

**City of Newburyport  
Zoning Board of Appeals  
May 28, 2013  
Minutes**

The meeting was called to order at 7:05 PM.  
A quorum was present.

**1. Roll Call**

**In Attendance:** Ed Ramsdell (Chair), Duncan LaBay (Secretary), Robert Ciampitti (Vice-Chair), Jared Eigerman (Associate Member), Richard Goulet (Associate Member)

**Absent:** Jamie Pennington and Howard Snyder

**2. Business Meeting**

**Minutes of May 14, 2013 Meeting**

Mr. Eigerman made a motion to approve the minutes as submitted and Mr. Goulet seconded the motion.

The motion passed unanimously.

Ed Ramsdell - approve

Robert Ciampitti – absent

Duncan LaBay – approve

Howard Snyder - absent

Jamie Pennington – absent

Richard Goulet – approve

Jared Eigerman –approve

**2013 025**

**Redco Construction Inc., c/o Mark Griffin, Esq.**

**Address: 21 Cherry Street**

**Special Permit**

**Demolish existing structure and construct two-family residence in compliance with all dimensional requirements**

**Motion to continue Cherry Street to June 11, 2013 made by Mr. LaBay, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell - approve

Robert Ciampitti – absent

Duncan LaBay – approve  
Jamie Pennington – absent  
Howard Snyder – absent  
Richard Goulet – approve  
Jared Eigerman –approve

**2013 023**

**Address: 3 Belcher Street**

**Special Permit for Non-conformities and Special Permit for an in-law**

Attorney Joe Sullivan, 246 High Street, Newburyport, MA, represented Mr. Jason and Mrs. Carol Beauparlant. Ms. Beauparlant's plans are designed to accommodate moving her children into her home to help her since she lost her husband last fall. Tonight's revised plans were reduced in scale from the original two-story living space with space above the garage. Conversations with abutters resulted in reduced improvements, now limited to the area of the existing garage, with a 7 foot x 18 foot bump-out addition for a bathroom and closet. Pre-existing non-conformities are a setback violation and the 1817 addition. The proposal would not exacerbate existing non-conformities and places no additional burden on municipal systems. The property abuts Newburyport Water Department land with a buffer zone by the garage. In addition to scaling down improvements to one level, the owner will plant five arborvitae as a screen for the abutting neighbor. Michelle Rogers, MBR Architect, Inc., Newburyport, MA, presented floor plan details.

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

**In favor:**

**Attorney Michael Tucker, 24 Pleasant Street, Newburyport, MA represented abutting neighbors, Mr. and Mrs. Brian Warwick, 2 Plant Street,** as in favor of the plan.

Attorney Sullivan submitted two letters from abutters:

**Mr. and Mrs. Cole, 52 Spofford Street, Newburyport, MA,** in favor.

**James Leonard, 4 Belcher Street, Newburyport, MA,** in favor.

**In opposition:**

**None**

**Deliberations:**

Mr. Eigerman's only concern was whether the limitation for new space was 900 or 700 square feet. Learning the in-law addition totaled 892 square feet, he said it was a fine project and recommended a condition be added for the arborvitae screen. Mr. LaBay and Chairman Ramsdell clarified that only 700 square feet of new space is permissible and the proposal was well within the limitation. The applicant further clarified there was to be 134 square feet of new construction.

Motion to approve a Special Permit for non-conformities made by Mr. Eigerman, seconded by Mr. Goulet.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell - approve  
Robert Ciampitti – absent  
Duncan LaBay – approve  
Jamie Pennington – absent  
Howard Snyder - absent  
Richard Goulet – approve  
Jared Eigerman –approve

Motion to approve a Special Permit for an in-law addition with the condition of an arborvitae screen was made by Mr. Eigerman, seconded by Mr. Goulet.

The motion passed unanimously

**Votes Cast:**

Ed Ramsdell – approve  
Duncan LaBay – approve  
Robert Ciampitti – approve  
Jamie Pennington – absent  
Howard Snyder – absent  
Richard Goulet – approve  
Jared Eigerman –approve

**2013 026**

**John M. and Irene V. Kucinski**

**Address: 12 75<sup>th</sup> Street**

**Special Permit for Non-conformities**

**Demolish and reconstruct single family home on pre-existing non-conforming lot**

Mr. Everett Chandler, Design Consultants, Inc., 68 Pleasant Street, Newburyport, MA, represented the applicants. He explained the proposed reconstruction would become the applicants primary home. The existing lot is non-conforming in area, shape, frontage, and front and side yard setbacks. The reconstruction will lessen the front yard non-conforming setback, create a slightly less non-conforming side yard setback, and FAR will be same. The new structure's height would be greater than the original and similarly situated on the lot. The modern-styled architecture is similar to other structures on Plum Island, and would be an improvement to the neighborhood.

Mr. Benjamin Nutter, architect, 363 Boston Street, Topsfield, MA said this contemporary design is the most efficient way to deal with the applicant's requirements and use of the space. The design incorporates a storage area above because the storage area below will be lost, and the location of windows allows for a 360-degree view and are energy efficient. The eclectic nature of

structures on Plum Island represents a location that is not captured in time. The design also takes advantage of outdoor living with decks all around the house that are more environmentally appropriate than having people sit people on the dunes.

Mr. Chandler said the Conservation Commission has approved the plans as proposed. A dune comes up to the front on the ocean side and drops down in back with a grade of 12 in back and 9 in the front.

Tom Hughes, Hughes Environmental Consulting, 44 Merrimac Street, Newburyport, MA, said the Conservation Commission is waiting for a response on endangered animals. The house is within the AE floodplain.

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

#### **In favor:**

**None**

**Ellen Moniz, 6 75<sup>th</sup> Street**, a neighbor, is neutral and wanted to know how the house would be turned and moved over 3-4 feet? Mr. Chandler demonstrated on the plans the additional 3-4 feet as slightly moved toward the jetties and consisting mostly of the outdoor decks.

#### **In opposition:**

**None**

#### **Questions from the board**

Mr. LaBay asked what the height of the structure was to the peak? He understood there was a mean height of 23 feet, but wanted to know how much taller the reconstruction would be from the original structure. Mr. Chandler responded that the structure was 40 feet, with a mean of 35 feet. Mr. LaBay said that the incremental height was 13-14 feet.

Ms. Moniz asked if the additional height is in the front or the back? Mr. Chandler responded that it was a mean.

Mr. Eigerman asked where the livable space began? Mr. Chandler responded that livable space began 10 feet above ground, with 8 feet for parking and 1 foot of structural steel. The current elevation of the first floor is 14 feet because it's up on about five feet of stilts.

Chair Ramsdell said the current structure was almost flat roofed whereas the new structure's highest part is a roof over 50% or less of the full structure. Mr. Nutter said it is a partial roof that faces west.

Mr. Goulet said the absolute peak is about 40 feet and the existing structure is about 26 feet, with an overall difference of 14 feet. Mr. Chandler confirmed those figures.

#### **Deliberations:**

Mr. Eigerman liked the design, saying there are other contemporary designs on Plum Island and an attractive design with lots of porches and fenestration makes sense. The discrepancies with the code are marginal. The only issue is the different feel the design creates for 75<sup>th</sup> Street because of the height of the structure. However, it does have to be jacked up.

Chair Ramsdell agreed. The current structure has a slightly lower roof that serves as a real roof across the whole structure, whereas the high point in the new design is basically latticework. The current structure would look strange on stilts, so it makes sense that the design is different. Overall, it's a good placement and a good application.

Mr. Ciampitti agreed, saying it was a fine application, a good use of the architectural and geographic limitations of the site and he could support it.

Mr. Goulet concurred and asked about the hardscape. Mr. Nutter said they would be taking out pavement and increasing plantings with a deck just above grade with latticework, allowing for plenty of sunlight and plantings. The proposal has the effect of de-hardscaping.

Mr. LaBay said the board might want to encourage future applicants to provide the board with views that include other properties in order to determine how things fit together. He asked if Ms. Moniz's house was in the back of the structure? Ms. Moniz pointed out her house on the plans. Mr. LaBay said Ms. Moniz has a view corridor that is being preserved. Mr. Eigerman agreed that it would be good to know more about the context with future applicants.

Motion to approve the Special Permit for non-conformities and to demolish and reconstruct a single-family home on a pre-existing, non-conforming lot was made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously

**Votes Cast:**

Ed Ramsdell – approve

Duncan LaBay – approve

Robert Ciampitti – approve

Jamie Pennington – absent

Howard Snyder – absent

Richard Goulet – approve

Jared Eigerman –approve

**2013 027**

**TGG Real Estate, LLC**

**Address: 23 Pond Street**

**Dimensional variance**

**Permit a three-family use (use #103) with insufficient lot area**

**2013 028**

**TGG Real Estate**  
**Address: 23 Pond Street**  
**Special Permit for Non-conformities**  
**Modification to pre-existing non-conforming structure to allow a three-family use**

**2013 029**  
**TGG Real Estate**  
**Address: 23 Pond Street**  
**Special Permit for a three-family use (use #103)**

Attorney Lisa Mead, Blatman, Bobrowski and Mead, LLC, 30 Green Street, Newburyport, MA, represented TGG Real Estate. Tom Keenan, the applicant, is proposing to take a single-family home and turn it into a three-family home. The site consists of a 6,470 square foot lot in the R3 district. Unit #1 would be 950 square feet, Unit #2 would be 900 square feet, and Unit #3 would be 1,170 square feet. Each unit is two floors with two bedrooms. The former owner, Frank Bell, lived on the second floor and his two grown daughters lived in what is called the barn, a structure that was not always attached. Mr. Bell received a variance to make the property a two-family house, but he never acted and the variance expired before he sold the house to Mr. Keenan. It is a very large house and the square footage numbers in the Assessors records are not correct. The Assessor's sketch does not include a 1,080 square foot section and does not include the rear structure. Additionally, the plans would remove the front porch.

A special permit is needed for the insufficient lot area. The use is permitted in the R3 district, the most dense district in Newburyport, and the proposal is useful and desirable. The driveway is not changing at all; there are two parking spots in the garage and four on the street. Sidewalks surround the whole area. No municipal services will be overloaded and there will be an additional 330 gallons of water use per day. No impermeable surfaces are added to the site. The proposal will not impair the integrity of the district. There are many multi-family, two-family, and single-family dwellings in this neighborhood.

There will be no changes to the outside of the non-conforming structure; renovations are all interior and the use is changing. There will be no changes to the footprint. The site is a corner lot across from a cemetery. Lots on either side of the property are also non-conforming because of site and setbacks for the district. Most, if not all, lots in the neighborhood are nonconforming for lot area.

Attorney Mead provided letters of support from surrounding neighbors, saying the applicant had spoken personally to each neighbor and no one objected.

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

**No remarks**

**Questions from the board:**

Mr. Eigerman said the house's siding appeared different. Attorney Mead responded that the house exterior would be all clapboard.

**In favor:**

**None**

**In opposition:**

**None**

**Deliberations:**

Mr. LaBay said Attorney Mead had done a thorough job and presented a good rationale for the board to grant all three requests. No one is here to object to the project. Mr. Goulet also said it was a good project and well presented. Mr. Eigerman said the tandem parking was good and he supported the project.

**A motion to approve the dimensional variance with a Special Permit for a three-family use with insufficient lot area made by Mr. LaBay, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell - approve  
Duncan LaBay – approve  
Robert Ciampitti – approve  
Jamie Pennington – absent  
Howard Snyder – absent  
Richard Goulet – approve  
Jared Eigerman –approve

**A motion to approve the Special Permit for non-conformities and modification to pre-existing non-conforming structure to allow a three-family use made by Mr. LaBay, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell - approve  
Duncan LaBay – approve  
Robert Ciampitti – absent  
Jamie Pennington – absent  
Howard Snyder - absent  
Richard Goulet – approve  
Jared Eigerman –approve

**A motion to approve the Special Permit for a three-family use made by Mr. LaBay, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell - approve  
Duncan LaBay – approve

Robert Ciampitti – absent  
Jamie Pennington – absent  
Howard Snyder - absent  
Richard Goulet – approve  
Jared Eigerman –approve

**Adjournment**

**Motion to adjourn made at 8:18 PM by Mr. Duncan, seconded by Mr. Goulet.**

The motion passed unanimously.

**Votes Cast:**

Duncan LaBay – approve  
Richard Goulet – approve  
Jamie Pennington – absent  
Robert Ciampitti –absent  
Howard Snyder - absent  
Richard Goulet – approve  
Jared Eigerman –approve

**Respectfully submitted, Linda Guthrie – standing in for Jennifer Lamarre - Note Taker**