



TOWN OF MERRIMAC
Zoning Board of Appeals
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MERRIMAC
SEP 11 2024

DECISION

Property: 1A Jana Way, Merrimac, MA
Applicant and Property Owner: Jana Properties LLC

This is the **DECISION** of the Town of Merrimac Zoning Board of Appeals ("Zoning Board") to consider the petition of Jana Properties LLC for a Special Permit (the "Application") pursuant to Section 21.6.3 of the Zoning Bylaw, seeking two signs exceeding ten square feet attached to the building located at 1A Jana Way in Merrimac, Massachusetts (the "Property"). The Property is located in the Rural Highway Zoning District.

On October 8, 2024, the Zoning Board opened a duly noticed, posted and published public hearing on the Application pursuant to and consistent with the Merrimac Zoning Bylaw, G.L. c. 40A and Chapter 20 of the Acts of 2021. Specifically, notice of the public hearing was timely posted and was mailed to all required parties in interest, and was published in the Newburyport Daily News, a newspaper of general circulation in the Town of Merrimac. The meeting of the Zoning Board was conducted by videoconference, Zoom.

EXHIBITS

The following documents were submitted to the Zoning Board in connection with the Application:

1. Application for a Special Permit, dated September 11, 2024;
2. A one-page cover letter from Philip A. Parry, Esq., dated September 10, 2024;
3. Two pages of plans depicting the proposed signs on the Property;
4. Two pages of plans depicting the signs if limited to ten square feet; and,
5. A five-page statement from the Applicant.

HEARING

The Zoning Board members present for and participating in the public hearing were Matthew Passeri, Joanne Rodrigues, Kenneth Nobrega and Alternate Member from the Select Board, Robert Gustison. During the public hearing, the Applicant and members of the public were provided an opportunity to be heard regarding the Application.

Philip Parry, Esq. appeared on behalf of the Applicant and explained the basis for the Special Permit and referred to narrative statement submitted with the Application. The proposed signs are to be 26.4 square feet and will not be illuminated. They will be seen by existing lighting on the Property. One sign will face West Main Street and the other will face the parking lot in front of the building. The Property is a single-occupancy commercial space that will be a retail store called "The Village Store".

Nick Palmisano, representative of the Applicant, also spoke concerning the location of the signs and their intended design as submitted to the Zoning Board.

Mr. Robert Sinibaldi, Building Commissioner, spoke regarding the position of the sign on the parking lot side of the building not directly facing an accepted town roadway and the planned additional occupancy by a deli within the Village Market. Mr. Sinibaldi also spoke about future growth and occupancy at the Property and the potential impact of other businesses adding signs.

Mr. Ronald Migliozi spoke concerning the application and questioned the need for the Special Permit and that allowance of the Application may serve a precedent for future development and signage in town.

No other members of the public spoke during the public hearing concerning the Application.

The Zoning Board discussed conditions of approving the Special Permit to address the concerns raised during the public hearing.

DECISION

The Zoning Board considered all the information presented with the Application and presented at the public hearing.

A motion was made by Ms. Rodrigues and seconded by Mr. Nobrega that the Zoning Board approve issuance of the Special Permit subject to the following conditions:

1. The two signs shall be the only signs permitted on the exterior of the building, each not to exceed 27 square feet in area.
2. One sign shall face West Main Street and the other on the front of the building to the left of the front door, as depicted in the submitted plans.
3. No lighting of the signs is permitted other than the existing lighting on the building.
4. The signs will state "The Village Store" and affixed to the building.
5. The signs will be 1" pvc main panels with ¼" beveled edges with a v-carved graphics and borders.
6. Any changes to these conditions requires the approval of the Zoning Board.

The motion unanimously passed following a roll call vote with all 4 votes cast in favor of the motion.

Ms. Rodrigues- Yes

Mr. Nobrega- Yes

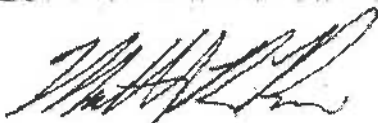
Mr. Gustison- Yes

Mr. Passeri- Yes

Accordingly, the Applicant's application for a Special Permit pursuant to Section 21.6.3 of the Town of Merrimac Zoning Bylaws is **ALLOWED**.

Appeals of this Decision, if any, shall be made pursuant to G.L. c. 40A, §17 and shall be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

TOWN OF MERRIMAC, MASSACHUSETTS
ZONING BOARD OF APPEALS



Matthew Passeri, Chairman