

**City of Newburyport
Zoning Board of Appeals
April 24, 2012**

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), Charles Ciovacco, Jamie Pennington, Robert Ciampitti (Vice-Chair) - arrived at 7:30 P.M.

2. Business Meeting

a) Approval of Minutes

Minutes of March 27, 2012 Meeting

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

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve
Duncan LaBay – approve
Charles Ciovacco – approve
Jamie Pennington – approve
Robert Ciampitti (not present)

b) Public Hearings (3 on agenda)

Public Hearing #1:

2012 008

Address: 3-5 Pine Street

Special Permit for Non-Conformities

Allow for renovation of an addition to the two-family residential structure where said renovations and addition will result in the extension of front-and side-yard setback non-conformities

Geno Renaldi, Manager of 305 Pine Street Development, LLC

Lisa Mead, Attorney, Blatman, Bobrowski, & Mead, LLC, 30 Green Street, Newburyport, MA. represents Mr. Geno Ranaldi, Manager of 3-5 Pine Street Development, LLC

This is a continuance from the March 27, 2012 ZBA Meeting.

Chairman Ramsdell indicated that there was a request from Attorney Mead for a continuance to the May 22, 2012 meeting. Mr. LaBay said that the situation was sufficiently complex to allow another month before the hearing.

Motion to continue the hearing for the Special Permit for Non-Conformities to May 22, 2012 made by Mr. LaBay, seconded by Mr. Pennington.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti (not present)

Public Hearing #2 (note: this became Public Hearing #3):

2012 009

Address: 4 Carter Street

Special Permit for Non-Conformities

Remove mudroom and construct an addition at the rear of the house adding a net of 120 s.f.

Denis and Nana Kennedy

Since Mr. Ciampitti had not yet arrived, Mr. Ramsdell gave the option to the applicant to continue until the next meeting. Denis Kennedy, the applicant, requested to be the 3rd hearing on the agenda in order to wait and see if Mr. Ciampitti arrives. The applicant indicated he would be more comfortable with 5 members present.

The Hearing was moved to be the 3rd on the agenda for the evening and Mr. Ciampitti was present for the hearing.

Denis Kennedy, co-applicant with Nana Kennedy spoke. The planned work on the property involves a change in two non-conformities:

- a decrease in rear setback by 1.5 feet
- a slight increase in lot coverage (which would still be slightly above the 30% maximum allowed by zoning)

The Kennedys have owned the property for 16.5 years. Between 1927 and World War II, the mudroom was added to the house. Mr. Kennedy indicated that the proposal was for a small addition on the house which would add 120 net square feet to the footprint of the house, which is now 785 square feet. The proposed addition is a minor alteration to a structure that is one of the smallest on the street and has not been altered since the addition of the back mudroom. The existing 40-square foot mudroom in the back would be demolished and replaced by a larger bump-out totaling 150 square feet (130 square feet of living space and an unenclosed porch of 30 square feet). The addition would extend 1.5 additional square feet beyond the current back

wall of the mudroom. The rear set back would be 15.5 feet which is less than the current 17 feet. No other set-backs would be changed. The lot coverage which is non-conforming to start with, would increase slightly from 33 percent to 37.8 percent.

Similar to many houses in the neighborhood, this house does not comply with one or more dimensional controls, including: lot area, lot coverage, frontage, front setback, one of the two side setbacks and the rear setback.

Mr. Kennedy submitted for the record the signatures of 10 abutter/neighbors who supported the proposal. All immediate abutters are on this list. Mr. Kennedy felt that the proposed work would not be more detrimental than the current structure; it would not detract from the character of the neighborhood; and it would represent an improvement in the appearance of the house and property.

Chairman Ramsdell opened the hearing to public comment.

In favor:

Nana Kennedy, 4 Carter Street, Newburyport, MA:

Ms. Kennedy lives is one of the applicants and indicated that she was Chairman of the Newburyport Historical Commission for 12 years. This is a small addition that mimics the shed roof.

In Opposition:

None

Questions from the Board:

Chairman Ramsdell had no questions.

Mr. LaBay had no questions.

Mr. Ciampitti had no questions.

Mr. Ciovacco had no questions

Mr. Pennington had no questions.

Deliberations:

Mr. LaBay indicated that he wished they could show this application to others: it was very complete, well-represented, and logical. Mr. Pennington agreed with Mr. LaBay.

Motion to approve the Special Permit for Non-Conformities made by Mr. Ciampitti, seconded by Mr. Ciovacco.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti – approve

Public Hearing #3 (note: this became Public Hearing #2):

2012 010 Address: 28 Green Street Use Variance Install a free-standing sign
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Dr. Paul Matthew is the applicant. His systems manager, Pat Selivski, represented him at the Hearing.

Since Mr. Ciampitti had not yet arrived, Mr. Ramsdell gave the option to the applicant to continue until the next meeting. The applicant chose to have the hearing at the present meeting.

Mr. Ciovacco indicated that the owner of the building is his primary care physician.
Mr. LaBay indicated that the owner of the building is his wife's primary care physician
No one felt that these relationships represented constraints.

Ms. Selivski said they were requesting to remove an existing sign post and replace it with a new sign. She had not been aware that they were required to go before the Zoning Board of Appeals to replace the sign.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay asked about the photos that were presented. The applicant indicated that the sign had already been put up since they did not realize they had to get permission from the Zoning Board of Appeals. There was a question about the height of the sign. The applicant indicated that the new sign was the same height as the sign it replaced.

Chairman Ramsdell indicated that the sign was a carved sign with a matte black background and gold lettering. The applicant indicated they went through several iterations with the sign designer; they were looking for something in keeping with the other signage on the street.

Deliberations:

Chairman Ramsdell indicated that the sign does in fact match the signs further down the street and those in the rest of the building are very similar in terms of height and the black and gold colors. Mr. LaBay indicated that it is dangerous to put a new sign up and then ask for dispensation. However, he has no interest in making them remove the sign.

Motion to approve the Use Variance made by Mr. Pennington, seconded by Mr.Ciovacco.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti (not present)

3. Adjournment

Motion to adjourn made by Mr. LaBay seconded by Mr. Ciovacco at 7:45 p.m.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti – approve

Respectfully submitted, Jennifer Lamarre - Note Taker