

**City of Newburyport
Zoning Board of Appeals
November 13, 2012
Minutes**

The meeting was called to order at 7:03 P.M.
A quorum was present.

1. Roll Call

In Attendance: Duncan LaBay (Secretary), Robert Ciampitti (Acting Chair), Jamie Pennington, Howard Snyder, Richard Goulet (Associate Member)

Absent: Ed Ramsdell (Chair), Jared Eigerman (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of October 23, 2012 Meeting

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

The motion passed unanimously.

Duncan LaBay – approve
Robert Ciampitti – approve
Jamie Pennington – approve
Howard Snyder – approve
Richard Goulet – approve

b) 7-Eleven @ 73 Storey Avenue – request for lighting change

MIKRI, LLC, on behalf of the 7-Eleven Store at 73 Storey Avenue made the following 2 requests:

1. Change the direction of lighting to allow for a downwash position to prevent water from getting into the lens. This would be accomplished by removing the existing lighting and mounting two lights from the top of the sign facing down. One light directed at each sign face. In effect, changing uplighting to downlighting
2. Increase the wattage to 300 watts per fixture.

Discussion:

Mr. Snyder understands the intent of the request for a fixture change due to maintenance issues, but felt that specifications for the fixture were required. There was discussion about guidelines around wattage. Mr. Goulet indicated that he drove by the location and the lights that are there now are not big. Mr. LaBay also visited the location and said that the 7-eleven sign is less intense than some of the other signs but still visible. Mr. Pennington said it is unusual to approve something without an applicant present to provide more details. Mr. Ciampitti agreed. Mr.

LaBay said he was potentially in favor of the request to change the direction of the lights but was not supportive of increasing the wattage. Mr. Pennington indicated that it would be nice to have wattage guidelines/specifications for the City, but there are none.

Motion to continue the request from MIKRI, LLC for lighting change at the 11/27/2012 meeting made by Mr. Snyder, seconded by Mr. LaBay. The Board requested that representative(s) from MIKRI, LLC attend the 11/27/2012 Board meeting and provide specifications associated with their request.

3. Public Hearings (2 on the agenda)

Public Hearing #1:

2012 039

Address: 22 Columbus Avenue

Special Permit for Non-Conformities

Construct additions resulting in upward extensions of pre-existing non-conforming front and rear yard

The owner of the property is Natasha Sanborn, 35 Federal Street, Newburyport, MA. Ms. Aileen Graf, Graf Architects, 7 Liberty Street, Newburyport, MA is the architect. Ms. Sanborn presented the request. The proposed use for the structure will remain the same – a single family residential home. The existing non-conformities are lot frontage and lot size. The Tracy Street front addition will be within the current 25' front setback and the rear of Tracy street addition will also be within the 25' setback. The proposed addition will not intensify the existing non-conformities. The proposed use of the addition will not be more detrimental than existing. Keeping with the original style of the home, this addition is reasonable and modest. In summary, the proposal is not more detrimental and it is in keeping with the style of the home. They want to live there and raise a family and the home is not large enough.

Acting Chairman Ciampitti opened the hearing to public comment.

In favor:

Ann Zimmerman, 20 Columbus Ave, Newburyport, MA

Ms. Zimmerman came to the meeting to hear about the improvements being proposed and to show her support.

In Opposition:

None

Questions from the Board:

Mr. LaBay asked for some explanation around the numbers that had been provided. He also asked the applicant to walk through the proposed changes. Ms. Sanborn explained that the percent of open space numbers went up because they are removing a large garage. Mr. Pennington indicated that the order of magnitude seemed okay with him.

Deliberations:

Mr. Pennington said that this was a beautiful addition and well-presented. It looks like it has always been there. He is prepared to approve the request for a Special Permit. Mr. Snyder asked about the driveway if they were removing the garage. Ms. Sanborn indicated they were moving the driveway to Tracey Street. Mr. Pennington asked if they had spoken with the Department of Public Services for a permit for a curb cut. The client had not done this. Mr. Pennington indicated that this should probably be mentioned as a condition for approval of the Special Permit, but did not foresee a problem. Acting Chair Ciampitti indicated that the changes proposed do not detract from the architecture or the neighborhood.

Motion to approve the Special Permit for Non-Conformities made by Mr. Pennington, seconded by Mr. Snyder, conditional on obtaining a curb cut permit at the rear of the lot for the new driveway from the Department of Public Services.

The motion passed unanimously.

Votes Cast:

Duncan LaBay – approve
Robert Ciampitti – approve
Jamie Pennington – approve
Howard Snyder – approve
Richard Goulet – approve

Public Hearing #2:

2012 040

Address: 12 Neptune Street

Special Permit for Non-Conformities

Construct a one-story addition, garage addition, and deck to home with pre-existing, non-conforming front setback

The owners of the property are Gail and Walter Gillespie. Mark Griffin, Esq., 11 Market Square, Newburyport, MA, represented the owners at the meeting. Attorney Griffin indicated that 12 Neptune is a home in the South End of Newburyport. It was constructed slightly before 1800. The structure has pre-existing, non-conforming setbacks. They want to construct a deck on the westerly side. This is an R-3 Zoning District. The additions will not come close to the existing setback. William Barrett, 42 Southern Boulevard, Newbury, MA is the contractor for this project. He indicated that the projects being proposed will look the same as what exists in terms of windows and siding. The owner, Mr. Gillespie, spoke and said they had moved 2 months ago and fell in love with the community. They were fortunate to find this home on Neptune Street. They wanted to have more outdoor living space. There is good privacy and a wooded lot to the rear. Attorney Griffin indicated that the addition is in keeping with the character of the building. The neighborhood is replete with pre-existing non-conforming structures. The alterations being proposed provide no excess massing or invasion of privacy. The proposal is aesthetically pleasing.

Acting Chairman Ciampitti opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. Goulet asked about the garage addition. Contractor Barrett indicated that it is a single car garage, the addition will allow for storage. Mr. Pennington asked if there was any “magic” related to the size of the garage, if another 6 inches, they would have been clear on the setback. Attorney Griffin indicated that the Building Inspector sent then to the Zoning Board of Appeals for their front set-back only, not for the garage.

Deliberations:

Mr. LaBay indicated that this was a well-thought-out, professional proposal and had no issues. Mr. Snyder indicated that they were not exacerbating non-conformities. It was a good plan and good for the neighbors.

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

The motion passed unanimously.

Votes Cast:

Duncan LaBay – approve
Robert Ciampitti – approve
Jamie Pennington – approve
Howard Snyder – approve
Richard Goulet – approve

Adjournment

Motion to adjourn made by at Mr. LaBay at 7:38 p.m., seconded by Mr.Goulet

The motion passed unanimously.

Votes Cast:

Duncan LaBay – approve
Robert Ciampitti – approve
Jamie Pennington – approve
Howard Snyder – approve
Richard Goulet – approve

Respectfully submitted, Jennifer Lamarre - Note Taker