

**City of Newburyport
Zoning Board of Appeals
Online Meeting
March 22, 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 associate member Gregory Benik. Ken Swanton and Robert Ciampitti were absent. Also in attendance were Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

Mr. Moore pointed out that four votes in the affirmative are needed in order for a motion to pass. As only four Board members were in attendance at the meeting, a unanimous approval would be needed. Several applicants on the agenda wished to be heard when a larger Board was present and requested a continuance.

**Caswell Restaurant Group, Inc. c/o Lisa Mead, Mead, Talerman & Costa LLC
17-21 State Street
2021-18 - Appeal**

Lisa Mead represented the applicant She said the Planning Board has approved the design of the proposed windows but the decision has not yet been issued. She requested a continuance to the April 26 meeting.

Mr. Chagnon moved to continue the Appeal for 17-21 State Street to the April 26 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

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

Lisa Mead represented the applicant and requested a continuance to the April 12 meeting. Mr. Moore noted that there are currently four items on the agenda for that meeting.

Mr. DeLisle moved to continue the public hearing for 44-46 Beacon Avenue to the April 12 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

**Mark Drago c/o Lisa Mead, Mead, Talerman & Costa LLC
3 Q Street
ZNC-22-4 - Special Permit for Non-Conformities**

Lisa Mead represented the applicant and requested a continuance to the April 12 meeting. Mr. Moore noted the agenda for that meeting now contains five items. Attorney Mead said the application is a complicated one and she would be agreeable to a continuance to the April 26 meeting if that would be the preference of the Board.

Mr. Benik moved to continue the public hearing for 3 Q Street to the April 26 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

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**Christopher Adam and Amber Klein-Adam c/o Lisa Mead, Mead, Talerman & Costa LLC
9 Barton Street**

ZNC-22-5 - Special Permit for Non-Conformities

Lisa Mead represented the applicant and requested a continuance to the April 12 meeting. She said the matter has now been heard by the Historical Commission. Mr. Benik pointed out the Board recently voted to limit the agenda to five applications and continuances.

Mr. Benik moved to continue the public hearing for 9 Barton Street to the April 26 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

**Waldot Realty, LLC c/o Lisa Mead, Mead, Talerman & Costa LLC
200-208 Merrimac Street**

ZNC-22-7 - Special Permit for Non-Conformities

VAR-22-2 - Modify 2011 Variance

Lisa Mead represented the applicant and requested a continuance to the April 12 meeting. Mr. Benik pointed out a quorum is present at this meeting and the applicant could have chosen to proceed.

Mr. DeLisle moved to continue the public hearing to the April 26 meeting. Mr. Benik seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

Douglas Deschenes

4 79th Street

VAR-22-3 – Variance

ZNC-22-6 – Special Permit for Non-Conformities

The applicant requested a continuance to the April 12 meeting. Attorney Deschenes said he would like to move quickly with the application, as modifications are being proposed to a structure to meet the needs of a disabled individual. Mr. Moore said the Board has been consistent in its decisions on continuances and a quorum is present at this meeting, but the applicant chose to proceed with a larger board.

Mr. Benik moved to continue the public hearing to the April 26 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Mr. Benik, yes).

3. Business Meeting

a) Minutes

Mr. DeLisle moved to approve the minutes of the March 8, 2022, meeting. Mr. Benik seconded the motion. The motion was approved by a 4-0 vote (Mr. Moore, yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Benik, yes).

b) Updates from the Chair and Planning Director

None

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4. Adjournment

Mr. Benik moved to adjourn the meeting at 7:25 p.m. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. Moore, yes; Mr. DeLisle, yes; Mr. Chagnon, yes; Mr. Benik, yes).