

**City of Newburyport  
Zoning Board of Appeals  
February 03, 2015  
Police Station Conference Room**

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

**1. Roll Call**

**In Attendance:**

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

**Absent:**

Robert Ciampitti (Vice-Chair)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of January 13, 2015 Meeting**

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

The motion passed unanimously.

**Votes Cast:**

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

**3. Public Hearings (10 on the agenda)**

<p><b>2014      042</b> <b>Address: 114-118 Merrimac Street</b> <b>Dimensional Variance</b> Variances for height, side yard setback, and rear setback</p>
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**2014      043**

**Address: 114-118 Merrimac Street**

**Special Permit for Non-conformities**

Alter pre-existing non-conforming structure to construct a new two-family home on the lot

**2014      044**

**Address: 114-118 Merrimac Street**

**Special Permit**

Demolish existing structure

**2014      045**

**Address: 114-118 Merrimac Street**

**Special Permit**

Allow a two-family (Use #102)

Request to continue to February 24, 2015 meeting.

**Motion to continue applications 2014-042, 2014-043, 2014-044, and 2014-045 made by Mr. LaBay, seconded by Ms. McGee.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – absent

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – approve

Libby McGee - approve

**2014      079**

**Address: 2 Storey Avenue**

**Dimensional Variance**

Decrease a 19.1' setback to a 9.8' setback where the structure and use are non-conforming

**2014      080**

**Address: 2 Storey Avenue**

**Special Permit for Non-conformities**

Decrease a 19.1' setback to a 9.8' setback where the structure and use are non-conforming

**2014      081**

**Address: 2 Storey Avenue**

**Appeal**

Appeal of the Building Commissioner's decision that Major Site Plan Review is required for a proposed addition

Mr. LaBay recused himself as an abutter.  
Request to continue to February 10, 2015 meeting.

**Motion to continue applications 2014-079, 2014-080, and 2014-081 made by Mr. Goulet, seconded by Mr. McGee.**

The motion passed unanimously.

**Votes Cast:**

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

**2015      006**

**Address: 6 Dove Street**

**Special Permit for Non-conformities**

Remove an existing single-story addition and construct a two-story addition to the rear of a pre-existing non-conforming structure

Alexis Turbide, applicant, was represented by her husband Frederick Heitkamp. A one-story portion to rear of the home has a compromised foundation discovered in late fall. The issue must be addressed, so they are seeking the opportunity to turn their present two-bedroom home into a three-bedroom. The addition would contain a first floor kitchen and a second floor bedroom and bathroom. Lot coverage would increase from 35% to 41.6% and rear yard setback would decrease from 14'7" to 12'7". 130 new additional sq. ft. will be added to the home.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Ms. McGee asked for clarification on the elevations of old versus new. Mr. Heitkamp clarified dimensions and where windows and doors would be located.

**Deliberations:**

Ms. McGee noted that there were no neighbors in favor or against. Mr. Heitkamp clarified that 8 Dove Street had no opposition, as there would be no windows into their backyard. The back side of the property is bordered by a paint store.

Mr. Pennington was concerned about massing, but has come around. He noted this property is next to a commercial structure. This is a reasonable and modest addition.

Mr. LaBay agreed. The parcel is small and the request is not out of line. He recognized there was no neighbor opposition.

Mr. Goulet concurred. This is fitting and modest.

**Motion to approve application 2015-006 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

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

**2015      007**

**Address: 37 Elmira Avenue**

**Special Permit for Non-conformities**

Modify a pre-existing non-conforming structure by removing the existing structure and replacing same with a less non-conforming structure

Sara Bolino Of Blatman, Bobrowski & Mead LLC represented the applicant. The property is currently home to a 1200 sq. ft. bungalow built in 1946. Legare Homes would like to demolish the existing structure and build a single family that is less non-conforming. There would be no new non-conformities. An encroachment onto 35 Elmira Avenue would also be remedied. The footprint would be reduced nearly 50%. This project would not be more detrimental to the neighborhood. Renderings of the project were in the board packet for review.

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

**In Favor:**

*None*

**In Opposition:**

*Peggy Davis, daughter of Dick & Peggy VanAmburg, 40 Elmira Avenue*

Ms. Davis appeared on behalf of her parents. They have no problem with the house being fixed up, but were questioning the demolition. Ben Legare, of Legare homes explained that this home is a foreclosure. They had explored fixing it up, but it was no feasible. It is also currently encroaching on a neighboring property. This five bedroom home would be rebuilt as a three bedroom.

**Questions from the Board regarding Public Hearing #9:**

Mr. LaBay questions discrepancies in numbers in the filing. The existing building is 1272sq. ft. and is proposed to be 1800 sq. ft. It would be more accurate to call the proposed building a 2.5 story. Mr. Legare clarified that there are 440 sq. ft. in top floor. Mr. LaBay also asked where the new structure would be located on the lot, and the distance between neighbors. There would be roughly 25-30 ft. from one neighbor and 18 ft. to the other. There would also be a 20 ft. as side-by-side drive in the front of the home.

Ms. McGee asked for clarification on the dormered 3<sup>rd</sup> floor. Mr. Legare explained that there would be a bedroom and bath on the 3<sup>rd</sup> floor.

**Deliberations:**

Mr. Pennington commented that this is a reasonable proposal. They are reducing non-conformities. He appreciated the small dormers and restricted space on the 3<sup>rd</sup> floor.

Mr. LaBay thought the proposed structure would be overwhelmingly large for the size of lot. He liked the home, but not on this lot.

Mr. Goulet thought the proposal was reasonable. The massing is a bit troubling, but he is coming around.

Ms. McGee was torn. She was more inclined to be in line with LaBay. It is a nice design, but she was concerned with height. However, after seeing the height of neighbors, it fits in well.

Mr. Ramsdell could support the application. The height was within requirements and non-conformities were improved.

**Motion to approve application 2015-007 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Ms. McGee.**

The motion passed.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – absent  
Duncan LaBay – no  
Jamie Pennington – approve  
Richard Goulet – approve  
Libby McGee – approve

**2015      008****Address: 32 Low Street****Dimensional Variance**

Construct a solar array within the side yard setback

WinnDevelopment, applicants were represented by Deborah Hall. The Heritage House is a 101 unit elderly affordable housing complex owned by Winn Development. The company is taking many steps to improve energy within many of their properties. This particular property has suitability for a solar canopy. They have received approval from the Conservation Commission as they border wetlands. They propose to build an array of solar panels abutting the Graf Skating Rink. The side yard setback would be reduced to 4 ft., not meeting the 10 ft. requirement. The location on the property was chosen trying to maximize solar while being respectful to wetlands and trees. She briefly went into the location and limitations with utilities, trees, etc. The modules are also designed to protect cars and parking spaces from inclement weather. They are oriented so that rain and snow would slide toward the property line. There would be landscaping added around the arrays as well.

Rich Whitehouse, the project engineer with VHB, explained the solar arrays and plans.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #10:**

Mr. Goulet questioned whether the plan they were looking at were the same as Conservation Commission approved. Ms. Hall said that they approved slightly different plans that had more impact on wetlands.

Ms. McGee asked about materials used and whether modifications to the existing building were part of the project. Mr. Whitehouse explained that the structures are painted steel, decking, and solar panels. Not modifications to the building were being made at this time.

Mr. Goulet asked how the arrays would impact the savings on energy for the property. Ms. Hall explained that the Heritage House would save thousands per year. They would be reducing other emissions and making a green statement. Affordable housing will certainly benefit from this operational cost savings.

**Deliberations:**

Mr. Pennington thought the plantings were aesthetically pleasing. He considered adding conditions; structures could only be built if solar panels were present and plantings must be included. He felt as if he could support.

Ms. McGee thought the arrays were amazing from an energy standpoint. She was troubled with the aesthetics of it all and it felt out of context. She wished this were located on the roof. The arrays seem modern for the building.

Mr. LaBay had an immediate reaction similar to Ms. McGee. This is not in keeping with “Old Newburyport.” The location next door to the Fuller Field and Graf Rink, and across from the Industrial Park made him come around.

Mr. Goulet noted that the building will be in need of vital updates in the near future as well. He is in support of a green project.

Mr. Ramsdell commented that a solar ordinance may be in the near future and allowed by right. It is the changing of the world.

Mr. LaBay commented that with regard to color, the applicants would do their best to have them fit in with the property.

**Motion to approve application 2015-008 for a Dimensional Variance as a solar array with condition to include plantings similar to drawings provided made by Mr. Pennington, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

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

**Adjournment**

**Motion to adjourn made by Mr. LaBay, seconded by Mr. Pennington at 8:27 PM.**

The motion passed unanimously.

**Votes Cast:**

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

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