

**City of Newburyport  
Zoning Board of Appeals  
Online Meeting  
August 25, 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 (joined at 7:07) 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**

**Minutes**

Mr. Swanton moved to approve the minutes of the August 11, 2020, meeting as amended. Mr. Moore seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, absent).

**3. Public Hearings**

**Ryan McShera, Red Barn Architecture**

**4 68th Street**

**2020-030 - Special Permit for Non-Conformities**

The applicant requested a continuance. Mr. DeLisle moved to continue the public hearing to the September 8 meeting. Mr. Moore second the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, absent).

**Marshview Realty LLC c/o James Connolly, Connolly and Connolly**

**5 Martha Street**

**2020-046 - Dimensional Variance**

The applicant requested to withdraw the application. Mr. Moore moved to accept the request the withdraw the Application for Variance without prejudice. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, yes).

**Windward Shaw LLC, c/o Lisa L. Mead, Mead, Talerman & Costa, LLC**

**68 Middle Street**

**2020-053 - Special Permit for Non-Conformities**

Fred Neidhardt said he wants the record to reflect that he was not permitted to offer public comment at the August 11 meeting. It was explained that he was not permitted to speak because of a procedural matter. The public hearing had not been opened and he asked to speak after the matter had been continued. There was no presentation, comment or deliberation on the application during the meeting. Mr. Neidhardt said he does not agree with this assessment. He said Attorney Mead prevented him from speaking and the Board deferred to her. Attorney Mead had said at the August 11 meeting that she does not object to hearing from Mr. Neidhardt or any other member of the public on the matter, but it would be out of order to do so at that time because the matter had already been continued. The Acting Chair had said both before and after Attorney Mead expressed her opinion that he believed allowing questions from Mr. Neidhardt

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would be out of order because the public hearing had been continued. Mr. Neidhardt was told his comments would be heard at the meeting in which the Board considered the application.

Mr. DeLisle moved to amend the minutes of the August 11 meeting to reflect that the public hearing was not opened and was continued prior to a request to offer comment from a member of the public. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, yes).

The applicant requested a continuance. Mr. Moore moved to continue the public hearing to the September 8 meeting. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, yes).

**Eric Goodness**  
**190 High Street**  
**2020-055 – Appeal**

Mr. DeLisle recused himself from the matter. The applicant requested a continuance. Mr. Moore moved to continue the appeal to the October 13 meeting. Mr. Swanton seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, abstain; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, yes).

**Joel and Marybeth Martens**  
**50 Bayberry Road**  
**2020-056 - Dimensional Variance**  
**2020-057 - Special Permit**

The applicant requested a continuance. Ms. Webb moved to continue the public hearing to the September 8 meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Ciampitti, yes; Ms. Webb, yes).

Mr. Moore moved to adjourn the meeting at 7:25 p.m. Ms. Webb seconded the motion. The motion was unanimously approved.

Respectfully submitted,  
Gretchen Joy  
Note Taker