

**Zoning Board of Appeals  
City Hall  
February 8, 2011**

The meeting was called to order at 7:00 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:** Ed Ramsdell, Duncan LaBay, Rob Ciampitti, Charles Ciovacco, Jamie Pennington, and Nat Coughlin

**Absent:** Sean Leonard

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of December 14, 2010 meeting**

Mr. LaBay made a motion to approve the minutes as submitted.  
Mr. Ciovacco seconded the motion.  
The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve  
Duncan LaBay – approve  
Rob Ciampitti – approve  
Charles Ciovacco - approve  
Jamie Pennington – approve  
Nat Coughlin – approve

**Minutes of the January 11, 2011 meeting**

Mr. LaBay made a motion to approve the minutes as submitted.  
Mr. Ciovacco seconded the motion.  
The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve  
Duncan LaBay – approve  
Rob Ciampitti – approve  
Charles Ciovacco - approve  
Jamie Pennington – approve  
Nat Coughlin - approve

**3. Public Hearings**

**a) Darlene McCarthy for Viewpoint Sign and Awning**

**70 Storey Avenue**

**Use Variance: install a (108" x 56 7/8") double sided, externally lit, free-standing sign**

**The notice of public hearing was read aloud for the record.**

There is a Dunkin Donuts franchise at the location. The applicant submitted new drawings of the proposed sign. They are proposing to replace the existing interior illuminated sign with a wood type sign with external lighting. The existing sign is 21 feet above grade and the plan proposes to reduce the height to 17 feet above grade. The design was based on the 7-Eleven sign that the board approved on Storey Avenue.

**Chairman Ramsdell opened the hearing to public comment.**

**In Favor:**

**Cliff Braga, 2 Richardson Lane, Georgetown, MA:** They are the owners of the Dunkin Donuts franchise at the location and are in support of the application.

No one spoke in opposition to the application.

**Chairman Ramsdell closed the hearing to public comment.**

**Questions:**

Mr. LaBay asked about the sign addendum. It shows 4 existing signs with a 197 total square feet of signage. However, the application indicates that there is only one proposed sign. Mr. LaBay asked if the other three signs are going to be removed. **No, the other three signs will stay. They are only looking to replace one sign with a new one.** Mr. LaBay noted that the application states that the height of the proposed sign will be 21 feet. He asked if the height of the proposed sign will be 21 or 17 feet. **The sign will be 17 feet in height.**

Chairman Ramsdell asked what material will be used to construct the sign. **The sign will have an aluminum frame, the pole will be cut to 17 feet, and the sign will be made of three quarter inch cutout wood composite panels with three dimensional letters. The sign will slide over the pole in a cradle mount.** Chairman Ramsdell asked how glossy will the sign be. **It will have a flat or satin finish.**

Mr. Ciampitti asked to see the example of a sign with a flat finish that the sign vendor installed in another historic town. **The applicant showed a sign that was done in Plymouth, MA.**

Mr. LaBay asked how high the sign needs to be for people to be able to see it. **The sign will be 8 feet above the ground. They took into consideration issues such as the large amount of snow that is presently on the ground when determining the appropriate height.**

Chairman Ramsdell asked about the external lights pointing up instead of down. **The sign vendor would normally use goose neck lights that point down but the board had not wanted goose neck lights on the 7-Eleven sign.** Discussion of whether the board would prefer goose neck lights on a sign of this type.

Chairman Ramsdell asked what the difference in square footage is between the existing and the proposed signs. **The existing sign is 72 square feet in size and the proposed sign will be 41 square feet.**

**Deliberation:**

Mr. LaBay stated that the applicant has done a very nice job and the sign is an improvement over the existing sign. He believes the lights should be up on top of the sign.

Mr. Ciampitti concurred and suggested that the board condition an approval requiring goose neck lights be installed, that the lights be painted white, and that the sign have a satin finish.

Mr. Pennington concurred.

Mr. Ciampitti made a motion to approve the use variance with the following conditions. The lighting be goose neck lights placed at the top of the sign, the lights be painted white, and the sign be done in a satin finish.

Mr. LaBay seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco - approve

Jamie Pennington – approve

**b) Ron Ranere c/o Ranere Associates, Inc. Architects**

**4-6 Hale Street**

**Special Permit for Non-conformities: expand a pre-existing non-conforming use by constructing a new nursing home facility**

**The notice of public hearing was read aloud for the record.**

The applicant is the Whittier Health Network. The existing nursing home is Port Rehabilitation. The plan proposes to replace the existing building which was built in 1968 and is fairly tired. The building is in an R1 zone and nursing homes are not allowed in an R1 zone. They do not need any variances from the dimensional criteria. The applicant showed drawing of the existing and the proposed building. The applicant plans to build the new building, move the patients into it, and then tear down the old building. There are 100 beds in the existing building and the plan calls for 123 beds in the new building. There are currently 88 parking spaces and the new parking lot will have 105 parking spaces. The existing curb cuts will remain. The service

entrance will enter at the same place but the loading dock will be on the street side to try and minimize the amount of noise on other parts of the site. The existing building is 41,000 square feet and the proposed building will be 58,000 square feet. The existing building is 3 stories high on one side and 2 stories on the other sides, due to grading. The new building will be 2 stories high on all sides. There will be all new landscaping and lighting. The lighting will be concentrated in the parking lots. The applicant will install a cutoff lense on the fixtures so the light is concentrated on the parking lot and will not give off glare. There will also be lights installed to light the walkways. Only energy efficient fixtures will be used. The current building uses twice as much energy as the new building will use. As far as storm drainage, the water runoff currently flows down the driveways, into the parking lot, and then offsite. The proposed building will have internal roof drains and then the water will be distributed through piping underground to a water system under the parking lot. The applicant has met with the Planning Department and with the neighbors to discuss the proposed plan. There will be the same amount of truck deliveries but trash removal may be less since the new building will have a trash compactor. There will be no increased impact to the neighborhood or on the municipal systems. A temporary parking lot will be created on the existing grass area during construction. The area will be landscaped once construction is finished. The applicant arranged to use parking at the church for the construction crew. The applicant showed an elevation drawing of one side of the proposed building. The applicant also presented a picture of a similar building that is located in Topsfield, MA to show the type of architectural design they are considering. All of the rooftop equipment will be hidden by a sloped roof and vertical wall. They will build an access road for fire trucks that will be grass but will have a solid packing underneath that can carry the weight of the fire trucks.

**Chairman Ramsdell opened the hearing to public comment.**

**In Favor:**

**Kathy Pepe, 16 Drew Street:** She is in support of the application.

**In Opposition:**

**Cynthia Welch Philippino, 17 Colton Drive:** She is a direct abutter to the property. Mrs. Philippino read a written statement that detailed a long list of complaints regarding issues they have had to endure due to living next to Port Rehab. The complaints include early trash pickups, noise and vibration from snow plows, exhaust fans, and delivery trucks, dust in their home and on their vehicles because the parking lot was cleaned with a leaf blower, glare from external lighting, and cigarette smoke and inappropriate conversations when smoking area was moved closer to their property. They have made multiple calls to the Port Rehab administration to no avail. They finally called their City Councilor who looked into their complaints. He called them back and informed them that Port Rehab was breaking the noise ordinance by allowing trash pickups and deliveries to happen before 7am. She is vehemently opposed to any expansion of the existing building and believes it will only bring more noise, vibration, traffic, and pollution issues to the neighborhood.

**Janet Hollins, 0A Zabriskie Drive:** She is concerned about increased traffic and the parking lot being located in the front of the property.

**Joe Linnehan, 13 Colton Drive:** The new footprint brings the building closer to his property. He is concerned about noise pollution. He is also concerned about possible water runoff issues.

**Chairman Ramsdell closed the hearing to public comment.**

**Questions:**

Mr. Pennington asked if the hydrology systems have been designed and how far into the application before the Conservation Commission is the applicant. **The applicant has not designed the hydrology systems yet and has not gone before the Conservation Commission yet.**

Mr. LaBay asked for the expected length of time of the project. **It will take between 9 months and a year.** Mr. LaBay asked if the elevations of the other sides of the building were going to be provided. **The applicant has not designed the building yet but it will be very similar to the building in Topsfield.**

Mr. LaBay asked for the applicant to address the concerns of the abutting neighbor. He has never heard such a compelling explanation of how a business has been a bad neighbor. Jeff Gangi, the Facilities Manager, at Port Rehab stated that he has addressed many of the Philipinos' issues over the years and made many accommodations. He has never been addressed by the City over any noise issue in his 9 years at the facility. It's an old building but some of the equipment makes noise. He changed the wheels on barrels that were noisy. He contacted the vendors and told them that they could not come on site before 7am. He spoke to the trash vendor about noise. He installed speed bumps to slow traffic coming through parking lot to get around the stop light.

Mr. Ciampitti asked when the applicant would have more detail so that the board can make an informed decision. He stated that the basis of the proposal is to place the building next to the wetlands. Until the board has more detail on the architectural design, the geotechnical information, drainage systems, feasibility of putting the building next to the wetlands, they cannot make an informed decision. **The applicant's reading of the zoning ordinance was that if there is an existing building and the proposed use is not more detrimental than the special permit would be given. There are stop gap measures such as going before the Planning Board and the Conservation Commission where he assumed he would be presenting more technical information. He spoke to the Planning Director and the Building Commissioner and they were all in agreement that obtaining the Special Permit first was the logical course.**

Mr. LaBay asked how many trees are going to be removed along the side of Colton Drive. There appear to be a lot less trees in the proposed plan. **A fair amount of trees will be removed. He does not know the size of the trees or how many will be removed.**

Mr. Pennington stated that the burden is heavier on the applicant because they are working with a site that is so tight. He questions why they would not choose to build a 3-story building and move it closer to Hale Street. These are the types of things that they may want to consider as they go through the process. The board needs more detailed information because it is such a tight site and because there are real concerns voiced by the neighbors. The board needs to consider these issues when trying to determine whether the proposed plan is more detrimental than the existing condition and use of the site. If there were a 200 foot buffer around the entire property then the board would not need more detailed information. **The applicant was under the impression that the more technical review would happen before the Planning Board, not the Zoning Board.**

Mr. Coughlin stated that it seems like pressure is put up against the neighbor's property and the wetlands when they could be putting pressure on the Hale Street side of the property. Mr. Coughlin asked if the dump trucks will back off of Hale Street and then pull forward to exit the site. **Yes, but the compactor will create less frequency in pickups.**

Mr. Coughlin stated that he is concerned about the increase in parking and the decrease in buffer.

Mr. LaBay asked for the rationale behind keeping the curb cut on Low Street and stated that removing that cut would remove the problem of vehicles cutting through the parking lot. **The applicant had not considered that option.**

Chairman Ramsdell stated that the board has to make a decision on whether the proposed plan is substantially more detrimental and they have to have more than a conceptual sense of the proposal to be able to make that decision.

Mr. LaBay stated that the applicant is not there, by right. They are there with a non-conforming use that was in existence prior to the zoning ordinance. They are the interloper, not the residents.

Mr. Ciampitti made a motion to continue the hearing to the March 8, 2011.

Mr. LaBay seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco - approve

Jamie Pennington – deny

**4. Adjournment**

Motion made to adjourn.

Motion seconded.

Motion unanimously approved.

Meeting adjourned at 8:50 P.M.

**Respectfully submitted, Jennifer Stone - Note Taker**