

**City of Newburyport  
Zoning Board of Appeals  
May 27, 2014  
Auditorium**

The meeting was called to order at 7:14 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Duncan LaBay (Secretary)  
Jamie Pennington  
Howard Snyder  
Richard Goulet (Associate Member)  
Libby McGee (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of May 13, 2014 Meeting**

Mr. LaBay made a motion to approve the minutes and Mr. Ciampitti seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Howard Snyder– approve  
Richard Goulet – approve  
Libby McGee - approve

**3. Public Hearings (4 on the agenda)**

<b>2013      055</b> <b>Address: 37 Middle Street</b> <b>Special Permit</b> Convert mixed use building to multi-family (#103) with three residential units
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<b>2014      017</b> <b>Address: 37 Middle Street</b> <b>Dimensional Variance</b>
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The petitioner seeks a dimensional variance with respect to side yard setbacks at the rear of the structure

Hearing 2013-055 was continued from the November 12, 2013, January 14, 2014, January 28, 2014, February 25, 2014, and March 11, 2014, March 25, 2014, April 22, 2014, and May 13, 2014 meetings. Hearing 2014-017 was continued from the May 13, 2014 meeting. Robert Brennan, Jr. PC represented BullDawg USA Realty I, LLC. Kacy Bailey assisted in the present. At the May 13<sup>th</sup> hearing the Board requested additional information, including side elevation drawings and the impacts the project would have on sunlight in neighboring yards. Ms. Baily presented a shadow study was conducted internally. The diagrams passed out showed the impact on sunlight at different times of the day at different points in the year. The study showed that there would not be significant impact on neighboring properties. Mr. Brannan presented new drawings of side elevations and the façade facing the deck area of neighbors. He pointed out the transom windows that would allow light into the inside hallway but also keep privacy for neighbors.

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

**In Favor:**

*None*

**In Opposition:**

*Rowenn Hochstedler, 39A Middle Street*

*He appreciated the new renderings showing the windows to help with privacy. He was not optimistic on the shadow rendering. He still believes that during the June growing season in his yard, early afternoon to evening sunlight will be impacted.*

*Kathy Scanlan – 39B Middle Street*

*She was also not confident in the shadow study and believes the shadow in her yard will be impacted.*

**Questions from the Board regarding Public Hearing #1 & #2:**

Mr. Labay asked whether the opposite side of the extension would be the same style. The rendering only showed one side. Mr. Brennan answered that with the bedroom and kitchen on the opposite side there would be one set of windows closest to the rear, Liberty Street side. They would be standard light windows. There would also be a window facing onto the back deck. Mr. LaBay asked at which levels the windows would be. Mr. Brennan responded that they would be on all levels and that it is not the same case with the #35 side, as there is no neighboring deck close to the windows.

Mr. Goulet asked about source of shadow study. Mr. Brennan answered that it had been conducted by architects at Union Studios using NOAA information. It was an internal study prepared.

Mr. Snyder asked if it had been confirmed that the building would not infringe upon the right of way easement discussed at the last meeting. The consensus was yes.

Mr. LaBay pointed out window discrepancies between plans previously submitted and the plans today. Mr. Brennan explained that the architect shifted windows toward the rear deck and are now in line with windows on the other side of the extension.

**Deliberations:**

Mr. Snyder appreciated the shadow studies. He was also concerned on the impact, but found it hard to make a decision tonight based on shade and shadow.

Mr. Ciampitti –commented that impact on light and scale had been his concerns. With respect to the neighbors, the applicants have done a good job with data showing shade and shadow. He could see the irregular shape of the lot was a hardship, yet not unlike other properties in the neighborhood. They put forth a persuasive argument that he could support.

Mr. LaBay echoed his colleagues. The solar study was exceptionally helpful. It is in the range of something he is willing to support.

Mr. Ramsdell agreed. He appreciated the change in windows to transom windows near neighboring decks. With regards to shade and shadow, it has been a dense neighborhood and that is the nature of that neighborhood. He could support.

Mr. Goulet agreed. He added that the applicant had been responsive with materials.

**Motion to approve application 2013-055 for a Special Permit 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 – non-voting, recused  
Howard Snyder– approve  
Richard Goulet – approve  
Libby McGee – non-voting

**Motion to approve application 2014-017 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 – non-voting, recused  
Howard Snyder– approve  
Richard Goulet – approve

Libby McGee – non-voting

**2014      020**

**Address: 255 Low Street**

**Sign Variance**

Allow a free-standing sign

Jay Kahn, of The Sign Center, represented Low Street Redevelopment LLC, owners. There are no freestanding signs allowed by right in B-1 district. Maritime Medical would like to add a modest, well architected sign. The space is 100% medical. Low Street abuts Storey Avenue and the Industrial Park. The proposed sign is 48" x 51", double faced sign foam that would be supported by steel posts, and would include ten 3" x 21" directory slats. The sign would be located on Low Street in front of the building entrance. Granting this sign would not injure the rights of others nor would it contribute to the diminution of surrounding property value. The building is currently surrounded on two sides by properties with freestanding signs, and adding the Maritime Medical sign would do no further damage to the integrity of the vicinity.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #3:**

Mr. Snyder asked if the sign would be illuminated. Mr. Kahn answered no, as the hours for the building are 8-4pm.

Board members asked about materials used. Discussion resulted in the board suggesting granite posts in place of the proposed steel posts. Color schemes would match the building.

Mr. Snyder was concerned about the landscaping and placement of the sign in the grass. Adding a bed of planting would be a better option. Mr. Snyder was also concerned about sign placement in regards to vehicles pulling out of the parking lot and their sightline being impaired. Mr. Kahn assured the board that the sign would not impair sightlines.

Mr. Pennington asked for clarification on sign placement, because on the site plan it seemed to be different than on the rendering. Mr. Kahn clarified the placement between the walkway and the street.

Mr. Ciampitti brought up the county right of way shown on the engineering site plan. The sign would be on a DOT right of way not owned by parcel. Some discussion pursued on whether the board could approve the sign on this right of way. It was concluded that for the sign to be effective, the site as shown is where it belongs and the board could approve subject to any constraints that might be put upon it.

**Deliberations:**

Mr. Snyder commented that the visual aesthetics were a concern. The sign needs landscaping. He also suggested the board add a condition that the owner ensure the sign does not impede upon sightline of access and egress.

Mr. LaBay commented that as far as post material, he was more comfortable with granite.

Mr. Ramsdell would rather see granite than aluminum posts. That is where the board has generally been going.

Mr. Ciampitti agreed that granite is preferred.

Ms. McGee agreed on aesthetics and materials of her colleagues.

Mr. Pennington agreed that to keep applications consistent he would agree with his colleagues on granite.

**Motion to approve application 2014-020 for a Sign Variance with conditions that 1. The sign be double-faced, 2. The sign have granite posts, and 3. A planting bed be added around the base of the sign 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  
Howard Snyder– approve  
Richard Goulet – non-voting  
Libby McGee – non-voting

**2014      021**

**Address: 11 South Pond Street**

**Special Permit for Non-conformities**

Replace existing rear wing with 2-story addition extending a pre-existing non-conforming side yard setback  
of an existing late 19<sup>th</sup> century rear ell addition

Andrew Sidford of Andrew Sidford Architects represented Mark Bouchea, owner. The applicants have been before and were approved by the Historical Commission already. The proposed addition is to a small two-story house on an irregular shaped piece of land. The house sits very close to South Pond Street. The proposed add on in the back of the house and discreet as possible. The existing structure does not meet front and side yard setback requirements. The proposed addition would be an extension of the current rear yard wing and therefore intensify the non-conformity of the side yard setback. The owners have plenty of land to work with, but did not want to compete with the historic house. They opted to stay modest and also preserve a side

yard garden. Mr. Sidford also presented an analysis of what *could* be done in terms of additions and their requirements in relation to what they are actually doing in this application.

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

**In Favor:**

*Mark Bouchea, 11 South Pond Street*

The owner of the property appeared in favor.

**In Opposition:**

*None*

**Questions from the Board regarding Public Hearing #4:**

Mr. Pennington noted that he drove by the property and the neighbor to south had accessory structure and wondered where that would be on plans. He noted that the neighbor would not likely see the addition.

Mr. Goulet asked about parking. Mr. Sidford answered that there is two-car on parking on the side.

**Deliberations:**

Mr. Pennington commented that it is always easy to approve when you could make a variance hardship case. The analysis presented of what could be done versus what was proposed was helpful. It is a modest addition for the lot size.

Mr. Ciampitti admired the way the application was presented.

Mr. LaBay agreed.

**Motion to approve application 2014-021 for a Special Permit for Non-conformities made by Mr. LaBay, seconded by Mr. Pennington.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder– approve

Richard Goulet – non-voting

Libby McGee – non-voting

**Adjournment**

**Motion to adjourn made by Mr. Snyder, seconded by Mr. Ciampitti at 8:25 PM.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Duncan LaBay – approve  
Jamie Pennington – approve  
Howard Snyder– approve  
Richard Goulet – approve  
Libby McGee - approve

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