

**City of Newburyport  
Zoning Board of Appeals  
Online Meeting  
July 28, 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, Rachel Webb and Ken Swanton and associate member Bud Chagnon. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

**2. Business Meeting**

**a) Minutes**

Ms. Webb moved to approve the minutes of the July 14, 2020, meeting as amended. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

**b) 20 Union Street**

The applicant submitted a request to modify the Special Permit for Non-Conformities that was approved on June 9, 2020. The Planning Office considers the proposed changes to be minor in nature. It intends to approve the changes without further review by the Board and notify the applicant by letter.

**c) Staff Level Review Discussion**

The Planning Office provided the language of a standard staff level review condition this is now being made a part of decisions. This condition allows the Planning Director and Zoning Administrator to review and approve Requests for Minor Modifications without further review by the ZBA. Chair Ciampitti said the procedure appears to be effective and should be continued. The Board members had no additional comments.

**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. The applicant requested an extension. Mr. Moore moved to continue the public hearing to the October 13 meeting. Ms. Webb seconded the motion. The motion was approved by a 4-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, abstain; Mr. Moore, yes; Mr. Swanton, 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 is requesting to withdraw the request for a Variance and a Special Permit for Non-Conformities. Mr. DeLisle moved to accept the request to withdraw without prejudice the application for a Variance for 3-5 School Street (2020-031) and the application for a Special

City of Newburyport  
Zoning Board of Appeals  
July 28, 2020

Permit for Non-Conformities for 3-5 School Street (2020-032). Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

**Nadine Ritchie**  
**22 Munroe Street**

**2020-047 - Special Permit for Non-Conformities**

The applicant is proposing to demolish a one-story addition with a shed roof at the rear of a half house and replace it with a two-story addition with a pitched roof on an expanded footprint. The project would extend the pre-existing non-conforming side yard setback and lot coverage. Cedar siding would be used to match the main structure. The new windows would be the same size as the existing ones and would have simulated divided lights.

The hearing was opened to comments from the public. Chris Currier, 18 Munroe Street, said everyone in neighborhood he has spoken with is in favor of the proposal and thinks it would be an improvement over the existing conditions. Letters of support from abutters have been received. The Historical Commission has approved the demolition application.

Mr. DeLisle said the proposal would not create any new non-conformities. The visibility of the addition from a public way would be limited. Ms. Webb said the approval of the abutters would lead her to support the application. Mr. Moore said the application is a reasonable one. Mr. Swanton said the addition would be in keeping with the existing structure and the neighborhood.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 22 Munroe Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

**John and Margaret Ohrn c/o Mead, Talerman & Costa, LLC**  
**18 Madison Street**

**2020-048 - Dimensional Variance**

Lisa Mead represented the applicant, who is seeking a variance to construct a garage that would not comply with the side yard setback requirement. It would be two feet from the property line where six feet is required. Attorney Mead said the shape of the lot is odd and if the garage were pulled away from the side property line, it would move closer to the rear lot line. She said there are many accessory structures in the neighborhood that are located near lot lines. She said the applicant considered constructing a one-car garage but would like extra storage space.

No one from the public spoke in favor of or in opposition to the application. Letters of support have been received from the abutters to the rear and right of the property, as well as two neighbors on the opposite side of the street.

Mr. Swanton said there is enough space in the yard to move the garage away from the property line. He said a variance should only be granted when there are no other options, which does not appear to be the case in this situation. Attorney Mead responded that the applicant wishes to preserve the back yard and have the shortest possible driveway. Ms. Webb questioned how the side of the garage would be maintained if it were to be so close to the edge of the property. She also asked if Attorney Mead knew how many one-car garages there are in the neighborhood as compared to two-car garages. She did not. Mr. Moore said other accessory

City of Newburyport  
Zoning Board of Appeals  
July 28, 2020

structures in the neighborhood appear to be located near lot lines and the Board would not be granting a special privilege. He said there is, however, a difference between a want and a need. The option of moving the garage away from the property line is available to the applicant. Mr. DeLisle said he understands the desire for a two-car garage but this would not be sufficient to get over the high bar that is needed for a variance. Ms. Webb said she thinks two-car garages are rare in the neighborhood and the size of the lot could accommodate the structure without a variance. Mr. Swanton agreed that the applicant has not demonstrated the need for a variance.

The applicant requested a continuance. Ms. Webb moved to continue the public hearing to the August 11 meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

**MFG Ventures**

**4 Hart Road**

**2020-049 - Special Permit for Non-Conformities**

Braden Monaco described the plans to demolish an existing structure and construct a new house on a portion of the same footprint. The proposal would upwardly extend the pre-existing non-conforming front yard setback. The existing structure is 21 feet from the property line. The proposed cantilevered second floor and first-floor window bumps outs would be 18.9 feet from the lot line. The existing structure is set back slightly farther from the street than other houses and the proposal would bring it more in line with the other structures. Mr. Monaco said the height of the house would be the same as the structure at 2 Hart Road and two feet higher than the house at 6 Hart Road.

No one from the public spoke in favor of or in opposition to the application. Letters of support from abutters have been received.

Mr. Moore said no new non-conformities would be created and the proposed structure would fit in with the neighborhood. Mr. DeLisle said the applicant has meet the criteria for a special permit.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 4 Hart Road. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

**Jennifer & Hunter Flynn c/o Lisa Mead, Mead, Talerman & Costa, LLC**

**44 High Street**

**2020-050 - Special Permit for Non-Conformities**

Lisa Mead and Matt Langis represented the applicant, who is proposing to demolish a one-story section at the rear of a single-family house and construct a two-story addition on a slightly larger footprint. The property is non-conforming for lot area, frontage, and lot coverage. The structure in non-conforming for front yard setback and both side yard setbacks. The proposal would extend the non-conforming setback on the east side. The existing setback on this side is 5.0 feet and the proposed addition would be 6.9 feet from the property line. The non-conforming lot coverage would increase 1.7% from 27.8% to 29.5%. The siding and trim would match that of the existing structure. Attorney Mead said other structures in the neighborhood have rear additions. The addition would not be visible from a public way and its roof would be lower than

City of Newburyport  
Zoning Board of Appeals  
July 28, 2020

that of the main structure. She said the massing and style of the addition would be appropriate for the neighborhood.

No one from the public spoke in favor of or in opposition to the proposal. Three direct abutters at 90 and 92 Bromfield Street and 42 High Street submitted letters of support. The Historical Commission has approved the plans.

Mr. Moore said no new non-conformities would be created and one existing non-conformity would be slightly improved. Mr. DeLisle said the addition would not be visible from a public way and he is not opposed to the increased lot coverage.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 44 High Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

Ms. Webb moved to adjourn the meeting at 8:20 p.m. Mr. Moore seconded the motion. The motion was unanimously approved.

Respectfully submitted,  
Gretchen Joy  
Note Taker