

**City of Newburyport
Zoning Board of Appeals
June 24, 2014
Council Chambers**

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

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Duncan LaBay (Secretary)
Jamie Pennington
Howard Snyder
Richard Goulet (Associate Member)

Absent:

Robert Ciampitti (Vice-Chair)
Libby McGee (Associate Member)

2. Public Hearings

2014 027
Address: 32-34 Woodland Street
Dimensional Variance
Relief from minimum lot area and front yard setback requirements for a three-family residence

2014 028
Address: 32-34 Woodland Street
Special Permit
Convert a two-family to a three-family

Attorney Lisa Mead of Blatman, Bobrowski & Mead LLC, 30 Green Street, wrote for a continuance of both hearings to the next meeting on July 8, 2014.

Motion to continue application 2014-027 for a Special Permit and 2014-028 to July 8, 2014 made by Mr. Pennington, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve

Howard Snyder– approve
Richard Goulet – approve
Libby McGee – absent

2014 032

Address: 5 Ocean Street

Special Permit for Non-conformities

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

Matthew Cummings of Cummings Architects presented on behalf of Frank Traniello and Deborah Dimes, owners. They are proposing to renovate an existing single-family structure, adding a second floor addition. The existing height at the top of the staircase is only five feet. The addition would be an upward extension of the rear addition. The addition would be no higher than existing roof. There would be a petite dormer to increase the height of staircase. There would be no intensification of existing non-conformities. The addition would not be substantially more detrimental than the existing structure. The entire home would be renovated inside and out, as its currently in a state of disrepair. Ms. Dimes plans to bring back many historical features. The proposed structure is very much in character with the neighborhood. They have been before the historical commission and were approved.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Ann Price, 7 Ocean Street

Ms. Price was not opposed to the 2nd story if the roofline went from front to back. The dormer has an impact on her side.

Questions from the Board regarding Public Hearing #3:

Mr. Labay asked if the owners had been in contact with the neighbors about the project. Mr. Cummings responded that yes, everyone seemed happy the house would be renovated.

Mr. Pennington asked the approximate change/distance in the existing and new eave on the right elevation. Mr. Cummings answered 2 feet. They had pushed the shed dormers down as much as possible.

Mr. Labay asked that in the absence of a dormer on the right side, what that would do to the head height. Mr. Cummings responded that if the bedroom were even legal, the head height would slope from 5 feet to about 7 feet. If the original roofline were continued, there would be no usable space. Mr. LaBay asked if the room were buildable with Ms. Price's suggestion. Mr. Cummings answered, no. Mr. Pennington concurred with this.

Deliberations:

Mr. LaBay appreciated the amount of effort and clear, visual plans. His sense prior to the hearing was that it was a modest addition. He was interested in hearing what neighbors had to say. He noted Ms. Price's concerns, but felt it was supportable.

Mr. Pennington appreciated the clarity of the presentation. It would be a modest addition and would be using the existing footprint. The eaves only increasing 2 feet would not be substantially detrimental. He was prepared to support.

Mr. Snyder added that they would not be intensifying any existing non-conformity, utilizing the same footprint, and not building out. The upward extension will add to the neighborhood with more livable space.

Mr. Goulet agreed that the changes were modest and minimal. The project would have a positive impact on the neighborhood.

Mr. Ramsdell commented that he does not like when a project negatively impacts a neighbor, but in this neighborhood with the close proximity of houses, it would not be a significant impact.

Motion to approve application 2014-032 for a Dimensional Variance made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 033

Address: 15 Broad Street

Special Permit for Non-conformities

Construct a two story addition and a one story screened porch to a pre-existing non-conforming single family home

Matt Cummings, Cummings Architects presented on behalf of Jonathan & Melanie Beaulier. The applicants were requesting an addition for a kitchen and additional bedroom. They want to preserve this historic house, but also make it more livable. The kitchen is currently in the back of the house, has low ceilings, with an eating area in front of a fireplace. The existing frontage is 66 feet where 80 feet is required, prompting this SPNC. Mr. Cummings presented the plans and scope of changes/work. The addition is no taller than the existing ridgeline. Materials would be

authentic. A screen porch would be added in the back. They intend to keep all existing rooms on the 2nd floor.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Scott Smith, 16 Carter Street

Mr. Smith was not for or against the project. He is the rear abutter. He found the design attractive and character consistent with the neighborhood. He was not clear on the encroachment of the addition into the backyard, and asked for explanation. He had no objections after the explanation.

Stephanie Niketic, 93 High Street

Ms. Niketic made the board aware that this structure is a contributing structure to the Newburyport Historic District, built in 1796. She viewed plans with an architect and noticed there was a roofline change, which would spark Historical Commission approval. Mr. Ramsdell confirmed that this was followed up on, and there was not a change per the building inspector.

Questions from the Board regarding Public Hearing #4:

Mr. Snyder asked about a mature tree in the yard, and whether it would be impacted. Mr. Cummings answered that it is an Ash tree and that the owners were hopeful to use some of the wood within the house, but would need to take it down.

Mr. LaBay asked if the owners had spoken with abutters. Mr. Cummings responded that they had spoken to all neighbors on Broad Street and the surrounding area.

Mr. Pennington asked if they would leave the existing house intact. Mr. Cummings answered, yes, it would be left completely intact.

Mr. Snyder asked for clarification that the only reason this application needed to go before the board was for frontage. Mr. Cummings responded, yes, and that the actual addition would be conforming.

Deliberations:

Mr. Snyder commented that the applicants presented a worthwhile proposal, being sensitive to the historic character. His concern was the tree, but understood the need for it to go. With lot frontage being the only reason they were before the board, he would be in favor.

Mr. Goulet would be in favor. They would not be creating any new non-conformities, it would be good for the neighborhood, and there was a lack of opposition.

Mr. Labay agreed. This was a very complete and well argued set of plans. There was no opposition.

Mr. Pennington echoed his colleagues. It is one of the few structures without an ell or addition already and this would be appropriate for the neighborhood.

Mr. Ramsdell concurred.

Motion to approve application 2014-033 for a Special Permit for Non-conformities made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

2014 034

Address: 386 High Street

Dimensional Variance

The applicant requests a dimensional variance to divide one residential lot, resulting in two non-conforming lots

Mr. Pennington did not recuse himself, but disclosed previous workings with Mr. Cracknell. Mr. LaBay disclosed that on the aerial photograph, the corner of his lot, but he lives outside the area of contact.

Nick Cracknell presented on behalf of Mark Wojcicki and Bradley Kutcher own 386 High Street. Bruce Taylor, project architect, and all direct abutters were also in attendance. The applicant proposed to divide 386 High Street into two separate parcels. The property is located in an R2 zoning district, requiring 10,000 sq. ft. in area. Proposed division would be; Lot 1 at 8316 sq. ft. and Lot 2 at 8110 sq. ft. The existing 1790 structure would remain on Lot 1 and would be completely restored. A new structure would be built on Lot 2. The new home would be reminiscent of a property that DePiero did at 16 Smith Street. This unique request was made in avoidance of the expensive and time-consuming 6C process. The owners would instead like to use all available funds on restoration of the historic structure and quality work on the project as a whole. There is an added value to the city and neighborhood in not turning the structure into condominiums. The applicant is proposing to visually improve the parcel through landscaping and other site amenities as per the list found on page 25 of 39 of the application, including brick sidewalks and replacing fencing abutting Atkinson Common, which will be an asset to the neighborhood.

The existing structure is in disrepair and had been used for medical offices in the past. It was built in 1790 and is one of the earliest historic homes on the west end of town. It may have been

associated with the Atkinson family before Atkinson Common came to be. It is truly one of the four gateway historic homes to the district. Authentic materials would be used in the renovations including wood shutters, granite steps and cedar roof.

A hardship exists in that the property is located on a corner lot.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Mr. Torres, 384 High Street

Mr. Torres was in favor. The restoration of the original house will fit in nicely. The new home looks like it will fit in well also. Improvements such as sidewalks will be an asset to the neighborhood.

Cliff Raskin, 53 Plummer Avenue

It is nice to see this property becoming something other than condos. It is an advertiser for people coming into town.

Stanley Kulfan, 50 Plummer Avenue

He is an abutter and has been invested in the neighborhood for 15 years. He knows that this will be quality work with Bruce Taylor on the project as architect. There are all families in the neighborhood, so this will continue that trend.

Debra Torres, 384 High Street

On the Plummer Avenue side of the home the windows look directly over. The property has become an eyesore and she appreciated the thoughtfulness and upgrades to the neighborhood. It is part of the gateway to Newburyport and is a no brainer.

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic was not in opposition. Ms. Niketic asked the board to consider the Master Plan's goals on infill and to protect integrity of neighborhoods.

Questions from the Board regarding Public Hearing #5:

Mr. Ramsdell asked if in regards to the variance, all surrounding lots were non-conforming as well. Mr. Cracknell agreed that this is one of the most conforming properties on Plummer Avenue.

Mr. Pennington suggested being a bit more specific in the stipulations on the 2nd structure.

Mr. LaBay asked about a spruce tree on Plummer Avenue and whether it would be staying. Mr. Cracknell explained that they would try, but depending on the roots, it may interfere with the driveway. The intent is to keep it.

Deliberations:

Mr. Pennington commented that the curb appeal is helpful. The restoration of the original house is important. The stipulations are great. The 2nd unit is very much in keeping with the neighborhood. How this was accomplished is unique. This was a compelling project that was well documented.

Mr. Snyder appreciated the preservation of the historic structure inside and out, bringing value to the neighborhood.

Mr. LaBay commended that the corner lot provision is the best hardship to argue. This was a remarkably complete, well argued and well documented project and would be a tremendous improvement.

Mr. Snyder commented that the proposed application meets all dimensional controls except lot area.

Mr. Pennington commented that this proposed project is in a district where half of the lots do not conform. Infill is being done well here.

Mr. Ramsdell commented that the neighborhood character is to be preserved and that this project demonstrates infill very well.

Motion to approve application 2014-034 for a Dimensional Variance, inclusive of the stipulations on page 10 of the application made by Mr. Pennington, seconded by Mr. Snyder.

The motion passed unanimously.

Votes Cast:

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

3. Business Meeting

a) Approval of Minutes

Minutes of June 10, 2014 Meeting

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

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder– approve
Richard Goulet – approve
Libby McGee – absent

b) Annual Election of Officers

Mr. LaBay made a motion to re-elect the standing officers, Mr. Pennington seconded.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Pennington at 9:12 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker