

**City of Newburyport
Zoning Board of Appeals
September 22, 2015
Council Chambers**

The meeting was called to order at 7:00 P.M.
A quorum was present.

1. Roll Call

In Attendance:

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

Absent:

Robert Ciampitti (Vice-Chair)
Libby McGee (Associate Member)

2. Business Meeting

a) Approval of Minutes

Minutes of the September 8, 2015 Meeting

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

The motion passed unanimously.

Votes Cast:

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

b) Request for minor modification to SPNC – 444 Merrimac Street

The applicants need to add 2 ft. onto their approved addition. Dimensions will go from 12x24 ft. to 14x24 ft.

Mr. Ramsdell commented that 2 ft. is a small change. Mr. LaBay agreed and commented that the addition would still be in the existing footprint. Mr. Goulet and Ms. Bourdeau agreed.

Mr. Goulet made a motion to approve the minor modification and Mr. LaBay seconded the motion.

The motion passed unanimously.

Votes Cast:

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

3. Public Hearings (3 on the agenda)

Public Hearing #1:

2015 045 Address: 4 Barton Court Special Permit for Non-Conformities <i>Add 1 1/2 stories to pre-existing non-conforming home</i>
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The applicants requested a continuance to the 10/13/15 meeting.

Mr. LaBay supported the request for more time on the revised application.
The Board agreed.

Motion to continue application 2015-045 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
Libby McGee – absent
Renee Bourdeau – approve

Public Hearing #2 & #3:

2015 052 Address: 12-14 Tyng Street Special Permit for Non-conformities

Alter pre-existing non-conforming structure by altering the rear and sides of the structure and constructing a new addition

2015 053

Address: 12-14 Tyng Street

Special Permit

Convert a pre-existing non-conforming 4-family use to a two-family use

Attorney Lisa Mead of Blatman, Bobrowski, Mead and Talerman presented on behalf of Chris Horan, Manager, 12-14 Tyng Street LLC. The applicant is requesting to downsize a pre-existing non-conforming four family use located in the R3 district to a two family use with a Special Permit. Changing the use will bring the property more into conformance. The lot is non-conforming as far as lot area, frontage, front setback and side setback. The property is in the National Historic Register, built around 1850. The DCOD is not triggered in this case. The applicants intend to remove pieces of older additions on the rear and side of the structure and add a new addition onto the rear. Both units would be increasing more than 500 sf. There will also be two single garages constructed onsite that are within zoning. Exterior elevations and floor plans were presented and explained. From the street, changes would be minimally visible and they would not be exacerbating any existing non-conformities. The applicants argued that the changes would not be substantially more detrimental to the neighborhood and would actually be an improvement. They would be reducing the intensity of use on the lot, reducing cars/traffic, and providing ample parking for units.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Tom Salemi, 16 Tyng Street

Had some concerns with size, use, trees, but after meeting with Mr. Horan he is now comfortable.

In Opposition:

Stephanie Niketic, 93 High Street

Was amazed there were not more abutters present in opposition. She noted that the applicant does not yet own the property. This property is in the National Historic Register and is known as the Captain Abram Somerby House. She noted that the trigger for the DCOD is only .9% from what is being changed. Although the footprint does not change much, they would be increasing living space more than 2000 sf primarily upward. From the direct front you may not see the mass, but as soon as you move left or right you will see it and it will be a massive change to the streetscape. She also noted that the chimneys are gone in proposed plans and any historic restoration of the building was not discussed at all.

Ms. Mead noted that the DCOD would not prevent an applicant from removing and replacing siding or gutting the inside of a building. She did point out that the front of the structure is being preserved.

Mr. Horan also commented that on the main building his intention is to preserve the front and side façade.

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

Mr. LaBay questioned the placement of the garages and why one pushed to the rear of the property. Mr. Horan pointed out that a rear patio area is in the way. He would pull closer to the house if he can without interfering with patios.

Mr. Ramsdell asked if the height of garages would be 15' or less. Ms. Mead responded yes, they meet all requirements. Mr. Ramsdell also clarified that lot coverage includes garages. Ms. Mead responded yes.

Mr. Ramsdell clarified how many bedrooms there were currently and how many are proposed. Ms. Mead answered there are 5 currently and 8 are proposed. Mr. Ramsdell also asked if the shed dormers are necessary. Ms. Mead responded yes, they are needed for space on the 2nd and 3rd floor.

Deliberations:

Mr. Pennington had two main concerns. He noted the presentation was very clear. 1. Plane shift is misleading in elevations. 2. Reducing the number of units being substantially less detrimental. 'Substantially' comes into play.

Mr. Goulet agreed with Ms. Niketic on the massing, but it is a deep lot with the mass in the back. He did not see this as substantially more detrimental.

Ms. Bourdeau questioned the demolition of the older additions. Mr. Horan answered that the older additions are in disrepair and were added later on. Ms. Bourdeau was also concerned with losing the chimneys and the massing.

Mr. LaBay's concerns included the increase of square footage and massing. The total square footage increases considerably although the footprint does not change. Going from 5 bedrooms to 8 bedrooms would lead to an increase in occupancy.

Mr. Pennington lead discussion on the plane shift on the front of the house. Mr. Horan explained marketability in Newburyport and the need for a 3rd floor and 3rd bedroom.

Mr. Ramsdell commented on a 20% footprint increase and total sf increase of 61%. He was also bothered by removal of chimneys. He also would like to see specific language in the approval that if the applicant starts to find surprises during renovations that they go to the code inspector for approvals.

Mr. LaBay responded to Mr. Horan's 'marketability' comment. Taking a historic 1850 4-unit home and talking in terms of a product was unsettling. He would like to see the massing smaller as well

Mr. Goulet noted it would be helpful to identify elements of the existing structure that would be preserved.

Ms. Mead requested a continuance given comments and architectural differences.

Motion to continue applications 2015-052 and 2015-053 to 10/13/15 made by Mr. LaBay, seconded by Mr. Pennington.

The motion passed unanimously.

Votes Cast:

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

Adjournment

Motion to adjourn made by Mr. LaBay, seconded by Mr. Goulet at 8:05 PM.

The motion passed unanimously.

Votes Cast:

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

Respectfully submitted, Katie Mahan - Note Taker