

**City of Newburyport
Zoning Board of Appeals
July 26, 2016
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)
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 07/12/16 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

3. Public Hearings

Public Hearing #1:

<p>2016 041 Address: 51 Ashland Street Special Permit for Non-conformities <i>Convert pre-existing non-conforming building to a two-family</i></p>
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Continued from the 5/24/16 meeting. The applicants requested to turn the structure into two-family. They presented drawings from their architect on dormer and extension of a porch/deck.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Stephanie Niketic, 93 High Street

Newburyport Preservation Trust is not opposed to the change in use. The two shed dormers proposed are not desirable. Ms. Niketic presented alternatives to dormers.

The applicants commented that the shed dormer is less expensive and less complicated to build.

Questions from the Board:

Mr. Pennington asked the dimensions of the dormer. The applicants did not have measurements.

Mr. Ramsdell asked if the rationale for shed dormer was due to cost. The applicants responded that it was.

Deliberations:

The dormers did not trouble Mr. Pennington, as they are on the side of the house. The rear extension is reasonable and he appreciated the applicants sticking to the footprint.

Mr. Goulet appreciated the input from the Preservation Trust. He did agree with Mr. Pennington the dormer on the side was not troubling.

Mr. LaBay agreed. He appreciated the Nantucket dormer style in principal, but was not sure sticking to a historically pure dormer makes sense with other additions.

Ms. Bourdeau agreed.

Mr. Ramsdell was not fond shed dormers, though agreed with colleagues on this instance. In regards to the sidewalk and tree ordinance, DPS Deputy Director Wayne Amaral submitted comments stating sidewalks need to be replaced and there was no need for further trees.

Condition;

-In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found that requiring construction of a sidewalk under these provisions was appropriate. The planting of additional trees is not necessary.

Motion to approve application 2016-041 made by Mr. Pennington, 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 #2:

2016 055
Address: 24 Spring Street
Special Permit for Non-conformities
Remove existing rear mudroom and rebuild with a second story, increasing width by 1'

Continued from the Xxx meeting. Would like to demo existing poorly built addition. Excavate and add bulkhead, add bath and laundry addition. Provided plans to the Board that were lacking last meeting.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

None

Deliberations:

LaBay – appreciate the applicants coming back with materials. Answered any questions on project.

The rest of the Board agreed.

Motion to approve application 2016-055 made by Mr. Goulet, seconded by Mr. Pennington.

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 #3:

2016 060
Address: 13 Neptune Street
Special Permit for Non-conformities

Modify a pre-existing non-conforming structure by constructing a one-story addition

Lisa Mead. R3. Currently single family in tough shape. Local developer purchased a year or so ago and did nothing. Owner lives on Arlington Street. Addition for elderly mother on new structure. Nothing aside from windows changing on rear side. 1850, contributory to Historic District. Does not qualify for DCOD. Nonconforming for lot area, front setback, rear setback. Not exacerbating any pre-existing non-conformities. Not substantially more detrimental to the neighborhood. Elevations and renderings presented. Would like to add 2 dormers to south elevation. Rear elevation window changes. Intention to landscape the lot. Removed some overgrown and diseased hemlocks in preparation. David Keery Design, 437 Merrimac Street. Intention was to add one story addition. Family room connected small breezeway, bed, bath, stair to 3rd floor is reason for dormer because of head height. Light. Sidewalks – applicant will replace with brick. Trees – no place to put trees with ordinance requirements. Window measurements to be submitted to the Board.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Tom Kolterjahn, 64 Federal Street and Newburyport Preservation Trust

Good – no lot split, single story addition. Addition changes shape of building. Footprint will nearly double – too large. Hope consider conditions. Shed dormer should be gable or other. Original chimney stack should remain. Clapboards should be retained and matched. Windows should be 6 over 6.

Dianna Utley, will Utley, 18 madison street

Most negatively impacted with addition. Drastically changed landscape and loss of buffer zone. Trees removed. 43' long built feet from property line. Hope they build off original structure to make more comfortable buffer.

Smith, 9 neptune street

Interest in conservation and preservation.

Stephanie Niketic, 93 High Street

Agree with others on out of proportion large addition. Dormers. Not in scale or Historic character with the neighborhood. Neptune is small scale small street. Sweet Greek revival being blow up.

Mead – 6 letters of support from abutters submitted. chimney and clapboards staying/matched, 6 over 6 windows. Trees – applicant not seek variance, it's a SPNC. No intention to make two family.

Questions from the Board:

LaBay – hemlocks diseased. Arborist determined they were.

Scope of addition – elderly mother coming to live on property. walk through use of single story rooms.

Pennington – stockade fence – how tall? Neighbor's 6 ft fence.

Goulet – skylights. To add light to room.

Bourdeau – total sq footage. Was 3rd floor considered living space prior? No. atic 682 sf. 1574 current, additional 750 on 1st and 500 on 3rd fl.

Ramsdell – really need shed dormer? Hybrid or two small? Not to code stair now exists. Needed for stair headroom. Could possibly trim a bit. Client willing to review other options for dormer. Tom Kolterjahn – hybrid better? Doghouse would be preferred over this.

Deliberations:

Pennington – easy approval. Need to for 1st floor bedrooms. This does a good job accomplishing that. Not huge; reasonable. Buffer – empathetic to change but shared responsibility. Rationally eclectic. Shed dormer not an issue on this. Sidewalk replacement is good. In support.

Goulet – agree. Nice design. Prefer something different than shed dormer, maybe hybrid.

Bourdeau – removing windows on historic structure. Side and not front. Living space added not huge.

LaBay – attractive antique house in need of love. Adding long massive structure onto it. Loss of trees. Living space added. Torn.

Ramsdell – agree with LaBay. Addition is as good as it gets. Shed dormer would prefer hybrid.

Mead – is it more substantially more detrimental. That's the standard. Meet historical requirements. Getting too into design. FAR requirement doesn't exist in Newburyport. Access to the third floor.

Ramsdell – trying to dial back on the massing. Dormer. "Not more detrimental"

Mead – Keery could cut back dormer and not be symmetrical. Or hybrid design.

Bourdeau – 2 small dormers bother he more on front. Mead – those can go.

Mead – remove 2 front dormers, modify shed dormer to mirror hybrid presentation from Preservation Trust.

The Board agreed.

LaBay – agreed with Mead in legal point of view. SPNC not more detrimental.

Conditions;

Motion to approve application 2016-060 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

Public Hearing #4:

2016 061 Address: 100 Hale Street Sign Variance <i>Construct a free-standing sign within the required front yard setback</i>

Attorney Lisa Mead. Craig Pierce, Dan Keogh UFP Technologies. Site plan review and con com for 2 additions. Becoming company headquarters. Looking for slight sign variance. Allowed by right in industrial district. Not allowed to be closer than 25' to property line. Will be 12" closer than that. Current sign is currently in wetlands buffer zone. Hardship related to soil condition at property. gate sightlines. Wont be an excess of signs.

Chair Ramsdell opened the hearing to public comment.

In Favor:
None

In Opposition:
None

Questions from the Board:
Pennington – recycling Georgetown sign? No, almost identical but will be sitting on granite.

Deliberations:
LaBay – given location in industrial park, no issues. Wetlands buffer issue is sufficient hardship.

The rest of the Board agreed.

Motion to approve application 2016-061 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 #5:

2015 062 Address: 25 Highland Avenue Use Variance

Revive an expired variance to use a portion of the petitioner's property as a parking lot

Attorney Lisa Mead. Board approved 9/14. Hospital was not able to act on variance. Here to revive to do the construction. No changes. Part of long term plan when Avita was built, property exchange of lot where hospital would add parking. R2, use variance needed for parking. Shape and topography of lot are hardships. Drop towards Toppans. Site plan approval granted by planning Board.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

None

Deliberations:

Page 2 of finding from 9/14. No changes, sin support.

The rest of the Board agreed.

Goulet – sidewalk and tree ordinance not triggered. Mead – no units and not exceeding 50% value of hospital.

Motion to approve application 2016-062 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 #6:

2015 063

Address: 366 Merrimac Street

Dimensional Variance

Demolish existing building and reconstruct new boat repair shop/office/retail store within the required side yard setback

Tim DeCoteau representing Merri Mar yacht basin. In past replace store over property line. Looked at replacing building and moving so not over lot line. Yacht basin is family owned and operated – 3rd

generation. Board oreviously approved replacement of front structure. Existing is small metal building with flat roof, one story. Replace with three story, increase office space. Shaoe of addition due to boat lift. Two phase project. 1. Shop addition, tear down exising store, eplace front section. From stree, great improvement visually. Went over setbacks.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ramsdell – not 100% sure what looking at. No measurements. Although don't see problem with application.

LaBay – planning Board, site review, con com. Submitted to planning Board – looking for additional info. Con. Com. not yet. Variance criteria. Brought up lack of response. Does not believe this is a variance.

Ramsdell – should hold off on decision until Con. Com. finished. Speak with planning and building inspector.

Deliberations:

Bourdeau – Con. Com. needed first . flood zone.

Pennington – agreed.

LaBay – provide rationale for variance. Discussion of variance to SP and speaking with code enforcement officer.

Continue to 9/13/16.

Motion to continue application 2016-063 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 9:20pm

Respectfully submitted, Katie Mahan - Note Taker