

**City of Newburyport
Zoning Board of Appeals
September 08, 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)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet

Absent:

Robert Ciampitti (Vice-Chair)
Libby McGee (Associate Member)
Renee Bourdeau (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the August 25, 2015 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
Libby McGee – absent
Renee Bourdeau – absent

a) 75, 79, 79R Storey Avenue (2014-055) – Request for six month extension of Dimensional Variance

Tropic Star Development, represented by attorney Jeff Roelofs have requested a six month extension of a Dimensional Variance.

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
Richard Goulet – approve
Libby McGee – absent
Renee Bourdeau – absent

3. Public Hearings (4 on the agenda)

Public Hearing #1:

2015 048
Address: 8 Willow Avenue
Special Permit for Non-Conformities
Construct a 2-story addition to a pre-existing non-conforming single family home

Eileen Graf of Graf Architects presented on behalf of the applicant. The applicants are looking to add a two-story addition on the rear of the existing structure, adding space to the second and third floors. All existing non-conformities would remain the same. They request relief for an addition exceeding 500sf.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #1:

Mr. Goulet asked if neighbors are in support.

Mr. Ramsdell noted an email and handwritten letter in support. He also confirmed with the applicant that they would not be extending any non-conformity.

Deliberations:

Mr. Pennington commented that the request is modest and not substantially more detrimental to the neighborhood.

Mr. LaBay - Squaring off corner and maintaining same setbacks.

Mr. Goulet and Mr. Ramsdell agreed.

Motion to approve application 2015-048 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
Libby McGee – absent
Renee Bourdeau – absent

Public Hearing #2:

2015 049
Address: 65 Middle Street
Special Permit for Non-conformities
Construct a second story addition to a pre-existing non-conforming single family home

Olivia Boger, owner and applicant presented the application. They would like to extend the master bedroom and closet with an addition to the second story. A porch was damaged over the winter and this would be an ideal time to extend upward. She presented an email from a neighbor and mentioned that other neighbors are also in favor.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #2:

None

Deliberations:

Mr. LaBay commented this was a minimal change within existing non-conforming setbacks.

Mr. Goulet commented on a reasonable request.

Mr. Ramsdell and Mr. Pennington agreed.

Motion to approve application 2015-049 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
Libby McGee – absent
Renee Bourdeau – absent

Public Hearing #3, 4:

2015 050

Address: 13 Purchase Street

Dimensional Variance

Construct a 1 ½ story garage with living space above, exceeding allowable rear yard setback and lot coverage; and construct an accessory structure within the required setback

2015 051

Address: 13 Purchase Street

Special Permit for Non-conformities

Addition of garage with room above to a pre-existing non-conforming structure

Attorney Lisa Mead, owner and applicant presented on behalf of herself and Christine Doherty. The home is a pre-existing non-conforming structure that sits on a corner lot in the R3 district. They are looking to add a 1.5 story garage with a room above. The structure is non-conforming with respect to lot area, front and rear yard setbacks and lot coverage. Rear yard setback and lot coverage would be further non-conforming. The existing accessory structure/shed would be removed and a new one will be constructed. The hardship argument used was that of corner lots and neighboring non-conforming properties. The applicants presented letters of support from immediately adjacent and neighboring properties. The garage would be set back and would not be visible until nearly right in front of it. There is an added connection to separate the house from the garage as to not interfere with the original structure. The design of the garage doors is not completely decided and they ask the board to consider changes to that aspect only.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Margaret Bernier, 18 Salem Street

Ms. Bernier was concerned with the new structure making the property further non-conforming. The size and positioning of the structure is of concern as far as airflow and fire risk. She was also concerned with precedence and enforceability of the added living space with future owners.

Ms. Mead responded that there is a large area in back for airflow and fire protection. She also stated that each application and decision before the board stands on its own and does not set precedent.

Questions from the Board regarding Public Hearing #3, 4:

Hardship – lot shape and building configuration could have been argued also.

Deliberations:

Mr. LaBay noted a large number of letters in support of the application. This was a complete presentation and the request is sensitive to the lot and neighborhood. It will add proper parking to the lot. As far as enforceability of future owners, they need to request appropriate permitting. Mr. LaBay had no problems with this reasonable request.

Mr. Goulet agreed. The Board must work within the guidelines they are given. The hardship was clearly argued. This is a minor project and not substantially more detrimental to the neighborhood.

Mr. Pennington respected the neighbor's opinions and concerns. He commented that the Board is not precedent setting and the legal arguments were clearly made. This is an attractive design and executed nicely. He was ok with specifications on the door being open to applicants' decision.

Mr. Ramsdell appreciated the concerns of the neighbor in attendance. This is a relatively simple application. He commented that enforcement of future owner use of living space rests with the neighborhood and City.

Motion to approve application 2015-050 with notation that final garage door design is not set in stone 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
Libby McGee – absent
Renee Bourdeau – absent

Motion to approve application 2015-051 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
Libby McGee – absent
Renee Bourdeau – absent

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Goulet at 7:54 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker