

**City of Newburyport
Zoning Board of Appeals
Online Meeting
April 27, 2021
Minutes**

1. Roll Call

Chair Robert Ciampitti called an online meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Robert Ciampitti, Stephen DeLisle, Mark Moore, Ken Swanton and Bud Chagnon and associate member Gregory Benik. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

Brendon Johnson and Krystina Creel Johnson

65 Curzon Mill Road

2021-06 - Dimensional Variance

Mr. Moore recused himself from the matter. The applicant requested an extension. Mr. DeLisle moved to continue the public hearing for 65 Curzon Mill Road to the May 25 meeting. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Benik, yes; Mr. Ciampitti, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

TAG Development LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC

490 Merrimac Street

2021-16 - Special Permit for Non-Conformities

Adam Costa and Scott Brown represented the applicant, who is proposing to renovate an existing structure that was constructed in 1890. In November 2020, the Historical Commission determined that the structure was historically significant but not preferably preserved due to its poor condition. The historic structure is to remain in place in order to preserve the streetscape and it is to be converted into a garage. Its front and sides would be retained and its rear section would be removed. A new attached, single-family home would be constructed at its rear.

The property is non-conforming for lot area, frontage, front-yard setback and one side-yard setback. The area is 11,100 square feet where 20,000 square feet is required. The frontage is 122.6 feet where 125 feet is required. The front yard-set back is 10.9 feet where 30 feet is required. The west side-yard setback is 15.1 feet where 20 feet is required. The west side-yard setback non-conformity would be extended but would be improved to 16 feet. The new home would fully meet the dimensional requirements. The plans that were submitted show the side-yard setback as being 19.9 feet. The proposed setback will be changed to 20 feet and the plans will be revised to reflect this. A Special Permit is required for the extension of the non-conformity and the construction of an addition larger than 500 square feet. The application triggers the Tree and Sidewalk Ordinance. There is room for three street trees. The asphalt sidewalk was recently installed.

The hearing was opened to comments from the public. Karen Hamel, 496B Merrimac Street, asked about the size of the new house. Attorney Costa responded that the first and second floors would be 2,800 square feet. Ms. Hamel said the proposed structure would be very large and most houses on the street are much smaller. She asked about the next steps in the permitting process. Attorney Costa said no additional relief would be required. Ms. Hamel expressed

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dissatisfaction with the size of the structure and the fact that the review process for the construction of her home was lengthy in comparison.

Mr. Moore said a portion of the sidewalk is concrete and asked if the applicant had considered replacing the asphalt with concrete for consistency. Attorney Costa said this was not considered, as the asphalt sidewalk was recently installed. Mr. DeLisle asked about the materials of the new structure. Cedar siding would be used with rot-resistant trim. The windows would be clad wood with simulated divided lights. Mr. Chagnon asked about screening for the neighboring house, which is set back from the street and much smaller. Mr. Brown said landscaping is planned to provide privacy along the driveway the rear lot line. Mr. Ciampitti asked if the applicant would be willing to use concrete for the sidewalk and asked about the materials planned for the driveway. Attorney Costa said the applicant has no objection to replacing the asphalt sidewalk with concrete. The materials for the parking surface have not yet been selected. Mr. Ciampitti said he does not usually favor projects with a garage at the front of the property and he is concerned about the expanse of the parking area, especially as the structure is located at the gateway to the city. Attorney Costa said the applicant would not accept a condition that the parking area shall be pavers, but would accept a condition that the surface shall not be asphalt. The applicant would install pavers if the budget would permit but otherwise might use a material such as stamped concrete.

Mr. Moore said the application is thoughtful and well done. The garage would shield a part of the house and the roofline would reduce its scale. Mr. DeLisle said the applicant has met the Special Permit criteria and should be commended for the reinvention of the existing home as a garage to maintain the integrity of the streetscape. Mr. Swanton said a condition on the parking surface material would be an improvement to the plan. He said the sizes and styles of homes along the street are varied. Mr. Chagnon said he appreciates the reuse of a small home and there are large homes in the area. He said the proposal is modest and to scale. Mr. Ciampitti said he is in favor of the adaptive reuse of the historic structure.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 490 Merrimac Street with the conditions that 1) prior to the issuance of a building permit, the applicant shall submit revised plans showing that the setback on the west side of the structure shall be at least 20 feet, 2) prior to the issuance of an occupancy permit, the applicant shall replace the asphalt sidewalk with poured concrete, 3) prior to the issuance of an occupancy permit, the applicant shall install three street trees in accordance with the recommendation of the Tree Committee and 4) the parking area shall be of a material such as stamped concrete or pavers and shall not be asphalt. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

Michael Graf

60 Liberty Street

2021-17 - Special Permit for Non-Conformities

The applicant is proposing to construct an addition on the side of a structure. The existing in-law apartment would no longer be used and the structure would be a single-family residence. A stairway to access the basement would be added to the right of the structure. The roof would be extended four feet towards the rear of the property and a two-story open porch would be

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constructed. The property is non-conforming for area, coverage, open space, frontage, front-yard setback and both side-yard setbacks.

The addition would provide 48 square feet of living space that would be used as a mudroom. The non-conforming setback on the left side of the structure would be intensified from 8.7 feet to 3.3 feet. The lot coverage would increase from 29.6% to 30.1%. There would be no new non-conformities.

Mr. Graf said the structure is in poor condition. The wood siding would be replaced with cedar clapboards. The vinyl windows would be replaced with aluminum-clad wood windows and the vinyl shutters would be removed. The trim would be consistent with the style of the structure. The chimney would be moved to the ridge. The application triggers the Tree and Sidewalk Ordinance. The existing asphalt sidewalk would be replaced with brick. The Tree Committee recommended that one street tree be added. Mr. Graf said the applicant would plant more than one tree if space permits. Two letters of support were received.

The hearing was opened to comments from the public. Eve Lee, 64 Liberty Street, said she would be happy to see the house restored and the proposal would enhance the block. John Whitcomb, 58 Liberty Street, said the plans would be an improvement over the existing conditions. He asked about the new basement entry on the right side of the property, which would be close to his foundation. Mr. Graf said the stairwell would not disturb his property.

Mr. DeLisle asked if the reveal of the clapboards would be the same on the addition as on the main structure. Mr. Graf responded that the siding on the mudroom would be beveled to make it obvious that it is an addition. Mr. Swanton said he likes the work that is being done. The mudroom would be small and set back from the street. Mr. Chagnon asked about the replacement of the side doors with window. Mr. Graf said the existing doors enters directly into the living room.

Mr. Moore said the proposal would improve the property. The intensification of the non-conforming setback would be small and there would be no new non-conformities. The size and massing of the addition would not be an issue. Mr. DeLisle said the proposal would not be substantially more detrimental to the neighborhood than the existing conditions. Mr. Swanton said the plan is sensitive and he likes that no dormers are being added. Mr. Chagnon said the addition would be necessary for a narrow house on a narrow lot. Mr. Benik said the applicant has met the Special Permit criteria and the changes would be in harmony with the neighborhood.

Mr. Moore to approve a Special Permit for 60 Liberty Street with condition that prior to the issuance of an occupancy permit, the sidewalk shall be replaced with brick and at least one street tree shall be added. Mr. Chagnon seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

Michelle Ault
32 Turkey Hill Road
2021-19 - Dimensional Variance
2021-20 – Special Permit

John Crowell represented the applicant, who is seeking a Special Permit for an in-law apartment. The apartment would be located behind the attached garage of an existing one-story, single-family structure. The 687 square-foot apartment would be on the same plane as the garage,

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which is three feet lower than the house. The appearance of a single-family residence would be maintained from the street. The apartment would be occupied by the applicant's parents and would meet all dimensional controls.

The applicant is also requesting a Dimensional Variance to construct an addition to the left of the existing garage. The addition would be used as a home gym for the applicant's parents, who both require daily physical therapy. The addition would be located 22.5 feet from the rear property line, where a 30-foot setback is required. The property is situated on the corner of Turkey Hill Road and Bourbeau Terrace. The front door of the existing structure is on Turkey Hill Road. If the property were not a corner lot, the location of the addition would be considered to be the side yard, where a ten-foot setback would be required. Four letters of support were received.

No one from the public spoke in favor of or in opposition to the proposal. The Board members asked for additional information on the size, location, appearance and function of the addition to the garage. The 276 square-foot addition would be on the same level as the garage and the in-law apartment. It would be accessed from the door at its front or through a door from the existing garage. It would not be a part of the in-law apartment and would not be directly accessible from it. The front door would match those of the existing garage, but the addition would be set back one foot to break up the mass. At the time the addition would no longer used as a gym, it would become a functional garage bay and the driveway might be widened at that time.

Mr. Moore said the hardship requirement has been met. The location of the addition to the side of the garage is a logical one. The position of the property on a corner is not the fault of the applicant. The strict application of the Ordinance would deprive the applicant of the reasonable use of the property. Mr. DeLisle said the applicant has meet the findings for an In-law Special Permit. Mr. Swanton said the plan is a good one that meets the requirements of the Ordinance.

Mr. DeLisle move to approve a Variance for 32 Turkey Hill Road. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

Mr. Swanton to approve a Special Permit for 32 Turkey Hill Road. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

Damien and Jill Bailey c/o Lisa Mead, Mead, Talerman & Costa, LLC
25 Chestnut Street

2021-21 - Special Permit for Non-Conformities

Adam Costa represented the applicant, who is proposing to construct two one-story additions to a single-family structure built in 1825. The property is non-conforming for lot area, lot coverage, front setback, one side-yard setback and rear-yard setback. The lot is 5,792 square feet where 10,000 square feet is required. The rear-yard setback is 3 feet, where 25 feet is required. The left side-yard setback is 5.5 feet, where ten feet is required. The lot coverage is 35.7% where 25% is permitted.

The applicant is proposing to add 246 square feet to the structure. The existing non-conformities would be extended, but no new non-conformities would be created. The lot

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coverage would be increased to 38.1%. An 11' x 10' addition would be constructed at the rear of the structure. A portion of an existing deck would be removed to accommodate this addition. The addition would be recessed from the main structure. The side-yard setback would be 6.5 feet and the rear-yard setback would be 18.5 feet. A deck would be removed from the right front side of the structure. An 8' x 17' foot addition would be constructed in this location. The front-yard setback would be extended eight feet along the street.

Attorney Costa said there are several undersized and non-conforming lots on the street. The proposal would not be unusual for the neighborhood and would not be detrimental to it.

No one from the public spoke in favor of or in opposition to the proposal. Mr. DeLisle asked for clarification on the open space non-conformity. The existing open space is 38.7% where 40% is required. The proposed open space would be 39.9%, which would be an improvement over the existing conditions.

Mr. Swanton said the additions are small and would improve look of the house. Mr. Benik said the application is acceptable. Mr. Ciampitti said the request is modest. Mr. Moore said the application was well presented and the increase in lot coverage would be small. Mr. DeLisle said there would be no new non-conformities and the proposal would not be substantially more detrimental to the neighborhood than the existing conditions.

Mr. Chagnon moved to approve a Special Permit for Non-Conformities for 25 Chestnut Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes).

3. Business Meeting

a) Minutes

Mr. Moore moved to approve the minutes of the April 13, 2021, meeting. Mr. Swanton seconded the motion. The motion was approved by a 6-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes).

b) Other updates from the Chair or Planning Director

A discussion regarding conditions on architectural treatments was tabled at the request of the Zoning Administrator.

4. Adjournment

Mr. Swanton moved to adjourn the meeting at 9:38 p.m. Mr. Moore seconded the motion. The motion was approved by a 6-0 vote (Mr. Ciampitti, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Mr. Benik, yes).