

**Zoning Board of Appeals
City Hall
June 22, 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 (7:25), Charles Ciovacco, and Nat Coughlin

Absent: Jamie Pennington and Sean Leonard

2. Business Meeting

a) Approval of Minutes

Minutes of the June 8, 2009 meeting

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

Mr. Ciovacco seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Nat Coughlin – approve

b) July 27, 2010 ZBA Meeting

Chairman Ramsdell spoke to the Planning Office about cancelling the July 27, 2010 meeting due to the Yankee Homecoming road race. Last year, traffic held up board members from being able to get to City Hall in time for the meeting.

Mr. LaBay made a motion to cancel the July 27, 2010 meeting.

Mr. Ciovacco seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

Nat Coughlin – approve

c) Informal Meeting with Charles Griffin

Chairman Ramsdell sent the board members an email from Attorney Mark Griffin, who is representing Charles Griffin. He is requesting to come in to give an informal presentation to the board. Mr. Griffin would like to create an additional lot. He previously tried to do so under an OSRD before the Planning Board but the Planning Board rejected the idea. They deemed it was not open space. Chairman Ramsdell has some reservations about the idea because there is no public notice for the hearing and it could eventually turn into an actual hearing of sorts. Board members discussed and agreed that they did not want to have an informal meeting to discuss the potential project for the reasons mentioned by Chairman Ramsdell.

3. Public Hearings

a) Stephen Paul Kowalyshyn

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

The applicant submitted a written request to continue the hearing to the July 13, 2010 meeting.

Mr. LaBay made a motion to continue the hearing to the July 13, 2010 meeting.

Mr. Ciovacco seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

b) Stephen Paul Kowalyshyn

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

The applicant submitted a written request to continue the hearing to the July 13, 2010 meeting.

Mr. LaBay made a motion to continue the hearing to the July 13, 2010 meeting.

Mr. Ciovacco seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Charles Ciovacco – approve

**c) MJA Partnership LTD c/o John Minton RA
9 64th Street**

Special Permit for Non-Conformities: raze existing single family dwelling and construct new single family dwelling

The notice of public hearing was read aloud for the record.

Bob Watt of Construction Advisors was present to represent the applicant. The proposed project would expand the height of the structure but not the floor area ratio or lot coverage. The foundation is too far gone to be able to save the existing house. The lot coverage and floor area ratio are existing non-conformities so they are trying to work with the existing numbers. The change in height is minimal. It will be a 3.25 foot increase in height. The measurement was taken from the median grade and the median of the roof. The proposed house would be a Cape style house and would fit into the style of the neighborhood. The elevations meet the DEP and Conservation Commission's requirements but still keep the height low. The plan reduces the lot coverage from 23.4% to 21.4%. The required lot coverage is 20%.

In Favor:

Jean McDonald, 11 64th Street: Asked for the height of the proposed structure. She is concerned about ventilation being blocked for her home by the new structure. She understands that any structure on the lot will block the ocean winds to her home. **The height will go from 16.75 feet to 20.08 feet.**

John Kneeland, 61 Hammond Street: Asked if the driveway was staying the same. **Yes.**

No one spoke in opposition.

Questions:

Mr. LaBay asked if the proposed new ridge line is a few inches taller than the existing chimney. **Yes.**

Mr. Coughlin asked what will be the change from the existing interior floor elevation. **There will be about a 2-3 foot difference.**

Deliberation:

Mr. Ciovacco stated that the application seems to be a reasonable requesting given the location and the condition of the dwelling. It seems to be a reasonable alternative to what exists now.

Mr. Coughlin concurred and stated that the increase in height is driven by the requirement for a structure to be built on steel pilings in this area.

Mr. Ciampitti stated that things do not last forever and the existing home is not salvageable. This is an appropriate request that appears to be as sensitive to the neighbors as possible.

Mr. LaBay stated that there are no major changes to the setbacks and the increase in height is due to building regulations.

Chairman Ramsdell concurred.

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

Mr. Ciovacco seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco – approve

Nat Coughlin – approve

d) Tom Casey

225 Northern Boulevard

Special Permit for Non-Conformities: remodel existing first floor, remove porches, and add second floor

The notice of public hearing was read aloud for the record.

Bob Watt of Construction Advisors was present to represent the applicant. An engineer inspected the foundation and determined that it was salvageable. The applicant will be able to work with the existing foundation and framework. The plan will raise the height of the structure from the existing 14.6 feet to 24 feet to make it a two-story home. The applicant believes that the proposed addition is in keeping with the surrounding homes. The property is currently in very poor condition and the proposed project will be a huge improvement for the neighborhood. The open space is currently 74.2% and will increase to 84% by removing a front and a rear porch and adding decks in their place. Removing the front porch will reduce the front setback. The lot coverage will be reduced to 16%. Mr. Watt submitted pictures of other homes in the neighborhood. Emily Wentworth of the Planning Office noted that the assessor's card has two bedrooms on it and the applicant is proposing three bedrooms. There is actually only one bedroom right now. He believes that the rear porch was actually a second bedroom. Ms. Wentworth found a change on the assessor's card that is not available to the public. Ms. Wentworth suggested that he submit a floor plan without closet in the first floor bedroom so it would no longer be considered a bedroom. The applicant is proposing two bedrooms.

No one spoke in favor or opposition.

Chairman Ramsdell received a call from the owner of 238 Northern Boulevard who was concerned about the proposed three bedrooms. Chairman Ramsdell informed him that it will only be a two bedroom. The neighbor is happy with the project now that this question has been clarified.

Questions:

Mr. Ciovacco asked how the height of the proposed structure will compare to the abutting homes. It will be about the same as one abutting home and lower than the structure on the other abutting lot.

Deliberation:

Mr. LaBay stated that the applicant provided information that the board needs to find in favor of the request. There is an increase in height but it is in keeping with abutting homes and the neighborhood. The proposed plan will be an improvement for the property and for the neighborhood. There is also a lack of opposition from the neighborhood.

Mr. Ciampitti and Chairman Ramsdell concurred.

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

Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco – approve

Nat Coughlin – approve

e) Stephen M. Petersen and Helen Alden Metz

15-17 Union Street

Dimensional Variance: add a two-story addition to home resulting in a 9.6' rear yard setback where 25' is required and 33% lot coverage where 25% is the maximum required

The notice of public hearing was read aloud for the record.

The applicants live at 15 Union Street and purchased the vacant lot at 17 Union Street in 2003. They are currently living in tight quarters but would like to stay in this home. They are proposing to build onto the 17 Union Street lot with a two-story addition to their existing home. The structure would be 23 feet high which is normal for two-story homes in the neighborhood. The structure is currently 18 feet in height. The lot coverage would be 33%.

Barbara Posnanski, 20 Union Street: Asked what is the total square footage of the proposed home. **It is 2200 square feet. The applicants cited homes in the area that are comparable or larger. They took great pains to design a home that conformed with the neighborhood and would give them the living space that they need.**

Questions:

Mr. LaBay asked if the front and side setbacks calculations are a result of the combination of the two lots **Yes.**

Mr. Ciovacco asked if the lots have been legally joined. **No, they are owned in common.**

Mr. Ciampitti asked if all of the submitted measurements have been calculated by taking the two lots as a whole. **Yes.**

Mr. LaBay asked for the grounds for hardship. **The hardship is based on the lot shape, the placement of the structure on the lot, and the abutting properties that are also non-conforming on the front setback. None of the other adjacent lots meet the 10,000 square foot lot requirement. Mr. Ciampitti thought that this only pertains if the lot in question is a corner lot. Chairman Ramsdell checked the zoning ordinance and Mr. Ciampitti is correct.**

Mr. Coughlin asked what are the cross streets. **They are Marlboro and Beacon Streets.**

Mr. Ciampitti asked about the materials choices and how will they compare to the existing and the adjacent homes. **The applicants will reside the entire structure with clapboards and reroof the existing structure.**

Mr. LaBay asked about the garage that appears to be in back of the house in the picture that was submitted. **That is a garage on the abutting lot.**

Mr. LaBay asked about open area on the plan. **It is an existing planter bed.**

Mr. Coughlin asked if the applicant knows the lot coverage of the abutting lots. **Most are in the 20% range and some are lower. The lot coverage on their property will be higher than most of the lots in the neighborhood.**

Deliberation:

Mr. Ciampitti thinks the spirit of the application is not an affront to the zoning. It is two lots in a very tight neighborhood. The applicants have demonstrated that they meet the criteria for a special permit. The material choices, scale, and massing are appropriate for the neighborhood. As far as the variance, hardship can be found as to the shape and size of the lot and the placement of the existing home on the lot.

Mr. Coughlin stated that the applicants have use of an existing, neglected lot adjacent to the applicants' lot that brings them closer to meeting the regulations. It sounds like the lots in the area have a much more forgiving shape to provide a deeper back yard where an addition could be built. The applicant's lot is very shallow.

Mr. LaBay stated that this is a reasonable request due to the size of the addition proposed. The shape and size of the lot meet the hardship requirement.

Chairman Ramsdell concurred.

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

Mr. Ciampitti seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco – approve

Nat Coughlin – approve

f) Stephen M. Petersen and Helen Alden Metz

15-17 Union Street

Special Permit for Non-Conformities: add a two-story addition to home resulting in an extension of a pre-existing non-conforming front yard setback and an increase of over 500 s.f.

The notice of public hearing was read aloud for the record.

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

Mr. LaBay seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco – approve

Nat Coughlin – approve

g) Kerry and Mark Minichiello

10 Broad Street

Special Permit for Non-Conformities: construct a 19' x 28' two-story addition

The notice of public hearing was read aloud for the record.

The applicants designed the addition to fit with the house so that it does not look like an addition fits in with the rest of the neighborhood. They expanded out from the kitchen and were able to maintain the setbacks. They sent out a notice to 14 neighbors and had discussions with the immediate abutters. Some neighbors came by and reviewed the plans and none of the neighbors were opposed to the plan.

No one spoke in favor or opposition.

Questions:

Mr. LaBay noted that the total building size is the sum of the existing home plus the addition.

Mr. Ciovacco asked what the feedback was from the neighbors. **They were all supportive.**

Deliberation:

Mr. Ciampitti commends the applicants for providing the permit set of plans.

Mr. LaBay stated that having an open house and notifying the neighbors shows that they have done their homework. He believes this is a very reasonable request and he is in support.

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

Mr. LaBay seconded the motion.

The motion passed unanimously.

Votes Cast:

Chairman Ramsdell – approve

Duncan LaBay – approve

Rob Ciampitti – approve

Charles Ciovacco – approve

Nat Coughlin – approve

4. Adjournment

Motion made to adjourn.

Motion seconded.

Motion unanimously approved.

Meeting adjourned at 9:00 P.M.

Respectfully submitted, Jennifer Stone - Note Taker