

**City of Newburyport
Zoning Board of Appeals
Online Meeting
November 9, 2021
Minutes**

1. Roll Call

Vice Chair Mark Moore called an online meeting of the Newburyport Zoning Board of Appeals to order at 6:00 p.m. In attendance were members Stephen DeLisle, Mark Moore, Bud Chagnon and Ken Swanton. Robert Ciampitti and associate member Gregory Benik were absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and Note Taker Gretchen Joy.

2. 40B Permitting Overview Presentation

Attorney Jon Witten of KP Law provided an overview of the ZBA review process for 40B permits.

3. Certificate of Vote

Andy Port is working with KP Law to draft the language of a certificate that would allow for documents to be signed electronically by the Chair, Vice Chair, Director of the Office of Planning and Development or Zoning Enforcement Officer. The certificate will be submitted to the Board for approval at an upcoming meeting.

4. Public Hearings

a) Pattiann Bampos

2 Neptune Street

2021□26 □ Special Permit for Non□ Conformities

The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the November 23 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes).

b) 22□24 Olive St LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC

22□24 Olive Street

2021□44 □ Special Permit for Non□ Conformities

The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the November 23 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes).

c) Derek Lively

28 Liberty Street, Unit 5

2021□57 □ Dimensional Variance

The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the December 14 meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes).

d) Mike Bukhin and Anna Wallack c/o Lisa Mead, Mead, Talerman & Costa LLC

4 Plum Street

2021□59 □ Special Permit for Non□ Conformities

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The applicant requested a continuance. Mr. Swanton moved to continue the public hearing to the December 14 meeting. Mr. Chagnon seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes).

e) Bruce Atkins and Gail Cassin c/o Lisa Mead, Mead, Talerman & Costa, LLC
50 Boardman Street

2021-56 - Special Permit for Non-Conformities

Lisa Mead represented the applicant, who is proposing to remove an existing garage and construct a new garage on the same footprint. The structure is located in the back corner of the property. It is not visible from Boardman Street and is 42 feet from Washington Street. No work is being proposed for the main structure. The property is in the R-2 district and the DCOD. The Historical Commission has determined that the garage is not historically significant.

The property is non-conforming for lot area, frontage, one side-yard setback and rear-yard setback. The side and rear-yard non-conformities would be upwardly extended. The mean roof height of the existing structure is 10.5 feet. The mean roof height of the proposed structure would be 13.5 feet. The ridge of the existing structure is at 13 feet and the ridge of the proposed structure would be at 16.6 feet.

Attorney Mead said the new garage would match the architecture of the main structure. It would be of cedar clapboards, with windows of an appropriate style. The open space and lot coverage would not change.

No one from the public spoke in favor of or in opposition to the application. Mr. DeLisle said he would support the application. No new non-conformities would be created and the proposal would not be more detrimental to the neighborhood than the existing conditions.

Mr. DeLisle moved to approve a Special Permit for Non-Conformities for 50 Boardman Street. Mr. Swanton seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton; yes; Mr. Chagnon, yes).

f) All About Signs, LLC
20 Henry Graf Jr. Road
2021-58 - Sign Variance

James Withrow represented the applicant, who is seeking a Variance to install a wall-mounted sign that exceeds the size allowed. The proposed sign would be 101.58 square feet, where 40 square feet is permitted. Mr. Withrow said a sign of the allowable size would be very small on the building. He said the building is set back 200 feet from the road and patients have difficulty finding it. The wetland vegetation at the front of the property would obscure a monument sign if one were to be installed near the street. The proposed sign would not be illuminated.

No one from the public spoke in favor of or in opposition to the application. Mr. DeLisle said a sign that meets the regulations would be difficult for patients to see. The location of the wetlands on the site creates a special condition. The proposed sign would be in keeping with those on other medical buildings in the city and a special privilege would not be granted.

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Mr. Moore said the request is not unreasonable. Mr. Chagnon said a 40 square-foot sign would be lost on the building.

Mr. Chagnon moved to approve a Sign Variance for 20 Henry Graf Jr. Road. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes).

5. Business Meeting

a) Minutes

Mr. Swanton moved to approve the minutes of the October 26, 2021, meeting. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes).

b) Updates from the Chair and Planning Director

Andy Port said the City Council is considering a change to the City Ordinance that would require a special permit for short-term rental units instead of a license. The ZBA would be responsible for issuing the special permits. This would increase the work load of the Board, especially in the short term, when many applications could be submitted at one time. The Board members were asked to make the Planning Office aware of any concerns they might have or to comment at a City Council meeting when the item is on the agenda.

A Zoom session on working with 40B will be held on December 21 at 5:30. The City would cover the cost of Board member participation.

6. Adjournment

Mr. Swanton moved to adjourn the meeting at 7:45 p.m. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Mr. Chagnon, yes).