

**City of Newburyport
Zoning Board of Appeals
January 10, 2012
Minutes**

The meeting was called to order at 7:15 P.M.
A quorum was present.

In Attendance: Ed Ramsdell, Duncan LaBay, Charles Ciovacco, Robert Ciampitti, Jamie Pennington (arrived at 7:20 P.M.)

Minutes of November 22, 2011 Meeting

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

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington – (had not yet arrived)

Minutes of December 13, 2011 Meeting

As they were received on January 10, 2012, their approval will be deferred to next meeting.

***Anthony and Candace Harvatin c/o Paul J. Gagliardi, Esq.,
15 76th Street***

Special Permit for Non-Conformities

Add an additional 40 square feet of floor area increasing the FAR from .52 to .53

Chairman Ramsdell read a letter from Attorney Gagliardi requesting a continuance until 2/28/2012.

Motion to continue to February 28, 2012 meeting was made by Mr. Ciampitti and seconded by Mr. Ciovacco.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington – approve

***Bernard Christopher
330 Merrimac Street***

Dimensional Variance

Add a 2-car detached garage which will result in 30.4% lot coverage where 25% is the maximum allowed

The notice of public hearing was read aloud for the record.

Mr. Pennington recused himself.

Bernard Christopher Jr. represented his friend, Linda Repucci. The addition of a 2-car detached garage will be within set-back: 7 feet on side and back – the same as the bungalow. It will also be in the same style as the bungalow – rafter tails exposed, etc. This will remain a single family residence. They are requesting the variance because the lot is small and odd-shaped.

Mr. Christopher read from the City ordinance which supports the variance. He also indicated that the house directly across the street does not conform with set-backs or coverage. If the garage were attached, there would be a problem with lot coverage and set-back.

He showed photos of the house and the neighborhood; he showed photos of the house as it stands today.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay and Mr. Ramsdell discussed what was required on page 4 of the paperwork and eventually agreed that the applicant had filled it out appropriately given that the garage is detached.

Deliberations:

Mr. LaBay indicated that it appeared there were appropriate legal grounds for a hardship and thanked Mr. Christopher for coming up with these appropriate grounds. This seems to be a reasonable use of the property. Mr. Ciampitti concurred with Mr. LaBay.

Motion to approve the dimensional variance made by Mr. Ciampitti, seconded by Mr. LaBay

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington - recused

Joyce Trout

119 Water Street

Special Permit

Construct an additional residential unit within the existing mixed use building

The notice of public hearing was read aloud for the record.

Mr. Pennington recused himself.

Bernard Christopher Jr. represented Joyce Trout who is requesting special permission to reduce her 990 sf hair salon to a 232 sf hair salon and a 650 sf apartment. The house is currently a 2 family house plus a hair salon. Mrs. Trout is approaching retirement age and the salon is too big. The lot has not been altered since she has owned it. Most houses in the neighborhood are multi-family houses with businesses. The requested special permit involves no changes to the exterior of the building. The existing parking currently exceeds requirements. Mr. Christopher showed photos of the neighborhood.

Chairman Ramsdell opened the hearing to public comment.

In favor:

Jeanette Isabella, 1 Lime Street, Newburyport, MA owns nearby property and is supportive of Joyce because Joyce has been such a good neighbor. She doesn't see why the changes being requested would be an issue.

In Opposition:

None

Questions from the Board:

Mr. LaBay wanted to see the Parking and how it was accessed. The client demonstrated using a photo and indicated that parking has never been an issue; there is plenty of parking.

Mr. Ciovacco and Mr. Ciampitti had no questions.

Mr. LaBay asked how it is currently zoned and used. It is currently 2 residences and a business in a mixed use building.

Deliberations:

Mr. LaBay indicated that the applicant had done a credible job providing a case. He mentioned that no one was opposing the change and that there was one neighbor in favor. He sees no problems and supports the application. Mr. Ciovacco agrees with Mr. LaBay and indicated there were no changes to the footprint and that the parking is key. Mr. Ciampitti agreed with Mr. LaBay and Mr. Ciovacco.

Motion to approve the special permit made by Mr. LaBay, seconded by Mr. Ciovacco

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington – recuse

Marlys Edwards
25 Forrester Street
Dimensional Variance

Construct a one story addition 7.8' from the westerly side setback where 10' is required

The notice of public hearing was read aloud for the record.

Everett Chandler from Design Consultants represented Marlys Edwards. There is currently an accessory shed on property. They want to construct a small 2 foot addition to the existing structure. The proposed use is the same – to make the kitchen more functional. Mr. Chandler referred to Section 10 H-6 C2. The analysis of the surrounding neighborhood - all have setbacks of what they are requesting or less. They are renovating and updating the structure in a way which will not substantially increase the footprint. This will not be noticed as an addition to the home.

Chairman Ramsdell opened the hearing to public comment.

In favor:

Marlys Edwards, owner, stated that because of a carpenter beetle problem at the property, the walls are pulling apart from the original structure. In the process of taking it down though, thought it might be opportune to make an improvement.

Gayle Smith, 30 Forrester Street and Charles Smith, 30 Forrester Street spoke in favor of the addition.

Brigid O'Donnell and Stephen Leslie from 27 and 29 Forrester Street, spoke in favor of the addition.

In Opposition:

None

Questions from the Board:

Mr. LaBay asked about the number of Units at 27 & 29 condos. The answer was 2. He indicated that it appeared immediate abutters were in support.

The applicant said she had spoken to all immediate neighbors.

Chairman Ramsdell asked if the materials such as roofing would match the existing materials. The applicant said yes and indicated that the addition will not be noticed as an addition.

Deliberations:

Mr. Ciovacco indicated that this appeared to be an exceptionally reasonable request given the situation with the neighbors and given the written support. Mr. Pennington agreed. Mr. LaBay agreed with what was presented by the design consultant. All properties in the neighborhood are non-conforming. Based on this, it appears to be a reasonable request and not a stretch.

Motion to approve the dimensional variance made by Mr. LaBay, seconded by Mr. Pennington.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington - approve

Motion to adjourn made by Mr. Labay, seconded by Mr. Pennington at 08:00 p.m.

The motion passed unanimously

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco - approve

Jamie Pennington - approve

Motion unanimously approved.

Respectfully submitted, Jennifer Lamarre - Note Taker