

**City of Newburyport  
Zoning Board of Appeals  
July 22, 2014  
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)  
Robert Ciampitti (Vice-Chair) – *(arrived after approval of minutes)*  
Duncan LaBay (Secretary)  
Jamie Pennington  
Howard Snyder  
Richard Goulet (Associate Member)

**Absent:**

Libby McGee (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of July 8, 2014 Meeting**

Mr. Pennington 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  
Howard Snyder– approve  
Richard Goulet – approve  
Libby McGee - absent

**3. Public Hearings (7 on the agenda)**

<b>2014</b>	<b>042</b>
<b>Address: 114-118 Merrimac Street</b>	
<b>Dimensional Variance</b>	
Variances for height, side yard setback, and rear setback	

<b>2014</b>	<b>043</b>
-------------	------------

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

Alter pre-existing non-conforming structure to construct a new two-family home on the lot

**2014      044**

**Address: 114-118 Merrimac Street**

**DCOD Special Permit**

Demolish existing structure

**2014      045**

**Address: 114-118 Merrimac Street**

**Special Permit**

Allow a two-family (Use #102)

There was a request for a continuance to the August 26, 2014 meeting, but there will not be a quorum – so they will continue to September 9, 2014.

**Motion to continue applications 2014-042, 2014-043, 2014-044, and 2014-045 to September 9, 2014 made by Mr. LaBay, seconded by Mr. Snyder.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– approve

Richard Goulet – non-voting

Libby McGee – absent

**2014      046**

**Address: 12 Otis Place**

**Special Permit for Non-conformities**

Construct a one-story addition

Tim and Carol Piper, owners, presented the application. The petitioners are asking to construct a one-story addition. There would be a ½ bath and mudroom off the northeast corner of the house. Currently the 1<sup>st</sup> floor does not have a bath. The size of the addition would be roughly 6' x12'. Neighbors are in favor and have signed a letter. The side A setback would go from 10'5" to 4'5". The addition will not be substantially more detrimental as its only 65 square feet and will only extend 5.5' out from the existing structure.

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

**In Favor:**

*Mr. LaBay presented a letter signed by neighbors at 10, 17 & 19 Otis Place, saying they have no issue with plans.*

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #5:**

None

**Deliberations:**

Mr. Ciampitti commented that this was a modest addition. It will keep with the community and the house. There will be minimal impact on the neighborhood and not more detrimental.

Mr. LaBay agreed. He noted that the neighbors are in favor in this tight neighborhood.

Mr. Pennington agreed.

Mr. Snyder agreed. The addition is in a place that does not affect existing parking.

**Motion to approve application 2014-046 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

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

**2014      040**

**Address: 178 Water Street**

**Dimensional Variance**

Construct an accessory garage with non-conforming setbacks

**2014      041**

**Address: 178 Water Street**

**Special Permit for Non-Conformities**

Construct a 161 s.f. addition along a pre-existing non-conforming front setback line

This hearing was continued from the July 8<sup>th</sup> meeting due to time constraints.

Attorney Katherine Bailey appeared on behalf on Attorney Mark Griffin and represented owners Philip and Tamara Shwartz. This property, built in the early 1700s is a corner lot on Water

Street and Somerby Court in the R3 zoning district. The owners are proposing to build a 161 square foot addition requiring a SPNC due to a side setback. They are also proposing to construct a barn/garage accessory structure, which requires a variance.

Architect Greg Colling of Merrimac Design Associates presented and explained site plans. This structure is first period built in 1710. It has a center entrance, massive center chimney, gable roof, simple trim and details. It has a 20<sup>th</sup> century ell addition on the right side. The applicants are proposing a mudroom addition on the back side of the house along Somerby Court. It would be approximately a 15x7 covered entry mudroom. The other piece of the project is to add a post and beam frame barn to the yard that could house two vehicles and would have loft storage space. They would also be removing and constructing some new exterior decks. Materials used would consist of mahogany, shingled roofing, cedar shingling, wood double hung windows, and new shutters on the front of the house. The barn would be post and beam. They will be removing a large dormer and skylight on the house and replacing it with period appropriate dormers. The existing shed would be moved to the back corner of lot.

The owners' son, Toby Schwartz read a letter from his parents who were traveling and could not be at the hearing. They wrote of their love of Newburyport and their desire to put finishing touches on the house they will retire in. They expressed approval of all neighbors, except for one.

Katherine Bailey went through each application.

#### *Special Permit for Non-Conformities*

Although the addition is on the rear of the structure, the primary frontage for this lot is on Somerby Court. This is a public way, but not maintained by the city. The front setback would be extended seven feet.

- The proposed use would remain the same; a single family
- The existing home is non-conforming with respect to all of its setbacks. The addition would be allowed with a SPNC.
- The proposed addition will not be substantially more detrimental. It is a mere 161 square foot, one-story addition. They would not be adding large mass or bulk. It would be used as a mudroom and entrance and they would not be adding bedrooms or density. Light and air would not be impacted on neighbors.

#### *Dimensional Variance*

A detached barn would be built acting as a garage with storage. The structure would be approximately 30' x 22' x 16'. According to the zoning ordinance, an accessory structure larger than 24' x 22' x 15' must meet setbacks associated with the primary structure. In this case it would be 20' front setback and 20' rear setback. The proposed structure would be 6'1" front and 6' rear setbacks.

- The use for the proposed structure is an accessory to the single-family residential use.
- The shape and topography of the lot is unusually narrow and tapered. It is also a corner lot.
- There are numerous non-conforming lots and structure nearby, presenting a hardship.

-The project would be desirable and not substantially detrimental to the public good. It fits in with the character of the neighborhood, will keep cars off the street and not block views over neighboring homes.

Attorney Mark Griffin arrived and reiterated many of the points Ms. Bailey presented and the support of the majority of neighbors.

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

**In Favor:**

*Bill Harris – 56 Lime St*

*Wanted the board to recognize the 1710, 1<sup>st</sup> period structure. We do need modern living, which can be done by editing the homes. Greg Colling has extensive knowledge of the evolution of historic buildings in this city. He supports the project.*

*Letters were presented from neighbors on Harrison Street, 180 & 176 Water Street, and 15 Bromfield Street.*

**In Opposition:**

*Linda Tully, Walnut Street*

House was built in 1752 per her research. She likes certain parts of the project, but also doubts the placement of the barn.

*Edward Moore, 182 Water Street*

He owns two parcels of land, one which he uses only for parking where Somerby Court is the sole access way. Somerby Court is a private way. He stated deeds for 178 Water Street bear no access to that Court. Somerby Court is only 12 feet wide and in 1996 was accepted as a city street by council. He argued that the renters approached about this project have no vested interest and are irrelevant. He feels he is seriously impacted by this inconsiderate development plan. It would set a bad precedent and they should preserve open space. The project does affect air and light from his property. He believed the plan needs changes.

*Doug Bolick, representing Edward Moore*

Mr. Moore moved into this very old neighborhood and has lived in his home without major changes. The petitioners have moved here just six months ago and are seeking changes. He argued that not having the large barn is not a hardship. They could build a smaller structure without a variance. He does not agree with the corner lot hardship. The mudroom may appear modest, but the impact is substantial. He believes the mudroom could be relocated around the corner of the house.

**Questions from the Board regarding Public Hearing #1 & #2:**

Mr. LaBay asked if they had given any thought to a smaller accessory structure that would not trigger a variance. Mr. Colling answered that the smaller structure would be large enough for just two vehicles. They increased the size to add a staircase to access a loft space for storage. It is a pre-fabricated barn structure and this was the next size up. The smaller size was not big enough to allow for stairs.

Mr. Ramsdell asked for clarification that Somerby Court had been formally accepted by city council as a city street. They answered yes.

Mr. Snyder asked about the location of the mudroom and if it could be moved as suggested. Mr. Colling answered that if moved, it would block the living room and take away views. It did not make sense architecturally.

Mr. Pennington asked if the only access to 182 Water Street was on Somersby Court. Mr. Moore answered no, they can also access the house from Water Street. But the parcel used only for parking is only accessed by Somerby Court.

**Deliberations:**

Mr. Pennington commented that the SPNC for the addition was straightforward and modest, putting neighbor comments aside. With the Variance, he wondered about size and height.

Mr. LaBay had opposite concerns. The barn sits in the back of the lot near vacant land. It wouldn't have a big impact. He noted the support of Mr. Harris and the Harrington's. They are also adding a small and modest addition, which happens to be on zero lot line.

Mr. Snyder was concerned over the size of the barn until Mr. LaBay made the point about the location. The addition to the house is minimal.

Mr. Ciampitti had nothing to add to his colleagues.

Mr. Ramsdell concurred.

**Motion to approve application 2014-040 for a Dimensional Variance made by Mr. Pennington, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

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

**Motion to approve application 2014-028 for a Special Permit made by Mr. Pennington, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

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

**Adjournment**

**Motion to adjourn made by Mr. LaBay, seconded by Mr. Pennington at 8:47 PM.**

The motion passed unanimously.

**Votes Cast:**

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

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