

**City of Newburyport  
Zoning Board of Appeals  
May 22, 2018  
Auditorium**

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  
Christopher Zaremba (Associate Member)

**Absent:**

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of the 05/08/18 meeting**

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

The motion passed unanimously.

**Votes Cast:**

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

**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 withdraw the application without prejudice.

**Motion to withdraw application 2017-054 without prejudice made by Ms. Bourdeau, seconded by Mr. Zaremba.**

The motion passed unanimously.

**Votes Cast:**

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

**2017 020**

**Address: 43 Fair Street**

**Special Permit for Non-conformities**

*Upward extension of a pre-existing non-conforming setback*

This hearing was continued from 4/24/18. Attorney Mark Griffin of Finneran & Nicholson, 30 Green Street represented the applicant. The applicants propose to raise the existing roofline upward 6' on an addition on the southeast corner of the home. The discussion at last meeting centered around getting comments from the Historical Commission on design. After an informal session on May 9<sup>th</sup>, the Historical Commission submitted comments. They approve of raising the roofline. They had concerns with the removal of historic windows. They suggested all siding and trim be wood. The clapboard reveal should be no greater than 3.25". They also felt the center window on the second story right elevation should be retained. The applicants took all of these comments into account. They will not be replacing windows. They agreed with the siding remaining wood and will retain the second story window on Fair Street as shown.

Scott Brown, architect went through these changes on elevations.

Claudia Karimi, owner shared her thoughts. After moving in this past fall and falling love with the charm, history and wonderful features, they chose a high quality builder, architect and attorney familiar with the house, neighborhood and historic preservation. They have spent great care and time in these relationships to bring plans to fruition. They are prepared to invest in the home and make it strong once again. They appreciate the passion for history in this city and are embracing adaptations while respecting the architecture of the home.

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

**In Favor:**

*Susan Coolidge, 30 Temple Street*

*In favor as the project appears more historically sensitive.*

*Katrina Lozier, 25 Prospect Street*

*Met neighbors a few times since last meeting and they took feedback seriously. They seem to genuinely care for the neighborhood and will be good stewards.*

*Diana Kerry, 33 Temple Street*

*Thanked the ZBA for waiting for the Historical Commission to weigh in. Sad about some interior features being lost, but understands these cannot be protected. Substantial progress was made and windows and wood will be preserved.*

**In Opposition:**

*Tom Kolterjahn, 64 Federal Street, Newburyport Preservation Trust*

*Was not opposed, but had comments. He was very pleased with the Historical Commission meeting and comments. It was very helpful. One recommendation is that the Historical Commission suggestion to preserve window, clapboards, and window configuration be incorporated into the decision.*

*Susan Williamson, 39 Temple Street*

*Clarified with the applicants that window trim would not be replaced as windows were now not to be replaced.*

*Sara White, Chair of Historical Commission, 349 High Street*

*Had not seen changes before tonight. Thanked the applicants for following advice. This is how the process should work – experts making recommendations to one another. The City has no purview with interior renovation, unfortunately. Thanked the team for engaging with the community. The Historical Commission made a determination that the structure was historically significant, and it was not filed in time, leading to constructive approval. Thanked ZBA for referring back to Historical Commission.*

**Questions from the Board:**

None

**Deliberations:**

Ms. Bourdeau commended the process of getting to where we are.

Ms. Pomeroy agreed. The community working together was positive.

Mr. Zaremba agreed. Changes were appreciated.

Mr. Ciampitti and Chair Ramsdell agreed.

Attorney Griffin clarified wording in the conditions to be added and preferred the word 'repair' rather than 'restore' in reference to the windows and siding. The Board agreed.

Conditions;

-Approve the raising of the roof on the left elevation addition with the roofline in this location changed from flat to gable.

-The 6-over-6 historic windows shall be retained and repaired as necessary with in-kind material.

-Siding and trim shall be retained and repaired as necessary with in-kind material.

-All siding and trim shall be of wood. No cementitious material or vinyl.

-On the right elevation (the house facade facing Fair Street), the center window on the second story level that was proposed for removal shall be retained per the revised plans.

**Motion to approve application 2018-020 with above conditions made by Ms. Bourdeau, seconded by Mr. Zaremba.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve  
Christopher Zaremba – approve

**2018      023**

**Address: 79 Parker Street**

**Variances**

*Construct light industrial building and include tap room with food service (Use #501) therein, include entertainment use (Use #407) and meeting space (Use #421) on the property, requires side setback relief for light industrial building, and relief for required parking spaces on site*

**2018      024**

**Address: 79 Parker Street**

**Special Permit**

Allow retail accessory use (#614) in light industrial building/brewery

The applicant requested a continuance to the 6/26/18 meeting.

**Motion to continue applications 2018-023 and 2018-024 to 6/26/18 made by Ms. Bourdeau, seconded by Mr. Zaremba.**

The motion passed unanimously.

**Votes Cast:**

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

**2018      025**

**Address: 1 Harris Street, Unit 3**

**Sign Variance**

*Allow a sign larger than permitted*

Wayne Jalbert of Hancock Associates presented the application. Hancock Associates recently moved from 18 Center Street to 1 Harris Street. The applicants are seeking a variance for installation of a sign 5 s.f. larger than allowed. The sign would be 17.5 s.f. They have no access to their unit from Harris Street, and have an entrance on the back left side of the building. State Street is approximately 130' across the public parking lot. The proposed sign is owned and installed in the Salem, NH office. It is practical to re-use an existing sign. Colors of the sign blend with brick buildings and downtown. It is a wood sign to be mounted on concrete anchors above their door.

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

**In Favor:**

*None*

**In Opposition:**

*Jeanette Isabella, 1 Lime Street*

*Clarified that the sign was 17 s.f and not 17' long.*

**Questions from the Board:**

Mr. Ciampitti asked if the sign would be internally lit. It would not be.

Chair Ramsdell clarified the hardship is a safety issue; assisting in wayfinding.

**Deliberations:**

Mr. Zaremba commented that the hardship was met and he was in support.

The rest of the Board agreed.

**Motion to approve application 2018-025 made by Mr. Ciampitti, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

Christopher Zaremba – approve

**2018      026**

**Address: 20 Walnut Street**

**Special Permit for Non-conformities**

*Construct a two-story addition over 500 s.f. to a pre-existing non-conforming structure*

John Connolly, Pelham NH presented the application. The applicants met with abutters and went over concerns. Revised plans were handed out. The proposed addition to the home is due to the owner having Parkinson's disease and a need to reconfigure living space.

Chair Ramsdell asked if the revised plans were filed with the Planning Office yet. They were not.

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

**In Favor:**

*Owner.*

**In Opposition:**

*Allison Lawless, 18 Walnut Street*

*Ms. Lawless, a 30-year resident also spoke on behalf of neighbors at 18.5 Walnut Street, David Tesar and Donna George. Concerns included; Little time to review the project, applicants did not reach out before the application was submitted, size, density and height of the addition looming over an 1850s home, light and views of neighbors blocked.*

**Questions from the Board:**

Ms. Pomeroy requested elevations with dimensions and a front view of the proposed changes.

The applicant requested a continuance to submit revised plans and allow public time to review.

**Motion to continue application 2018-026 to 6/26/18 made by Ms. Bourdeau, seconded by Mr. Zaremba.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell – approve

Robert Ciampitti – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

Christopher Zaremba – approve

**2018      027**

**Address: 229-231 Merrimac Street**

**Special Permit for Non-conformities**

*Alter a pre-existing non-conforming multi-family structure by removing a portion and reconstructing in the same footprint*

Attorney Lisa Mead, Mead Talerma & Costa LLC, 30 Green Street presented the application. The applicant seeks to renovate an existing 5-family structure. They propose to remove 24% exterior walls of later additions. An addition would be reconstructed for living space. The footprint would be exactly the same. A roof deck as a second means of egress would be added. As far as parking, there would be 9 spaces in the lot and 1 space on Broad Street. This home on the corner of Broad Street and Merrimac Street was converted in the 1970s into a multifamily from store with an apartment.

Aileen Graf, architect went over proposed changes to the property. The original structure was a gable structure and over time additions and decks and stairs for egress were added. On the Broad Street side, two vestibules will be removed. A back staircase and deck space, a chimney and a small addition will be removed. On the front Merrimac Street side, they will bring back classical elements and detail. A railing from decking will be removed. On the side elevation, third floor doghouse dormers will be added. On the backside, a deck will be removed. Deck space will be added only on parking lot side. Materials proposed would be; removing vinyl, bringing back hardiplank clapboards, moldings, casings, shutters, and detailing. The first floor will have 3 units, and the second/third floors will be two units. Renderings were presented. Existing 1 over 1 windows will be replaced with 6/6.

Attorney Mead went over requirements for the Special Permit for Non-conformities. The structure is located in the R2 zoning district. It is non-conforming with regards to lot area, lot coverage, front, side and rear setbacks. They will not be creating any new non-conformity or exacerbate existing non-conformities. The project will meet all parking requirements. The proposed changes will not be substantially more detrimental to the neighborhood. Alterations will improve, renovate and rejuvenate the property.

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

**In Favor:**

*None*

**In Opposition:**

*Pat Fiorelli, 4A Broad Street*

*Asked for clarification on deck locations and parking and proximity to her residence.*

*Tom Senior, 235 Merrimac Street*

*Helen Mantarian, 233 Merrimac Street*

*Have lived at the property for 65 years and seen all the changes this property has undergone. Concerned with parking area and headlights glaring into bedroom. He clarified that there would be no dumpster on the property. He also asked that the new sidewalk blend nicely into theirs as his elderly moth-in-law likes to walk occasionally. The applicant suggested that a 4' fence be added along the property line to help with the headlight glare. Screening would be used around the trash area near the parking lot.*

**Questions from the Board:**

*None*

**Deliberations:**

Ms. Bourdeau was happy that something will be done with this property. Abutters are in favor.

Mr. Zaremba agreed. This will be an improvement to the neighborhood.

The rest of the Board agreed.

**Motion to approve application 2018-027 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

Christopher Zaremba – approve

**The meeting adjourned at 8:55pm**

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