

**City of Newburyport
Zoning Board of Appeals
City Council Chambers
March 10, 2020
Minutes**

1. Roll Call

Vice Chair Ed Cameron called a meeting of the Newburyport Zoning Board of Appeals to order at 7:06 p.m. Present were members Stephen DeLisle, Maureen Pomeroy, Mark Moore, Ed Cameron and Rachel Webb and associate member Ken Swanton. Robert Ciampitti was absent.

2. Business Meeting

a) Minutes

Ms. Webb moved to approve the minutes of the February 25, 2020, meeting as amended. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote.

3. Public Hearings

**Lauren Eramo and Amy Rasimas c/o Lisa Mead, Mead, Talerman & Costa, LLC
49 Kent Street**

2020-010 - Special Permit for Non-Conformities

2020-011 - Special Permit

2020-025 - Dimensional Variance

Lisa Mead represented the applicants, who are proposing to construct an addition for an in-law apartment. The public hearing was continued from the January 28 meeting to allow the applicant time to address the concerns of the abutters. In response to these concerns, the addition was made narrower so that it would be at a greater distance from the lot line. The first 13.5 feet of the addition would be on the same plane as the existing house, which is approximately three feet from the property line. The rear portion of the addition would step back six feet and its corner would be 9.8 feet from the side property line. In order to keep the square footage close to that of the original application, the addition would now be longer and extend closer to the rear property line. The rear setback would be 21.7 feet where 25 feet is required. A new non-conformity would be created that would require a variance. Attorney Mead argued that the basis for the hardship is the unique topography of the property. The change of slope from west to east is significant. She said the addition is a modest one and the minimal intrusion into the rear setback would not be detrimental to the neighborhood. It would not derogate from the purpose of the ordinance.

The hearing was opened to comments from the public. Martha Van Koevering, 45 Kent Street, spoke on behalf of herself and Monica Reuss, 47 Kent Street, who could not attend the meeting. She said they do not object to the revised proposal and they appreciate the effort to address their concerns.

Mr. DeLisle said the entire street slopes and the topography is not unique to the property. Attorney Mead responded the slope is not consistent. The slope on this parcel is more drastic than that on other parcels. The property slopes not only from side to side but also from front to back. Eileen Graf added that the topography is a detriment because the slope causes the one-story addition to appear to be much larger when viewed from the neighboring property. Mr. DeLisle said the applicant would not be deprived of the use of the property because a different configuration had been previously presented. Attorney Mead said the Board asked that the

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applicant address the concerns of the neighbors. Ms. Webb asked if the amount of impervious surface would increase. Attorney Mead said the driveway currently extends to the shed at the rear of the property. Mr. Swanton asked if the variance could be avoided by extending the addition towards the patio. Attorney Mead responded that it is reasonable for the occupants to have outdoor space.

The public hearings for all three applications were closed. Ms. Webb said the topography is unique to the parcel and the variance criteria have been met. Ms. Pomeroy agreed that the topography creates a hardship. She said the ordinance favors in-law apartments and the addition would not be detrimental to the neighborhood. Mr. Moore said the need for the variance was created by the request to address the concerns of the abutters.

Ms. Pomeroy moved to approve a Dimensional Variance for 49 Kent Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

Ms. Pomeroy reviewed the criteria for a special permit for non-conformities. The Board members agreed the criteria had been met. Ms. Pomeroy moved to approve a Special Permit for Non-Conformities for 49 Kent Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

Mr. Cameron read the criteria for a special permit for an in-law apartment. Mr. DeLisle said the applicant provided ample support for the special permit at the previous meeting. Ms. Webb moved to approve a Special Permit for 49 Kent Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote.

Kevin Lagasse c/o Lisa Mead, Mead, Talerman & Costa, LLC
14 Gloria Street

2020-022 - Special Permit for Non-Conformities

Lisa Mead represented the applicant, who is proposing to construct a 12' x 20' shed on a pre-existing non-conforming lot in the agricultural conservation district. The lot is 9,800 square feet, while the minimum lot size in this district is 400,000 square feet. The allowable lot coverage in the district is 3%. The existing coverage is 18.6% and this would increase to 21.1%. The proposed shed would be located six feet from both the side and rear property lines, which meets the setback requirements. Attorney Mead said the lot is a large one for Plum Island and it has less coverage than the surrounding lots. The Conservation Commission issued an Order of Conditions for the work. The Board members requested that this document be added to the file.

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

Mr. Moore moved to approve a Special Permit for Non-Conformities for 14 Gloria Street. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote.

Lindsey and Michael Dunnigan
29 Hancock Street

2020-023 - Special Permit for Non-Conformities

David Keery presented the plans to construct a one-story addition at the rear of a single-family home. The property is non-conforming with regards to front, side and rear setbacks, lot size and lot coverage. Clapboards would be used on the 404 square-foot addition with a reveal that

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matches that of the main structure. The addition would extend the right-side setback 18 feet. No new non-conformities would be created. Five letters of support were submitted, including one from the closest neighbor.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said the height, massing and size of the addition are acceptable. No new nonconformity would be created.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 29 Hancock Street. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote.

**Holly and Dave Mazur
6 Butler Street**

2020-024 - Special Permit for Non-Conformities

The applicants are proposing to construct an addition greater than 500 square feet to a pre-existing non-conforming single-family home. In June 2018, the Board approved a special permit to move an existing two-car garage and constructed a screened-in porch to connect it to the house. This work was not done. The applicants subsequently purchased a parcel of land to the rear of their property, which increased its size from 5,244.5 to 6,861.2 square feet and made it conforming for lot size, rear setback and one side setback. The applicants are now proposing to relocate the garage to the previously approved location but connect it now with a two-story addition and construct a two-story addition with a screened-in porch behind the garage. The relocation of the garage would extend of the non-conforming front yard setback. The applicants stated that while the structure would be larger, it would occupy a more compact area on the lot. They have obtained 11 letters of support.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said the Board had previously approved the relocation of the garage. Ms. Pomeroy said the applicants have met the special permit criteria and some of the non-conformities have been reduced. Mr. DeLisle said is concerned about massing but the addition would be stepped back from the front of the property and the project has the support of the neighbors. Mr. Cameron said the resulting structure seems large for the street.

Ms. Webb moved to approve a Special Permit for Non-Conformities for 6 Butler Street. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote.

**Beth Israel Lahey Health, Anna Jaques Hospital
25 Highland Avenue**

2020-026 - Sign Variance

Lisa Mead represented the applicant, who is proposing to install a sign that exceeds the height allowed. The size of the front entrance at Anna Jaques Hospital is to be increased and the portion of the building that houses the operating rooms expanded. Two new major donor signs are being planned. Approval for one of these signs is not needed, as it would be 19.16 feet above grade. The second sign would be 25 feet above grade, where 20 feet is allowed under the ordinance. The height of the sign is necessitated by the grade change at this entrance. The signs would not be lighted and would not face a public way. Attorney Mead reviewed the variance criteria. She said the City-owned water tower is location on the property, which limits the areas

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where expansion might take place. The hospital would face financial hardship if it could not recognize its large donors.

No one from the public spoke in favor of or in opposition to the application. Mr. Moore said it would be logical to place the sign near the roofline of the entrance. He said the topography is unique, it would be reasonable to acknowledge the donor and the sign does not face the neighborhood.

Mr. Moore moved to approve a Sign Variance for 25 Highland Avenue. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote.

The meeting adjourned at 8:52 pm.

Respectfully submitted,
Gretchen Joy
Note Taker