

**City of Newburyport
Zoning Board of Appeals
October 24, 2017
Auditorium**

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

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair)
Richard Goulet (Secretary)
Maureen Pomeroy
Christopher Zaremba (Associate Member)

Absent:

Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 10/10/17 meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Christopher Zaremba – approve

b) Request for Minor Modification – 6 Purchase Street (2017-043 and 2017-044)

During construction it was found that a major beam fell where a window was to be placed. At the request of the Historical Commission, they have been asked to place a blind window there instead. The applicants would like to take the purchased window and put it over the back door.

Mr. Ramsdell commented the Board received an email from Sarah White, Historical Commission chair, and they did not have any issues with this.

Ms. Pomeroy made a motion to approve the request for minor modification on applications 2017-043 and 2017-044, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Christopher Zaremba – approve

c) Request for Minor Modification – 2 Storey Avenue (2014-079 and 2014-080)

Craig Douglas, 2 Moseley Avenue and architect on the project presented the modification request. Changes requested include; adding area lighting, changing to permeable pavers around the building, changing green plantings area to white pebbles and artificial turf, extending a retaining wall, and changing awnings from canvas to aluminum style were among the changes requested. The layout remains the same, many changes are materials.

Mr. Douglas noted the reasoning behind the artificial turf and pebble was the recent fire at Abrahams, which started outdoors among plantings. He explained they would like to add two area lights to provide light to the parking lot, which would be low profile, light directed straight down and 20' high. They would also like to change the canvas awnings to aluminum to minimize maintenance.

Mr. Ramsdell asked a question brought up by the Planning Director regarding the rationale of the pebble area adjacent to the Storey Avenue driveway access, Mr. Douglas responded that the intent was aesthetic and to be symmetrical..

Mr. Zaremba asked if there would be lights on the awnings. There would be no lights on the actual awnings.

Mr. Ciampitti asked if the sign was a piece of this request. No it was not. He also asked if it was known if the turf was flammable. Mr. Douglas did not have that information available. The awning change from canvas was client driven. Mr. Ciampitti commented that it becomes much more commercial at a gateway and focal point. He also wanted specifics on lighting (lumens, LED, etc).

Mr. Ramsdell was concerned with the change of the awnings. He would like input from the Planning Office as it really does change the building.

Mr. Douglas noted that the applicants want to finish site work. The approvals he would need tonight would be pavers and lighting bases. They have time to rethink and come back for other changes.

Mr. Goulet asked if the patio would be used for seating. No, it would not.

Mr. Ciampitti commented on an asphalt curbing departure combined with all the additional changes requested changing the project in totality.

The Board agreed that the changes combined may be changing the project as a whole. They were in agreement that light post bases and retaining wall extension changes could be granted. They wanted more details on lighting, awnings, artificial turf, and pavers.

Mr. Ciampitti made a motion to approve request for minor modifications limited to light post bases as shown in plans and retaining wall extension on Storey Ave and continue remaining requests to 11/28/17 and Ms. Pomeroy seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy – approve
 Christopher Zaremba – approve

d) Request for Minor Modification – 496 Merrimac Street (2017-005)

Attorney Mark Griffin of Finneran and Nicholson presented the request. The applicants are looking to move location of home approx. 10’ away from the river in order to save some mature plantings and provide a better wetlands buffer. They have the support of the Conservation Commission.

Ms. Pomeroy made a motion to approve the minor modification, and Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy – approve
 Christopher Zaremba – approve

3. Public Hearings

2017 061
Address: 36 Elmira Avenue
Variance
Allow a second residential unit on the lot

2017 062
Address: 36 Elmira Avenue
Special Permit for Non-conformities
Rebuild two-car detached garage intensifying the pre-existing non-conforming rear yard setback

2017 063
Address: 36 Elmira Avenue
Special Permit
Allow a two-family use (#102)

This hearing was continued from the 10/10/17 meeting. The Planning Director and Building Inspector had a difference in opinion as whether the common wall connector ordinance would apply to an in-law apartment. After consulting the City Solicitor, it was determined that this does not apply to in-law apartments.

Peter Binette, Building Inspector commented that the in-law Special Permit ended up before the Board as two-family use, which is not the case. It should be an in-law use and there was some confusion.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. Pomeroy commented that the Board should dismiss the variance applications, as it is no longer needed.

Deliberations:

None

Motion to withdraw application 2017-061 without prejudice made by Ms. Pomeroy, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Christopher Zaremba – non-voting

Motion to approve application 2017-062 made by Ms. Pomeroy, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Christopher Zaremba – non-voting

Motion to approve application 2017-063 made by Ms. Pomeroy, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy – approve
 Christopher Zaremba – non-voting

2017 082
Address: 14-16 Charles Street
Special Permit for Non-conformities
Construction of an addition in excess of 500sf to a two-family home on a lot with pre-existing non-conforming frontage and lot area.

Mr. Ramsdell noted that at the last City Council meeting a zoning ordinance was changed affecting this property that was in the R3 district and is now in the R2 district with higher thresholds. When in the R3, the application only required a Special Permit for Non-conformities. Now that it is considered R2, there is one component creating a new non-conformity and would need a variance. Mr. Ramsdell thought out of fairness the Board could not go forward with this tonight. He suggested the applicants request a continuance to think about a basis for the variance request and allow time for the Board to digest.

Attorney Griffin requested a continuance.

Motion to continue application 2017-082 to 11/28/17 made by Ms. Pomeroy, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
 Robert Ciampitti – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy – approve
 Christopher Zaremba – approve

2017 083
Address: 288 Water Street
Special Permit for Non-conformities
Modify a pre-existing non-conforming structure by reconstruction after ordered demolition

Attorney Lisa Mead presented the application. The applicants wish to reconstruct a pre-existing non-conforming structure. Before the applicant took ownership of the property, demolition of the structure was ordered due to significant deterioration. The reconstruction would meet all required setbacks, but would retain a rear non-conformity, though improving it.

Scott Brown, architect presented the elevations and architectural changes. The architectural style would change to a gambrel from gable. Building height would remain at 31'. The atypical roof pitch gives the structure an interesting look and adds more volume/space without dormers. The property is in the flood plain and mechanicals would be located in the attic.

Attorney Mead noted the driveway would be off Shandel Drive instead of Water Street. There would be no additional non-conformities added, and the rear yard setback would be improved slightly. Changes would not be substantially more detrimental to the neighborhood.

The Department of Public Services sent comments on the sidewalk and tree ordinance. They suggested the sidewalk on Water Street be continued to the corner of Shandel Drive. They did not recommend sidewalks on Shandel Drive. They also recommended that the significant overgrowth on the corner of Water Street and Shandel Drive be removed and grass be planted.

Chair Ramsdell opened the hearing to public comment.

In Favor:

David Peddie, 2 Shandel Drive

In Opposition:

None

Questions from the Board:

Mr. Ciampitti asked about material choices. Mr. Brown responded that they would use natural materials, a metal roof, and high quality windows.

Deliberations:

Mr. Ciampitti commented that this breathes new life to the site. The design was good and the criteria were met.

The rest of the Board agreed.

Condition;

The sidewalk on Water Street be continued to the corner of Shandel Drive. No sidewalks added on Shandel Drive. Significant overgrowth on the corner of Water Street and Shandel Drive is to be removed and grass be planted. No new trees are recommended.

Motion to approve application 2017-083 with above condition made by Mr. Ciampitti, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Christopher Zaremba – approve

2017 084

Address: 34-36 Hancock Street

Special Permit for Non-conformities

Modify pre-existing non-conforming use by changing the lot size and dimensions

Mr. Ramsdell noted this application was also caught in the shift from the R3 to the R2 district. The applicant submitted a request yesterday to include a variance that would now be needed. He was not comfortable going forward as the public and Board did not have a chance to digest the changes.

Attorney Mead was disappointed and noted the number of neighbors in attendance. She was persistent that the applicants would like to present the application. The applicants reacted quickly upon hearing of the changes; the proposal has not changed, the relief has changed.

The Board agreed that they were not comfortable going forward and wanted to hear the application as a whole at a continuance.

The applicants requested a continuance.

Motion to continue application 2017-084 and amendment to 11/28/17 made by Ms. Pomeroy, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Christopher Zaremba – approve

2017 085

Address: 12 Purchase Street

Special Permit for Non-conformities

Construct an addition resulting in an extension of a pre-existing non-conforming side setback

Eric Primack, RSN Realty presented the application, as his architect was unable to attend. The existing structure is a single family home with an unattractive bump out in the rear. He proposed to take down the back porch bump out and extend the second floor out. The non-conforming side setback is 2'. They meet other dimensional requirements. They would remove vinyl siding and replace with clapboard.

Mr. Ramsdell commented that this application was also in caught in the R3 to R2 transition. The side setback requirements stayed the same with both variations, so they do not need variance.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

*Tom Kolterjahn, 64 Federal St, Co-President Newburyport Preservation Trust
The Trust is opposed to the application, however one significant change would make the application more acceptable depending on abutters. The new addition would be attached straight back from the original historical house. Stepping the addition would improve the addition greatly. It is a simple solution*

to push the addition in about a foot or so to distinguish it from the historical building. They would also recommend compatible windows and clapboards on the addition.

Attorney Lisa Mead, 13 Purchase Street

The addition is modest and she was not opposed. She appreciated the Trust's suggestion of stepping addition in. Her concern was with Mr. Primack following through with work. She wants to see a very detailed decision. She felt the application was lacking.

Mr. Ramsdell commented that the City will have the Zoning Enforcement Officer in January to see that the decision is followed. Ms. Mead noted that she would need a very detailed decision to enforce.

Jeanette Isabella, 1 Lime St

She was concerned with Historical elements being protected. She agreed with previous comments.

Michael Cyros, 8 Purchase Street

He was excited to see development occur at the house. He was concerned with privacy of his yard with the upper roof deck proposed.

Ingrid Cyros, 8 Purchase Street

She was also concerned with privacy. She would also like detailed expectations to be followed.

Mr. Primack commented that his intent is to move into the house. He noted that he would be happy to work with the neighbors on privacy of the roof deck and assured them that this deck was not intended for entertaining.

Mr. Ramsdell appreciated Mr. Kolterjahn's comment and would like to see the new addition bumped in to give delineation. The Board also needs a site plan of existing versus proposed, accurate table, detail on materials, windows, siding, bumping in.

Ms. Pomeroy noted it would helpful to have discussions with neighbors before coming back.

The applicant requested a continuance.

Motion to continue application 2017-085 to 11/28/17 made by Ms. Pomeroy, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – absent

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Christopher Zaremba – approve

The meeting adjourned at 9:08pm

Respectfully submitted, Katie Mahan - Note Taker