

**City of Newburyport
Zoning Board of Appeals
August 25, 2015
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)
Duncan LaBay (Secretary)
Jamie Pennington
Richard Goulet

Absent:

Libby McGee (Associate Member)
Renee Bourdeau (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the August 11, 2015 Meeting

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

The motion passed.

Votes Cast:

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

3. Public Hearings (6 on the agenda)

2015 040
Address: 75, 79, 79R Storey Avenue
Sign Variance
Provide a free-standing sign for the new CVS Pharmacy and allow more than one building-mounted sign on Storey Ave. façade

This hearing was continued from the 8/11/15 meeting.

Attorney Jeff Roelofs, 30 Green Street, Newburyport presented on behalf of the applicants. The applicants were asked to consider other options for the building mounted CVS Pharmacy and Minute Clinic signs. Two options were presented; Option A showed the CVS and Minute Clinic sign stacked on the right side of the building and Option B showed the signs stacked on the left side. If Option B were selected, the sign would not serve as a way finder for the entrance. If Option A were selected, the sign would not serve as a way finder for the clinic inside the store and the lettering would appear smaller and crowded. An option not shown, moving the Minute Clinic sign to the Low Street façade would be screened by plantings and not fully visible. Attorney Roelofs stressed that CVS and Minute Clinic are separate businesses and Minute Clinic is not offered in all CVS stores. The applicants still prefer the separation of the signs on the Storey Avenue façade noting that they are less cluttered, modest in size, and have been approved by the Planning Board. The signage would not adversely affect neighbors or be detrimental to the public good. The freestanding sign was also modified slightly at the suggestion of the board and now incorporated a stone base and altered topper. Comparisons of neighboring signs versus building length were passed out to the Board.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Jim McCarthy, 17 Russia Street

Mr. McCarthy was in favor of allowing the separation of signs. They are not cluttered and would not detract from the neighborhood.

In Opposition:

None

Questions from the Board regarding Public Hearing #1:

Mr. LaBay appreciated the photos, additional info, and background research, but asked if they were comparing apples and oranges. Attorney Roelofs explained that the businesses co-exist but are completely separate. Mr. LaBay brought up that the applicants stated Minute Clinic is a service provided at 1% or less of CVS stores, yet had information from the CVS website stating other statistics. Attorney Roelofs explained that the point of that statistic was Minute Clinic is not customarily in CVS stores. Mr. LaBay also brought up that CVS and Minute Clinic fall under the 'CVS Health' brand. Attorney Roelofs explained that the business is affiliated, as the lending services at the Institution for Savings are.

Deliberations:

Mr. LaBay commented that the freestanding sign is nice. As a marketing professional, he would see it logical to have the signs together and not opposite ends of the building.

Mr. Ciampitti understood that Minute Clinics are not in every store. He understood the separation of signage, but thought it awkward.

Mr. Pennington agreed the freestanding sign is fine. He was uncomfortable with two building-mounted signs, but leaning toward approval. Waiving a sign on the Low Street side could get him toward approval.

Mr. Goulet also agreed with the freestanding sign. He could get comfortable with the building-mounted sign separation with the way finder explanation.

Attorney Roelofs stated that the applicant would waive right for a building-mounted sign on Low Street so long as there were two on Storey Avenue.

Motion to approve application 2015-040 as updated with condition that so long as there are two building mounted signs on Storey Avenue, there should be no sign on Low Street made by Mr. Pennington, seconded by Mr. Goulet.

The motion passed.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Duncan LaBay – no
Jamie Pennington – approve
Richard Goulet – approve
Libby McGee – absent
Renee Bourdeau – absent

Public Hearing #2, 3:

2015	042
Address: 16 Washington Street	
Special Permit for Non-conformities	
<i>Construct a single-story 12'x13' addition to a pre-existing non-conforming home</i>	

2015	043
Address: 16 Washington Street	
Dimensional Variance	
<i>Construct a single-story 12'x13' addition that would exceed the allowable lot coverage</i>	

Patricia Lawrence, owner and applicant presented the application. She would like to build an addition on an existing foundation in the rear of her home. There was likely a structure there previously. A contractor would repair the foundation and build a single story. Neighbors seem to be in favor of the project. She has two elderly parents who want to move in. This would allow her to add a bedroom and a ¾ bathroom to accommodate living area for them. The addition is an infill to the building.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #2, 3:

Mr. LaBay asked for clarification on photos and scope. They would take the existing foundation, re-do part of the sunroom and put on addition with proper roofline. He noted the condition of the lot is unique and abutters are also non-conforming.

Deliberations:

Mr. Pennington commented this was a modest request with rationale for a SPNC and variance.

Mr. LaBay agreed. The existing foundation was from something previously attached to the home.

Mr. Ciampitti and Mr. Goulet agreed.

Mr. Ramsdell agreed. They would be exceeding lot coverage by .6%, which is very minimal.

Motion to approve application 2015-042 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Motion to approve application 2015-043 made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #4:

2015 044

Address: 264 High Street

Dimensional Variance

Construct a one-car garage within the required front yard setback

The building inspector recommended applying for a variance, but planning office determined a SPNC is required.

Chris Crump of CWC design presented on behalf of the applicants. They would like to add a one car garage addition on the side of their home. In the design, they would carry character from the house across to the garage. Rear setback is currently 19.7' and is proposed at 10.7'. All other non-conformities would remain the same. The garage had to be over as far as it is because of basement access. Other garages in the neighborhood are also 10' or less from the property line. The owner went to immediate abutters and they did not have any objections.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #4:

Mr. Pennington asked if they were going to have two parking spaces. The applicant responded that they will; one bay garage and a spot to the left. There is already a curb cut.

Deliberations:

Mr. LaBay commented that this was a reasonable request with a lack of opposition.

Mr. Ciampitti agreed. This application was modest, well-articulated and meets SPNC criteria.

The rest of the Board agreed.

Motion to approve application 2015-044 made by Mr. LaBay, seconded by Mr. Ciampitti.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve

Robert Ciampitti – approve

Duncan LaBay – approve

Jamie Pennington – approve

Richard Goulet – approve

Libby McGee – absent

Renee Bourdeau – absent

Public Hearing #5:

2015 045
Address: 4 Barton Court
Special Permit for Non-conformities
Add 1 ½ stories to pre-existing non-conforming home

Chris Crump of CWC design presented on behalf of the applicant/homeowner, Andrew Haseltine. The existing structure is a single story 900 sf home. The applicants want to raise 1.5 stories up. They would not intensify any existing non-conformities or add any additional. The proposed 32' mean roof is below the 35' maximum. There would be a roof deck of less than 70' of uninhabitable space. The third floor .5 story would be unfinished space. They presented 2.5 story homes in the neighborhood for comparison. The addition would not be substantially more detrimental to the neighborhood. A gambrel style was chosen for design.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

Tom Wetmore, 2 Barton Street

Mr. Wetmore is the rear abutter. His concerns included that the lot is a tiny plot with many non-conformities, it would truly be a three story home, with a roof deck essentially making it four stories. The home would look over into his yard, and changes the neighborhood. He understands they have a growing family, but this house is not right.

Luann Wetmore, 2 Barton Street

Mrs. Wetmore brought a plot plan of how small the lot is for visual. The gambrel would be to the edges of the property on both sides. They say they are looking to double living space, but it seems like they are tripling. Access to the roof deck would be a 4th floor.

Questions from the Board regarding Public Hearing #5:

Mr. Ciampitti asked about the roof deck. Mr. Crump explained it would be a 'widow's watch' with walk-up stairs. The deck would be recessed.

Mr. LaBay asked about the dimensions of the structure on top. Mr. Crump answered it would be approximately 12' x 4'. Mr. LaBay also questioned the third floor and eventual living space. Mr. Crump explained that 1800 sf would be finished and the third floor would be unfinished for now and that is why they did not include.

Mr. Ramsdell asked about the third floor as well. Mr. Crump answered it would be gambrel with shed dormers and windows.

Deliberations:

Mr. Pennington commented in reality they are asking for 2700 sf of eventual living space. He was swayed by the neighbors. They have a right to expand, but this goes too far. They need a new concept with focus on architecture.

Mr. LaBay commented this would be a lovely building on an acre of land, but this is beyond reasonable for the scope of the lot. The deck on the roof is not respectful to neighbors and is too large. The lot would support a nice two-story.

Mr. Goulet commented on the massive size of the structure. This was too ambitious.

Mr. Ciampitti commented that the square footage of the third floor really needs to be included. The massing is too large for the lot.

Mr. Ramsdell was concerned with massing and the third floor.

The applicants requested a continuance.

Motion to continue application 2015-045 to the 9/22/15 meeting made by Mr. LaBay, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Public Hearing #6:

2015 047

Address: 444 Merrimac Street

Special Permit for Non-conformities

Construct a 12'x24' second floor addition to a pre-existing non-conforming single family home

Eric Lever, owner/applicant presented the application. He wishes to put a 12' x 24' second floor addition over his kitchen. The kitchen was an addition in 2001 that didn't give much flow to the house. This past winter destroyed his roof and the thought was that this would be an appropriate time to complete the original plan and extend upward to the second floor. He had letters of approval from neighbors. His children are separated with one bed on the first floor currently and this would get them both upstairs.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board regarding Public Hearing #6:

Mr. Pennington asked for clarification on the eave lines not matching and whether floors were different heights. The original structure was moved and the best scenario is to meet with the roofline.

Deliberations:

Mr. Ciampitti commented this was modest and well presented. It meets criteria for SPNC.

Mr. LaBay agreed. There is an unusual lot line and the shape of the lot presenting challenges.

Mr. Goulet noted the supporting abutters.

Mr. Pennington and Mr. Ramsdell agreed.

Motion to approve application 2015-047 made by Mr. Ciampitti, seconded by Mr. Goulet.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Ciampitti at 9:10 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker