

**City of Newburyport
Zoning Board of Appeals
September 25, 2018
Council Chamber**

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)
Maureen Pomeroy
Edward Cameron
Mark Moore (Associate Member)

Absent:

Renee Bourdeau

2. Business Meeting

a) Approval of Minutes

Minutes of the 09/11/18 meeting

Ms. Pomeroy made a motion to approve the minutes and Mr. Cameron seconded the motion.
The motion passed unanimously.

Votes Cast:

Ed Ramsdell – approve
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore - abstain

b) Request for Minor Modification – 8 Charron Drive (2018-039)

Mike Joyce, owner, presented the request for three minor modifications to a recently approved permit;
1. They would consolidate two separate single-car garage doors into a single two-car garage door, 2.
They would add one double hung window to the rear of the mudroom for additional light, and 3. They
would add cupola atop the garage.

Mr. Cameron commented that the changes do not affect his decision from the original permit approval.
Concerns at original approval centered around drainage.

Ms. Pomeroy commented on the handwritten drawings of changes submitted and questioned how
much height the cupola would add. The cupola is approximately 29". Ms. Pomeroy also asked if they had
any picture of the new door. They did not, but explained new door features.

Mr. Joyce commented that they were thinking of adding one skylight on the front of the mudroom and questioned whether they would they have to come back for that change. Mr. Ciampitti explained that with that change they would need to come back.

Mr. Ciampitti commented that he was comfortable with the changes. The Board agreed.

Mr. Ciampitti made a motion to approve the request for minor modification and Mr. Cameron seconded the motion.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore - approve

3. Public Hearings

2018 028

Address: 1 Inn Street, Unit 7

Appeal

Appeal of the denial of a request for issuance of a cease and desist letter by the Zoning Enforcement Officer dated 4/6/18 for noise and vibration in excess of what is allowed under the Zoning Ordinance due to operations associated with the property located at 35 Market Square

The applicant requested a continuance.

Motion to continue application 2018-028 to 10/23/18 made by Mr. Ciampitti, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve
Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore - approve

2018 050

Address: 8 Cushing Avenue

Special Permit for Non-conformities

Renovate existing structure by removing part of the structure and adding a new second floor and attic space

Attorney Lisa Mead of Mead, Talerman and Costa, 30 Green Street presented the application. Attorney Mead handed out existing condition photos and proposed additions, as well as letters of support from neighbors and a site plan with front steps shown. This project is a renovation to an existing structure.

Front yard and side yard setbacks are pre-existing non-conforming. The applicants have already been before the Historical Commission for demolition delay. The project involves removing a portion of the structure and adding a second story and attic. There will be no change to the garage except for re-siding and there will be no connection between the second floor of garage and the house; it will be storage only. The only change to the footprint of the house would be a small bump out in the back. The project involves and upward extension of non-conformities. No new non-conformities would be created, and the project would not be substantially more detrimental to the neighborhood. It would be consistent with other work in the neighborhood.

Chair Ramsdell opened the hearing to public comment.

In Favor:

None

In Opposition:

None

Questions from the Board:

Chair Ramsdell stressed that on the ZBA application form, elevations of pre-existing versus proposed conditions are requested. This is important for the Board and public to see what is changing. Mr. Ciampitti agreed. In this case he was not compelled to hold up the application, as there did not seem to be any opposition. Ms. Newhall-Smith did confirm that there were a few people that came in to look at application.

Mr. Cameron asked existing versus proposed height. Existing height is approximately 19' and proposed height is approximately 28'.

Ms. Pomeroy asked what materials would be used. Cedar shakes and clapboards would be used.

Mr. Moore commented that the neighborhood seemed to be in line with the project.

Letters of support from surrounding neighbors were submitted.

Deliberations:

Ms. Pomeroy agreed with Chair Ramsdell on existing and proposed elevations being an important piece of each application. Changes do not seem substantially more detrimental and on this particular application there was no reason to hold up approval.

The rest of the Board agreed.

Chair Ramsdell commented that the project would not trigger the tree and sidewalk ordinance.

Motion to approve application 2018-050 made by Mr. Cameron, seconded by Ms. Pomeroy.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell— approve

Robert Ciampitti – approve

Renee Bourdeau – absent

Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore - approve

2018 051

Address: 8 Butler Street

Dimensional Variance

Adjust lot lines on pre-existing non-conforming lot to create a non-buildable parcel behind 6 Butler Street

Attorney Lisa Mead of Mead, Talerman and Costa, 30 Green Street presented the application. Earlier this year 6 Butler Street was in front of the Board to move their garage up and away from the property line and attach it to the house. In this application, the owners of 8 Butler Street want to grant square footage to 6 Butler Street. The property at 8 Butler Street exceeds the 10,000 s.f. lot area requirement, as it has 20,110s.f. After the land is granted, they will still have 18,590 s.f. The lot at 8 Butler Street is pre-existing non-conforming because of location of structure too close to front and side yard lot lines. The applicants will not be doing anything to the existing non-conformity. Due to the change and creating a new lot, they need a variance. Hardship argued is the very odd shape and large lot at 8 Butler Street. The lot is unique to the neighborhood. This application would be no harm to rest of the neighborhood and will make 6 Butler Street a little more conforming in lot area.

Chair Ramsdell opened the hearing to public comment.

In Favor:

Jeff Andrews, 8 Butler Street

In Opposition:

None

Questions from the Board:

Ms. Pomeroy commented on the reasonable request. She was having trouble linking the lot shape the need for variance. Attorney Mead cited a case that says if a pre-existing non-conforming lot changes a lot line, it becomes a new lot and has to get relief even if meets requirements. Attorney Mead noted that 8 Butler Street could not comply with side setbacks, even if moved.

Deliberations:

Chair Ramsdell commented that there does not appear to be any possibility of harm in this case. Odd shape can be argued. No opposition was present.

Ms. Pomeroy noted there were no new non-conformities.

The rest of the Board agreed.

Motion to approve application 2018-051 made by Mr. Ciampitti, seconded by Mr. Cameron.

The motion passed unanimously.

Votes Cast:

Ed Ramsdell– approve
Robert Ciampitti – approve

Renee Bourdeau – absent
Maureen Pomeroy – approve
Edward Cameron – approve
Mark Moore - approve

The meeting adjourned at 8:00pm

Respectfully submitted, Katie Mahan - Note Taker