

**City of Newburyport
Zoning Board of Appeals
January 22, 2019
Council Chambers**

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

1. Roll Call

In Attendance:

Robert Ciampitti (Vice-Chair)
Maureen Pomeroy
Edward Cameron
Mark Moore

Absent:

Ed Ramsdell (Chair)
Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 1/8/19 meeting

Ms. Pomeroy made a motion to approve the minutes as amended and Mr. Moore seconded the motion.
The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

3. Public Hearings

2019 006 Address: 3 Upland Road Special Permit <i>Allow an in-law apartment (Use #109)</i>

2019 007 Address: 3 Upland Road Special Permit for Non-conformities <i>Construct a 1,157 s.f. addition to a pre-existing non-conforming structure</i>
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Bill Foster, of Cote and Foster Custom Building presented the application. The applicants are proposing an accessory apartment. It is proposed to be 1.5 stories, with the applicant's mother living on the first floor and the second floor would add onto the existing house. The existing house is a pre-existing non-conforming structure. The addition would be conforming and not add new non-conformities or exacerbate others. The in-law would conform to size requirements.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

AnneMarie and Bret Butler, 3 Upland Road

In Opposition:

None

Questions from the Board:

Mr. Moore asked if all elevations in front of the Board were current. Yes, they were.

Mr. Cameron commented on a letter from a direct abutter. Laura Roberts, 7 Adams Street, a direct abutter believed the addition would have a negative affect on the value of her property and was close to the property line and would create a wind tunnel effect. Mr. Foster explained that she is a backyard abutter. The addition would be about 12' from the side lot line. He did not believe a wind tunnel effect would be created. Mr. Foster also commented that the abutter had heard negative things about a Steven Cote who was a scammer. This contractor shared the same name, but was not in any way related.

Mr. Cameron asked if the addition would be on the existing driveway. Yes, the new driveway would be in front of the addition.

Mr. Moore asked about mature trees and whether they would remain. Yes, the trees would remain.

Ms. Pomeroy asked what materials would be used on the addition. They would match existing siding, trim, and detail. Ms. Pomeroy also asked how many cars the driveway would allow. It would hold four cars. Ms. Pomeroy noted that the homeowner must understand in-law rules. Mr. Ciampitti noted the recertification process with the City.

Deliberations:

Mr. Moore commented on the mistaken contractor identity with regards to the abutter comment. The addition is tastefully done.

Ms. Pomeroy commented that no new non-conformity or exacerbation of any non-conformity would occur and the addition would not be substantially more detrimental to the neighborhood.

Mr. Cameron and Mr. Ciampitti agreed.

Motion to approve application 2019-006 made by Ms. Pomeroy, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell— absent

Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

Motion to approve application 2019-007 made by Mr. Cameron, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

2019 008

Address: 10 Carleton Drive

Special Permit for Non-conformities

Construct a mudroom/breezeway connecting residence to garage; and remove wooden ramp and construct a covered porch at front of residence

Attorney Adam Costa of Mead, Talerman and Costa, 30 Green Street, presented the application. The request is to alter a pre-existing non-conforming structure to add a mudroom/breezeway (96 s.f.) to connect the garage and house. They also propose to remove a wood ramp from the front of the house and add a covered porch to the front of the property. The property is conforming in many aspects. The property is not conforming with respect to lot area lot coverage and front setback. This is a modest addition in size and height. They are not adding any new non-conformity. The addition would not be substantially more detrimental to the neighborhood. It is consistent with the surrounding neighborhood. They will also open up more green space in the front of the house.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

Norman Hansen, 12 Carleton Drive

He commented that the current owners have done great work on the inside of the house and he felt they would do the same on the outside.

Roger Blazon, 51 Woodland Street, Unit 3

He is a rear abutter and in support of the proposal.

In Opposition:

None

Questions from the Board:

The Board had no questions.

Deliberations:

Ms. Pomeroy thought this was a modest request. It met criteria for Special Permit for Non-conformities by not adding any new non-conformity and would not be substantially more detrimental to the neighborhood.

Mr. Ciampitti commented that they would not intensify any non-conformity either.

Mr. Cameron was in support. It was great to hear from abutters. He likes this neighborhood and often walks it.

Mr. Ciampitti agreed.

Motion to approve application 2019-008 made by Mr. Cameron, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

2019 009

Address: 14-16 Charles Street

Dimensional Variance

Construction of a one-car garage resulting in non-conforming lot coverage

Patrick Heffernan, Esq. request to continue the application to the next available date in order to have a full Board present.

Motion to continue application 2019-009 to 2/26/2019 made by Ms. Pomeroy, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

2019 010

Address: 22 Lafayette Street

Special Permit for Non-conformities

Construct a 263 s.f. single story addition extending the pre-existing non-conforming rear setback

Aileen Graf, of Graf Architects presented the application on behalf of Matthew and Lindsay Batastini. This property is located at the corner of Lafayette Street and Highland Avenue. Due to the property being located on a corner, it has two frontages. The longer length is on Highland Avenue, although house faces Lafayette Street, making the driveway side the “rear.” The applicants are proposing one story addition. They will not intensify any non-conformity. All other setbacks met. They intend to replace an existing detached sunroom, shifting the massing and making an improvement to the property. The new 262 s.f. sunroom will have a flat roof with a railing on top for decorative purposes. The design would have detailing like the house and would be shingled. If they were able to consider Lafayette Street the front of the property, they would be totally conforming. Matt and Lindsay did go around the neighborhood. Three neighbor letters presented in support. The addition will not be substantially more detrimental to the neighborhood.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. Pomeroy asked what materials would be used. Ms. Graf explained they would carry the same siding detail, eave details, and roofing shingles. Glass and trim on the sunroom would be a new aspect of the house. Ms. Graf also noted they are proposing to bring detail back to a third story dormer to improve aesthetics.

Deliberations:

Mr. Moore commented that this will be a nice addition and will bring back detail.

Ms. Pomeroy noted no new nonconformity would be added and they would not be exacerbating any non-conformity. It also did not appear substantially more detrimental to the neighborhood.

The rest of the Board agreed.

Motion to approve application 2019-010 made by Mr. Cameron, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell— absent

Robert Ciampitti – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

2019 011

Address: 67 Marlboro Street

Special Permit for Non-conformities

Renovate a pre-existing non-conforming two-story garage resulting in an upward extension of pre-existing non-conforming side and rear setbacks

Ted Boretti, owner presented the application. The applicants will be using Steve McDonald, builder as well as David Keery, architect. The garage is a pre-existing non-conforming structure as a 22' x 28' accessory building. Accessory buildings greater than 22' x 24' must conform to the same setbacks as the primary structure. The two-car garage would remain on the bottom level with a bonus room, home office and bathroom on second level. They tried to stay true to the existing aesthetic of the building. They would not intensify any existing non-conformities. Shed dormer would be added and an upward extension of 11" for head clearance and a beam that is needed would be added. The project would not be substantially more detrimental to the neighborhood. Four letters of support from neighbors were submitted.

Vice-Chair Ciampitti opened the hearing to public comment.

In Favor:

None

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic was not in opposition, but had a question regarding the bonus room and bathroom and noted that these plans raise a flag in terms of use. She wanted to ensure this wouldn't be used as separate living space in the future.

Questions from the Board:

Ms. Pomeroy asked if there were any plans of the interior of the second level. Yes, the owner had them, but was told they did not need to be a part of the presentation. Mr. Ciampitti commented that it is within the Board's purview to query whether the space may be used for a separate residence in the future and want to prevent this. He commented that the Board could condition any approval that the space may not be used as a secondary living unit without further review from applicable Boards. The owner was aware of this and it was reiterated repeatedly that plans are not to create a second dwelling unit. Ms. Pomeroy wanted plans on file with the Planning office. Mr. Ciampitti noted we want to not overstep our bounds. If we are going to ask the applicant to come back with plans, it is for comfort that this will not be used as a second dwelling unit.

Mr. Cameron liked the project and was in support.

Mr. Moore thought the project looked fine. He did think that the plans should be available to the public.

Mr. Ciampitti was in support provided interior drawings are as described.

The applicant asked for a continuance to the next available meeting.

Motion to continue application 2019-011 to 2/26/19 made by Ms. Pomeroy, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– absent

Robert Ciampitti – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

The meeting adjourned at approximately 8:17pm

Respectfully submitted, Katie Mahan - Note Taker