

**City of Newburyport
Zoning Board of Appeals
Online Meeting
March 28, 2023
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 Robert Ciampitti, Stephen DeLisle, Ken Swanton and Gregory Benik and associate members Patricia Peknik (voting member) and Lynn Schow (participated remotely). Bud Chagnon was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

John Sava, RA

9 Chapel Street

ZNC-23-4 - Special Permit for Non-Conformities

John Sava presented the plans to construct an addition greater than 500 square feet on a non-conforming lot in the R2 district and the DCOD. The property is non-conforming for lot area, frontage, front-yard setback and left side-yard setback. The Historic Commission determined the structure is historically significant but approved the plans as submitted.

Mr. Sava said the addition would comply with all setbacks. The heights of the garage and connector would be less than that of the existing structure. The garage would be set back from the main house. It would be 25 feet from the front property line, while the existing structure is 13.4 feet from this boundary. The right side-yard setback would decrease from 54.4 feet to 21.6 feet, where 10 feet is required. The lot coverage would increase from 13.7% to 24.9%, where 25% is the maximum allowed. The open space would decrease from 75.6% to 64.4%, where 40% is required. The DPS has determined the sidewalk is in good condition and the applicant must install one street tree.

The hearing was opened to comments from the public. Darren Fay, 2 Beacon Street, said the house has been gutted and he is concerned that the dust that blew into his yard was from lead paint. He also said the back side of the fence faces his property.

Bruce MacDougall, 7 Chapel Street, said he agrees with the comments about the fence and asked about the siding materials that would be used on the structure and addition. The public comment period was closed.

Mr. Swanton asked about the size of the proposed addition and its materials. Mr. Sava said the existing house is 1,700 square feet and the living area in the proposed structure would be 2,700 square feet, which includes the master bedroom above the garage. The existing vinyl siding would be removed and would be replaced with cementitious siding. The necessary permits were received for the demolition of the interior of the structure. The house had been remodeled in the 1970s and there was no lead paint present. He added that the front side of the new fence would face the neighboring properties.

Mr. DeLisle asked about the windows and the appearance of the proposed garage and connector, which is not the same on the plan and the rendering. Andy Port added that the plans and renderings must be consistent in order for the Board to understand what it is being asked to approve. Mr. Sava said the new windows would be slightly larger than the existing ones. They would be two-over-one, double hung, black clad wood with true divided lights.

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Ms. Peknik said that she is concerned about massing and asked about the square footage of the addition, which appears to double the size of the structure. She said additions are often made at the rear of the structure, where they do not impact the streetscape. She asked if alternative plans had been considered. Mr. Sava said the footprint of the addition would be 1,801 square feet. He said that pavers and landscaping would be installed at the rear of the property. He did not wish to move the structure closer to the neighbor at the rear of the property.

Ms. Schow asked if other neighbors have provided feedback on the plans and if the photographs the applicant submitted of other properties with additions were taken in the same neighborhood. Mr. Sava said the properties were in the same neighborhood and he has not received any comments on the plans.

Mr. Swanton said no new non-conformities would be created. The addition would be large, but it would be within the setbacks and the lot is large. Other houses in the neighborhood have similar additions. He said the proposal would not be substantially more detrimental to the neighborhood than the existing conditions.

Mr. DeLisle said that while the addition would be large, similar additions have been made next door and across the street.

Mr. Benik said the proposal would fit comfortably on the lot and would aesthetically be an improvement. It would not be detrimental to the neighborhood with regards to size, scale and massing.

Ms. Peknik said a lot of massing would be added. The detail on the fence should be added to the plans and the plans should be consistent with the rendering.

Ms. Schow agreed the proposal would not be substantially more detrimental to the neighborhood than the existing conditions. The neighbors should agree to the plans for fencing,

Mr. Ciampitti said he would not support the application without a condition on fencing. He noted the application triggers the Tree and Sidewalk Ordinance. The location of the required new street tree has not been shown on the plan.

Mr. Swanton moved to approve a Special Permit for Non-Conformities for 9 Chapel Street with the conditions that 1) the applicant shall install a street tree in accordance with the DPS recommendations, 2) as shown on the rendering, the garage doors shall have windows and a wood finish and the first-floor doors and windows of the connector shall have a wood finish, 3) the windows shall be clad wood, two-over-one with true divided lights and 4) the fencing shall be installed with the finished side facing the neighboring properties. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Benik, yes; Mr. Swanton, yes; Mr. DeLisle, yes; Ms. Peknik, yes; Mr. Ciampitti, yes).

3. Business Meeting

a) Requests for Minor Modifications

1 Kent Street

MM-22-27

Mr. Ciampitti said the first step would be to determine if the proposed changes are not sufficiently substantial to warrant a full public hearing with notice to abutters. Ms. Peknik said she does not consider the modification to be minor. There are no pole signs with digital displays in the city, except along the Storey Avenue commercial strip. The other Board members were in

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agreement. Mr. Ciampitti said the Board had given the original application a great deal of consideration and there was much neighborhood interest. The request should receive the same attention and the abutters should have the opportunity to be heard. Mr. Swanton said the light would be very bright for a residential district. Andy Port said the canopy and internal illumination of the light are style changes that trigger a review by the Board. A hearing date will be scheduled after an application has been filed.

Mr. Swanton moved to consider the request minor and approve the Request for Minor Modification to the Variance for 1 Kent Street. Mr. DeLisle seconded the motion. The motion failed by a 0-6 vote (Mr. Benik, no; Mr. Swanton; no; Mr. DeLisle, no; Ms. Peknik, no; Mr. Ciampitti, no; Ms. Schow, no).

b) Minutes

Mr. Swanton moved to approve the minutes of the February 28, 2023, meeting. Mr. DeLisle seconded the motion. The motion was approved.

c) Updates from the Chair and Planning Director

A discussion on short term rental units will take place at the next meeting.

4. Adjournment

Mr. Swanton moved to adjourn the meeting at 8:03 p.m. Mr. DeLisle seconded the motion. The motion was approved.