

**Zoning Board of Appeals**  
October 22, 2019  
City Council Chambers

**1. Call to Order**

A meeting of the Newburyport Conservation Commission was called to order by Chair Renee Bourdeau at 7:02 p.m.

**2. Roll Call**

In attendance were members Renee Bourdeau, Maureen Pomeroy, Ed Cameron and Mark Moore and associate members Stephen DeLisle and Rachel Webb. Robert Ciampitti participated by telephone for the approval of the draft decision for 193 High Street.

**3. Business Meeting**

a) Approval of Draft Decisions

193 High Street, #2018-064

Mr. DeLisle recused himself from the discussion. Planning Director Andy Port said a land court judge issued an order of remand annulling the ZBA decision for 193 High Street on the grounds it was bifurcated. The decision had been made before the public hearing was closed. A single final decision must be made on the entirety of the application that addresses all of the relief sought by the applicant. Mr. Port distributed a draft decision for review by the Board members that takes into account the entire record of the proceedings and reaffirms the findings of the Board. The Board concerns included the work having proceeded without proper permitting, the negative impact vehicular lights, noise and additional traffic would have on abutters and the safety issues at the intersection of the driveway and the street. The Board concluded the resulting use of the property would create a difference in the quality and character of the neighborhood and would have a greater impact than exists today.

Mr. Moore moved to approve, issue and authorize the chair to sign and file the written decision for 193 High Street that was provided and reviewed in draft form by the Planning Director with the changes as discussed and to state and restate and to affirm and reaffirm the facts and findings stated therein as the basis of the Board's decision to deny the request for a special permit for 193 High Street, file #2018-064, in its entirety. Mr. Cameron seconded the motion. The motion was approved by a 4 to 0 vote. The voting members were Ms. Bourdeau, Mr. Cameron, Mr. Ciampitti, and Mr. Moore.

b) Minutes

Ms. Pomeroy moved to approve the minutes of the October 6, 2019, meeting with changes and additions as discussed. Mr. Moore seconded the motion. The motion was approved.

**4. Public Hearings**

**2019-054      5 Buck Street**  
**Benjamin Becker**

**Special Permit for Non-Conformities**  
**Continued from 10/8/19**

A special permit being sought is for the upward extension of a pre-existing non-conforming side setback. The roofline would be changed in order to add 340 square feet of living space in the attic. The left side of the structure is within the 10-foot setback. The Historical Commission approved the proposal at its October 10 meeting.

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Public Comment:

Glenn Richards, chair of the Newburyport Historical Commission, said the dormer proposed for the right side of the structure would be an improvement over the existing conditions. The dormer proposed for the left side is not optimal but a better solution could not be found.

Board Questions:

Ms. Pomeroy asked about the materials to be used. The siding would be cementitious and the windows would be vinyl. Mr. DeLisle clarified that the left-side dormer would have a gabled roof, as was shown in the packet, and would not be a shed dormer, as was depicted on the presentation plans.

Deliberations:

Mr. DeLisle said the proposal is attractive, would not create a new non-conformity and would not be significantly detrimental to the neighborhood. Mr. Moore said the proposal would be an improvement over the existing conditions.

Ms. Pomeroy moved to approve the special permit for non-conformities for 5 Buck Street, #2019-054. Mr. Cameron seconded the motion. The motion was approved by a 5 to 0 vote. The voting members were Ms. Bourdeau, Mr. Cameron, Mr. DeLisle, Ms. Pomeroy and Mr. Moore.

**2019-055      195 High Street                      Special Permit  
Preservation Timber Framing, Inc.              Continued from 10/8/19**

Mr. DeLisle and Ms. Pomeroy recused themselves from the discussion. The applicant requested an extension. Mr. Cameron moved to continue the public hearing to the November 12 meeting. Mr. Moore seconded the motion. The motion was approved by a 4 to 0 vote. The voting members were Ms. Bourdeau, Mr. Cameron, Mr. Moore and Ms. Webb.

**2019-056      17 Summer Street                      Special Permit for Non-Conformities  
Kathryn L. Shippen**

The applicant is proposing to demolish a pre-existing non-conforming single-story addition and reconstruct it in a less non-conforming manner.

Public Comment:

Mark Fahey, 28 Market Street, said he is the abutter who would be most impacted by the proposal and he is in favor of it. He said all of the work done by the applicant to date has improved the property. Glenn Richards, chair of the Newburyport Historical Commission, said the members of his board appreciated that the design of the proposed addition would blend well with the historic structure. No members of the public spoke in opposition to the proposal.

Board Questions:

Ms. Pomeroy asked about roofing materials. Cedar shingles would be used.

Deliberation:

Ms. Pomeroy said the proposal is not detrimental to the neighborhood. It would complement the house and would not add any new nonconformities. Mr. Moore and Mr. DeLisle agreed with the assessment of Ms. Pomeroy.

Mr. Moore moved to approve the special permit for non-conformities for 17 Summer Street, #2019-056. Ms. Pomeroy seconded the motion. The motion was approved by a 5 to 0

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vote. The voting members were Ms. Bourdeau, Mr. Cameron, Mr. DeLisle, Ms. Pomeroy and Mr. Moore.

**5. Discussion**

Andy Port said the City Solicitor has recommended that when the chair writes a decision, it should not be submitted until the board has voted to approve it. This would be applied to decisions with special conditions. Simple decisions without special conditions could be submitted without board approval at the discretion of the chair. The new procedure will be made a part of the board's rules and regulations.

**6. Adjournment**

Mr. Cameron moved to adjourn the meeting at 7:48 p.m. Ms. Pomeroy seconded the motion. The motion was approved.