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AMESBURY CITY CLERK

PLANNING BOARD DECISION

Property Ownership: **Water Street Realty Trust**
37 South Hunt Road, Amesbury, MA 01913

Applicant: **Water Street Realty Trust, Louis Lavoie, Trustee**
37 South Hunt Road, Amesbury, MA 01913

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

Project: **Professional Offices and Private Indoor Exercise Facility**

Location: **9 Water Street -Bldg.1 (21 Water St.) & Bldg. 2, Amesbury, MA**

Date: **April 13, 2015**

A. GENERAL

On or about March 4, 2015 the Amesbury Planning Board (the "Board") received Special Permit and Site Plan for Professional Offices & Private Indoor Fitness in Buildings located at 9 Water Street in Amesbury MA (the "Subject Property"). The application was submitted along with a Plan of Land (the "Plan") drawn by Cammett Engineering Inc., 297 Elm Street, Amesbury, MA 01913 on 6/6/2012. The application and supporting documents were submitted by Atty. Paul Gagliardi on behalf of Water Street Realty Trust (the "Applicant"). The Board held the public hearing on April 13, 2015. The public hearing was closed a decision was rendered on April 13, 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. **Permits Required:** The requested use is allowed by Special Permit and Site Plan Approval in the Central Industrial (IC) zoning district. The Board has received the necessary applications to make its determination for this request. The Applicant had sought approval of professional office use by special permit in the 2nd floor of Building #1 and the Board had approved said special permit on 11/10/1997. The Applicant has made this application for endorsement of other existing professional office uses, including artisan business, business and research offices on all other floors in both buildings on the Subject Property.

2. **Project Site and Existing Conditions:** The Subject Property is located in the Central Industrial (IC) zoning district as shown on the Zoning Map. The application includes property located along Water Street and identified as Map 53 Lot 111 on the City's Assessor's Map. The Premises consists of primarily two buildings - Building #1 consists of 49,070 square feet and Building #2 consists of 13,800 square feet located on a 0.99 acre lot along the Powow River. For further clarity, 9 Water Street, Building #1 (as per Amesbury Assessor's Database) has a mailing address and is legally identified as 21 Water Street and 9 Water Street, Building #2 (as per Amesbury Assessor's Database) has a mailing address and is legally identified as 9 Water Street. Currently, there are several professional offices and other commercial uses in the buildings (Exhibit 1). The Subject Property also abuts the Central Business District and the neighborhood comprises of several office buildings, mixed uses, restaurants and other commercial uses.

3. **Project Description and Proposed Use:** The proposed Project is the renovation of an existing unfinished storage area within the existing buildings for a CrossFit fitness center. The fitness center is proposed within a single story structure in Building #1 and has a total net area of 5,305 square feet (Exhibit 2). The space is an open floor plan and has no room partitions. No more than fifty (50) people will be in the building at one time. The application also seeks endorsement of professional office use within the existing building as a minor modification of the Special Permit granted by the Board on 11/10/97 for a certain portion of the building. No exterior changes to the building façade are proposed at this time. No alterations or extensions of the building footprint are proposed at this time. The

proposed uses would provide more vitality to the existing urban environment in the Downtown and desired mix of uses;

4. **Off – Street Parking, Traffic and Vehicular Circulation:** There are no parking spaces on the Subject Property. The various uses in the buildings are served by on-street parking along Water Street and the Municipal Parking Lot across from this property. The municipal parking lot has about 200 car spaces. The Applicant has the right to exclusive use of the greater of 60 parking spaces or 25% of the total number of parking spaces in the Municipal Parking facility. The Applicant also submitted parking calculations for the total square footage for each use by building and floor and determining the parking needs based upon their current use and number of employees. With the fitness center, the buildings would be fully tenanted. The number of parking spaces required by those calculations is generally available in the municipal parking lot.
5. **Storm water Management:** There are no changes proposed to the building footprint or impervious surface on the site. No changes are proposed to the site grading. The Board did not require or review any other information on stormwater management.
6. **Environmental Resource Protection:** No exterior site work is proposed at this time along the Powow River. The Board did not make any determination on other permits that may be required under other local or state jurisdictions and related to the proposed activity.
7. **Building Design:** The proposed uses are located within the existing brick mill buildings and the single story metal building and the end facing the Heritage Park. No changes are proposed to the existing structures. The Board did not require any building elevation drawings or additional information as no changes were proposed to the existing structures.
8. **Lighting:** No exterior lighting, building mounted or free-standing is proposed at this time.

Based on the findings noted above, the Board determines that the proposed uses are desirable and are compatible with other uses in the adjoining properties in the neighborhood. The addition

of these uses will not overburden the public infrastructure and utilities. The Project generally satisfies the permit criteria under X.J of the Amesbury Zoning Bylaw (the "Bylaw").

C. WAIVERS

By letter dated April 9, 2015 the Applicant provided the Board with a narrative and requested waivers from the specific provisions of Section XI.C of Amesbury's Zoning Bylaw. The Board has endeavored to grant waivers from those rules and regulations, only to the extent necessary, where the waivers are consistent with the purpose and intent of the regulations and would not threaten public health, safety or welfare and to minimize harm and disruption to the locus and real property abutting the locus. In the event that further waivers are required, the Applicant shall submit a written request for such waiver(s) to the Board and the Board may grant or deny such additional waivers in accordance with applicable rules and regulations in effect at that time.

D. 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 granted a Special Permit and Site Plan Approval for Professional Offices and Private Indoor Exercise Facility for the premises described in the application, further upon the conditions that follow:

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Project and all construction, utilities, roads, 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 allows professional offices on the existing floors and a 5,300 square feet indoor exercise facility in the single story metal building portion of the existing buildings as shown on the plan. Any other uses or conversion of existing uses into other uses shall require further approval from the Board.
2. **Architectural Design and Exterior Changes:** The Application has been approved with no changes to the exterior of the building, including but not limited to, no new windows or door openings, changes to building materials, finishes, dormers or other appurtenances. Any changes to the building or elevations shall require further review and approval by the Board. Routine maintenance and repairs to existing brick facades, metal panels and other appurtenances to the building in kind with similar materials and details shall be allowed. Any other modifications that change the overall architectural character, including character defining elements such as type of windows, doors, cornicing, elevator shafts etc., shall review further review and approval by the Board.
3. **Signage** – No signage information was provided with the application. Individual tenants shall submit exterior building signage separately at the time of leasing spaces in the buildings. The final design, materials and location shall be reviewed and approved at the time of submission of formal sign application to the Board. Only natural materials or comparable materials shall be allowed for all proposed signs.
4. **Lighting:** No exterior lighting is proposed. No lighting fixtures shall be allowed along the Powow River. All light fixtures, building mounted or free-standing, along Water Street shall be dark sky compliant and shall comply with the 0.2 foot candle requirement along all property lines;
5. **Changes in Project Density or Design** - No extension of the structures or change in the footprint or addition of uses shall be allowed without further review and approval by the Board. Any change to the site plan or any of these conditions of approval shall only be allowed after review and approval by the Board. Request for substantive revisions to the

Site Plan shall be made as required under conditions pertaining to Site Plan Modifications in this Decision.

6. **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(s) 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(s) and hold a new public hearing for review of the requested modifications; and

7. **Validity:** This permit is valid for two years from the date of issuance and may be extended upon written request by the Applicant as allowed under the Zoning Bylaw.

Chair, Amesbury Planning Board

EXHIBITS:

Exhibit 1 – Parking requirements per use spreadsheet

Exhibit 2 – Floor Plan for the fitness center

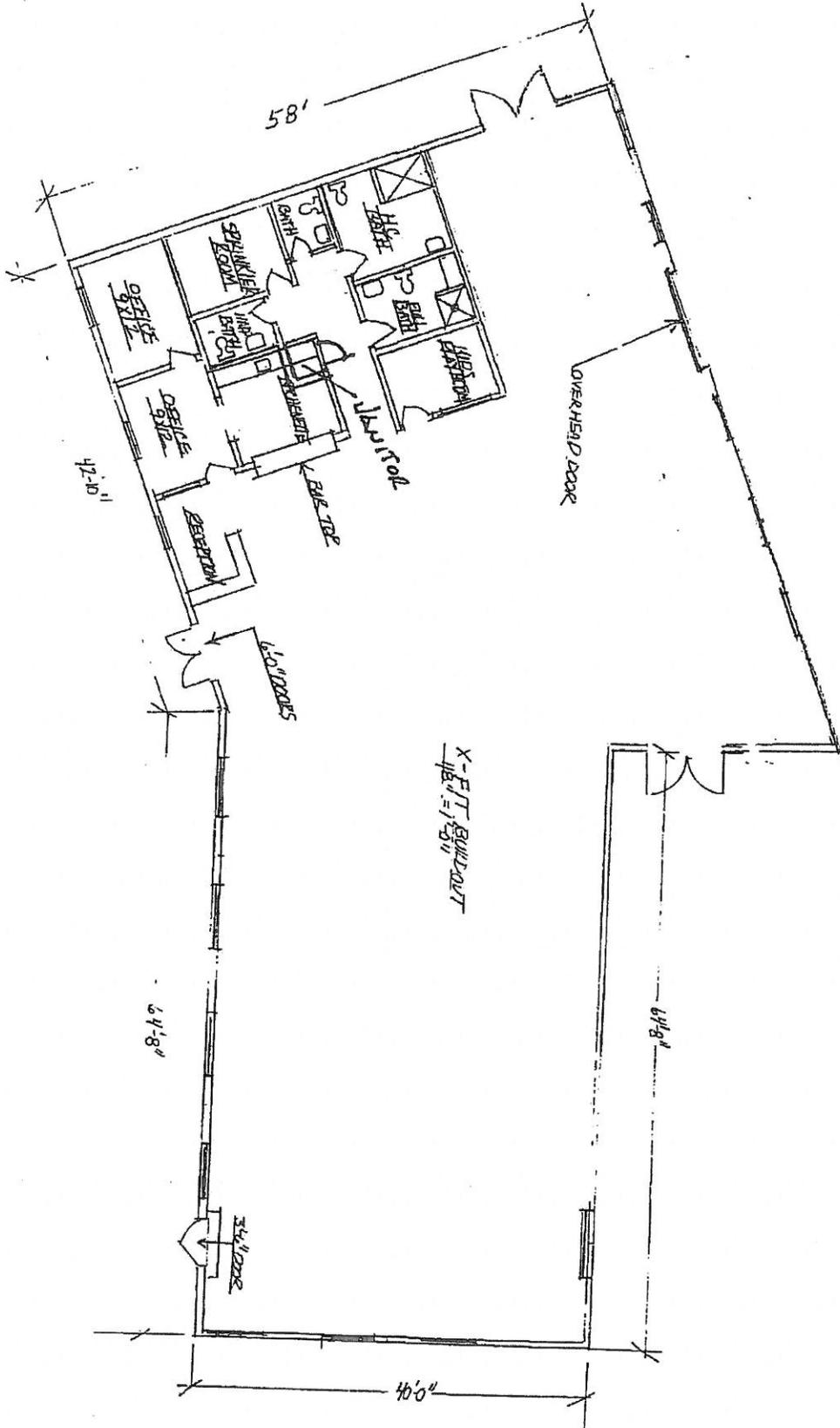
21 Water Street

Floor	Use	Use Category	Square Footage	Required Spaces	Actual Spaces
1 st	Office	6	7,650	28	18
1 st	Indoor Recreation Facility	19	4,800	12	10
1 st	Warehouse	12	3,540	4	0
2 nd	Office	6	5,500	20	9
2 nd	Studio	9	1,000	3	3
2 nd	Office/Studio	9	756	3	1
3 rd	Office	6	8,065	29	25
4 th	Office	6	8,000	29	5
5 th	Office/Lab	6	10,000	36	8
TOTAL				164	79

9 Water Street

Floor	Use	Use Category	Square Footage	Required Parking	Actual Parking
1 st	Office	6	3,543	13	3
2 nd	Studio	9	4,800	16	6
3 rd	Office/Gallery	9	4,200	14	7
TOTAL				43	16
GRAND TOTAL BOTH BUILDINGS				207	95

EXHIBIT B



X-FIT BULKOUT
18' x 15'

34'-8"

64'-8"

40'-0"

34" DOOR

WATER STREET REALTY TRUST	
21 WATER ST ARLING BURY MA.	
Project #	18-164
Address	210 ST
Client	X-FIT Bulkout
Drawn by	STW
Checked by	
Date	

TO:

Water Street Realty Trust

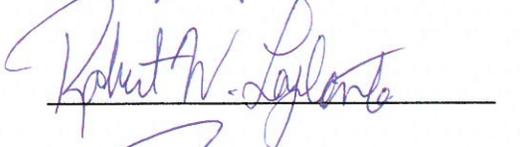
Louis Lavoie, Trustee

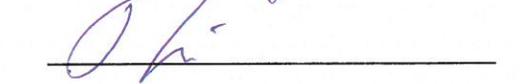
37 South Hunt Road, Amesbury, MA 01913

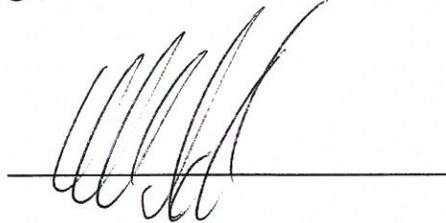
PLANNING BOARD VOTE:

On 04/13/2015, the Amesbury Planning Board voted All in favor of the approval of the Site Plan and the Special Permit for the proposed Professional Office uses and Private Indoor Recreational use in the existing buildings (Buildings 1 and 2) located at 9 Water Street in Amesbury MA subject to the findings, waivers and conditions stated in this Decision.









Filed with the City Clerk on May 14, 2015


Asst - 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.