

**City of Newburyport
Zoning Board of Appeals
Online Meeting
March 8, 2022
Minutes**

1. Roll Call

Vice Chair Mark Moore 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, Bud Chagnon and Ken Swanton and associate member Gregory Benik. Robert Ciampitti was absent. Also in attendance were Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

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. Chagnon moved to continue the public hearing to the March 22 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. Benik, yes).

Jivonne Alley & Noel Ochtman

35 High Street

Special Permit for Non-Conformities

ZNC-22-3

The applicant is proposing to install an above-ground swimming pool with a deck and fence at a single-family residence. The property is non-conforming for lot area, frontage, lot coverage, front setback and side-yard setbacks. The left side of the property is adjacent to March's Hill and is bordered by a chain link fence. The deck would be constructed on the property line, which would extend the non-conforming left side-yard setback. Sections of the chain link fence would be removed to accommodate the wall of the deck. A fence would extend above the level of the deck. The wall of the deck and the fence would be consistent in appearance. They would be of wood, with horizontal slats that would be less than one inch apart. The height of the wall would vary according to the topography. The fence would be 48 inches above the deck. At their highest point, the wall of the deck and the fence would extend 106 inches above grade.

No one from the public comment spoke in favor of or in opposition to the proposal. The Parks Department submitted a written memo indicating the trees along the property line on City property and would not be removed if the applicant finds they shade the pool.

Mr. Swanton asked about the reason the applicant wishes to install the deck on the property line. Mr. Ochtman said trees exist on the opposite side of the property and the pool would be installed in the sunniest part of the backyard.

Mr. Benik asked about the width of the deck. Mr. Ochtman said the deck would be 6.5 feet side. This would allow the pool to be the required six feet from the property line.

Mr. Moore asked about the amount of shade on the property. Mr. Ochtman said the trees shade at least 50% of the property. In the late afternoon, the pool would be in the shade.

Mr. DeLisle asked about the height of the fence. Mr. Ochtman said the fence would be nine feet at its highest point. Mr. DeLisle pointed out that the Ordinance limits the height of a

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fence on a property line at seven feet. The hearing was continued in order that the Zoning Administrator might provide clarification on the matter.

Mr. DeLisle moved to continue the public hearing to the April 12 meeting. Mr. Benik 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. Benik, yes).

3. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the February 22, 2022, meeting. Mr. Chagnon 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. Benik, yes).

b) Updates from the Chair and Planning Director

None

4. Adjournment

Mr. Swanton moved to adjourn the meeting at 7:39 p.m. Mr. Benik 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. Benik, yes).