

**City of Newburyport  
Zoning Board of Appeals  
September 7, 2017  
Council Chambers**

The meeting was called to order at 7:38 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Richard Goulet  
Maureen Pomeroy (Associate Member)

**Absent:**

Renee Bourdeau

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of the 08/24/17 meeting**

Ms. Pomeroy made a motion to approve the minutes as amended and Mr. Goulet seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

**b) 6 Purchase Street – request for minor modification for replacement windows**

Michael and Ingrid Cyros, 8 Purchase Street briefly spoke about the request. The Cyros' own 6 Purchase Street and purchased 8 Purchase Street to renovate. The house is dated 1830-1840 and the Historical Commission recommended windows be restored and re-installed. After demolition it was discovered that the windows were not original. They went back to the commission to request to change to more appropriate replacement windows. They are here for the formality of having the recommendation acknowledged.

Mr. Goulet made a motion to approve the request for minor modification adopting the revised NHC recommendations and Ms. Pomeroy seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

### **3. Public Hearings**

**2017      066**  
**Address: 10 Ashland Street**  
**Special Permit for Non-conformities**  
*Modify pre-existing non-conforming structure for a two-family*

**2017      067**  
**Address: 10 Ashland Street**  
**Special Permit**  
*Allow a two-family use (#102)*

The applicant requested to continue to 9/12/17.

**Motion to continue applications 2017-066 and 2017-067 made by Ms. Pomeroy, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

**2017      073**  
**Address: 77R, 85, 85R & 81 Storey Avenue**  
**Dimensional Variance**  
*Modify existing frontage variance to allow for the construction of an addition*

**2017      074**  
**Address: 77R, 85, 85R & 81 Storey Avenue**  
**Special Permit**  
*Modify existing special permit for Congregate Elderly Housing (Use #108) to allow for the construction of an addition*

**2017      075**  
**Address: 77R, 85, 85R & 81 Storey Avenue**  
**Use Variance**  
*Allow Congregate Elderly Housing (Use #108) to extend into a portion of the B1 district*

Attorney Jeff Roleofs represented the applicants.

Michael Walerzcak, Atria, introduced the company and the community. He described it as the smallest large company with over 21,000 residents and over 15,000 employees. In each of the 202 communities 65% of residents come from less than 10 miles from the site. The remaining 35% are mostly parents of children nearby. Atria is a part of the community. The current building on Storey Avenue is 100% full and there is additional demand. Part of the proposed plan is renovation of the interior of the current building and adding on a 45,000 s.f. addition.

Attorney Roelofs continued on describing the expansion of the 80 unit building to 129 units. The proposed parcel of land for the expansion is located behind the Storey Avenue CVS in the B1 district. Use #108, Congregate Elderly Housing, is not allowed by Special Permit in the B1 district, so a variance has been requested. Traffic would have little impact. The applicants will relocate and improve conservation trail access. The project is currently before the Planning Board and they hope to close out at the September 20<sup>th</sup> meeting. They are also before the Conservation Commission and hope to close out at the September 19<sup>th</sup> meeting after reviewing storm water plan changes. Fire, DPS, and conservation have been actively involved in the project planning. A site plan overview was presented. Architecture would match the existing building and the view from the public way is minimal as terrain drops significantly.

Rick Friberg, civil engineer, spoke. He reiterated that they are getting very close with Planning Board and Conservation Commission approvals. The last pieces are storm water review related, as they are adding an acre of new impervious surface. The storm water plan will be above and beyond City standards. Drainage plans were presented. Landscape architecture buffering and screening will be more for the residents. The fire department has submitted a letter that they are satisfied with access. Access continues to come from Storey Avenue. There is ample parking on the site. All setbacks are met except for frontage. Landscaping renderings were presented.

Attorney Roelofs discussed the traffic study. Many improvements were made with the neighboring property Tropic Star project already (CVS, Shell). Minimal traffic would be added. He referred the Board to his memo for criteria on requests, but did speak on the variance criteria. The reason they have not expanded to the rear and chose to expand in this way is due to wetlands and topography.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ramsdell asked about variance criteria. Attorney Roelofs discussed the hardships of topography, wetlands, and location of the current building.

Mr. Goulet asked about storm water plans and whether that included picking up current building runoff. Mr. Friberg noted that it would pick up portions of the existing roofline and would be tied into the new system.

Mr. Ramsdell asked about construction materials. Attorney Roelofs responded that the materials would be compatible with materials on the existing building. The plan to match siding, colors, stucco, roofing, and everything exactly.

Ms. Pomeroy asked who the abutters were. Attorney Roelofs responded that the Shell station, CVS, residences on Russell Terrace, conservation land, medical office buildings, and a restaurant were among abutters. Ms. Pomeroy also clarified that the sloping of the property did not flow toward other properties. No, the slope is toward wetlands and conservation land.

**Deliberations:**

Mr. Ciampitti commented on the well-presented, thorough application. He was familiar with the site and use in the community and this is a good expansion of this use. Dimensional and use variances had well argued hardships. As far as the Special Permit impact and continuity are a wonderful marriage. Abutters are mostly commercial and he noted the lack of opposition present. Visual impact from Storey Avenue is minimal as the project is nestled in and among the land.

Mr. Goulet agreed. Criteria were met. He also mentioned this was consistent with the City's master plan.

Ms. Pomeroy agreed.

Mr. Ramsdell concurred.

**Motion to approve application 2017-073 made by Ms. Pomeroy, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

**Motion to approve application 2017-074 made by Ms. Pomeroy, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

**Motion to approve application 2017-075 made by Ms. Pomeroy, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve

**2017      076****Address: 29-35 Storey Avenue****Sign Variance***Install fee-standing pylon sign at entrance and wall signs on east elevation of structure in excess of dimensional requirements*

Attorney Lisa Mead of Mead, Talerma and Costa LLC, 30 Green Street presented the application. The sign variance is for the land between Wendy's and McDonalds on Storey Avenue. Site plan approval has been received, which included a location for a pylon sign. Signage on the East elevation facing the interior of the plaza is also part of the sign variance.

Paul Frederick, architect with HPA Design Inc, spoke about the design evolution on the East elevation. The proposed build will sit on an 'island' between Storey Avenue and the existing plaza. The front and rear of the building will clearly been, creating the need for signage on both sides. The East elevation facing the plaza has a significant topographical drop and in order for signage to be seen clearly, it must be larger than the ordinance allows for the rear of the building.

Gary McCoy, Poyant signs, went over the signage and materials. The lettering would be standard illuminated low voltage LED, similar to what exists in the plaza. The pylon sign would be similar to the existing Port Plaza sign; the background would be opaque at night, with the tenant name glowing. The medallion at the top would be internally lit.

Attorney Mead clarified a sign on the East elevation and presented an updated elevation and proposed condition to clarify. Attorney Mead went through sign requests. The Planning office had a concern on sightlines at the eastern driveway. The sightlines are not affected and the applicants have a letter from a traffic engineer on this.

Attorney Mead spoke about the dramatic drop in the rear topography unlike other properties. This is a business district and shopping area where clear, visible signage is needed. Signage is consistent with the Storey Avenue and Low Street area. It is a modest request and a project in harmony with the shopping center. She noted the improvement of the gap-tooth streetscape, reactivating this lot.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Goulet asked about a line of the plans. This was a retaining wall along the property line. He also asked for clarification on an area in the plans. This area was a fenced in area for trash.

Mr. Ciampitti asked about one of the conditions on company logos and colors and whether they would be against a consistent background. They would be.

Mr. Ramsdell commented that the logo condition scared him a little. Attorney Mead noted that the signage would still be within the confines of what is proposed.

Mr. Goulet asked what drove the larger signage on the East elevation. Mr. Frederick explained that all sides of the building would be active and due to elevation differences, they needed to make it visible.

**Deliberations:**

Mr. Goulet commented that the freestanding sign is fine and he did buy the approach of having '2 fronts' to the building. He could understand the need for larger signage on the East elevation.

Ms. Pomeroy also understood the need for the larger signage. Ms. Pomeroy has some concerns on the wording of the proposed conditions. Mr. Ramsdell and Mr. Ciampitti expressed that they were ok with the language, as the tenants would still need to comply with the constraints of the signage.

Mr. Ramsdell commented that the existing signage was fairly appealing and he was ok with the proposed signage.

**Conditions;**

1. Actual lettering of the store names may be reflective of the respective company colors and logos.
2. East elevation; Eastern most sign may be centered under tower roof.

**Motion to approve application 2017-076 with above conditions made by Ms. Pomeroy, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

**The meeting adjourned at 8:55pm**

**Respectfully submitted, Katie Mahan - Note Taker**