

**City of Newburyport
Zoning Board of Appeals
October 23, 2012
Minutes**

The meeting was called to order at 7:10 P.M.
A quorum was present.

1. Roll Call

In Attendance: Ed Ramsdell (Chair), Duncan LaBay (Secretary), Robert Ciampitti (Vice-Chair), Jamie Pennington, Howard Snyder, Jared Eigerman (Associate Member), Richard Goulet (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of October 9, 2012 Meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Duncan LaBay – abstain (not present at 10/9/2012 meeting)

Robert Ciampitti – abstain (not present at 10/9/2012 meeting)

Jamie Pennington – approve

Jared Eigerman – approve

Howard Snyder – approve

Richard Goulet – approve

2012 034

Address: 8 Martha Street

Special Permit for Non-Conformities

Demo existing home and construct new single family home

The owners of the property are Walter and Jane Green. Everett Chandler, Design Consultants, 68 Pleasant Street, Newburyport MA spoke on behalf of KeyStone Development. The existing structure was built in approximately 1952 and is a cottage/camp-style structure. The proposed structure adds more than the allowed 500 square feet per unit to the structure and therefore requires a special permit for non-conformities as the lot is deficient in area for the R-3 zone and Plum Island Overlay District for single family structure. The proposed structure has insufficient front yard setback and the lot does not meet lot area shape requirements of having 80% of the required frontage fitting entirely within the lot.

Mr. Chandler indicated that the current use of the land is use code 101, a single family non-conforming structure, and the proposed use will be use code 101, a single family structure on the locus property. The existing structure and lot are currently non-conforming with respect to front yard setback, lot area (minimum lot area) and lot area (shape – 80% Box does not fit). This project will create no intensification of the existing non-conformities nor will the construction of the proposed structure result in new ones. The proposed use is also a single family structure that will not violate any further requirements of the zoning code for the structure. The front yard setback will be made less non-conforming and the rear yard setback will be reduced to 15.1 feet. Mr. Chandler indicated that they worked to lessen impact on the surrounding neighbors.

The removal of the home and subsequent reconstruction of the same will remove a dilapidated small home and replace it with a new home that will be consistent with the nature of the homes recently constructed on the island. The unsightly garage structure will also be removed.

Some minor modifications were made to the application. Adjustments were made to the deck to move it from the rear lot line. On the side facing Martha Street, the entry changed slightly. New elevations were presented.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. Pennington asked where they were with the Conservation Commission. Mr. Chandler indicated that the Conservation Commission had issued approval. Scott Stevens, the Keystone Development has spoken with the neighbors and invited them to ask questions. The three neighbors, who he spoke with directly, said they were happy with the plan (2 Martha Street, 3 Louise Street, and 7 Louise Street). He also spoke with the tenant at 132 Old Point Road who indicated they had no problems with the project.

Mr. LaBay had questions about the present structure. He asked why they would put it up to zero lot line. Mr. Chandler said it was consistent with the other structures in the area. The proposed structure is oriented the way it is for view purposes. Mr. LaBay confirmed that the positioning of the home was consistent with the seascape not the streetscape.

Mr. Goulet had questions about the orientation. Mr. Chandler said the proposed structure was positioned in a way to maintain the view corridors of the abutters.

Mr. Eigerman asked about the surrounding area. Mr. Chandler provided a printout of the property and the surrounding area. Duncan LaBay will put this documentation in the record.

Mr. Snyder asked about the structure on the adjoining property and the fence - he asked if there was any effort to accommodate and clean-up (2 Martha Street). Mr. Chandler indicated that they realize it is non-conforming. They are making arrangements so the adjoining property can keep the fence there. Part of the deck of 2 Martha Street crosses the lot line.

Mr. Snyder and Chairman Ramsdell discussed the 80% lot shape requirement.

Deliberations:

Mr. Snyder indicated that he was struggling with the location being so close to the lot line though he understood that the orientation was to protect view corridors. He thought it would be better aesthetically if the structure could slip a little further away from the lot line. The applicant indicated that the part of Martha Street being discussed is not driven on – it is not used for public access.

Chairman Ramsdell said that he thought this was an improvement and at least the structure was no longer sitting on the street.

Mr. LaBay noted that there does not seem to be any opposition to the project and that the Conservation Commission has signed off. Given the peculiarities of the street, he thinks preserving the view corridors is useful. Chairman Ramsdell agreed and indicated that it is a good compromise that preserves view corridors and the alignment makes sense.

Motion to approve the Special Permit for Non-Conformities made by Mr. LaBay, seconded by Mr. Snyder.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Duncan LaBay – approve

Robert Ciampitti - approve

Jamie Pennington – approve

Howard Snyder – approve

2012 036

Address: 29-31 Fair Street

Special Permit for Non-Conformities

Increase pre-existing non-conforming lot coverage for the construction of an elevator shaft

The owners of the property are Vincent Gallucci and Chuck Smith. Juli MacDonald, Greenbridge Architects, 334 Main Street, Amesbury, MA is the architect. The owners spoke for themselves and indicated that they are seeking to build an elevator addition to their home. The addition will be 3 stories tall. The existing bulkhead is the exact size of the elevator shaft. The front of the house is on Fair Street. The third floor is the only place that can accommodate the owner's physical condition. It has bigger doorways and bathrooms. They also want to add a 3rd floor deck and change the existing roof from gable to shed. They are changing the roof to hide as much of the tower as possible. The existing home is non-conforming in all setbacks and in lot

coverage. They are seeking to add an elevator addition, a 3rd floor deck, and a dormer to an existing house. The existing house is non-conforming and the new work will increase non-conformities in lot coverage only. Mr. Smith indicated they have exhausted all possible ways to put the elevator inside the building. The design makes the house much more attractive than it is now. There will be a new dormer, windows, and deck off the bedroom suite. Chairman Ramsdell reminded the group that the only thing the Zoning Board is discussing is the elevator tower. They have no say over the dormer or roof. The Historical Commission has looked at this and apparently did not have a major problem with it. The Historical Commission has no control over elevator tower because it is new construction. The bulkhead is not counted as lot coverage.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. Eigerman appreciated the effort made to be sensitive to the building. He knows the building well. He asked about the people next door and whether they were okay with the proposed changes. The owners indicated that the neighbor was absolutely fine; she had seen the plans and did not think there would be a problem.

Mr. Snyder asked about the windows on the elevator structure. The owner indicated that they are not viewing windows; they are just there to conform to style. They are transparent 6 over 6.

Mr. LaBay asked about the dormers on the rear elevations.

Deliberations:

Mr. Snyder indicated that the resident's need for the structure is understandable. The proposed project is very well done; the visual impact is reduced. While not seen directly from the front of the structure it can be seen from other perspectives and was done well.

Mr. Pennington said this was a rather unique application in some ways. He first thought was that the addition was incongruous with the house. He said it interesting to put modern elements on an existing old home. There are different ways to do it; you have to look at these types of additions on a case by case basis. He felt the rationale for the existing application was compelling.

Mr. LaBay indicated that an elevator shaft is very foreign to a home of this period. The Zoning Board doesn't usually see applications that put modern and traditional together. He is prepared to support the application.

Mr. Ciampitti agrees with Mr. Pennington. The elevator shaft is a useful, relevant appendage. It doesn't seek to be anything more than it is. He is a fan and admirer of the approach.

Mr. LaBay agrees with his colleagues. He had expected a contentious hearing, but it seems like a reasonable plan.

Chairman Ramsdell agrees with his colleagues.

Motion to approve the Special Permit for Non-Conformities made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Votes Cast:

Ed Ramsdell – approve

Duncan LaBay – approve

Robert Ciampitti - approve

Jamie Pennington – approve

Howard Snyder – approve

2012 037

Address: 22 Merrimac Street

Use Variance

Install a free-standing sign

The owner of the property is the Newburyport Waterfront Trust. Douglas Locy and Joseph Brown spoke on behalf of the Waterfront Trust. The request is to install a free-standing sign on Waterfront Trust Property, at the entrance to Riverside Park, at the corner of Green Street and Merrimac Street. Visitors are currently confused about where the park is. The sign will identify one entrance to the Waterfront Park. The sign will be 4' x 6' in total size with granite posts. A sketch of the proposed sign was provided.

Jen Wright, Jen Wright Signs, 97 Water Street, Newburyport, MA, has been working with the Waterfront Trust on the sign and spoke about the sign. She indicated that the logo is bigger than the one on the picture of the sign provided in the Zoning Board packets. They met with Mayor Holaday a few times about the sign and she was supportive.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked if there was NO illumination for the sign. Mr. Locy confirmed that there would NOT be illumination. Mr. Snyder asked if the granite post were rough or smooth. The granite posts have 2 smooth sides and 2 rough sides. He asked about the back of the sign. Ms. Wright indicated that it would be painted blue.

Mr. Eigerman asked about application of the use variance. Chairman Ramsdell indicated that a free-standing sign always requires a variance. Mr. Eigerman asked if there were comparable signs for public access. Mr. Goulet indicated the NRA has a sign of similar size. Representatives from the Waterfront Trust indicated that the sign was designed thinking of visitors drawn to the waterfront. This will help to introduce visitors to the waterfront park.

Mr. Pennington asked if they were changing the entrance to the Parking Lot. The applicant said they would not be changing the entrance to the parking lot.

Mr. Ciampitti said that this is part of a bigger plan that fits in the Waterfront Trust property. There is the possibility of another restaurant and there is the possibility of another way to the water. The Waterfront Trust representatives indicated that their intent was to indicate that this is a park. They would like to make it more park-like.

Mr. Pennington asked about the Trust Property map. The shaded area is waterfront trust property.

Mr. Goulet asked if there was the possibility of doing a logo somewhere between the size of the smaller one provided in the packet and the larger one provided at the meeting. Ms. Wright said they have tried over and over again with different size logos. The one they have provided at the meeting is the best one. Mr. Locy said they do not want to block views and the sign is not massive.

Mr. Snyder asked about putting a design on back of the sign. Ms. Wright said she has never been a fan of putting anything on back of signs. Mr. Locy said they had given some thought to some sort of map or directory to buildings. There are limitations to what the Trust can and cannot do. Mr. Brown said they did not want a lighted sign; they wanted it to be simple.

Chairman Ramsdell indicated that the ZBA tends to favor free-standing signs that do commercial advertising versus provide directional guidance. Chairman Ramsdell indicated that free-standing signs providing advertising are not permitted outside the industrial park.

Mr. LaBay asked about the backside of the sign. He said the same text could be provided on both sides. He was concerned about leaving the backside blank as it was providing a blank canvas. Mr. Ciampitti said we really do not see a lot of graffiti in Newburyport. He referred to the mural under the bridge. Chairman Ramsdell said the Board should focus on the sign as proposed as opposed to making suggestions.

Mr. LaBay was supportive of having a duplicate message on back or planting shrubs at the back of the sign.

Mr. Ciampitti was comfortable with the materials. He liked the logo. He asked about the finish of the sign board and the logo. Ms. Wright said the logo would be glossy and the sign board will be satin.

Mr. Goulet asked if there were using a local source for granite. Ms. Wright said yes, it is coming from Salisbury.

Mr. Eigerman discussed the conditions associated with a use variance

Deliberations:

Mr. Pennington indicated that it is a reasonable application, meets the use variance tests, and will help to identify the waterfront park.

Motion to approve the Use Variance made by Mr. Ciampitti, seconded by Mr. Pennington.
The applicant will provide the Zoning Board of Appeals with information about the reverse side of the sign.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Duncan LaBay – approve
Robert Ciampitti - approve
Jamie Pennington – approve
Howard Snyder – approve

Adjournment

Motion to adjourn made by at Mr. LaBay at 8:27 p.m., seconded by Mr. Snyder

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Duncan LaBay – approve
Robert Ciampitti - approve
Jamie Pennington – approve
Howard Snyder – approve

Respectfully submitted, Jennifer Lamarre - Note Taker