

**City of Newburyport
Zoning Board of Appeals
June 27, 2017
Council Chambers**

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)

Absent:

2. Business Meeting

a) Approval of Minutes

Minutes of the 06/13/17 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

Public Hearing #1:

2017	038
Address: 21 Basin Street	
Special Permit for Non-conformities	
<i>Allow increase in floor area ratio for construction of a third bedroom</i>	

Attorney Lisa Mead of Mead, Talerman and Costa, 30 Green Street presented the application. Since the last meeting, the architect and owner attempted to redesign and minimize the renovation. The expansion was reduced from 445 sf to 323 sf. The closet and bathroom were reduced. Floor area ratio (FAR) is currently at 40% and would increase to 46.27% with the most recent changes. The office space is now more clearly an office. The added bedroom is modest for a master bedroom. Ms. Mead

reiterated that the project is not adding a bedroom, it is replacing one. Letters of support from neighbors were submitted. This FAR increase is not substantially more detrimental to the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Kincaid Webb, 15 Basin Street

The change is very modest with minimal impact on the neighborhood. No views would be affected.

In Opposition:

None

Questions from the Board:

Mr. Ciampitti asked to clarify matrix changes. Ms. Mead explained there was a de-intensification on the FAR increase from the last plans.

Ms. Bourdeau asked if there was basement living space. The owner responded that the basement is unfinished space.

Deliberations:

Mr. Ciampitti commended the applicant on decreasing the impact and intensity of the changes. Plum Island is a sensitive resource. He noted that there were no abutters in objection.

Mr. Goulet supported the application at the last hearing and was still in favor.

Ms. Bourdeau mentioned a deed restriction that the home could not be more than three bedrooms as brought up at the last meeting. Ms. Mead responded that would not be a problem.

Ms. Pomeroy agreed.

Mr. Ramsdell commented he did not like to see the FAR increase, but with the deed restriction he could support.

Condition;

-The applicant shall file a deed restriction limiting the structure to three (3) bedrooms.

Motion to approve application 2017-038 made by Mr. Ciampitti with above condition, 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

Public Hearing #2, 3,4:

2017 046

Address: 25 Moseley Avenue

Dimensional Variance

Variance for front yard setback

2017 047

Address: 25 Moseley Avenue

Special Permit for Non-conformities

Modify a pre-existing non-conforming structure by constructing an additional living unit and garage

2017 048

Address: 25 Moseley Avenue

Dimensional Variance

Allow a two-family use (#102)

The applicant requested a continuance to the July 25th meeting.

Motion to continue applications 2017-046, 2017-047, and 2017-048 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

Public Hearing #5, 6:

2017 052

Address: 437 Merrimac Street (Lot 1)

Dimensional Variance

Split lot creating a lot with insufficient frontage

2017 053

Address: 437 Merrimac Street (Lot 2)

Dimensional Variance

Split lot creating a lot with insufficient lot width and frontage

Attorney Mark Griffin of Finneran and Nicholson presented the application. The applicants are requesting a lot split at 437 Merrimac Street in the R2 district. The lot is over 21,000 sf with approximately 308' of frontage on Merrimac Street and William Griffin Way. The request is to split the lot and have the existing single family on one lot and a new single-family structure on the other lot. Lot 1 (with existing home); wraps around William Griffin Way and Merrimac Street, and would have a non-conforming rear setback at the lot dividing line. Lot 2; on Merrimac Street would be short on frontage, and have insufficient lot width. The front of both homes face Merrimac Street.

David Keery, owner spoke. He and Aileen Graf, architect have worked together and been friends for years. He is proposing to live in his existing home, and Aileen would build a modest single family home on the newly created lot. The immediate abutters that are most impacted have worked with the Ms. Graf through the design process.

Ms. Graf went over the architecture of the new structure. She did not want to overbuild the lot and kept the structure modest and in scale with the neighborhood. It is reminiscent of other structures in the neighborhood. The siting was important working with the neighbor.

Mr. Griffin went over the hardship criteria citing the shape and topography of the lot as it is an unusually sloped, long and thin lot. There is also a detention pond on William Griffin Way. There is some ledge in the soil of this lot as well. The relief requested is relatively minimal. Neighboring context is also important. Not asking for anything more extreme than what already exists in the neighborhood. Mr. Keery spoke with all neighbors on the abutters list and got letters of support.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Tom Kolterjahn, 64 Federal Street

Suggestion; ZBA and applicant consider Preservation restriction on the old house. It would help maintain the continuity in the neighborhood.

In Opposition:

None

Questions from the Board:

Mr. Ramsdell asked about the Preservation restriction suggestion. Mr. Griffin responded that they would lean against the restriction. The existing home is contributing to the Newburyport Historic District and in the DCOD.

Ms. Bourdeau asked for clarification on lot 1 relief requested on the rear setback.

Mr. Goulet asked what is between the house and garage of the new house. Ms. Graf responded it is a single story entry mudroom, roughly 18'x13'.

Ms. Pomeroy asked if the garage has storage above. Yes, that is the intent. Perhaps in the future her office could move there.

Mr. Ciampitti asked about the historic integrity of the principal house. There was discussion on the single garage door facing the street. There was something that did not sit right. After discussion with the architect, it was decided that adding some detailing to the single solid door and adding an overhang over the garage door to mimic the house would soften the look.

Mr. Goulet asked about drainage. Mr. Keery commented that the lot slopes down to Merrimac Street and was not an area susceptible to standing water.

Conditions;

-The garage on lot 2 shall be reconfigured to adopt more of the lower roof detail of the attached house and the garage door trim and trim will be redesigned to give the appearance of two doors when said door is closed. A plan for these design changes shall be submitted to and approved by the Planning Office staff as meeting the Board's intent prior to the beginning of construction.

Deliberations:

Ms. Bourdeau was happy to see a modest house and thought the requests minor. She was happy with the conditions to be added.

Ms. Pomeroy agreed. She noted neighbors were in support.

The rest of the Board agreed.

Mr. Ramsdell commented on the preservation restriction that the house is protected to an extent and the applicant is not interested in the restriction.

Motion to approve application 2017-052 made by Mr. Ciampitti, 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 2017-053 with above conditions made by Mr. Ciampitti, 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

Public Hearing #7:

2017	054
Address: 92R Merrimac Street	
Dimensional Variance	
<i>Construct a multi-family building requiring variances for lot area, open space, height, and front-and rear-yard setbacks</i>	

Lou Manicucci, MINCO Corporation presented the application. The lot at 92R Merrimac Street formerly housed a break and alignment shop located in the brick garage (built in the 1930's) behind Michael's Harborside restaurant. The property is under agreement and they wish to re-develop the site. Instead of Waterfront Mixed Use (WMU) zoning, the applicants propose to use the Waterfront West Overlay

District (WWOD) zoning. The minimum land area required for WWOD Special Permit is difficult to obtain. There are 18 parcels in this district; 8 sites owned individually that could not comply on their own, and the others have one owner. There would be no way to achieve the required four acres.

Engineer, Scott Cameron, 66 Elm Street, Danvers surveyed the property and presented the site plan. The lot is unusual in shape and topography, and is below the flood plain. There is an access easement off Merrimac Street and frontage is on Summer Street Extension (Route One ramp). The parking area is proposed below the building, concealed and screened (39 spaces).

Renderings and a 3D video was presented showing the architecture. The building is inspired by Historic Newburyport's shipbuilding past with brick, masts, and other architectural features.

Mr. Cameron spoke about the requested variances;

- Lot area – Meeting the 4 acre minimum requirement is not feasible. The existing lot area is 24,932 sf

- Front yard setback – The requirement is between 0' to 6', and due to the irregular shape and 1970's State taking of land, they would be able to provide a 40' front setback

- Rear yard setback – The requirement is 0', and 8' would be provided

- Open space – 33% is required, with 16.5% dedicated to public access. They would achieve 26.2% open space and provide public open space with walking paths and an open area or gardens.

- Lot coverage – 50% maximum is allowed, 50.3% proposed

- Frontage – 60' is required, yet the lot has 13.9" as an existing condition

- Height – Starting at flood plain elevation, with parking under the building; 40' maximum is allowed and they request 45'

The sizes of the parking spaces are proposed to be 8'x16' instead of 9'x18' to achieve the required number. They will be covered and they would not need to worry about snow.

Mr. Manicucci spoke about the need for something to happen with the lot as it is one of the gateways coming into the City. He noted there would be three affordable housing units and it would be a tax benefit to the community.

Mr. Ramsdell proposed to the Board that after public input, and board clarification, the Board step back to digest all the information.

Mr. Ciampitti commented that you have to leap somewhere. This will have to go to Planning Board for site plan review and he was not comfortable voting on a placeholder plan.

The Board agreed.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Robert Richard, owner

In favor. Not much has been done since the fire of 1934.

In Opposition:

Tom Kolterjahn, 64 Federal Street

Concerns; appalled, tall, dense, blocks river.

Linda Lambert, 58 Merrimac Street

Concerns; open space, NED plans, false representation, height precedent.

Lela Wright, 4 Winter Street

Concerns; using WWOD zoning, 45' height, developer greed.

Jeanette Isabella, 1 Lime Street

Concerns; open space, NED potential development, building design is not keeping with Newburyport, height, density, blocking views of neighbors.

Rita Mihalek, 53 Warren Street

Concerns; appalled, overpowers bridge, sailboats, views. Agreed with other comments.

Questions from the Board:

Mr. Goulet thought it premature to form questions.

Additional Planning Board meetings are in queue.

Bourdeau commented that she thought quite a few variances that could be avoided. Height is a big one, open space as well. Density could be toned down, perhaps eliminating further variances. She agreed that the design was the Newburyport look, but they will be working with Planning Board on this.

Ms. Pomeroy agreed.

Mr. Ciampitti commented it does not mimic the Newburyport aesthetic. He could not support a height variance.

Mr. Ramsdell agreed that the height variance was an issue. He commented that not putting commercial space or public amenity on the first floor, the height would actually be limited to 35'.

Mr. Goulet was also against a height variance.

Deliberations:

The applicant requested to continue to the August 22, 2017 meeting.

Motion to continue application 2017-054 to the 08-22-17 meeting 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

Public Hearing #8:

2017 055
Address: 114-118 Merrimac Street
Special Permit
Allow a two-family (Use #102)

Mr. Ciampitti recused himself from the application.

Attorney Mark Griffin of Finneran and Nicholson presented the application. The former 'Mr. India' site has had a checkered past. The applicant is proposing to construct a two-family structure on the property. The last application requested a parking variance and this one does not. The applicant felt he addressed concerns from previous applications. The lot is extremely small lot in the WMD zoning district. Existing conditions used were based on the structure that was there before being demolished. The proposal would park four cars on site underneath the structure and have sufficient space for turnaround in the driveway. A curb cut on Merrimac Street has already been approved by DPS. Each unit would be approximately 1000 sf and be two bedrooms. This use would be less impactful than the previous use and they would be improving non-conformities; lot coverage, side yard setback, front and rear yard setbacks.

Steve Sawyer, engineer, went through the turn around and parking.

Mr. Griffin went through Special Permit criteria.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Tom Kolterjahn, 64 Federal Street

Concerns; this proposal goes backwards in some respects, height and views from rail trail, driveway next to bridge abutment, sightlines.

Lela Wright, 4 Winter Street

Concerns; public safety, traffic, chaotic intersection, potential parking garage nearby, MA DOT plans are in design that would impact the area, ramp coming off the bridge. She stressed that no resident should be threatened to speak their mind at a public meeting.

Jeanette Isabella, 1 Lime Street

Concerns; Déjà vu, rail trail views blocked, cars coming out onto Merrimac Street.

Rita Mihalek, 53 Warren Street

Agreed with neighbors. Concerns; height, size, traffic.

Paul Bevelacqua, 126 Merrimac Street, Unit 3 & Condo Association

Concerns; height, traffic safety, physical safety, busy intersection.

Questions from the Board:

Ms. Pomeroy asked about the height. Height is proposed at the 25' limit and rail trail sight line should not be affected.

Ms. Bourdeau asked about roof and height and whether they could consider a flat roof. To do this, the 2nd unit would have to be eliminated. There is potential of excavating parking down that they could explore and consider.

Mr. Ramsdell was concerned about cars coming out on Merrimac Street.

Deliberations:

Ms. Bourdeau was surprised to see no variances. Parking variance requests from previous applications have gone away. Parking needed to be onsite. This is a less dense application so far. As far as height, she would like to see a flat roof or something less obstructive. As far as the Special Permit, she was ok with a two-family request.

Mr. Goulet agreed. This is the safest option we have seen thus far. Alternatives are not appealing with a by right project. He was okay with the view and height. With the overall safety concerns in the area it would be unfair to burden one project with the issue as a whole.

Ms. Pomeroy agreed with most comments. Roof height was still a concern. Parking was satisfied.

Mr. Ramsdell agreed. He asked the applicants to take a look at the height. He was coming around to a two-family use and was reluctantly backing away from sticking to a single residence.

The applicant requested to continue the application to July 11, 2017.

Motion to continue application 2017-055 to 07-11-17 made by Ms. Bourdeau, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – recused

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy – approve

The meeting adjourned at 10:15pm

Respectfully submitted, Katie Mahan - Note Taker