

**City of Newburyport
Zoning Board of Appeals
March 24, 2015
Council Chambers**

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

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair)
Jamie Pennington
Richard Goulet (Associate Member)

Absent:

Duncan LaBay (Secretary)
Libby McGee (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the February 24, 2015 Meeting

Mr. Ciampitti made a motion to approve the minutes and Mr. Goulet seconded the motion.

The motion passed unanimously.

Votes Cast:

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

b) 40 Merrimac Street

Chair Ramsdell shared a letter from Andy Port, Planning Director. The City Engineer indicated a culvert under the building needs replacing. The project cannot move forward until then. The applicants request an extension on their special permit.

Motion to extend permit as granted to 40 Merrimac Street for one year pursuant to culvert repair made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

2015 020

Address: Route 1 (Lot A)

Special Permit

Construct four attached residential units resulting in a four-unit multifamily structure

2015 021

Address: Route 1 (Lot B)

Special Permit

Construct four attached residential units resulting in a four-unit multifamily structure

Attorney Lisa Mead of Blatman, Bobrowski & Mead, 30 Green Street represented BC Realty Trust, applicants. The applicants appeared before the board in Fall 2014 proposing six units on each lot. Density was a big concern with neighbors. The applicants went back to the drawing board. Attorney Mead made mention of the City Council approval of downzoning the area, but this application precedes the approval.

Taylor Turbide, Millennium Engineering, 62 Elm Street, Salisbury discussed the surveying and engineering on the project. He went over slope, grading, drainage, curb cuts, water/sewer, and parking.

Special Permit for Use:

1. *The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.* Multi-family use is allowed by Special Permit in the R-2 zoning district.
2. *The requested use is essential and/or desirable to the convenience or welfare.* This project would provide diversity of housing and not overtax the neighborhood. There would be little to no traffic impact. Increased housing near the commuter rail station is certainly desired.
3. *The requested use will not create undue traffic congestion or unduly impair pedestrian safety.* Robert Michaud, MDM Transportation Consultants presented a traffic study which included effect on flow, and safety. Morning and evening commutes were studied and the results concluded that less than ½ of 1% change in volume would result from this project. MA DOT has advised that there be two curb cuts, the first serving as a one-way entrance, the second as the exit. Both would be at a 45-degree angle. Deceleration/acceleration lanes would be added to Route 1 traffic. Sightlines in excess of the required 400 ft. would exist with no plantings, signs, etc. blocking views. There

would be a Five ft. wide sidewalk connecting to Hill Street. Traffic would be minimally affected and pedestrian safety improved.

4. *The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety, or the general welfare.* Each parcel will have 12 total bedrooms. In a letter from the City's Water Distribution Manager, there would be a de minimus impact on the water system. In a letter from the City's Sewer Superintendent it was brought up that the Graf Road Lift Station does not currently have capacity. The station is scheduled to undergo improvements this Fall and at completion, the units could be occupied. Police and Fire had no issue with the previous application of 12 units, and this project proposes only 8.
5. *Any special regulations for the use, set forth in the special permit table are fulfilled.* There are no special regulations for a four-family.
6. *The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the public.* There are mixed uses in the area. It is a transition area from R-2 to the Smart Growth area.
7. *The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.* There is not an excess of multi-family use in this neighborhood.
8. *The proposed use is in harmony with the purpose and intent of this ordinance.* The 2001 master plan promotes creating a wide range of structures and pricing to support varying housing needs. This project supports that.
9. *The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, or other form of environmental pollution.* This project will not violate any of these criteria.

Attorney Mead presented elevations. She also made note of snow storage onsite.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Jason, LaCroix, 14 Hill Street

Mr. LaCroix had significant concerns for both his home and his parents. Concerns included proximity to Hill Street homes, deep-rooted trees/erosion, drainage, the possibility of a single-family home later on Lot C, snow banks, rental vs. condo units, and woodstoves/fumes. He also commented that the meeting was previously scheduled for another time and he believed much of the neighborhood was not there because of this.

Bob Cronin, Ward 3 City Councilor & Mayor's Traffic Advisory Committee

Councilor Cronin was not for or against. His concerns on traffic included exits and sightlines, deceleration lanes, and reaction times.

Mr. Michaud discussed the deceleration lane/transition taper. He also explained the project meets all applicable sightline criteria per MA DOT. He explained longer deceleration lanes could become confusing and based on lack of incidents. This plan is best.

Bob Hale, 26R Hill Street

Mr. Hale questioned the water main to the units.

Ms. Mead explained there is a line at the bottom of Hill Street and the developer will continue it along the edge of Route 1 onto the property. Ms. Mead also responded to Mr. LaCroix's concerns. Ownership vs. rentals is not known at this point. The lot split (A, B, and C) was already approved by the Planning Board. Wood stoves and wood burning fireplaces being restricted is fine with the applicant. Assuming MA DOT approves sidewalks, the applicant will install them on property.

Mr. Turbide addressed concerns with the no cut zone, erosion control, grading and an infiltration trench.

Questions from the Board:

Mr. Pennington was concerned with access and egress as well as sight lines for traffic. Discussion on the access and egress locations and angles concluded that they are best as depicted in plan so as not to introduce a weave pattern. He was also concerned with sight lines and clearly defining the sight line triangle. Mr. Pennington also had concerns with slope and impact on trees and drainage. He was prepared to rely upon the reports and recommendations of MA DOT and the applicant's professionals.

Mr. Ciampitti had concerns with sidewalk snow removal. Attorney Mead responded that they would need to work out with the City/State on the extension of the sidewalk past Lot C. The property owner would ultimately be responsible for their land on the proposed site.

Mr. Goulet asked about site lighting. Ms. Mead responded that there would be individual lighting on the front of the units.

The board also discussed conditions to their approval.

Deliberations:

Chair Ramsdell noted that with separate lots, legal easement documents should be filed with the planning office. With added conditions as discussed, he was prepared to support.

The board discussed defining the sight line triangle and restrictions on height of plantings, etc. It was decided that relying on MA DOT restrictions and approvals and memorializing the sight line triangle in condo documents or deeds, they would be comfortable moving forward.

Mr. Goulet felt that Special Permit criteria were met satisfactorily.

Mr. Ciampitti agreed. Abutter issues such as wood burning stoves would be addressed in conditions. The project greatly improved since the last application.

Mr. Pennington was prepared to support a multi-family done right and done safely.

Conditions the board proposed:

1. No occupancy permits shall be issued until the upgrade of the Graf Road lift station is completed with sufficient capacity to allow this project's connection to the sewer line and the connection is completed.
2. No wood or wood pellet burning fireplaces, stoves or furnaces will be permitted in these units.
3. Copies of the legal document necessary for the cross easements between lots A and B to ensure the designed traffic flow over the lots is maintained shall be filed with the City Planning Office
4. Copies of the agreements made by the applicant with MA DOT relative to the access and egress locations and design, sidewalk installation and sight line requirements shall be filed with the City Planning Office
5. The language of the recommendation to the height of existing and/or new plantings and structures within the sight line triangles shall be memorialized in the units' ownership documents (deeds or condominium documents).
6. The no-cut zone indicated on the plan shall be maintained as a permanent feature of the site.

Motion to approve applications 2015-020 with above conditions made by Mr. Pennington, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

Motion to approve applications 2015-021 with above conditions made by Mr. Pennington, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. Ciampitti, seconded by Mr. Goulet at 9:09 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – absent

Jamie Pennington – approve

Richard Goulet – approve

Libby McGee - absent

Respectfully submitted, Katie Mahan - Note Taker