

**City of Newburyport
Zoning Board of Appeals
Senior Community Center
March 26, 2024
Minutes**

1. Roll Call

Chair Rob Ciampitti called a hybrid meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Rob Ciampitti, Ken Swanton, Stephen DeLisle and Greg Benik and associate members Lynn Schow (voting) and Larry Giunta (non-voting). Bud Chagnon was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Business Meeting

a) Request for Minor Modification

4 Reilly Avenue (MM-24-10)

George Haseltine represented the applicant, who is proposing to install a one-car garage in an area occupied by an existing shed. The shed, which is located very close to the property line, would be demolished. The garage would be 6.3 feet from the right property line and 7.0 feet from the rear property line. The lot coverage would increase 22.8% to 25.0%, where 25% is required.

Mr. Swanton said the modification would be minor. The shed would be replaced by a garage that would meet all requirements for setbacks and height. Mr. Giunta said the garage would be further from the property line than the existing shed.

Mr. Swanton moved to consider the request minor and to approve the Request for Minor Modification for 4 Reilly Avenue. Ms. Schow seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. DeLisle, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

3) Public Hearings

a) Joel and Meredith Luebecke c/o Lisa Mead, Mead, Talerman & Costa LLC

8 Jefferson Court

VAR-24-3 - Variance

The applicant requested a continuance. Mr. DeLisle moved to continue the public hearing for 8 Jefferson Court to the April 23 meeting. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. DeLisle, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

b) Amy McLaughlin-Veno

7 Moseley Avenue

ZSP-24-2 - Special Permit - Allow Home Occupation (Use #417B)

The applicant requested to withdraw the application. Mr. Swanton moved to accept the request to withdraw the application for 7 Moseley Avenue without prejudice. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. DeLisle, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

c) John Padden and Julie Christie c/o Lisa Mead, Mead, Talerman & Costa LLC

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14 Payson Street

ZNC-23-22 - Special Permit for Non-Conformities

Mr. DeLisle recused himself from the public hearing. Ben Taylor represented the applicant, who is proposing to modify a single-family structure in the R2 District that was constructed in 1891. The property is non-conforming for lot area, frontage, front-yard setback and lot coverage.

The applicant had originally proposed to add a second story to a one-story portion of the house. The plans were revised based on comments from the Historical Commission. The only change being currently proposed is an expansion of the side bulkhead so that it might be used as a means of egress from the basement. The bulkhead is currently four feet in length and would be expanded to nine feet, which would increase the existing lot coverage non-conformity. The existing lot coverage is 32.1%, where 25% is the maximum permitted, and would increase to 32.2%.

Attorney Taylor said that no new non-conformities would be created and the proposal would not be more detrimental to the neighborhood than the existing conditions. The proposal would add 12.4 square feet of lot coverage. The bulkhead would generally not be visible from the street, as it would be screened by the car that is usually parked in the driveway and vegetation. The direct abutters had provided letters of non-opposition for the previous application, in which more extensive changes had been proposed.

Mr. Swanton asked the reason for the change in plans. Mr. Padden explained the previous proposal required a roofline change. Based on comments from the Historical Commission, he decided to instead create additional living area in the basement. The size of the bulkhead would be increased to accommodate a landing. The Historical Commission will be asked to lift the Demolition Delay based on the change to the plans.

Mr. Swanton said no new non-conformities would be created and the proposal would not be more detrimental to the neighborhood than the existing conditions. The lot coverage has already been exceeded, but the addition of 12 square feet would be minimal.

Mr. Benik agreed that an increase of .2% in lot coverage would not be detrimental. Mr. Giunta said the addition would be minor and would improve the existing house. Mr. Ciampitti said the neighbors have expressed no concerns.

Mr. Swanton moved to approve a Special Permit for Non-Conformities for 14 Payson Street. Mr. Giunta seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Giunta, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

d) Richard True

6 Peters Road

ZNC-24-5 - Special Permit for Non-Conformities

The applicant is proposing to construct an addition greater than 500 square feet to a single-family home in the R1 district that was built in 1964. The property is non-conforming for lot area, frontage, front-yard setback and one side-yard setback.

The applicant is proposing to construct a two-car garage with a master suite above it. A mudroom would connect the garage to the house. The addition would be on the opposite side of the property from the non-conforming side-yard setback. The existing front-yard setback is 19.17 feet, where 30 feet is required. The addition would be 19.67 feet from the front property

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line, which would laterally and upwardly extend the existing front-yard setback non-conformity. The addition would be clad with vinyl shingles to match the existing structure.

Mr. Swanton said no new non-conformities would be created. The neighborhood is one of small houses, but many have been enlarged.

Mr. DeLisle said he does not have any concerns about the proposed massing and the proposal would not be detrimental to the neighborhood.

Ms. Schow said the addition would be large in comparison to the house but it would meet zoning requirements and would not be out of character with the neighborhood.

Mr. Giunta said this type of addition is common in the west end. Mr. Ciampitti said this is one of the last houses in the neighborhood without an addition.

Mr. Swanton moved to approve a Special Permit for Non-Conformities for 6 Peters Road with the special condition that a new street tree shall be installed in accordance with the specifications provided by the DPS prior to the closeout of the building permit. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. DeLisle, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes).

4. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the March 12, 2024, meeting. Mr. DeLisle seconded the motion. The motion was approved.

b) Updates from the Chair

The City Solicitor will provide input on the STRU ordinance at the April 23 meeting.

5. Adjournment

Mr. DeLisle moved to adjourn the meeting at 7:50 p.m. Mr. Benik seconded the motion. The motion was approved.