

**City of Newburyport
Zoning Board of Appeals
May 26, 2015
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)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet
Libby McGee (Associate Member)
Renee Bourdeau (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the May 12, 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 – approve
Duncan LaBay – approve
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – approve
Renee Bourdeau - approve

3. Public Hearings (4 on the agenda)

Public Hearing #1:

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

Continued from the 5/12/15 meeting. A letter requesting a continuance to the 6/9/15 meeting was submitted.

Motion to continue application 2015-026 for a Special Permit for Non-conformities to 6/9/15 made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #2:

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 location of the house

Adam Costa of Blatman, Bobrowski, Mead & Talerma represented the applicant. This hearing was continued from the 5/12/15 meeting. The ZBA issued a Special Permit for this property in September 2014. The applicants are proposing a modification to the approved plans and requesting that the home be cited in a different location. The design of the home has also changed. Lot area and front yard setback are non-conforming. The board requested additional information at the last meeting and on 5/19/15, the applicants submitted the following additional information; A copy of the board's September decision, a zoning matrix identifying required, existing, approved and proposed dimensions, and revised elevations. Mr. Costa noted that open space will increase, lot coverage will decrease, and front yard setback will be improved and brought back to existing. Height will increase by 3 feet, but is less than the maximum for the district. Parking will be in conformity as will. The design had changed after ownership changed, but the new proposal would not be substantially more detrimental to the neighborhood. They would be reducing non-conformities and improving the design aesthetically.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #2:

Mr. LaBay appreciated the additional information. He asked if the applicants walked new plans around to neighbors. Mr. Costa answered that they had not. There was a bit of discussion as to whether neighbors had seen the new plans since approval in September 2014. Mr. Costa answered that, yes, neighbors had seen an earlier version of current plans. Mr. LaBay also asked what the square footage of the approved September plans was. Mr. Costa was unclear of approved square footage as they did not represent the client at the time and the information was not easily found in the Planning Department.

Mr. Pennington expressed concern of not qualitatively knowing what would be changing.

Deliberations:

Mr. LaBay commented that the proposed modifications are not terribly unreasonable. The neighborhood was laid out in relatively small lots to begin with. He was a bit frustrated by the lack of information that the planning office did not have of what was approved. He was still not sure that neighbors recognized this as a different project.

Mr. Ciampitti commented that this is a modest modification numerically.

Mr. Ramsdell commented on the process of modifying a SPNC and whether it is a problem for the applicant or the board as to what should be done notifying neighbors.

Mr. Goulet commented that this was close enough to what was approved in September 2014.

Mr. Pennington commented that the applicant undersold the application a bit. Taking what was approved in September 2014 and adding benefits like open space.

Motion to approve application 2015-027 for a modification of a previously granted Special Permit for Non-conformities made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #3:

2015 028**Address: 9 School Street****Dimensional Variance**

Split lot resulting in two lots with non-conforming lot area, frontage, and lot width

Nickolas Cracknell, Principal Land Use Planner at Keystone Planning and Design presented the application. The applicant is seeking to divide the lot at 7-9 School Street to create two, single-family parcels in the R3 zoning district. The 8979 sq. ft. lot would be split into a 4167 sq. ft. lot and 4812 sq. ft. lot. A local team of builders, designers, and attorneys will be working on this project. The applicants and team spent a great deal of time understanding the neighborhood and this infill development project and presented their findings to the Board. This is one of the few lots of its size and the structure stands at one end of the lot. For thought, the applicant showed a large scale single family house plan would not need any relief. They then presented their plan that includes the existing single family and a new 1.5 story single family home. The applicants will be making a donation to a local park to improve the neighborhood. Quality building materials will be used; wood, copper, granite. Edge treatment with neighbors was worked out. The argument for hardship was the shape and configuration of lot being unique. Lot dimensions will be consistent with neighborhood with the lot split. There will be off street parking for both lots. If approved, the applicants would need to go to the Planning Board if this were approved for an ANR subdivision.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Dick Moran, 4 School Street

Mr. Moran likes the south end the way it is and thinks this is a great proposal.

Laura Boys, 11 School Street

Ms. Boys was in favor of two houses. It is consistent with the style of the neighborhood and with the reputation of Mr. DePiero, it will be a win for School Street and the City.

Sean McKinnon, 3-5 School Street

Mr. McKinnon agreed with his neighbors. Mr. DePiero and Mr. Cracknell are doing a fantastic job. The park donation is a plus. Life and light to that section of street will be great.

Christine Bentley, 10 Beck Street

The shared fence was an issue, but they have been working with developers and are in support.

In Opposition:

None

Questions from the Board regarding Public Hearing #4:

None

Deliberations:

Mr. Ciampitti commented on a very thorough presentation. The applicant has persuasively noted variance hardships;

1. Compared with lots in the R3 District within the South End, the lot is nearly 2 times larger than most other lots; especially when compared to properties within the School, Lime and Beck Street neighborhoods.
2. Due to the unusually long shape of the lot, the side yard is currently more than 60 feet deep with over 70 feet of open frontage along School Street.
3. This frontage and open side yard is nearly 3 times wider than the average side yards within the surrounding neighborhood context on School, Lime and Beck Streets.

Mr. LaBay commented that this proposal was within reason. Hardship arguments were met.

Mr. Goulet agreed and commented on a very thorough presentation.

Mr. Pennington commented that it was unfortunate that this is not by right.

Mr. Ramsdell agreed.

Motion to approve application 2015-028 for a Dimensional Variance made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #4:

2015 029 Address: 3 New Pasture Road Use Variance Construct a building to house Professional Offices (Use #416)
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Attorney Mark Griffin presented on behalf of the applicants. The applicant is seeking a Variance to allow Use #416: Professional/Social Services in the I1 zoning district. The applicant is proposing to construct a new building that will house “Dr. Dan’s Natural Healing Center” on the parcel located in the business/industrial park. While the variance seeks to allow Use #416, the applicant applied the dimensional requirements for Use #612: Corporate Headquarters in the I1 zone since these dimensions are more restrictive and perhaps more appropriate than those associated with Use #416. The proposed structure meets these more restrictive dimensional

requirements. The land is currently vacant. If this Use Variance is granted, the Conservation Commission would still need to review due to nearby wetlands. In addition, the Planning Board would conduct a major site plan review. Dr. Dan's practice has been expanding over the past few years and he now has six full time employees. This new structure is necessary for him to expand his business of health and nutrition.

It was noted that a zoning amendment was recently filed with City Council and if accepted would create professional office use allowed by special permit. If these proposed dimensional requirements were applied, the project would still meet them. The new structure would have limited impact on the property and abutting properties. 25 parking spaces are proposed.

Dr. Dan briefly spoke about his practice and need for expansion.

As far as variance criteria, a hardship exists in that other non-conforming structures and properties surround 3 New Pasture Road. The industrial park is changing and becoming a business park. Other non-conforming uses currently include a brewery and a dance academy.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Sarah Nielson, worked with Dr. Dan since 2009

The staff and she are in support. It will give them all a larger, more efficient space to better serve patients.

In Opposition:

None

Questions from the Board regarding Public Hearing #5:

Mr. Pennington asked whether the proposal from Counselor Eigerman had anything about sidewalks. There was some discussion around this topic. Mr. Pennington also asked the applicants to go over parking in detail. Mr. Griffin discussed 1 space per 30 sq. ft. versus 1 space per employee vehicle and employee. 20.4 spaces are required and 25 will be provided.

Deliberations:

Mr. Ciampitti commented on a strong case and a great project. The use will be in line with the changing industrial park. A hardship case was made with adjacent non-conforming properties and structures.

Mr. LaBay agreed.

Mr. Goulet, Mr. Pennington, and Mr. Ramsdell agreed.

Motion to approve 2015-028 for a Use Variance made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. Ciampitti, seconded by Mr. Goulet at 8:35 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker