

**City of Newburyport
Zoning Board of Appeals
July 25, 2017
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)
Richard Goulet
Renee Bourdeau
Maureen Pomeroy (Associate Member)

Absent:

Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the 07/11/17 meeting

Ms. Bourdeau made a motion to approve the minutes and Ms. Pomeroy seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti –absent
Richard Goulet – approve
Renee Bourdeau – approve
Maureen Pomeroy – approve

3. Public Hearings

2017 046 Address: 25 Moseley Avenue Dimensional Variance <i>Variance for front yard setback</i>
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2017 047 Address: 25 Moseley Avenue Special Permit for Non-conformities <i>Modify a pre-existing non-conforming structure by constructing an additional living unit and garage</i>

2017 048
Address: 25 Moseley Avenue
Special Permit
Allow a two-family use (#102)

Request to continue to 8/22/17.

Motion to continue applications 2017-046, 2017-047, and 2017-048 to 8/22/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Richard Goulet – approve
Renee Bourdeau – approve
Maureen Pomeroy – approve

2017 061
Address: 36 Elmira Avenue
Variance
Allow a second residential unit on the lot

2017 062
Address: 36 Elmira Avenue
Special Permit for Non-conformities
Rebuild two-car detached garage intensifying the pre-existing non-conforming rear yard setback

2017 063
Address: 36 Elmira Avenue
Special Permit
Allow a two-family use (#102)

Michael Kent, owner, and Eric Kent, son, presented the application. The applicants would like to demolish an existing detached garage that is not good structural shape. They want to rebuild a garage with space above for an apartment for Mr. Kent to live. Rear yard setback is and would continue to be non-conforming.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Ramsdell asked the Board about the requested variance and whether the Board has a hardship argument to hang on to. Without the X.H.6.D.2. corner lot hardship that was removed from the ordinance, it is hard to get to a hardship. Lot shape, topography, soil condition are not useful in this case. Mr. Ramsdell commented that an in-law could still be tacked onto the house.

Mr. Goulet had the same concerns.

Ms. Bourdeau asked about future ordinance changes with in-laws and accessory structures.

Kate Newhall-Smith, City Planner commented that it was a consideration a year or two ago to allow accessory apartments in detached accessory structures. The climate has changed a bit, so she was unsure if this will be discussed again any time soon. It was initially a conversation with much support.

The Board discussed the lot shape, topography, and soil condition argument in this case and could not come to a conclusion.

Ms. Bourdeau clarified what the variance was for on the application. Ms. Newhall-Smith responded that they are looking to get a variance from VI-C process with the Planning Board. Without the hardship powers that were had, perhaps an in-law in an attached garage would be the way to go.

Mr. Kent brought up a concrete retaining wall that runs along the driveway.

Mr. Ramsdell recommended a continuance so the applicants could decide next steps.

Request to continue the application to 8/22/17.

Motion to continue applications 2017-061, 2017-062, 2017-063 made by Ms. Bourdeau, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – absent

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

The meeting adjourned at 7:45pm

Respectfully submitted, Katie Mahan - Note Taker