

**City of Newburyport
Zoning Board of Appeals
December 09, 2014
Auditorium**

The meeting was called to order at 7:14 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Robert Ciampitti (Vice-Chair)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet (Associate Member)
Libby McGee (Associate Member)

Absent:

Ed Ramsdell (Chair)
Howard Snyder

2. Business Meeting

a) Approval of Minutes

Minutes of December 02, 2014 Meeting

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

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

2014 070

Address: 13 Coffin Street

Dimensional Variance

Allow petitioner to construct a single-family home on a lot with 40' of paved frontage

This hearing was continued from the 10/21/14 meeting. Attorney Lisa Mead presented on behalf of Kellop Development, LLC, applicants. Everett Chandler and Les Reardon were also present. The applicant reached out to DPS and Fire since the last meeting for comment regarding the proposed 40 ft. access and 20 ft. road width. The applicants are proposing to build a single-family structure with an attached garage. In April 1999, the Planning Board approved an ANR plan, dividing land on Coffin Street into three lots, one being 13 Coffin St. Access to the lot was and still is not fully constructed. The lot has the minimum 90 ft. of frontage, but approximately 72 ft. is unpaved. The applicant seeks to construct only 40 ft. of paved frontage, 20 ft. wide and argue that the topography requires them to make this change. They provided letters from DPS and the City Engineer as well as Fire. They prefer 40 ft. paved, but would authorize 90 ft, resulting in less runoff onto adjacent properties. They propose the road to be 20 ft. wide to save trees. Fire has approved this. The applicants argue a topography hardship and also a corner lot hardship. The lot is surrounded by non-conforming buildings and lots. The new structure will be consistent with the surrounding area and with the frontage requirement excluded, the structure meet all dimensional requirements. They request this variance, or if not to overturn the building commissioner's decision.

Everett Chandler of Design Consultants briefly spoke about stormwater. There would be no stormwater features in the road or drywell. Instead they would be installing curbing on sides that directs water across and down Coffin Street.

Mr. Ciampitti opened the hearing to public comment.

In Favor:

Charles Tontar, 29 Jefferson Street

He supports the 40 ft. long and 20 ft. wide paved road. Many neighbors support also.

Mary Sortal, 8 Coffin Street

She is in support of the 40 ft. paved road, but is concerned with drainage and runoff onto her property. She wants assurance of accountability for any issues with water runoff in the future.

In Opposition:

Jane Snow, 9 Coffin Street

Ms. Snow is not in favor of the 40 ft. long and 20 ft. wide paved road. The way the street is now and foreseeable in the future with this plan, vehicles are forced onto her property and have caused damage. She is asking that a place to turnaround be provided. This property should have to do the same 120 ft. of paving and a turnaround. She also sees snow being a big issue.

Questions from the Board:

Everett Chandler briefly responded to the drainage concern of neighbors. The curbing and grading were explained. He argued that the plan improves any drainage as it is currently. He noted the City Engineer and Fire are happy with the solution.

Ms. McGee asked about the drywell. Ms Mead responded that DPS required it to be removed.

Mr. Pennington clarified with the applicants that structure runoff will still be collected.

Ms. Mead noted that during construction, they would be willing to add a condition to construct a binder course road first. All vehicles would remain on the road and lot.

Ms. McGee asked for clarification on the 12/4 letter from the Fire Chief. Fire reviewed and there is plenty of access and turnaround.

Deliberations:

Mr. Pennington appreciated the applicant's follow up on questions from the last meeting. Improvements were made. This is a tough lot. Coffin Street is a public way to best of our knowledge and documents. The City neglecting the street over the years is a hardship in itself. He respects neighbors' comments. The applicants own argument on hardship was supportable.

Mr. Goulet agreed. The runoff plan was good to see, as well as DPS and Fire input and support. He appreciated the construction period condition.

Mr. LaBay agreed. The adjacent non-conforming lot pose a hardship. He asked himself does this application make things better or worse. The addition of a 40 ft. way cannot possibly make things worse. They would remain the same at the least.

Ms. McGee concurred. This is an improvement. She asked if Ms. Snow had considered a gate in the future to keep vehicles off of her property.

Mr. Ciampitti concurred. The drainage was addressed and Fire and DPS were on board with plans.

Motion to approve application 2014-070 for a Dimensional Variance with condition that prior to construction, a binder course be constructed made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 071 Address: 10 Center Street Sign Variance Permit a free-standing sign

The application was called and nobody appeared to be present.

Mr. Ciampitti once again called the application at the end of the meeting and nobody appeared to be present.

Motion to dismiss without prejudice application 2014-071 for a Sign Variance made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 084 Address: 44 Storeybrooke Road Special Permit Establish an in-law apartment within existing space
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Lloyd Quackenbos, owner and applicant appeared before the board. The apartment would consist of a bedroom, bathroom, and open area already in existence. A kitchen was to be added. This is all within existing space in the basement.

Mr. Ciampitti opened the hearing to public comment.

In Favor:

None

In Opposition:

Kathy Plouff, 43 Virginia Lane

Ms. Plouff wanted clarification that the in-law apartment would be within the existing living space.

Questions from the Board:

Mr. LaBay asked the size. It would be 455 sq. ft.

Deliberations:

Mr. LaBay thought the application was appropriate. It is within size limitations and there is no neighborhood opposition.

Mr. Goulet agreed. This is a modest change.

Mr. Pennington thought this application was logical. He noted that the applicant will have to comply with reporting requirements with the building department.

Ms. McGee concurred.

Mr. Ciampitti agreed.

Motion to approve application 2014-084 for a Special Permit made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– absent

Richard Goulet – approve

Libby McGee – approve

2014 085

Address: 3-5 Opportunity Way

Dimensional Variance

Modify a previously granted variance for front yard setback in order to construct an addition

Attorney Lisa Mead presented on behalf of Gary Swerling, Trustee, Packaging Realty Trust. The board granted variances on 5/22. Since approval, it was determined that more wetlands were present. In order to meet Conservation Commission requirements, modifications to the original plans had to be made. They will reduce area from approved plans overall by 246 sq. ft. Ms Mead presented plans and changes. They are currently in the middle of Conservation Commission hearings. Improvements have also been made to the site with plantings. The hardship argued is topography and soil condition.

Mr. Ciampitti opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked for clarification of the need for the addition. Ms. Mead explained this was to maximize space.

Ms. McGee asked for clarification on old vs. new plans.

Deliberations:

Mr. LaBay noted this was a required change due to the Conservation Commission and wetlands protection.

Mr. Pennington agreed and thought it was an improvement.

Ms. McGee agreed.

Motion to approve application 2014-085 for a Dimensional Variance made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– absent

Richard Goulet – approve

Libby McGee – approve

2014 086

Address: 28 Spofford Street

Special Permit for Non-conformities

Construct an elevator and mudroom addition along a pre-existing non-conforming side setback

Jim and Kristen Farrell, applicants and owners were represented by Scott Brown, architect. The applicants have lived in the home for 12 years. They have a young son with a disability. The applicants love the property and intend to stay long-term. They will set the house up for long term independent living, which includes the necessity for an elevator. It has been difficult to try to fit an elevator within the existing house and not interrupt living. Ultimately, they decided that the existing proposed space is best. There is a ramp in the back of the garage that the family uses as an everyday entrance so it makes sense to locate the elevator there. Mr. Brown explained reasoning for the location, showed elevations, and a site plan. Abutters are not adversely affected.

Mrs. Farrell briefly spoke explaining the need for the elevator. The couple's 3-year-old son and 2-year-old daughter have Spinal Muscular Atrophy. She explained that her husband's grandfather built the home in 1907. They renovated when they moved in and with current circumstances, have to renovate again. She explained the different equipment needs for the children. Ultimately, she wishes it would become one of the children's homes.

Mr. Ciampitti opened the hearing to public comment.

In Favor:

John Delorey, 34 Spofford Street

He supports whatever they want to do. They are great neighbors.

Dave Barr, 20 Spofford Street

He was in support. They are good neighbors and this is a good project.

Marybeth Barr, 20 Spofford Street

She appeared in support.

Mr. LaBay noted a letter from 34R Spofford in support.

In Opposition:

None

Questions from the Board:

Mr. LaBay asked if the direct abutter was present. John Delorey is the abutter and in favor.

Deliberations:

Mr. Pennington noted the great presentation, clear drawings on intent of design, and though this project was extremely rational.

Mr. LaBay agreed.

Mr. Goulet agreed. This was a good compromise.

Ms. McGee agreed.

Mr. Ciampitti further noted that Mr. Brown did excellent job and the project was very well laid out.

Motion to approve application 2014-086 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– absent

Richard Goulet – approve

Libby McGee – approve

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Pennington at 8:23 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker