

**City of Newburyport
Zoning Board of Appeals
March 25, 2014
Council Chambers**

The meeting was called to order at 7:10 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Robert Ciampitti (Vice-Chair), Acting Secretary
Jamie Pennington
Howard Snyder
Richard Goulet (Associate Member)

Absent:

Duncan LaBay (Secretary)

2. Business Meeting

a) Approval of Minutes

Minutes of February 25, 2014 Meeting

Mr. Snyder made a motion to approve the minutes and Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings

2013 054

Address: 37 Middle Street

Dimensional Variance

Increase height of 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

This hearing is continued from the November 12, 2013, January 14, 2014, January 28, 2014, February 25, 2014, and March 11, 2014 meetings. Katherine Bailey represented BullDawg USA Realty I, LLC. Since November, the owners have been before Historic Commission for the roofline and added attic space. They have since re-evaluated some of their initial plans. The Historic Commission approved the plans submitted to the planning office last week. They would raise the roofline and add 2 dormers. The new plans shift the square footage and dormers to the back of the structure instead of the front, Middle Street side, and not alter the front of the building. The owners have decided to move on with the Special Permit application requesting to convert the structure to a three-family. Ms. Bailey passed out new plans and explained that unit one would consist of the basement and first floors, unit two would consist of the second floor and unit three would consist of the third floor and attic space. It was clarified with the board that they would be adding to a non-conformity on the back of the building, and they must submit a variance application for this. They may revise the current variance and continue the hearing.

With the need for advertising of revised variance application, the earliest meeting this could be continued is to April 22nd, 2014.

Mr. Snyder commented that the plans they are now looking at include a deck which is different from earlier plans seen and approved by the Historic Commission and suggested they run the change by the commission.

Motion to approve the request for a continuance of 2013-054 and 2013-055 to the April 22, 2014 meeting made by Mr. Ciampitti, seconded by Mr. Snyder.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
 Robert Ciampitti – approve
 Duncan LaBay – absent
 Jamie Pennington – non-voting, recused
 Howard Snyder– approve
 Richard Goulet – approve

<p>2014 012 Address: 8 Point Road Special Permit for Non-conformities Construct a second floor addition</p>
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Thomas J. Cassidy, of TNT Builders, Middleton, MA presented the application on behalf of Charon Pearson, owner. The owners would like to construct a second floor addition. As the structure stands today, only the height and rear setback are the only conforming zoning requirements. There would be four areas of construction. A: There is currently a deck that is on an abutter's property that would be demolished and moved to area B. B: The egress would move over and a new egress and Gable would be added to meet codes C: Second level bathroom, closet, and hallway will be added. The closet and hallway will cantilever. D: A stair height

problem would be remedied and is the reason they must bump the rear part out. They will maintain roof height.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Charon Pearson, 8 Point Road

She is the homeowner and is appearing in favor.

In Opposition:

Mary Kench, 4 80th Street

The applicant's house is behind their property. They are concerned with what's being done on the water side of house. They have been losing water and beach views with new homes and additions to homes in the area. This home has been in the family for many years. After Mr. Cassidy sharing plans, it does not appear that this will be an issue.

Questions from the Board regarding Public Hearing #3:

Mr. Snyder had no questions.

Mr. Ramsdell verified the applicants would not be changing the footprint or height. Mr. Cassidy answered that they would not be.

Mr. Goulet asked if the builder could share information on materials that would be used. Mr. Cassidy answered that vinyl siding and asphalt shingles would be used. The color would remain the same with white trim.

Mr. Pennington commented that they submitted clear plans.

Mr. Ciampitti had no questions.

Deliberations:

Mr. Snyder commented that by removing the deck on the abutter's property, not changing the footprint, improving the structure, and not increasing height, it seems favorable. He also noted that concerns of the neighbors were mediated.

Mr. Ciampitti agreed.

Mr. Pennington echoed earlier comments. It appeared the builder went to great lengths to articulate the plans and submit a clear application and he thanked him.

Mr. Goulet commented that the application and packet were very clear and helpful. The changed would be a definite improvement.

Motion to approve the application 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 – approve
Duncan LaBay – absent
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – approve

2014 013

Address: 20 Munroe Street

Special Permit for Non-conformities

Create an unbuildable parcel 181 s.f. in area to convey to a neighbor in order to cure a boundary issue

Mark Griffin, Esq., 11 Market Square, Suite 8, presented on behalf of Preston Carey and Joshua Bradshaw, owners. This application is for a fairly straightforward land swap to cure a title issue. It was discovered during the closing of the property at 30 Munroe Street when a land survey was done. The fence-line was what was believed to have been the boundary line between properties. Mr. Carey (of 20 Munroe Street) would convey to Mr. Bradshaw (of 31 Broad Street) the 181 square feet of land. This will make Carey's property more non-conforming, but Bradshaw's property more conforming. Much of the neighborhood is non-conforming. This land conveyance will not be substantially more detrimental, as one lot would be benefiting, and one would not. They will not be building anything; they would simply cure a title issue.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #4:

Mr. Ciampitti asked if there was an erroneous number on the plot plan. Mr. Griffin responded that yes, 5182 is correct square footage that should appear. Mr. Ciampitti also asked what is on the parcel of land. Mr. Griffin responded that there are plantings behind the fence. Mr. Bradshaw wants the property or a dispute will likely occur. A separate deed would be created and combined.

Mr. Ramsdell commented that this changes nothing in neighborhood.

Mr. Pennington commented that with the transfer of land it would not give one property enough to build on.

Mr. Snyder also commented that the owner conveying the land would not be removing his ability to build.

Mr. Goulet had no questions.

Deliberations:

Mr. Ciampitti commented that the applicant made an argument that board can vote favorably on. In a balanced way it both cures and intensifies non-conformities. It is a minor request solving a major problem.

Mr. Pennington agreed.

Mr. Ramsdell concurred.

Mr. Goulet commented that this is a reasonable adjustment.

Motion to approve the application for a Special Permit for Non-conformities made by Mr. Ciampitti, seconded by Mr. Snyder.

The motion passed unanimously.

Votes Cast:

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

Motion to cancel the April 11, 2014 meeting made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. Ciampitti, seconded by Mr. Goulet at 7:55 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

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

Respectfully submitted, Katie Mahan - Note Taker