

**City of Newburyport  
Zoning Board of Appeals  
Online Meeting  
April 25, 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, Bud Chagnon, Ken Swanton and Gregory Benik and associate members Patricia Peknik (voting member) and Lynn Schow (participated remotely). Also in attendance were Planner Katelyn Sullivan and Note Taker Gretchen Joy.

**2. Public Hearings**

**a) Hebbelinck Real Estate LLC c/o Lisa Mead, Mead, Talerman & Costa LLC**

**193 High Street**

**2019-042 - Appeal**

Mr. DeLisle recused himself from the public hearing. Ben Taylor represented the applicant. He said there is an ongoing remand from the land court decision and this remand is on the agenda of the May 23 ZBA meeting.

Mr. Benik moved to continue the public hearing to the June 27 meeting. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Peknik, yes).

**b) Stephen & Michelle Defeo**

**71 High Street**

**ZNC-23-9 - Special Permit for Non-Conformities**

Mr. Ciampitti and Ms. Schow recused themselves from the public hearing. Doug Deschenes represented the applicant, who is proposing to construct an addition greater than 500 square feet to a home that was constructed in 1937. The property is non-conforming for lot area and right side-yard setback. The Historical Commission approved the plans with the condition the windows shall be simulated divided lights with three dimensional muntins.

The applicant is proposing to remove the existing two-car detached garage and construct a new attached two-car garage with living space above it on a slightly larger footprint. The garage would extend further towards High Street than the existing garage and its roof would be higher. A two-story addition with a covered porch would be constructed at the rear of the structure. A new garage would be constructed at the rear of the property. The side-yard setback non-conformity would be extended. The existing setback is 23.4 feet, where 25 feet is required, and would be increased to 23.5 feet.

Aileen Graf said the garage would be made larger to accommodate the size of today's cars and would be connected to the house. The existing structure is 2,182 square feet and 684 would be added, for a total of 2,866 square feet. The new construction would be clad with horizontal siding.

Attorney Deschenes said the addition would blend with the existing structure. Only the change to the garage would be visible from the street. The requirements for open space and lot coverage would continue to be met. The side-yard setback is only 1.5 feet from being conforming. The abutters have submitted letters of support.

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Mr. DeLisle asked if the condition the Historical Commission imposed regarding the windows applies to both the windows in the existing structure and the new addition. Attorney Deschenes said the condition applies to all of the windows.

Mr. DeLisle also asked if the second garage would be used as a rental unit. Ms. Peknik added that the purpose of the HSRA is to prevent uses that would detract from the residential character of the neighborhood. Attorney Deschenes said the garage would be used to store a car and the applicant would agree to a condition that the rear garage shall not be used as a rental unit or second dwelling.

Mr. Chagnon said no new non-conformities would be created and the proposal would be not detrimental to the neighborhood. He said the lot is large. The side-yard setback would be improved and is already within 90% of that which is required.

Mr. Benik said the addition would complement the structure and it would fit comfortably on the lot. The Historical Commission approved of the plans and the neighbors are in support of the proposal.

Mr. Swanton said the massing would be less than that of other properties on the Ridge and the house would not be out of scale with its neighbors.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 71 High Street, ZNC-23-9, with the special conditions that the accessory structure shall not be used as a second dwelling unit or as a short-term rental unit and that all new windows shall be simulated divided lights with three dimensional muntins. Ms. Peknik seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Benik, yes; Ms. Peknik, yes; Mr. DeLisle, yes).

**c) Jonathan and Alexis Kelliher c/o Lisa Mead, Mead, Talerman & Costa LLC  
58 Jefferson Street**

**ZNC-23-10 - Special Permit for Non-Conformities**

Ben Taylor represented the applicant, who is proposing to construct an addition greater than 500 square feet to a single-family structure in the R2 district and the DCOD. The structure was constructed in 1870 and is listed as contributing on the District Data Sheets. The Historical Commission approved the plans as submitted. The property is non-conforming for lot area, frontage and front-yard setback.

Architect Al DiBiasco said the rear portion of the existing structure would be removed and a new two-story addition would be constructed on a slightly larger footprint. The existing house is 2,179 square feet and 649 square feet would be added for a total of 2,828 square feet. The addition was designed to intrude as little as possible on the neighborhood. Its height would be lower than that of the house. The only change to the existing house would be at its rear. The addition would have six-over-six windows, cedar clapboards and wood trim and corner boards to match the existing structure.

Attorney Taylor said the addition would be compatible with the neighborhood. It would be subordinate to the main house and would be minimally visible from the street. The existing structure has been modified over the years in several stages. The non-conformities would not be extended or altered. Letters of non-opposition were submitted by the direct abutters to the right and rear of the property.

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Mr. Swanton said no new non-conformities would be created and the proposal would not be detrimental to the neighborhood. The addition would be at the rear of the house. The massing would not be out of character for the neighborhood. The proposal has the support of the neighbors.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 58 Jefferson Street, ZNC-23-10. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Mr. DeLisle, yes).

**d) Wakefield Moving & Storage, Inc.**

**108 Parker Street**

**ZSP-23-2 - Special Permit to Allow Storage/Warehousing (Use 613)**

Jason Clark represented the applicant, who is proposing to change the use of the property from manufacturing to storage. He said the commercial moving and storage company has been in business since 1959. The warehouse would be used for the long-term storage of commercial office equipment. There would be no change to the footprint of the 134,000 square-foot building. There would be no self-storage. The proposed use would be safer and more environmentally friendly than the existing use, which is the manufacturing of foam. There would be no storage of hazardous materials and no outdoor storage. Mr. Clark said the volume of traffic to the site would not change. He anticipates five to ten trucks would visit the site daily. Shipping is done in the morning and receiving takes place in the afternoon.

The hearing was opened to comments from the public. Mark Lewis, owner of 4 Malcolm Hoyt Road, said he is concerned that another manufacturing facility in the industrial park would be lost.

Mr. Swanton asked if the facility would be used in the evenings. Mr. Clark said the general hours of operation would be Monday and Friday from 7:00 am to 5:00 p.m. The facility might be used on nights or weekends as necessary. The headquarters of the business is in Peabody. The Newburyport facility would be used for excess storage.

Mr. DeLisle asked about the route that would be taken by the trucks. Mr. Clark said trucks would approach Parker Street from Scotland Road and would exit the property onto Malcolm Hoyt Road.

Mr. Chagnon reviewed the nine criteria for the Special Permit. He said the requested use is listed in the table of use regulations and the use is essential to the city and the surrounding communities. The use would not create undue traffic congestion, as the hours of operation of the business are Monday and Friday from 7:00 am to 5:00 p.m. The use would require minimal utilities to operate and would not overload any municipal system. There are not any special regulations for the use and it would not impair the district or adjoining districts. There would not be an excess of the use that would be detrimental to the character of the neighborhood. The proposed use is in harmony with the purpose and intent of the Ordinance and it would not create any hazardous conditions.

Mr. Swanton said he is concerned that at the end of the lease, the property could be used for a more-aggressive warehouse use if the use were to be changed and he would want conditions

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placed on the Special Permit about the hours of operation and the truck route, along with there being no outdoor storage or storage of hazardous materials.

Ms. Peknik said the proposed use would be more environmentally benign than the existing use.

Mr. Swanton moved to approve a Special Permit for Use 613 for 108 Parker Street, ZSP-23-2, with the conditions that the primary hours of operation shall be Monday through Friday from 7:00 a.m. to 5:00 p.m.; trucks shall primarily access the property from the direction of Scotland Road; no hazardous materials shall be stored on the property and there shall be no outdoor storage. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton; yes; Mr. Chagnon, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Mr. DeLisle, yes).

### **3. Business Meeting**

#### **Minutes**

Mr. Swanton moved to approve the minutes of the April 11, 2023, meeting. Mr. Chagnon seconded the motion. The motion was approved.

### **4. Adjournment**

Mr. Chagnon moved to adjourn the meeting at 8:22 p.m. Mr. Swanton seconded the motion. The motion was approved.