

**City of Newburyport  
Zoning Board of Appeals  
May 8, 2012  
Minutes**

The meeting was called to order at 7:15 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:** Ed Ramsdell (Chair), Duncan LaBay (Secretary), Charles Ciovacco, Jamie Pennington, Robert Ciampitti (Vice-Chair) – *arrived 7:36*

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of April 24, 2012 Meeting**

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

The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve  
Duncan LaBay – approve  
Charles Ciovacco – approve  
Jamie Pennington – approve  
Robert Ciampitti – not present

**b) Public Hearings (1 on agenda)**

**Public Hearing #1:**

**2012      011**

**Address: SFLS Realty LLC, 366 Merrimac Street**

**Special Permit for Non-Conformities**

Construct a partial second floor and mezzanine resulting in an upward extension of a pre-existing non-conforming side setback

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

**In favor:**

Mr. Lesynski, owner, said he would answer questions. The issue is space; they have no land. The only direction they can go is up. They will gain some more selling footprint by getting the offices off the 1<sup>st</sup> floor. Storage of materials is currently a problem as well. The building is ready for a face-lift.

**In Opposition:**

**None**

David Jaquith, Architect, spoke for the applicant, Jay Lesynski. The request is to add a partial second floor with a mezzanine to an existing non-conforming building. The new area is to be used for storage and offices. The non-conformities relate to the location of the existing building on the lot. The existing use of the building includes ships sales, marina, repair of boats, offices, and storage of parts. The existing building does not conform to the left side setbacks. The proposed 2<sup>nd</sup> floor mezzanine will follow the existing left side footprint of the 1<sup>st</sup> floor. The proposed changes will not impact the existing left side non-conformity setback. All other setbacks conform to zoning. The proposed 2<sup>nd</sup> floor addition does not increase the footprint non-conformities.

The proposed changes will unify the building into one building instead of a mixture of different additions. They are going to build up, organize the building better. 2 offices will be on the mezzanine level.

Mr. Jaquith went to the neighbors and got signatures from 5 neighbors which he provided to the Board. The only neighbor from which he was unable to obtain a signature was Mersen. No one had objections to the plans.

They received a lot of help from Gary Calderwood, Building Inspector and Dianne Eppa, from the Planning Staff.

Mr. Jaquith presented and discussed enlarged elevations of the proposed front-view, both side-views and the back of the proposed renovation.

**Questions from the Board:**

Mr. Ciovacco asked if they tried to get in touch with Mersen. The applicant said yes, Mersen was notified. The height of the proposed renovation is still lower than Mersen's roof.

Mr. Pennington asked the applicant to clarify the amount of square feet that is being added on. The response was about 3000 square feet.

**Deliberations:**

Mr. Pennington liked the way they made the building look like a collection of smaller buildings.

Mr. Ciampitti said it looks great.

Mr. LaBay was appreciative of the amount and size of the drawings presented. The lack of opposition was also indicative of a reasonable request.

**Motion to approve the Special Permit for Non-Conformities made by Mr. Ciovacco, seconded by Mr. LaBay.**

The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti – approve

### **3. Adjournment**

**Motion to adjourn made by Mr. Ciovacco seconded by Mr. LaBay at 8:00 p.m.**

The motion passed unanimously.

**Votes Cast:**

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Jamie Pennington – approve

Robert Ciampitti – approve

**Respectfully submitted, Jennifer Lamarre - Note Taker**