

**City of Newburyport
Zoning Board of Appeals
Online Meeting
July 26, 2022
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, Bud Chagnon, Ken Swanton, Stephen DeLisle and Gregory Benik and associate members Lynn Schow and Patricia Peknik. Also in attendance were Planning Director Andy Port and Note Taker Gretchen Joy.

2. Annual Election of Officers

Mr. DeLisle moved to nominate Mr. Ciampitti for the position of Chair, Mr. Swanton for the position of Vice Chair and himself for the position of Secretary. Mr. Chagnon seconded the motion. The motion was approved by a 7-0 vote.

3. Public Hearings

Waldot Realty, LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

200-208 Merrimac Street

VAR-22-2 - Variance

ZNC-22-7 - Special Permit for Non-Conformities

The applicant requested a continuance in order to continue work on a traffic study. Mr. Benik moved to continue the public hearing to the August 23 meeting. Mr. Swanton seconded the motion. The motion was approved by a 7-0 vote.

David Nickerson

174 Water Street

ZNC-22-19 - Special Permit for Non-Conformities

The applicant installed a shed without permission in similar location on a non-conforming lot to an accessory structure that had previously existed on the site. David Nickerson said he purchased the property in September 2021. He said he is new to the city and was unaware of the need to obtain a special permit to install the shed.

The pie-shaped lot is non-conforming for lot area. The previous shed had been removed by the prior owner. The new shed is 8 feet by 10 feet. The front corner on its left side is located two feet from the property line and the rear corner is located on the property line. The front corner on the right side is 4.2 feet from the property line and the rear corner is 1.8 feet from the property line. The shed is approximately 17 feet from the rear property line and is 11 feet high.

Mr. Nickerson said it would be necessary to locate the shed in the middle of the back yard in order for it to be conforming. He does not know the height of the previous shed or when it was removed. He said it was approximately 60 square feet larger than the existing shed and was closer to the rear property line.

The hearing was opened to comments from the public. Phillip Schwartz said he is an abutter. Mr. Nickerson informed him about the location of the shed prior to its installation, and he had no issues with it. The public comment period was closed.

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Mr. Benik said the application meets the criteria and the abutter has no objections. He is satisfied with the explanation for the work having been done without a permit.

Mr. Chagnon said the shape of the lot would make it difficult to place the shed in a conforming location.

Ms. Peknik said that in general, the height and setback of a structure such as this would change the experience of the public on the Rail Trail. The City designed the trail to make pedestrians feel like they are in a park. The positioning of the shed would make it feel like they are walking through a backyard. No other structures are located so close to the Rail Trail.

Ms. Schow said she walks on the Rail Trail every day and has never noticed the shed. She said it is in keeping with the neighborhood.

Mr. Swanton said he does not like approving an application after the fact, but the shed is small and it replaced an existing structure. The shape of the lot is irregular. No new non-conformities were created.

Mr. DeLisle said he would not generally support a structure that would intrude on the Rail Trail, but he does not think the shed does this. Mr. Ciampitti said the request is a fair one.

Mr. Swanton to approve a Special Permit for Non-Conformities for 174 Water Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote.

4. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the June 28, 2022, meeting. Mr. DeLisle seconded the motion. The motion was approved.

5. Adjournment

Mr. Swanton moved to adjourn the meeting at 7:45 p.m. Mr. DeLisle seconded the motion. The motion was approved.