

**City of Newburyport
Zoning Board of Appeals
April 24, 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)
Renee Bourdeau
Maureen Pomeroy

Absent:

Christopher Zaremba (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the 04/10/18 meeting

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

The motion passed unanimously.

Votes Cast:

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

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 to continue to 5/22/2018.

Motion to continue application 2017-054 to 5/22/18 made by Ms. Bourdeau, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

2017 088
Address: 32 Union Street
Dimensional Variance
Split lot requiring variances for frontage and lot width

The applicant requested to withdraw the application without prejudice.

Motion to withdraw application 2017-088 without prejudice made by Ms. Bourdeau, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

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

2017 089
Address: 2 Storey Avenue
Sign Variance
Allow a free-standing sign

The applicant requested a continuance to the 10/23/2018 meeting.

Motion to continue application 2017-089 made by Ms. Bourdeau, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

2018 018
Address: 81 Prospect Street
Special Permit for Non-Conformities
Construct a mudroom and second story above the garage resulting in an increase of pre-existing non-conformities

Timothy and Ashley Murphy, owner, presented the application. They purchased this property in 2010 in foreclosure and have been restoring it since. They now have 4 children. There is an existing empty room above a detached garage and they hope to connect the garage to be able to utilize it as a playroom. They would do this by creating a single story mudroom, L shaped, to enclose an existing staircase to get up to the room. The existing home is a two-family; the 3rd floor is an apartment above where they live. Elevations and renderings were presented. The applicant noted that you would not be able to see any changes from the street. They have shared the project with neighbors and have signatures submitted from abutters in support.

Chair Ramsdell noted the original legal notice that went out satisfied the requirement of a legal notice, but could have been confusing and misunderstood. The planning office sent out a letter to abutters clarifying the legal ad and confusion. The applicant noted that after 2nd letter went out, he spoke to Councilor Eigerman and neighbors. They are not interested in turning the room above the garage into another apartment. They really tried to keep modifications hidden and away from street view to not be substantially more detrimental in any way to the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

*Peter Wyatt, 79 Prospect Street
Abutter in favor of the application*

In Opposition:

None

Questions from the Board:

Chair Ramsdell clarified that essentially they are tacking two buildings together to gain access to the room above garage and shift the kitchen to the center of the home.

Deliberations:

Ms. Bourdeau commented on the modest request. She noted the applicants contacted their ward Councilor and neighbors.

The rest of the Board agreed. Chair Ramsdell noted that the tree and sidewalk ordinance was not triggered.

Motion to approve application 2018-018 made by Ms. Bourdeau, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

Address: 5 Parsons Street**Special Permit for Non-conformities**

Construction of a mudroom on footprint of existing deck, altering a pre-existing non-conforming side yard setback and lot coverage

Attorney Brian Winner of Mead, Talerman & Costa LLC, 30 Green Street, presented on behalf of Matthew Dallett, owner. Eileen Graf, architect, was also present. The applicants wish to construct a mudroom on the footprint of an existing non-conforming deck. The existing structure is non-conforming with respect to lot area, lot coverage, frontage, front yard and side yard setbacks. The southwest side setback on the lot line with 0' setback would be extended by approximately 8'. Lot coverage would increase 4% to 39.9% where 25% maximum coverage is allowed. No new non-conformities would be added and the mudroom would not be substantially more detrimental to the neighborhood. The architectural design of the mudroom is to retreat away from the property line, where currently the deck is right on the lot line. The stairs would be relocated. The applicant argued that the enclosure improves the use of the property and creates a transition space. Existing versus proposed elevations was presented. The line of sight from neighboring properties barely grazes the deck and there would be minimal visibility to the neighbor.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Chair Ramsdell asked about abutters. The applicant commented that they had spoken with both direct abutters and they are fine with this proposal.

Ms. Pomeroy asked what materials would be used. Mr. Dallett commented that it would be Victorian conservatory style with metal and glass. He was aiming for the least visual impact possible.

Deliberations:

Ms. Bourdeau commented that the addition is modest and no neighbors were in opposition.

Ms. Pomeroy noted no new conformities were added and it would not be substantially more detrimental to the neighborhood.

Mr. Ciampitti agreed.

Chair Ramsdell commented that the tree and sidewalk ordinance would not be triggered.

Motion to approve application 2018-019 made by Ms. Bourdeau, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell— approve

Robert Ciampitti – approve

Renee Bourdeau – approve
 Maureen Pomeroy – approve
 Christopher Zaremba – absent

2018 020

Address: 43 Fair Street

Special Permit for Non-conformities

Upward extension of a pre-existing non-conforming setback

Attorney Mark Griffin of Finneran and Nicholson, 30 Green Street presented the application on behalf of owners Vahid and Claudia Karimi. The property contains a single family home on a corner lot (3230 s.f.) at Temple Street and Fair Street in the R2, formerly R3 district. The existing structure was built in 1737. The structure consists of a main historic home and an L-shaped addition added later on. The property is non-conforming with respect to lot area, lot coverage, both front setbacks and rear setback. In 2014 there was a DCOD Special Permit application, which proposed to remove the L-shaped addition and replace it with a new addition and connect it to the garage. The application was approved as well as a variance. The property owners sold the property and permits have expired. The current owners are proposing to add on to the existing L-shaped addition, upward. The existing roofline 16' and would be extended an additional 6' to 22' at the ridge. The purpose is to add head room in the master bathroom. The pitch would be similar to the existing roofline. There would be no additional floor area. They would reduce lot coverage by removing an existing screen porch as well, bringing it from 49% to 47%. There would be no additional square footage, no added density, rooms, dwelling units, or expansion beyond the footprint. The change on the exterior would be di minimus. Attorney Griffin noted the applicants propose to remove an existing window. The addition would be well below the maximum height allowed. He commented that this application is substantially smaller than the request in 2014.

Abutter 25 prospect. Having hard time visualizing. From what angle will the addition be seen. Griffin – along temple street would be most impacted visually.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Leslie Kulig, 29 Temple Street

Concerns included; no legal notice received, the renovations have been detrimental to the neighborhood, running new sidewalks and street paving, the Historic home being chopped up and changed

Dianna Kinosian, 42 Temple Street

Concerns included; Evolvement of City, against any change in roof, continuity on the street, tight knit neighborhood changing

Diana Kerry, 33 Temple Street

Concerns included; no legal notice received, Historic Commission not finished with application and their recommendations are needed, window change

Chair Ramsdell noted that the ZBA can proceed in advance of Historical Commission, but tend not to in case of changes.

*Tom Kolterjahn, 64 Federal Street and Co-President of Newburyport Preservation Trust
Concerns included; ZBA not having recommendations from the Historical Commission, neighbors did not get notice of meeting, dumpsters indicated that the house has been gutted is saddening. Mr. Kolterjahn recommended 1) Windows appear to be early and the trim around window and edge should be preserved. 2) Not disturbing traditional window pattern on the building. If clapboards are removed, they are replaced with cedar, replicating clapboard pattern no greater than 3-1/4", such as the Edward Wigglesworth House historic pattern.*

Questions from the Board:

The Board expressed their concern with abutters not receiving legal notice.

Chair Ramsdell commented that the application is before the Historical Commission and would be easier all around to allow that application to close and an advisory opinion to be given.

Scott Brown, architect briefly described the changes. This was the smallest request on any project he has worked on. Elevations were presented. After attending the first Historical Commission review of the application, he noted that they did not have issues. There was discussion of aligned windows, but no indication of issues with the project as a whole.

Attorney Griffin also pointed out that the changes are being made to newer addition, not the original structure.

Ms. Bourdeau agreed the upward extension is modest. She thought it might be beneficial to connect with neighbors on their issues with the project. Maybe there would be less aggression toward the project.

Ms. Pomeroy agreed on the open communication. She also would like some feedback from the Historical Commission.

Mr. Ciampitti agreed with his colleagues.

Attorney Griffin noted that with respect to the Historical Commission, there is no prerequisite for advisory. Chair Ramsdell commented that the Board has a right to it in assessing impact of the neighborhood.

Attorney Griffin also commented on the issue of neighbors not receiving notice. They were at the meeting, so there was no harm done.

Mr. Ciampitti sympathized with the legal points, but there is a human component and he was interested in hearing from people that know more.

Attorney Griffin requested a continuance.

Motion to continue application 2018-020 to 05/22/2018 made by Mr. Bourdeau, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

Christopher Zaremba – absent

The meeting adjourned at 8:35pm

Respectfully submitted, Katie Mahan - Note Taker