

**City of Newburyport
Zoning Board of Appeals
Senior Community Center
July 25, 2023
Minutes**

1. Roll Call

Vice Chair Ken Swanton called a hybrid meeting of the Newburyport Zoning Board of Appeals to order at 7:01 p.m. In attendance were members Ken Swanton, Stephen DeLisle, Bud Chagnon and Gregory Benik and associate members Patricia Peknik and Lynn Schow. Rob Ciampitti was absent. Also in attendance were Planning Director Andy Port, 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 matter. The applicant requested a continuance. Mr. Chagnon moved to continue the public hearing to the August 8 meeting. Mr. Benik seconded the motion. The motion was approved by a 4-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Chagnon, yes; Ms. Schow, yes).

**b) Nancy and David Rees, c/o Lisa Mead, Mead, Talerman and Costa LLC
255 High Street
ZNC-23-13 - Special Permit for Non-Conformities -**

The applicant requested a continuance to work on refining the design. Mr. DeLisle moved to continue the public hearing to the September 26 meeting. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Ms. Schow, yes).

**c) Douglas Jack
8 Forrester Street
ZNC-23-17 - Special Permit for Non-Conformities**

The applicant is proposing to construct a one-story sunroom at the rear of an existing single-family structure. The property is non-conforming for lot area, frontage, front-yard setback and rear-yard setback. The rear-yard setback non-conformity would be extended. The existing setback is 14.4 feet, where 25 feet is required. The proposed setback would be 8.0 feet.

Douglas Jack said the addition would be subservient to the main house. It would be situated at an angle to the existing structure, which would provide the best flow within the structure and would preserve the side yard. The views from the windows of the sunroom would be of the landscape. If the addition were to be built at a 90 degree angle to the existing structure, it would be closer to the abutter to the right and the view would be into the windows of that structure. The lot would be bisected and the area behind the structure would be wasted space. The existing right side-yard setback is 46.9 feet, where 10 feet is required, and would be reduced to 35.4 feet. The abutter on this side of the property has been informed of the proposal and is not opposed to it. The adjoining lot at the rear of the property is very large and well vegetated.

Mr. Jack said the design of the addition would be in keeping with the historic character of the neighborhood. The siding would be clapboards and the two-over-two windows would match

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those of the existing structure. The Historical Commission voted to impose the Demolition Delay but lifted it and approved the plans as presented.

Mr. Benik said no new non-conformities would be created. The intensification of the existing non-conformity would be significant, but it would not be a substantial detriment to the neighborhood. The addition would be modest. It would not be inconsistent with the neighborhood in terms of size, scale and massing. He said he likes the design and it would fit with the neighborhood.

Ms. Schow said she could support the proposal. She said it does not look like anything would be built near the property line on the adjacent parcel to the rear. She understands the desire not to build closer to the closest neighbor.

Mr. DeLisle said he could support the intensification of the non-conformity in this circumstance, where there is a significant amount of vegetation at the rear of the abutting lot.

Mr. Chagnon said the addition would be close to the rear lot line. Other applicants with similar requests have worked with the Board to change their designs. In this case, the Board might not require a change in the plans due to the length of the adjacent parcel.

Mr. Swanton said he has some reservations about approving a change to the rear setback from 14.4 feet to 8 feet, where 25 feet is required. The change is significant and would be difficult to approve if the abutter to the rear objected to it. He could support the application due to the amount of vegetation on the adjacent lot and the lack of objection from the abutter.

Ms. Peknik said it would not be inappropriate to provide the requested relief.

Mr. Benik moved to approve a Special Permit for Conformities for 8 Forrester Street. Ms. Schow seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Chagnon, yes; Mr. DeLisle, yes; Ms. Schow, yes).

3. Business Meeting

a) Minutes

Mr. DeLisle moved to approve the minutes of the June 27, 2023, meeting. Mr. Chagnon seconded the motion. The motion was approved by a 6-0 vote (Mr. Chagnon, yes; Mr. Benik, yes; Mr. DeLisle, yes; Ms. Peknik, yes; Ms. Schow, yes; Mr. Swanton, yes).

b) Other Business

A joint public meeting of the Planning Board and the City Council Planning and Development Committee is scheduled for August 16 to discuss proposed amendments to the Zoning Ordinance related to short-term rental units.

4. Adjournment

Mr. DeLisle moved to adjourn the meeting at 7:40 p.m. Mr. Chagnon seconded the motion. The motion was approved.