

**City of Newburyport
Zoning Board of Appeals
Online Meeting
January 25, 2022
Minutes**

1. Roll Call

Chair Robert Ciampitti called an online meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Mark Moore, Stephen DeLisle, Robert Ciampitti, Bud Chagnon and Ken Swanton. Associate member Gregory Benik was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

**Mike Bukhin and Anna Wallack c/o Lisa Mead, Mead, Talerman & Costa LLC
4 Plum Street**

2021-59 - Special Permit for Non-Conformities

The applicant requested a continuance. Mr. Moore moved to continue the public hearing to the February 8 meeting. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

**Brad Kutcher
344 Merrimac Street
VAR-21-3 - Variance**

ZNC-21-8 - Special Permit for Non-Conformities

Nick Cracknell represented the applicant and requested a continuance. Mr. Ciampitti said he would like agendas to be limited to five applications. Mr. Cracknell said he would like the hearing to be scheduled for the February 8 agenda with the understanding that it shall be continued to the February 28 meeting if no other applicants request continuances or the meeting is running long.

Mr. Swanton moved to continue the public hearing to the February 8 meeting with the condition that it shall be continued to the February 28 meeting if the matter does not commence before 10:30. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

**Sarah and Michael Dinsmore c/o Lisa Mead, Mead, Talerman & Costa LLC
34 Ashland Street**

ZNC-21-13 – Special Permit for Non-Conformities

Lisa Mead represented the applicant, who is proposing to construct an addition and dormer on an existing single-family home on a corner lot. The primary front-yard setback non-conformity on Coolidge Street would be extended and intensified. The secondary front-yard setback non-conformity on Ashland Street would be upwardly extended.

The property is in the R-2 district. It is non-conforming for lot area, lot coverage, both front-yard setbacks and rear-yard setback. The house was built around 1927 and a single-story bump-out addition was constructed on its north side in 1998. The applicant is proposing to expand this bump out over a section of an existing deck. The addition would increase the size of the structure 123 square feet and would intensify and extend the primary front-yard setback along Coolidge Street. The existing setback is 5'-6" feet, where 25 feet is required, and would

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be reduced to 3'-2". The lot coverage would increase from 29% to 32%, where 25% is the maximum allowed. A dormer would be added on the Ashland Street side of the roof, which would upwardly extend the secondary front-yard setback, which is 15 feet, where 25 feet is required. Shingles would be used for the dormer and the addition to match the existing structure.

Attorney Mead said the addition would not be detrimental to the neighborhood. It would not be visible from Ashland Street. The intensification of the non-conformity would be minor. The abutting structures are not located near the property lines and would be minimally impacted by the addition. Small additions have been made to many structures in the neighborhood. Two letters of support from abutters have been received.

No one from the public spoke in favor of or in opposition to the proposal. Mr. Moore asked about the intensification of the primary front-yard setback. Attorney Mead explained the property line is at an angle to the house.

Mr. DeLisle asked about the current square footage of the house. Attorney Mead said the gross area is 3,480 square feet and the living area is 1,748 square feet.

Mr. Chagnon asked about the size of the existing deck in relation to the size of the proposed addition. Attorney Mead said the deck is larger than the addition would be.

Mr. Moore said the proposal would be appropriate for the neighborhood. The proposed dormer meets the exemption under the Demolition Ordinance. The addition would be modest in size. Its scale and massing would not be detrimental to the neighborhood.

Mr. DeLisle said no new non-conformities would be created. Mr. Swanton said the property line is set back from the street and the addition would be modest. Mr. Ciampitti said the proposal would not be detrimental to the neighborhood.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 34 Ashland Street. Mr. Chagnon seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

**Jonathan and Lindsay Green c/o Lisa Mead, Mead, Talerma & Costa LLC
33 Lafayette Street**

ZNC-21-14 – Special Permit for Non-Conformities

Lisa Mead and Scott Brown represented the applicant, who is proposing to add a second story to a one-story bump out on the side of an existing-single family structure on a corner lot. The secondary front-yard setback nonconformity on Highland Avenue would be upwardly extended.

The property is in the R-2 district. It is non-conforming for lot area, lot coverage and both front-yard setbacks. The house was built around 1920 and the bump-out addition appears to have been original to it.

The footprint of the building would not be changed. The roof of the addition would be lower than that of the main structure. The height of the eaves on the main structure and the addition would be the same. The addition would contain a powder room on the first floor and a bathroom and closet on the second floor. Due to the need for privacy, the windows in the addition would be smaller than those in the remainder of the structure. The proposed shiplap for the addition would distinguish it from the main structure, which is shingled.

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Attorney Mead said the addition would be subservient to the existing home. If the lot were not on a corner, the secondary front yard would be the side yard and the setback would be conforming. Letters of non-opposition were submitted from three abutters.

No one from the public spoke in favor of or in opposition to the proposal. Mr. DeLisle asked about the Highland Street setback. Attorney Mead said the setback of the addition would be 14.7 feet, where 25 feet is required.

Mr. Moore said the proposal is thoughtful and modest. There would be no change to the footprint and no new non-conformities would be created. The size, scale and massing would not be detrimental to the neighborhood.

Mr. DeLisle said the existing use would not be significantly modified and the addition would be set back from both streets. Mr. Swanton said the proposal is modest and would be fine relative to the neighborhood. Mr. Chagnon said the siding and roofline of the proposed addition is attractive. Mr. Ciampitti said the design is nice and the request is modest.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 33 Lafayette Street. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

**Scott and Jeanne Clark c/o Lisa Mead, Mead, Talerman & Costa LLC
40 Winter Street**

ZNC-21-15 - Special Permit for Non-Conformities

Lisa Mead and Larry Reeves represented the applicant, who is proposing to construct an addition to the rear of an existing single-family home. The structure was built around 1920 and appears to have been moved to this property from a different location, perhaps the other side of Winter Street. The property is in the R-2 district. It is non-conforming for lot area, frontage and front-yard setback. The proposal would not extend any non-conformities, but would add 767 square feet to the structure.

The height of the addition would be lower than that of the original structure. The aluminum siding would be removed. The wood clapboards underneath it would be restored if possible and if not, would be replaced with a composite material. The original windows would be restored. An original window that has been in storage would be installed in a new location. The front façade of the structure would not be changed.

Attorney Mead said the proposal would not be detrimental to the neighborhood. It meets the dimensional requirements of the Ordinance. The addition would be minimally visible from the street. The proposed driveway would provide off-street parking.

No one from the public spoke in favor of or in opposition to the proposal. Mr. DeLisle asked if a roof deck would be added on the third floor. Attorney Mead said the plans include a balcony. Mr. DeLisle asked about the size of the addition. Attorney Mead said the existing structure is 2,017 square feet. A net total of 767 square feet would be added to the structure, with 308 square feet on the first floor, 314 square feet on the second floor and 143 square feet in the attic.

Mr. Moore said the proposal is thoughtful and well done. No new non-conformities would be created. The addition would be large but would be within the dimensional controls. The abutter that would be most impacted is in support of the application.

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Mr. DeLisle said the proposal would not be more detrimental to the neighborhood than the existing conditions. The addition would be hidden. Mr. Swanton said he initially had some concern about massing but the proposal has been tastefully done. Mr. Chagnon said the addition would be stepped back and well hidden. Mr. Ciampitti said the applicant has met the criteria.

Mr. Chagnon moved to approve a Special Permit for Non-Conformities for 40 Winter Street. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

3. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the January 11, 2022, meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).

b) Updates from the Chair and Planning Director

Mr. Ciampitti said a virtual meeting took place on short-term rental units. He said the momentum is moving away from a dual process that would require both a license from the Licensing Commission and a special permit from the ZBA. He said the Board is made up of volunteers who would not have the ability to take on more responsibilities. Andy Port added that it appears that abutter concerns would be better addressed through the revocation of a license.

At the next meeting, a discussion will be held on a bylaw that would limit hearings to no more than five applications.

Andy Port said the fee schedule has not been updated in recent years. The Planning Office is recommending that application fees be increased to cover advertising, legal and staff expenses. He asked if the Board would approve the proposed fee schedule. Mr. Swanton said is concerned about the cost to homeowners who have small projects that can be handled in a short amount of time. He asked if a distinction is made between large and small projects. Mr. Ciampitti said there is no ability for a sliding scale. Mr. DeLisle said the fee schedule is not based on the size of the project and a sliding scale would be very complicated. Mr. Port said it might be possible to have a larger fee for a variance, but usually the same fee is applied to all permits of a type. Mr. Chagnon said municipalities should support homeowners and not make money on applicants. He said the proposed increase in publication and abutters fee would be 42%, which he thinks is too high. Mr. Swanton asked the Planning Office to investigate fees in other communities. The item will be placed on the agenda for the February 28 meeting.

4. Adjournment

Mr. DeLisle moved to adjourn the meeting at 8:40 p.m. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes).