

**Zoning Board of Appeals
City Hall
May 25, 2010**

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

1. Roll Call

In Attendance: Ed Ramsdell, Duncan LaBay, Rob Ciampitti, Jamie Pennington, and Nat Coughlin

Absent: Charles Ciovacco and Sean Leonard

2. Business Meeting

a) Approval of Minutes

Minutes of the May 11, 2009 meeting

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

Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti - approve

Jamie Pennington – approve

3. Public Hearings

a) Stephen Paul Kowalyszyn

3-5 Currier's Court

Dimensional Variance: construct a basement level garage with roof deck and an 8' extension to the right rear side of the home which will result in a 0' rear yard setback where 20' is required

There are only 4 voting members present to vote on this application. The applicant requested a continuance to the June 22, 2010 meeting.

Mr. LaBay made a motion to continue the hearing to the June 22, 2010 meeting.

Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti - approve
Jamie Pennington – approve

b) Stephen Paul Kowalshyn

3-5 Currier's Court

Special Permit for Non-Conformities: construct a basement level garage with roof deck and an 8' extension to the right rear side of the home which is pre-existing non-conforming in respect to open space and side yard setback

There are only 4 voting members present to vote on this application. The applicant requested a continuance to the June 22, 2010 meeting.

Mr. LaBay made a motion to continue the hearing to the June 22, 2010 meeting.

Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti - approve

Jamie Pennington – approve

c) Viewpoint Sign and Awning

47 Storey Avenue

Use Variance: install a 47" x 116 3/4" free standing sign for Papa Gino's

Mike Rose of Papa Gino's and Bart Steele of ViewPoint Sign and Awning were present. The applicant submitted a revised sign design. The proposed sign is 48 inches in height and 12 feet in width. It will be constructed of wood and be installed on two posts. The applicant will install a small planter around the sign to house the lighting and to provide some greens and flowers.

Chairman Ramsdell opened the hearing to public comment.

No one spoke in favor or in opposition to the application.

Chairman Ramsdell closed the public comment portion of the hearing.

Questions:

Mr. Ciampitti asked if the sign is identical on both sides. **Yes.**

Mr. Ciampitti asked if there will be 3 lights or 6 lights. **There may be six lights because they want to move the lights away from the base of the sign. However, they will be hidden by the planter and vegetation.**

Deliberation:

Mr. LaBay thanked the applicant for bringing back a clearly improved sign that addresses the board's concerns. He sees no problem with the revised sign.

Mr. Ciampitti concurred and stated that he really likes this design. He does not think he has ever seen a Papa Gino's sign like this one and thinks that it will help to break up the feel of blacktop on property.

Mr. Pennington concurred.

Chairman Ramsdell thanked the applicant for listening to the board's suggestions.

Mr. Pennington made a motion to approve the use variance.

Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti - approve

Jamie Pennington – approve

d) Mark Batchelder

11 Plum Island Turnpike

Dimensional Variance: allow for a 16.4' side yard setback where 50' is required

Chairman Ramsdell read the notice of public hearing aloud for the record.

The property has been in his family for generations. The applicant owns 9 and 11 Plum Island Turnpike. This application is for Unit 11. The plan is to demolish the existing structure and build a single family home for he and his wife to live in. They would like to center the building on the lot. They feel they have adequate spacing from Unit 9 to do so. The applicant believes the proposed plan is appropriate and fits into the neighborhood.

Chairman Ramsdell opened the hearing to public comment.

Polly Batchelder, 7 Plum Island Turnpike: She is in favor of the application.

Jill Murphy, 15 Plum Island Turnpike: Mr. Batchelder built her house and he does good work. He has shared the plans with the neighbors. She thinks that moving the location of the home will improve the spacing between the homes.

Mr. Batchelder submitted two letters of support from other neighbors.

No one spoke in opposition to the application.

Chairman Ramsdell closed the public comment portion of the hearing.

Questions:

Mr. Pennington noted that the footprint seems to be different than the elevation drawings. **There is just a deck out back that the elevations do not show. The applicant submitted a floor plan that shows the deck.**

Mr. Coughlin asked if the owner of Unit 13 is also a family member. **Yes, all of the units are owned by family members. It is actually one lot with exclusive use lines delineating the different units on the property.**

Mr. LaBay asked the applicant to go over the need for the dimensional variance again. **The house is 20.4 feet from the abutting property line of Unit 13. It is a fairly narrow lot. The applicant needs to move the house 4 feet closer to the property line to center it on the lot. Unit 13 sits 65 feet from the property lot so this change will not negatively affect that unit. The unique shape of the lot is the hardship.**

Mr. Coughlin asked if the family created and established the exclusive use lines. **Yes. It is one lot with exclusive use delineating the different units.**

Mr. Pennington asked if all of the homes were built around the same time and if they have always been on a common lot. **Yes.**

Mr. Pennington noted that it is not possible to get four homes on the lot that meet current zoning regulations. The homes precede the zoning laws. This would be the hardship.

Mr. Pennington asked if the applicant plans to redevelop the whole lot. **The applicant got an order of conditions from the Conservation Commission that is valid through 2013.**

Deliberation:

Mr. Ciampitti stated that as far as the dimensional variance request, the peculiar shape of the lot meets the hardship requirement. Looking at the lot as a whole, the internally delineated exclusive use lines create the uniquely shaped lots. The lot is also unique because it is 350 feet away from the public way and is near a river. The upward extension does not appear to be more detrimental to the other structures because it is similar to them in design and size. Both applications seem appropriate to him.

Mr. LaBay concurred and noted that the lots were clearly laid out to be equivalent in size and predated zoning. This argues in favor of this kind of improvement being appropriate.

Chairman Ramsdell noted that the lot is in the Agricultural Conservation district which makes the whole area interesting. Probably can find other non-conforming properties in the neighborhood.

Mr. Ciampitti made a motion to approve the dimensional variance.

Mr. LaBay seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve
Duncan LaBay – approve
Rob Ciampitti - approve
Jamie Pennington – approve
Nat Coughlin - approve

e) Mark Batchelder

11 Plum Island Turnpike

Special Permit for Non-Conformities: raze and rebuild pre-existing, non-conforming single unit

Chairman Ramsdell read the notice of public hearing aloud for the record.

Mr. Ciampitti made a motion to approve the special permit for non-conformities.

Mr. Coughlin seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve
Duncan LaBay – approve
Rob Ciampitti - approve
Jamie Pennington – approve
Nat Coughlin - approve

f) Erik Kaminski and Vanessa Traniello

19 Eagle Street

Special Permit for Non-Conformities: construct an addition resulting in an upward extension of pre-existing, non-conforming side setbacks

Chairman Ramsdell read the notice of public hearing aloud for the record.

Jamie Pennington recused himself from the hearing because he lives in the neighborhood.

The applicant wants to add square footage to his home with an upward extension and a first floor to square off the home.

Chairman Ramsdell noted that the Building Commissioner's checklist indicates that the applicant has to meet with the Historical Commission. The applicant stated that he does not have anything in his paperwork that indicates that the Building Commissioner informed him that he would need to go before the Historical Commission. Chairman Ramsdell asked the applicant if he would prefer to continue the hearing and go before the Historical Commission first. If the board approves the application but then the Historical Commission denies it or requires changes to the approved plan, the applicant will have to pay the application fees a second time. The applicant stated that the house was built in the 1920's so he did not think he would need to get the Historical Commission's approval of the plan. The applicant stated that he is a builder in

Cambridge and he often deals with Historical Commissions. He would prefer to precede with the hearing tonight.

Chairman Ramsdell opened the hearing to public comment.

No one spoke in favor or opposition to the application.

Chairman Ramsdell closed the public comment portion of the hearing.

Questions:

Mr. Ciampitti asked the applicant to detail exactly what he is trying to do. **The applicant showed him on the plans.**

Mr. Ciampitti asked if the applicant is changing the roof. **No, he has to reroof it but the existing roof is staying intact.**

Mr. Ciampitti asked if there is an elevation drawing of the existing structure. **No, the applicant does not have one.**

Mr. LaBay noted that if he is having trouble understanding what currently exists on the lot as well as the proposed plans then the Historical Commission will probably have problems with the application. He suggested that the applicant submitting more photographs of the existing structures and their condition as well as more detailed plans would be beneficial. The applicant asked if the board wanted him to spend more money.

Mr. Ciampitti stated that what the board is trying to say is that for the applicant to get what he wants, he may have to do what is necessary and supply sufficient information to satisfy the various boards.

Mr. LaBay stated that he does not have any predisposition on the application, either way, he just feels like he does not have enough information to make a decision.

Mr. Coughlin asked if the applicant plans to change all of the windows on the second floor in the front of the house. **Yes.**

Mr. Coughlin asked Chairman Ramsdell if the board would be setting a precedent by approving an application that allowed an applicant to change a hip roof to a flat roof. Chairman Ramsdell noted that the board's decisions are not precedent setting. Chairman Ramsdell also noted that some of the proposed changes may need to be reviewed by the Historical Commission and that the applicant should meet with them and perhaps the Planning Office before even having further elevation drawings and more detailed drawings completed.

The applicant requested a continuance to the June 8, 2010 meeting.

Mr. LaBay made a motion to continue to the June 8, 2010 meeting.

Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti - approve

Nat Coughlin - approve

g) Newburyport Family Dental

1 Inn Street

Use Variance: install a second floor sign for a business in the Urban Renewal Project Area

Chairman Ramsdell read the notice of public hearing aloud for the record.

The applicant has changed a door and now uses a different entrance for the business. Clients are having difficulty finding the entrance to the business so the applicant would like to affix a small sign to the building above the middle window. His office is located in a unique situation. The Newburyport Redevelopment Authority approved the sign contingent upon the ZBA's approval.

Chairman Ramsdell opened the hearing to public comment.

No one spoke in favor or opposition to the application.

Chairman Ramsdell closed the public comment portion of the hearing.

Questions:

Mr. LaBay asked how the lettering will be installed on the wood sign. **The lettering will be carved into the wood.**

Deliberation:

Mr. LaBay stated that the sign application fits the board's criteria, is appropriate, is of a reasonable size, and is in keeping with the neighborhood.

Mr. Ciampitti stated that it is an elegant and appropriate sign. The applicant has met all of the board's criteria.

Mr. Pennington concurred.

Mr. LaBay made a motion to approve the use variance.

Mr. Pennington seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve
Rob Ciampitti - approve
Jamie Pennington – approve
Nat Coughlin - approve

4. Adjournment

Motion made to adjourn.
Motion seconded.
Motion unanimously approved.
Meeting adjourned at 8:18 P.M.

Respectfully submitted, Jennifer Stone - Note Taker