

**City of Newburyport
Zoning Board of Appeals
Senior Community Center
June 27, 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 Rob Ciampitti, Ken Swanton, Stephen DeLisle, Bud Chagnon and Gregory Benik and associate member Patricia Peknik. Associate member Lynn Schow was absent. Also in attendance were Planner Katelyn Sullivan, Planning Director Andy Port 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 matter. Lisa Mead represented the applicant and requested a continuance. She said the applicant has appealed the recent decision of the Board and that matter is unresolved. Mr. Benik moved to continue the public hearing to the July 25 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Ms. Peknik, yes).

**b) Wojcicki Holdings, LLC c/o Lisa Mead, Mead, Talerman & Costa LLC
18 Rawson Avenue
ZNC-23-15 - Special Permit for Non-Conformities**

Lisa Mead and Scott Brown represented the applicant, who is proposing to renovate and expand a single-family home that was constructed in 1948. The property is located on a corner in the R2 district. It is non-conforming for lot area, primary and secondary front-yard setbacks and rear-yard setback.

Scott Brown said the applicant was in the process of constructing a by-right one-story addition when it was found that the framing for the second story and roof was structurally insufficient. The improvement to the framing members would result in inadequate ceiling heights on the second floor. The applicant is proposing to raise the roof in its entirety 18 inches, which would upwardly extend the existing primary and secondary front-yard and rear-yard setback non-conformities. While the front door of the structure is on Rawson Avenue, the primary front yard is on Tilton Street. The existing side-yard setback is 30.5 feet, where 10 feet is required, and would be reduced to 11.1 feet. The Historical Commission determined the structure is not historically significant.

Attorney Mead said no new non-conformities would be created and the existing non-conformities would not be intensified. The proposal would not be substantially more detrimental to the neighborhood than the existing conditions. There is a variety of architectural styles in the neighborhood and other post-war houses have been recently renovated. There is a mixture of roof heights in the neighborhood. The change in roof height from 20.25 feet to 21.75 feet would have a minimal impact on the neighborhood.

Mr. Chagnon said the change to the main house would be very minor. The requirements for lot coverage and open space would be met. Mr. DeLisle said the proposal would not be

City of Newburyport
Zoning Board of Appeals
June 27, 2023

detrimental to the neighborhood. Mr. Benik said the changes would improve the neighborhood. Mr. Swanton said the increase in height would be minimal.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 18 Rawson Avenue with the condition that prior to occupancy, the applicant shall replace the existing sidewalk with concrete and granite curbing adjacent to the property on Tilton Street in accordance with the DPS comments dated June 2, 2023, and DPS specifications. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Swanton, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Mr. Chagnon, yes.)

3. Business Meeting

a) Minutes

Mr. DeLisle moved to approve the minutes of the June 13, 2023, meeting. Mr. Chagnon seconded the motion. The motion was unanimously approved.

b) Other Business

Emergency Executive Session Meeting & Discussion - 193 High Street

Mr. DeLisle recused himself from the matter. Mr. Ciampitti provided an overview of the reason for an emergency executive session. He said the matter of 193 High Street was remanded back to the Board from the Land Court. The Board voted at its May 23 meeting to impose conditions on the application for a Special Permit for Non-Conformities, on the basis that it is within its purview and authority to do so and the action was not expressly permitted or forbidden by the Land Court. The applicant disagreed with the decision and submitted an application to the Land Court to hold the Board in contempt for exceeding its authority. The Land Court conducted a hearing on June 12 and is prepared to act by the end of the week. The Board would enter into an emergency executive session to review the basis for its decision to impose special conditions on the Special Permit. Mr. Ciampitti informed the public that the Board would not return to its regular session following the executive session. Mr. DeLisle recused himself from the executive session.

Mr. Benik moved to adjourn the regular session at 7:38 p.m. and to enter into an emergency executive session pursuant to M.G.L. C. 30A Section 21 to discuss strategy with respect to litigation in the matter of Hebbelinck Real Estate LLC vs. City of Newburyport Zoning Board of Appeals (Land Court Docket No. 19 MISC 000547 JSDR). Mr. Swanton seconded the decision. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Mr. Chagnon, yes; Ms. Peknik, yes;)