

**City of Newburyport
Zoning Board of Appeals
January 8, 2019
Council Chambers**

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

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Renee Bourdeau
Maureen Pomeroy
Mark Moore

Absent:

Robert Ciampitti (Vice-Chair)
Edward Cameron

2. Business Meeting

a) Approval of Minutes

Minutes of the 12/11/18 meeting

Ms. Bourdeau made a motion to approve the minutes as amended and Mr. Moore seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Renee Bourdeau – approve
Maureen Pomeroy – approve
Edward Cameron – absent
Mark Moore – approve

3. Public Hearings

Public Hearings #1:

2018 028

Address: 1 Inn Street, Unit 7

Appeal

Appeal of the denial of a request for issuance of a cease and desist letter by the Zoning Enforcement Officer dated 4/6/18 for noise and vibration in excess of what is allowed under the Zoning Ordinance due to operations associated with the property located at 35 Market Square

The applicant requested a continuance. The Board continued the application to 2/12/19.

Motion to continue application 2018-028 to 02/12/19 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – absent

Mark Moore – approve

Public Hearings #2-4:

2019 001

Address: 14 Virginia Lane

Dimensional Variance

Construct an in-law addition resulting in a 22.6' rear setback where 30' is required

2019 002

Address: 14 Virginia Lane

Special Permit for Non-conformities

Extend side yard non-conforming setback to construct an in-law apartment

2019 003

Address: 14 Virginia Lane

Special Permit

Allow an in-law apartment (Use #109)

Attorney Lisa Mead of Mead, Talerman and Costa, 30 Green Street, presented the application. The applicants would like to construct a 675 s.f. addition on the rear of the structure as an in-law apartment. The current owners would like to continue living where they have resided since 1995. Their children and grandchildren would take over the home and the applicants would move into the in-law apartment. The property is located in the R1 zoning district. It is non-conforming with regard to lot area and side setbacks. The proposed rear yard setback would be non-conforming by about 7.4' and would need a variance. The new construction would be less than 700 s.f. There would be no change to the front elevation. Wooded areas would not be encroached upon. Currently the home is one of smallest houses in the neighborhood. Photos of existing conditions were shown. The applicants had letters of support from all surrounding neighbors. The addition would not be substantially more detrimental to the neighborhood.

As far as the requested dimensional variance, there were comments in staff report regarding the location of the addition. Living area would be totally interrupted and the addition would be more impactful if it were moved. Lot shape was argued as a hardship as it is uniquely shaped. Unique housing is needed in Newburyport for people to age out in their homes.

As far as the Special Permit allowing the in-law apartment, family will occupy it. It will not be more than 700 s.f. There is sufficient parking on the property. The applicant agrees with and will follow all regulations with regard to an in-law apartment.

Chair Ramsdell opened the hearing to public comment.

In Favor:

*Jeffrey Lemos, 15 Virginia Lane
No issues, in favor.*

In Opposition:

None

Questions from the Board:

Ms. Pomeroy asked what the current and proposed siding was. Wood clapboard would be used on the new addition.

Mr. Moore was most concerned about the neighbor to the rear and they have submitted a letter of support.

Chair Ramsdell commented on the photographs of existing conditions and explained that the Board really likes to have elevations of before and after as opposed to photographs. Attorney Mead understood, but noted in this case they have provided photos of the existing.

Deliberations:

Ms. Bourdeau commented that the addition is modest and supported by the entire neighborhood. The addition is not affecting the front view of the house, which is appealing.

Ms. Pomeroy agreed. The applicants met criteria of permits and variance.

Mr. Moore reiterated that the neighbor in the rear is in support, which was important.

Motion to approve application 2019-001 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Renee Bourdeau – approve
Maureen Pomeroy – approve
Edward Cameron – absent
Mark Moore – approve

Motion to approve application 2019-002 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Renee Bourdeau – approve

Maureen Pomeroy – approve
Edward Cameron – absent
Mark Moore – approve

Motion to approve application 2019-003 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – approve
Maureen Pomeroy – approve
Edward Cameron – absent
Mark Moore – approve

Public Hearings #5:

2019 004

Address: 20 Eagle Street

Special Permit for Non-Conformities

Construct a two-story addition (approx. 6'x14') at the rear of the home extending the pre-existing non-conforming rear setback and lot coverage

Andrew Shapiro, owner presented the application. He and his wife reside at 20 Eagle Street and are proposing a modest addition. The existing home is a 1400 s.f. single family and they want to add a two story rear addition over an existing deck area. There would be 163 s.f. total added. The height would not exceed the existing structure. The property is non-conforming with regard to lot area, frontage, open space, front yard, rear yard and side yard setbacks. Lot coverage would increase to 36%. Quality materials would to be used to maintain the same character of the house and neighborhood. Emails and texts with immediate abutters show neighbors in support of the project.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Moore asked if they were extending existing rooms. They would add a mudroom, upper floor bathroom off existing bedroom and washer/dryer. They would add functionality to the home.

Ms. Pomeroy asked about proposed materials. Wood clapboard, wood windows and natural materials would be used where possible. He did not that plans are not 100% final and that an awning or window may change slightly.

Deliberations:

Ms. Pomeroy commented on the modest addition. She noted that final plans should be submitted to the Planning Office.

The rest of the Board agreed.

Condition;

-Final plans be submitted to the Planning Office.

Motion to approve application 2019-004 with above condition made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – absent

Mark Moore – approve

Public Hearings #6:

2019 005

Address: 3-5 Pine Street

Special Permit for Non-conformities

Modify previously granted permit to allow for the addition of a front portico, add window to second floor, and install pavers in both driveways

Attorney Lisa Mead of Mead, Talermin and Costa, 30 Green Street, presented the application. Mark Rosen, trustee at 3 Pine Street was also present. Attorney Mead explained this seems like a modest request. The applicants wish to change gravel driveways to cobble, which are still pervious materials. They wish to add a window onto the 2nd floor left elevation, construct an overhang on the front door. The applicants received Special Permits in 2012 and 2013 and now must come back before the Board for these changes to filed plans. This property in the R2 zoning district was permitted to move forward at the time to renovate. Materials were not what neighbors anticipated. There was a resolution and plans on record. Excavation on the rear of the property occurred and as a result, drainage installed. It is important to note that letters of support from 7 and 9 Pine Street, 4 and 8 Pine Street across the street, 29-31 Marlboro Street, 25 and 25R Marlboro Street were received. The property is now well integrated into the neighborhood and these are modest changes. No non-conformities are being impacted, there is no exacerbation of any non-conformity and proposed changes are not substantially more detrimental to the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Moore asked if there were issues with the driveway and drainage in the past. Attorney Mead explained a combination of things led to no trust with the developer at the time. Excavation at the back of the property resulted in French drains and dry wells being installed. The goal was to keep the driveway as pervious as possible.

Ms. Pomeroy asked if there was one driveway. There is one on either side of the house. They wish to use concrete pavers to look like cobbles and want the driveway to remain pervious. Ms. Pomeroy suggested filler such as sand be used as grout.

Chair Ramsdell brought up pea stone versus gravel. Pea stone was approved and now gravel used. He wanted to ensure specific materials are articulated going forward.

Deliberations:

Ms. Pomeroy noted that a pervious grout between pavers be added as a condition.

Mr. Moore commented that the drainage history is clear and handled. Neighbors are now in favor of changes.

Ms. Bourdeau commented that the drainage in the rear seems to have been taken care of. She agreed with the proposed condition.

Condition;

-Installation of pavers in the driveway is with a grout that is pervious.

Motion to approve application 2019-005 with above condition made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – absent

Mark Moore – approve

Public Hearings #7-8:

2019 006

Address: 3 Upland Road

Special Permit

Allow an in-law apartment (Use #109)

2019 007

Address: 3 Upland Road

Special Permit for Non-conformities

Construct a 1,157 s.f. addition to a pre-existing non-conforming structure

Ms. Bourdeau recused herself. The Board lacked sufficient membership for this evening and continued the applications.

Motion to continue applications 2019-006 and 2019-007 to 1/22/19 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – absent

Renee Bourdeau – recused

Maureen Pomeroy – approve

Edward Cameron – absent

Mark Moore – approve

The meeting adjourned at approximately 8:02pm

Respectfully submitted, Katie Mahan - Note Taker