

**City of Newburyport  
Zoning Board of Appeals  
April 25, 2017  
Council Chambers**

The meeting was called to order at 7:12 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Richard Goulet  
Renee Bourdeau  
Maureen Pomeroy (Associate Member)

**2. Business Meeting**

**a) Request for Extension of Variance: 300-300R Merrimac Street, 2016-018**

Attorney Griffin represented the applicant. On June 22, 2016 variances were approved. They are approaching one year and requesting a six-month extension due to developer, land owner, and lessee issues being worked out.

Ms. Bourdeau made a motion to approve the request for a six-month extension of the variance from the expiration date and Ms. Pomeroy seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**b) Approval of Minutes**

**Minutes of the 03/28/17 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  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**3. Public Hearings****Public Hearing #1, #2, #3:****2017      034****Address: 20 Dove Street****Parking Variance***Allow three parking spaces where four are required***2017      035****Address: 20 Dove Street****Special Permit for Non-conformities***Allow a minor lot line adjustment and a two-story addition resulting in a lot coverage increase***2017      036****Address: 23 Warren Street****Dimensional Variance***Allow variances for lot area and frontage*

Nick Cracknell, Keystone Planning and Development, Amesbury MA presented on behalf of the applicants. The applicant is proposing to split a property into two separate parcels, construct a single family home on the new parcel fronting on Warren Street, and also to construct an addition to the existing two-family home that fronts on Dove Street. The property has frontage on both Dove Street and Warren Street and was formerly two distinct parcels. However, since they were non-conforming for lot area and held in common ownership, they have since merged into one. Mr. Cracknell explained that there were four structures on the property at one time that were removed in the 1950s. Through a collaborative process with neighbors, the project has a list of stipulations to alleviate concerns. The neighborhood context was presented, showing a “gap tooth” where the Warren Street structure is proposed. The team looked at 21 properties for data points and averages.

Existing conditions;

-There is currently a two-family house at 20 Dove, with a single car garage and one additional parking space. Lot coverage would increase. Dove Street will remain a two-family, with a modest addition and widened driveway to accommodate three car parking. They would restore the home with cedar shingle or clapboard.

-The lot at 23 Warren Street is currently empty and proposed to be a 2000 sf single-family structure to fit in with lower Warren Street. The applicant would need variances for lot area and frontage.

Mr. Cracknell presented other options that the applicants could pursue without relief. He explained that they are going to do something with the property, and this is a more reasonable option.

The hardship argued was lot shape, with two streets serviced, which was not the original intent. The VI-C process is not favorable in this situation as the applicants would like to keep Dove Street a two-family and age in place on the bottom floor. Mr. Cracknell reviewed the list of stipulations and modifications.

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

**In Favor:**

*Robert Lundgren, 18 Dove Street*

*In favor; will add value to the neighborhood. Concerns; dumpsters on street during construction.*

*Brian Callahan, 29 Warren Street*

*In favor. Concerns; construction.*

*Ann Larue, 37 Warren Street*

*In favor; Beautiful, hopes they honor plans.*

*Aric Morrison, 38 Warren Street*

*In favor; design preferences reflected in stipulations.*

*Dana Walentuk, 24 Warren Street*

*Not one way or the other. Concerns; parking.*

*Howard Snyder, 68 Warren Street*

*In favor; will fill missing tooth in the neighborhood, infill in this situation is needed, strong proposal.*

*Erik Primack, 27 Warren Street*

*In favor.*

*Carlo Mandrone, 7 Warren Street*

*Concerns; blocking light, construction, water table, sewer lines*

*Cecilia Gree, 20 Dove Street*

*In favor; 5<sup>th</sup> generation in house, sentimental value, age place, lovely addition to both streets.*

*Milissa Duncan, 14 Dove Street*

*Concern; construction, two family versus condominium, parking.*

**In Opposition:**

*Stephanie Niketic, 93 High Street*

*Not one way or the other. Clarified peak, mean heights and fitting in with the scale of the surrounding neighborhood. Window pattern concern; 9 over 6 is appropriate for a Georgian style home.*

*Patricia Petnick, 4 Dove Street as presented by Max Clement, son*

*Concerns; Small densely settled neighborhood, parking, views affected, historic value ruined, safety during construction, windows should be 9 over 6.*

*Kevin Lewis, 30 Warren Street*

*Concerns; construction, missing tooth is positive.*

*Darren Ogilvie, 28 Warren Street*

*Concerns; sunlight, not gap tooth, traffic.*

*Lindsay Ogilvie, 28 Warren Street*

*Concerns; parking, not an eyesore.*

*Sharon Cassily, 44 Warren Street*

*Concerns; traffic, construction, parking, dumpsters during construction.*

**Questions from the Board:**

Mr. Ciampitti asked about parking and dumpsters for construction. Mr. Cracknell noted a construction management plan in the stipulations to help alleviate concerns.

Ms. Bourdeau clarified the current parking available versus proposed. There are 3 spaces on Warren Street and 2 spaces on Dove Street, totaling 5 spaces today and 3 vehicles used by the applicants.

Mr. Ramsdell asked about VI-C and why it is not preferred. Mr. Cracknell explained that it does not make sense here as a condo. The structures are not sharing walls, roofs, driveways, etc. It would also require two single-family detached homes, where it is the preference of the applicant to retain the two-family use on Dove Street.

Ms. Bourdeau was hung up on parking. It seemed like it could potentially be worked out.

Mr. Goulet was also concerned with the parking at the two-family on Dove Street.

Ms. Pomeroy asked if the applicant would consider looking at accommodating another space.

Mr. Ramsdell suggested the Board may not have an issue with lot split for two single-family homes.

Mr. Cracknell presented adding a third parking space by removing the tree in the front yard of 20 Dove Street. He also suggested removing the single car garage entirely to accommodate 4 total spaces. The Board was not fond of removing the tree. The applicants preferred removing the tree. Ms. Bourdeau suggested she would want to see a tree replaced.

**Deliberations:**

Mr. Ciampitti noted we would no longer need to approve parking variance.

Mr. Goulet was comfortable with hardship argument. Concerns were addition, construction mitigation plan and parking spaces provided.

Mr. Ramsdell was not sure this all fits. There were many moving parts and he was not comfortable voting in favor as it stands.

Ms. Bourdeau brought up neighborhood support, construction plan, and proposed parking changes. She would be in favor with the fourth parking spot on Dove Street.

Mr. Goulet thought allowing changes to be reviewed by the Board and public would be favorable.

Mr. Cracknell requested a continuance to allow time for new drawings, revise conditions, and re-circulate changes to neighbors.

**Motion to continue applications 2017-034, 2017-035, and 2017-036 5/23/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Public Hearing #4:**

**2017      037**

**Address: 22 Henry Graf Jr. Road**

**Use Variance**

*Allow health/recreation use (#406) and a parking variance*

Craig Annis, Vanguard Key Clubs presented. A parking garage is proposed to replace the structure where Vanguard Key Clubs is currently housed at 90 Pleasant Street. They have been trying to find the right fit and hope that they have found it at 55 Graf Road. The City requires 1 space per 100sf for a recreational use, totaling 96 spaces needed for the new location. At the 90 Pleasant Street location, there are 40 parking spaces for the 10,000 sf space and the parking lot is rarely full. At best there are 15 people in the gym, maybe a few more in new building as it is a 24 hour facility and people come and go at off hours.

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

**In Favor:**

*Danielle Annis, Hampton Falls*  
*Steve Agannis, property owner*  
*Gary Bergeron, Mill 77 Trading Company*  
*Frank Bertolino, Broker*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ramsdell discussed the parking variance. The current lot is 118 spaces, which is almost 3 times the current lot. Spaces would be shared with other building tenants. The shape of the lot constrained by what exists could be argued as hardship.

Ms. Pomeroy noted that the parking lot borders wetlands and could not be expanded.

Mr. Ciampitti asked about peak times. There really are not peaks since it is open 24 hours.

**Deliberations:**

Mr. Ciampitti commented on the modest request. It is a forced relocation of sorts. Wetland constricting parking lot justifies hardship.

Mr. Ramsdell noted there are similar uses in the park and it will continue to change.

Mr. Goulet commented on a good solution.

Ms. Pomeroy was happy to see a Newburyport business staying in Newburyport.

**Motion to approve application 2017-037 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**Public Hearing #5:**

**2017      038**

**Address: 21 Basin Street**

**Special Permit for Non-conformities**

*Allow an increase in floor area ratio for construction of a third bedroom*

The applicant's architect presented the application. The applicant is looking to add a master bedroom to the existing 1972 structure on the second floor. They will not be increasing the footprint. Letters from abutters in support were submitted. Ridgeline and materials are staying the same and there will be no deviation from the existing character.

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

**In Favor:**

*21 Basin Street, partner of applicant*

*Wish to add balance to the top of the house.*

*Kincaid Webb, 15 Basin Street*

*Will not affect property at all.*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ramsdell asked about the plot plan, specifically the west side of property and the "tie line." It was explained that they used assessor's numbers, because it was difficult to determine the property line on the basin with the surveyor used.

Ms. Bourdeau clarified FAR is based on lot area, and lot area is based on tie line here. The surveyor came up with a slightly larger number than the assessor, but they went with assessor numbers. There is a slight grey area here. Ms. Bourdeau suggested coming in with accurate FAR number and square away surveying. They may want to find a local surveyor.

Mr. Ramsdell brought up hesitation with development on the Island and stress on the water/sewer system. They are asking for 2.5 times the allowed FAR.

Ms. Bourdeau asked how many bedrooms there are currently. There are two, with an office.

Ms. Pomeroy noted the assessor is listed as a three bedroom. After the project it would still be classified as a three bedroom, and an office, the architect stated.

**Deliberations:**

Mr. Goulet was fine with the project scope, but wondering about the plot plan issue.

Ms. Bourdeau commented that what she viewed as a four bedroom house and excessive FAR was not favorable. The applicant stressed that it would remain a three bedroom.

Mr. Ramsdell was inclined not to support the application.

There was discussion of if a continuance were requested the project would be favorable.

Mr. Ramsdell was against construction.

Ms. Pomeroy was struggling with lot dimensions and going over FAR.

**Motion to continue application 2017-038 to 5/23/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**Public Hearing #6:**

<b>2017</b> <b>039</b> <b>Address: 22 Henry Graf Jr. Road</b> <b>Use Variance</b> <i>Allow retail trade (Use #403)</i>
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Gary Bergeron, owner, presented the application. Mill77 Trading Company is proposing to relocate their retail store to Graf Road.

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

**In Favor:**

*Frank Bertolino, Broker*

*Juliette Bergeron, Mill77 co-owner*

*Steve Agannis, property owner*

*Craig Annis, Vanguard Key Club owner*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ramsdell suggested the majority of business would be weekend. The owners agreed and commented there is much more parking than where they are located now.

**Deliberations:**

Mr. Ciampitti commented this application seemed reasonable and appropriate.

The rest of the Board agreed.

**Motion to approve application 2017-039 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell – approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

**The meeting adjourned at 9:55pm**

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