

**Zoning Board of Appeals
Minutes
July 12, 2011**

The meeting was called to order by Chairman Ramsdell at 7:15pm.

1) In attendance: Duncan LaBay, Charles Ciovacco, Jamie Pennington, Nat Coughlin, Ed Ramsdell

Absent: Rob Ciampitti, Sean Leonard

2) Business Meeting

Move notes of 6/14/2011 for approval to next meeting.

3) Public Hearings

a) Geno Ranaldi

22 Auburn St.

Dimensional Variance – construct a 7 unit multi-family row house on a lot containing 24,306 sf where 32,000 sf is required

Special Permit – allow seven residential units

Continued from June 14, 2011

Lisa Mead, Blatman, Bobrowski and Mead, LLC, representing Geno Ranaldi

Applicant had proposed a 7 unit townhouse style row house at 22 Auburn Street and discussed with the board previously. Received feedback on design. Applicant has amended application and is withdrawing the request for dimensional variance for more than 6 units. Applicant requests a special permit for 5 units.

Side and front set backs not changed. The parking remains the same. Design addressed in rear as seen from Route 1. Windows and paneling were added on the second floor and bump out where the utilities are has changed.

Meets all special permit criteria. Application requires special permit for 5 unit multi-family. Request withdrawal of dimensional variance without prejudice.

In Favor:

Thomas Joy, 51 Pond Street. Last time spoke against. Now in favor.

Opposed:

None

Questions from the Board

Mr. Pennington clarified no affordable unit? **NO**

Mr. Ciovacco asked if there was fence issue. **SUBJECT TO SITE PLAN, CURRENT PROPOSAL SHOWS FENCE AROUND SIDE, TREE WILL STAY, IN REAR NEW ELEVATION SHOWS WINDOWS, PANELING.**

Mr. Pennington sees some improvement. Asked if started site plan review. **NO, BEFORE EXPENSE WE WANTED TO GET THE BOARD'S FEEL.**

Deliberations:

Mr. Pennington sees some improvements, some detractions, and is neutral. Thinks loss of affordable housing unfortunate. Sees some attempts on design to make improvements. SPR will further refine plan with landscape, fences. Not prepared to stop. Is a zone where multi-family is appropriate. Near train .

Mr. LaBay is not so concerned with affordability, the applicant may have been provided with information that slowed the project down. Nice windows in back overlooking industrial property. Sees improvement here in use with the land.

Motion to Withdraw the Dimensional Variance (for 7 units) without prejudice by Mr. Ciovacco, seconded by Mr. LaBay

Votes: Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Coughlin: yes

Mr. Ramsdell: yes

Motion to approve Special Permit for 5 units by Mr. Ciovacco, seconded by Mr. Coughlin.

Votes: Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Coughlin: yes

Mr. Ramsdell: yes

**b) Kindred Transitional Care & Rehabilitation c/o Hazel Wood Hopkins
180 Low St.**

Use Variance to allow a free-standing sign

Heather Dudko, 2 Phoebe Way, Worcester, MA

Kindred is undergoing regional change of signage at numerous facilities and consolidating all signage. Existing sign on site is 18 sf in area and 6 ft overall, face illuminated. Proposed sign would be same area, set back remains, landscaping remains, facing area would be 23 SF, the face of sign aluminum, letters routed, internally illuminated and it only shows through lettering and logo. This is the primary signage for the facility.

In favor:

None

Opposed:

None

Questions:

Mr. LaBay asked if there were any conversations with anyone regarding freestanding signs.

SPOKE WITH PLANNING OFFICE AND SUGGESTED GO BEFORE THE BOARD AND HAVE CONVERSATION WITH BUILDING INSPECTOR.

Mr. Ciovacco asked about option to not illuminate internally and still be effective.

IT WOULD BE LESS EFFECTIVE, BUT COULD PUT EXTRA LIGHT ON IT. THIS IS A REGIONAL SIGN CHANGE OUT. SIGN PACKAGE AND HOPING NOT TO DO CUSTOM JOBS.

Mr. Ramsdell asked why 2 ft taller than old frame. **THEY HAVE 2 SIGNS ONE IS 6FT OVERALL HEIGHT, AND 8FT OVERALL HEIGHT AND THEY FELT 8FT WOULD BE MORE EFFECTIVE BASED ON LOCATION. THE 6FT IS OPTION IF BOARD FEELS ITS MORE APPROPRIATE.**

MS. DUDKO STATED THAT SHE REALIZED THE DIFFERENT TOWN AND CITY BOARDS WORK DIFFERENT WAYS, AND WOULD BE INTERESTED IN DISCUSSING OPPOSITION TO SIGN AND COMING BACK.

Mr. Coughlin mentioned the metallic materials and asked if an option would be to change material to match the white fence out front. **MS. DUDKO SAID SHE WOULD BRING THE CLIENT THE OVERALL FEEL OF WHAT THE BOARD IS LOOKING FOR. THEIR FIRST PREFERENCE IS TO HAVE A UNIFORM LOOK FOR ALL FACILITIES BEING CONSOLIDATED UNDER THE KINDRED NAME, AND NOT REFACE EACH SIGN. SHE WOULD LET KINDRED KNOW WHAT THE BOARD IS LOOKING FOR.**

Mr. Ramsdell stated that with the number of signs being approved the board looks favorably on natural or natural appearing signs., keeping height down, with external illumination.

Deliberations:

Mr. LaBay stated that it is rare for a sign application to get approved on the first shot. Requesting internal illumination, aluminum, increase in sign and height and massing of posts and pillars. They are not driving traffic, providing information longer term stays by folks not retail traffic. Issue of purpose of sign. Primarily to identify this is what it is. Would prefer to see posts vs. pillars, wood or wood looking, no internal illumination, a couple of spotlights top down or ground up. Increase in height may not be necessary.

Mr. Ciovacco added that the area is a transitional area, with residential and only a few commercial entities, it is different from high retail traffic area. That sign in that area, transitional nature and speed limit, no one will have any trouble seeing sign that is there now.

Mr. Coughlin disagreed with board members. Believes sign could be improved by being more wood-like than metallic; he had no problem with internal lighting and does not object to this location with this sign. Does not think its high use area where signage could become problem. The light behind the lettering is not of concern.

Mr. Ramsdell said he would be less inclined to use internally lit sign. Height, materials and posts rather than massing of columns are all important.

Mr. LaBay stated that it is an R2 zone and there are private residences in the immediate vicinity.

Mr. Coughlin asked if the abutters were informed. It says something that no abutters have come out (to oppose).

Mr. Pennington stated the sign consultant has shown flexibility and that there may be flexibility with the client. Now with the sense of the board, review and come back.

Motion to continue to 8/23/11 by Mr. LaBay, seconded by Mr. Ciovacco.

Votes:

Mr. LaBay: yes
Mr. Ciovacco: yes
Mr. Pennington: yes
Mr. Coughlin: yes
Mr. Ramsdell: yes

c) **Boberin, LLC,**
Bob Corcoran, Manager
2-4 Avon Avenue
Special Permit: allow two-family use (#102)

Bob Corcoran of 9 Whitney Rd, Boxford, Ma, builder for last 20 years of single family homes and town houses,. First project in Newburyport.. Located in R2 district which allows 2 family with special permit. Meets all dimensional requirements. This is allowed by right in zoning with a special permit. Has 120 ft frontage, 15,000sf + , facing Avon Road. Federal style duplex. One door to enter. Height at the top roof ridge is 32 ft. Hardy plank clapboard siding. Window trim. Plans for rear elevation and side elevation. Garages down driveway on left and right sides toward end of lots.

Bought home on top of hill. Already approved by planning board for lots. Will keep single family home, keep garage, shed and land. Middle lot is for a single family, this lot is at end of property. Hoping to get everyone's support. Confident not detrimental to the neighborhood.

In Favor

None

Opposed

Lawrence Bograd, lived at 27 Erie Avenue for 42 yrs. Currently resides at 207 Low Street. His youngest daughter lives there now. The area is all single family and a two family federalist would stick out in that neighborhood.

Pam Donahue, 2 Alberta Ave., would like to see plans more closely, curious on lot line and curious as to where surveyors have placed lot lines. Looking for the actual footage and markers so she could know where her front yard ends and how close the garage is to her property. **THE EXISTING HOME AT THE TOP OF THE HILL – NOT TOUCHING OR SHIFTING.** Chair Ramsdell clarified that this question is not pertinent to the application being discussed.

Neal Reardon, 7 Alberta Street. Directly across. This design sticks out like a sore thumb, would like to see something that blends in . Neighborhood is all single family houses now. Does not like the federalist and does not like duplex at the bottom of the hill.

Carol Blackburn and her mother, 3 Murphy Avenue, concerned about the impact of the slant of the hill that goes to the back of her house. **DRAINAGE WILL BE IN PLACE. NOT DOING ANYTHING TO NEGATIVELY IMPACT OTHER ABUTTING PROPERTIES.** Can she get any guarantee. **IF HE DID SOMETHING THAT CAUSES PROBLEMS, THEY WOULD HAVE RECOURSE.** Chairman Ramsdell stated that he has already approved the lots through the Planning Board and the lots are not an issue in the hearing. **NOT GOING TO BE NEGATIVE**

IMPACT FOR ABUTTERS. HE HASN'T LAID OUT THE MIDDLE LOT YET. Where is the existing house lot line. **ITS 15.5 ft FROM EXISTING HOUSE. PLANS TO SHIFT HOUSE TO RIGHT AS HEADS DOWN TO LOW ST.** Will driveway be in front or back? **HASN'T LAID OUT YET, PROBABLY LEFT SIDE.**

John Pelletier, 198 Low Street, the distance between his lot and privacy fence up. **FENCE WILL BENEFIT BOTH. SET BACK 25 FEET.**

Questions from the Board:

Mr. LaBay asked if he'd walked around the neighborhood. **NO, HAVE BEEN STRAIGHT OUT, AND WANTED TO SUBMIT TO BOARD. APOLOGIZE FOR NOT GETTING TO IT.**

Mr. Pennington asked if he'd prepared a site plan, curb cuts, landscaping. **NO, LOOKING TO SEE IF THIS WILL WORK BEFORE PUTTING THE TIME AND MONEY INTO IT.**

Mr. Pennington thinks it is important because where the driveway sits, there are physical difficulties and it brings questions as to how the house will sit on the site.

Mr. Ramsdell said regarding the driveway the board needs to know if there is enough parking for the requirement, it may impact lot coverage.

Mr. LaBay asked what other types of home designs were considered. **RANCH STYLE DUPLEX, FEDERALIST STYLE.**

Mr. Pennington said that looking at more duplexes in the city would be good.

Mr. LaBay said that viewing this for the first time he has to echo concern about design.

Mr. Pennington suggested he could expand the design working with landscaping site plan and driveway. **FIRST TIME IN NEWBURYPORT AND DID NOT KNOW ABOUT SITE PLAN - HE WOULD HAVE JUMPED TO IT.**

Mr. LaBay suggested contacting abutters next time before coming before the board.

Mr. Ramsdell asked if he'd had a chance to talk with the planning office about overall design? **YES.**

Motion to continue to 8/9/11 by Mr. LaBay, seconded by Mr. Ciovacco

Votes:

Mr. LaBay: yes

Mr. Ciovacco: yes

Mr. Pennington: yes

Mr. Coughlin: yes

Mr. Ramsdell: yes

Motion to adjourn 8:25pm by Mr. Pennington, seconded by Mr. Ciovacco.

Respectfully submitted by Lynn Kinsella, notetaker.