



RECEIVED

16 MAR -3 AM 8:19

AMESBURY CITY CLERK

## PLANNING BOARD DECISION

*Property Ownership:* **Richard Sandler**

*Applicant:* **Wolfgang Herbel**

*Application Type:* **Site Plan Review**

*Project:* **Light Manufacturing - Wholesale Coffee Roasting & Packaging**

*Location:* **79 Elm Street, Amesbury, MA 01913**

*Date:* **October 26, 2015**

### **A. GENERAL**

On or about August 31, 2015, the Amesbury Planning Board (the "Board") received a Site Plan Review Application for Whole Sale Coffee Roastery located in the Building at 79 Elm Street for in Amesbury MA (the "Project"). The application was submitted along with a Site Plan (the "Plan") showing the layout of the facility. The plan, drawn on 8/28/15 by Richard Griffin, 39 Turner Street Salem, MA 01970 was submitted along with supporting documents by Wolfgang Herbel (the "Applicant"). The Board held the initial public hearing on 9/28/15. The public hearing was continued to and closed on 10/26/15 and a decision was rendered by the Board. This is the Final Action of the Board ("Decision") on the Site Plan Approval.

### **B. FINDINGS: General Findings under Section XI.C**

1. **Project:** The subject parcel is located in the Industrial Central (IC) Zoning District. The proposed use is an allowed use in this district subject to the provision of Section XI.C of the Amesbury Zoning Bylaws;

2. **Existing Conditions:** The site consists of an existing building of approximately 23,000 sf. The property owner was granted a Special Permit by the Board for non-residential units dated 7/25/2011. Pursuant to that decision, portions of the building can be used for Light Manufacturing uses. No changes to the original decision were requested or will be granted by this Decision;
3. **Project Description:** The proposed light manufacturing facility is located within the existing building at the first floor level. It will occupy approximately 840 sf of space. This is a wholesale operation without any food services. It involves roasting of green beans, packaging and shipping. No retail operations are proposed and so on a daily basis there will be no retail consumer or public traffic or interaction;
4. **Neighborhood and Infrastructure Impacts:** No exterior changes are proposed to the existing building except for the addition of the steel chimney along the R-Street bridge side. Pick-up vehicles will enter the facility from Elm Street and the existing parking lot. The proposed use is in keeping with the industrial uses currently in operation at the building. No other additional uses are proposed on the site. The proposed improvements will not create any additional burden on the existing public infrastructure or have any negative impacts on the neighborhood;
5. **Other Permits Needed:** The Project requires other building related permits from the Building and Health Department. It also requires a wholesale permit from Massachusetts Department of Public Health and Food Protection;

Based on the findings noted above, the Board determines that the Development and Performance Standards of the Amesbury Zoning Bylaw (the "Bylaw") are satisfactorily met.

### C. WAIVERS

The Board did not receive any written request for waivers and therefore the Board did not review or grant any waivers from the provisions of the Zoning Bylaw.

#### **D. APPROVAL OF THE SITE PLAN AND CONDITIONS THERETO**

With the findings as noted in Section B this Decision, and with the conditions of approval as noted in this Decision, the Board finds that the project satisfies the Site Plan Approval criteria of Amesbury Zoning Bylaws. After public hearing, upon notice in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full consideration of the evidence presented, and upon the findings made in Section B of this Decision and with conditions hereinafter set forth, the Site Plan Approval was granted for a Light Manufacturing Facility – Coffee Roastery at 79 Elm Street in Amesbury, MA to the Applicant for the premises described in the application.

#### **I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:**

The Project and all construction, utilities, drainage and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the Project as approved by the Board.

#### **II. GENERAL AND IN PERPETUITY CONDITONS**

1. **Allowed Use:** This Decision only allows the interior floor plan changes shown on the building layout plan for the proposed coffee roaster light manufacturing operations allowed pursuant to this Decision. Any change in the approved uses, number of units or other changes that result in interior or exterior changes from the current approval for the subject property will require further review and approvals from the Board;
2. **Recorded Decision:** The Applicant shall request the Property Owner to submit a copy of the recorded Special Permit decision along with a letter acknowledging the terms of this decision to allow the coffee roastery business in this building;
3. **Building Façade Changes:** Any changes to the building façade, addition of retail sales on premises would be a major modification and require a new application and hearing;

4. **Parking & Loading:** Parking for use by this tenant and loading zones shall be clearly marked on the site;
5. **Exterior Chimney:** The proposed exterior steel chimney shall be removed within 30 days of expiry of the lease or discontinuation of this use at the site, whichever is earlier;
6. **Signage:** No signage shall be installed on the building or on the site without Planning Board approval. Any future signage for this use shall not exceed more than 6 sf in total sign area;
7. **Modification of the Approved Site Plan or conditions:** Any change to the approved plan or proposed improvements, including, but not limited to, expansion of the lease area, retail business/outlet shall only be allowed after review and approval by the Board. No changes shall be made without the written approval of the Board;
8. **Site Plan Modification Process:** Prior to making any modifications, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Plan and/or Special Permit(s) for determination of minor or major modification and approval by the Board. Any modifications to the approved Site Plan, changes that impact the Performance Standards applicable to this Project or conditions of approval of this Decision, shall be subject to review and approval of the Board. The Board shall, if it so determines, require the applicant to submit a new application for modification to the approved Site Plan and/or Special Permit(s) and hold a new public hearing for review of the requested modifications; and
9. **Validity:** The Site Plan and Special Permit Approvals shall expire upon the expiration of the final environmental permit, unless said permit(s) is extended by the permit granting authority.

*Chair, Amesbury Planning Board*

**TO:**

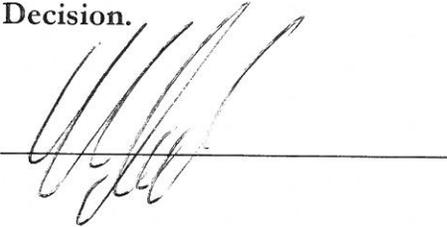
Wolfgang Herbel

5 S. Main Street

Topsfield, MA 01983

**PLANNING BOARD VOTE:**

On 10/26/2015, the Amesbury Planning Board voted ALL in favor of the approval of the Site Plan for Light Manufacturing Use as per approved plan and supporting information included in the application, subject to the findings, waivers and conditions stated in this Decision.



Planning Board Chair

Filed with the City Clerk on 3/3/16



City Clerk