

Zoning Board of Appeals
July 23, 2013
City Council Chambers
Meeting Minutes

1. Call to Order

A meeting of the Newburyport Conservation Commission was called to order by Chair Ed Ramsdell at 7:13 p.m.

2. Roll Call

In attendance were members Ed Ramsdell, Duncan LaBay, Rob Ciampitti, Jamie Pennington, Howard Snyder and associate member Richard Goulet.

3. Business Meeting

Approval of Minutes

Mr. LaBay moved to approve the minutes of the July 9, 2013 meeting as amended. Mr. Goulet seconded the motion. The motion was approved by a 4 to 0 vote with Mr. Snyder abstaining.

4. Public Hearings

2013-030	7 Carleton Drive	Dimension Variance
2013-031	7 Carleton Drive	Special Permit
2013-036	7 Carleton Drive	Special Permit for Non-Conformities

Robert and Joan Hankard

Lisa Mead appeared for the applicant, who is requesting a dimensional variance to allow a two-family use on a property with non-conforming lot area and lot coverage. The public hearing was continued from the June 11 meeting. The size of the structure has been reduced, thereby eliminating the need for a variance for lot coverage. The applicant wishes to renovate an existing structure and add a unit for an adult son who needs daily assistance. A special permit is needed for lot area, two-family use and the modification of the existing non-conforming front and rear setbacks. Ms. Mead said the proposal would not create traffic congestion, impair pedestrian safety, overload the water, drainage or sewer systems or impair the character of neighborhood. She said a hardship, which would be required for the issuance of a variance for lot area, exists because the property is an interior lot that is surrounded by non-conforming lots.

Public Comment:

None

Deliberation:

Mr. LaBay said he appreciates that the applicant provided details to clarify the issues that arose at the June 11 hearing. He added the proposed architectural features are an improvement to the existing ones. Mr. Ramsdell said he appreciates that the applicant changed the design based on comments by the board.

Mr. LaBay moved to approve the dimensional variance. Mr. Snyder seconded the motion. The motion was approved by a 5 to 0 vote.

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Mr. LaBay moved to approve the special permit for use. Mr. Synder seconded the motion. The motion was approved by a 5 to 0 vote.

Mr. LaBay moved to approve the special permit for non-conformities. Mr. Synder seconded the motion. The motion was approved by a 5 to 0 vote.

2013-034 10 77th Street Special Permit for Non-Conformities
James S. House

The applicant is proposing to demolish a pre-existing non-conforming single-family home and build a replacement structure. The lot coverage and parking spaces would be exceeded, the exceeding height would be continued and the non-conformities of setback would be reduced. The applicant has not yet applied for a permit from the Conservation Commission.

Public comment:

None

Deliberation:

The applicant supplied the height of the ridgeline, not the mean height, as is required for the application. Site plans have not yet been prepared. Mr. LaBay commented that it is usual for the applicant to more fully present the project to the board. Mr. Pennington said the house would be nested in the dunes and asked if the proposal would be allowed under the regulations of other boards. Mr. Ciampitti said it might be more efficient to first obtain a permit from the Conservation Commission, as requirements of that board might drastically alter the project. The dimensional control on the height might change if the Conservation Commission were to require a change to the elevation of the structure. Mr. House responded that the project is as compliant as would be possible. Mr. Ciampitti suggested the applicant request a continuance, as the plans are likely to be changed.

Mr. LaBay moved to continue the public hearing to September 10 in order to allow the applicant time to appear before the Conservation Commission. Mr. Pennington seconded the motion. The motion was approved by a 5 to 0 vote.

2013-037 1 Lt. Leary Drive Special Permit for Non-Conformities
James and Donna Gabriel

The applicant is proposing to construct a 1½ story two-car garage with a single-story connector to the house on a property with pre-existing non-conforming rear and front yard setbacks. Everett Chandler appeared for the applicant and said the proposal does not call for a change in use. The garage would house a family room and bathroom. The height of the addition would be less than that of the existing structure. The proposal would not increase the nonconformities but would encroach on the setbacks. Mr. Chandler said the proposal would not obstruct views or create traffic impacts. He said other houses on the street have garages of a similar size.

Public Comment:

Richard Sullivan, 6 Lt. Leary Drive, said the project would fit in well with the neighborhood. Charles Ciovacco, 4 Lt. Leary Drive, said the Gabriels are good neighbors and he commended them for their job on the application. He said he fully supports the project.

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No one from the public spoke in opposition to the project.

Deliberation:

Mr. Ciampitti said the application was well articulated and is a reasonable one that is supported by the neighbors.

Mr. LaBay moved to approve the package dated July 22, 2013. Mr. Ciampitti seconded the motion. The motion was approved by a 5 to 0 vote.

2013-038 24 Hancock Street Special Permit for Non-Conformities
Juli MacDonald

Juli MacDonald appeared for the applicant, Sarah Pike, who is proposing to rebuild a garage and convert it to a living area and to add small one and two-story additions to a pre-existing non-conforming home. The front yard set back is an existing non-conformity, as is the side setback of the garage, which is 2'-6" from the property line. A non-conformity would be created by one of the additions, which would be five feet from the property line.

Public Comment:

None

Deliberation:

Mr. Pennington said the design is attractive one and provides a nice addition to a modest structure but the lack of parking would be an issue. The proposed addition would block access to an existing garage. A deck, which is to be removed, currently prohibits access to this garage. Mr. Synder commented that the proposal is in keeping with the neighborhood but the provision of two off-street parking spaces would increase the resale value of the structure. Mr. Ramsdell said he would not support the application if it included only one off-street parking space. He suggested the applicant request a continuance to explore parking alternatives.

Mr. LaBay moved to continue the public hearing to August 13. Mr. Ciampitti seconded the motion. The motion was approved by a 5 to 0 vote.

2013-039 12 Oak Street Special Permit for Non-Conformities
The Oak Street Realty Trust, George Haseltine, Trustee

Lisa Mead appeared for the applicant, who is proposing to demolish an existing non-conforming structure and construct a new single-family home. A demolition permit has been received from the Historical Commission. The new structure would be built over the existing footprint with a rear addition. A freestanding garage would also be constructed. A special permit would be required because the existing non-conformity, the lack of frontage, is being modified. Letters of support have been received from abutters.

Public Comment:

Rob Swiderski, 14 Oak Street, spoke in favor of the application, saying the proposed structure would be in keeping with the neighborhood.

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Jerry Mullins, 7 Parsons Street, spoke against the application saying the Historical Commission should not have allowed the demolition. He was told the demolition is outside of the purview of the Zoning Board.

Deliberation:

Mr. Pennington said the design of the structure is attractive and the lot is large enough to handle the addition.

Mr. Ciampitti moved to approve the special permit for non-conformities. Mr. Pennington seconded the motion. The motion was approved by a 5 to 0 vote.

2013-040 21-23 Collins Street Special Permit for Non-Conformities
Nancy B. Reap

David Keery appeared for the applicant, who is proposing to construct a 2½-story addition on a pre-existing non-confirming deeded half house. At 23 Collins Street the lot size, front set back, left set back and detached garage are non-conforming. The addition would not intensify the non-conforming setbacks: the front setback would remain the same and the rear would be reduced. The lot coverage would be within zoning requirements. The lot coverage at 21 Collins Street would increase by 1.5%. Mr. Kerry submitted letters of support from neighbors.

Public Comment:

None

Deliberation:

Mr. Ciampitti said the proposal more than meets the board's criteria and is a responsible approach to achieving the applicant's objectives. Mr. LaBay said he supports the application, as it provides the desired rationale, numbers and details.

Mr. Ciampitti moved to approve the special permit for non-conformities. Mr. Snyder seconded the motion. The motion was approved by a 5 to 0 vote.

5. Adjournment

Mr. Ramsdell moved to adjourn the meeting at 9:45 p.m. Mr. Snyder seconded the motion. The motion was approved by a 5 to 0 vote.