

**City of Newburyport
Zoning Board of Appeals
Online Meeting
February 9, 2021
Minutes**

1. Roll Call

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

2. Public Hearings

Richard Morrill c/o Lisa Mead, Mead, Talerman & Costa, LLC

22-24 Oak Street

2021-089 - Dimensional Variance (Lot 1)

2021-090 - Dimensional Variance (Lot 2)

Mr. Ciampitti recused himself from the discussion. Mr. Moore explained that the applicant has redesigned the house proposed for Lot 2 and would no longer require relief for the front and rear-yard setbacks. Both lots would require a Variance for lot area and Lot 1 would also require relief for front-yard setback.

Lisa Mead represented the applicant. She said the property was not downzoned in 2017. It was in the R-2 District then, as it is now. She presented information on the lot sizes along Oak Street. She also reviewed the lot size information for Beacon Avenue, which she had presented at the previous meeting. She said both proposed lots would be comparable in size to the other lots on the two streets. The lots on Oak Street are larger than those on Beacon Avenue. Lot 1 would be 6,889 square feet and while it would be among the smaller lots on Oak Street, it would not be the smallest. The largest single-family lot on Oak Street is 11,530 square feet, the smallest is 2,910 square feet and the average is 9,121 square feet. Lot 2 would be 7,898 square feet. The largest single-family lot on the north side of Beacon Avenue is 8,799 square feet, the smallest is 6,098 square feet and the average is 8,810 square feet.

Attorney Mead said at one time Beacon Avenue extended only to Oak Street. When Beacon Avenue was lengthened, a pie-shaped parcel was created that was later purchased by the applicant. She said the shape of the lot is the result of the realignment of the road and is not the fault of the applicant. The shape of the lot creates a hardship and the granting of a Variance would not be a special privilege. Five letters of support from neighbors were submitted.

No one from the public spoke in favor of or in opposition to the application. Ms. Webb asked if the applicant had considered instead constructing an in-law apartment. Attorney Mead responded that the applicant and his daughter's family would like to live separately. Mr. Swanton said Lot 1 would be reduced from a conforming lot to one that would be considerably smaller than the average lot on Oak Street. He is bothered that both lots would be smaller than the average lot on their perspective streets. He asked if the shape of the existing lot is unusual. Attorney Mead responded that while other lots in the neighborhood are not exactly square, they do not have the same bubble shape as the

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existing lot. Mr. Swanton asked about the Planning Department's recommendation on the matter. Andy Port responded that the Board is being asked to accept a substantial reduction in lot size. City Council determined the lot size for the district and the ZBA could be criticized for being too lenient. The Planning Department is concerned that other applicants would argue that they should also be granted approval for proposals equally far below zoning requirements. Attorney Mead said the granting of a Variance does not set a precedent. Each application is unique and must be considered on its own merits.

Mr. DeLisle said both lots would be undersized. One would be 69% of what is required by the Ordinance and the other would be 79%. He said he does not find that the shape of the lot is so unique that he would consider it a hardship. He does not think the applicant has met the four criteria of a Variance. Ms. Webb thanked the applicant for the additional research, which convinced her that the proposal deviates too significantly from the minimum requirements for lot size. She said she would have difficulty supporting the application.

The applicant requested a continuance to February 23. Ms. Webb moved to continue the public hearing to the February 23, 2021, meeting. Mr. Chagnon seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. DeLisle, yes, Mr. Chagnon, yes).

Jane Holaday

8 Peters Road

2021-01 - Special Permit for Non-Conformities

The applicant is proposing to widen the driveway and add a 20'-10" x 24'-10" garage to an existing single-family home. The property is non-conforming for lot area, front-yard setback and one side-yard setback. The non-conforming side-yard setback is on the left side of the property. The addition would be located on the right side of the property and would be within the dimensional controls. The proposed setback would be 24.2 feet where 20 feet is required. No new non-conformities would be created. The addition would be one foot lower than the existing structure and would be slightly more setback from the front property line. The addition would be sided with cedar shingles to match the existing structure. The proposed garage would be large enough for a single car, although it is slightly oversized to allow for storage and a work bench. The applicant stated that the neighbor at 6 Peters Road, who would be in closest proximity to the addition, is in support of the application.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said the presentation was a thorough one. The proposal is reasonable and the addition would fit in well with the existing structure. It would not be detrimental to the neighborhood and would not create any new non-conformities. Ms. Webb said there is ample room on the lot for the addition and many houses in the neighborhood have attached garages. Mr. DeLisle and Mr. Swanton both said they would also support the application.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 8 Peters Road. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. DeLisle, yes, Mr. Ciampitti, yes).

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3. Business Meeting

a) Minutes

Ms. Webb moved to approve the minutes of the January 26, 2021, meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. DeLisle, yes, Mr. Ciampitti, yes).

Mr. Moore moved to adjourn the meeting at 8:00 p.m. Mr. DeLisle seconded the motion. The motion was unanimously approved.

Respectfully submitted,
Gretchen Joy
Note Taker