

**City of Newburyport
Zoning Board of Appeals
Online Meeting
August 24, 2021
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, Mark Moore, Stephen DeLisle and Ken Swanton, and associate member Gregory Benik. Bud Chagnon was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. Public Hearings

Brendon Johnson and Krystina Creel Johnson

65 Curzon Mill Road

2021-06 - Dimensional Variance

Mr. Moore recused himself from the matter. The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the September 28, 2021, meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote. (Mr. DeLisle, yes; Mr. Ciampitti, yes; Mr. Benik, yes; Mr. Swanton).

Eric Primack

30 Winter Street

2021-49 - Special Permit for Non-Conformities

The applicant is proposing to remove the roof of an existing addition to a non-conforming single-family structure. The height of the walls on the addition would be increased. The property is non-conforming for lot area, lot coverage, open space, front-yard setback and both side-yard setbacks. The non-conforming side-yard setbacks would be extended.

Mr. Primack said the fascia of the rear addition would be 6.5 feet higher than the existing conditions. The pitch of the roof would be reduced. The existing siding would be replaced in kind with cedar clapboards. The windows would be replaced with vinyl-clad simulated divided lights. The existing window and door openings in the original structure would not be changed. The two chimneys in the front of the structure would be retained. The rear chimney would be removed in order to add a third set of French doors.

The hearing was opened to comments from the public. Tom Kolterjahn, 64 Federal Street, said he is confused that the applicant has not requested a continuance. He said the Historical Commission has imposed the Demolition Delay in order that the applicant might improve the proposal for this wonderful historic house. He suggested that the Board continue the public hearing until the applicant has an opportunity to work with the Historical Commission. The public comment period was closed.

Mr. Moore said it is likely the plans are not finalized. He asked if the applicant intends to submit a report on the structural condition of the building. He said there are gaps in its sides and if there is structural damage, it might be necessary to perform more work than simply replacing the clapboards. Mr. Primack said the building is structurally sound. He said he is requesting an upward extension of an existing non-conformity and said the discussion with the Historical Commission has nothing to do with zoning. Mr. Moore responded the Board must have plans in order to approve an application and the plans would not be finalized until the process with the Historical Commission has been completed.

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Mr. DeLisle said applicant should request a continuance, as the plans may change. The Board should be asked to approve final plans, not ones that are subject to change. He asked about the quality of the replacement windows, the plans for the doors and the trim and the height of the ceilings in the addition. Mr. Primack responded the dividers in the replacement windows would be between the glass. The doors and trim would be restored or replaced where needed. He said the first-floor ceilings would be 6.5 feet and the second floor ceilings would be 7.5 to 8 feet. He does not yet own the property and he has not had access to determine the amount of work necessary. Mr. DeLisle said the plans would not be finalized until the completion of the Demolition Delay process and he is not prepared to vote at this time.

Mr. Ciampitti said the Board is inclined to review finalized plans before the granting a Special Permit. The applicant would be required to appear before the Board again to request a modification if the plans were approved and then were changed during the Historical Commission process.

Mr. Swanton said he likes that the front windows would remain 12 over 8, but better quality simulated divided lights have grilles on the inside and outside, not just between the panes. He commented that the applicant is proposing to install a roof that is almost flat, which is not common for the neighborhood, and many houses do not have 7.5 to 8 foot ceilings on the second floor. He is in agreement that it would be premature to approve the Special Permit while the applicant is working with the Historical Commission.

Mr. Benik said he is also not prepared to vote on the application. He added that the Board has a broader purview than simply the dimensions of a proposal.

The applicant requested a continuance. Mr. Moore moved to continue the public hearing to the September 14, 2021, meeting. Mr. Benik seconded the motion. The motion was approved by a 5-0 vote. (Mr. DeLisle, yes; Mr. Ciampitti, yes; Mr. Benik, yes; Mr. Swanton; Mr. Moore, yes).

3. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the August 10, 2021, meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Ciampitti, yes; Mr. Benik, yes; Mr. Moore, yes; Mr. Swanton, yes).

b) Meeting Format

Andy Port said it would be possible to hold meetings at the Senior Center beginning September 14. Masks must be worn in City buildings at the present time. The Board members were in agreement that they would prefer to meet remotely rather than meeting in person with masks. They also expressed a preference for being on camera during remote meetings and holding in-person meetings when they resume in Council Chambers.

4. Adjournment

Mr. Swanton moved to adjourn the meeting at 8:07 p.m. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Ciampitti, yes; Mr. Benik, yes; Mr. Moore, yes; Mr. Swanton, yes).