

**City of Newburyport
Zoning Board of Appeals
Online Meeting
September 22, 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 members Bud Chagnon and Brandon Banovic. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

2. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the September 8, 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; Ms. Webb, yes; Mr. Ciampitti, abstain).

b) Request for Minor Modification

162 State Street (2017-026 and 2017-027)

Raef Fahmy said he is requesting approval for the removal of two large pine trees from the rear of his property. The trees were protected during the development of the property to provide privacy to the abutters. He said that the trees drip sap onto their cars, deck and outdoor furniture and prohibit his family from using a substantial portion of the yard. The pines would be replaced with mature European hornbeams at the rear of the property and birch trees would be planted along the side of the property. In response to a question from Ms. Webb, the applicant estimated the mature trees are 40 feet in height and the new trees would be 20 feet when planted.

Several letters of support were received, including one from the neighbors on the side of the property who would be most impacted by the modification.

Mr. Moore moved to deem the modification minor and approve the Request for Minor Modification for 162 State Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. Ciampitti, yes).

c) Request for Minor Modification

190 High Street (2016-065)

Mr. DeLisle, Ms. Webb and Mr. Ciampitti recused themselves from the matter. Sarah Wolf described the proposed modification to the Special Permit. The approved plans had included a curb cut that would allow access to the right side of the structure for parking. An abutter had expressed a preference that there be no curb cut in this area. The additional parking is not needed. The existing driveway would provide access to the carriage house. The zoning ordinance requires for 5.5 spaces to be provided. The parking area to the left of the house would accommodate four cars and two cars would park in the carriage house. Ted Nelson said that the amount of parking provided is more than adequate because he owns three additional spaces on Washington Street. The modification was presented to the Planning Board and was approved.

City of Newburyport
Zoning Board of Appeals
September 22, 2020

Mr. Swanton moved to deem the request minor and approve the Request for Minor Modification for 190 High Street. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes; Mr. Banovic, yes).

3. Public Hearings

David & Ella Buckley

28 Summit Place

2020-063 - Dimensional Variance

David Buckley said he is seeking a Dimensional Variance to install a swimming pool in the front yard setback of a corner lot. While the pool would be within six feet of the property line, it would be 19 feet from road. An existing row of 25 arborvitaes would block the view of the pool from the abutter's property. The applicant is proposing to plant additional arborvitae along Summit Place to screen the view from the road.

No one from the public spoke in favor of or in opposition to the application. Several neighbors signed letters of support for the variance. Mr. Moore asked if the pool could be situated further back on the lot. Mr. Buckley explained that the back of the lot is narrow. A bulkhead is located in the area and the stairs from the deck would be immediately adjacent to the pool, which would be unsafe. The area is used to keep the dogs away from the street. The installation of the pool in this location would require the removal of some arborvitae.

Mr. DeLisle said it would be impractical to construct the pool outside of the 25-foot setback due to the location of the bulkhead and the deck stairs, which creates a unique circumstance. Ms. Webb said the house has two front yards and the proposed location of the pool would be the side yard if it were not for the zoning definition. A similar application was recently approved. Mr. Ciampitti said the proposed location would be appropriate for the lot.

Ms. Webb moved to approve a Dimensional Variance for 28 Summit Place. Mr. Swanton seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. Ciampitti, yes).

Stephen Blanchette c/o Sarah Wolf, Esq., Finneran & Nicholson PC

23 Boyd Drive

2020-064 - Special Permit for Non-Conformities

2020-065 - Special Permit to allow an in-law apartment (Use #109)

Sarah Wolf and Matt Langis represented the applicant, who is proposing to construct a 699 square-foot addition that would be used as an in-law apartment. The apartment would be occupied by applicant's parents. The single-family home is located in the R-1 District on a 29,985 square-foot lot. The property is conforming with the exception of frontage. The apartment would be set back from the street and would share a wall with an attached garage. A Special Permit is required because more than 500 square feet would be added. Attorney Wolf said the addition would not create a new non-conformity, nor would it intensify any existing non-conformities. It would not be more detrimental to the neighborhood than the existing conditions. Because of the large size of the lot, it would not impact any neighboring properties and not affect the light, air or views of the abutters. Attorney Wolf read the findings for an In-law Special Permit and stated the proposal would meet all of the criteria. The apartment would be used by a member of the applicant's family and it would not be greater than 900 square feet. The

City of Newburyport
Zoning Board of Appeals
September 22, 2020

dimensional requirements of the zoning ordinance would be met. The amount of parking is sufficient and excessive traffic would not be created. The addition would be 25 feet from the side property line. The style of the house is contemporary and the addition would be designed to match. Attorney Wolf said that while there are no other in-law apartments in the neighborhood, the addition would not be detrimental because of the size of the lot.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said he is satisfied with the findings for the Special Permit and in-law apartment. Ms. Webb said the presentation and written material were thorough. Mr. Swanton said he would support the application. The lot is a large one and the addition would fit in easily with the neighborhood. Mr. DeLisle said the findings for In-law Apartment Special Permit were well reflected in the written record. The addition would not create a new non-conformity and would not be more detrimental to the neighborhood than the existing conditions.

Mr. Moore moved to approve a Special Permit for In-law Apartment for 23 Boyd Drive. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. Ciampitti, yes).

Mr. Moore moved to approve a Special Permit for Non-Conformities for 23 Boyd Drive. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes; Mr. Ciampitti, yes).

4. General Business

An executive session will be added to the agenda of a future meeting for a discussion of FAR on Plum Island.

Mr. Swanton moved to adjourn the meeting at 8:14 p.m. Mr. Moore seconded the motion. The motion was unanimously approved.

Respectfully submitted,
Gretchen Joy
Note Taker