

**City of Newburyport
Zoning Board of Appeals
Senior Community Center
August 8, 2023
Minutes**

1. Roll Call

Chair Rob Ciampitti called a hybrid meeting of the Newburyport Zoning Board of Appeals to order at 7:02 p.m. In attendance were members Rob Ciampitti, Ken Swanton, Stephen DeLisle, Bud Chagnon and Gregory Benik and associate member Lynn Schow. Associate member Patricia Peknik 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. Lisa Mead represented the applicant and said the appeal period for the Board's recent decision runs to August 15. She requested a continuance. Mr. Chagnon moved to continue the public hearing to the August 22 meeting. Mr. Swanton 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. Schow, yes).

b) Chris Crump

390 Merrimac Street Rear

ZNC-23-16 – Special Permit for Non-Conformities

The applicant is proposing to construct a second-floor addition to an existing single-family structure. The property is non-conforming for frontage, one side-yard setback and rear-yard setback. The left side-yard setback is .35 feet, where 20 feet is required.

The addition would be constructed over an existing first-floor porch. The second floor would be extended over the porch to the edge of the roof. No changes would be made to the first floor. The 57 square feet of added living space would be used for a master bathroom. The materials of the addition would match those of the existing structure. A second-floor addition would also be constructed at the rear of the property. This addition would be within all setbacks and is allowed by right.

The hearing was opened to comments from the public. Steve Gagnon, 398 to 402 Merrimac Street, said the applicant's plan of land is dated July 24, 2013. He asked if any changes have occurred in the past ten years. He also said the applicant must make use of his property to access the construction area. He wanted to know if vehicles would be parked on his land during construction. The public comment period was closed.

Mr. Swanton asked about the accuracy of the site plan. Property owner Kevin McGee said the house and its proximity to the boundaries as shown on the plans is accurate. He said he would work with Mr. Gagnon on the access issues.

Mr. Chagnon asked if the other abutters commented on the proposal. Mr. McGee said there were no comments.

Mr. Swanton said no new non-conformity would be created. The existing non-conformity would not be intensified. The expansion of the structure would be minimal and at a

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great distance from the street. While the addition would be close to the lot line, the buffer is large. The issue of parking during construction is not under the purview of the Board.

Mr. DeLisle said the expansion of the structure would be minimal. Mr. Chagnon said the proposal would not be detrimental to the neighborhood.

Mr. Swanton moved to approve a Special Permit for Non-Conformities for 390 Merrimac Street Rear. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote (Mr. Swanton, yes; Mr. Benik, yes; Mr. Chagnon, yes; Mr. Ciampitti, yes; Mr. DeLisle, yes).

**c) Atkinson Common Realty Trust c/o Lisa Mead, Mead Talerman & Costa LLC
15 Moseley Avenue**

ZNC-23-18 – Special Permit for Non-Conformities

Lisa Mead and Aileen Graf represented the applicant, who is proposing to demolish an existing structure that was constructed in 1952 and replace it with a new single-family home. The property is in the R-2 district. It is non-conforming for frontage and right side-yard setback.

The new structure would be 1.5 stories. It would be over 500 square feet and would conform to all dimensional requirements. The lot coverage would increase from 10.3% to 11.4%, where 25% is the maximum allowed. The open space would decrease from 86.8 to 85.5%, where 40% is required.

Attorney Mead said no new non-conformities would be created. The right side-yard setback would become conforming. The front-yard setback would not change and the streetscape would not be impacted. The lot is one of the largest in the neighborhood. The Board approved the proposal for the house at 41 Moulton Street, which was constructed in 2022 and is taller than the proposed structure.

The hearing was opened to comments from the public. Phil van Belle, 45 Moulton Street, said he is concerned that the vegetation bordering the property would be removed.

Biff Bouse, 6 Iona Avenue, spoke about the history of the existing structure. He said preservation has helped the community and thought should be given to the architecture of all its periods. There is some concern in the neighborhood about the loss of its small, mid-century homes. He said he would be sad to see this structure demolished.

Dave Erickson, 13 Moseley Avenue, said he is also concerned about the landscaping along the property line. It provides privacy and he would like it to be maintained. The public comment period was closed.

Mr. Swanton asked about any plans to remove the buffer plantings. Attorney Mead said the undergrowth must be cleaned out and some dead branches removed. She said the screening is just as important to the applicant as to the neighbors.

Mr. DeLisle asked about the size of the structure. Attorney Mead said the first floor would be 1,605 square feet and the second floor would be 1,901 square feet, for a total of 3,506 square feet. The basement is 1,083 square feet, bringing the total heated area to 4,589 square feet. There would be no living space above the garage.

Mr. Swanton said no new non-conformities would be created and one existing non-conformity would be removed. The appearance would be of 1.75 story house and the houses next to it are two stories. The house would be not as tall as the one in the neighborhood the

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Board recently approved. There are no objections from the neighbors. The role of the Board is to consider massing and setbacks, not the period of the architecture.

Mr. DeLisle said the structure would be shorter on the street side than the existing house. It would not be substantially more detrimental to the neighborhood than the existing conditions.

Mr. Benik said a house that is 75 years old does not necessarily have historic value. The proposed structure would be slightly larger than those around it, but it would not be detrimental to the neighborhood.

Mr. Chagnon said the existing house looks small compared to its neighbors. The massing and scale of the proposal would not be out of place with the neighborhood.

Ms. Schow said the proposed house would be larger than the existing house but would not be out of place. The existing house looks small in relation to those around it. The proposal would make the neighborhood look more balanced. Mr. Ciampitti said the mid-century is a respected period in architectural history but neighborhoods must change with the needs of its residents.

Mr. Benik moved to approve a Special Permit for Non-Conformities for 15 Moseley Avenue with the conditions that 1) the applicant shall install two new street trees in front of the property in accordance with the Department of Public Services recommendations of July 14, 2023, and these trees shall be installed prior to occupancy unless the Zoning Administrator approves an alternate deadline due to extenuating circumstances and 2) and the border trees shall be maintained with the exception of maintenance pruning.

3. Business Meeting

a) Minutes

Mr. Chagnon moved to approve the minutes of the July 25, 2023, meeting. Mr. DeLisle seconded the motion. The motion was unanimously approved.

b) Annual Election of Officers

Mr. Benik moved to nominate Mr. Ciampitti for the position of Chair, Mr. Swanton for the position of Vice Chair and Mr. DeLisle for the position of secretary. Ms. Schow seconded the motion. The motion was approved by a 6-0 vote (Mr. Chagnon, yes; Mr. Benik, yes; Mr. DeLisle, yes; Mr. Ciampitti, yes; Ms. Schow, yes; Mr. Swanton, yes).

c) Other updates from the Chair or Planning Director

Andy Port said he is working to obtain the necessary funding for the purchase of improved equipment for remote meetings.

d) Executive Session

Mr. DeLisle recused himself and left the meeting. Mr. Swanton moved to adjourn the regular session at 8:35 p.m. and to enter into an executive session pursuant to M.G.L. C. 30A Section 21 to approve the minutes of the September 22, 2019 and the June 27, 2023 executive sessions and not to return to the regular session. Mr. Chagnon seconded the motion. The motion was approved by a 5 -0 vote (Mr. Chagnon, yes; Mr. Benik, yes; Mr. Ciampitti, yes; Ms. Schow, yes; Mr. Swanton, yes).