

**City of Newburyport  
Zoning Board of Appeals  
November 10, 2015  
Council Chambers**

The meeting was called to order at 7:12 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Duncan LaBay (Secretary)  
Jamie Pennington  
Richard Goulet

**Absent:**

Libby McGee (Associate Member)  
Renee Bourdeau (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of the October 27, 2015 Meeting**

Mr. LaBay made a motion to approve the minutes and Mr. Ciampitti seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**a) Request to amend decisions for 40 Merrimac Street for change in owner's name**

Mr. Ciampitti made a motion to amend the owner's name from 40 Merrimac Street LLC to Merrimac Street Ale House LLC on previously granted relief and Mr. LaBay seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

### **3. Public Hearings (8 on the agenda)**

#### **Public Hearing #1 & #2:**

**2015      054**

**Address: 18-20 Ashland Street**

**Dimensional Variance**

*Divide existing lot into two lots, requiring variances for lot area and frontage*

**2015      055**

**Address: 18-20 Ashland Street**

**Special Permit for Non-conformities**

*Construct over 500 s.f. on a non-conforming lot*

This hearing was continued from the 10/13/15 and 10/27/15 meetings. Nick Cracknell, 13 Pickard Street, Amesbury represented the applicants. Scott Brown, architect also worked on the project. When the application was originally filed, it was premature and neighborhood input was still needed. Outreach included a brochure, collaboration, alternatives and a list of stipulations put together.

Based on abutter comments, they decided to eliminate the two-family use on the original parcel and turn it into a single-family structure. This revision reduces the type or amount of relief required. The applicant is proposing to split the lot into parcels, each with a single-family structure. The applicant is proposing to remove an existing addition and construct a new one that does not exceed the 500 square foot threshold. The applicant is seeking variances for lot area for the two proposed parcels. Lot 1 is proposed to be 7174 s.f. and Lot 2 is proposed to be 9439 s.f.

The home is located in the R2 district, yet extremely close to R4 as well as WMD and the industrial Mersen building. It is a corner lot on Ashland Street and Ashland Court with the only non-conformity being the front yard setback. The applicants believe this project is the right fit contextually and the right design. The restoration of the William Morrill House, a structure on the National Historic Register, is also an added benefit to the project. Mr. Cracknell went over an ‘as if right’ plan for the property as well to demonstrate that the proposed plan is the better fit.

Mr. Cracknell presented mockups of two single families with brick driveways, sidewalks, added trees and plantings, two car garages, and granite curbing to name some of the improvements. Parking totals 4-8 spaces between the homes. Hardship arguments included lot shape and size, a corner lot and being so close to other zoning districts.

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

**In Favor:**

*Brooks Patterson, 19 Ashland Street*

Lives across the street from the newly proposed home. Also representing 13, 22, and 23 Ashland Street in support. This is similar to a project across the road.

*Tom Kolterjahn, 64 Federal Street, Newburyport Preservation Trust*

In support of the restoration. Would hate to see project end up like the Lime/Prospect Street project. This will be good for the city.

*Andy Simonds, 25 Ashland Street*

In support.

*Daniel Spurling – 11 Myrtle Avenue, on behalf of the Groskin's - 22 Ashland Street*

Strongly in support.

*William Webb, 9 Ashland Court*

In support. Had a question as to whether the City utilities would come from Ashland Street or Court. The answer to this was not known at this time.

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #1 & #2:**

Mr. Ciampitti & Mr. Goulet – none

Mr. Pennington commented that the application was clear. He questioned where the staff noted that the SPNC is no longer needed.

Ms. Newhall-Smith from the Planning office commented that what they are taking off and cutting back on is less than 500 s.f. and relief is not needed.

Mr. LaBay & Mr. Ramsdell questioned the hardship criteria. Mr. Cracknell went over lot shape and characteristics. It is also a corner lot surrounded by other non-conforming properties.

Mr. Cracknell also commented in response to Mr. Kolterjahn on the stipulations #1-12. He offered to update #5 to specify lime and mortar restoration of the chimney.

Mr. Ramsdell asked about stipulation #2 and if there would be any difficulty in indicating that “prior to issuance of building permit” that this will be done. Mr. Cracknell agreed to updating stipulation #2.

**Deliberations:**

Mr. Ciampitti commented that the hardship was satisfied. This is an unusual lot. This project is further consistent with Ashland Street. Preparation and attention to detail was a pleasure. Abutters are in support, with no opposition present.

Mr. LaBay agreed. Other projects have gone awry, but with this level of detail, he is reassured.

Mr. Pennington commented that this is progress to a standard of historic preservation and that they should reference this application to future applicants.

Mr. Goulet agreed with his colleagues.

Mr. Ramsdell concurred.

**Motion to approve application 2015-054 with proposed stipulations #1-12 with additional language in #2 (prior to issuance of building permit) and #5 (chimney lime and mortar) made by Mr. Ciampitti, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Motion to approve application 2015-055 no longer needed.**

**Public Hearing #3:**

**2015      056**

**Address: 126 High Street**

**Special Permit for Non-conformities**

*Reconstruct pre-existing non-conforming garage in same footprint*

This hearing was continued from the October 27, 2015 meeting. The applicants requested a continuance to the December 8, 2015 meeting.

**Motion to continue application 2015-056 to the 12/8/15 meeting made by Mr. LaBay, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Public Hearing #4:**

<b>2015</b> <b>060</b> <b>Address: 27 Storey Avenue</b> <b>Sign Variance</b> <i>Replace existing sign cabinets</i>
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Bohler Engineering presented on behalf of the applicant. Wendy's has recently renovated and refreshed their store, built in 1992. The branding is new for exterior. Sand signage faces would be replaced with more modern logo and text.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #4:**

Mr. Ramsdell asked if the size of all signs and materials would stay the same. Yes, they would. He also asked if the same illumination would be used. Interior fluorescent lighting would be changed to LED.

Mr. Ciampitti clarified the number of signs to be changed as six total that all internally illuminated. Yes. Mr. Ciampitti questioned whether the applicant's representative had worked with communities that suggest alternatives to internal illumination. Mr. Bohler answered that traditionally in refreshes, the signs are just updated as presented. Mr. Ciampitti recommended considering external illumination as an option.

Mr. Goulet asked if the changeable letters on the main sign would remain manual. Yes.

Mr. LaBay understood the existing signs are there, but when an applicant wants to make a change, they should take a fresh look. He suggested taking a look at newer signs in the 113 corridor. He also questioned the need for all *branded* freestanding signs at entrances and exits at the back and front. He also brought up that there used to be a 'Right Turn Only' sign that has disappeared and they could add. Mr. LaBay also commented on the height of the existing sign if they were going to consider an all-new sign.

Mr. Pennington commented that sign ordinance really needs to be fixed and suggested the applicants look at some recently approved signs.

The applicant requested a continuance to the 01/12/16 meeting.

**Motion to continue application 2015-060 made by Mr. LaBay, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Public Hearing #5:**

**2015      061**  
**Address: 9 Sullivan Drive**  
**Special Permit for Non-conformities**  
*Remove existing detached garage and build attached garage with family room above*

Mark Page presented on behalf of the owners. They wish to remove an existing detached garage close to the lot line and re-build an attached garage with an added room above. The structure is non-conforming due to side yard setback. The neighbors are in support. This will allow the owners to make room in the yard and for family inside as well as increase the aesthetics of the home. The father in law's health and need for better access from the garage drove the project. They will still have plenty of parking on property.

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

**In Favor:**

*Ken Parks, Property Owner*

Has lived at the property since 1979 and is a local fireman. Many of the homes in the neighborhood were built in 1960s and 1970s and have been updated over the years. He personally spoke to neighbors and had letters of support from them.

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #5:**

Mr. LaBay noted signed letters from 7, 11, 13, 14, 12, and 10 Sullivan Drive as well as 180 and 184 Storey Avenue.

Mr. Goulet asked about materials. The garage would have vinyl siding, where the existing is aluminum.

Mr. LaBay commented on the integration of the addition with the existing building and whether more thought was given to integrating the style more. Mr. Page answered the existing condition where utilities come in limited choices. Access to the staircase with landing where a chairlift could be added later on was also considered. Mr. LaBay also asked about their thoughts to 2 single doors instead of large double door. Mr. Page answered that the structure would not be large enough to support 2 doors.

**Deliberations:**

Mr. Ciampitti commented that this was a reasonable, modest request.

Mr. Ramsdell commented that if this were anywhere else in town it would be out of scale, but it is in the west end and blends into the neighborhood.

Mr. LaBay commented that it fits in with the neighborhood

Mr. Goulet & Mr. Pennington agreed.

**Motion to approve application 2015-061 made by Mr. Ciampitti, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Public Hearing #6:**

<p><b>2015      062</b> <b>Address: 41 Middle Street</b> <b>Use Variance</b> <i>Change use from Mixed Use (#405) to two-family (#102)</i></p>
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Mary Jo Verde, 18 Spring Street presented on behalf of the owners. She has been working with them on design. They are simply asking to change the use from mixed use to residential. The lower level has been used as a business in the past. They are planning to renovate only windows and make bricks repairs on the exterior. They will be adding a kitchen and shower to make full

bath on the first floor unit. Neighbors have given support. All units in these row houses are residential.

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

**In Favor:**

*Kathy Scanlon, 39 Middle Street*

Pleased with what they plan to do. They are sticking with the footprint. Her only concern is that what is proposed actually happens.

*Roland Hoffstedler, 39 Middle Street*

Impressed with project and happy the applicant will live in the building.

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #6:**

Mr. LaBay asked about parking. Ms. Verde noted there is deeded access to Liberty Street and adequate parking on street as well as a private lot on Liberty Street where a spot could be rented.

**Deliberations:**

Mr. LaBay commented that they met the variance criteria in their memo particularly in A through E. He did not believe residential versus business on Liberty Street would have much impact on parking.

Mr. Ramsdell commented that parking is always a problem, but he did not suspect any intensification except maybe overnight.

There was some discussion of conditioning leased parking, but it was decided not to.

**Motion to approve application 2015-062 with a condition that any restoration would be reflective of existing conditions made by Mr. Pennington, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell – approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Public Hearing #7 & #8:**

2015	063
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**Address: 35 Carter Street**

**Dimensional Variance**

*Exceed allowable lot coverage (modify a previously granted Variance as a result of field measurement discrepancies)*

**2015      064**

**Address: 35 Carter Street**

**Special Permit for Non-conformities**

*Allow a modification of pre-existing non-conforming lot area (modify a previously granted Special Permit as a result of field measurement discrepancies)*

Nick Cracknell, 13 Pickard Street, Amesbury MA presented on behalf of the applicant. The Board granted dimensional relief for a lot split at this property at its August 11<sup>th</sup> meeting. Since the Board granted the relief, the applicant conducted a survey of the property and filed with the Planning Board for an Approval Not Required (ANR) subdivision. Upon review of the ANR plan, the Office determined that the lot areas and frontages on the plan did not match the relief granted by the Board. The applicant then tweaked his plan so that the frontages either met or exceeded the ZBA-granted relief, which allowed him to re-file for an ANR endorsement, which he was granted at the Planning Board's October 21<sup>st</sup> meeting.

Since the applicant tweaked his plans to meet the frontages, the lot area for Parcel B (containing the existing half-house) is less than the minimum lot area granted by the ZBA in August, which subsequently has pushed the lot coverage percentage over the allowed maximum. Lot 1 was reduced 9.5%, losing 289 s.f.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #7 & #8:**

Mr. Pennington asked for clarification on math. Mr. Cracknell explained the total lot reduction is made up of cumulative measurement changes.

**Deliberations:**

The Board agreed this is cleaning up paperwork and were all in support.

**Motion to approve application 2015-063 made by Mr. Goulet, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Motion to approve application 2015-064 made by Mr. Goulet, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

**Adjournment**

**Motion to adjourn made by Mr. LaBay, seconded by Mr. Goulet at 9:10PM.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – absent  
Renee Bourdeau – absent

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