

***Zoning Board of Appeals  
December 13, 2011, 7pm  
Minutes***

Roll call: Duncan LaBay, Charles Ciovacco, Robert Ciampitti, James Pennington (8:00pm), Edward Ramsdell.

The minutes of October 11, 2011 were approved as amended. Motion by Mr. LaBay, seconded by Mr. Ciampitti.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Ramsdell: yes

The minutes of November 22, 2011 were moved to the next meeting.

***Michael J. Cebula***

***26 Boardman Street***

***Special Permit for Non-Conformities***

remove an existing flat roof and replace it with a new gambrel roof over an existing structure with a pre-existing non-conforming side setback

Public notice of the hearing was read aloud for the record.

Chair Ramsdell noted that the structure was built in 1780 and that the Building Commissioner didn't check off the need to go before the Historical Commission. Requested a continuance verbally to the February 14, 2012 meeting.

Motion to continue to the Feb. 14, 2012 meeting by Mr. LaBay, seconded by Mr. Ciovacco. 4 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Ramsdell: yes

***Alan and Lucinda Cathcart***

***2 Vernon Street***

***Special Permit***

permit use #110, bed and breakfast

Public notice of the hearing was read aloud for the record.

Lucinda Cathcart stated that they had converted the building back to a two family home. They have been doing short-term furnished rentals. They would like to change to be able to have it as bed and breakfast with one night stays. They expect this will decrease the traffic to the unit not having an ongoing tenant. They have spoken to all of their neighbors and they have agreed and have letters of support in the packets.

No one spoke in favor.

No one spoke against.

Questions from the Board:

Mr. Ramsdell commented that the traffic would decrease if guests are not using two vehicles. MRS. CATHCART STATED THAT IT WOULD ALSO LESSEN THE IMPACT ON PUBLIC UTILITIES SUCH AS WATER, AND IT EXPANDS THEIR FLEXIBILITY AS OWNERS.

Mr. LaBay asked what the shortest term of rental they now have. FOUR MONTHS.

Mr. Ciovacco if the brochure included in the packet is proposed. YES

Mr. LaBay asked when rental units change from apartments to nightly basis, where does this fall.

Mr. Ramsdell stated that this makes it legal if all of their rentals became one night.

Mr. Ciovacco asked if the Cathcarts live on the other side of the rental unit. YES.

Mr. Ramsdell asked if it is only one unit. YES

Discussion:

Mr. Ciovacco stated that the applicant has written support from the abutters and the applicants live on the other side of the unit and will be responsible for the property.

Mr. Ramsdell stated that it is difficult to see how it would do anything but lessen the impact on the neighborhood.

Motion to approve the use change by Mr. LaBay, seconded by Mr. Ciampitti. 4 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Ramsdell: yes

***Kenneth Labrecque, Trustee***

***3 Parker Street***

***Dimensional Variance***

***Special Permit***

1) dimensional variance construct a multifamily structure within the required front yard setback and

2) modification to a Special Permit for use #103 (multi-family) to allow four additional residential units where four units are already existing

Public notice of the hearing was read aloud for the record.

Lisa Mead of Blatman, Bobrowski & Mead, LLC spoke on behalf of the applicant and stated that currently it is a four unit structure that was given a special permit for multi-family use in 1986. They would like to combine the two lots and add a four unit structure. They would like relief from the front yard setback due to the size and location of the wetlands. There is an ongoing desire to rezone the Traffic Circle area for more multi-family and business combination use. This fits in with that desire. The Affordable Housing Commission is supportive of this project by donating \$13,000. They will have ample parking as the requirement is 13 but they will have 16 spaces. Current setback is 6.27 ft and its consistent with the streetscape. Wetlands are physical condition of lot preventing further

front setback. This will not grant a special privilege. It is within the intent of the ordinance to have residential use here.

The second request is to modify the existing special permit to allow four additional two bedroom units. Multi-family use is allowed in the B1 district and by its nature is determined to be desirable. This will not create any undue traffic congestion, there will be no new curb cuts. The existing driveway will stay in place. The addition of vehicles for four units will not have a noticeable difference in that area. The first floor will have two two-bedroom units. The second and third floors will have two units that both occupy the second and third floors. There will be no negative impact on the public utilities. It is not overloading use in the general area. It will not be a detriment to the area. The city is trying to create a rail transit district with housing and businesses. The purpose and intent is in harmony with the ordinance in an area where multi-use is allowed.

No one spoke in favor.

No one spoke against.

Questions from the board:

Mr. Pennington asked what the dimensions to the edge of the pavement are. ALMOST 15 IF YOU USE THE SCALE.

Mr. Pennington asked if there is a plan to put a sidewalk in? NO.

Mr. Ciovacco asked about the reference to the Affordable Housing Commission. IN 6C APPLICATION YOU HAVE TO SHOW BENEFIT TO THE COMMUNITY IN AN AREA AND THEY ARE MEETING THAT. THE AFFORDABLE HOUSING TRUST DEVELOPED A CALCULATION OF NEW UNITS AND HOME OWNERSHIP OR RENTAL AND THEY CAME UP WITH \$13,000. Mr. Ciovacco asked if the units will be for sale or rental. RENTAL.

Mr. Ramsdell stated that the Affordable Housing Trust documents were received by him today.

Mr. Ciovacco asked if it was a one time payment? YES. Mr. Pennington asked if any of the units would be affordable designated. MARKET RATE RENTAL UNITS.

Mr. Ciovacco asked if they were required to change the material in the parking lot? YES, IT CAN'T BE PAVED, OTHERWISE THERE WOULD BE DIFFERENT CALCULATIONS FOR STORM RUNOFF.

Deliberations:

Mr. Ciovacco stated that it appears to be a well thought out, planned project given the area and the existing conditions and surrounding properties. Feels it is a reasonable request.

Mr. LaBay said it is a quality presentation with the hardships demonstrated for requirements for variance. Also feels it is completely reasonable request and a creative use of land in that area.

Mr. Ramsdell concurred with his colleagues. Mr. Pennington agreed as well. He has a more global concern about sidewalks in the area, but that is not this applicant's burden. Supports the appropriate use.

Mr. Ciampitti motioned to approve the dimensional variance and Mr. LaBay seconded the motion. 5 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

Mr. Ciampitti motioned to approve the special permit and Mr. LaBay seconded the motion. 5 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

***Brian Lucey***

***35 Moulton Street***

***Dimensional Variance***

***Special Permit for Non-Conformities***

1) dimensional variance demolish existing garage and construct a new one with within the required side yard setback and

2) special permit construct a breezeway and garage addition in excess of 500 sf on a pre-existing, non-conforming property

Public notice read aloud for the record.

Craig Douglas, architect for the homeowners, stated that the existing structure is 10x15 and sits 9.5 feet from the side setback. It is one story, no foundation and has a bow/lean. Homeowners would like to remove and replace with new garage 19x24 with an open recreation room upstairs. The width is 19 feet designed to accommodate a single car and stair access to the room above. It will sit 6.9 feet into the side setback. The location of the garage relative to the house is determined one by the visual aesthetics and the second reason is the area between the two structures, more space means better ventilation. The applicants have the signatures of abutting neighbors on the designed layout.

Mr. Ramsdell clarified that the new garage and existing house are all tied together by the breezeway. Once tied together it becomes the setback of the house.

No one spoke in favor.

No one spoke against.

Questions from the board:

Mr. Ciovacco asked if the abutter most affected is on the list. YES. Mr. Ciampitti asked what the plan for material choices are. STAINED SHINGLES FOR GARAGE, CLEAR CEDAR SHINGLES THAT WILL WEATHER 1 MONTH THEN BE BLEACHED, ASPHALT SHINGLES ON THE ROOF, WITH PAINTED DOORS. INTENT TO MATCH BARN LOOK.

Mr. Ramsdell asked the front set back of the house. 10 FEET.

Mr. LaBay asked to have the hardship for the dimensional variance defined. THE EXISTING SETBACK IS 9.5 FT, TO PUSH TIGHTER TOWARD THE HOUSE EXACERBATES SHADE CONDITION BETWEEN STRUCTURES & IS ARCHITECTURALLY DETRIMENTAL. THE PROPERTY IS LONG AND DEEP. Mr. LaBay asked for legally

grounded reason for hardship and if new garage could be put behind the house. TO PUT GARAGE IN BACK OF HOUSE THERE IS NO FEASIBLE WAY TO CONNECT TO HOUSE AND PATIO AND PLAY STRUCTURES ARE THERE.

Mr. Ciampitti noted that the lot is 25,000 SF in long, rectangular shape which is unique in neighborhood, with limited bandwidth to place. If lot were shaped differently, more option to relocate garage.

Mr. Ramsdell stated that if the new structure was driven closer to the house then would make alley instead of open space or a lot of driveway going to the back. Both would have a negative impact on the neighborhood. NO ADDITIONAL PAVEMENT WITH PROPOSED LOCATION. Mr. Ramsdell stated that the neighbors who are most impacted have approved the plan.

Deliberations:

Mr. LaBay stated that the hardship related to the shape of the lot. It is a well thought out plan with a tremendous improvement. Mr. Pennington agreed. Mr. Ciampitti said it is totally adequate.

Mr. Pennington made a motion to approve the dimensional variance, seconded by Mr. Ciampitti. 5 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

Mr. Pennington made a motion to approve the special permit for nonconformities, seconded by Mr. Ciampitti. 5 affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes

***Redco Construction***

***30 Union Street***

***Dimensional Variance***

***Special Permit for Non-Conformities***

1) dimensional variance construct an addition resulting in 29.1% lot coverage where 25% is the maximum allowed

2) special permit construct an addition resulting in an upward extension of pre-existing non-conforming front and rear yard setbacks

Public notice read for the record.

Dan Skolski, architect for the owners, from Beverly, stated that the property is an existing three family with non-conforming front set back and detached two car garage. Non-conforming setbacks on sides also. Currently two

townhouse units and 1 flat. Want to reconfigure to three townhouse units. The new units will be no less conforming than now. The extension of the garage will be no less conforming than now. It will be a large improvement by removing decks on left side of property. There have been complaints of neighbors of activities on the decks. The townhouses will have three small stoops at the front and back doors. If it were to be set back the required 25 ft, it would be visually awkward and it would limit the parking and proposed garage change.

No one spoke in favor.

In opposition:

Peter Clay of 31 Union Street lives directly opposite and he looks out on garden and open space. Less than 25 ft away he will lose quite a lot of afternoon sun. There will be a 30 to 35 ft building with 3 front doors instead of 1. He thinks people will park in front of their front doors instead of using the driveway. He thought this was a two family zone and doesn't want the house to change usage. The house will be 50% larger and slightly higher. If you walk around the neighborhood they are mostly single family houses. This doesn't fit with why people have chosen to live there. There will be more cars in the street.

Tuna Sava of 7 Beacon Avenue is concerned with traffic and parking on Beacon Ave. There is already quite a bit of an issue with parking. They have a limited view of the water and think this will impact that also.

John Aldrich of 29 Union Street echoed his neighbors concerns. He doesn't understand how a 3 unit can be considered in an area of 1 and 2 unit houses. He said it is a much larger structure than what you. He is concerned that parking will be a daily issue.

MR. SKOLSKI ADDRESSED THE ISSUES BY STATING THAT THERE ARE CURRENTLY 4 PARKING SPACES ON SITE. IT IS A LEGAL 3 FAMILY HOME. WILL BE MORE THAN DOUBLING PARKING TO 10 SPACES. SOME OF THE PARKING CONCERNS COULD BE PARK RELATED AND NOT THE OWNERS PROBLEM. THE HEIGHT IS LIMITED TO 35 FT – NOT HIGHER.

Questions from the board:

Mr. Pennington asked regarding the calculations on the application if they unintentionally put just the additional sq ft instead of total proposed sq ft. PROPOSED IS JUST THE NEW PORTION. Mr. LaBay clarified that the total is the sum of the two.

Mr. Pennington said he believed the calculation included the garage. He asked about drawings. AT THE BACK OF THE PACKET.

THE GARAGE IS SAME WIDTH 18', LENGTH IS 62'. IT WILL BE ROUGHLY DOUBLE WHAT THEY HAVE THERE NOW.

Mr. LaBay pointed at the photo and asked if the garage was there. NEIGHBOR'S GARAGE IN PHOTO.

Mr. Pennington said that in doing the math it is very close if not tripping the lot coverage, with the expansion of the garage.

Mr. LaBay said that if the current numbers are correct the current coverage is 19.8%, going to 29.1% . If you take garage out it goes to 25%. If you had 6 parking spaces instead of the garage you'd be under 25% coverage. IF WE WERE TO PULL GARAGE BACK FROM SETBACKS IT WOULD BE ON TOP OF THE HOUSE.

Mr. LaBay asked if the board has a copy of the existing house layout. NO. Mr. LaBay asked what's enclosed in terms of volume now and what is proposed. SAME ROOF LINES, TOOK AWAY THE BAD PARTS.

Mr. Ciampitti said it looked like repeating 50% of existing massing on front part.

Mr. Ramsdell noted that the drawings don't give interior but give plot plan. He stated it would be nice to have before and after elevations. Mr. Ciampitti stated that he's not sure they follow the lot coverage. Appears garage trips and also the addition proposed to both structures. Mr. Pennington stated that it is an accessory structure. Mr. LaBay questioned the size of property, accessory structure, another trip. THE SECOND ADDITION IS TO THE GARAGE BECAUSE OF THE REAR SETBACK.

Mr. Pennington noted that the application mentions it but not on the agenda, special permit for non-conformities. Request for variance is silent on that issue. Mr. Ramsdell stated that the special permit for non-conformities may cover it with the garage it is an addition resulting in horizontal extension components. Relief is correct but the wording is not. Mr. LaBay states that the ordinance specifies how large an outbuilding can be. Mr. Ramsdell believes that this is larger than what would qualify without some additional relief.

Mr. Clay asked if the extension eliminates light from them. Mr. Ramsdell replied that there is no protection for light or air as a statutory matter but that the board attempts to build it in.

Mr. Clay stated that a building of that size is not to the area. Mr. Ciampitti responded that the amount of massing and scale fall into the purview of consideration. He asked the applicant how attached they are to the extension of the garage.

THE APPLICANT IS OPEN MINDED TO THE CONSIDERING THE GARAGE.

Mr. Ciampitti said that if the garage were to change they may not need both reliefs applied for.

APPLICANT ASKED WHAT THE PROCEDURE WOULD BE, TO RECALCULATE AND CONTINUE?

Mr. Ramsdell said that might not need the dimensional variance and the hearing could be continued.

Mr. Ciampitti said that if they take a step back and request a continuance, the board would be interested in seeing material choices, the continuity of the neighborhood. INTENTION IS TO RESTORE BACK TO MORE FAVOR. USE HARDY PLANK SIDING TRIM, NOTHING ALUMINUM CLAD OR VINYL. BROSCO TRUE DIVIDED LIGHT AUTHENTIC LOOK INSULATED WINDOWS. Mr. Ciampitti stated that the neighborhood has a certain feel and if the board is sending him away they want him to know all of the concerns. Mr. Ramsdell asked if the new addition is basically straight carry across of the look. YES STRAIGHT CARRY ACROSS OF THE FACADE. ROOF LINE AND DORMER IS MIRRORING IN NEW SECTION. THE BONES OF THE HOUSE ARE GOOD AND WE WANT TO PUT MORE OF THE GOOD POINTS BACK.

Mr. LaBay asked if this would trip historical and Mr. Ramsdell said no because it is not impacting the roofline.

Mr. LaBay said the board would want a set of corresponding exterior elevations of current buildings, fence, massing of garage and house and encouraged the applicant to keep the neighbors well versed. The board takes seriously when feedback is to the amount here tonight.

APPLICANT REQUESTED A CONTINUANCE.

Mr. Ramsdell asks if January 24, 2012 meeting is good for the applicant.

Motion to continue the applications for Dimensional Variance and for Special Permit for Non-conformities by Mr. Ciampitti, seconded by Mr. LaBay. Five affirmative.

Votes:

Mr. LaBay: yes

Mr. Ciampitti: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Ramsdell: yes Question

Motion to adjourn by Mr. LaBay, seconded by Mr. Ciampitti at 9:35pm.

Respectfully submitted by Lynn Varney, notetaker.