

**City of Newburyport
Zoning Board of Appeals
June 11, 2019
Council Chamber**

The meeting was called to order at 7:12 P.M.
A quorum was present.

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Renee Bourdeau (arrived after approval of minutes)
Maureen Pomeroy
Edward Cameron
Mark Moore

Absent:

Robert Ciampitti (Vice-Chair)

2. Business Meeting

a) Approval of Minutes

Minutes of the 5/28/19 meeting

Mr. Cameron made a motion to approve the minutes and Mr. Moore seconded the motion.
The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

3. Public Hearings

2018 064b

Address: 193 High Street

Special Permit for Non-conformities

Remove existing later added shed/garage and construct new attached 3-bay garage

The applicant requested a continuance to 6/25/19 due to a four-member Board. The Board continued to 7/9/19 due to the 6/25/19 agenda being full.

Motion to continue application 2018-064b to 7/9/19 made by Mr. Cameron, seconded by Mr. Moore.
The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – approve
Maureen Pomeroy – recused
Edward Cameron – approve
Mark Moore – approve

2019 036

Address: 16 Olive Street

Special Permit for Non-conformities

Construction of a second floor addition over existing first floor resulting in an upward extension of a pre-existing non-conforming side setback

The applicants requested a continuance as they are meeting with the Historical Commission tomorrow evening.

Chair Ramsdell opened the hearing to public comment.

Motion to continue application 2018-036 to 7/9/19 made by Mr. Cameron, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Renee Bourdeau – approve
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore – approve

2019 037

Address: 1 Jefferson Court

Special Permit for Non-conformities

Construct addition resulting in an extension of pre-existing non-conforming front and rear setbacks and an increase in lot coverage

Attorney Lisa Mead of Mead, Talerman and Costa LLC, 30 Green Street presented the application. Mark and Terry Robertson, owners and Aileen Graf, architect were also present. The original part of the house was built in 1924, triggering a visit to the Historical Commission. They determined the house not historically significant. The structure and the lot are both non-conforming for the R1 zoning district. Front setback, right side setback, rear setback, lot area, and lot coverage are all non-conforming. The applicants seek to intensify lot coverage and rear yard setback. No new non-conformities would be created.

Aileen Graf, architect presented the specifics of the project. They are proposing to preserve the original home and will rebuild working off the existing foundation of later additions with changes to roofline and roof pitch. The new addition will house a mudroom and garage. Some square footage on second floor with the rebuild, and despite the addition they will increase square footage just 220 s.f. The driveway would be moved to Jefferson Street

No new non-conformities would be created. The project would not be substantially more detrimental to the neighborhood than the existing structure. Current conditions with the driveway on Jefferson Court, and they will be improving this. Nearly any addition would intensify a non-conformity on this property. A letter of support was submitted from neighbor at 2 Jefferson Court. The home would have a total of 3918 s.f., which is consistent with the surrounding neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Letter submitted from 2 Jefferson Court.

In Opposition:

None

Questions from the Board:

Ms. Bourdeau asked if the lot across the street owned by applicant as well. Yes, it is and there is no proposed building on that lot.

Ms. Pomeroy asked if lot 9 on the plot plan provided any comments. They had spoken with them and they said they would be here tonight in favor. Ms. Graf explained when working through landscape plans, this neighbor was happy about some trees being cleared as it would improve her views.

Ms. Pomeroy asked what materials would be used. They would be using coastal materials including shingle, clapboards for the gable ends, and small metal roof section. The porch would be a storm door and screen combination.

Chair Ramsdell asked if the new driveway would be asphalt. Yes, it would be.

Deliberations:

Mr. Cameron commented that this looks fine. He has been down this road and the changing of garage and driveway seems good from public safety aspect.

Ms. Bourdeau was in support of this on the same footprint and modest addition.

Mr. Moore commented on the modest addition and neighbors in favor.

The rest of the Board agreed.

Chair Ramsdell commented that the sidewalk and tree ordinance would not be triggered here.

Motion to approve application 2019-037 made by Mr. Cameron, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – approve
Mark Moore – approve

2019 038

Address: 14 Market Street

Special Permit

Convert existing professional office unit to a residential dwelling unit, resulting in a third dwelling unit and multi-family use (Use #103)

Attorney Mark Griffin of Finneran and Nicholson, 30 Green Street presented the application. Robin and Sheryl Blair, of Sethmark Realty Trust, owners were present. This property is located in the B2 zoning district as well as DCOD. Only interior work is proposed. The existing building consists of two residential units and one professional office. The plan is to convert the professional office to a residential unit, which would make it a multi-family. The lot is small, but nothing would expand beyond the footprint. Existing versus proposed floorplans were submitted. The unit will be one bedroom. The impact on the neighborhood would be very small and arguably less than the professional office use.

Attorney Griffin went through special permit criteria;

(2) The use requested is listed in the table of use regulations or elsewhere as in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned. Use #103 is allowed by Special Permit.

(2) The requested use is essential and/or desirable to the public convenience or welfare. Development within the district is encouraged. Diversity in housing stock is desirable.

(3) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety. The multi-family use would arguably cause less traffic congestion than an office or use as a business.

(4) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare. One housing unit will not overload municipal systems in the area.

(5) Any special regulations for the use, set forth in the special permit table are fulfilled. There are no special regulations for the use.

(6) The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare. Multi-families are encouraged in this district.

(7) The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood. There is a natural mix of business and residential.

(8) The proposed use is in harmony with the purpose and intent of this ordinance. A multi-family use is consistent with uses encouraged in the zoning district.

(9) The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution. The project will comply with applicable health and building codes.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Mel Nagler, 3 Market Street

Mr. Nagler commented on the shortage of apartments for rent in Newburyport. The owners are well regarded as landlords with current tenants and he was in favor of the application.

In Opposition:

None

Questions from the Board:

Ms. Pomeroy asked if there were any updates on trees and sidewalk from DPS as they are adding one residential unit. They had not heard back from DPS yet.

Deliberations:

Ms. Bourdeau commented that this is pretty straightforward and there was no opposition.

Mr. Moore commented on how this would be good for housing stock.

Ms. Pomeroy had no problem with the project. She brought up that DPS did not yet respond regarding the sidewalk and tree ordinance and whether a condition should be added to approval.

Chair Ramsdell was not sure there is much to be done there as far as trees and sidewalk. If DPS decides that something is needed, they can work with the applicants.

Motion to approve application 2019-038 made by Ms. Bourdeau, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Renee Bourdeau – approve

Maureen Pomeroy – approve

Edward Cameron – approve

Mark Moore – approve

The meeting adjourned at approximately 7:46pm

Respectfully submitted, Katie Mahan - Note Taker