

**City of Newburyport
Zoning Board of Appeals
December 13, 2016
Council Chambers**

The meeting was called to order at 7:14 P.M.
A quorum was present.

1. Roll Call

In Attendance:

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

Absent:

Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 11/29/16 meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – approve
Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy - approve

3. Public Hearings

2016 075
Address: 24 Bromfield Street
Special Permit for Non-conformities
Construct a one-story addition in the rear of the existing home

This hearing is continued from the 11/1/16 meeting.
The applicant requested to continue to the 1/10/17 meeting.

Motion to continue application 2016-075 to the 1/10/17 meeting made by Mr. LaBay, seconded by Mr. Goulet. The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Duncan LaBay – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy - approve

2016 077

Address: 10 Independent Street

Dimensional Variance

Renovation of existing structure encroaching on side yard setback and construction of free-standing garage within required front and rear setback

2016 077

Address: 10 Independent Street

Special Permit for Non-conformities

Modify pre-existing non-conforming structure by removing and replacing rear addition

This hearing was continued from the 11/29/16 meeting. Attorney Lisa Mead of Blatman, Bobrowski, Mead and Talermin, 30 Green Street, presented on behalf of the applicant. Since the last meeting, the architect and developer took time to meet with neighbors and the Newburyport Preservation Trust. Scott Brown, architect explained that the net result was about 40 sf less. Mr. Brown went over changes including left side elevation changes, roofline changes, screening on the right property line, a frosted window, and minor changes to the bump out mudroom. The garage would also be changing from white cedar to painted clapboard and was moved closer to the westerly lot line to the 10' setback. Brick sidewalks would be added, but no street trees would need to be added per DPS. The project would not be substantially more detrimental to the neighborhood. Lot shape was argued for the variance hardship.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Kathleen Schoonmaker, 6 Independent Street

She had questioned the hardship, but it has been satisfied. She is in support of 12/5/16 drawing package in collaboration with the neighbors and Preservation Trust.

Tom Kolterjahn, 64 Federal Street, Co-President Newburyport Preservation Trust

He was pleased to have sat down and come to a compromise. He appreciated the Board for helping to facilitate and Mr. Haseltine's effort. He thanked Mr. LaBay for his years of service.

Stephanie Niketic, 93 High Street

Thanked the Board, Mr. Haseltine and Mr. Brown. She re-iterated a list of requested conditions given to the Board. Most conditions are already on plans. She had a comfort level with abutters having a list of conditions.

In Opposition:

None

Questions from the Board:

None

Deliberations:

Mr. Ramsdell commented lot shape and surrounding non-conforming properties were justified hardships.

Mr. Ciampitti commented on the powerful testimony from neighbors and the trust. He noted the passive vote of support from those not here. The preservation of historic integrity was paramount and successfully achieved. Hardship was met. The alteration is not substantially more detrimental to the neighborhood.

The rest of the Board agreed and reaffirmed the effort and cooperation all put into the project. Mr. Haseltine thanked the trust and neighbors for making things work.

Conditions;

- Existing wood single-glazed windows w/storm panel to remain or be replaced with simulated divided lite windows (as written on plans)
- Existing wood clapboard to remain (as written on plans)
- New wood clapboards to match existing clapboard exposure (as written on plans)
- Retain all 4 corner boards of original building (as shown on plans)
- Retain the two existing chimneys above the roofline.
- North elevation, 8-9' foot tall evergreen screening on East property line bordering 8 Independent.
- North elevation, 2nd story rear window to be frosted glass

Motion to approve application 2016-077 with above conditions made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy - approve

Motion to approve application 2016-078 with above conditions made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

2016 079

Address: 496 Merrimac Street

Dimensional Variance

Construct a single family home on a lot with insufficient frontage and lot width and with a side setback of 5.4' where 20' is required

This hearing was continued from the 10/25/16 meeting.

The applicants requested to continue the application to the 1/10/17 meeting.

Motion to continue application 2016-079 to 1/10/17 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Richard Goulet – approve

Renee Bourdeau – absent

Maureen Pomeroy - approve

2016 088

Address: 55 Woodland Street

Special Permit for Non-conformities

Construct an addition that will intensify a pre-existing non-conforming rear yard setback

Mark and Colleen Quinn, owners presented the application. They own an 1890-1910 Victorian on Woodland Street and wish to put on a rear addition. They would tear down a screen porch not original to house to add a larger addition, approximately 22'x13'. They would be modernizing the kitchen and sitting area. The addition would be single story and 17'high, compared the height of the main house at 30'. They would match the existing home with diamond shingles and panels. Neighbors have reviewed plans and support.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Mr. LaBay noted letters of support from 57 Woodland Street and 19 Carlton Drive.

In Opposition:

None

Questions from the Board:

None

Deliberations:

Mr. LaBay thanked the applicants for photos and application. It will certainly be an improved appearance. Neighbors are in support and he noted lack of opposition.

Mr. Goulet commented that the addition was modest and tasteful.

The rest of the Board agreed.

Motion to approve application 2016-088 made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Duncan LaBay – approve
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy - approve

2016 089

Address: 5-7 Vernon Street

Dimensional Variance

Dimensional relief for lot split to allow two single family lots

Nick Cracknell, 13 Picard Street Amesbury, presented the application on behalf of the owners. The purpose of the application is to split the lot into two, single-family properties. There are two detached, single-family structures currently on the parcel, which were created via a ZBA and a VI-C Special Permit process with the Planning Board in 2004. This was the best solution given zoning at the time. Nothing is shared, except the property. This application is to split the lot only; there is no proposed construction associated with this application. The applicants wish to address the lot line issue for future owners. This application is the smaller and first of two ZBA applications addressing lot lines in the old jail complex/associated buildings. Hardship argued was the shape of the lot and location of units on the lot. The owners of 5 Vernon Street are trying to sell the property and condo ownership is not as favorable. Neighbors are in favor as there are no changes other than lot line.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Kathleen Rose, 5 Vernon Street

Allen Cathcart, 4 Vernon Court

Mary Schmidt, 2 Vernon Street

Brian Buckley, 10 Vernon Street

Chuck Griffin, 3 Vernon Street

In Opposition:

None

Questions from the Board:

Mr. Ramsdell referenced a comment of cleaning up lot lines protecting the properties. Making single owner properties would enhance the possibility of changes rather than constrain them. Mr. Cracknell brought up that this is the first of two applications on the larger jail property and they will be coming

back with preservation restrictions as part of the second. Mr. Ramsdell was disappointed the future application did not arrive first. Mr. Cracknell commented time was of the essence and a current applicant is in the process of selling their home.

Deliberations:

Mr. Ciampitti remembered the past applications. No new construction is proposed, it is a revision of a line on a piece of paper. He was able to get to a hardship and was moved by the neighbors in support showing up to the meeting.

Mr. Goulet looked to members with tenure for their position on this.

Mr. Ramsdell was disappointed this application appeared first. He was comforted this is through a dimensional variance and this Board would likely see any changes to the property in the future. The “mess” that exists was the way to make it work at the time. He was not thrilled, but could support cleaning up lot lines.

Ms. Pomeroy agreed and commented that hearing the history of the property was helpful.

Motion to approve application 2016-089 made by Mr. Goulet, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Duncan LaBay – recused
 Richard Goulet – approve
 Renee Bourdeau – absent
 Maureen Pomeroy - approve

2016 090
Address: 114-118 Merrimac Street
Parking variance
Variance for parking

2016 091
Address: 114-118 Merrimac Street
Special Permit
Allow mixed use (#405) for two residential and one commercial unit

Due to recusing members there was an insufficient Board.
 The applications are continued to 1/10/17.

Motion to continue applications 2016-090 and 2016-091 to 1/10/17 made by Mr. LaBay, seconded by Mr. Goulet. The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – recused
 Duncan LaBay – approve

Richard Goulet – approve
Renee Bourdeau – absent
Maureen Pomeroy - approve

The meeting adjourned at 8:45pm

Respectfully submitted, Katie Mahan - Note Taker