

**City of Newburyport
Zoning Board of Appeals
Online Meeting
February 22, 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 and associate member Gregory Benik. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Requests for Minor Modifications

Hillside Center

2016-005, 2016-006, 2016-007, 2016-008, 2016-040

David Hall described the proposed changes to the plans. He said the size of the project would be decreased by 7,000 square feet and six bedrooms would be eliminated.

The recycling, composting and trash removal area would be moved away from the populated area and located near Route 1. A berm with plant materials would be added to reduce the visibility of the solar canopy from Route 1.

The Fireman's Walkway would connect to the central parking area, creating a loop where a dead end had originally been proposed. This change would create more parking and would improve access to the residential units for emergency vehicles. The accessway would not be used on a regular basis and would only be intended for deliveries, injuries and emergency vehicles. The size of the greenhouse would be reduced to accommodate the new roadway.

It would be necessary to reduce the height of the Southrise and Hillside Avenue buildings by one floor due to the process for assembling the structures. The number of units would remain the same. The size of the footprint would be increased. The number of roofs would increase from five to six. The building would be closer to the property line and would be orientated differently into the slope.

A change would be made on Hillside Avenue from on-street parallel parking to driveways, which would improve drainage and circulation on the public way and reduce the amount of impervious pavement.

No one from the public spoke in favor of or in opposition to the application. Mr. Chagnon asked about the change to the setback of the Southrise building. Mr. Hall said the original setback was approximately 30 feet. The proposed new setback would be 14 feet, where 10 feet is the minimum required.

Mr. Moore said the changes would not be substantive. They are being made in response to information learned from the site and the neighbors. Mr. DeLisle said the changes are relatively minor with regards to the scope of the project.

Mr. Moore moved to deem the request minor and to approve the Request for Minor Modification for Hillside Center, file numbers 2016-005, 2016-006, 2016-007, 2016-008 and 2016-040. 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).

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**12 Christopher Street
1996-020**

Kevin McNally said he is proposing to convert a screened porch to an enclosed space that would be used for a home office and bathroom. The square footage of the structure would not change. Vinyl siding would be used to match the house. The new windows would match the existing windows. Hardie Plank would be added in the area that is currently lattice.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said the footprint would not change and the modification would be minor. The other Board members were in agreement that they also would support the application.

Mr. Moore moved to deem the request minor and to approve the Request for Minor Modification for 12 Christopher 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. Request for Special Permit Extension
**3 Arlington Street
2019-031**

Susan Stone requested an extension of a Special Permit for an In-law Apartment. The unit would be occupied by her daughter. She will continue to live in the front portion of the house.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said the square footage is within the regulations, the family lives in both sections of the house and the parking is adequate.

Mr. DeLisle moved to extend the Special Permit for In-law Apartment for 3 Arlington 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).

4. Public Hearings
Derek Lively

**28 Liberty Street, #5
2021-57 - Dimensional Variance**

Mr. DeLisle recused himself from the matter. Derek Lively presented the revised plans for a second-story deck and stairs that would be located within the rear-yard setback. At the request of the Board members, the size of the deck was reduced from 14 feet by 16 feet to 10 feet by 16 feet. Mr. Lively said the average size of the other decks on the multi-family structure is 156 square feet. The proposed deck would be in keeping with this at 160 square feet. The two existing parking spaces would be maintained. The condo association and other condo owners have submitted letters of support.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore asked about the support for the deck. Mr. Lively said the deck would be supported by footings and would be fastened to the building. A professional engineer will provide stamped drawings.

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Mr. Swanton asked about the setback from the property line. Mr. Lively said it would vary between 7.2 feet and 8.2 feet.

Mr. Chagnon asked about the height of the railing. Mr. Lively said the railing would be 42 inches high in order to be compliant with the building code.

Mr. Moore said the deck has been scaled back to be in line with the size of the other decks. The shape of the lot and structure are unique and are not the fault of the applicant. The relief would not be the grant of a special privilege, as the other units have decks. It would be reasonable for this unit to have a deck as well.

Mr. Swanton said he might have an issue with an application for an addition, but the applicant is seeking a deck that would be in keeping with the size of the other decks on the building.

Mr. Benik said the neighbors support the application. A deck has previously existed in this location, but was removed.

Mr. Ciampitti said he appreciates that the applicant reduced the size of the deck.

Mr. Moore moved to approve a Variance for 28 Liberty Street, Unit 5, with the condition that a clear driveway with a minimum width of nine feet and a minimum clearance of 7 feet, six inches above it shall be required to maintain parking. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. Benik, yes).

Windward Shaw LLC, c/o Lisa Mead, Mead, Talerman & Costa LLC
44-46 Beacon Avenue
VAR-22-1 – Variance

The applicant requested a continuance. Mr. Moore moved to continue the appeal to the March 8 meeting. Mr. Swanton seconded the motion. The motion was approved by a 6-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. Benik, yes).

5. Business Meeting

a) Request to Withdraw Variance

156 State Street

VAR-21-1

Mr. DeLisle moved to accept the Request to Withdraw Variance for 156 State Street without prejudice. Mr. Swanton seconded the motion. The motion was approved by a 6-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. Benik, yes).

b) Proposed Fee Increases

Andy Port said there is a need to increase the fees. The City Council will review the fees annually and will update them as necessary. The Board will not vote on any fee increase. The reference to fees will be removed from the Ordinance.

c) Minutes

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Mr. Swanton moved to approve the minutes of the February 8, 2022, meeting. Mr. Moore seconded the motion. The motion was approved by a 6-0 vote (Mr. Moore, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. Benik, yes).

d) Updates from the Chair and Planning Director

Andy Port said the joint public hearing on short term rental units was closed. The City Council has 90 days to act.

6. Adjournment

Mr. Moore moved to adjourn the meeting at 8:33 p.m. Mr. Swanton seconded the motion. The motion was approved by a 6-0 vote (Mr. Moore, yes; Mr. Swanton; yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. Benik, yes).