

**City of Newburyport  
Zoning Board of Appeals  
City Council Chambers  
February 25, 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 Ed Cameron and associate members Rachel Webb and Ken Swanton.

**2. Business Meeting**

**a) Minutes**

Mr. Cameron moved to approve the minutes of the February 11, 2020, meeting as amended. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

**b) Review of Draft Decision for 5 75<sup>th</sup> Street (2020-004)**

The Board members noted the following changes:

Page 3, Paragraph 1: \$5k should be \$5,000.

Page 3, Paragraph 2: “still are” should be changed to “remain now.”

Page 6, Last paragraph: board is misspelled.

Page 7, Item 2: applicant is misspelled.

Ms. Pomeroy moved to approve the decision for 5 75<sup>th</sup> Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

**3. Public Hearings**

**Crane Properties/Michael Dos Santos**

**71 Federal Street**

**2020-016 - Special Permit for Non-Conformities**

Bill Nolan of Savoie Nolan represented the applicant, who is proposing to construct a 12' x 22' detached single-car garage. The garage would be within the required setbacks but would intensify lot coverage. The coverage is currently 28% where 25% is allowed and would increase to 34%.

The hearing was opened to comments from the public. Tom Kolterjahn, 64 Federal Street, said the house was gutted inside and out and was ruined, which he thinks is shameful. The six-over-six and eight-over-eight windows were replaced with historically inaccurate two-over-two windows. A cementitious siding was used on the house and would be repeated on the garage. Stephanie Niketic, 93 High Street, said 425 square feet of an impervious surface would be added for the driveway. The windows in the garage are shown to be six-over-six, which would have matched the original windows in the house but ironically do not match the house's new windows. She said the changes to the house are an insult to the neighborhood and the streetscape. She asked that the Board deny the permit.

Ms. Pomeroy asked if the applicant would consider using gravel instead of the proposed concrete for the driveway. The applicant's representative said consideration could be given to the use of gravel or pavers, but this might make for an awkward transition with the existing pavement. Mr. Moore asked about the size of the shed. The applicant did not have the dimensions on hand. Mr. Ciampitti asked if the reveal on the house is typical for the period. The applicant said the reveal is four inches. The applicant did not know if simulated divided lights

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had been installed in the house. The windows in the garage as shown on the plans are incorrect. They would be two over two to match those that were installed in the house.

Mr. Moore said the increase in lot coverage is significant. The garage would be twice the size of the shed that would be removed. He also said garages are not typical for the neighborhood. Ms. Pomeroy said the intensification of lot coverage is problematic and the size and massing of the structure with regards to the lot size is not acceptable. Mr. Cameron said the change would be substantially detrimental to the neighborhood and most properties in the neighborhood do not have garages.

The applicant requested to withdraw the application. Ms. Pomeroy moved to accept the request to withdraw the application without prejudice. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

**Peter Carzasty c/o Lisa Mead, Mead, Talerman & Costa, LLC**  
**35 Temple Street**

**2020-017 - Dimensional Variance**

Mr. Ciampitti recused himself from the discussion. Lisa Mead represented the applicant, who is proposing to remove a shed-like structure that is attached to the rear of the house but is not integrated into it. The shed-like structure is not visible from the street. A one-story addition would be constructed on a larger footprint to house a bedroom and bathroom. The footprint of the new addition would be 11' x 20' while the existing footprint is 10' x 10'.

A dimension variance was granted in 1982 and must be modified in order for the work to be permissible. Attorney Mead said the applicant is not responsible for the odd shape of the lot. She said the addition would not negatively impact the neighbors and would be an improvement over the existing conditions. Letters of support from three abutters were submitted.

No one from the public spoke in favor of or in opposition to the application. Mr. Swanton said the application states the addition would be a small one, but it is nearly twice the size of the existing shed-like structure. Ms. Pomeroy commented that the addition is not overly large and would not negatively impact the abutters. She said the applicant has met the standards for a dimensional variance. The lot shape is unique, which is not fault of the applicant. Mr. DeLisle, Ms. Webb and Mr. Cameron stated they support the project.

Ms. Pomeroy moved to grant the Dimensional Variance for 35 Temple Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

**Windward Shaw LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC**  
**61 Purchase Street**

**2020-018 - Special Permit for Non-Conformities**

Maurica Miller presented a proposal to construct an addition that is one story on the side of the existing structure and two stories at its rear. The details and siding on the rear addition would match those of the existing house. The single-story addition would use different siding and windows to contrast with the original structure. The single-story addition would extend the pre-existing non-conforming front yard setback. The front yard setback is currently 6 feet where 25 feet is required. The addition would be set back 23.5 feet. The 984 square-foot addition would be conforming for both lot coverage and open space. The lot is larger than those that it abuts. The

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tree and sidewalk ordinance would be triggered. DPS recommends that the sidewalk and trees be replaced.

The hearing was opened to comments from the public. Stephanie Niketic, 93 High Street, said she would support the application with one condition. She said the original windows should be retained and if they are not, then true divided lights should be used. This would retain the quality of the structure and differentiate it from the addition. The applicant said that at a minimum the windows would be donated to the Window Woman. Ms. Niketic said that while the addition is as large one, the lot is also large and the architect and builder do good quality work.

Ms. Pomeroy asked about the materials on the addition. Wood clapboards would be used on the two-story addition and a composite material on the one-story addition. Mr. Moore said the addition would not create a massing problem and the work is well planned. Ms. Pomeroy said the addition would not be more detrimental to neighborhood than the existing conditions.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 61 Purchase Street with the conditions that the applicant shall explore the retention of the existing windows and the installation of true divided lights if salvaging them is not possible; the existing chimney shall be retained; and the applicant shall follow the recommendations of DPS as indicated in its email with regards to the replacement of the sidewalk and trees. Mr. Cameron seconded the motion. The motion was approved by a 5-0 vote.

**Gregory Elliot and Candace McMahon**  
**12 54th Street**

**2020-019 - Special Permit for Non-Conformities**

The applicant requested a continuance. Ms. Pomeroy moved to continue the public hearing to the March 24 meeting. Mr. Cameron seconded the motion. The motion was approved by a 5-0 vote.

The meeting adjourned at 8:31 pm.

Respectfully submitted,  
Gretchen Joy  
Note Taker