

**City of Newburyport
Zoning Board of Appeals
August 23, 2016
Council Chambers**

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

1. Roll Call

In Attendance:

Ed Ramsdell (Chair)
Duncan LaBay (Secretary)
Richard Goulet
Renee Bourdeau (Associate Member)

Absent:

Robert Ciampitti (Vice-Chair)
Jamie Pennington

2. Business Meeting

a) Approval of Minutes

Minutes of the 07/26/16 meeting

Mr. Goulet made a motion to approve the minutes and Ms. Bourdeau seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – absent
Richard Goulet – approve
Renee Bourdeau – approve

3. Public Hearings

Public Hearing #1:

2016 051 Address: 40 Forrester St Dimensional Variance <i>Split existing lot into two lots having insufficient frontage and lot width</i>
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Request to withdraw without prejudice.

Motion to withdraw application 2016-051 without prejudice 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

Richard Goulet – approve

Renee Bourdeau – approve

Public Hearing #2:

2016 064

Address: 29 Union Street

Special Permit for Non-conformities

Construct additions resulting in an upward extension of pre-existing non-conforming rear and side yard setbacks

Aileen Graf of Graf Architects, 2 Liberty Street presented on behalf of the applicants. The applicants are proposing to add three small additions on the existing non-conforming single-family home. The structure is non-conforming in lot area, front, side and rear setback. One addition would consist of a 3' x 12' single story powder room and mudroom, under an existing covered porch. A rear second floor addition, adding space above the kitchen and a right side rear second floor addition, pushing out 5' x 14' master suite would be added. A total of 330 s.f. would be added.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Jeff Roelofs, 266 Water Street

There are no new non-conformities created and the additions will not be substantially more detrimental to the neighborhood. The project will be an improvement to the house and will add value to the neighborhood.

In Opposition:

Stephanie Niketic, 93 High Street

Ms. Niketic was not in opposition, but had a question on the back addition. Would it be cantilevered and unsupported? Ms. Graf responded that it would be supported on the corners.

Questions from the Board:

None

Deliberations:

Mr. LaBay agreed with abutter on the legal standard. The project is not substantially more detrimental. Mr. LaBay also noted several letters of support in the file.

Mr. Goulet agreed. These would be modest, tasteful additions.

The rest of the Board agreed.

Motion to approve application 2016-064 made by Mr. Goulet, seconded by Ms. Bourdeau.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve

Robert Ciampitti – absent

Duncan LaBay – approve

Jamie Pennington – absent

Richard Goulet – approve

Renee Bourdeau – approve

Public Hearing #3:

2016 065

Address: 190 High Street

Special Permit

Convert existing two-family to a three-family by repurposing carriage house into a residential unit

Ted and Jenny Nelson, applicants, presented their application. The couple are 20 year residents, now empty nesters. Mr. Nelson had launched a local business out of the carriage house 12 years ago, which has since moved to the Tannery and left the carriage house largely unused for last 11 years. Their plan is to live in the carriage house and rent two units in the main house for the time being. The applicants must also go before the Planning Board for the VI-C Special Permit process, in which they are proposing a Preservation Restriction on the Carriage House as the public benefit.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Stephanie Niketic, 93 High Street

Ms. Niketic asked about the current configuration of the main house. It is currently used as a single family, but zoned and easily converted back to a two-family. Ms. Niketic also asked if the applicants had considered a Preservation Restriction on the main house. They had once considered this, but the process became difficult when it was discovered part of the property had once been a burial ground.

In Opposition:

Jane Nolan, 59 Boardman Street

Ms. Nolan's concerns included parking and noise.

Susan Swan, 45 Washington Street

Ms. Swan's concern was parking.

57A Boardman Street

Concerns included AC unit and noise. Mr. Nelson was more than happy to insulate existing units.

57B Boardman Street

Concerns included AC units, parking, and increased activity. She asked if the owner was open to moving the AC compressor to the back of the carriage house and remove a dead tree. The Nelsons were agreeable.

Questions from the Board:

Mr. LaBay asked for clarification on the parking situation. The carriage house currently houses two spots and that would remain. The driveway holds two conservatively, but up to three or four. Land on Washington Street currently holds two, with a fence, grass, and boats. Once cleared, conservatively four could be parked. Mr. LaBay was concerned that renters would not realistically park a football field away.

Ms. Bourdeau asked for clarification on the property being up for sale. The Nelsons explained that if this permitting were granted, the house would come off the market. The Washington Street property would not be sold; it would be used for parking.

There was discussion about making more parking available next to the house, by either removing a side porch or removing a garden.

Deliberations:

Mr. LaBay commented that the petitioners were well intentioned, but had some concern that the three-family permit stays after they leave.

Mr. Ramsdell commented that they are still going up for the XI-C process. Parking is problematic in some respects.

In discussion with neighbors appearing at the hearing and the Board members the applicant requested to have the following conditions included in the grant to alleviate neighbor's concerns:

- The air conditioning compressor will be moved from the side to the rear of the carriage house.
- A large dead tree on the property will be removed.
- Two parking spaces will be provided to the south-east side of the existing residence in a new driveway (requires curb cut) paralleling the driveway at 188 High Street.

Motion to approve application 2016-065 with above conditions made by Ms. Bourdeau, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – absent
Duncan LaBay – approve
Jamie Pennington – absent
Richard Goulet – approve
Renee Bourdeau – approve

The meeting adjourned at 8:20pm

Respectfully submitted, Katie Mahan - Note Taker