

**City of Newburyport  
Zoning Board of Appeals  
Online Meeting  
February 28, 2023  
Minutes**

**1. Roll Call**

Vice Chair Ken Swanton called a remote meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Stephen DeLisle, Bud Chagnon, Ken Swanton and Gregory Benik and associate members Patricia Peknik (non-voting) and Lynn Schow (voting). Robert Ciampitti was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

**2. Public Hearings**

**a) The Basin Apparel**

**19 Water Street**

**VAR-22-8 - Variance**

The applicant requested to withdraw the application. Mr. DeLisle moved to accept the request to withdraw the Variance application for 19 Water Street without prejudice. Mr. Benik seconded the motion. The motion was approved by a 6-0 vote (Mr. Benik, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Ms. Schow, yes; Ms. Peknik, yes).

**68 Bromfield St LLC**

**68 Bromfield Street**

**ZNC-23-2 - Special Permit for Non-Conformities**

Mr. Chagnon and Mr. DeLisle were absent at the previous meeting and both were qualified to participate in the matter. Mr. DeLisle was the voting member.

Lisa Mead represented the applicant and reviewed the revisions to the plans. The number of units was reduced from four to three. The addition was seven feet narrower than the previously proposed addition and it was stepped in six inches from the existing structure at both points of connection. The footprint was reduced 172.43 square feet. The side-yard setback was improved from 27.2 feet to 20.2 feet, the lot coverage was improved from 39.5% to 36.4% and the open space was improved from 34.2% to 44.2%.

Matt Langis said the exterior decks and stairs that had been previously proposed were eliminated. The locations of the windows were changed to be more symmetrical. The number of parking spaces was reduced from eight to six.

Attorney Mead said that no new non-conformities would be created and the proposal would not be substantially more detrimental to the neighborhood than the existing conditions.

Ms. Lynn asked if the applicant had spoken with the abutters about the changes to the plans. Blake said the neighbors, and especially those who would be the most impacted, are pleased with the revisions.

Ms. Peknik said the view of the fence from Bromfield Street would be significantly improved.

Mr. Swanton asked if permeable surfaces would be used for the driveways. Mr. Wilcox said they would be. In keeping with the DPS requirements, the Bromfield Street sidewalk would be brick and the Prospect Street sidewalk would be concrete.

Mr. Peknik said the plan is now successful for both the city and the applicant. The rehabilitation of the property would contribute to the streetscape and is achievable without the

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addition of a great deal of massing on the corner lot. She said she appreciates the sensitivity of the applicant to the district. In addition to the reduced massing, the revised proposal is improved by the replacement of decks and stairs with a covered entry, the deintensification of use, the reduction in the number of parking spaces and the reorientation of the windows.

Ms. Schow said she appreciates the willingness of the applicant to change the plans in response to the comments of the Board members.

Mr. DeLisle said that the new plans are an excellent improvement over the prior submittal and now meet the criteria of the Ordinance. In changing the proposal, the applicant has shown a commitment to the community.

Mr. Benik said that while he supports the application, he supported the previous version and is distressed that a rental unit would be lost.

Mr. Chagnon said he is happy that the applicant heard the concerns of the Board. Mr. Swanton said he supports the application. He noted that the existing rental units were affordable and the type of housing needed in the city is a different discussion.

Ms. Schow moved to approve a Special Permit for Non-Conformities for 68 Bromfield Street with the special condition that the applicant shall replace all city-owned sidewalks adjoining the property according to Department of Public Services specifications and shall install one street tree on the Prospect Street side of the project and these improvements shall be completed prior to occupancy or a proposal shall be submitted to the Zoning Administrator indicating a proposed schedule for completion. Ms. Peknik seconded the motion. The motion was approved by a 5-0 vote (Mr. Benik, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Ms. Schow, yes; Ms. Peknik, yes).

**Braden Monaco**

**7 Norman Avenue**

**ZNC-23-3 - Special Permit for Non-Conformities**

Braden Monaco described the plan to demolish a 1,000 square-foot, single-story structure that was constructed in 1947. The Historical Commission voted that the house is not historically significant. The property is non-conforming for lot area, frontage, front-yard setback and both side-yard setbacks.

The existing structure would be replaced with a single-family two-story structure on a larger footprint. The proposed structure would be located on the lot in such a way that the existing front and side-yard setback non-conformities would be removed. The lot coverage would increase but would remain conforming. Mr. Monaco said most of the houses in the neighborhood have one story but are being replaced with two-story structures. The existing structure does not have a foundation, which makes it impossible for a second floor to be added. He said he will follow the DPS recommendations for tree planting and sidewalk replacement.

Mr. DeLisle asked about the materials. The new structure would have Hardie Plank siding and PVC trim. Ms. Peknik asked about the size of the new structure and Mr. Chagnon asked about the ridge height. The existing structure is 1,115 square feet and the new structure would be 3,004 square feet. The ridge height would be 32 feet and the average roof height would be 27 feet.

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Ms. Schow and Mr. Swanton asked about the neighbors' reaction to the plans. Mr. Monaco said they have not been shown the final plans but have been told about the size and scale of the structure. They are happy something is being done to the property, which has been abandoned. The existing structure is detrimental to their property values.

Mr. Chagnon said the project is wonderful. While a cute home would be lost, it is in a state of disrepair. He likes that the new structure would be within the setbacks.

Mr. DeLisle said the design is nice. A smaller home would be replaced with something much larger, but the lot is a good size.

Ms. Schow said no new non-conformities would be created and the proposal would not be substantially more detrimental to the neighborhood than the existing conditions.

Ms. Peknik said the proposal would be an improvement over the existing conditions, but it would not be characteristic of the neighborhood. She said that while the applicant stated the height of the new structure would fit in with its context, the houses in the neighborhood are small and many are one story. She said a change in roof height for 11'-13" to 27' is significant. She added that she expects the neighborhood will change.

Mr. Benik said the house has outlived its usefulness and the proposal would be a significant improvement over the existing conditions.

Mr. Swanton said he supports the application. The setbacks would be improved. The lot is good sized and is close to being conforming.

Mr. Chagnon moved to approve a Special Permit for Non-Conformities for 7 Norman Street with the special condition that the applicant shall replace all city-owned sidewalks adjoining the property in accordance with the Department of Public Services specifications and shall install one street tree in coordination with the Department of Public Services and these improvements shall be completed prior to occupancy or a proposal shall be submitted to the Zoning Administrator indicating a proposed schedule for completion. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Benik, yes; Mr. Swanton, yes; Mr. DeLisle, yes; Ms. Schow, yes; Mr. Chagnon, yes).

### **3. Business Meeting**

#### **a) Minutes**

Mr. DeLisle moved to approve the minutes of the February 14, 2023, meeting. Mr. Benik seconded the motion. The motion was approved by a 6-0 vote (Mr. Benik, yes; Mr. Swanton, yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Ms. Schow, yes; Ms. Peknik, yes).

#### **b) Other Business**

Mr. Chagnon asked about the list of abutters for the 68 Bromfield Street application, which is smaller than that for the Norman Street application. He said the south end is a much denser neighborhood and he would expect the abutter list to be longer. Andy Port responded that he will check with the Assessor's Office, which prepares the list.

Mr. Swanton asked the board members for their input on his decision not to call on them in a particular order. Mr. Peknik said she prefers the random order.

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**4. Adjournment**

Mr. Chagnon moved to adjourn the meeting at 8:03 p.m. Ms. Schow seconded the motion. The motion was approved by a 6-0 vote (Mr. Benik, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Ms. Schow, yes; Ms. Peknik, yes).