

**City of Newburyport  
Zoning Board of Appeals  
March 22, 2016  
Council Chambers**

The meeting was called to order at 7:10 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Jamie Pennington  
Richard Goulet  
Renee Bourdeau (Associate Member)

**Absent:**

Robert Ciampitti (Vice-Chair)  
Duncan LaBay (Secretary)

**2. Business Meeting**

**a) Approval of Minutes**

No minutes to approve.

**b) Request for de minimus change for a Special Permit for Non-conformities granted to 4 F Street**

When reviewing site plans the applicants realized setback measurements were off by mere inches.

Mr. Goulet made a motion to approve and Ms. Bourdeau seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell – approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**3. Public Hearings**

**Public Hearing #1, #2 & #3:**

**2016      001**

**Address: 151 High Street**

**Dimensional Variance**

*Variance for lot area where the pre-existing non-conforming building use is changing to multifamily*

**2016      002**

**Address: 151 High Street**

**Special Permit for Non-conformities**

*Alteration of a pre-existing non-conforming structure to allow for a new multi-family use*

**2016      003**

**Address: 151 High Street**

**Special Permit**

*Renovate existing structure into a ten unit multi-family structure (Use #103)*

This hearing was continued from the 1/12/16 and 2/23/16 meetings to allow time for the Planning Board to finalize approvals and to address a few concerns from the ZBA. Diamond Sinacori LLC were represented by attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman, 30 Green Street. The project architects were also on hand.

The Planning Board approved major site plan review last week. Revised plans submitted to the Board last week included several conditions to their approval;

- The Planning Board prefers brick sidewalks along High and Auburn Streets. The applicant would like to install cement ones. The Board has informed the applicant that he must provide the reasoning as to why he is not able to install brick.
- The applicant must provide a detail sheet regarding the garage signal system to the Office of Planning & Development. Additionally, the signal light must be placed on the proposed fence rather than a separate pole.
- The applicant must provide a rendering of the proposed historical plaque to the Office of Planning & Development.

The project has also been approved by the Historical Commission.

The architects briefly went over the project and changes made since the last presentation to the board. The former Kelley School will be renovated into 10 condo units; 8 on the lower two floors and two penthouse units. Parking will consist of 14 garage spaces and 4 exterior spaces in the rear of the building. There are no proposed outside changes to the building except restoration and rooftop dormers to accommodate the penthouse units. Site plans were presented showing the trash disposal system, condensing units now off high street and on sides and back of building and will be fully screened and roofed, and exterior tandem spaces were widened. They are working to locate a commemorative plaque. Elevations were presented showing dormer details, exterior balcony railings, perimeter fencing, and front doors. The garage plan was shown showing bike storage area and signal system at the end of the driveway.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*Tom Kolterjahn, 64 Federal Street, Co-president of Newburyport Preservation Trust  
Happy that the building is being repurposed and encouraged putting in brick sidewalks.*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Pennington asked the materials to be used for the posts supporting the 2<sup>nd</sup> floor balconies. All black steel would be used.

**Deliberations:**

Mr. Pennington commented any questions he had were addressed. Special Permit criteria were straightforward. Dimensional Variance corner lot hardship was argued. This is a unique site.

Mr. Goulet agreed and was comfortable deferring to the planning board on sidewalks.

Ms. Bourdeau & Mr. Ramsdell agreed.

**Motion to approve application 2016-001 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Motion to approve application 2016-002 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Motion to approve application 2016-003 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Public Hearing #4, #5, & #6:**

2016	009
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**Address: 114-118 Merrimac Street**  
**Dimensional Variance**

*Modify previously granted variances for height, side yard setback, and rear setback to change the egress and parking and correct a scrivener's error in the plan reference*

**2016      010**

**Address: 114-118 Merrimac Street**  
**Special Permit for Non-conformities**

*Modify previously granted Special Permit for Non-Conformities to change the egress and parking and correct a scrivener's error in the plan reference*

**2016      011**

**Address: 114-118 Merrimac Street**  
**Special Permit**

*Modify previously granted Special Permit for a two-family use (Use #102) to change the egress and parking and correct a scrivener's error in the plan reference*

Requested continuance to 5/10/16.

**Motion to continue applications 2016-009, 2016-010, 2016-011 to 5/10/16 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Public Hearing #7:**

**2016      012**

**Address: 1 Kent Street**  
**Sign Variance**

*Erect a free-standing internally illuminated sign and (2) canopy signs for existing gas station*

Continue to 4/26/16 due to lack of quorum.

**Motion to continue application 2016-012 to 4/26/16 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve

Renee Bourdeau – approve

**Public Hearing #8:**

<b>2015</b>	<b>013</b>
<b>Address: 77 Lime Street</b>	
<b>Special Permit for Non-conformities</b>	
<i>Modify existing Special Permit for Non-Conformities to allow a building height with front and side elevations of 127' 5 1/4" instead of 126' 10" as shown on the approved plans</i>	

Request to continue to 4/12/16.

**Motion to continue application 2016-013 to 4/12/16 made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
 Robert Ciampitti – absent  
 Duncan LaBay – absent  
 Jamie Pennington – approve  
 Richard Goulet – approve  
 Renee Bourdeau – approve

**Public Hearing #9 & #10:**

<b>2016</b>	<b>026</b>
<b>Address: 3 Cutters Court</b>	
<b>Special Permit</b>	
<i>Remove rear later addition and end gables and raise mean roof height by 5.4' to 20.1'</i>	

<b>2016</b>	<b>027</b>
<b>Address: 3 Cutters Court</b>	
<b>Special Permit for Non-Conformities</b>	
<i>Construct an addition that will raise the roof of a pre-existing non-conforming structure, impacting lot coverage and open space</i>	

Cutters Court Realty Trust was represented by attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman, 30 Green Street. Located in the R3 zoning district the structure sits on 1707 sf of land. The applicant is seeking to construct a new rear addition with second floor and to raise the height of the structure 5.4' from 16.5' to a mean height of 20.1'. This project will add approximately 430 square feet of area to the current structure, bringing the total square footage of the home to 1,470. The project involves the demolition of more than 25% and is contributory to the district initiating review under the DCOD Ordinance; the applicants seek to remove 42.9% of the exterior wall space, 25.2% from the rear structure and only 17.7% from the front original structure. The property is currently non-conforming in lot area, lot coverage, frontage, front rear, and side setbacks, open space. There will be a slight intensification in open space from 27% to 25.3% and of lot coverage from 43% to 44.6%. The proposed changes not creating new non-conformities. The changes would not be more detrimental to the neighborhood.

The applicant appeared before the Historical Commission and were given a written recommendation. They were fine with the removal of the rear addition and raising of the roof. They had two comments; 1. The applicant add 'returns' on all applications. 2. No 'serial demolition' takes place. The applicant removed walls inside the house and it became clear older timbers found in the rear addition, though much of it is newer. The rear addition is not original, but pieces were older than originally thought.

The current condition of the structure is poor. The front original structure will be restored and repaired. Ms. Mead provided a brief history of the house.

Mr. Ramsdell read an email from Sarah White, Chair of NHC.

Ms. Mead submitted three letters from neighbors in support of the project.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*Christy Teal, 2-4 Cutters Court*

*Any improvement will be great. The current state is in great disrepair.*

*Craig Holt, 33 Carter Street*

*A realtor who has lived at this property since 1994. He is delighted something will be done to the property.*

*Lindsay Ogilvie, 44 Warren Street*

*In favor of renovations.*

**In Opposition:**

*Tom Kolterjahn, 64 Federal Street*

*Not totally opposed. Happy that something will be done with the building and it's positive that the developer is restoring the original structure. No problem with rear addition removal. Major concern is raising the roof and height it involves. Encourage incorporating recommendations of gable returns, roof fundamentally stays the same.*

*Susan Repucci, 20 Munroe Street*

*Not totally against. The addition to 2<sup>nd</sup> level takes backyard privacy away.*

*Geoff Legg, 50 Warren Street*

*Seems like great development, but concerned with height of new addition. Will minimize sunlight to garden.*

*Stephanie Niketic, 93 High Street*

*Positive that a historic building is being saved. Concerns about roof height change. Expressed to neighbors that the plans were not very detailed, no stipulations were discussed, or neighborhood improvements made.*

*Ms. Mead expressed that if not adding minimal overhang, they would not have needed to come before the ZBA and only the Historical Commission. She also addressed concerns of neighbor privacy and went over materials to be used on the exterior of the structure.*

**Questions from the Board:**

Mr. Pennington and Mr. Haseltine discussed dimensions of the new addition. 1. Width of addition; 1<sup>st</sup> floor approximately 12' and 2<sup>nd</sup> floor approximately 14'. 2. Ceilings; made slope as modest as possible with under 8' ceiling height on the 2<sup>nd</sup> floor.

Ms. Bourdeau asked if the chimney would remain. It would not as it was not original to the house. There was discussion of skylights. A skylight was proposed in the bathroom with not windows as well as two others that could be removed if needed. Ms. Bourdeau asked about the existing windows. Most were wood, though not original. She was concerned with new windows proposed and hoped they would match similar paning size on windows. Ms. Bourdeau also asked about existing siding material. Currently, vinyl, it would be updated to clapboard or plank.

Mr. Goulet asked about the foundation for the new structure. The plan is to use a series of footings; shelf and they would keep bricks. Mr. Goulet also asked about the roof materials. Asphalt shingles would be used and there would be a skylight in the bathroom with no windows.

Mr. Ramsdell commented on 'serial demo.' Mr. Haseltine went over step-by-step how he would preserve as he restored. Replacement materials will be substantial. He hoped to use sister posts and save sheathing except in the back rear addition.

Mr. Ramsdell also commented on the impact of the rear addition on other properties. Mr. Pennington suggested frosting of windows or blinds for privacy.

**Deliberations:**

Ms. Bourdeau was mostly in support. There would be no new non-conformities; the addition is modest and not more detrimental. The presentation lacked a bit in how they would be preserving the historic structure.

Mr. Goulet agreed. This is a modest project, but he wrestled with conditions to place on the decision.

Mr. Pennington commented the applicant presented a reasonable application. He thought skylights were ok and was happy there were no proposed dormers.

Mr. Ramsdell agreed. He was comfortable that saving the later addition on the back is not feasible based on photos. A skylight in the bathroom did not give him heartburn, however frosted glass on a window would.

Six conditions were discussed to be added to the Board's decisions.

**Motion to approve application 2016-026 with 6 conditions made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Motion to approve application 2016-027 with 6 conditions made by Mr. Goulet, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Adjournment**

**Motion to adjourn made by Mr. Goulet, seconded by Mr. Bourdeau at 8:55 PM.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – absent  
Jamie Pennington – approve  
Richard Goulet – approve  
Renee Bourdeau – approve

**Respectfully submitted, Katie Mahan - Note Taker**