

**City of Newburyport  
Zoning Board of Appeals  
January 13, 2014  
Council Chambers**

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

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Duncan LaBay (Secretary)  
Jamie Pennington  
Richard Goulet (Associate Member)  
Libby McGee (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of December 09, 2014 Meeting**

Mr. LaBay 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  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee - approve

**3. Public Hearings**

**2014      074**

**Address: 52 Boardman Street**

**Dimensional Variance**

Relief from lot coverage, side yard, and rear yard setbacks for construction of a garage with bonus room, mudroom, 2<sup>nd</sup> floor master bath, and 1-story breakfast room

**2014      075**

**Address: 52 Boardman Street**

**Special Permit for Non-Conformities**

Construct a garage with bonus room, mudroom, 2<sup>nd</sup> floor master bath, and 1-story breakfast room

This application was continued from the 11/18/14 meeting. Sara Bellino of Blatman, Bobrowski, and Mead appeared on behalf of the applicants. The applicants had proposed a two-car garage with a two-story connector and breakfast room off the back of the house. After conferring with neighbors, they came back with single car garage with rooms above, two-story connector and breakfast room. There was also a change in the configuration of windows. Lot area, frontage, side yard and front setback are non-conforming. This project would not create new non-conformities except for rear setback and lot coverage. No existing non-conformities would be intensified. The project would add desperately needed parking. It would not be more detrimental to the neighborhood than the existing structure. The applicants also seek a variance for relief from lot coverage and rear setback. A hardship is that this is an interior lot surrounded by other non-conforming properties. Neighbors have submitted letters in support of the project.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. LaBay asked for clarification on pictures and the property line.

Ms. McGee asked a question about the height of the garage and dormer compared to the existing structure. She also clarified that the side setback non-conformity was eliminated with the new proposal.

**Deliberations:**

Mr. Ciampitti commented on the variance and that the applicant argued soundly with the interior lot hardship. He noted letters of support from neighbors. As far as the SPNC, this is a consistent request for a moderate expansion and improvement that he could easily support.

Ms. McGee agreed. Scaling back and taking neighbors into account was good. She was prepared to support.

Mr. LaBay agreed. He also noted letters of support from neighbors and lack of opposition. He was prepared to vote in favor.

Mr. Pennington was prepared to support the application as well.

Chair Ramsdell concurred.

**Motion to continue application 2014-074 for a Dimensional Variance made by Mr. Ciampitti, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**Motion to continue application 2014-075 for a Special Permit for Non-conformities made by Mr. Ciampitti, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**2014      083**

**Address: 5 Salem Street**

**Special Permit for Non-conformities**

Construct a 1 ½ story addition over existing one-story rear addition

This hearing was continued from the 11/18/14 meeting. Attorney Mark Griffin, 11 Market Sq. Suite 8, presented on behalf of the applicants. The existing conditions consist of a home (built in approx. 1750) off Water Street in the R3 Zoning District, on an undersized lot with non-conforming frontage and area. The majority of homes in the south end do not conform. A proposal was required with the Historical Commission because of a change in the roofline – this was approved. They propose an addition in the back over an existing one-story addition and tie it into roofline. In their original proposal they had the roofline tying into the peak of the roof. The new proposal removed a kitchen window on the 1<sup>st</sup> floor and changed the roofline tie in to the gable instead of peak. It also changed the configuration of windows and double doors in back. The original proposal references the addition exceeding 500sf. Attorney Griffin suggested that of the 556 sf constructed; only 324 sf is living space. The remaining space is mechanical and storage. A site plan survey was done and plans and numbers were clarified. The applicants submitted new elevation drawings and an amended application. Attorney Griffin presented new plans and addressed concerns of neighbors' views and property values.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*George Henderson, 20 Cushing Avenue*

Mr. Henderson used to live at 5 Salem Street. He commented on the great plans to update a tired property. He knows it will be a nice addition to the neighborhood.

**In Opposition:**

*David Powell, 3 Salem Street*

Mr. Powell appeared on behalf of himself and condo neighbors at 3 Salem Street. This new addition would be 10-12 ft from their building. He questioned whether the new roofline would need to be reviewed by the Historical Commission. The proposed addition will not be substantially more detrimental is an opinion. His neighbors believe it is. The reduction in living space square footage making this a better proposal is irrelevant. The loss of daylight/winter sun of units 1, 2, and 3 would be significant. He questioned whether the applicants took the suggestion of alternate solutions. The project simply does not improve the neighborhood.

*Mr. LaBay noted a memo to the ZBA from residents with formal opposition at 3 Salem Street - #2, #3, #4*

*Mr. Griffin also noted two letters from neighbors in favor.*

**Questions from the Board:**

Mr. Pennington asked for clarification on the reduction on living space.

Ms. McGee asked for plan clarification on the old versus the new proposal. Attorney Griffin pointed out the changes.

Mr. LaBay commented on the old plan shed dormer to the peak of the existing building and new plan dropping from the peak to the first elevation change of the roof. He aesthetically understood, but noted it would be virtually no difference in view for 3 Salem Street.

Chair Ramsdell commented that he recalled the board asking for what might be considered on the other side of the lot, but it was not formally asked of the applicant.

**Deliberations:**

Mr. LaBay questioned whether or not the applicant would want to review plans once again. Attorney Griffin responded that this works best for the interior of the home and they wish to continue with deliberations.

Mr. Pennington commented that on most properties this addition would be de minimus. The neighbors gave a valiant effort, but views are not protected.

Mr. LaBay agreed that this is not a huge request and it is over existing rear addition. He does understand neighbors concerns, but noted that this property is dwarfed by 3 Salem Street and another large building across the street. This is a modest request to a modest building.

Chair Ramsdell commented that view and light protections do not exist in the ordinance.

Ms. McGee commented that the plans and elevations were inconsistent last meeting and it was not a tight package. This does not seem like an outrageous request.

**Motion to approve application 2014-083 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Mr. McGee.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**2015      001**

**Address: 9 Beacon Avenue**

**Dimensional Variance**

Construct a two-story addition resulting in non-conforming lot coverage and rear setback

**2015      002**

**Address: 9 Beacon Avenue**

**Special Permit for Non-conformities**

Demolish rear addition and construct a new two-story addition to the rear of the home on a lot with non-conforming lot area and frontage

Attorney Mark Griffin, 11 Market Sq., Suite 8 presented on behalf of the applicants. This property is located off Water Street in the Perkins Park area. It is a pre-existing non-conforming property in the R2 Zoning District. The applicants seek a dimensional variance to construct a two-story addition resulting in non-conforming lot coverage and rear setback. They also seek a Special Permit for Non-conformities in order to demolish a rear addition and construct a new two-story addition to the rear of the home on a lot with non-conforming lot area and frontage. This property is unique in that there are not really any neighboring properties, just a park. There is an existing shed built over the property line into park that would be removed. They would demolish the existing one story addition and build a two-story addition, raising lot coverage. The lot is undersized with a slanted rear lot line and is surrounded by non-conforming properties posing a hardship. The proposed addition is modest and will have minimal impact on neighborhood.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*None*

**In Opposition:**

*Carolyn Layzer, 17 Beacon Ave*

*She is the closest neighbor with a distance between properties of only a few feet of park.*

**Questions from the Board:**

Mr. LaBay clarified the plot plan and configuration of the property, neighbor and park.

**Deliberations:**

Ms. McGee lives in the neighborhood and thinks this is a minimal change.

Mr. LaBay commented that they made an appropriate case for a variance surrounded by non-conforming properties. This is a modest proposal that he is prepared to support.

Mr. Pennington agreed.

Mr. Ciampitti agreed.

Chair Ramsdell concurred.

**Motion to continue applications 2015-001 for a Dimensional Variance made by Mr. Pennington, seconded by Ms. McGee.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**Motion to continue applications 2015-002 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Ms. McGee.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**2015      003**

**Address: 11 69<sup>th</sup> Street and 12 71<sup>st</sup> Street**

**Special Permit for Non-conformities**

Remove a portion of land from 12 71<sup>st</sup> Street and combine it with the land at 11 69<sup>th</sup> Street

Attorney Kevin Foley, 246 High St, represented the applicants. The applicants are seeking a Special Permit for Non-conformities for lot adjustments. The owner of 11 69<sup>th</sup> Street also owns 12 71<sup>st</sup> Street and 51 Reservation Terrace – all abutting properties. The plan is to take 1300 sf from 12 71<sup>st</sup> Street and add it to 11 69<sup>th</sup> Street. The remaining land would be added to 51 Reservation Terrace. There is no construction involved. This is to prevent construction.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*John Lion, 15 69<sup>th</sup> Street*

**In Opposition:**

*Mrs. Bixby, 53 Reservation Terrace*

She was not opposed, but just wanted to see clarification of the proposed application.

**Questions from the Board:**

Mr. Pennington asked for clarification on whether two special permits were needed.

Chair Ramsdell noted that there is a shed that would fall very close to the proposed lot line and that it would have to be moved to the appropriate setback.

**Deliberations:**

Mr. Pennington liked the plan.

Mr. LaBay & Mr. Ciampitti agreed. This makes logical sense.

**Motion to approve application 2015-003 for a Special Permit for Non-conformities with condition that the shed be relocated to a conforming location made by Mr. Pennington, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – non-voting

Libby McGee – approve

**2015      004**

**Address: 44 Forrester Street**

**Dimensional Variance**

Demolish existing garage and construct an addition with new garage and a bedroom above along a 0' side setback

**2015      005**

**Address: 44 Forrester Street**

**Special Permit for Non-conformities**

Construct an addition over 500 s.f. on a property with a non-conforming frontage and lot area

John Bushnell, applicant, presented the application. The reason behind the proposal is his growing family. They currently have a single car shed garage and would like to make it permanent and connect to the house. They would add a room above the garage to attach to the current house. A 13ft x 11ft deck would be enclosed as a playroom. He has spoken with his neighbor at 46 Forrester Street who believed the existing garage is on his lot line. The hardship presented was that the lot is oddly shaped. The garage would stay in the exact location and connect to the house.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*None*

**In Opposition:**

*Gerald O'Connor, 46 Forrester Street*

He had owned the property 52 years. The shed there now was built as favor to a previous owner. It was a carport that got enclosed into a garage while he was not living in the house. It is believed to be on his property by about 2 ft. The addition would affect daylight. He also noted that the land has not been formally surveyed.

**Questions from the Board:**

Mr. Pennington asked whether they have started the surveying process. The applicant had not.

Mr. Goulet questioned what was driving the garage to 0 lot line. The reasoning was aesthetically; putting garage up against home would not match the neighborhood or be pleasing.

Mr. Pennington asked whether they had identified a builder. Yes, the builder is from Ipswich and specializes in old homes. They have an architect from Beverly who also specializes in older homes.

Mr. Ciampitti asked about material choices. The materials would match materials on existing home – clapboards.

Ms. Mcgee was having trouble with the massing and location of the addition.

Mr. Pennington appreciated that the applicant wanted to stay in town, but felt he could not move forward not knowing where the lot line was.

Mr. Ciampitti agreed that an intimate knowledge of the site is needed.

Chair Ramsdell would like better elevations/renderings.



**Deliberations:**

Mr. LaBay commented that it is clear a continuance is in order. The application is incomplete. The applicant needs to consider moving the addition off the lot line and to the back of the property.

Mr. Pennington suggested it would be helpful to review other applications that have come before the board.

Ms. McGee noted that the neighbor would support the addition to the rear of the home.

Chair Ramsdell suggested working with the planning office on new plans.

**Motion to continue application 2015-004 for a Dimensional Variance and application 2015-005 for a Special Permit for Non-conformities to the February 24, 2015 meeting made by Mr. LaBay, seconded by Mr. Pennington.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – non-voting  
Libby McGee – approve

**Adjournment**

**Motion to adjourn made by Mr. Ciampitti, seconded by Ms. McGee at 9:45 PM.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – approve

**Respectfully submitted, Katie Mahan - Note Taker**