

**City of Newburyport
Zoning Board of Appeals
Online Meeting
June 9, 2020
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, Ed Cameron and Rachel Webb and associate members Ken Swanton and Bud Chagnon (non-voting members). Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

2. Business Meeting

a) Minutes

Mr. Moore moved to approve the minutes of the May 26, 2020, meeting as amended. Mr. Cameron seconded the motion. The motion was approved by a 7-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Cameron, yes; Ms. Webb, yes).

3. Public Hearings

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

193 High Street

2019-042 - Appeal

Mr. DeLisle recused himself from the discussion. Mr. Chagnon was a voting member for this public hearing. The applicant requested a continuance. Ms. Webb moved to continue the public hearing to the July 28 meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. Chagnon, yes; Mr. Moore, yes; Mr. Cameron, yes; Ms. Webb, yes).

Ryan McShera, Red Barn Architecture 4 68th Street

2020-030 - Special Permit for Non-Conformities

The applicant requested a continuance. Mr. Moore moved to continue the public hearing to the June 23 meeting. Mr. Cameron seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Cameron, yes; Ms. Webb, yes).

Redco Construction Inc. c/o Lisa Mead, Mead, Talerman & Costa, LLC

3-5 School Street

2020-031 - Dimensional Variance

2020-032 - Special Permit for Non-Conformities

The applicant requested a continuance. Mr. Moore moved to continue the public hearing to the July 28 meeting. Mr. Cameron seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Cameron, yes; Ms. Webb, yes).

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Mike and Densia Traister

30 Howard Street

2020-039 - Special Permit for Non-Conformities

Mr. Cameron was not in attendance when the public hearing was opened at the May 12 meeting. Mr. Chagnon was a voting member for this public hearing. Lisa Mead represented the applicant, who is proposing to demolish a Cape-style house and replace it with a two-story structure that would upwardly extend the non-conforming front yard setback and add more than 500 square feet of living area. The 9,743 square-foot lot is located in the R-2 district. The property is non-conforming for lot area and frontage. The structure was constructed in 1952 and is non-conforming for front yard setback and one side yard setback.

The applicant revised the proposal based on comments made at the May 12 meeting. Some Board members had been concerned that the size and massing of the proposed structure would be out of character in this neighborhood of smaller homes. In the revised proposal, the size of the house was reduced by 193 square feet. It was made narrower by ten inches on both sides and was shortened 2.3 feet at the rear. The ridge was lowered and the pitch was flattened, reducing the roof from 27'-8" to 26'-8". The lot coverage was reduced from 25% to 23.7% with the shed included. The existing side yard setback on the south is 9.4 feet. This would be increased to 10 feet, eliminating the non-conformity. Attorney Mead stated the property would then be only non-conforming for frontage and no new non-conformities would be created.

Attorney Mead presented a chart comparing the proposal to other properties on the street. She said the height of the proposed roof peak and eaves would be similar to others in the neighborhood. Two houses recently constructed on Howard Street have higher lot coverage percentages than what is being proposed. She said the slope creates the appearance of a large structure from the rear, but from the front it would not be overbearing. She said "substantially" means to a great extent and "detrimental" means causing harm. She concluded by saying the proposal would not cause a great harm to the neighborhood. Nine letters of support were submitted.

No one from the public spoke either in favor of or in opposition to the application. Mr. DeLisle pointed out the lot would also be non-conforming for coverage, which Attorney Mead confirmed. He asked about the Bjorklund case and why a variance would not be needed when the existing structure is being totally demolished. Attorney Mead said structures may be modified according to the local ordinance. Some communities require that one wall be retained but this is not the case in Newburyport. Ms. Webb asked about the corner of the deck, which would be 6.8 feet from the property line. Attorney Mead said the building of an uncovered deck in the setback is allowable.

Mr. Moore said he supported the application at the previous hearing and he continues to do so. The applicant has submitted letters of support and has changed the scale and massing of the structure. Mr. DeLisle said he is still concerned about the massing of the structure but these do not rise to a level that would require him to vote against the proposal. Ms. Webb said that despite the figures that the applicant presented, in her opinion the house would give the appearance of being large and the amount of glass on the front of the structure would be out of character with the neighborhood. Mr. Chagnon said he was in support of the previous design and he appreciates the changes that were made in response to the Board's comments. Mr.

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Ciampitti said the difference in the appearance of the house would not make it substantially more detrimental and it would not cause harm to the neighborhood.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 30 Howard Street with the condition the applicant shall install a new sidewalk according to the recommendation of DPS. Mr. DeLisle seconded the motion. The motion was approved by a 4-1 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Chagnon, yes; Ms. Webb, no).

Thomas & Kris Melaragni, TRS c/o Lisa Mead, Mead, Taleran & Costa, LLC
3 Louise Street

2020-042 - Special Permit for Non-Conformities

Lisa Mead and Aileen Graf represented the applicants, who are proposing to demolish a single-family, one-story residence with two bedrooms on Plum Island. It would be replaced with a two-story structure on pilings with three bedrooms. The property is non-conforming for lot area. The structure is non-conforming for front, side and rear yard setbacks. The proposed structure would conform to all of the dimensional requirements of the PIOD. The lot coverage would be reduced from 14.5% to 12.8%. The proposed structure would be 52 square feet larger than the existing one but two sheds covering 240 square feet would be removed. The height would be increased from 11.5 feet to 28 feet, which is lower than the 35 feet allowed. There are 1,158 square feet of living space in the existing structure. This would be increased to approximately 1,800 square feet. Storage space and a garage would be located on the first floor. The garage would be accessed by a 24-foot steel ramp. A spiral staircase on the second floor would lead to a roof deck.

Attorney Mead said the existing structure is in poor condition and its replacement would be improvement. Its size would be consistent with others in the neighborhood. It would not be the largest structure and the lot coverage would be 4% less than the average. The FAR requirements would be met and while the figure would increase, this is due to the garage space on the first floor. Six letters of support were submitted.

No one from the public spoke either in favor of or in opposition to the applicant. Mr. Moore asked about the addresses of the abutters who submitted letters of support. The residents of 2 Martha Street, 2 M Street, 3 M Street, 146 Old Point Road, 3 Kate Street and 9 Louise Street submitted the letters. Mr. DeLisle asked about the level of noise from the car ramp and permitting from the Conservation Commission. Attorney Mead said the Wetland Protections Act requires that permits are first received from other boards. The ZBA decision would be contingent on the issuance of an Order of Conditions from the Conservation Commission. The plans would be resubmitted to the ZBA if the Conservation Commission required any revisions. Mr. Swanton confirmed that the proposal would be in compliance for all setbacks and the FAR requirements and that the only non-conformity would be lot size. Mr. Cameron asked if the application would be detrimental to PIOD. Attorney Mead said an application that is in compliance with the ordinance would fulfil the requirements of the PIOD by limiting the number of bedrooms.

Mr. Moore said the existing structure is in poor condition. He said he could not object to an applicant that meets the requirements of the ordinance and the PIOD. The other Board members indicated they were also in support of the project.

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Mr. Moore moved to approve a Special Permit for Non-Conformities for 3 Louise Street. Mr. Cameron seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Cameron, yes; Ms. Webb, yes).

Windward Shaw LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC
20 Union Street

2020-043 - Special Permit for Non-Conformities

Lisa Mead and Scott Brown represented the applicant, who is proposing to renovate a structure that was built in 1750. The property is non-conforming for lot area and frontage. The structure is non-confirming for front yard setback and one side yard setback. A one-story addition on the north side of the structure that was built in 2011 would be removed and a two-story addition would be constructed in the same location. The two-story addition would extend the non-conforming side yard setback but this non-conformity would be reduced. The applicant is also proposing to construct a one-story addition with a covered porch at the rear of the structure. A garage would be constructed at the rear of the property. Wood clapboard siding would be used for the front façade. Cedar shingles would be used for the sides and rear of the structure. A return would be made to the original fenestration pattern. The windows would be simulated divided lights. Brick pavers would be used for the sidewalk and granite curbing would be installed.

Attorney Mead said the two-story addition would complement the original structure and be subordinate to it. The height of the addition would be lower than that of the main structure. She said the houses in the neighborhood are large and garages are not unusual. The lot is slightly larger than average for the neighborhood. The lot coverage would be 24.8%, while the average in the neighborhood is 25.4%. The living area would increase from 1,513 to 2,094 square feet, which would be slightly smaller than the average size on the street.

The hearing was opened to comments from the public. Stephen Dodge, 22 Union Street, said he fully supports the project and the restoration of the façade would improve the streetscape. Tom Kolterjahn, 64 Federal Street, said he likes the reconfiguration of façade and is not opposed to the additions, but he wants the chimney to be preserved. He said the early chimneys have been retained on the houses to either side of this one. George Haseltine said the existing chimney is in poor condition. Its removal would allow for an open floor plan in the interior. Real bricks would be used to rebuild the chimney up from the roofline. It would match the chimney on 18 Union Street, which is historically correct for the period. He said he would be willing to consult with Mr. Kolterjahn on the design.

The Board members said their concerns about the loss of the chimney would be alleviated by the applicant's willingness to work with Mr. Kolterjahn. Mr. Cameron said the application meets the criteria for a special permit. Mr. Moore said the non-conformity would be improved. Mr. DeLisle said the proposal would be an improvement over the existing conditions. Ms. Webb said the proposal is historically sensitive. Mr. Ciampitti said the applicant pays attention to historic details in his projects.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 20 Union Street with the condition the applicant shall install a brick sidewalk in front of the structure in accordance with the submitted plans. Ms. Webb seconded the motion. The motion was

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approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Cameron, yes; Ms. Webb, yes).

Ms. Webb moved to adjourn the meeting at 8:55 p.m. Mr. Cameron seconded the motion. The motion was unanimously approved.

Respectfully submitted,
Gretchen Joy
Note Taker