

**City of Newburyport
Zoning Board of Appeals
March 12, 2019
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)
Renee Bourdeau
Maureen Pomeroy
Edward Cameron
Mark Moore

Absent:

Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the 2/26/19 meeting

Mr. Cameron made a motion to approve the minutes and Mr. Moore seconded the motion.
The motion passed unanimously.

Votes Cast:

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

b) Review of Rules and Regulations (Discussed after hearings)

Chair Ramsdell asked the Board if they had comments at this point. The rules and regulations marked up with changes as well as a clean copy were sent to the Board for review. Andy Port, Planning Director would like to come in to talk with the Board at an upcoming meeting to collect any comments from members. The Board will then vote in the next 4-6 weeks. The Chair noted saw no stunning changes. He noted a change that if there were not five members available, the absolute right to continuance for an applicant would go away. Election of officers would be moved to July.

Ms. Bourdeau noted a change that hearings will be changed to legally begin at 7pm and there would be a limit of four hearings per meeting.

Mr. Cameron asked about outreach to fill the vacant position for associate member on the ZBA. Chair Ramsdell noted that the Mayor has advertised vacancies in various meetings and there have been

notices in the newspaper. Other boards are down members as well. The Board thought outreach to local radio and newspaper to highlight the openings would be beneficial. The Board wanted to take additional time to review the changes and discuss at the next meeting.

3. Public Hearings

2018 028

Address: 1 Inn Street, Unit 7

Appeal

Appeal of the denial of a request for issuance of a cease and desist letter by the Zoning Enforcement Officer dated 4/6/18 for noise and vibration in excess of what is allowed under the Zoning Ordinance due to operations associated with the property at 35 Market Square

Attorney Lisa Mead of Mead, Talerman and Costa, 30 Green Street, requested the to withdraw the appeal.

Motion to withdraw appeal 2018-028 without prejudice made by Ms. Bourdeau, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

2019 018

Address: 5 Olive Street

Special Permit for Non-conformities

Construct an addition to the rear of a pre-existing non-conforming two-family home

Attorney Lisa Mead of Mead, Talerman and Costa LLC, 30 Green Street presented the application on behalf of Ryan and Maria Lachapelle and David Simpson Jr. This request does not trigger the DCOD. They did make a roofline change and went to the Historical Commission for review. Plans were approved on 1/23/19. The lot is non-conforming for this property in the R2 zoning district with regard to lot area, frontage, lot coverage, front, side and rear setbacks, as well as parking spaces. The applicants are proposing to remove a small piece of a later addition and put an addition on the rear of the home that would be minimally seen from Olive Street. A shed would also be relocated. Existing versus proposed elevations was presented. The existing roofline has two different pitches, and the rear roofline would be changed to match. A total of 608 s.f. would be added.

No new non-conformities would be added. They would exacerbate a few. The additions would not be substantially more detrimental to the neighborhood. The applicants have 11 letters of support that they have submitted to the Board. Changes are at the rear of the lot and can be seen only directly in front of the driveway. The changes would fit in with the historic neighborhood and surroundings. The addition is modest in scale, lower in height and more appealing than the existing addition. There is a clear delineation between the new addition and existing historic home.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic had questions/comments; The application says this is a pre-existing two-family, although the assessor card says single family. She also noted that the application uses dimensional controls for a single family. This is a very tiny lot. Changes would be modest if the lot size was the required size, but it is not. They are extending 6' more toward a neighbor and it is surprising they are not questioning this.

Attorney Mead responded that the table could be corrected. As far as the two-family, the Lachapelle's have been living there since 2011 and it has been a two-family. The zoning code enforcement officer signed off on this. Attorney Mead believed this a mistake on the assessor card.

Questions from the Board:

Ramsdell commented on different papers with different numbers. The Assessor card states single family and Vision online database states two-family.

Ms. Pomeroy asked if the Board could make a decision upon confirmation of two-family status.

Ms. Bourdeau noted the public notice was for a two-family. She would not feel comfortable approving with a condition. She noted that based on overwhelming neighborhood support, and compared to what existed, this was not substantially more detrimental to the neighborhood. She also brought up a comment from the Planning office on parking.

Attorney Mead responded that parking would not be changing and is pre-existing non-conforming at two spaces.

Ms. Pomeroy asked if building materials would be consistent with the existing home. Yes, this was gone through by the Historical Commission.

Mr. Cameron clarified a timeline on exterior property changes with the applicants. In 2011 there was a house fire on the second floor and a new roof and siding was done. In 2015 the house was painted before it sold to the current owners.

Ms. Pomeroy commented that this does not trigger the sidewalk and tree ordinance.

Mr. Moore did not see this as being unreasonable and was more of a technicality on paperwork.

Mr. Cameron commented on the small lot and pretty significant changes on the right setback and lot coverage. He had no huge objection. He liked the two-family use from a macro perspective. Abutters are in favor.

The applicants requested a continuance to confirm two-family status with assessor and correct application.

Motion to continue application 2019-018 to 3/26/19 made by Ms. Bourdeau, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

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

2019 019

Address: 4-6 Bromfield Street

Special Permit

Partial demolition resulting in removal of greater than 25% of the external walls

2019 020

Address: 4-6 Bromfield Street

Special Permit for Non-conformities

Expand footprint and add additional floor resulting in an extension of a pre-existing non-conforming side setback and increase in lot coverage

The applicant requested a continuance in order to make adjustments to their application.

Motion to approve applications 2019-019 and 2019-020 to 4/23/19 made by Ms. Bourdeau, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

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

2019 021

Address: 28 Frances Drive

Special Permit for Non-conformities

Finish existing attic space resulting in an increase of over 500 s.f. on a pre-existing non-conforming single family home. No exterior changes are proposed.

Christos and Meggan Ross, owners presented the application. They have lived at the property since 1996 and are finally getting to finish the attic. The space would add 589 s.f. of living space and no changes to the exterior would be made. There is an existing stairway to the attic inside.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Ms. Pomeroy confirmed no exterior changes and what the space would be used for. It will serve as a bonus room.

Deliberations:

Chair Ramsdell noted if the zoning re-write passes, they would not need to be here before the Board.

Ms. Pomeroy commented on the modest request with no impact on the neighborhood.

The rest of the Board agreed.

Motion to approve application 2019-019 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

The meeting adjourned at approximately 8:06pm

Respectfully submitted, Katie Mahan - Note Taker