

**City of Newburyport
Zoning Board of Appeals
May 12, 2015
Council Chambers**

The meeting was called to order at 7:16 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet
Libby McGee (Associate Member)
Renee Bourdeau (Associate Member)

Absent:

Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the April 14, 2015 Meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau - approve

3. Public Hearings (5 on the agenda)

Public Hearing #1:

2015 023 Address: 11 Julia Street

Special Permit for Non-conformities

Raise roof resulting in an upward extension of pre-existing non-conforming setbacks

Joseph and Lisa Verrengia, owners were represented by Jim house of Merrimack, MA. The home has been in the family since the 1960s when it was built. The applicant is seeking relief to replace the existing roof on their small ranch home with a new roof that has a greater slope to meet snow and wind load requirements, increases energy efficiency to meet current code and also brings natural light and solar gain into the living area. The mean roof height is increasing from 15' to 18'9" and they are adding dormers for modern living.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Mr. LaBay presented letter of support from neighbors.

In Opposition:

None

Questions from the Board regarding Public Hearing #1:

Mr. Pennington asked for clarification on which side the gable faces. It faced East.

Ms. McGee asked if they are adding any living space. No additional living space is being added.

Ms. McGee also asked to see a photograph of the existing conditions. She also asked if architectural shingles were to be used. Yes, architectural shingles would be used.

Mr. LaBay asked for clarification on roof height and ridge height.

Mr. Ramsdell asked that the applicants submit copies of photos to the planning office for their file.

Deliberations:

Mr. LaBay noted the lack of opposition and the significant number of abutter letters in support. This is a relatively de minimus change – a 3 ¾ ft rise in roof height. He was in support.

The rest of the board agreed.

Motion to approve application 2015-023 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 – absent

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – approve

Libby McGee – approve
Renee Bourdeau – non-voting

Public Hearing #2 & 3:

2015 024

Address: 9 Beacon Avenue

Dimensional Variance

Demolition and reconstruction of a single family home where it encroaches on rear and side setbacks and lot coverage

2015 025

Address: 9 Beacon Avenue

Special Permit for Non-conformities

Demolition and reconstruction of a pre-existing non-conforming single family home where the new structure modifies the existing non-conformities and adds more than 500 sf of additional area

Beacon Avenue Realty Trust, applicants were represented by Adam Costa of Blatman, Bobrowski, Mead and Talermin, 30 Green Street. The applicants are proposing to demolish and rebuild a pre-existing, non-conforming structure. The Historical Commission approved the application unanimously and did not invoke the one year demolition delay. The property is unique in that it abuts Perkins Park, a baseball field and a right of way. Many neighbors submitted letters of support. Rear and side yard setbacks as well as lot coverage would increase. The proposed new structure with more than 500 square feet of additional area has most of the living area located on the first floor to accommodate the owner with ALS. The new structure is not more detrimental to the neighborhood and there are no neighbors in opposition. As far as the variance, the interior lot exception was argued, as the property is surrounded by other pre-existing, non-conforming structures.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #2 & 3:

Mr. Pennington noted that this property was before the board within the last six months with different designs and asked why. Mr. Costa explained that Mr. Haseltine purchased the property from Mr. Kutcher and plans have changed to accommodate a more accessible environment for the person that will be living in the house with ALS. The sill is being lowered and the peak will be close to three feet lower.

Mr. Ramsdell and Mr. Pennington discussed that the fact that this structure is not on the National Historic District, so the DCOD and Demo Delay do not apply.

Ms. McGee questioned the second floor and accessibility. Mr. Costa responded that this area would be for kids and grandkids visiting. They really tried to keep the structure less than 2,000 square feet to fit in with neighborhood.

Mr. Goulet questioned the garage and the accessibility. Mr. Haseltine responded that the curb is less than 8 inches, but will be a small lift. Materials would be natural.

Deliberations:

Mr. Pennington likes the concept and feels the City needs more single level living. He had no problem with the demolition as it had been through the process with the Historic Commission. He did not believe the new structure would be substantially more detrimental to the neighborhood. He struggled with the variance, but was reflecting.

Ms. McGee was prepared to support. She thought this would be a huge improvement and more in character with the neighborhood. She was still hung up on accessibility even though its not the purview of the ZBA.

Mr. LaBay commented that Ms. Mead is quite good at finding hardship means. In the memo from her, the interior lot hardship was well argued.

Mr. Goulet commented the case is made for hardship.

Mr. LaBay and Ms. McGee agreed.

Motion to approve application 2015-024 for a Dimensional Variance made by Mr. Pennington, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau – non-voting

Motion to approve application 2015-025 for a Special Permit for Non-conformities made by Mr. Pennington, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau – non-voting

Public Hearing #4:

2015 026
Address: 77 Lime Street
Special Permit for Non-conformities
Modify an existing Special Permit for Non-conformities by adding 123 sf to the second floor

Adam Costa of Blatman, Bobrowski, Mead and Talerman, 30 Green Street represented the applicants. The applicants appeared before the board in June 2014 and were granted a SPNC. They are converting a six family into a three family and construction is well underway. The applicant is currently requesting a modification to the special permit to allow the infill of a section of the second floor on the rear of the structure. This additional 123 square feet of living area will allow for an additional bathroom and will eliminate the originally proposed flat roof on this portion of the structure. All of the dimensions of the structure will remain the same with the exception of the change in roof height of the area in question, which will not extend upwards past the existing roofline. This is less than a 2% change to the total square footage and will not be substantially more detrimental to the neighborhood. The developer has proceeded with the 3rd story infill for staging purposes, and this can be removed should the permit not be granted.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Donna Deleo, 95 Prospect Street

Ms. Deleo felt the structure is very large in comparison to the neighborhood. She was not happy she was notified after something is already done. Her home does face the addition.

Questions from the Board regarding Public Hearing #4:

Ms. McGee asked if they had original floorplans and what would be in this space. Mr. Costa responded that a bathroom and den would be in this space. The addition goes out 5 feet (5x25 area), Gus Harrington, Business Partner explained.

Mr. LaBay pointed out that if half of this space is a bathroom and half something else, the “something else” would not be code for a bedroom.

Mr. Ramsdell commented that floorplans are not within the purview of the ZBA.

Mr. Pennington & Mr. LaBay initiates a discussion on windows on the third floor and what was shown on old plans versus new plans.

Mr. Ramsdell commented that the board needs to know for sure where the windows are/will be. The applicants were unable to clearly answer this.

Mr. LaBay commented that any deviation from original approved plans needs to be known. He did also comment that adding 123 square feet is a de minimus change.

Ms. McGee was having a hard time and felt this would make a bigger and boxier structure.

Mr. Costa asked for a continuance to revise plans.

Motion to continue application 2015-023 for a Special Permit for Non-conformities to May 26, 2015 made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau – non-voting

Public Hearing #5:

2015 027

Address: 7 Roosevelt Place

Special Permit for Non-conformities

Modify a previously granted Special Permit for Non-conformities to change the design and the location of the house

Adam Costa of Blatman, Bobrowski, Mead and Talerman, 30 Green Street represented the applicants. The ZBA issued a Special Permit for this property in September 2014. The applicant is requesting a modification to the special permit to allow a new certified plot plan that cites the home in a different location on the property as well as new elevations showing a change in the design of the home. The new home will continue to meet all dimensional requirements save for lot area and front yard setback. The new structure would not be substantially more detrimental to the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #5:

Mr. LaBay asked to see approved plans from September and what has changed. The applicants were not prepared with approved plans. Mr. Haseltine did point out that the new plans show the driveway coming off Roosevelt, but it would actually be coming off of Truman. Mr. Haseltine purchased the property from Mr. Knight in September after a ranch was proposed. He changed plans to better fit in with the neighborhood.

Mr. LaBay commented that if the application is to “modify” plans, the board really needs to see the old plans. He also felt the neighborhood may want to know that this is a new design.

Mr. Ramsdell commented that with new plans it did not strike him as a modification and thought perhaps a new application should be submitted.

Ms. McGee asked who the original architect was. This was not known.

Mr. LaBay laid out the options, being 1) withdraw without prejudice and re-submit a new application, or 2) continue the hearing.

Mr. Haseltine asked if it would be helpful to get letters from neighbors in favor of the project. Mr. LaBay said this would be helpful, but would not be necessary as the legal notice was sufficient after reviewing.

Ms. McGee asked when Mr. Haseltine purchased the property. Mr. Haseltine responded, a few months ago.

Mr. Costa requested to continue the hearing to the next available meeting.

Motion to continue application 2015-023 for a Special Permit for Non-conformities to May 26, 2015 made by Mr. LaBay, seconded by Ms. McGee.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau – non-voting

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Pennington at 8:35 PM.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – approve

Libby McGee – approve

Renee Bourdeau – approve

Respectfully submitted, Katie Mahan - Note Taker