

**City of Newburyport  
Zoning Board of Appeals  
May 30, 2017 (Rescheduled from 5/23)  
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)  
Richard Goulet  
Renee Bourdeau  
Maureen Pomeroy (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of the 05/02/17 meeting**

Ms. Pomeroy made a motion to approve the minutes and Ms. Bourdeau seconded the motion.  
The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy – approve

**Minutes of the 05/09/17 meeting**

Ms. Pomeroy made a motion to approve the minutes and Ms. Bourdeau seconded the motion.  
The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy – approve

**3. Public Hearings**

<b>2017      034</b> <b>Address: 20 Dove Street</b> <b>Parking Variance</b> <i>Allow three parking spaces where four are required</i>
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**2017      035****Address: 20 Dove Street****Special Permit for Non-conformities***Allow a minor lot line adjustment and a two-story addition resulting in a lot coverage increase***2017      036****Address: 23 Warren Street****Dimensional Variance***Allow variances for lot area and frontage*

This hearing was continued from the 4/25/17 meeting. Nick Cracknell represented the applicants. Outstanding issues from the last meeting included off street parking and construction management plan concerns from neighbors. Existing conditions were presented. The applicants propose to remove and replace the existing one-car garage at 20 Dove Street and build a new one-car garage set further back on the property to provide a tandem parking space in front of and beside the garage. They will no longer need a parking variance. They plan to improve the streetscape including replacing sidewalks with brick. Mr. Cracknell reiterated the repair of the “gap tooth” in the streetscape. He submitted updated stipulations dated 5/23/17, with changes since the April meeting. Signatures of 22 neighbors in support were presented. Included in the stipulations is an updated construction management plan. Mr. Cracknell briefly addressed Planning Department comments.

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

**In Favor:**

*Resident; daughter lives across street from 23 Warren Street*

*Concerns included parking, which seems to have been remedied. The Green family has been in the neighborhood for a long time and it's important to them to stay in their neighborhood.*

*Bradley Green, 20 Dove Street*

*Lives in home. This is the best way to downsize and stay.*

*Steven Lewis, Developer on the project*

*This is a good project that meets the needs of the community and property owners.*

**In Opposition:**

*None*

**Questions from the Board:**

Ms. Bourdeau noted that with the detailed construction management plan, the Board asked that it state ‘before issuance of building permit’, not ‘occupancy permit.’ Mr. Cracknell agreed.

Mr. Ramsdell asked in dividing this lot, why it is a good thing. Mr. Cracknell answered the fabric and character of Warren Street do not like parking area for a house on another street. Neighbors are in favor. The project ‘fits like a glove’ into the neighborhood and fills a gap-tooth.

Mr. Ramsdell asked for reiteration of the hardship. Mr. Cracknell noted that surrounding non-conforming lots is a secondary argument. The main argument is the shape of the lot.

**Deliberations:**

Ms. Bourdeau commented that the applicants addressed concerns of parking and construction management and she was now in support.

Mr. Goulet commented that the unique lot is basis for hardship. He also agreed with Ms. Bourdeau. Bringing the property back to its original use with a residence is positive. There was also overwhelming neighborhood support.

The rest of the Board agreed.

Mr. Ramsdell commented on the snug neighborhood, but credible arguments made.

**Motion to dismiss application 2017-034, no longer needed made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy – approve

**Motion to approve application 2017-035 with revised stipulations dated 5/23/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy – approve

**Motion to approve application 2017-036 with revised stipulations dated 5/23/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**2017      038**

**Address: 21 Basin Street**

**Special Permit for Non-conformities**

*Allow increase in floor area ratio for construction of a third bedroom*

This hearing was continued from 4/25/17. Attorney Lisa Mead represented the applicant. The applicants would like to add a bedroom over the garage, increasing the already non-conforming FAR. Ms. Mead went over plans and noted there would be no changes to the height, footprint, or number of bedrooms. The property is non-conforming currently with FAR, lot coverage, lot area, frontage, and front and side setbacks. The rear lot line was clarified on plans. The proposed change will not add any new non-conformity and will not be substantially more detrimental to the neighborhood. There are no neighbors in opposition, and letters of support were submitted. The project will have no greater impact on water and sewer service as it is calculated based on number of bedrooms, which is not changing. The home continues to be modest.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Ms. Bourdeau was unclear on bedrooms, and was still unsure with the proposed setup that in the future it not be a bedroom. Ms. Mead commented that the applicants would be happy to have a deed restriction or as a condition to the SPNC. The intent is to be a three bedroom.

Mr. Ramsdell was concerned with the FAR., as it would be just shy of double what the maximum allowed is. He asked why the FAR less important in this case. Ms. Mead responded that we must look at whether or not the change is substantially more detrimental to the neighborhood. The bedroom is already on a developed area of the house and the number of bedrooms would not be changing. FAR serves a purpose, but in this case it works.

**Deliberations:**

Mr. Goulet was satisfied with the argument. Neighborhood support was good. He was not comfortable with the office space, but with a condition, he was ok with it.

Ms. Bourdeau was not willing to support. She felt there was high potential this would turn into a four bedroom house. The excess FAR is too great.

Ms. Pomeroy agreed with Ms. Bourdeau.

Mr. Ciampitti was satisfied with the deed restriction, but did agree with excess of FAR.

Mr. Ramsdell did not feel he could support and agreed with Ms. Bourdeau.

There was discussion of standards and what may be done to make the project approvable. The Board did not have a 'magic number,' but felt in this case with the excess FAR and office space, they were not comfortable approving.

Ms. Mead requested a continuance.

**Motion to continue application 2017-038 to 6/13/17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**2017      043**

**Address: 6 Purchase Street**

**Special Permit for Non-conformities**

*Demolish portion of existing building and rebuild, resulting in an upward extension of a pre-existing non-conforming setback*

**2017      044**

**Address: 6 Purchase Street**

**Special Permit for**

*Demolition of a historic addition within the DCOD*

Ingrid Cyros, 8 Purchase Street presented the application. Ms. Cyros and her husband own 6 and 8 Purchase Street. They intend to renovate and rent the home in the long term. There is a rich history at 6 Purchase Street and they hope to preserve it. There was a kitchen extension built in 1920, and a bathroom extension build in 1935. The proposal is to demolish the kitchen and bathroom extensions and build a new addition to connect with the original house. The addition would be two-stories, with a basement and foundation underneath. The Historical Commission reviewed the project and sent conditions the Board to be considered for attachment to the ZBA decision. The intention is to keep the home historically intact and the applicants agree with the proposed conditions, but would they like to deviate from recommendation #6. The windows are in disrepair and they would like to replace them with historically accurate wooden windows. The home would continue to be two bedrooms.

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

**In Favor:**

*Gretchen Cyros, daughter*

*Daughter of the applicants; loves the two houses and their historical significance.*

**In Opposition:**

*None*

**Questions from the Board:**

Ms. Bourdeau asked if they would consider seeing a restoration specialist before just replacing windows. The applicants responded that they have taken that step and are awaiting results. They intend to replace those beyond repair.

Mr. Ramsdell was concerned with the windows as the Historical Commission report found the windows an important historical feature.

Lisa Mead, 13 Purchase Street

Commented as a neighbor that she was the Historical Commission meeting and noted that the applicants were not fully prepared with photos showing window deterioration at that time. The Commission was in support of the project.

Mr. Ciampitti suggested proceeding as there was no one in opposition. There could be a condition attached to the ZBA decision.

Ms. Pomeroy clarified that the applicants were in favor of other conditions suggested by NHC.

**Deliberations:**

Mr. Ciampitti commented that the SPNC argument is sound. The Special Permit under DCOD requirements were met and the applicants were ok with taking suggestions of the NHC review. He commended the applicants for this.

The rest of the Board agreed.

Conditions;

-Historical Commission recommended conditions as submitted

-Note; during the hearing the applicant expressed uncertainty as to being able to conform to the condition regarding original windows. The Board voted and so instructed the applicant that the windows could not be changed until such time as the applicant met with the Historical Commission and reached agreement as to what changes, if any, could be made to this condition. A further report should be submitted to the ZBA regarding the outcome of these discussions.

**Motion to approve application 2017-043 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

**Motion to approve application 2017-044 with submitted Historical Commission recommended conditions made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**2017 045**

**Address: 5 South Pond Street**

**Special Permit for Non-conformities**

*Demolish and rebuild pre-existing non-conforming structure*

Attorney Lisa Mead presented on behalf of the applicants. Ms. Mead presented the existing conditions. Last March the Historical Commission released demo delay based on plans presented. One of the requirements on the decision was that if any changes were mad, they must go back to NHC. On 5/10/17, NHC approved a window change before coming to ZBA. No new non-conformities will be created. Lot coverage would increase from 26.1% to 36.3% and rear setback would increase from 10.5' to 10.8'. All other non-conformities would stay the same. The new home will be a single family. As far as the street trees and sidewalk ordinance; DPS said neither is needed at this location. Ms. Mead noted that the size of the home is average compared to surrounding properties.

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

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Ms. Bourdeau asked for existing elevations.

Mr. Ciampitti asked if neighbors were in favor. Ms. Mead noted there were none in opposition and neighbors are in favor of the welcome addition to the neighborhood.

**Deliberations:**

Mr. Ciampitti commented that the application met criteria and was vetted through NHC.

The rest of the Board agreed.

**Motion to approve application 2017-045 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**The meeting adjourned at 9:05pm**

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