

**City of Newburyport
Zoning Board of Appeals
June 28, 2016
Council Chamber**

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

1. Roll Call

In Attendance:

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

Absent:

Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the 06/14/16 meeting

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

The motion passed unanimously.

Votes Cast:

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

b) Request for extension of Use Variance at 3 New Pasture Road (2015-029)

A letter from Steven Sawyer at Design Consultants was submitted requesting a six-month extension to a previously granted use variance. The Board though this was a reasonable request.

Mr. LaBay made a motion to approve and Mr. Pennington seconded the motion.
The motion passed unanimously.

Votes Cast:

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

Richard Goulet – approve
Renee Bourdeau – approve

c) The Board discussed the 6/13/16 City Council meeting and changes to the zoning ordinance regarding repair of city-owned sidewalks and planting of trees for larger projects requiring zoning relief.

“The applicant shall be responsible for compliance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance.

When requires, prior to obtaining a Building Permit, the applicant shall obtain the written approval from the Newburyport Tree Warden and Department of Public Services with respect to plans and specifications for (1) the reconstruction, repair, and/or replacement, where appropriate, of all city-owned sidewalks actually adjoining the project site, in accordance with Sections 12-54 and 12-55 of the Newburyport Code of Ordinances; and (2) the planting, preservation, and/or replacement, where appropriate, of street trees along all public rights-of-ways actually adjoining the project site, in accordance with article VI of chapter 12 of the Newburyport Code of Ordinances.

The applicant shall provide this written approval(s) and copies of accompanying plans and specifications to the Building Commissioner upon application for a Building Permit.

When required, prior to the issuance of an Occupancy Permit, the applicant shall complete all such improvements according to the approved plans and specifications.”

The Board voted to include the above condition in all decisions going forward.

Mr. LaBay made a motion to approve and Mr. Goulet seconded the motion.
The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

Public Hearing #1-5:

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| 2016 | 005 |
| Address: 4 Hillside Avenue and 15, 16, 17, 18, 19 Cottage Court | |
| Special Permit | |
| <i>Construct Multi-family homes with bonus units and with reduced separation between buildings; and construct a private parking lot</i> | |

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| 2016 | 040 |
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Address: 4 Hillside Avenue and 15, 16, 17, 18, 19 Cottage Court
Dimensional variance
Variance from front yard setback where front porch encroaches on Cottage Court and Hillside Avenue

2016 006
Address: 12-14 Cottage Court
Special Permit
Construct a private parking lot

2016 007
Address: 18 Cottage Court
Dimensional Variance
Construct a lodging house with insufficient lot area, side and front setback

2016 008
Address: 18 Cottage Court
Special Permit
Permit for a ten room lodging house (Use #106)

Request to continue to 7/12/16.

David Hall has been working closely with the City's peer review engineer on storm water management.

Motion to continue applications 2016-005, 2016-006, 2016-007, 2016-008, 2016-040 made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #6:

2016 048
Address: 49 Marlboro Street
Dimensional Variance
Construct a 22'x28' garage with storage above within the required setback

Motion to withdraw application 2016-048 without prejudice made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

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

Public Hearing #7-8:

2016 049
Address: 9 Washington Street
Special Permit
Allow a two-family use (Use #102)

2016 050
Address: 9 Washington Street
Special Permit for Non-conformities
Convert a pre-existing non-conforming structure to a two-family

John Steeves, contractor presented the application on behalf of Lisa & Ramon Matas Navarro, owners. The applicant is proposing to convert the existing attached carriage house to an apartment. The project consists of only interior work with no changes to the footprint or exterior walls of the existing structure. There is sufficient parking to accommodate the second unit.

Chair Ramsdell opened the hearing to public comment.

In Favor:

There were two support letters from neighbors submitted.

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic was not in opposition. She verified there would be no material changes to the building exteriors. She brought up the changes to the ordinance and the Chair Ramsdell recommended they speak with Building and DPS regarding a unit.

Questions from the Board:

Mr. LaBay asked if the applicants had photos or sketches of the layout of the carriage house. No, they did not as it would be difficult to take photos with confined of space. Mr. LaBay asked about off street parking. The driveway consists of four-car, tandem parking.

Mr. Goulet asked if the carriage house was two rooms. Yes, and it would remain that way.

Deliberations:

Mr. LaBay had no issues with concept, but was underwhelmed with the application. He felt the application was inadequate with no photos or drawings of the subject structure.

The Board discussed the necessity for photos or drawing to complete the application and decided this could be added as a condition. Mr. Pennington noted the Board is in a time where they are trying to made better decisions and processes.

Conditions to be added:

- There shall be no changes to the exterior of the existing structures excepting normal maintenance including repairs-in-kind, painting and the like.
- Applicant shall provide exterior photographs and elevations with measurements included to the Planning Office prior to this grant of relief being issued.
- The applicant shall be responsible for compliance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance.

Motion to approve application 2016-049 with above conditions made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

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

Motion to approve application 2016-050 with above conditions made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #9:

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| 2016 051 Address: 40 Forrester Street Dimensional Variance <i>Split existing lot into two lots having insufficient frontage and lot width</i> |
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Request to continue to 8/23/16.

Motion to continue application 2016-051 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

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

Public Hearing #10-11:

2015 052

Address: 7 Farrell Street

Special Permit for Non-conformities

Demolish pre-existing non-conforming single family house and re-build, attaching the new home to the existing garage with a sunroom

2015 054

Address: 7 Farrell Street

Dimensional Variance

Increase lot coverage to 29.7%

Doris Glykis, owner, presented the application. She has owned her home for 1.5 years and has had many maintenance issues, including no insulation and no heat on the second floor. Fixing up the home would be just as much as rebuilding. She would like to keep an existing garage and attach it to the new home with a sunroom. The home would sit on the same foundation/basement and would be colonial style as opposed to the existing cape. The new structure would have vinyl siding and classic windows as many homes on her street have. Ms. Glukis passed out elevations with dimensions.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked if the applicant had talked to neighbors. Ms. Glykis had and they would be happy to see her moving forward with the rebuild. Mr. LaBay noted a mistake on the dimensional table (page two); the distance from the back of the house to rear setback. The existing rear setback is 36.4'; but would become 5' when the buildings connect. Ms. Glykis also noted the side setback would need to be corrected in the application as well.

Mr. Pennington noted that the height listed on table was 30'. Mean height should be used, not ridgeline.

Mr. Ramsdell noted the hardship on the variance application. Lot shape and existing foundation location could be argued.

Deliberations:

Mr. LaBay was pleased with information in the package. She did a good job documenting the proposed structure. He also noted the lack of any opposition.

Rest of the Board agreed.

Condition to be added:

- The applicant shall be responsible for compliance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance.

Motion to approve application 2016-052 with above condition made by Mr. LaBay, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

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

Motion to approve application 2016-054 made with above condition by Mr. LaBay, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #12:

2016 053

Address: 56 Liberty Street

Special Permit for Non-conformities

Demolish existing garage, porch, and two-story addition and replace with new addition to match building

John Edward Whitcomb, owner presented the application. He bought the property 20 years ago and has since, slowly been improving it. The applicant is proposing to demolish the existing detached garage and the four-season porch and two-story addition on the two-family structure and construct a new, gambrel-style addition to match the existing building. The rest of the structure would remain the same, but would be updated with new clapboards, removing the existing vinyl, and existing windows would be replaced with six over six windows. The main structure was constructed in the early 1700s and the applicants plan to bring back the character. Abutters are in support and have submitted letters.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic was not against the project, but had questions. She asked about clapboards and windows. The clapboards would be wood and the six over six windows would also be wood. She asked if the new front door would have sidelights. No, it would not.

Questions from the Board:

Mr. LaBay asked about parking. There would be one space inside the garage and two bumper to bumper in the driveway. Mr. LaBay asked about the garage door rendering with windows. This would not be the case with the new garage door.

The applicant noted that fine-tuning may need to happen with ridgeline of the addition. The roof style would match and would not be any higher than the existing roof. The plan 33', but may vary slightly after pouring the foundation. It would be higher than 34'.

Ms. Bourdeau commented that after pouring the foundation, the applicant be advised what the height will be and return to the board if necessary.

Mr. Pennington asked that they agree the height of the addition would be "at least one foot less than" the existing, instead of "34'."

Mr. Ramsdell asked if the dormer on the new structure would resemble the two on the main house. The three dormers would be identical.

Mr. Pennington asked if there was a rationale for the railing over the garage doors. The applicant responded that it would not be functional; it was just to give it the carriage house look. There was some discussion on this area of the addition and whether the proposed, a flat or pitched roof would be better. There was something "off" about this area. The applicant was very open to feedback from the Board.

Mr. LaBay questioned the carport. The applicant explained it would provide added protection, as they were so close to the water. If the rail/roof were to change, the carport may not look so "off."

Deliberations:

Conditions to be added:

- Eliminate proposed rail over garage.
- Three windows above garage to be redesigned to be smaller.
- Flat roof on first story roof on front of garage.
- Revised plans reflecting changes to addition as described above to be submitted to Planning Office prior to issuance of building permit.
- The applicant shall be responsible for compliance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance.

Motion to approve application 2016-053 with above conditions made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – approve

Renee Bourdeau – approve

The meeting adjourned at 9:15pm

Respectfully submitted, Katie Mahan - Note Taker