

**City of Newburyport
Zoning Board of Appeals
November 14, 2017
Auditorium**

The meeting was called to order at 7:06 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Robert Ciampitti (Vice-Chair)
Richard Goulet (Secretary)
Renee Bourdeau
Christopher Zaremba (Associate Member)

Absent:

Ed Ramsdell (Chair)
Maureen Pomeroy

2. Business Meeting

a) Approval of Minutes

Minutes of the 10/24/17 meeting

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

The motion passed unanimously.

Votes Cast:

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

b) Request for Minor Modification – 439 Merrimac Street (2017-053)

Aileen Graf, of Graf architects presented the modification request. She is seeking to modify;
-side elevation: garage door added as the second-floor space would require two means of egress when finished someday.
-Garage changes from original decision conditions were presented. Ms. Blanchette, Zoning Enforcement Officer has reviewed.
-Rear elevation: garage door removed due to grade restraints, moved to side of garage. Removed a window as well.
-Side elevation of main house: two windows added, two removed.

Ms. Bourdeau thought the modifications minor.

Mr. Ciampitti noted the Planning Office also had no objections to an approval.

Ms. Bourdeau made a motion to approve the request for minor modifications and Mr. Zaremba seconded the motion.

The motion passed unanimously.

Votes Cast:

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

c) Request for Minor Modification – 19 Merrill Street (2017-072)

Aileen Graf, of Graf Architects presented changes. After doing some demolition on the property, they found that the grade is higher. They must lift the building to raise one foot, which raises the ridge height up 6". This will help the building meet code.

Mr. Ciampitti asked if it was being taken from field stone foundation and raising on concrete foundation. He noted historic preservation of the building was important in original hearing. Ms. Graf noted they would wrap the concrete in a brick veneer on publicly viewed sides.

Ms. Bourdeau made a motion to approve the request for minor modifications with a condition that the new exposed foundation be veneered in brick and Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

2017	054
Address: 92R Merrimac Street	
Dimensional Variance	
<i>Construct a multi-family building requiring variances for lot area, open space, height, and front- and rear-yard setbacks</i>	

The applicant requested a continuance.

Motion to continue application 2017-054 to 11/28/17 made by Ms. Bourdeau, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

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

2017 066
Address: 10 Ashland Street
Special Permit for Non-conformities
Modify pre-existing non-conforming structure for a two-family

2017 067
Address: 10 Ashland Street
Special Permit
Allow a two-family use (#102)

The applicant requested a continuance.

Motion to continue applications 2017-066 and 2017-067 to 11/28/17 made by Ms. Bourdeau, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

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

2017 080
Address: 36 Liberty Street
Use Variance
Allow a change of use from single family to two-family (#102)

The Board requested more detailed information to be filed at the last hearing. It did not appear that the Planning Office received any new information. The applicant was also not present.

Motion to withdraw application 2017-080 without prejudice made by Ms. Bourdeau, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent
Robert Ciampitti – approve

Richard Goulet – approve
Renee Bourdeau – approve
Maureen Pomeroy – absent
Christopher Zaremba – approve

2017 086

Address: 152 High Street

Special Permit for Non-conformities

Adjust property line resulting in an increase in pre-existing non-conforming lot coverage

Peter Cave, Cave Land Surveyors. A survey of the property was done and found that a bit of property extends beyond an existing fence. The plan is to give the small triangle of property (37 s.f.) to the neighbors. This would reduce the non-conforming lot coverage by 37 s.f.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

Joseph Schlupf, 152 High Street

Mr. Schlupf explained that instead of moving the fence and disturbing gardens they would like to move the property line.

In Opposition:

None

Questions from the Board:

Mr. Ciampitti confirmed the fence is in place and all would stay exactly as is.

Deliberations:

Mr. Goulet commented this is a very modest change.

Ms. Bourdeau noted that the minimal change does not change the use of the property. It is certainly not substantially more detrimental to the neighborhood. It more than meets the criteria.

Motion to approve application 2017-086 made by Ms. Bourdeau, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

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

2017 087

Address: 5 Pine Street

Special Permit for Non-conformities

Modification of special permit decisions 2012-008 and 2013-019 to allow changes to landscaping

Adam Croteau of Swazy & Alexander presented the application. An approved timber retaining wall at the back perimeter of the lot was never put in place after permit approvals. The applicants propose to put in a natural stone retaining wall. They are changing the grade in the backyard slightly to retain more water on the property itself. Pipe drywells on the property are to remain. The boulder wall is backed by crushed stone in permeable fabric to retain more water on site.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

*Janet Vandermeulen, 7 Pine Street
In support of the adjustment.*

*Charles O'Connor, 3 Pine Street
In favor of the changes.*

In Opposition:

Robert Miller, 25 Marlboro Street

Mr. Miller was a plaintiff in a lawsuit regarding the applicant's property about five years ago that was settled in land court. Requested a Special Permit tonight for a problem after the fact feels like the first time around. He questioned whether the original special permit was recorded with the Registry of Deeds. (The current owner, George Georgenes, noted that this was done in October after finding it was not done originally). He was concerned especially with landscaping materials spilling onto his property and under a fence well within his lot line. He submitted photos to the Board. Mr. Miller was directed by the City to speak with Jennifer Blanchette, the new Zoning Enforcement Officer.

Mr. Ciampitti commented on the linear and narrow purview in which the Board operates and they may not be able to answer these legal questions.

Questions from the Board:

Ms. Bourdeau asked if the original plan for a timber wall was proposed to go behind 3 and 5 Pine Street was never installed. No, it was not installed. It would be installed in the originally proposed location behind 5 Pine Street only. Ms. Bourdeau asked if the applicants would be willing to pull gravel, etc. that has made its way into the property at 25 Marlboro Street back onto the property. The applicants were willing to do this, but noted that the stone and fabric is in place to reduce weeds and growth between the stone wall and fence.

Deliberations:

Ms. Bourdeau commented that this is a minor change. It is consistent with the intent of the original plan even though the materials have changed. The Planning Office does not object. She did suggest that the area between the wall and fence be worked on between the neighbors.

Mr. Zaremba sympathized with Mr. Miller, but saw the change as minor.

Mr. Goulet thought the stone was a better than timber and the history between neighbors was not entirely relevant here tonight.

Mr. Ciampitti noted that concerns from the abutter opened conversation. He had no objections. He was in favor of a condition offered by the applicant to mitigate concerns.

Motion to approve application 2017-087 with condition that the landscaper and property owners remove any materials beyond the property line made by Ms. Bourdeau, seconded by Ms. Zaremba.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – absent

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy – absent

Christopher Zaremba – approve

The meeting adjourned at 8:05pm

Respectfully submitted, Katie Mahan - Note Taker