

**City of Newburyport
Zoning Board of Appeals
October 21, 2014
Council Chambers**

The meeting was called to order at 7:13 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet (Associate Member)
Libby McGee (Associate Member)

Absent:

Howard Snyder

2. Business Meeting

a) Approval of Minutes

Minutes of October 14, 2014 Meeting

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

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings (9 on the agenda)

<p>2014 042 Address: 114-118 Merrimac Street Dimensional Variance Variances for height, side yard setback and rear setback</p>
--

2014 043

Address: 114-118 Merrimac Street

Special Permit for Non-conformities

Alter pre-existing non-conforming structure to construct a new two-family home on the lot

2014 044

Address: 114-118 Merrimac Street

Special Permit

Demolish existing structure

2014 045

Address: 114-118 Merrimac Street

Special Permit

Allow a two-family (Use #102)

This hearing is continued from the September 16th meeting. The planning office has been diligently seeking proposals from an appraiser and structural engineer to review the property. The applicants requested a continuance to the December 2nd meeting to allow time to finish the peer review process. They also requested that the board ask the consultants to have work done by November 19th to allow adequate time for the applicants to review.

Motion to continue applications 2014-042, 2014-043, 2014-044, and 2014-045 to the December 2, 2014 meeting and reports submitted to the applicants by November 19, 2014 made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– absent

Richard Goulet – approve

Libby McGee – non-voting

2014 065

Address: 39 Green Street

Dimensional Variance

Replace existing free-standing sign

This hearing was continued from the 10/14 meeting. The applicants were asked to provide color renderings as well as clear sizing of the new sign. Kevin Gasiorowski, owner of 39 Green Street appeared. He provided color copies with clear measurements depicted to the board.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

None

Deliberations:

Mr. LaBay commented that the color renditions clearly explain new dimensions.
The rest of the board agreed.

Motion to approve application 2014-065 for a Sign Variance made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 069

Address: 5A Christie Drive

Dimensional Variance

Construct a 16' x 22.6' addition resulting in a 14' side setback where 20' is required

Joseph and Jennifer Moakley, owners, appeared. This is a two-family home where the applicants own and live in unit A. They have three kids are in need of space and wanting to add a master bed/bath. The neighbor in unit B had a similar addition. Where it is placed is more in line with where unit B's addition is and makes it look aesthetically pleasing.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked for clarification on whether the lot is similar to others. Mr. Moakley answered that it is an unusual shape in that it is on the curve of Christie Drive.

Deliberations:

Mr. LaBay commented that with clarification of the lot shape and topography being a hardship, he would approve. The addition is modest.
The rest of the board agreed.

Motion to approve application 2014-069 for a Dimensional Variance made by Mr. LaBay, seconded by Mr. Pennington.

The motion passed unanimously.

Votes Cast:

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

2014 070

Address: 13 Coffin Street

Dimensional Variance

Allow petitioner to construct a single-family home on a lot with 40' of paved frontage

Les Reardon, represented Kellop Development, LLC owner of property. The house is located on Coffin Street. The owner of 13 Coffin Street wishes to develop the parcel and construct a single-family home with an attached garage. In order to obtain a building permit for the home, the owner will need to show that there is actual, physical access to the lot and also that this access sufficiently allows emergency response vehicles entry to the parcel both during construction and once the home is built and occupied.

The parcel has the minimum 90' of frontage along the predominantly unpaved portion of Coffin Street. However, rather than construct the full 90' of frontage, as required by zoning, the applicant is seeking a dimensional variance from the Board to construct 40' of frontage, which will allow sufficient access to the lot for both the owners and for first responders. The applicants submitted both the 40' and 90' plans for the review of the board. By adding 90', there would be removal of trees and vegetation. The applicants have worked with neighbors for support.

Steve Sawyer of Design Consultants Inc. spoke about drainage issues as well as emergency access. The site slopes steeply down, so runoff is a concern. The additional paved road will be sloped for drainage gutters and drywell. Flow from the property would actually decrease with the

plans to add drainage solutions. They have met requirements for access with DPS. The driveway itself also has small turnaround.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Charles Tontar, 29 Jefferson Street

Mr. Tontar spoke about Coffin Street as a public way. He had a strong preference that the road not be extended 90 feet of pavement.

In Opposition:

Mary Sorbel, 8 Coffin Street

She was in favor of the 40' variance. She was concerned with the street being extended further and drainage.

James Meinhart, 27.5 Jefferson Street

He had concerns with extending the street further, parking and parking restrictions and snow removal.

Jane Snow, 9 Coffin Street

She commented that drainage would be an issue. She is in support of the 90' extension. She experiences many cars using her driveway as a turnaround, thinking its part of the street.

Questions from the Board:

Mr. Pennington asked about coordination with DPS. Mr. Reardon answered that both the 40' and 90' plans were submitted. DPS was in support of both, but raised concerns in each, most with the 90' version. DPS will make the applicants construct the roadway per their specs. They would maintain 20' width, which is sufficient for fire access.

Mr. Pennington also asked about emergency vehicle turnaround and a response to neighbors concerns. Whether extending 40' or 90' feet would not affect the way a vehicle turns around.

Mr. Pennington and Mr. Goulet asked for clarification on drainage. The drainage chambers would only capture runoff inside property boundaries. They will be capturing as much from property as possible, so that increased runoff into the street is compensated for.

Deliberations:

Mr. Goulet commented that the proposal/designs have addressed the drainage issue. Fire access was a concern addressed he had and was also addressed.

Mr. Ciampitti was not satisfied with drainage.

Mr. Pennington was conflicted on the application as proposed. He thought more DPS input would be helpful.

Mr. LaBay agreed with his colleagues and was also having a difficult time with the application as proposed.

The applicants requested to continue the hearing to get DPS further approval, 90' plan detail, and fire opinion.

Motion to continue application 2014-070 for a Dimensional Variance to the December 9, 2014 meeting made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 071 Address: 10 Center Street Sign Variance Permit a freestanding sign
--

General Manager J.W. Bean presented the sign application. The new would simply be on top of the existing sign with different wording. No lighting would be changed. The sign would be brushed steel. Posts are metal and pre-existing. There would be no changeable letters like old sign.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. McGee commented that there is a lot of information on the sign.

Mr. LaBay commented that the ZBA takes a tremendous interest in freestanding signs in the city. Metal posts may be a problem. He suggested talking to the planning office and taking a look at signs throughout the city, perhaps consulting a sign company familiar with area signs.

The applicant requested to continue the hearing to improve sign design.

Motion to continue application 2014-071 for a Sign Variance to the December 9, 2014 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 068

Address: 183 High Street

Special Permit for Non-conformities

Construct a one-story addition consisting of a breezeway and a three bay garage in an extension of a pre-existing non-conforming side setback

Attorney Mark Griffin, 11 Market Sq., Suite 8, appeared on behalf of Margaret Stewart, Trustee of Terriertory Trust. This is a single-family home in the R2 district located just a few houses down from the rail trail. They propose to build a single-story breezeway to connect to a three bay garage. The lot is long and narrow, posing a hardship. The non-conforming setback is actually the side of the house at 3.8", but the new addition would be at 6'. The mean height would only be 12.5' and it would only house cars. It will have little impact on neighbors.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked if this addition would be keeping with neighborhood adding garages? Mr. Griffin answered yes.

Mr. Goulet asked about materials to be used. Mr. Griffin answered they would try to match wood clapboards that exist.

Deliberations:

Mr. Ciampitti commented that this is clearly architecturally appropriate. There was no opposition. It is modest.

Mr. LaBay commented that this is keeping with the neighborhood.

Other members of the board agreed.

Motion to approve application 2014-068 for a Special Permit for Non-conformities 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– absent
Richard Goulet – approve
Libby McGee – non-voting

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Ciampitti at 9:19 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker