

**City of Newburyport
Zoning Board of Appeals
October 23, 2018
Mayor's Conference Room**

The meeting was called to order at 7:11 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Maureen Pomeroy
Edward Cameron
Mark Moore

Absent:

Robert Ciampitti (Vice-Chair)
Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 10/9/18 meeting

Ms. Pomeroy made a motion to approve the minutes and Mr. Cameron seconded the motion.
The motion passed unanimously.

Votes Cast:

Ed Ramsdell– non-voting
Robert Ciampitti – absent
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

b) Request for Minor Modification – Hillside Center (2016-005, 2016-006 and 2016-040)

Did not have the membership present for this application; continued.

Ms. Pomeroy made a motion to continue the request for minor modification to 11/13/18 and Mr. Moore seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – recused
Mark Moore – approve

3. Public Hearings

2018 089
Address: 2 Storey Avenue
Sign Variance
Allow a free-standing sign

Did not have the membership present for this application; continued.

Motion to continue application 2018-089 to 11/27/18 made by Mr. Cameron, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

- Ed Ramsdell– approve
- Robert Ciampitti – absent
- Renee Bourdeau – absent
- Maureen Pomeroy – approve
- Edward Cameron – approve
- Mark Moore – approve

2018 028
Address: 1 Inn Street, Unit 7
Appeal
Appeal of the denial of a request for issuance of a cease and desist letter by the Zoning Enforcement Officer dated 4/6/18 for noise and vibration in excess of what is allowed under the Zoning Ordinance due to operations associated with the property located at 35 Market Square

This hearing is continued from 9/25/18. Adam Costa of Mead, Talerman and Costa, 30 Green Street asked the Board for a continuance. They have been in communications with the opposing private party on a settlement. They have a meeting scheduled for 11/9 or 11/16 for further testing.

Motion to continue application 2018-028 to 11/27/18 made by Mr. Cameron, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

- Ed Ramsdell– approve
- Robert Ciampitti – absent
- Renee Bourdeau – absent
- Maureen Pomeroy – approve
- Edward Cameron – approve
- Mark Moore – approve

2018 045
Address: 79 Parker Street
Variations

Construct light industrial building and include tap room with food service (Use #501) therein, include entertainment use (Use #407) and meeting space (Use #421) on the property, requires side setback relief for light industrial building, and relief for required parking spaces distance from use on site

2018 046
Address: 79 Parker Street
Special Permit
Allow accessory retail use (#604) in light industrial building/brewery

This hearing is continued from 10/9/18. Adam Costa of Mead, Talerman and Costa, 30 Green Street requested a continuance on behalf of the applicants, so they may present to a five-member Board.

Motion to continue applications 2018-045 and 2018-046 to 11/27/18 made by Ms. Pomeroy, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

- Ed Ramsdell– approve
- Robert Ciampitti – absent
- Renee Bourdeau – absent
- Maureen Pomeroy – approve
- Edward Cameron – approve
- Mark Moore – approve

2018 049
Address: 34-36 Hancock Street
Special Permit for Non-conformities
Modify pre-existing non-conforming structure by constructing a 8’x16’ three season porch

Did not have the membership present for this application; continued.

Motion to continue application 2018-049 to 11/27/18 made by Mr. Cameron, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

- Ed Ramsdell– approve
- Robert Ciampitti – absent
- Renee Bourdeau – absent
- Maureen Pomeroy – approve
- Edward Cameron – approve
- Mark Moore – non-voting

2018 056
Address: 34 Virginia Lane
Special Permit for Non-conformities
Construct an addition at rear of pre-existing non-conforming home and add front porch

Adam Costa of Mead, Talerman and Costa, 30 Green Street presented the application. George Haseltine, builder was also present. The applicants are requesting to construct a new covered front porch and garage with addition of living area over 500 s.f. above the garage. The existing front setback is 28' and with the porch would be 24'. The existing front set of stairs currently runs the depth of what the porch would be. The Garrison colonial home has an existing overhang. The garage addition would include a new driveway to provide access. There is no setback issue with the garage. A screened in porch would also be added on the rear of the structure where there is an existing deck. There are no additional non-conformities being added. The project will not be substantially more detrimental to the neighborhood. Additions are on the rear of the structure and are not especially visible from the street. The applicant also noted that the existing structure is higher than proposed additions.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Ann Myers, 22 Bayberry Road

Ms. Myers is a rear abutter and had concerns with decreasing property value, impacts on view from her property. She would not have bought her home if the addition had been there.

Questions from the Board:

Mr. Moore asked if there would be changes to existing front semi circle driveway. This would be removed and a walkway off the new driveway with plantings and consistent with the neighborhood would be added.

Ms. Pomeroy asked what material would be used on the new driveway. The existing driveway is asphalt and they intend to use asphalt for the new driveway. Ms. Pomeroy asked about drainage on the property. The roof is not infiltrated currently. They intend to add gutters and drywells as well as pitch the new driveway to the street per DPS regulations. Ms. Pomeroy asked about materials to be used on the exterior. All new solid hardy plank or cedar plank, aluminum clad, two over two windows will be used and be a vast improvement. Ms. Pomeroy asked what the additional living space above the garage would be used for. There would be a mudroom, entryway, laundry room, hallway and master suite with bathroom.

Chair Ramsdell commented on the robust addition, adding 1000 s.f. to a 2000 s.f. home and asked the attorney for comment. Attorney Costa appreciated comments and concerns from the Board and abutter. He noted that generally property values improve with a project such as this. There are certainly exceptions when lot is small, but in this case the lot is more than large enough to support the addition. The placement is also positive here. The addition complies with setbacks in the side and rear.

Mr. Haseltine commented that the owners purchased in an area of the City that allows expansion.

Mr. Cameron asked why the house is angled on the property. The builder was not entirely sure, but it could have to do with ledge on the property or surveying issues at the time of the build. Mr. Cameron asked how long the owner has lived at the property. They have lived there about five years. Mr. Cameron asked if there was other neighborhood input on the project. All other neighbors were in favor of the application, but they did not have letters of support. Mr. Cameron asked what the current

screening between back properties is. There are some pines. The applicants are proposing new plantings and also new 6' cedar fencing.

There was discussion between the Board, Ms. Myers and the applicant on positioning of the neighboring abutter's home, the new addition, and what might be done to screen, create privacy and make the project more palatable.

Deliberations:

Mr. Cameron commented that key comparison is existing conditions and proposed conditions. Yes, the proposal is large, but it does not seem egregious.

Mr. Moore appreciated the effort and working together on screening could solve the abutter opposition.

Chair Ramsdell commented that in comparison to the surrounding neighborhood, the existing structure is relatively small. Because of the juxtaposition of homes and distance apart, he did not find it large enough to oppose project.

Ms. Pomeroy would like to see conditions with a screening plan and good faith effort to work with the neighbor. Chair Ramsdell agreed that the Board could approve conditionally with planning office approval.

The board and applicants were all comfortable with this.

Conditions;

-Eight ft. plantings will be installed as a visual buffer from the rear property line along the northern property line as far as the rear point of the proposed new driveway.

-A 6 ft. stockade fence will be constructed from the intersection of the northerly side property line and the rear property line along a minimum of a third the length of the rear property line.

Motion to approve application 2018-056 with above conditions made by Ms. Pomeroy, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – absent

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

2018 057

Address: 3 Howard Street

Special Permit for Non-conformities

Extend pre-existing non-conforming lot coverage by constructing a mudroom addition and single car detached garage

David Keery, architect, presented on behalf of the applicant. The applicant would like to construct a detached garage with mudroom close by as they are getting on in years. The property is currently non-conforming with regard to lot area, lot coverage, frontage, front yard setback and side yard setback. The new garage would increase lot coverage from 25.3% to 33% where 25% maximum is allowed. The garage would have an 11'6" median height. And the single-story mudroom would have a 10' median height. Mr. Keery presented elevations. The project is not substantially more detrimental to the neighborhood. There is no house next door to where the garage is. It is a very modest size garage. The neighborhood is in support and they have eight abutters' signatures of support.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. Pomeroy asked what materials would be used on the garage. They would use clapboard to match the existing house. Ms. Pomeroy commented on the increase of impermeable surface and asked the applicants to consider gutters to be placed on the garage with rain barrels as a condition. They were amenable to that request.

Deliberations:

Mr. Cameron commented that the garage was very modest. He was appreciative of abutter support letters.

Ms. Pomeroy commented on the increase in lot coverage, but with willingness to add a condition with regard to drainage, she felt better.

The rest of the Board agreed.

Conditions;

- The applicant/owner shall install gutters on the roof of the new garage to catch rainwater.
- Said gutters shall be directed into rain barrels at grade so as to reduce the amount of storm water flow off of the garage.

Motion to approve application 2018-057 with above conditions made by Ms. Pomeroy, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

2018 058**Address: 18 Ashland Street****Dimensional Variance***Modify dimensional variance granted on 11/10/15 for changes related to landscaping*

Frank Tagliaferri, owner, presented the application. Modifications to plans were submitted to the Board. A variance was approved to split a non-conforming lot in 2015. He then purchased the property at 18 Ashland Street and inherited the variance. Landscape stipulations to that application are yet to be completed. Trees were discussed and collaborated with the Zoning Administrator and Deputy DPS Director. He also met with neighbors on concerns. Brooks Patterson, a neighbor, came over to collaborate. Original plans versus proposed were presented. There would be a slight change to street and property tree locations and types, though the same number of trees would be planted. Now that the house is built, utility lines run close to where they were originally proposed. Neighbors also had input on area screening of the Mersen parking lot. Additionally, a hedge was proposed in the back yard at the length of the property. They now propose to run the hedge down approximately 1/3 of the property and finish off with a fence. There is a grade difference of 4' between the properties, providing planting difficult. A fence also provides more privacy.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. Pomeroy asked if they met with abutters that submitted opposition. He did meet with neighbors and worked in depth with Brooks Patterson, 19 Ashland Street on the new plan.

Mr. Moore commented that this project seems to have been through a few iterations and checks the boxes.

Ms. Pomeroy asked what the type of fencing would be. A 6' cedar fence would be added.

Deliberations:

Ms. Pomeroy was comfortable with changes and addressed abutter concerns.

Mr. Cameron felt this was positive to notify abutters formally.

Motion to approve application 2018-058 made by Ms. Pomeroy, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – absent

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

The meeting adjourned at 8:35pm

Respectfully submitted, Katie Mahan - Note Taker