

**City of Newburyport
Zoning Board of Appeals
February 27, 2018
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)
Maureen Pomeroy
Christopher Zaremba (Associate Member)

Absent:

Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 01/23/18 meeting

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

The motion passed unanimously.

Votes Cast:

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

b) Request for minor modification – 1 Marlboro Street (2018-003)

Ben Becker of BLB Custom Building presented on behalf of the applicants. Proposed modifications were distributed to the Board. At the last meeting an addition was approved by the Board. The applicants want to; eliminate a first-floor French door in the rear and add two double hung windows, replace first floor casement window with a smaller awning window, replace two second floor double hung windows with three smaller awning windows, replace single exterior door to single double hung window in second floor master bedroom, and install bulkhead access to the basement.

Mr. Ramsdell noted that in the staff report noted that windows should match the original structure.

Mr. Ciampitti made a motion to approve the request for minor modification with specific note that all other conditions of the original approval remain in force and Mr. Zaremba seconded the motion.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

2017 054

Address: 92R Merrimac Street

Dimensional Variance

Construct a multi-family building requiring variances for lot area, open space, height, and front- and rear-yard setbacks

The applicant requested a continuance to the 4/24/18 meeting.

Motion to continue application 2017-054 to 4/24/18 made by Mr. Zaremba, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

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

2017 088

Address: 32 Union Street

Dimensional Variance

Split lot requiring variances for frontage and lot width

The applicant requested a continuance to 4/24/18.

Motion to continue application 2017-088 to 04/24/18 made by Mr. Zaremba, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

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

2018 006**Address: 16 Plummer Avenue****Special Permit for Non-conformities***Construct a 1173 s.f addition to a pre-existing non-conforming structure*

Attorney Paul Gagliardi of Healey, Deshaies, Gagliardi and Woelfel, Amesbury represented the applicant. Scott Brown, architect was also present. Attorney Gagliardi went through the properties non-conformities; lot size 6996 s.f. where 10000 s.f. are required, frontage 71.67' where 90' are required, front yard setback 14.71' where 25' are required, and side yard setback 1.81' where 10' are required. Open space will go from 66.7% to 69% proposed where 40% is required. Two parking space exist and will remain. The applicant is not exacerbating any non-conformities and not creating any new non-conformities. The changed will not be substantially more detrimental to the neighborhood. The project is in line with other home sizes in the neighborhood. Living space proposed is 2825 s.f.

Scott Brown, architects presented site plans and elevations. Mr. Brown explained they propose to raze an existing garage and remove existing appendages from the back of the home that were later additions. They are proposing a right side single story addition and ack two story addition. The lot is on a slope and they will add a garage under the two-story addition. They will keep the roofline in line with the existing roof.

Attorney Gagliardi reiterated the requirements for a Special Permit for Non-conformities.

Mr. Ramsdell noted the staff report commented on abutter letters submitted and conditions proposed as a result. Attorney Gagliardi went through proposed conditions to approvals.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Ciampitti commented on the abutter letters and proposed conditions. The applicant was willing to accept conditions.

Ms. Pomeroy asked what the addition would be dedicated to. It would house a master suite, kitchen, and living room space.

Mr. Ramsdell commented on the good size addition. He asked if the chimneys would be removed. Mr. Brown noted that they plan to remove them and are non-functioning.

Mr. Zaremba asked about rear vegetation. Mr. Brown noted there is no intention to change anything in terms of vegetation abutting Atkinson Common. There is enough growth that the views from the park would not be overtaken.

Deliberations:

Mr. Ciampitti commented on the valid case for the SPNC. The application does not seem to be substantially more detrimental to the neighborhood. There has been interaction between abutters and agreement among the neighborhood. It is a reasonable request.

Ms. Pomeroy agreed. Sufficient criteria were met and presented and the applicant does not suggest a two-family in the future.

Mr. Zaremba appreciated the interaction with the neighborhood.

Mr. Ramsdell was bothered by the addition size and chimney going away, but was in support of the project.

Conditions;

- The developer shall plant mature evergreen plantings ranging from 6'-10' tall along the borders of both properties, along with fencing
- The developer shall install a 5' picket style wooden fence along the 10 Plummer Ave. side starting from the back of the existing garage to the front of the property
- The developer shall install a 6' wooden fence all along the 20 Plummer Ave. side
- The developer shall place a temporary construction boundary before the excavation process begins to halt any runoff or drainage down the hill toward 10 Plummer Ave.
- The developer shall pitch the driveway so that future storm water shall not run onto the property at 10 Plummer Ave.

Motion to approve application 2018-006 with above conditions made by Ms. Pomeroy, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

2018 005

Address: 29 Tyng Street

Special Permit for Non-Conformities

Construct a 6'x15' addition resulting in an increase of pre-existing non-conforming lot coverage

Janice Trueman and Michael Sperry, owners presented the application. The applicants propose to build an addition that will house a modest bathroom to be added onto first floor master bedroom. This will result in a lot coverage increase of 1.4%. There will be no impact on surrounding structures. The driveway is between the addition and nearest neighbor.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Mr. Zaremba asked if this will interfere with the driveway and parking at all as noted in the staff report. The project would not interfere.

Ms. Pomeroy asked if they would be matching materials on the addition. Yes, wooden clapboard and matching windows would be used.

Deliberations:

Mr. Ciampitti commented that this is a very modest request and makes a lot of sense. It does not have a major impact on the neighborhood and no opposition was present.

Ms. Pomeroy agreed. This is not substantially more detrimental to the neighborhood. Materials will match the existing structure.

Mr. Zaremba agreed that the addition on the narrow home will improve the appearance.

Mr. Ramsdell noted that this addition would not trigger the sidewalk and tree ordinance.

Motion to approve application 2018-007 made by Mr. Ciampitti, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Christopher Zaremba – approve

2018 009

Address: 15 Eagle Street

Special Permit for Non-Conformities

Construct an addition increasing the pre-existing non-conforming open space and lot coverage

Hillary Warren, architect presented the application. L&S Construction was also present. The existing structure is non-conforming with respect to frontage, front setback, lot coverage, lot area. The front of the house would remain the same with two additions; one on either side. The existing single story would become two-story. The people doing the work will be living there. They wish to increase the size of the home, as they have four children.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Juliet Walker, 13 Eagle Street

Ms. Walker was not for or opposed. Her concerns included; fireplace in plans that she was told was no longer part of the plans, back addition, discrepancies in elevations and floorplans, whether the two-story tower-like structure that will house a bathroom on the second floor and overlooks her home is needed or could be minimized.

Linda Skinkle, 14 Eagle Street

Concerns included; substantial addition, zoning in place for a reason, especially with a smaller lot like that neighborhood and if the new owners could find a way to meet needs without excess lot coverage.

Stephanie Niketic, 93 High Street

Concerns included; this house being an NHC contributing structure, in the building permit denial they were also told to visit the Historical Commission for approvals and they meet tomorrow evening, zoning matrixes are incorrect, no surveyed plans, no building dimensions, no elevations of existing structure, proposed elevations do not have all measurements, no neighborhood plan. This is a large addition, clearly visible from the street and it is out of scale with the neighborhood. The application needs to be complete and needs Historical Commission review.

Questions from the Board:

Mr. Ramsdell and Mr. Ciampitti commented on the public comment and missing information. The application needs work. He suggested connecting with the planning office and perhaps connecting with neighbors about their concerns.

The applicant requested a continuance to the 3/27/18 meeting.

Motion to continue application 2018-009 to 3/27/18 made by Mr. Ciampitti, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

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

2018 010

Address: 8 Harrison Street

Special Permit for Non-conformities

Construct an addition over 500 s.f. to a pre-existing non-conforming structure

Mary Gene and John Clavin, owners, presented the application. In June 2016 this home became their primary residence, however they have been back in the area since 1998 and grew up here. Their intention is to renovate into their long-term family home. They have shared plans with abutters and neighbors. Mr. Clavin explained they hope to make the house function more effectively, improving access to the second and third floors. The addition will allow access from the rear of structure. The secondary purpose is more living space on the second and third floors as well as making significant improvements overall. They intend to replace siding, trim, windows, front door with style more appealing and valued in the neighborhood. The owners presented elevations – existing and proposed. They noted a chimney returned to the property. The owners explained materials to be used.

Chair Ramsdell opened the hearing to public comment.

In Favor:

*Beverly Moore, 182 Water Street
In favor and love design.*

*Donna Glick, 10 Harrison Street
Thrilled to see this happen.*

In Opposition:

*Tom Kolterjahn, 64 Federal Street and Co-President of Newburyport Preservation Trust
Mr. Kolterjahn was not in opposition, just commenting. This will be a striking improvement to front façade of the building. Addition of chimney, shift in doorway, and window improvements were favorable. The only comment or negative is on the third floor; 7 windows (3-1-3) instead of 5 does not feel or look like it fits. He wished the owners luck with the project.*

Questions from the Board:

Mr. Ramsdell and Mr. Ciampitti asked about window arrangement on the third-floor street side. The owners explained that they went before the Historical Commission and they approved this plan after making many compromises/changes. They wish to keep this arrangement.

Ms. Pomeroy asked if there is any intent to go to a three family. No, there was not.

Mr. Ciampitti and Mr. Ramsdell also had a question on third floor plans shows five windows. It should show seven.

Deliberations:

Mr. Ciampitti commented on the balance. With respect to the Preservation Trust, it is a little bit of a hybrid. The addition of a chimney, federal style diminishing fenestration were a plus. The owners are taking some artistic license. With that balance, he had no major issue.

Ms. Pomeroy commented that the windows were not holding her up. She agreed with Mr. Ciampitti and understood changes made through the Historical Commission process. The project is not substantially more detrimental, and no new non-conformities would be added.

Mr. Zaremba appreciated the application. It will be a substantial improvement for the neighborhood.

Mr. Ramsdell agreed. It appears this does not trigger the sidewalk and tree ordinance. He asked that the applicants provide replacement sheet A3 to the planning office with correct window arrangement.

Motion to approve application 2018-010 made by Mr. Ciampitti, seconded by Mr. Zaremba.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve

Christopher Zaremba – approve

2018 008 Address: 10 Ashland Street Special Permit <i>Permit a two-family (Use #102)</i>

Attorney Lisa Mead, on behalf of the applicants requested a continuance to 3/27/18 as the applicant has a right to a full Board.

Attorney Mark Griffin, representing neighbors noted that the neighbors have been in attendance for many previous meetings for a previous application, and now a new application has been filed that is essentially the same. He felt his clients should hear the application this evening.

Mr. Ramsdell explained that the withdrawal without prejudice of the previous application essentially erases the application. Legally, the applicant is here tonight for the first time and may request a continuance.

Motion to continue application 2018-008 to 3/27/18 made by Mr. Zaremba, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve

Christopher Zaremba – approve

The meeting adjourned at 8:45pm

Respectfully submitted, Katie Mahan - Note Taker