

**City of Newburyport
Zoning Board of Appeals
August 11, 2015
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)
Jamie Pennington
Richard Goulet
Libby McGee (Associate Member)
Renee Bourdeau (Associate Member)

Absent:

Duncan LaBay (Secretary)
Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the July 14, 2015 Meeting

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

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings (5 on the agenda)

Public Hearing #1, 2:

2015 037 Address: 4 F Street Dimensional Variance

variance for height, side yard setback, and floor area ratio

2015 038

Address: 4 F Street

Special Permit for Non-conformities

rebuild a pre-existing non-conforming single-family with less non-conformities

Attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman, 30 Green Street presented on behalf of the applicant. This property is in the PIOD. The applicants wish to demolish the existing one story structure and replace with a two-story structure. The footprint would move to a more central location on the lot and be built above the flood plain on pilings. A variance is requested for height (going from 14' to 36'10" where 35' are allowed), side setback (going from >40' to 16.9' where 20' are required), and FAR (going from 10.6% to 28.08% where 25% is allowed). The new structure will be a 'net zero' home, which determined the optimal location and design of the home.

Historical Commission determined that the structure is not 75 years old and would not need demo delay. Conservation Commission approved the application; however the DEP intervened and required that anything below 16' be removed from the structure. The final plans will reflect this change.

As far as hardship for the variance, soil condition and topography are almost entirely in the flood plain. There is also a dip in the topography where the house will sit. The home is in harmony with the neighborhood and is quite modest. As far as the Special Permit for Non-conformities, the demolition and reconstruction of the structure is not substantially more detrimental to the neighborhood. There is no historical significance, the structure will be lifted out of the flood plain, and the home will be 'net zero' and an improvement aesthetically.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Jerry Mullins

Visited the property and believes the improvements will be safer and nicer. We are a green community and a zero energy home is very fitting.

In Opposition:

None

Questions from the Board regarding Public Hearing #1, 2:

Ms. Bourdeau and Mr. Pennington asked for clarification on the height. Ms. Mead went over height dimensions and explained the changes due to DEP intervening.

Ms. Bourdeau asked about parking spaces. Ms. Mead responded that there are two parking spaces inside and two outside of the pilings.

Mr. Goulet asked for more detail on the 'net zero' aspect of the home. Ms. Mead explained there would be solar panels, thicker walls, and a heat recovering ventilation system.

Mr. Pennington asked about siding siding. Ms. Mead responded they would be using hearty pine clapboards.

Deliberations:

Mr. Pennington commented that a good case for hardship was made with soil and topography. The 'net zero' aspect is also appealing.

Ms. McGee noted no opposition. She agreed with Mr. Pennington.

Mr. Goulet commented on a good presentation and argument. He was in favor of 'net zero' and noted support from neighbor.

Mr. Ramsdell concurred.

Motion to approve application 2015-037 made by Mr. Goulet, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

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

Motion to approve application 2015-038 made by Mr. Goulet, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #3:

2015 039 Address: 19 Beck Street
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Special Permit for Non-conformities

replace deck with three season porch, modifying a pre-existing non-conforming structure

Ms. McGee recused herself from this hearing.

Attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman, 30 Green Street, represented the applicants James Bourque Construction. Ms. Mead submitted letters of support from immediate abutters. The half house sits at the Beck Street and Smith Street. The applicants wished to demolish an existing deck in the rear of the home and construct a three-season porch with a slightly larger footprint than the existing deck. Lot area is not conforming at 6295 sq. ft. where 12000 sq. ft. are required. Lot coverage would increase to 40%, where it is currently 36% and 30% is required. Front and side yard setbacks would remain non-conforming; front yard at .2' where 20' are required and side yard at 0' where 10' are required. No additional non-conformities would be added. Elevations were presented and it was explained that the applicant may keep the 6" height drop from the roofline, or they may not include the drop; they asked for flexibility in the board's decision. The porch will not be substantially more detrimental to the neighborhood. There will continue to be more open space in the back than many neighboring properties.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #3:

Mr. Goulet questioned the roofline. He would like to see a condition that the addition is ok as long as it does not exceed the existing roofline. This seemed agreeable.

Deliberations:

Mr. Pennington commented this was a reasonable application.

Mr. Goulet commented that the porch is modest.

Ms. Bourdeau noted the support from neighbors.

Mr. Ramsdell concurred.

Motion to approve application 2015-039 made by Mr. Goulet with a condition that addition's roofline will be no greater than the existing, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #4:

2015 040

Address: 75, 79, 79R Storey Avenue

Sign Variance

Provide a free-standing sign for the new CVS Pharmacy and allow more than one building-mounted sign on the Storey Ave façade

Attorney Jeff Roelofs, represented Tropic Star Development LLC, applicant. Mr. Roelofs briefly went over the already approved Tropic Star project and two approved signs. One approved sign is at the Low Street entrance for CVS and Shell. The other approved sign is for Shell at the Storey Avenue entrance. Tonight a CVS only sign at the Storey Avenue entrance to inform drivers of the CVS before getting to the access drive. A rendering was presented along with a packet of photos of other area signage.

A representative of signage for the CVS Northeast market presented the building-mounted signage. An elevation of the Storey Avenue façade was presented as he explained they “tones down their usual package” to match the area. Both the CVS Pharmacy mounted sign and Minute Clinic mounted sign would be halo lit, not face lit. Planning board review led to this change from their usual face lit lettering. Minute Clinic is a separate business within CVS; this is the reason the signs are on opposite side of the building.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #4:

Ms. McGee questioned the materials used on freestanding sign. The sign and base material would be aluminum; a standard CVS monument. They did not foresee a stone base being problem if required by the board. Ms. McGee also noted that the cap on the top of the sign was thicker, and the sign in general was thicker than the other approved signs. Ms. McGee also asked about building and lettering color. The building would be gray with red lettering. Ms. McGee also questioned whether the window above the proposed CVS building mounted side was

functioning. Mr. Roelofs explained that it would be lit, but not functioning. The Planning Board worked on windows quite a bit and they would not want to remove or move windows.

Mr. Ramsdell agreed with a stone base. He did not understand the additional thickness of the sign. As far as the buildings mounted sign, he questioned why the Minute Clinic sign was not near the entrance. The applicants explained that moving Minute Clinic sign architecturally would not look right. Mr. Ramsdell was hung up on the Minute Clinic sign on the opposite end of the building.

Mr. Pennington noted that combining the CVS and Minute Clinic signs together makes more sense. The applicants explained that they are separate businesses. As far as lettering size, they typically have 48" letters and went down to 36". They would need to make even smaller to put both signs in the same area.

Ms. Bourdeau noted that on the stone freestanding sign that was already approve. They advertise both CVS and the Minute Clinic.

Mr. Goulet questioned whether they would consider vertical alignment of the two building mounted signs. This would not be an option.

Mr. Pennington asked why they would not consider the Minute Clinic sign on the Low Street side. The applicant explained the proposed location was the most aesthetically pleasing. The front of building is the long façade.

Mr. Roelofs asked for a two week continuance to explore other options on the Minute Clinic sign on the façade.

Motion to continue application 2015-040 to the 8/25/15 meeting made by Mr. Pennington, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #5:

2015 041 Address: 35 Carter Street Dimensional Variance

split lot into two lots requiring variances for lot area, frontage, and lot width

Nicholas Cracknell, Land Use Planner, presented the application on behalf of Al Clifford, applicant. A very local group with understanding of the community and concerns has come together on this project. The applicants are proposing to split a lot into two; renovating the existing home on one lot and constructing a new single family on the other. Three variances per lot are requested; lot area, frontage and width. Mr. Cracknell explained that the project is destined to succeed for four reasons. One; They have the right developer with sensitivity and a positive track record. Two; They have the right place, focusing on Smart Growth and not unduly impacting the neighborhood. Three; They have the right time, as this property has not been updated in a number of years. It will add value to the neighborhood as well as the community. Four; They have the right design. They have canvassed the neighborhood, its needs, and opportunity.

The Abel Keyes house is in a state of disrepair, sitting on a 6996 sq. ft. lot. The applicants are proposing to restore the structure and work with the abutter at 33 Carter Street for continuity. The house has a large side yard that is vacant. After collaborating with the neighborhood a Gambrel design was chosen. Brick sidewalks would be installed, and two driveways each able to hold two cars would be installed. High quality materials would be used. The majority of the neighborhood is supportive of the project. A few neighbors expressed concerns especially over construction, tree removal, noise, traffic, curb cuts, and parking. A list of stipulations provided to the board was also worked out with neighbors. An alternative plan allowed 'as of right' was shown for reference and was widely disliked by neighbors.

The hardship argued was lot size and shape.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Chris Currier, 18 Munroe Street

The home will fit in with the neighborhood. This is an odd lot. This is a great opportunity to clean up sidewalks.

Cameron Yates, 48 Warren Street

The home fits in with the neighborhood. Also, happy about fixing of sidewalks.

Tony Repucci, 20 Munroe Street

Moved to Newburyport for architecture and this fits in. An eyesore will be remedied.

Virginia Rizzo, 21 Munroe Street

In favor of project.

Lynne O'Toole

The existing home is an asset to the neighborhood. She knows the quality of work with Mr. Clifford will be good.

Craig Holt, 33 Carter Street

The former owner never improved the property. He owns the other side and will work with Mr. Clifford on restorations.

In Opposition:

Robert Levins, 84 Federal Street

He is a craftsman also. While he appreciates the work proposed, he has a problem subdividing a conforming lot into two non-conforming lots. While a large lot in the neighborhood, that open space has existed for 200 years.

Jason Rivera, 42 Carter Street

He passed out a packet of points to consider to the Board. His concerns included extreme population density, lack of parking, removal of historic trees, and possible decrease in home values. They have already started some demo and masonry although not approved.

Betsy Weir, 84 Federal Street

She once served on the Planning Board. She noted the Zoning Ordinance is not in great shape. Her concerns included density, traffic, parking, sidewalk and tree issues, further non-conforming lots, and hardship not being met.

Mr. Cracknell – responded to some of the concerns of neighbors.

Questions from the Board regarding Public Hearing #5:

Mr. Pennington asked for clarification on the restoration of the existing half house. Mr. Clifford responded that he would work closely with Historical Commission representatives and the owner of 33 Carter Street for continuity in the restorations. Mr. Pennington also asked about the VIC and why they did not go that route Mr. Roelofs explained that it is the same product on the ground in the end. It is preferable to not condo.

Ms. McGee felt comfortable with this project.

Ms. Bourdeau asked about the new structure and why a gambrel was chosen. Mr. Clifford selected this style because he did not want to mimic, but fit into the neighborhood.

Mr. Pennington asked if they would consider tandem parking. Mr. Clifford said they would consider, but did not see a benefit.

Deliberations:

Mr. Goulet was troubled with lot size going in, however reviewing an ‘as of right’ possibility was moved toward this project. The restoration of the Abel Keyes house, keeping in character with the neighborhood, saving a mature tree, and the public benefits stated, he was ok with the project. He was satisfied with the hardship case.

Ms. McGee was prepared to support.

Ms. Bourdeau commented the design and layout was appealing. There was a lot of support. The restoration of the Abel Keyes house was beneficial.

Mr. Pennington was conceptually on board. He struggled a bit, but not enough to not support.

Mr. Ramsdell had no problems with this application

Motion to approve application 2015-041 with list of stipulations as submitted to the Board made by Mr. Goulet, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. Goulet, seconded by Ms. McGee at 10:40 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker