



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

March 28, 2022

Decision

City of Salem Board of Appeals

The petition of AMANDA COUTTS at 6 WEST TERRACE (Map 33, Lot 739) (R1 Zoning District), for a Special Permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage practice in her home.

A public hearing on the above petition was opened on March 16, 2022 and was closed on March 16, 2022.

On March 16, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Rosa Ordaz, Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley.

The petitioner seeks a Special Permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage practice in her home.

Statements of Fact:

The petition is date stamped February 3, 2022. The petitioner seeks a Special Permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage practice in her home.

1. 6 West Terrace is owned by Scott Froeschl and Emily Husa Froeschl.
2. The petitioner is Amanda Coutts.
3. 6 West Terrace is located in the R1 zoning district. (Map 33, Lot 739)
4. The requested relief, if granted, would allow the Petitioner to operate a massage practice in her home.
5. On March 16, 2022, Amanda Coutts presented the petition for 6 West Terrace to the Board.
6. 6 West Terrace is a single-family home where the petitioner lives and where she would like to operate a massage practice.
7. Amanda Coutts is a licensed massage therapist and has been practicing for eight years.

2022 MAR 28 AM 10:42
CITY CLERK
SALEM, MASS

8. Ms. Coutts expressed that there would be no signs advertising her practice at her home. That there would be no external noise from the house. Also, there would be no change to how her home looks outwardly to the neighborhood.
9. Ms. Coutts expressed that she will be seeing only one client at a time. Her massage sessions would last between sixty (60) to ninety (90) minutes. Time between clients would be, at a minimum, thirty (30) minutes. This time would allow for sanitizing and to complete her client notes. She will meet each client upon their arrival to ensure proper parking. She also stated that there would be no deliveries to her home regarding the massage practice.
10. Ms. Coutts expressed that there will be no more than five (5) clients seen per day at her home practice.
11. Chair Duffy inquired where the practice would take place in the petitioner's home and would it be less than twenty-five (25%) percent of the total space of her home. Ms. Coutts stated that it was a small bedroom that is less than twenty five percent (25%). Chair Duffy asked the petitioner about the parking conditions of the neighborhood. Ms. Coutts responded that the street is a dead end and because of that people use driveways to turn around. Ms. Coutts stated that they use the two spaces in front of the house for their parking. Also, the majority of the residents on West Terrace have driveways, where 6 West Terrace does not have a driveway, which makes them have to park on the street.
12. Peter Copelas inquired with Ms. Coutts if she lived in the residence. She responded that she does live at 6 West Terrace.
13. Rosa Ordaz asked the petitioner to reiterate what the hours of the business would be and what entrance would the clients be using to access the massage practice. Ms. Coutts responded that she would not start seeing clients before ten (10) a.m. and that her last client would start at seven (7) p.m. The clients would use the front entrance to access the practice.
14. Chair Duffy opened the meeting up to public comment.
15. Bill and Donna Wholly, 8 West Terrace, expressed that there are medical staff and cleaning crews that come to the other residences on West Terrace and that the parking for them would be essential due to the limited amount of parking available on West Terrace.
16. Rhonda and Richard Peterson, 7 West Terrace, expressed that this petition could change the residential area into a commercial area which could affect the property values. Rhonda also expressed her concern about the parking on West Terrace. Richard expressed that he felt a massage practice in some people's perspective is less than reputable and did not want that in his neighborhood.
17. Joe and Pauline Morency, 4 West Terrace, stated that they were opposed to the permit due to the amount of parking and traffic on the street. Pauline expressed that 6 West Terrace did not have any designated parking as they rest of the houses on West Terrace do. She also did not want a business on their street.
18. Jen Peat, 25 West Terrace, expressed her concerns over the availability of parking. She also expressed her concerns about times of plowable snow and how plowed snow ends up blocking several parking spaces on the street. She

- stated that if there is parking for the business on the street during those times that they would take away from the available parking.
19. Chair Duffy gave the applicant an opportunity to address the comments from the public. Ms. Coutts reiterated that there would be no change in the amount of cars on the street with the addition of the massage practice. She referred to her presentation about how one of the cars associated with the property or client would not be parking on the street in front of the house.
 20. Chair Duffy inquired if it was possible for someone to park at Forest River Park to alleviate some of the parking concerns. The petitioner responded that they had looked into parking at Forest River Park and stated they had reached out to the Parks and Recreation Department and were told that there will be metered parking at Forest River Park.
 21. Carly McClain expressed that the petitioner had already addressed the parking issue as in there would not be more than two (2) cars at a time parked out front of the house. It would be either the client parks off site, or one of the homeowner's cars will be off site.
 22. West Terrace is a resident only sticker parking area. A client would need to receive a guest pass from the petitioner to park on West Terrace.
 23. Chair Duffy discussed the special permit criteria.
 24. 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 March 16, 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 be parking permits required for 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 six (6) in favor (Rosa Ordaz, Mike Duffy (chair), Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley) and none (0) opposed to AMANDA COUTTS at 6 WEST TERRACE a Special Permit per Section 3.2.2 *Home Occupations* of the Salem Zoning Ordinance to operate a massage practice in her home.

Receiving six (6) 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 requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. A Certificate of Occupancy is to be obtained.
4. A Certificate of Inspection is to be obtained.
5. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. The hours of operation will be from 9 a.m. to 7 p.m. for seven (7) days a week.

A handwritten signature in dark ink that reads "Mike Duffy / DL". The signature is written in a cursive, flowing style.

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.