

**City of Newburyport
Zoning Board of Appeals
2/9/16, 7pm**

Present: Edward Ramsdell, Duncan LaBay, Rob Ciampitti, Jamie Pennington, Dick Goulet, and Renee Bourdeau

The minutes of 1/20/16 were approved unanimously. Mr. LaBay motioned to approve and Mr. Goulet seconded. All voted in favor.

The minutes of 1/26/16 were approved unanimously with one correction. Mr. Goulet motioned to approve and Mr. LaBay seconded.

Request for permit extensions for 43 Fair Street - Atty. Mark Griffin submitted a letter requesting a six month extension for the permits granted to 43 Fair Street to November 13, 2016. In summary, the applicants wish to reevaluate the project in terms of cost and different financing options. Mr. Ramsdell noted that if changes are made, the applicants must come back to the Board for approval. Mr. LaBay motioned to grant the request for an extension for both permits to run through 11/13/16. Mr. Pennington seconded and all voted in favor.

2016-004

Adam True, The True Company

48 Boardman Street

Dimensional Variance

split lot to create two non-conforming lots with variances required for lot area, frontage, lot width, and rear yard setback

The applicant requested a continuance to the next available meeting. Mr. Pennington motioned to continue the hearing to the meeting of 2/23/16 and Mr. Goulet seconded. All voted in favor.

2016-018

Craig Pessina, Chart House Development, LLC

300-302R Merrimac Street

Dimensional Variance

split existing lot and construct three residential buildings requiring variances for lot area, open space, height, frontage, and side yard setbacks

Special Permit

allow multi-family use (#103) for eleven residential units

The applicant requested to continue the hearing to 2/23/16 due to key personnel not being available for presentation. Mr. LaBay motioned to continue the hearings to 2/23 and Mr. Goulet seconded. All voted in favor.

2016-020

Giuseppe's

257A Low Street

Sign Variance

reface existing free-standing sign

Jen Wright of Jen Wrights Signs, 97 Water Street along with the owner of Giuseppe's were present to request a free-standing sign. The request is to reface an existing free-standing sign with the same size sign. The sign would be carved sign foam. Ms. Wright said that the existing sign is falling into disrepair. The proposed fork and pasta design is a creative element, and will be carved out away from the sign. It would be double sided, 4'x6'.

No one spoke in favor or opposed to the application.

Questions:

Mr. Ciampitti asked about the "since 1995" notation at the top of the image that was submitted with the application. Ms. Wright said they would like to include that lettering in white.

The applicants were asked if illumination was proposed. Ms. Wright said they considered goose neck lighting or it could also be up-lit from the ground. Mr. Ramsdell voiced his preference on the up-lighting. Ms. Wright did not have images of the light fixtures available. Mr. Ciampitti suggested allowing the applicant to submit the cut sheets that included the lumens to the Planning Department for final approval prior to permitting.

Mr. Goulet asked about the vines shown in the photos. The applicant said that have been removed already. Mr. Goulet noted that if it turns out the lighting can't be supported on the cross-bracing, they may need to go on the posts.

Mr. Ramsdell thought ground mounted lighting could be an issue with the neighboring building. Mr. Ramsdell asked if there was any chance of lowering the sign height. Mr. LaBay said the sign may be a bit imposing with the height. Mr. Pennington was concerned with sight lines if the height was reduced.

David Powell, 3 Salem Street, asked if there were height limits for signs. Mr. Ramsdell said there were not but this could be addressed since the request was for a variance. Mr. Powell questioned why the Board was discussing these issues when they haven't addressed variance criteria. Mr. Ciampitti said it was their job to look at the materials presented and in the progress the board articulates what they've heard or not and would ask further questions if necessary. He assured him that before the hearing was over, points would be addressed.

Jeanette Isabella, 1 Lime Street, noted that the medical building next door has lower sign with a captive audience. This business is looking to attract customers so it shouldn't be considered on the same level because of this.

Mr. LaBay asked if the existing sign is a bracing with a sign attached to one side. Ms. Wright said it was and the proposed would be two separate signs. Mr. LaBay noted that the lighting could potentially be supported between those.

Deliberations:

Mr. LaBay said it was pleasing to see a sign that fits within the admittedly informal guidelines in which the board tends to follow (not aluminum, internally lit, or replaceable letters.) Ms. Wright said it was more of a piece of art and a lot of care was put into it. Mr. LaBay said he was not opposed to two down-lit gooseneck lights. He said he agreed with height issue. It's a retail establishment, but the banks on Storey Ave. also are much lower and they are looking to attract customers. Mr. Pennington pulled up a photo of the site and noted the steep topography and parking lot. He noted it was a narrow site, which is supportive of the variance. Mr. Ciampitti said the sign site is depressed into the hill. He didn't feel it was too high. Mr. LaBay also felt it made sense to leave it where it was to prevent any new obstruction issue. He agreed that the topography and slope directly addresses the hardship. Mr. Ramsdell also noted the building is set back from the road. Mr. Ramsdell asked if the fork and spaghetti fit within those dimensions. Ms. Wright said they would. Mr. Goulet said he was in agreement with the hardship issue and agreed with keeping the existing height.

Mr. Pennington motioned to allow the variance and to allow white lettering reading "since 1995" with gooseneck lighting to be reviewed by the Planning Office. Mr. Goulet seconded and all voted in favor.

2016-021

BullDawg USA Realty IV LLC, c/o Lisa L. Mead, Esq.

194-196 Route 1

Sign Variance

install a free-standing sign

Atty. Lisa Mead represented the applicant for a request for a free-standing sign. She submitted another plan that includes the dimensions of the letters and a MIMAP printout. The applicant is currently a tenant but in the process of purchasing the building. Currently, there is excavation out from water main work that has not been completed by the City. The site is located in the B1 district. The proposed sign would be 20' high, 18.75 s.f., internally lit with LEDs, with digitally printed graphics. It would be 4.3' back from front lot line. The larger letters proposed would be 6" letters and the subtext would be 4.2". The removable letters are 6" high. Atty. Mead said the shape of lot is unique and part of the property is in Newbury. It is a triangle shaped lot with not much room out front. The applicant has made significant strides in renovations of this structure. The Birdwatcher shares the site. It is an unusual shape and not

similar to other parcels in the area. The circumstances are not of the applicant's own doing. Allowing a variance would not be granting a special privilege. She showed photos of Domino's (20') and Dunkin Donuts (14') signs along the traffic circle. Atty. Mead said the application was in harmony with ordinance, there would be no negative effect on health or welfare, and would be similar to others that have been granted relief.

No one spoke in favor or opposed to the applications.

Questions:

Mr. Goulet asked about the proposed color scheme and if it was from their logo. Atty. Mead said it was.

Mr. Ramsdell asked why they needed the removable letters. Atty. Mead said that the location was easy to miss. This would allow them to be able to show specials and hours, similar to Clipper City Car Wash across the street. All signs would be internally illuminated.

Ms. Bourdeau noted that no other signs in the area have a concrete base. She asked if it were necessary for the structure. Atty. Mead was uncertain and said she could look into potentially burying the footing.

Mr. Ramsdell asked if they've thought about not internally illuminating the signs. Atty. Mead said they could live with the lower sign not being internally illuminated. Presumably the light would be on a timer. Mr. Ramsdell felt this proposal was a departure from the style of sign typically approved by the Board. Clipper City Car wash is the most recent and it is lower than the taller ones like Domino's and Dunkin Donuts. Mr. Ciampitti felt it would be inconsistent to vote in favor for anything internally illuminated. The argument can easily be made that this is a less sensitive area, but not necessarily for long. It's a gateway. He would rather see spot or gooseneck lighting. Mr. Goulet said he preferred the gooseneck at that height. It could potentially light the lower sign too. Mr. Ramsdell said he was bothered by the internal illumination. He didn't think this type of sign worked anymore. Mr. LaBay said he wasn't as bothered with the sign if it were 13' high and only one sign, and lose the interchangeable letters. He asked if the concrete base was a traffic obstacle. Atty. Mead said there was no reason it couldn't be depressed into the ground. Atty. Mead asked what the Board thought about a lower sign with a smaller replaceable letter section. Mr. Ramsdell said they have always tried to restrain advertising. The Board has been relatively consistent in that regard. Mr. Ciampitti said the appearance of the letter board makes it looks larger and cluttered like it's an afterthought. Mr. Pennington said that they allowed two lines of letters on the Michael's Harborside sign but those letters were much smaller than the primary sign. Mr. Pennington said he regretted approving the gooseneck lighting on the Dunkin Donuts sign on Storey Ave. He thought it depended on the style of the sign as to what would look good. Atty. Mead suggested squaring the sign up, making the lower sign more diminutive, and lowering the height. Mr. Ramsdell said he would not approve a sign with internal illumination.

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Mr. LaBay motioned to continue the hearing to 2/23/16 and Mr. Goulet seconded. All voted in favor.

The meeting adjourned at 8:23pm.

Respectfully submitted,
Dianne Boisvert
Note Taker