

**City of Newburyport
Zoning Board of Appeals
April 9, 2019
Council Chambers**

The meeting was called to order at 7:14 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 3/26/19 meeting

Ms. Bourdeau made a motion to approve the minutes and Mr. Cameron 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

3. Public Hearings

Public Hearings #1:

2019 013

Address: 3 Donahue Court

Appeal

Appeal of the 12/11/18 Notice of Violation from the Zoning Administrator in regards to plantings

The applicant requested a continuance.

Motion to continue application 2019-013 to 5/14/19 made by Ms. Bourdeau, seconded by Mr. Moore.

The motion failed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent

Renee Bourdeau – approve
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

Public Hearings #2-6:

2019 022

Address: 3 Vernon Street

Dimensional Variance

Adjust lot lines requiring relief for side and rear setbacks

2019 023

Address: 10 Auburn Street (Lot A)

Dimensional Variance

Adjust lot lines requiring relief for lot area, side and rear setbacks, and parking

2019 024

Address: 10 Auburn Street (Lot B)

Dimensional Variance

Adjust lot lines requiring relief for lot area, lot coverage, front, side, and rear setbacks, and parking

2019 025

Address: 1 Vernon Street

Dimensional Variance

Adjust lot lines requiring relief for lot area, frontage, lot coverage, open space, side and rear setbacks, and parking

2019 026

Address: 12 Auburn Street

Dimensional Variance

Adjust lot lines requiring relief for lot area, lot coverage, and front and rear setbacks

Chuck Griffin, owner of 1 & 3 Vernon Street and 10 Auburn Street began with a brief history of the properties since 1987. He has worked to restore the properties over the years. He explained the context of the properties and the concern of separate future owners of the properties. Future preservation of this historic part of Newburyport is important.

Nick Cracknell, 13 Pickard Street, Amesbury & Keystone Planning & Design LLC presented an overall summary of the Newburyport County Gaol Complex historic preservation project. He has been working with Chuck and Gillian for two decades. This is certainly the most unique applications the ZBA has seen and least known assets in the City. He noted that a site visit by the Board would provide context if they were amenable.

This is a joint application with Charles and Gilliam Griffin (1 & 3 Vernon Street, 10 Auburn Street) and Robert and Patricia McCarron Bogart (12 Auburn Street). The primary goal is to modify lot lines in order to provide long-term protection of historic Gaol building through adaptive reuse. Objectives include

repurposing the Gaol building for potential reuse, preserving the Gaolyard, and recording a permanent Preservation Restriction.

Mr. Cracknell summarized the history of the properties, From 1825-1925 the Newburyport County Gaol consisted of the Gaol building, Keeper's house, stable, high granite walls, and Goalyard. During the 19th Century the grass plot and garden area grew grapes and peaches, enclosed by 9.5' stone walls with 18" spikes. During the 20th century, the jail was decommissioned and transitioned to private use and a storage yard. There was deferred maintenance over the years and in 1935 there was an offer for demolition. In the 1980s, the Griffin's restoration of the Gaol, Keeper's House and granite walls, improvements to the stable, courtyard and gates and addition of new connector building revitalized the property. 21st century updates included the addition of 3 Vernon Street in 2005 and 12 Auburn Street in 2010 through an ANR subdivision with Planning Board, the Nike temple garden structure was built, and perimeter granite walls were altered.

Mr. Cracknell presented the existing subdivision plan and also noted a use easement recorded in the sale to the Bogarts. The existing subdivision graphic showed lot lines not well positioned. Proposed lot lines were presented with a series of variances to accomplish this. A new, fifth parcel would be created with jail alone. A porch would be added on the back of the stable. A small single-story addition attached to jail would be built to provide ample light. There is minimal new construction proposed, but 22-24 variances are being requested. Mr. Cracknell noted that 12 already exist and he would walk the Board through each in much more detail at the next meeting.

Mr. Cracknell touched on the hardship criteria for the variance requests. This is a unique property that has been here for 200 years. The jail has no reasonable use as an accessory building. This project would be similar to other adaptive reuse projects, such as the Towle building, and Kelley School, among others. Conditions are not attributed to owner. All lots are odd in shape. Maintaining the jail building and yard requires investment not to be taken for granted. The 10' stone walls are unique, and topographical changes on the lot are substantial. Public benefits include a long-term Preservation Restriction on the historic landscape, building, and walls in the Gaol complex, better alignment of the structures to the topography and shape of the lots, and potential for adaptive reuse of the Goal building. The applicants are compiling a list of 30+ proposed conditions to present to the Board.

The requests are largely lot line adjustments. There would be no new constructions other than two small additions mentioned. This would provide long-term protection to the property now, while there are two willing parties wanting to make it happen.

Chair Ramsdell commented that the variance criteria would be gone through in depth at the continuance. This may be the most variances in one application. He questioned the comparison to the Towle property and French Church, but these projects were approached in a different way. Mr. Cracknell noted that these were massive redevelopment projects. This is different, and includes really modest construction. It is a much heavier lift to go through City Council for an overlay district. It is not impossible, but it did not seem like the best path.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Patricia Bogart, 12 Auburn Street

Purchased the property in 2015 and has been in awe of the work Charlie and Gillian have done. The properties should be preserved for future generations. She is willing to downsize her own lot in order to make this happen.

Tom Kolterjahn, 64 Federal Street, Co-President of Newburyport Preservation Trust
Mr. Kolterjahn read a letter signed by himself and Stephanie Niketic also of the Newburyport Preservation Trust. It is difficult to think of more extraordinary collection of historic structures. He commended the Griffins on their restoration efforts over the years. He noted that in 2017, they received a Landmark Preservation award from the Newburyport Preservation Trust, one of only two presented. The Trust has questions about the terms of the preservation restriction, and the future of the Gaol building. Overall, the Trust is in support of the preservation of the property. They hope the Board accepts the invitation for a site visit.

Stephanie Niketic, 93 High Street
Ms. Niketic was a co-signer to the letter read by Mr. Kolterjahn. As an individual resident, she supports the preservation of the buildings. She also noted that the letter does not have Linda Miller's signature, but she is also in support. The DCOD protections are very limited, especially for this level of historic buildings in the complex. The wall is listed as a contributing structure to the Newburyport Historic District. For a group of structures this important, the DCOD does not do it. Not many understand this is an endangered property. It is well taken care of and has been a historical inspiration. It could go away or be substantially altered unless we work to put better protections in place as a community.

In Opposition:

None

Questions from the Board:

Ms. Bourdeau asked if the Board will we have Preservation Restriction draft at the continuance. Yes, it will go before the Historical Commission at least once before then. Mr. Cracknell noted that he would get a matrix and restrictions to the Board by May 14th for review.

Board members agreed that a site visit would be beneficial and settled on Saturday April 27th, 9am with a backup date of May 4th. NHC and ZBA invited. The site visit will be publicly noticed but it is not a public meeting or public hearing. The Boards cannot discuss the application on the visit.

The applicants requested a continuance to 5/28/2019.

Motion to continue application 2019-022, 2019-023, 2019-024, 2019-025, 2019-026 to 5/28/2019 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

Motion to approve site visit 4/27/2019 at 9:00am made by Mr. Cameron, 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 8:23pm

Respectfully submitted, Katie Mahan - Note Taker