

**City of Newburyport
Zoning Board of Appeals
City Hall Auditorium
November 12, 2019**

1. Roll Call

A meeting of the Newburyport Zoning Board of Appeals was called to order at 7:02 p.m. Present were members Renee Bourdeau, Robert Ciampitti, Mark Moore, Ed Cameron, Rachel Webb (voting member) and Stephen DeLisle (non-voting member). Maureen Pomeroy was absent.

2. Business Meeting

a) Minutes

Mr. Cameron moved to approve the minutes of the October 22, 2019, meeting as amended. Mr. Moore seconded the motion. The motion was approved.

3. Public Hearings

Preservation Timber Framing, Inc.

195 High Street

2019-055 - Special Permit

Continued from 10/22/19

Mr. DeLisle recused himself from the discussion. The applicant requested to withdraw the application without prejudice. Mr. Cameron moved to approve the request to withdraw the application without prejudice. Mr. Ciampitti seconded the motion. The motion was approved by a 5 to 0 vote.

Jessica and Christopher Halpin

60 Marlboro Street

2019-058 - Special Permit for Non-Conformities

Request to continue to 12/10/19

The applicant requested a continuance. Mr. Cameron moved to continue the public hearing to the December 10, 2019, meeting. Mr. Ciampitti seconded the motion. The motion was approved by a 5 to 0 vote.

Steven Lewis c/o Lisa Mead, Mead, Talerman & Costa, LLC

332 Merrimac Street and 7 Savory Street

2019-057 - Dimensional Variance

Request to continue to 12/10/19

Maurica Thomas confirmed the applicant requested a continuance. Mr. Cameron moved to continue the public hearing to the December 10, 2019, meeting. Mr. Ciampitti seconded the motion. The motion was approved by a 5 to 0 vote.

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Steve French c/o Lisa Mead, Mead, Talerman & Costa, LLC

164-166 Water Street

2019-059 - Special Permit

2019-060 - Special Permit for Non-Conformities

Request to continue to 12/10/19

Maurica Thomas confirmed the applicant requested a continuance. Mr. Moore moved to continue the public hearing to the December 10, 2019, meeting. Chair Bourdeau seconded the motion. The motion was approved by a 5 to 0 vote.

19 Marlboro Street, LLC c/o Mark Griffin, Esq.

19 Marlboro Street

2019-061 - Special Permit for Non-Conformities

19 Marlboro Street

Chair Bourdeau read the public notice. Mark Griffin represented Blake Wilcox, who is proposing to alter an existing non-conformity. The lot is non-conforming and a multi-family dwelling is not allowed in the R2 district. He said the 1750s building is not in good condition. The structure is in the DCOD but a review by the Historical Commission would not be triggered because the proposal does not involve removing more than 25% of the existing structure and the roofline would not change. He said no new nonconformities would be created and the dimensional requirements would be met. Architect Scott Brown described the plans for the structure. He said the portion of the dwelling that is to be removed does not match the fabric of the historic structure. Simulated divided lights would replace the existing vinyl windows and wood clapboards would replace the vinyl siding. Two two-car garages would be added with living space created above.

Attorney Griffin said the requirements of a special permit are being met. The existing non-conformity is not being extended and the proposal would not be substantially detrimental to the neighborhood. The amount of living space would be minimally expanded. Much of historic character of the structure has been altered and would be restored. In addition, the property was made non-conforming by the recent downzoning of the neighborhood.

The hearing was opened to comments from the public. No one spoke in support of the application. Several members of the public spoke in opposition. Cliff Goudy, 21 Marlboro Street, said that while there is value in improving the quality of the property, he is stunned by the massiveness of the proposed construction. The proposed structure would be much taller than the existing one and would block his morning sun. On-street parking is the norm in the neighborhood and garage parking is not essential. He said he strongly objects to the proposal, as it would be detrimental to the neighborhood.

Linda Leavis Colson, 2 Lincoln Street, said the neighborhood is a quiet one and the large structure would not fit in with its small, modest homes. She would be subjected to the noise of the cars moving in and out of the driveway, which would be adjacent to her property line. When the trees are removed, the view from her property would be of the garages.

Leah McGavern, 21 Marlboro Street, said the proposal would be an intensification of a non-conforming use. The existing structure provided three affordable rental units but three full-sized units would be detrimental to the neighborhood. The neighborhood was downzoned to prevent infill. Because there is no front setback, the structure is wider on the sides than would

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otherwise be permitted and the result is a building that is too large for the neighborhood. She added the proposed addition is not a graceful one and it is disrespectful of 1750s house.

Kathleen Malynn, 14 Marlboro Street, said the proposed changes to the existing home would be inappropriate and they would be out of scale.

Tom Kolterjahn, 64 Federal Street, said he strongly opposes the application. The addition would overpower the wonderful Georgian structure. It would ruin the structure and negatively impact the neighbors.

Kim Moore, 15 Marlboro Street, said the proposed structure would be considerably larger than those surrounding it.

Paul Henault, 7 Marlboro Street, said the proposal would ruin the character of the neighborhood and the historic house would be swallowed up.

Stephanie Niketic, 93 High Street, said City Council approved downzoning to prevent the continued infilling of historic neighborhoods and discourage the perpetuation of non-conforming uses. The proposal would exceed the 25% lot coverage that would be allowable with a two-family lot. The lot is less than half of what would be required for a three-family structure. She asked for confirmation that less than 25% of the walls would be removed.

The public comment portion of the hearing was closed and Chair Bourdeau asked for questions from the Board. Mr. Cameron asked about the increase in the size of the structure. The existing structure is 3,424 square feet and the proposed would be 5,272 square feet without the garages. He asked if the applicant considered omitting the garages. Architect Scott Brown responded it is better to keep cars out of site. He added that a detached garage at the rear of the property would have a bigger impact on the landscape.

Chair Bourdeau asked if the abutters had been contacted during the design process. Attorney Griffin responded that he has found the agenda of abutters is often to stop a project rather than to improve it. Mr. Wilcox said he has had bad experiences in meeting with abutters.

The Board deliberated on the application. Mr. Ciampitti said that while he has liked other work done by the builder and architect, he was surprised by the size of the addition, which is out of character with the historic structure. He would like to see a design that is not governed by the idea of hiding cars. He said he could not approve the application without a change to the design and neighborhood involvement and assent. Attorney Griffin responded that the Board should not delegate its decision-making responsibilities to the abutters.

Mr. Moore said the new structure should be made to look more typical for the neighborhood.

Ms. Webb said she agrees with the comments about the scale and massing of the proposal. A better design could be achieved if it were not being driven by the concept of providing garage space.

Chair Bourdeau said she would not approve the proposal with its current size and scale. She is concerned about the height of the addition with respect to the original structure. The footprint of the addition should be reduced and this could be achieved through the elimination of the garages. She said the design should be revisited and the applicant should listen to the concerns of the abutters.

Attorney Griffin requested a continuance. The agenda is full for the one meeting that will be held in December and time is needed to meet with abutters. Mr. Cameron moved to continue

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the public hearing to the January 14, 2020, meeting. Ms. Webb seconded the motion. The motion was approved by a 5 to 0 vote.

Steven J. Lewis
2-6 Market Street
2019-062 - Special Permit

Chair Bourdeau read the public notice. Nick Cracknell represented Steven Lewis, who is seeking approval for an 8,000 square-foot mixed-use development with five residential units in the B-2 district. He said he expects the public hearing to be continued to the next meeting. The Planning Board is conducting a major site plan review and he anticipates the plans would be modified as a result. The application is for the removal of the existing structure and the construction of a three-story building in its place. Office or retail tenants would be located on the ground floor. Three residential units would be created on the second floor and two on the third floor. Brick sidewalks and period lighting would be added. Stacked parking would be added at the rear of the structure. A payment would be made to the Intermodal Transportation Improvement Fund because the minimum parking requirements would not be met. The applicant is working with the neighbors to mitigate the impacts to their properties.

No one from the public spoke either in support of or in opposition to the application. Chair Bourdeau asked for questions and comments from the Board. Ms. Webb asked about the rear of the structure. Mr. Cracknell responded there would be balconies and no doors on the garages. Mr. DeLisle asked for confirmation that there would be no residential units on the ground floor. Mr. Ciampitti said he likes the direction of the applicant and he looks forward to the improvements that will result from the Planning Board process. Chair Bourdeau said the structure would provide a good introduction to the business district.

Mr. Ciampitti moved to continue the public hearing to the December 10, 2019, meeting. Mr. Cameron seconded the motion. The motion was approved by a 5 to 0 vote.

The meeting adjourned at 8:47 pm.

Respectfully submitted,
Gretchen Joy
Note Taker