

**City of Newburyport
Zoning Board of Appeals
Senior Community Center
January 9, 2024
Minutes**

1. Roll Call

Chair Rob Ciampitti called a hybrid meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Rob Ciampitti, Ken Swanton, Bud Chagnon, Stephen DeLisle and Gregory Benik. Associate member Lynn Schow attended remotely. Also in attendance were Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

**a) John Padden and Julie Christie c/o Lisa Mead, Mead, Talerman & Costa LLC
14 Payson Street**

ZNC-23-22 - Special Permit for Non-Conformities

The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the February 13 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 6-0 vote (Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

**b) Matthew and Kayleigh Withington c/o Lisa Mead, Mead, Talerman & Costa LLC
1R Horton Street**

ZNC-23-29 - Special Permit for Non-Conformities

The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the January 23 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 6-0 vote (Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes; Ms. Schow, yes).

c) Matt Healey

87 High St

ZSP-23-7 - Special Permit for Non-Conformities

The applicant requested a continuance. The public hearing was not opened, but public comment was accepted. Jared Eigerman, 83 High Street, suggested that the Board might wish to begin the process of engaging a specialist to review the existing conditions before the public hearing is opened due to the time constraints of the Ordinance. Stephanie Niketic, 93 High Street, said the Newburyport Preservation Trust asked her to convey the message it requests that the ZBA engage a specialist and recommended Aaron Sturgis of Preservation Timber Frame. Mr. Swanton said during his four years on the Board, a request to demolish a structure from the 1700s has not been received. The Board must decide if the structure is a candidate for demolition and he appreciates the suggestions from the members of the public. Mr. Ciampitti said he would support receiving input from an expert.

Mr. Benik moved to continue the public hearing to the January 23 meeting with the condition that the ZBA shall engage a specialist to evaluate the architectural details of the property. Mr. Swanton seconded the motion. The motion was approved by a 6-0 vote (Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes; Ms. Schow, yes).

City of Newburyport
Zoning Board of Appeals
January 9, 2024

d) John S Sava

1 Flora Street

ZNC-23-32 - Special Permit

The applicant is proposing to change the height of a one-story single-family home in the R3 district and the PIOD. The property is non-conforming for lot area, frontage, front-yard setback, rear-yard setback and one side-yard setback.

The ranch-style house was constructed in the 1950s. The applicant is proposing to construct a second story within the existing footprint. In order to comply with the FAR requirements, the second story would be 20' by 30', while the first story measures 20' x 31'. The number of bedrooms would increase from one to two. A second-story deck would be constructed that would laterally and upwardly extend the existing non-conforming setback. The FAR is 12.63%, where 25% is allowed, and would increase to 24.95%. The height would increase from 18.5 feet to 22.58 feet. The structure would be clad with Hardie Plank siding and a standing seam metal roof would be installed.

The hearing was opened to comments from the public. Patty Moore, 129 Old Point Road, asked about the calculation of mean height. Mr. Ciampitti explained that roof height is the mean average between the eave and the peak. Any non-living spaces, such as the cupola, are not included in the calculation. The public comment period was closed.

Mr. Benik asked about the applicant's statement that the proposal would be consistent with the size and scale of other houses in the neighborhood. Mr. Sava said the proposed structure would be higher than houses that have not been renovated but would be lower than those houses that have been. He said many houses on Old Point Road have been placed on piles.

Mr. Chagnon asked about the rear setback remaining at six feet. Mr. Sava said the setback is measured from the foundation.

Mr. Swanton said no new non-conformities would be created. He said the proposal would not be more detrimental to the neighborhood than the existing conditions. Most houses on the island are non-conforming and other houses in the neighborhood are larger than the proposed structure. He said he appreciates that the applicant submitted a proposal that did not increase the FAR above that which is permitted.

Mr. DeLisle said the proposal would not be more detrimental to the PIOD than the existing conditions.

Mr. Chagnon said the house would be small and would fit in with the neighborhood. Ms. Schow said she also appreciates that the applicant stayed within the requirements of the Ordinance.

Mr. Chagnon moved to approve a Special Permit for 1 Flora Street. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes).

3. Business Meeting

a) Minutes

Mr. Chagnon moved to approve the minutes of the December 12, 2023, meeting. Mr. Swanton seconded the motion. The motion was approved.

City of Newburyport
Zoning Board of Appeals
January 9, 2024

b) Other Business

Associate member Patricia Peknik has submitted a letter of resignation.

4. Adjournment

Mr. Swanton moved to adjourn the meeting at 7:45 p.m. Mr. DeLisle seconded the motion. The motion was unanimously approved.