

**City of Newburyport
Zoning Board of Appeals
City Council Chambers
February 11, 2020
Minutes**

1. Roll Call

Chair Robert Ciampitti called a meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. Present were members Robert Ciampitti, Stephen DeLisle, Maureen Pomeroy, Mark Moore and associate member Rachel Webb. Ed Cameron was absent.

2. Business Meeting

Minutes

Ms. Webb moved to approve the minutes of the January 28, 2020, meeting as amended. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote.

3. Public Hearings

Steven Lewis c/o Lisa Mead, Mead, Talerman & Costa, LLC

332 Merrimac Street and 7 Savory Street

2019-057 - Dimensional Variance

Ms. Pomeroy recused herself from the discussion. At the December 10, 2019, meeting, the Board members indicated they would be inclined to approve the application to split the property into two separate lots if the proposal were acceptable to the neighbors. The abutters requested that a condition be added that would prohibit the construction of any type of structure on the Savory Street lot unless it were an accessory structure to the residential use associated with the adjoining properties and not for marine use. The public hearing was continued to allow the applicant to respond to the proposed change to the conditions.

Lisa Mead read the condition that was drafted to satisfied the concerns of the neighbors. No from the public spoke in opposition to the application. Harold Mathisen, 334R Merrimac Street, said he is in support of the variance and is interested in purchasing the parcel.

Mr. DeLisle asked if the applicant has met the conditions for a variance. Attorney Mead responded that the shape of the lot and its topography is unique to the neighbor. Two lots were merged, which was not the fault of the owner. The other lots in the neighborhood are more uniform. Mr. Moore said the abutters are concerned about the use of the lot and their concerns have been addressed. Mr. Ciampitti commended the applicant for working with the neighbors.

Mr. DeLisle moved to approve the Dimensional Variance subject to the condition that there shall be no residential structure constructed upon this parcel and any other structure constructed upon the parcel shall be accessory to or a part of a residential use on an adjacent lot. Mr. Moore seconded the motion. The motion was approved by a 4 to 0 vote.

Phineas Gay III and Mindi Poston Gay c/o Lisa Mead, Mead, Talerman & Costa, LLC

10 Railroad Street

2020-001 - Special Permit

Mr. Ciampitti recused himself from the discussion. Lisa Mead represented the applicant, who is proposing to convert a commercial property to a single-family residence with home occupation. The first floor would remain commercial and the residence would be located on the second and third floors. Each floor is 1,000 square feet. The home occupation would be open by appointment only and the sole employees would be the two petitioners. Two windows would be

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added to the side façade on the third floor. Attorney Mead reviewed the criteria for a special permit for home occupation use and demonstrated how the applicant met each of the requirements.

David Strand, the owner of the property, said he supports the application and the proposed use of the property would be less intrusive on the neighborhood than the current use. No one from the public spoke in opposition to the applicant.

Mr. Moore asked if deliveries would be made to the business by truck. The applicant responded that the business would be an architectural design firm and the work would be largely digital. Mr. DeLisle said the applicant has met the criteria for home occupation use and the proposed change would impose less of a burden on the neighborhood. Ms. Webb moved to approve the Special Permit for 10 Railroad Street. Mr. Moore seconded the motion. The motion was approved by a 4 to 0 vote.

Lauren Eramo and Amy Rasimas c/o Lisa Mead, Mead, Talerman & Costa, LLC
49 Kent Street

2020-010 - Special Permit for Non-Conformities

2020-011 - Special Permit for an In-law Apartment

The application was amended in response to comments made by abutters. The changes resulted in an extension into the rear yard setback and the application must be re-advertised. Mr. DeLisle moved to continue the public hearing to the March 10 meeting. Mr. Moore seconded the motion. The motion was approved by a 5 to 0 vote.

Alana Porter and Joshua Porter
210 High Street

2020-012 - Special Permit for Non-Conformities

Mr. DeLisle recused himself from the discussion. Lisa Mead represented the applicant, who is proposing to construct a one-story addition at the rear of a single-family home that would result in an extension of a pre-existing non-conforming rear setback by approximately three feet. The house is on a corner, with the primary front yard being on Olive Street. A new garage is shown on the plans that would be allowed by right.

The Board members were in agreement that the addition is a modest one on a large lot and is consistent with the architectural style of the structure. It would be in keeping with other structures in the neighborhood and no new nonconformities would be result.

Ms. Pomeroy moved to approve the Special Permit for Non-Conformities for 210 High Street. Mr. Moore seconded the motion. The motion was approved by a 4 to 0 vote.

Eric Primack
14-16 Purchase Street

2020-013 - Special Permit for Non-Conformities

The applicant is proposing to demolish the rear portion of a two-family structure and replace it with a new two-story addition, which would result in an upward extension of a non-conforming side setback. In addition, two pre-existing non-conforming garages would be demolished and

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replaced with new garages three feet off the side setback, which would not result in a new nonconformity.

The hearing was opened to comments from the public. Tom Kolterjahn, 64 Federal Street, said the building is a wonderful one. Three sides are intact, the front entrance has its original glass and the moldings around the windows are original. He said the decision should be very clear on which elements of the structure are to be preserved and that they are not to be removed and replaced. Lisa Mead, 13 Purchase Street, said the applicant has been willing to make compromises and it is important that the decision is a detailed one.

Ms. Pomeroy said the applicant has met the criteria for a special permit and no new nonconformities would be created. Mr. Moore said the replacement of the vinyl siding with clapboards would be an improvement. Ms. Webb thanked the applicant for working with the Historical Commission to refine the plans.

Ms. Pomeroy moved to approve the Special Permit for Non-Conformities for 14-16 Purchase Street with the conditions that the applicant shall demolish and rebuilt in accordance with the most-recent plans; the front and two sides of the structure shall remain intact, with the exception of the vinyl siding and the bump-out on the right side, and their historic integrity shall be maintained; the doors and windows shall remain in their existing locations; the existing reveal of the clapboards shall be maintained and the door and window surrounds shall be preserved. Mr. DeLisle seconded the motion. The motion was approved by a 5 to 0 vote.

Katchen K. Gerig
138 State Street

2020-014 - Dimensional Variance

Lisa Mead represented the applicant, who is proposing to purchase the rear portion of the property at 138 State Street to expand the yard at 2 East Boylston Street. While the State Street property would be reduced in size, it would continue to meet zoning requirements for lot area, lot coverage and rear yard setback. The property is a pre-existing non-conforming one for frontage, front yard setback and side yard setback. No changes would be made to the existing structure and there would be no change in use. The land swap would result in a new parcel that would be noncompliant with zoning regulations. Attorney Mead said the hardship requirement for a variance would be met because the significant grade change makes the rear of the property unusable by the owner of the front of the property.

Mr. Ciampitti said the application does not trigger the tree and sidewalk ordinance. A letter of support has been received.

Mr. Moore moved to approve the Dimensional Variance for 138 State Street. Ms. Pomeroy seconded the motion. The motion was approved by a 5 to 0 vote.

Christopher Smith
11 Franklin Street

2020-015 - Special Permit for Non-Conformities

David Keery presented the plans for the construction of a 287 square-foot, single-story addition to a two-family residence. The property is non-conforming with regards to the front yard setback and lot coverage. The lot coverage would increase from 29.3% to 34.6%, thereby increasing the

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pre-existing nonconformity. The addition would be 10.5 feet in height and would be set back 13 feet from the front façade. Eight letters were submitted in support of the application.

Mr. DeLisle said the application satisfies the two criteria for a special permit. The addition would not be more detrimental to the neighborhood than the existing conditions and no new nonconformity would be created.

Mr. Moore moved to approve the Special Permit for 11 Franklin Street. Mr. DeLisle seconded the motion. The motion was approved by a 5 to 0 vote.

The meeting adjourned at 8:33pm.

Respectfully submitted,
Gretchen Joy
Note Taker