

**City of Newburyport
Zoning Board of Appeals
July 24, 2012
Minutes**

The meeting was called to order at 7:10 P.M.
A quorum was present.

1. Roll Call

In Attendance: Ed Ramsdell (Chair), Robert Ciampitti (Vice-Chair), Duncan LaBay (Secretary), Jamie Pennington, Howard Snyder, Richard Goulet (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of July 10, 2012 Meeting

Mr. LaBay made a motion to approve the minutes as submitted and Mr. Goulet seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve
Robert Ciampitti - approve
Duncan LaBay – approve
Jamie Pennington – approve
Howard Snyder - approve
Richard Goulet – approve

b) Public Hearings (4 on agenda)

Public Hearing #1:

2012 015

Address: 26, 30-32 Toppan Lane

Special Permit

Construct and operate a 64 unit (74 bed) Assisted/Independent Living Facility (Use #108, Congregate Elderly Housing)

Mr. Pennington recused himself.

This is a continuation from the May 22, 2012 and the June 26, 2012 hearings.

Jeff Rolof, Attorney representing Northridge Communities LLC, spoke. He was pleased to report there has been significant progress in working with the Anna Jaques Hospital. He is not looking for the board to vote. On Friday, July 20, 2012 Northridge filed a new application with a

modified facility and a modified access route. There is a notice for a Hearing on 8/14/2012. They are continuing with the pending application as well and they will know by the meeting on August 14, 2012 which application they will proceed with. They are ready this evening to present their modified plan, get initial reactions, comments, and public comment. They are “teed” up to conclude proceedings on the 14th.

Chairman Ramsdell indicated that he is not sure how far we can go discussing a plan that has been filed as an application.

Mr. LaBay indicated that he is not a lawyer, but questions, procedurally, whether they can do anything other than continue with the current hearing at the moment.

Mr. Ciampitti said that the moment you speak with people or that people provide comment, it becomes a public hearing.

Chairman Ramsdell indicated that the new plans have not yet been “Noticed”.

Mr. Ciampitti said though that he did appreciate the effort for a sneak preview.

Attorney Rolf requested to continue the current hearing to the 14th of August.

Motion to approve a continuation of the Hearing for the Special Permit for non-conformities to August 14, 2012 made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Robert Ciampitti - approve

Duncan LaBay – approve

Jamie Pennington – recused

Howard Snyder - approve

Richard Goulet – *did not vote*

Public Hearing #2:

2012 024

Address: 6 76th Street

Special Permit for Non-conformities

Construct an addition over 500 s.f. on a property with pre-existing non-conforming front and rear yard setbacks.

This is a continuation from the June 26, 2012 meeting.

Everett Chandler, PLS, Design Consultants, Inc, 68 Pleasant Street, Newburyport, MA represented Janice Regan and Taylor Wallace, applicants. Ms. Regan was present at the Hearing as well.

Mr. Chandler indicated that this was a follow up from the last meeting where more detail was requested. He provided a series of elevations. All four sides of the structure were represented in the elevations. He also presented a perspective drawing. This allowed the Board to see how the stairs come down from the deck. He feels that it is in keeping with the beach theme of the island, and thinks it will be a great addition.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. LaBay indicated that “a picture is worth a thousand words” and that he had no questions at this point.

Mr. Ciampitti had no questions either.

Mr. Snyder indicated that the outstanding item for this application was to see the architecture and the applicant has provided this. He asked to see the site plan.

Mr. Pennington asked about the A/C platforms.

Mr. Ciampitti asked about the plumbing.

Deliberations:

Mr. Ciampitti said that the application and the architectural revisions answered all his questions. He liked the 3-D rendering. He thinks it is an appropriate application and the applicant has satisfied the criteria.

Mr. LaBay, Mr. Pennington, and Mr. Snyder indicated that they approved of the application.

Chairman Ramsdell also said he approved of the application and especially liked the 3-D picture.

Motion to approve the Special Permit for Non-Conformities made by Mr. Ciampitti, seconded by Mr. LaBay.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Robert Ciampitti - approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder - approve

Richard Goulet – *did not vote*

Public Hearing #3:

2012 029

Address: 18 Liberty Street

Use Variance

Erect a (4' x 2.5') free-standing sign

Stacy Robinson, applicant is seeking approval to hang a sign (4ft x 2.5 ft) from a steel post located outside the Cebula Building.

Chairman Ramsdell asked why the applicant needed the sign. He said it was not typical to get such applications except for the industrial park. He wanted to hear about why the sign was needed. He wanted to hear about what information would be on the sign.

The applicant indicated she needed the sign because she is located under the Chameleon. People do not look down. It would be helpful to have the sign so people will notice. This is a new business and the sign will be helpful.

Chairman Ramsdell opened the hearing to public comment.

In favor:

None

In Opposition:

None

Questions from the Board:

Mr. Snyder asked about the photo of the metal structure. He asked if the plan was to attach the sign to the structure. There was discussion about the fact there had been a sign on this post previously, but it fell during a storm two years ago. Mr. Snyder asked about the height from the bottom of the sign to the ground – it needs to be 13.5 ft. He also asked the applicant to confirm that the sign was not over the roadway, just the sidewalk. The applicant confirmed.

Mr. LaBay indicated that there is a sign affixed to the facade of the building. He asked if Ms. Robinson could put her sign underneath the one currently affixed to the building. Ms. Robinson indicated that affixing a sign to the building would not attract customers as it could not be viewed from a distance.

Mr. Ciampitti asked about the material of the proposed sign and confirmed there would be no lights on the sign. Ms. Robinson indicated that the sign would be carved out and painted. Mr. Ciampitti said this was good; it was in keeping with the character of the area.

Mr. Ciampitti said that unlike the Chameleon store, this new shop is below. There are no rights to affix signs to the 2nd and 3rd floor of the building. He asked if the dimensions of the sign would be the same as the dimensions of the previous sign that was hanging for this post. Ms. Robinson indicated that the previous sign was bigger than the one she is proposing.

Mr. Pennington asked about how the sign was going to be attached to the pole and about the width of the sign. The applicant said the sign would be about 2 inches thick. The applicant was not clear about the specifics on how the sign would be attached.

Deliberations:

Mr. Ciampitti asked about why the old sign fell. He was concerned that if it is not a bonded contractor hanging the sign, that it would potentially be dangerous because it hangs over where pedestrians walk. It is important to know that the sign will not fall.

Mr. Snyder said that they could evaluate the post.

Mr. Ciampitti emphasized that it is important that a licensed contractor is going to put up the sign. If he is going to vote in favor, we need to know that is going to be done correctly.

Mr. Goulet talked about pursuing the option of having her sign under the other sign at the location – there seems like there is room there. He has reservations about the integrity of the pole and mounting the sign. He asked the applicant what her thoughts were.

Ms. Robinson said that if this application is denied, she will not put a sign on the wall. The main purpose for putting the sign on the post was so it can be seen from the top of the street.

Mr. Ciampitti asked about the location of the sign with respect to the fire hydrant and the parking space.

Chairman Ramsdell observed that if the concern is the integrity of the pole, if inclined to do so, the board can approve conditionally and ask the building inspector to pay attention and be involved.

Mr. Ciampitti indicated he is inclined to vote in favor but would have to have caveat. He would like it to be conditional.

Chairman Ramsdell indicated that if we were building a brand new pole/sign on Liberty Street, he may not lean in the direction of approving the application. But, the pole and signs have always been there. The underground businesses have always had a sign on this pole. The sign will be unlit, carved, and smaller than the previous sign on this pole was. If there was a caveat that protects for the installation of the sign and the integrity of the pole and the hanging of the sign, he would be in favor.

Mr. Snyder said that considering the business is on the lower level, the fact the sign will be carved and about 10 s.f., is appropriate. Other signs on the street are perpendicular to the building. The proposed sign is in keeping with the other signs. He is in favor with the condition discussed previously.

Motion to approve the Use Variance made by Mr. Snyder, seconded by Mr. LaBay with the condition that a permit is pulled and that a licensed contractor does the work.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Robert Ciampitti - approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder - approve

Richard Goulet – *did not vote*

Public Hearing #4:

2012 030

Address: 17 Lincoln Street

Special Permit for Non-Conformities

Construction a two-story addition

Matthew Langley is the applicant and spoke. The property frontage is on Lincoln Street (R-2) requires 90 ft of frontage and they have 75 ft. The addition otherwise meets requirements and corrects an existing variance. They are tearing the garage down and shifting it in. They are building an addition that is over 500 square feet. The proposed changes do not worsen the existing non-conformity.

Chairman Ramsdell opened the hearing to public comment.

In favor:

Caroline Checkoway, 23 Lincoln Street, Newburyport, MA

Marjorie Killam, 20 Union Street, Newburyport, MA

Joan Ford, 8 Beacon Avenue, Newburyport, MA

Though supportive of the project, Ms. Killam, 20 Union Street had a question for the Board., She asked about the process. Why are they building already? They have a building permit. The applicant, Mr. Langley, addressed her question. He indicated that it was an error. He was given a building permit and later it was determined he should have gone in front of the Zoning Board. He agreed to come in front of the board so there would be not issues long term.

In Opposition:

None

Questions from the Board:

Mr. LaBay asked that the applicant please walk the Board though the changes. The applicant displayed existing and new floor plans and described the changes.

The applicant described specifically what they were doing on the first floor, the second floor, and with the garage.

Mr. Ciampitti had no questions.

Mr. Pennington had no questions.

Mr. Snyder asked for clarification on what is happening with the garage. The applicant described how they are tearing it down, moving it back, eliminating an existing non-conformity. When the project is complete, the only non-conforming aspect will be the 75 ft. frontage. The applicant was reminded that the front setback would also still be non-conforming. The applicant agreed, and indicated he has not worsened this situation but has also not alleviated it.

Deliberations:

Mr. LaBay said the application was reasonable. The applicant has support from neighbors and there is a lack of opposition. He is prepared to vote in favor.

Other Board members agreed with Mr. LaBay.

Motion to approve the Special Permit for Non-Conformities made by LaBay, seconded by Mr. Pennington.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Robert Ciampitti - approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder - approve

Richard Goulet – *did not vote*

Adjournment

Motion to adjourn made by at 8:05 p.m.

The motion passed unanimously.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Robert Ciampitti - approve

Duncan LaBay – approve

Jamie Pennington – approve

Howard Snyder - approve

Richard Goulet – *did not vote*

Respectfully submitted, Jennifer Lamarre - Note Taker