

**Zoning Board of Appeals
Minutes
November 22, 2011**

The meeting was called to order by Chair Ramsdell at 7:13pm.

1) In attendance: Duncan LaBay, Charles Ciovacco, Jamie Pennington, Ed Ramsdell

Absent: Robert Ciampitti, Nat Coughlin, Sean Leonard

2) Business Meeting

a) Minutes of August 23, 2011

Motion to approve by Mr. Pennington, seconded by Mr. LaBay. Three affirmative.

Votes:

Mr. LaBay: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

b) Minutes of October 11, 2011

Move to next meeting.

3) Public Hearings

a) Linda Rapucci

330 Merrimac Street

Special Permit: add a 2-car detached garage which will result in 30.4% lot coverage where 25% is the maximum allowed

Mr. Pennington recused himself.

Applicant submitted a letter requesting a continuance.

Motion to continue the application to January 10, 2012 by Mr. LaBay, seconded by Mr. Ciovacco. 3 affirmative votes.

Votes:

Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Ramsdell: yes

b) Anthony & Candace Harvatin c/o Paul J. Gagliardi, Esq.

Healey, Deshaies, Gagliardi & Woelfel, PC

15 76th Street

Special Permit for non-conformities: add an additional 40 sf of floor area increasing the FAR from .52 to .53

Chair Ramsdell read the public notice aloud.

Paul Gagliardi, attorney for Anthony and Candace Harvartin spoke. They submitted site plan, and per the assessor's office, the house was built in 1930. Current structure does not comply with lot area,

They are seeking a special permit to expand an existing non-conformity, floor area ratio is .52 and zoning bylaw is .25. They are proposing to add 40 sf of floor area. On the site plan it shows an overhang, and this is the area they plan to enclose. Members should have a copy of the proposed floor plan. The architect's plan shows where the proposed kitchen is and they are enclosing it to make the kitchen a little larger than it currently is. They propose that this is not significantly more detrimental than the existing non-conformity. It is under an existing overhang where a deck currently exists. It will be cantilevered, so they are not going into the ground. There will not be a foundation. It will not be much different from what exists on the ground currently.

In favor: None

Opposed: None

Applicant responses are in CAPITAL LETTERS.

Questions:

Mr. LaBay asked about the square footage on page 4 on ground floor sf is 1090 everywhere else it is 1080. Asked if it is a typo. IT IS 1080.

Mr. Pennington said they did not have the plan in the packet – only the site plan. IT SHOULD BE PART OF THE ARCHITECTURAL SET THAT YOU SHOULD HAVE RECEIVED. Mr. Pennington asked if they are prepared to submit one for the record. YES, SUBMITTING ONE NOW FOR THE RECORD.

Mr. Pennington noted that one reason it is important to have is on the elevations you are showing new dormers so he wants to understand the increase in sf on both floors. DORMERS ARE JUST FOR HEAD ROOM, SF IS REMAINING THE SAME. Mr. Pennington asked what the dimensions on the first floor were. 10x 20. And on the second floor. NO ADDITIONAL FOOTPRINT ON THE 2ND FLOOR. Mr. Pennington said that when the dormer is added it adds sf to the 2nd floor. Mr. Ramsdell noted that they might have counted it in the original number. If they counted all of that as floor space right out to the eaves then they are not adding any because they miscounted on the front end. HAVE LETTER FROM THE ARCHITECT SAYS THAT THE KITCHEN 2X6. Mr. Pennington said that he is guessing that its 2x16 or maybe 2.5x16 for 32 or 40 Sf. Mr. LaBay said that in looking at the packet the members received and he had a series of pages and some are marked over in pencil. As he looks at what is in the initial folder, there are a series of May 1 and scheme C second floor plans. There simply is no way to make sense of this tonight without complete drawings. He appreciates the 3x4 ft drawings, but they are unworkable. The members need to have the information in order to make a sound judgment. Mr. Ramsdell stated that they need plans, and to know whether they are adding space or not

depending on the initial calculations. He also mentioned to be aware if they are doing anything that might involve the historical commission. If it involves anything over 75 years old, they may want to ask the Planning Dept just to be sure. While he does not see anything that stands out negatively about the project, unfortunately all of the paperwork does need to be there. ANY SIZE THAT YOU WANT THE DRAWINGS? 11 x 17 is very workable. THE OTHER THING FOR CLARITY WE WILL HAVE SF ON FLOOR PLANS. IF THERE WERE ADDITIONAL SF, WOULD WE HAVE TO DO ANYTHING ELSE? Mr. Ramsdell stated that they would need to amend the application and get that amendment a couple of weeks before they are continued to. Mr. LaBay said that often in the past when they have had continuances, people have provided a complete new set. Mr. Pennington added that it is good to have a before and after. Mr. Ramsdell stated the members need to hold onto the ones submitted. He said that the unfortunate part is that there is nowhere to go until the Jan. 10, 2012 meeting. Mr. LaBay suggested looking to see if there is anything else to note. Mr. Pennington said that the board has been tried to be duped with square footage numbers on Plum Island and they are a little jaded with numbers now. They are just being thorough.

Motion to continue to January 10, 2012 by Mr. LaBay, seconded by Mr. Ciovacco. Four affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

**c) Thomas R. Keery, II
38-40 Middle Street**

Spec. Permit: construct a second-story addition resulting in an upward extension of a pre-existing non-conforming setback.

Chair Ramsdell read the public notice aloud.

David Keery of Keery Designs for Russell Grover & Associates. This is a house on Middle Street that he has always loved and recently purchased the property. They want to add a little more space on 2nd floor, and looking at different ways to do this they decided to go over an existing structure toward the back of the property.

Currently it is a residential two family home. They are proposing to bring it back to a one family. All of the set backs are non-conforming. This change will not intensify any existing non-conformities, it will lessen them and have less impact on the neighborhood as a one family home. The addition will fit the character of the home and the ridge will be slightly lower. He brought a letter of support from William Bradlee of 36 Middle Street, a direct abutter. Three additional letters of support were submitted from Margaret Degive of 25 Middle Street, the trustee of 3, 5, 7, 9 Essex Street and Chris Welch for 24 Center Street.

In favor: None

Opposed: None

Applicant responses are in CAPITAL LETTERS

Questions:

Mr. LaBay asked about the square footage on pg 4 of the application, is that 1130 sf, smaller than what is there? 1172 up above. GROUND FLOOR SQUARE FEET. LET ME TAKE A 2ND LOOK. Mr. LaBay said it is possible that you are demolishing something and resulting in a slightly smaller sf. IT MIGHT BE. I AM QUESTIONING IF I MIGHT HAVE REVERSED THE NUMBERS. Mr. Pennington noted that in the dining room you are adding a little bit of space off new dining room so if you transposed the numbers it could be that. Mr. LaBay stated that it is not a big deal; just once we were to approve it, we would need a correct set of plans. JUST GIVE ME ONE MORE MINUTE I WANT TO FIND THE ASSESSORS CARD ON THAT. Mr. LaBay suggested going back and recalculating that. TOTAL SF DID GO UP PROPERLY. 42 SF DIFFERENCE. I HAVE A FEELING I FLIPPED IT.

Mr. Ramsdell asked if there is a presumed number the board could work with now and the applicant could submit updated numbers. Mr. Pennington stated that this is well under the 500 sf that would trigger additional relief. Mr. Ramsdell said to submit the numbers. Mr. Pennington asked about the 2nd floor addition noting it makes perfect sense on the outside, but on the inside does the support go into the garage. ON THE FIRST FLOOR IT IS CANTILEVERED OVER THE GARAGE. IT BRINGS THE WEIGHT DOWN ON EITHER SIDE IN TH GARAGE. THEY HAVE BEEN TO THE HISTORICAL COMMISSION. THEY MAY PIER DIGGING TO SUPPORT BEAM ALONG BEARING WALL IN THE GARAGE. Mr. Pennington asked if the Historical Commission approved immediately. YES. PROVIDED THEY DO NOT TAKE THE CHIMNEY DOWN, THEY ARE IN FULL SUPPORT.

Deliberations:

Mr. LaBay stated it is a very elegant redesign and tremendous improvement to the visible property from the street. It is also a very modest change that does not increase the height beyond the existing roofline. He is willing to vote in favor.

Mr. Ramsdell concurred.

Mr. Pennington agreed as well.

Mr. Pennington motioned to approve special permit for non-conformities, seconded by Mr. Ciovacco.

Votes:

Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

Motion to adjourn by Mr. LaBay and seconded by Mr. Pennington at 8:05pm.

Respectfully submitted by Lynn Varney, note taker.