

**City of Newburyport
Zoning Board of Appeals
November 18, 2014
Auditorium**

The meeting was called to order at 7:15 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair)
Duncan LaBay (Secretary)
Libby McGee (Associate Member)

Absent:

Howard Snyder
Jamie Pennington
Richard Goulet (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of October 28, 2014 Meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee - approve

3. Public Hearings (7 on the agenda)

Being that there was only a four member board, Chair Ramsdell informed the applicants that they could ask for a continuance if they preferred to have a fifth member present.

Public Hearing #1:

2014 073**Address: 17 J Street****Special Permit for Non-conformities****Add a second floor to a pre-existing non-conforming home**

Christopher and Denisse Horan, applicants were represented by Adam Costa of Blatman, Bobrowski and Mead, 30 Green Street, Newburyport. The applicants are proposing to construct a 2nd floor on an existing non-conforming structure. This property is located in the PIOD and is one of the largest parcels on Plum Island. The 36,678 square foot lot considered does not meet lot area, frontage, or front yard setback requirements. The addition will not be a detriment to the neighborhood and would be a substantial improvement to the site. The applicants submitted plans on 9/30 regarding the addition of the 2nd story. They submitted amended plans on 11/13 that added a garage/carport. The current structure is a single story. They will retain the footprint, substantially renovate the 1st floor, add a 2nd story and add a detached garage structure. They would not be adding any new non-conformity. They are increasing height, but within limitations at 24.5' out of the 30' allowed.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #1:

Mr. Ciampitti clarified a question on the zoning matrix proposed with FAR changing from .025 to .035. Mr. Costa confirmed that the negligible increase was correct.

Ms. McGee asked if they planned to demolish the existing structure. Mr. Horan clarified that they would be keeping the foundation, significantly renovating the 1st floor and exterior.

Deliberations:

Mr. Ciampitti commented that the proposed alteration would not be substantially more detrimental. The project appears to be an improvement. On Plum Island, it is rare to find conforming lots. This would be an architecturally sensitive and modest change.

Mr. LaBay agreed. He also noted the aesthetics of the new structure.

Ms. McGee commented that the project was very straightforward and a nice design.

Mr. Ramsdell agreed.

Motion to approve application 2014-073 for a Special Permit for Non-conformities and grant relief to allow an increase in square footage of the home greater than 500 sq. ft., made by Mr. Ciampitti, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee – approve

Public Hearing #2 & #3:

2014 074

Address: 52 Boardman Street

Dimensional Variance

Relief from lot coverage, side yard, and rear yard setbacks for construction of a garage with bonus room, mudroom, 2nd floor master bath, and 1-story breakfast room

2014 075

Address: 52 Boardman Street

Special Permit for Non-conformities

Construct a garage with bonus room, mudroom, 2nd floor master bath, and 1-story breakfast room

The applicants requested a continuance to the 1/13/15 meeting.

Motion to continue applications 2014-074 for a Dimensional Variance and 2014-075 for a Special Permit for Non-conformities to the 1/13/14 meeting 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 – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee – approve

Public Hearing #4 & #5:

2014 076

Address: 18 Moseley Avenue

Dimensional Variance

Relief for lot area, frontage, lot coverage, side setback, and rear setback

2014 077

Address: 20 Moseley Avenue

Dimensional Variance

Relief for lot area, lot coverage, front setback, and rear setback

The applicants requested a continuance to the 12/2/14 meeting.

Motion to continue applications 2014-076 and 2014-077 for Dimensional Variances to the 12/2/14 meeting made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – absent

Howard Snyder– absent

Richard Goulet – absent

Libby McGee – approve

Public Hearing #6:

2014 078

Address: 9 Federal Street

Special Permit for Non-conformities

Construct two 2nd story additions to the front and side of a home and add a new one-story front entrance/mudroom

Amy Fleischer, applicant was represented by Hilary Ward of Orange Architect, West Newbury. The applicant recently purchased this 1300 sq. ft. home. It is in need of modernization and updates. They are proposing to add two 2nd story additions to the front and side of the home. They would also add a one-story entrance/mudroom. They have verbal support from neighbors. The property is accessed via an easement from Federal Street granted by the neighbor at 11 Federal Street and the neighbor has modified the access easement to allow the home to encroach upon it.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #6:

Ms. McGee asked if they would be taking the structure down to the studs. Ms. Ward responded that due to the need for a new roof, water damage has been done. The structure would remain, but they intend to bring it down to studs. Ms. McGee commented that this was straightforward and she was prepared to support.

Mr. Ramsdell asked if they would be extending or adding new non-conformities. Ms. Ward answered that the only extension is to the front, but they would not be extending non-conformities.

Deliberations:

Mr. Ciampitti commented that this project was reasonable and easily supported.

Mr. LaBay commented on the modest changes and upward extensions. It was well argued and documented. He also noted the lack of opposition present.

Mr. Ramsdell agreed.

Motion to approve application 2014-078 for a Special Permit for Non-conformities made by Mr. LaBay, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee – approve

Public Hearing #7:

<p>2014 083 Address: 5 Salem Street Special Permit for Non-conformities Construct a 1 ½ story addition over existing one-story rear addition</p>

Travis Scott, applicant and local carpenter presented on behalf of the Phoenix Companies LLC, owner. In addition to requesting relief to allow an increase in area over 500 sq. ft., the applicant is seeking relief for lot area and frontage. They have appeared before the Historical Commission for roofline changes and were approved. They would be modifying this saltbox and adding a 2nd addition over the existing 1st floor.

Chair Ramsdell opened the hearing to public comment.

In Favor:

George Henderson, 20 Cushing Avenue

Mr. Henderson had lived in this home for 61 years. It has needed to be updated for years and will be a good addition to neighborhood.

In Opposition:

David Powell, 3 Salem Street #4

Mr. Powell passed out various photos to the board showing the context of the building. They directed attention to the distance between 3 and 5 Salem Street and the distance between 5 and 9 Salem Street. He also pointed out views from various units in the 3 Salem Street condo building. Views, daylight and sky will be lost to the addition on 5 Salem Street. He also was concerned that condo values in his building would decrease.

Craig Sickler, 3 Salem Street #2

He agreed that views would be impacted.

Paul Lamay, 3 Salem Street #3

He agreed with comments from neighbors and also believed the value of his unit would go down.

Questions from the Board regarding Public Hearing #7:

Ms. McGee asked for clarification of plan dimensions/scale.

Mr. LaBay asked for clarification on the orientation of the building and the neighboring condos. He also pointed out a discrepancy in numbers on page two of the application where total proposed area should include both the existing area, plus the addition.

Mr. Scott responded to public comment saying that the saltbox is tasteful for the neighborhood. As far as the property value concern, he believes that they would go up after the renovations and have a positive impact on the neighborhood. He noted that he was trying to go about the renovations in a manner that fits the character of the home and the neighborhood and has not tried to avoid special permits as some other homes have done.

Ms. McGee asked for clarification on orientation and views, the large parking lot shown in photos, and window placement. The parking lot belongs to the condo building next door, however there is a driveway on the side closer to 9 Salem Street. The windows shown on plan submitted differed.

Mr. LaBay asked for clarification on the plot plan/aerial views.

Mr. Ciampitti was not comfortable with the application as it stood due to concerns from neighbors and plan discrepancies.

The rest of the board agreed that the application needed to be clearer to know what they are voting on.

Mr. LaBay suggested the applicant may want to revisit the location of the addition to other side of the structure to get neighbors on board.

Ms. McGee concurred. A buttoned up package with clear dimensions was needed as well.

Mr. Scott requested a continuance to work out some of the concerns of neighbors and the board.

Motion to continue application 2014-083 for a Special Permit for Non-conformities to 1/13/15 made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee – approve

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Ciampitti at 8:24 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – absent
Howard Snyder– absent
Richard Goulet – absent
Libby McGee – approve

Respectfully submitted, Katie Mahan - Note Taker