

**City of Newburyport
Zoning Board of Appeals
October 14, 2014
Auditorium**

The meeting was called to order at 7:14 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair) - arrived after approval of minutes
Duncan LaBay (Secretary)
Jamie Pennington
Howard Snyder
Richard Goulet (Associate Member)

Absent:

Libby McGee (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of September 23, 2014 Meeting

Mr. LaBay made a motion to approve the minutes and Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

<p>2014 063 Address: 2 Orange Street Special Permit Demolish and rebuild a portion of the original structure</p>
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2014 064**Address: 2 Orange Street****Special Permit for Non-conformities (Changed to Variance)**

Convert a five-unit structure into a three-unit structure and will construct additional living space above the front and rear non-conforming setbacks

Chair Ramsdell opened the hearing by asking the opinion of the board on whether the Special Permit for Non-conformities recommended by the Building Commissioner and submitted by the applicant should actually be considered a variance. After discussion amongst the board and Attorney Griffin, it was decided that the application should be presented as a variance due to intensifications.

Attorney Mark Griffin represented Redco Construction, Inc. and Paul and Gale Riley, owners. The existing structure is a five unit residential building in the R-3 zoning district. It is located within the Demolition Control Overlay District in the South End of town and is a contributing structure to the Newburyport Historic District. The original home has undergone several additions over time associated with three different architectural styles (Federalist, Greek Revival, and Late Victorian).

The plan is to convert the building from its current five-unit use to a three-unit building. The current footprint is maintained, but they propose to build above the lower rooflines and attempt to make the building more uniform. The applicants also propose to demolish a portion of the westerly corner. This section is in disrepair and needs replacement. The area would be replaced and extended upward.

Plans for the original proposed renovations in the Federalist style were submitted to the Newburyport Historic Commission, a hearing was held, and an advisory report was submitted. The advisory report contained such suggestions as incorporating the character, rooflines, and chimneys of the original structure, changing the double entry on Orange Street, and scaling the building down. Applicants worked with the NHC and incorporated rooflines, chimneys, and a single door. The 2nd advisory report from the NHC accepted the revised plans.

The originally submitted SPNC, now a variance because the upward extension is considered an intensification. Mr. Griffin argued the corner lot hardship, and the surrounding lots in the area being non-conforming as well. The Sullivan building in particular exceeds height and number of units in one building in this district.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Michael Cronin, 4 Orange Street

Mr. Cronin is the closest abutter. He was in favor of the renovations. Increasing a portion of the height will not impair views of neighbors. The project will improve the neighborhood.

Carol Kilty, 1 Orange Street

She believed the project would be a wonderful thing. She asked whether the units would be rentals like the existing building. Mr. Griffin answered that the applicants have not yet decided.

In Opposition:

Linda Miller, 20 Ship Street (representing the Newburyport Preservation Trust)

Her main objection is that the revised plans with from NHC suggestion are not enough. The entrances are wrong and too plain. The massing of the building is a big problem in that it is too big for the site and the street. The NPT would suggest two regular dormers. NPT have contacted the developer and got no response. They want to help.

Gail Gentile, 41 Fair Street

Ms. Gentile has lived on the street for 16 years. Her driveway abuts 2 Orange Street. On many occasions doors from parked cars of the neighbors hit her house as well as snowplows. Suggested the driveway be considered carefully.

Leslie Kulig, 29 Temple Street

Ms. Kulig thinks the back of the structure will over power and shadow her house and neighbors. It does not need to be bigger. The neighborhood will lose character

Diana Kerry, 33 Temple Street

Ms. Kerry does not like the back of the proposed structure and believes it is entirely out of proportion. She would welcome some kind of compromised design.

Linda Smiley, Chair, Newburyport Historic Commission

The applicant made many changes and they thank him. It was the NHC's understanding that the applicants would work with the Preservation Trust on detail.

Questions from the Board:

Mr. Ciampitti asked for clarification on the original submission and whether the changes made were approved by the NHC. Ms. Smiley answered that the changes were in general approved, but the project still lacked detail.

Mr. LaBay asked about the parking situation. Mr. Griffin showed on the plans the (4) parking spaces – two tandem rows off Fair Street, and (2) spaces on Orange Street. The spaces are 18 x 9 standard spaces. A fence being added was discussed, but would be very tight to fit in between properties and allow access to the neighboring structure.

Mr. Snyder asked about the statements regarding slight modification on detail and massing from NHC and NPT. Mr. Griffin was surprised to hear the comments when the advisory report said they were in support.

Deliberations:

Mr. Pennington believed the DCOD functioned here. The applicants compromised to a large extent with the NHC. He thought the changes were less architecturally pure in a good way. He noted that the opposition did not bring up the significance of the demolished sections. In regards to the Special Permit the project is not substantially detrimental to the neighborhood. It is only

31% larger than the existing structure. In regards to the variance, the applicants has a compelling corner lot argument.

Mr. LaBay agreed. Adding a fence would be for the applicant to sort through.

Mr. Ramsdell concurred. He thanked the NHC for the initial and additional review.

Motion to approve application 2014-063 for a Special Permit made by Mr. Pennington, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – non-voting
Libby McGee – non-voting

Motion to approve application 2014-064 for a Variance (originally submitted as SPNC) made by Mr. Pennington, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – non-voting
Libby McGee – non-voting

2014 065 Address: 39 Green Street Dimensional Variance Replace existing free-standing sign

Dr. Kevin Gasiorowski presented the application. He is an optometrist and owner at Appleton Eye Associates. A sign has been located out front for 40 years, and the existing sign has been there for 15+ years. They are revamping offices and outside and have decided in regards to signage, going with something less maintenance. It would sit in the same footprint. They did get approval on a Harris Street sign of similar design and had great reviews from customers.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Snyder asked about illumination. There are existing ground mounted lights.

There was confusion on the size of the current sign and the size of the new sign. The board also would like to see color renditions of the sign.

Mr. Ciampitti commented that the sign is typical of what the board likes to see. They would just like to see color renditions and know dimensions.

Pennington agreed.

Deliberations:

None

Motion to continue application 2014-065 for a Sign Variance to the October 21, 2014 meeting made by Mr. LaBay, seconded by Mr. Snyder.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– approve

Richard Goulet – non-voting

Libby McGee – non-voting

2014 066

Address: 16A Perry Way

Dimensional Variance

Construct a new DPS administration building within the front and side yard required setbacks

Patricia Cantor of Kopelman and Paige, City Solicitor represented City of Newburyport Department of Public Services. The applicants are seeking relief for front and side yard required setbacks. The front setback is proposed at 25' where 60' is required. The side setback is proposed at 27' where 50' is required. The project will be a vast improvement to administrative offices, offering handicapped accessibility, energy efficient building, and a consolidated DPS staff building.

Anthony Furnari, DPS Director briefly spoke of the Department coming together in 2006 as an umbrella to water, sewer and highway. All the staff will be together finally. The building will be open and inviting to the public.

John Savasta of CSS Architects, Wakefield, MA spoke about the design. He explained the Conservation Commission's decision on the location showing other proposed locations on plans. An in depth study was done on the location and it was decided that the location of the existing trailers was the best fit. The building is proposed as a single story administrative office building.

Ms. Cantor submitted letters in support of the project from Rochester Electronics and Lombardi oil.

Mayor Holaday briefly spoke of the need for this project. City Hall has a need for more office space and it only makes sense that the business office be under the same roof as other DPS administration. The project has been budgeted for over past five years. The existing trailers in which some of the administration works in are deplorable and have been known to have pest issues. We cannot ask professionals or the public to walk into conditions like that. She noted that the Conservation Commission have offered support.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #4:

Mr. Pennington asked where the project stands with the Conservation Commission. Ms. Cantor answered that they have approved the projects and have issued an order of conditions.

Deliberations:

Mr. Labay commented that there is ample reason to support.

Mr. Ciampitti commented that Ms. Cantor took a discretionary lead with findings. The soil conditions and topography hardships are evident. This building is desperately needed.

Mr. Ramsdell agreed.

Motion to approve application 2014-066 for a Dimensional Variance made by Mr. Pennington, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – non-voting
Libby McGee – non-voting

2014 067

Address: 2 Maple Street

Special Permit for Non-conformities

Construct a one-story (15' x 18') addition extending a pre-existing non-conforming rear setback.

Bernard Christopher of Great Woods Post and Beam, 253 Low Street, represented Margaret and Gerard DeLisle, owners. This is a single-family residence on a corner lot proposing to add a small addition. Because it is on a corner lot, the frontage reverts to the longest sideline and creates side and rear limitations. All other zoning requirements conform except the rear setback. The addition does not add or extend non-conformities. The proposed use and form of the addition would not be detrimental.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

None

Deliberations:

Mr. Ciampitti noted that the addition is not out of context with the neighborhood. It is a modest request. There was no opposition present, which is always considered.

Motion to approve Appeal application 2014-067 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – non-voting
Libby McGee – non-voting

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Ciampitti at 8:57 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– approve

Richard Goulet – approve

Libby McGee – absent

Respectfully submitted, Katie Mahan - Note Taker