

APPROVED: 3/15/07
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ZONING BOARD OF APPEALS
Meeting Minutes
February 15, 2007

The Zoning Board of Appeals held a meeting, on Thursday, February 15, 2007 at 7:30 p.m. in Room A at the Town Hall. Members attending were Chairman Robert Gambale, Roger LeBlanc, Kevin Lombard, Associate members Timothy Perkins and Robert Bodwell. Also Marie Rodgers, Administrative Assistant. Benjamin Fierro, Dana Jordan and Jim Sperber, Building Inspector were not present.

There were no Citizen Queries.

Chairman Gambale announced the continuation of the following hearings to the March 15, 2007 meeting:

KC, LLC - Comprehensive Permit Application under Chapter 40B at the request of William Studzinski, Esq. for the Petitioner in an e-mail dated February 14, 2007.

John Stelling, 6 Brown Square for a Special Permit, at the request of Attorney Richard Kallman in an letter dated February 5, 2007.

John and Barbara Ingari, 118 North Ridge Road, for a Special Permit, at the request of Attorney Don Greenough in a fax dated February 15, 2007 requesting the hearing be continued until March 15, 2007.

56 Washington Street, Donald Finocchio request a **Variance** Mr. Finocchio was present and signed a letter requesting a continuation until March 15, 2007.

Public Hearings:

36 Newmarch Street, Linda **Boutchie** requests a **Special Permit** under Sections IIB – XI.J and VI Dimensional and Density Regulations to reduce the front setback of the pre-existing house lot by a maximum of ten percent from fifty(50') feet to forty five (45'). Chairman Gambale read the legal notice and opened the public hearing at 7:45 p.m. he then recused himself and sat out into the hall. Associate Member Perkins chaired the hearing. Larry Graham of HL Graham was present with the Petitioner to explain the proposal to create a second lot in the rear of 36 Newmarch St and build a new dwelling, creating a private way (Dorr Road) on the westerly side; also creating a corner lot. The requested relief is for 45-feet from the new road. Mr. Graham explained the revised plan creating more of a buffer for the neighbors, specifically the abutter Chris Cullen who was present and indicated that his concerns have been addressed on the Concept Plan "S1" prepared for Linda Boutchie and Leon Door 36 Newmarch Street, Ipswich, MA dated 1/25/07. Graham Associates, Inc.

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Continue -36 Newmarch Street, Linda Boutchie requests a Special Permit

As the result of resolution with the abutter, the letter of objection from Attorney James Gilbert of Tinti, Quinn, Grover & Frey, P.C. Salem, MA dated February 1, 2007 on behalf of Mr. Cullen was disregarded.

Mr. Graham submitted letters of support from seven abutters.

The Board discussed the proposal and requirements for special permit; the two lots will be larger than most in the area, the surrounding neighborhood contain lots of all different sizes, no relief is needed for the new house, minimum impact on the environment - many existing trees will be spared. With relief needed from the Zoning Board the Petitioner will proceed to the Planning Board with a definitive plan. **Mr. Perkins closed the public hearing.**

Moved by Mr. Perkins, seconded by Mr. LeBlanc, by roll call it was unanimously voted to grant the Special Permit and allow the set back relief for Dorr Court from front yard of 50-foot reduction to no less than 45-feet.

82 Topsfield Road - Ipswich Pines requests a modification to a **Comprehensive Permit**, under Chapter 40B, to add additional square footage of footprint and change the project name change to Ipswich River Point. Mark O'Hagan was present to request name change for marketing purposes only, the legal ownership would remain the same. Chairman Gambale said it was a public safety issues and O'Hagan would have to speak with the Police Chief regarding street names, there are four other streets in town with 'River' in them, and there may be an issue. O'Hagan agreed to come back to the Board with a name that the Public safety is okay with.

Chairman address another issue before proceeding; in the lottery material MCO Associates supplied the ZBA it refers to 39 units, instead of 36; Mr. O'Hagan acknowledged the typo and said it would be corrected.

Mr. O'Hagan explained the request to modify the Comprehensive Permit by adding 860 SF, moving building two closer to Topsfield Road and reduce the height to one floor.

Lengthy discussion took place regarding square footage added, the Board looked for what was approved and the revised plan to compare what is proposed. The Board authorized the Chair to review revised floor plan in a sub-committee meeting with Mr. O'Hagan, Conservation representative and abutters.

David Standley, 4 Spillers Lane and Chair of the Ipswich Conservation Commission outlined the Commission jurisdiction and conditions in the Order of Conditions for Ipswich Pines; he voiced his concerns regarding proposed changes/future changes requested incrementally, and would prefer to see the whole project; he noted the increase of impervious area with the proposed footprint from 40-feet to 48-feet;

Mr. O'Hagan maintained that the project remains in compliance within the threshold of 20-foot no touch, with average of 25-foot. He indicated that he is not asking for any additional waivers to the Ipswich Protective Wetland Bylaw.

The Board concurred that it will require looking at the floor plan permitted and the proposed.

Chairman Gambale requested drainage calculations for the added square footage, expressing concern that it doesn't exceed the drainage capacity proposed.

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Continue- 82 Topsfield Road - Ipswich Pines

Mr. Ron Graves, 401 Colonial Drive said that initially the building was moved at the request of abutters residing at Mayfair Court, and questioned if it could be moved the other way. O'Hagan responded no, because of the wetlands and the parking area is where there was space, keeping it low profile as the homes on Mayfair Court are up higher; additionally, a fence will go in.

Ms. Karen Zabelski 401 Colonial Drive suggested the residence of Mayfair Court be notified.

Mr. Graves agreed to notify the neighbors in Mayfair Court.

Additional information gathering session was scheduled;

Chairman Gambale, Mr. O'Hagan and Mr. Standley agreed to meet on Tuesday at 1:00 pm. to review plans.

43 Ploverhill Road, David Porter request a **Special Permit** under Sections IX-(L), XI-J V-(D) Table of use Regulations to operate a home business from his pool house at Chairman Gambale read the legal notice and opened the public hearing at 9:10 p.m. Mr. Lombard recused himself and sat with those in attendance.

Attorney Pat Morgan was present to represent the applicant, he indicated that the Petitioner has been mason for many years and he would like to locate his business legitimately without violation of the local bylaw; he requires only a phone/fax and files to perform the paperwork portion of his business. He does not anticipate clients, or any additional traffic or parking.

There were no objections from abutters or others.

Moved by Mr. Gambale, seconded by Mr. LeBlanc is was voted unanimously to grant the Special Permit under Section IX, IX-J use Home Occupation solely for Porter Masonry, subject to balance of fee of \$50 dollars is paid.

4 Brown Street, James Goguen request a **Special Permit** to raze and rebuild a 14'x25' detached garage, and reduce the side set back be one foot. Chairman Gambale read the legal notice and opened the public hearing at 9:15 p.m. The Petitioner was present to explain the current size of the garage is 12-feet x 20-feet; he proposes to replace with 14-feet x 25-foot garage; current distance on the left side 3.5 feet, he proposed to reduce it to 2.5-feet; the rear of the garage is 5-feet from the lot line and will remain the same; there will be increase of 5-feet closer to the street and closer to the house by one foot in the rear and side.

He submitted two letters of support from his neighbors at 2 Brown Street and 5 Cottage Street.

Discussion held regarding the non-conforming structure and the de minimus amount of relief requested for the side set back with no change in the rear set back; area above the garage will be for storage only; no impact on the public at large and meets criteria set forth in bylaw.

Moved by Mr. Perkins, seconded by Mr. Bodwell, it was unanimously voted to grant the Special Permit and allow reduction of the side set back of no more than 50%.

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North Shore Housing Trust, Inc. request a modification to the **Comprehensive Permit (Chapter 40B)** for roof access/structure at the Whipple Annex **25 Green Street**.

Laura Buxbaum of the **North Shore Housing Trust, Inc.** was present with William Nolan from Savio Architects. The Board received a letter from Architect Ken Savoie dated February 10, 2007 (hereby incorporated by reference). The letter reviewed events and process resulting in omission for ZBA review for alterations.

Discussion was held regarding the modification to Comprehensive Permit. Ms Buxbaum agreed to address issues of an added barrier to block the last stair rise to the roof, signage and noted a maintenance contract to maintain the green roof four times a year; she assumed they have liability coverage and agreed to settle all safety concerns. She indicated that tours would not take place.

Mr. Perkins moved that the Board determine the roof access/structure a minor change to the Comprehensive Permit the Whipple Annex 25 Green Street, Mr. Gambale seconded the motion passed unanimously.

Mr. LeBlanc moved to accept changes in the plans showing new dimensions and incorporate to the Comprehensive Permit granted 8.04. Mr. Perkins seconded, the motion passed unanimously.

Old Business -

► The Board re-confirmed and voted to accept the Regulatory Agreement for 82 Topsfield Road Comprehensive Permit. The vote passed unanimously. Gambale, yea -LeBlanc, yea -Lombard, yea – Perkins, yea - and Bodwell, yea.

► Moved by Mr. Gambale seconded by Mr. LeBlanc the minutes of November 16, 2006 and January 18, 2007 were unanimously approved as written.

It was moved, seconded and unanimously to voted to adjourn at 9:55 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant to ZBA

These minutes were approved by the Board on March 15, 2007.