

**City of Newburyport
Zoning Board of Appeals
August 27, 2013
Council Chambers**

The meeting was called to order at 7:09 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Jamie Pennington
Richard Goulet (Associate Member)
Jared Eigerman (Associate Member)

Absent:

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

2. Business Meeting

a) Approval of Minutes

Minutes of August 13, 2013 Meeting

Mr. Goulet made a motion to approve the minutes as submitted and Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Jamie Pennington – approve
Richard Goulet – approve
Jared Eigerman – approve
Robert Ciampitti – absent
Duncan LaBay – absent
Howard Snyder– absent

3. Public Hearings (2 on the agenda)

Public Hearing #1:

2013 042

Address: 245 Northern Boulevard

Special Permit for Non-conformities

The petitioner seeks to demolish and reconstruct a pre-existing non-conforming residence.

Kevin Raftery appeared on behalf of he and his wife Debra Raftery, owners of 245 Northern Boulevard, also known as The Oliver House. Mr. Raftery presented their application for a special permit for non-conformities. The owners intend to fully demolish and reconstruct the primary residence. The owners hold a special permit from 2008 from the ZBA for partial demolition and rebuild of the property. The current application is seeking a special permit for full demolition, as opposed to the partial demolish previously permitted. The rationale behind the amendment is that in the time since the initial permit from 2008, the economy and housing market have been in decline and due to their own financial situation decided to test the waters and put the property on the market. They had many inquiries, including some from developers, but after looking at the property and the work required, they opted out of purchasing. One of the prospective buyers were the owners of an inn in Cambridge possibly looking to convert The Oliver House into an inn itself, but after seeing the scope of work, opted out as well. Over the past five years the property has continued to decrease in condition, and work as originally proposed is not cost effective anymore. The owners are seeking permission for full a demolition to “get back on track,” and rebuild completely. The rebuild is exactly as plans stand from 2008, but the entire build will be new instead of salvaging any of the old structure. Initial plans included removing 3rd floor and roof, rebuilding the structure, and re-joining the 3rd floor and roof to the new structure. The owners also noted that people often trespass on the property. There have been break-ins and even theft of copper piping. This has forced the owners to board up windows. The owners live in a small cottage behind The Oliver House and have seen firsthand people trespassing, and even helping themselves to using their hammocks in the yard.

Chair Ramsdell opened the hearing to public comment.

In favor:

Robert Moore of 16 Basin Street, Newburyport

A former neighbor appeared in favor of the special permit and commented that the owners have done a wonderful job on past projects and he foresees the same with this one.

Paul Morin of 19-21 Harbor Street, Newburyport

Paul lives across the street from the 245 Northern Boulevard, and his property has been in his family for over 100 years – it is the 1st house built on Plum Island. He has seen the owner’s renovations on the back cottage and believes that the proposed plans for The Oliver House will really capture the essence of the island. The house is currently in major distress and is beyond payoff with existing approved special permits. The owners are much better served to build from scratch, while capturing original features in the process. The essence of the existing structure is still in place with new plans.

Carla Moore of 16 Basin Street, Newburyport

A former neighbor of the Raftery’s. Her family has lived on the island since the 1970s. Carla is in full support of the new plans to demolish and rebuild.

Peggy Brown of 5 78th Street, Newburyport

The Oliver House is in Ms. Brown’s backyard. She is in favor of the refurbishing and has watched the home fall into distress over the years. She believes it is advantageous to demolish and rebuild totally. She has also seen people trespassing and having no respect for the land and structure.

In Opposition:

None

Questions from the Board regarding Public Hearing #1:

Mr. Pennington had no questions due to a thorough presentation.

Mr. Goulet agreed with Mr. Pennington's comment.

Mr. Eigerman wanted to ensure he understood correctly that instead of salvaging some of the structure, they will build a completely new structure using the same, exact footprint. The previous approval was only for a partial demolition. Mr. Raftery verified this. Mr. Eigerman questioned whether they need another permit from the Conservation Commission. Mr. Raftery responded that they have a new letter from the Conservation Commission stating that because the footprint, configuration, or elevations were not changing, no amended permit is needed.

Deliberations:

Mr. Pennington supports the application.

Mr. Goulet also supports the application.

Mr. Eigerman commented that with the recession and weather/erosion, "let's get it built."

Motion to approve the application for a Special Permit made by Mr. Goulet, seconded by Mr. Eigerman.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Jamie Pennington – approve
 Richard Goulet – approve
 Jared Eigerman – approve
 Robert Ciampitti – absent
 Duncan LaBay – absent
 Howard Snyder– absent

Public Hearing #2:

2013 043

Address: 28 Chestnut Street

Special Permit for Non-conformities

The petitioner seeks to construct a shed dormer that will be cantilevered 2' into the required rear yard setback.

Albert 'Terry' Trudel of SEC & Associates, Inc., 138 Newton Rd, Plaistow, NH represented Robert Ellis, owner of 28 Chestnut Street. Terry presented contractor Joe Ouellette's plans for renovation. The main structure on the property is an existing single-family cape style house. The home is a small cape on a small property, located at the corner of Chestnut Street and Barton Street. There is an existing driveway and an attached garage. The owners are seeking a special permit to add a shed dormer on the rear 2nd story on the main structure. Presently only the 1st floor is usable, livable space, with pull down access to a 2nd floor that is not usable due to steep ceiling slopes. The required rear setback is 20 ft., it is currently 14 ft., and with the added shed dormer, would be 12 ft. Adding the dormer, extending 2ft further into the rear setback was denied by the building inspector because of the extension into the non-conforming set-back and the addition of over 500 sq. ft. of inhabitable

area. They discussed this with the inspector, explaining that they are really only adding 270 sq. ft. of inhabitable space and not 500, because 7 ft. from the floor is considered inhabitable space. Existing properties abutting and adjacent to 28 Chestnut Street have 2nd story living spaces also not meeting setback requirements. Multiple properties in the neighborhood are very close or right on the property line. The property at 28 Chestnut is the only house without usable space on 2nd floor with additions and dormers. Further reasoning for justifying the special permit is that the owner seeks continued single-family residential use, and is both improving and modernizing the existing home. The reason for the extended 2 ft. cantilever into the rear setback is because there are building requirements for ceiling height with the new stairwell in current plans, which forces the extension. Mr. Trudel wrapped up by saying that the home would be staying in character with the present neighborhood.

Chair Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #2:

Mr. Pennington asked if they would be reconstructing the stairs to the 2nd floor. Mr. Oullette answered yes, they would be and that is the reason for adding the extended 2 ft. cantilever. The cantilever is extended across the back of the home for usable space. In the front of the home, it was also noted that there would be two window dormers added for usable space.

Mr. Goulet and Mr. Eigerman's questions were answered through Mr. Pennington's question.

Deliberations:

Mr. Eigerman commented that the plans seem perfectly appropriate for adapting the space for continued use.

Mr. Ramsdell commented that while out looking at the neighborhood and the property at 28 Chestnut Street, it is one of the only single story homes in the area and he is in support.

Mr. Goulet feels that the plans are not intrusive and is in support.

Mr. Pennington is in support.

Motion to approve the application for a Special Permit made by Mr. Eigerman, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Jamie Pennington – approve

Richard Goulet – approve

Jared Eigerman – approve

Robert Ciampitti – absent

Duncan LaBay – absent

Howard Snyder– absent

Adjournment

Motion to adjourn made by Mr. Goulet, seconded by Mr. Pennington at 7:40 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Jamie Pennington – approve

Richard Goulet – approve

Jared Eigerman – approve

Robert Ciampitti – absent

Duncan LaBay – absent

Howard Snyder– absent

Respectfully submitted, Katie Mahan - Note Taker