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AMESBURY CITY CLERK

PLANNING BOARD DECISION

Property Ownership: **Matthais Gottwald**

Applicant: **Matthais Gottwald**

Application Type: **SPECIAL PERMIT & SITE PLAN REVIEW**

Project: **Setback Relief under Section VI.F.11**

Location: **27 Pond Street, Amesbury, MA 01913**

Date: **April 27, 2015**

A. GENERAL

On or about 3/24/2015, the Amesbury Planning Board (the "Board") received application for Special Permit under Section VI.F.11 and Site Plan Review to allow an addition to an existing structure within the required setbacks and located at 27 Pond Street in Amesbury MA (the "Project"). The application was submitted along with a Site Plan (the "Plan") drawn by GA Consultants, Inc. 17 Graf Road, Newburyport, MA 01950 drawn on 4/24/2014. The application also included supporting documents showing conceptual drawings for the proposed addition.

- Exhibit 1 – Approved Site Plan
- Exhibit 2 - Concept Architectural Exterior Elevations

The Board held the initial public hearing on April 27, 2015. The public hearing was closed and a decision was rendered on April 27, 2015. This is the Final Action of the Board ("Decision") on the applications for Special Permit and Site Plan Review.

B. FINDINGS: General Findings under Sections X.J and XI.C

1. **Project Site:** The Subject Property is located in the Central Business (CBD) Zoning District. The application includes property located along Pond Street and identified as Map 52 Lot 123 on the City's Assessor's Map. The total Lot size is 5,522 sf.;
2. **Existing Conditions:** The project site consists of one principal residential structure and a storage shed. There are two existing driveways that also serve as parking areas for four (4) cars;
3. **Project Description and Proposed Use:** The Applicant requests a special permit to grant relief from the dimensional control requirements of rear yard setback applicable in this zoning district to be able to build a two story addition to the principal structure. The proposed addition will have a footprint of +/- 396 sf. The closest point of the addition from the rear property line will be 17 feet and from the side yard property line will be 5 feet. The average building height for the addition will be approximately 19 feet from grade. The existing shed will be removed. The Applicant proposes to use the addition for artisan business and storage;
4. **Traffic Circulation:** The requested use will not create undue traffic congestion, or unduly impair pedestrian safety because there is adequate parking on site for the proposed use;
5. **Public Utilities and Infrastructure:** The proposed addition will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of town will be unduly subjected to hazards affecting health, safety, or the general welfare, because the requested use will not include any additional residential unit within an existing structure;
6. **Neighborhood Character:** The proposed addition will not impair the integrity or character of the district or adjoining districts nor be detrimental to the health or welfare, because no new structures are being proposed, and the existing structures will be enhanced and preserved in keeping with the character of the neighborhood. Most of the existing

structures in the neighborhood do not meet any of the dimensional controls governing setbacks. The proposed addition will be compatible with other structures in this dense neighborhood; and

7. **Compatible Uses**: The proposed use in the addition is compatible with other non-residential uses in this commercial district. The Master Plan supports the creation of more small businesses and greater density in the Central Business District. It encourages use of existing structures in historic and older neighborhoods. The proposed use will not by its addition to this neighborhood cause an excess of that particular use nor would be detrimental to the character to said neighborhood. The requested rear yard setback relief to allow the addition is reasonable given the existence of several non-conforming structures in the neighborhood.

Based on the findings noted above, the Board determines that the Project meets the relevant special permit criteria under Section X.J as well as Development and Performance Standards under Section XI.C.8 of the Amesbury Zoning Bylaw (the "Bylaw").

C. APPROVAL OF THE SITE PLAN, SPECIAL PERMITS AND CONDITIONS THERETO

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, the Board hereby grants the Applicant a Special Permit to allow relief from the rear yard setback requirements in the CBD zoning district and a Site Plan Approval for the premises described in the application, further upon the conditions that follow:

I. GENERAL AND IN PERPETUITY CONDITONS

1. **Allowed Use**: This Decision allows the addition to the existing principal structure located at the Project Site and to reduce the rear yard setback from the required 40 feet to 17 feet from the closest point of the addition to the rear lot line as shown on the Plan. The

addition shall be used only for artisan business on the first floor and storage on the second floor and the total building footprint of the addition shall not exceed 400 sf.

2. **Final Architectural Design Review:** The Applicant shall submit final architectural drawings for review and approval by the Board before applying for a building permit.
3. **Changes in Project Density or Design** - No further extension of the structures or change in the footprint or creation of any new dwelling units shall be allowed without further review and approval by the Board. Any change to the site plan or any of these conditions of approval, including, but not limited to, the building location, driveway locations, architectural design criteria and the approved building construction materials, site improvements and finishes or to any recorded legal documents shall only be allowed after review and approval by the Board. Request for substantive revisions to the Plan shall be made as required under conditions pertaining to Site Plan Modifications in this Decision.
4. **Site Plan Modifications:** Prior to expansion, addition or alteration of uses allowed by this Decision, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Site Plan and/or Special Permit for determination of minor or major modification and approval by the Board. Any substantial modifications to the approved Site Plan or changes that impact the Performance Standards under XI.C.8 or pertinent sections of the Amesbury Zoning Bylaw 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 and hold a new public hearing for review of the requested modifications; and
5. **Validity:** This Special Permit is valid for a period of two years from the date of issuance. The Site Plan Approval shall expire upon the expiration of the special permit, unless said permit is extended by the permit granting authority.

Chair, Amesbury Planning Board

McGavern
Design
21 Marlboro
Street
Newburyport,
MA 01950
978/9141900

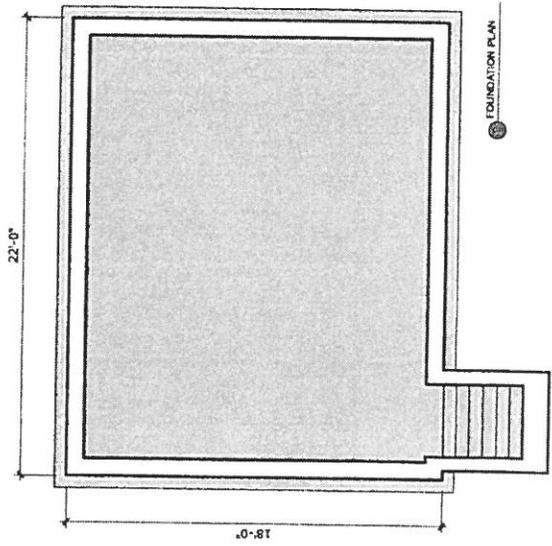
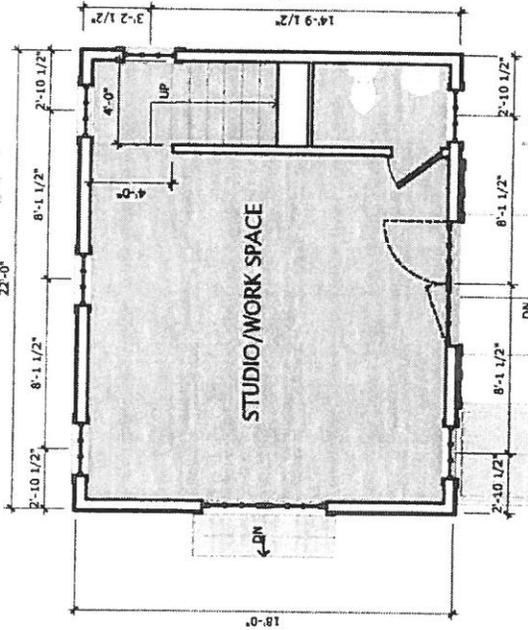
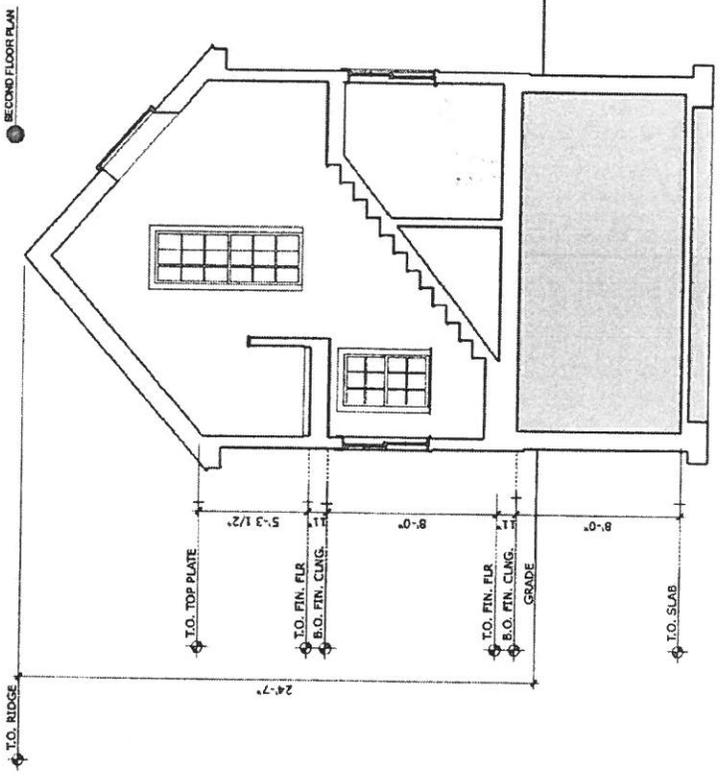
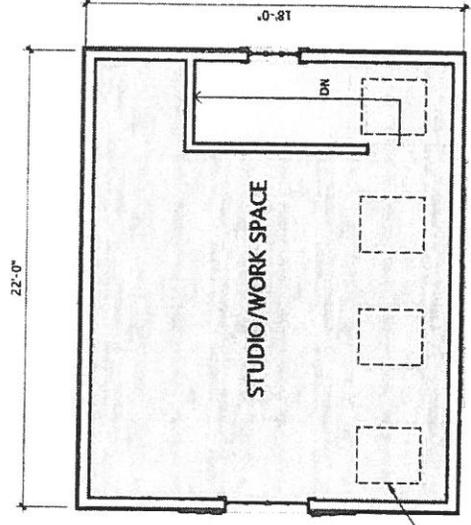
CONSULTANT

PROPOSED EXTERIOR ELEVATIONS
CARRIAGE UPHOLSTERY
AMESBURY, MA

REVISIONS

SCALE:
1/4" = 1'-0"
DATE:
FEB. 6, 2015

A1



Front (Side)

Back

McGovern
Design
21 Montross
Street
Newburyport,
MA 01950
978-914-1900

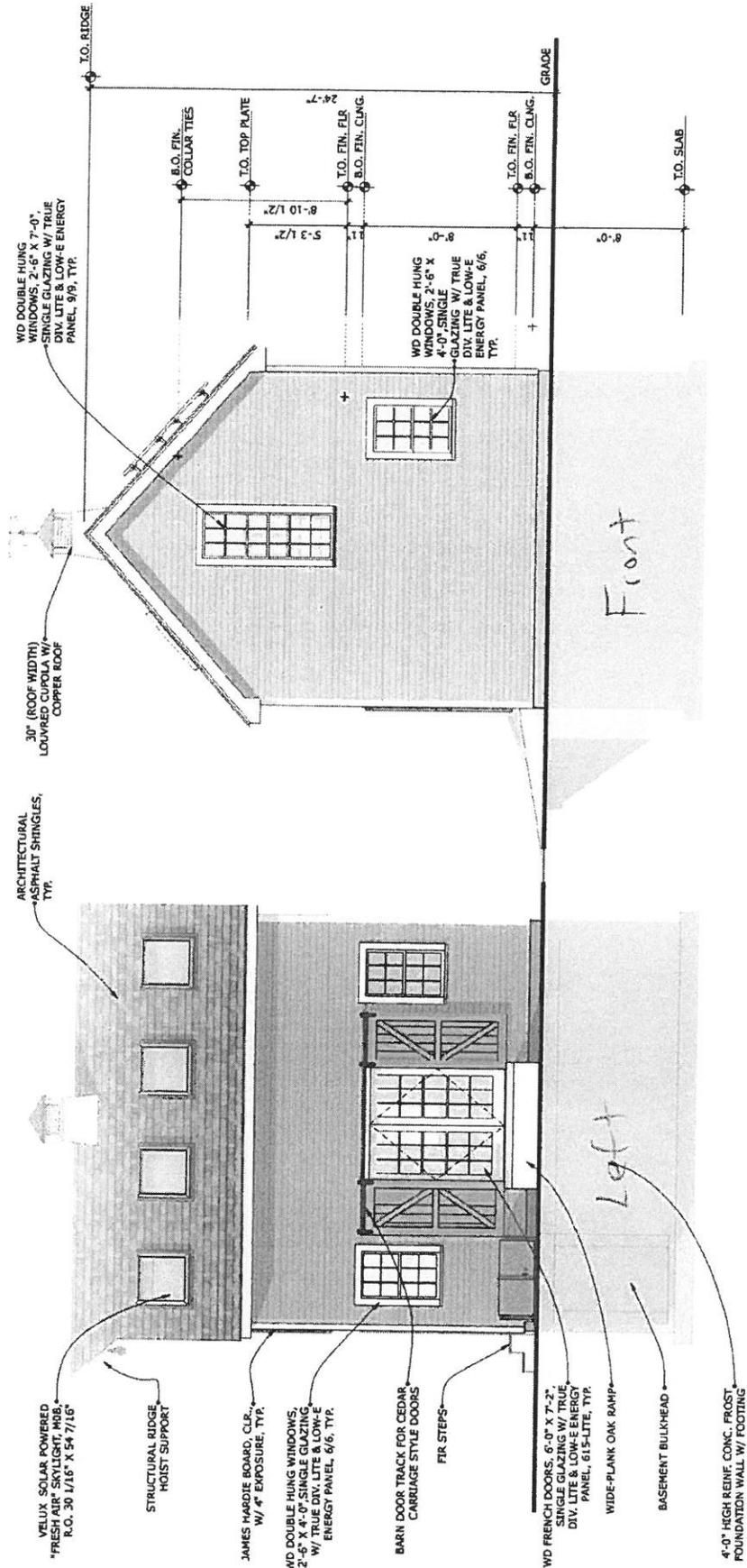
CONSULTANTS

PROPOSED EXTERIOR ELEVATIONS
CARRIAGE UPHOLSTERY
AMESBURY, MA

REVISIONS

SCALE:
1/4" = 1'-0"
DATE:
FEB. 5, 2015

A2



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978.914.1900

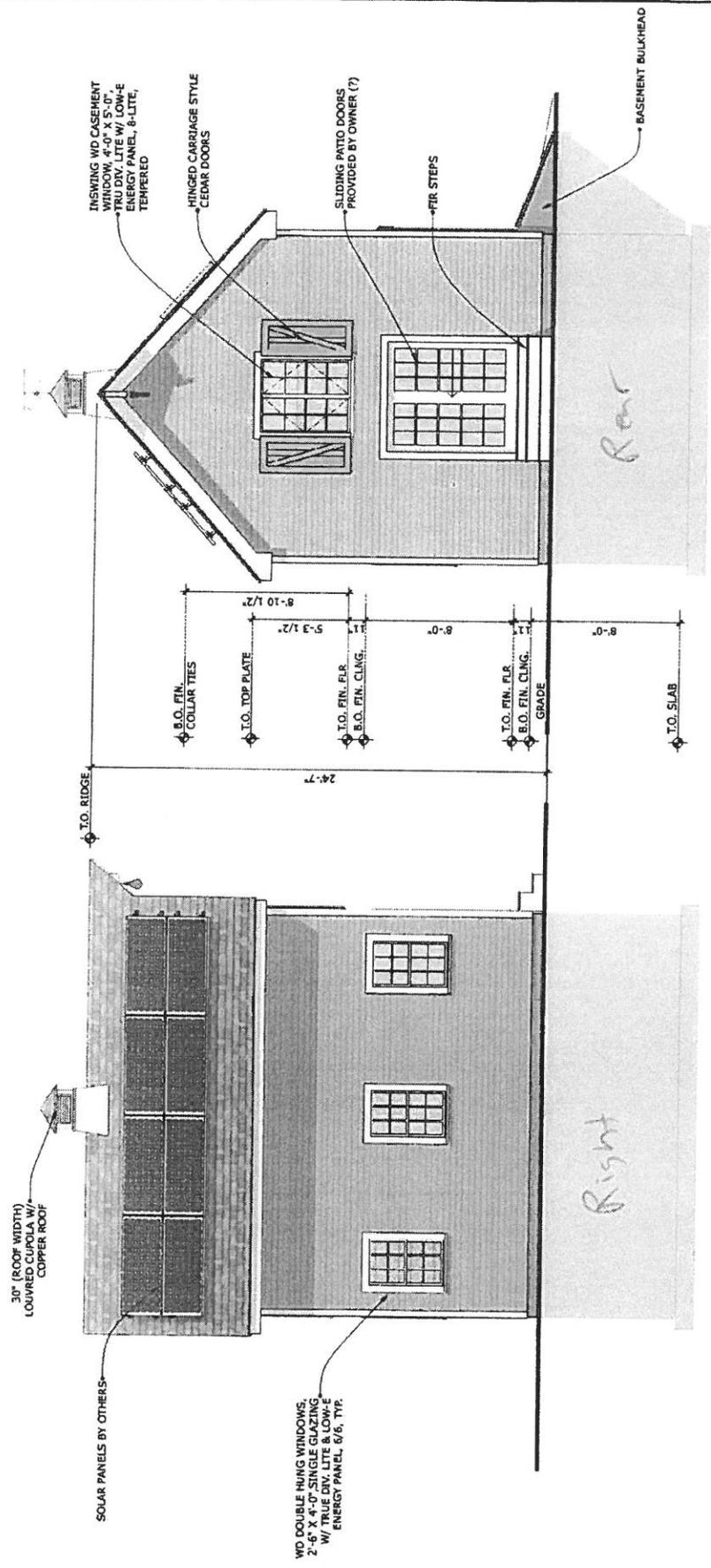
CONSTRUCTION

PROPOSED EXTERIOR ELEVATIONS
CARRIAGE UPHOLSTERY
AMESBURY, MA

REVISIONS

SCALE:
3/4" = 1'-0"
DATE:
FEB. 5, 2015

A3



TO:

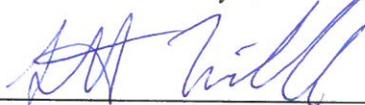
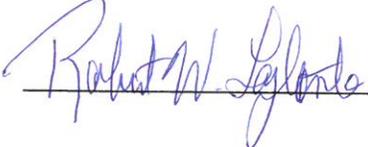
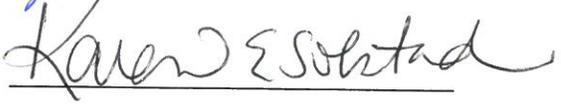
Matthais Gottwald

27 Pond Street

Amesbury, MA 01913

PLANNING BOARD VOTE:

On 04/27/2015, the Amesbury Planning Board voted ALL in favor of the approval of the Site Plan and Special Permit granting setback relief for the proposed addition to the existing structure located at 27 Pond Street in Amesbury MA subject to the findings, waivers and conditions stated in this Decision.

 _____	 _____
 _____	 _____
 _____	 _____

Filed with the City Clerk on May 27, 2015


City Clerk

A Building Permit is required for any construction or remodeling. It is your responsibility to file this Special Permit Decision with the Registry of Deeds and to record the plans after endorsement; forms may be obtained from the City Clerk's Office.

Any appeal shall be made pursuant to Mass. General Laws, Section 17, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of such notice in the City Clerk's Office.