

**City of Newburyport
Zoning Board of Appeals
January 28, 2014
Council Chambers**

The meeting was called to order at 7:13 P.M.
A quorum was present.

1. Roll Call

In Attendance:

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

Absent:

Jamie Pennington
Howard Snyder

2. Business Meeting

a) Approval of Minutes

Minutes of January 14, 2014 Meeting

Mr. Ramsdell voiced a correction on the year recorded in the minutes on the 1/14 Ship Street hearing. It should read 2014, not 2013.

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

The motion passed unanimously.

Votes Cast:

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

a) Request for an extension of Dimensional Variance – 2 Forrester Street (2013-014)

Nat Coughlin of Blue Door, LLC, and owner of 2 Forrester Street appeared before the board. A year ago, two variances and a special permit were approved. During 2013, Blue Door did not complete the lot split of the parcels and the renovation and sale of the single-family home at 2 Forrester Street, Lot 2. An extension for this variance has been requested, as additional time for design and construction was needed.

Mr. Ciampitti made a motion to approve a six-month extension of the Dimensional Variance to August 26th, 2014 and Mr. Goulet seconded the motion.

The motion passed unanimously.

Votes Cast:

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

2013 054

Address: 37 Middle Street

Dimensional Variance

Increase height of the structure to 36.5' where 35' is allowed

2013 055

Address: 37 Middle Street

Special Permit

Convert mixed-use building to multi-family (#103) with three residential units

A letter was received from Robert Brennan representing BullDawg USA Realty I, LLC requesting hearings 2013-054 and 2013-055 be continued to Feb 25th, 2014 because they are still in process with the Historical Commission.

Mr. Ciampitti made a motion to continue hearings 2013-054 and 2013-055 to the February 25th meeting and Mr. Goulet seconded the motion.

The motion passed unanimously.

Votes Cast:

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

2013 057

Address: 344 Merrimac Street

Dimensional Variance

Intensification of use so as to require a lot area variance, modification to structure to require rear yard setback variance

2013 058

Address: 344 Merrimac Street

Special Permit for Non-conformities

Modification to pre-existing non-conforming structure by adding a third living unit

2013 059

Address: 344 Merrimac Street

Special Permit

Change use from two-family (Use #102) to three-family (Use #103)

A request from Attorney Lisa Mead on behalf of 344 Merrimac Street, LLC for applications 2013-057, 2013-058, and 2013-059 be withdrawn without prejudice.

Mr. LaBay made a motion to withdraw hearings 2013-057, 2013-058 and 2013-059 and Mr. Goulet seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Duncan LaBay – approve

Robert Ciampitti – approve

Richard Goulet – approve

Jamie Pennington – absent

Howard Snyder– absent

2014 002

Address: 17 Ship Street

Special Permit for Non-conformities

Rebuild pre-existing non-conforming single family home where the proposed structure will increase the non-conforming nature of the rear and left side setbacks as well as lot coverage

Everett Chandler of Design Consultants represented applicants Kathi Rodriguez and Patricia Kurkel. They have discussed their options and would like to continue the hearing to the February 25th, 2014 meeting. This will allow them time to prepare documents and a presentation.

Motion to continue the application to February 25th meeting made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Duncan LaBay – approve

Robert Ciampitti – approve

Richard Goulet – approve

Jamie Pennington – absent

Howard Snyder– absent

2014 005

Address: 141 State Street

Special Permit for Non-Conformities

Modify pre-existing non-conforming structure and use to allow for a three-unit multi-family

2014 006

Address: 141 State Street

Special Permit

Convert a bed and breakfast (Use #110) to a three-unit multi-family (Use #103)

Attorney Lisa Mead of Blatman, Bobrowski & Mead, LLC, 30 Green Street Newburyport, represented 141 State Street Realty Trust. The applicants wish to convert two townhouse style units and four rental day units into a three-unit multi-family. The structure is 9522 square feet with 76.56 feet of frontage. It is in the R3 zoning district. They are not proposing to modify the outside or footprint of the structure.

Special Permit

A three family use is allowed with section V-D of the Ordinance with a Special Permit from the board and certain general conditions are met.

1. *The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which the application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.* The property is located in the R3 district where a three family use is allowed.
2. *The required use is essential and/or desirable to the public convenience or welfare.* The R3 district is the densest in the city and a three-family is consistent. It is desirable to create permanent housing for the neighborhood and is less dense than the existing use.
3. *The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.* This use will not create traffic or impair pedestrian safety. There are public sidewalks for pedestrians. There are seven parking spaces marked in the back. The benefit to having a three-family is that it is more predictable than a bed and breakfast use as far as people coming and going. The use will not be more detrimental to the neighborhood.
4. *The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to the hazards affecting health, safety or the general welfare.* The new use will not overload water and sewer systems. There are currently eight bedrooms and six are proposed. There will actually be less of an impact to water and sewer. There are also no changes to the exterior.
5. *Any special regulations for the use, set forth in the special permit table are fulfilled.* There are no special regulations for a three-family use, which exist in the Ordinance.
6. *The requested use will not impair the integrity or character of the district or adjoining districts, not be detrimental to the health or welfare.* State Street scattered with one, two, and multi-family homes along with commercial use structures. There will be no differences on the outside of the building besides sign removal. This will not impair neighborhood.

7. *The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.* A three-family use is common in the neighborhood and general vicinity. There is a multi-family at 134 State Street, a two-family at 138 State Street, and another multi-family down lower on State Street.

8. *The proposed use is in harmony with the purpose and intent of this ordinance.* This use is in harmony as well as an appropriate fit in the neighborhood.

9. *The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, or other form of environmental pollution.* The proposed use will not be any of these things. All construction will be within the structure and not outside at all.

Special Permit for Non-Conformities

The applicants will not be intensifying any non-conformity. The existing non-conformities include lot area, frontage, and side setbacks. They are actually removing a non-conforming use and turning it into a conforming use. Changes will not be substantially detrimental to the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #6:

None

Deliberations:

Mr. Ciampitti believes that both applications are reasonable requests. There will be less traffic and fewer people. The structure will remain the same on the exterior. The permanent use is consistent with the city master plan. This was clearly presented.

Mr. Goulet did not have much to add. He agreed with his colleague. There are no exterior changes and it is consistent with the city master plan.

Mr. Ramsdell concurred.

Mr. LaBay agreed. It was a clear presentation and he was in support of the applications.

Motion to approve the application for a special permit for non-conformities made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

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

Motion to approve the application for a special permit made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 007

Address: 39 Pine Hill Road

Special Permit

Allow an in-law apartment (Use #109)

Paul Colby, owner 39 Pine Hill Road appeared in front of the board requesting a special permit to allow an in-law apartment. This past November his daughter who is 28 was in an accident where she fell off of a roof. She is now paralyzed from the waist down and in rehabilitation. She should be released in mid-February. In their current home, the bathrooms were too small to allow wheelchair access, and is in general not accessible for her. They have begun construction of an addition with a den, bedroom, and bathroom and are requesting to be able to add a kitchenette to transition the unit into an in-law apartment.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #6:

None

Deliberations:

Mr. Ciampitti commented that this is very reasonable and appropriate for an in-law apartment request.

Mr. LaBay agreed.

Mr. Goulet agreed.

Mr. Ramsdell agreed.

Motion to approve the application for a special permit made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Goulet at 7:43 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker