of the following:

1. Social, economic, or community needs are served by this proposal.
2. Traffic flow and safety, including parking and loading: There seems to be sufficient parking in the area.
3. Adequate utilities and other public services already service the structure.
4. Impacts on the natural environment, including drainage: No negative impact is expected, there is a slightly larger roof area, but the runoff is contained to the petitioner's property.
5. Neighborhood character: The project is in keeping with the neighborhood character, as there are many similar businesses along Boston Street.
6. Potential fiscal impact, including impact on City tax base and employment: There is a potential positive fiscal impact, including enhancing the City's tax base and additional employment.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Rosa Ordaz, Carly McClain (Alternate), Peter Copelas, Mike Duffy (Chair), and Paul Viccica) and none (0) opposed to grant to Debora Bonini a special permit per Section 3.1.2 *Special Permit: Zoning Board of Appeals* of the Salem Zoning Ordinance to operate a beauty salon at **136 Boston Street**, subject to the following terms, conditions, and safeguards:

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. A Certificate of Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the approved plans and dimensions must receive the prior approval of the Board of Appeals unless such changes are deemed insignificant by the Building Commissioner in consultation with the Board of Appeals.


Mike Duffy, 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.