

City of Newburyport  
Zoning Board of Appeals  
September 10, 2019  
Council Chamber

This meeting was called to order at 7:08 pm

**1. Roll Call**

**Present:** Renee Bourdeau, Robert Ciampitti, Maureen Pomeroy, Ed Cameron, Mark Moore and Stephen DeLisle

**Absent:**  
None

**2. Business Meeting**

**2019-018**

**Address: 5 Olive Street**

**Special Permit for Non-Conformities**

**Request for minor modification**

Attorney Costa gave an overview of the agenda item.

The new proposal had a small view of the roof deck railing that could be seen from the roadway. Working with the Historical commission they came to an agreement to add a trellis to hide the railing that the Historical commission felt comfortable presenting to the Zoning board.

Attorney Costa showed plans showing the revisions which include a more narrow appearance from the street and eliminates a small bump out that previously existed.

**Questions from the board:**

Chair Renee Bourdeau asked if the plan shown was the plan approved by the Historical commission and also would they will be providing full scale plans to the planning office.

Attorney Costa stated that yes it was and yes they would be.

Stephen DeLisle asked if the clap boards are to match the facade of the building.

Attorney Costa stated that they would be.

**Deliberation:**

Maureen Pomeroy proposed moving forward with a provision that the final plans be filed.

Robert Ciampitti agrees with the condition of the added trellis to the plans. He states that the new plans do not have an adverse effect on the neighborhood. He also wants noted that there were a number of letters in support from neighbors.

Maureen Pomeroy wanted clarification that it was going to be proposal #2 that is what is going to be done.

Attorney Costa stated that it is going to be proposal #2 with the addition of the trellis.

Stephen DeLisle states that from prospective purposes it looks like the bump out/addition is further down the side and is not going to be the same depth of the house.

Attorney Costa did not have those plans printed and did not have the answer as to whether it was set back any further from the facade of the house.

Mark Moore states that for purposes of clarification they provide final plans that have been approved to eliminate confusion.

**A motion to approve application 2019-018 was made by Ed Cameron, seconded by Mark Moore with condition of plans that indicate the trellis design.**

In Favor:  
none

In Opposition:  
none

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - yes  
Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

**3. Public Hearings**

**Jeremy C. Healey c/o Lisa Mead, Mead, Talerman & Costa, LLC  
2019-041**

**Address: 155 High St.**

**Special Permit for Non-Conformities**

*Continued from 8/13/19*

Maureen Pomeroy and Stephen DeLisle recuse themselves

Renee Bourdeau stated that the board had requested a continuance because the applicant had submitted plans the night of which did not allow the abutters and or the board nor the planning office time to review those but also gave the applicants time to work with the neighbors about issues.

Attorney Costa presented a couple pieces of correspondence that were not issued before. The first piece was dated Aug 29<sup>th</sup> where there was request that the applicant meet with the neighbor to address some concerns.

There is an itemized submittal with a series of three modifications that resulted.

1. The second floor bump out had been reduced by 1 ft. on the rear and west side with the total reduction of 28 sq. ft.
2. The height had been reduced and the roof had been redesigned to match the roof from the existing structure prior to the fire.
3. The size of the dormer on the front of the structure was reduced in size and better detail to design to match surrounding structures.

There were also notes concerns about privacy from the deck from the 3rd floor. They made plans for a privacy screen on the 3rd floor deck.

Correspondence on Sept 4th that provided further plans with minor modifications that further reduced a rear exterior wall on the 2nd floor an additional 6 inches, therefore eliminating 11 sq. ft.

There was a formal agreement with the neighbor who was represented by council Mark Griffin. They had signed off on the agreement and were notified that they would not be attending to-night's meeting.

In Favor:  
none

In Opposition:  
none

Stephanie Niketic residence of 93 High St. is not in opposition but wanted to know if the board had received her correspondence about possible conditions.

The board had received said correspondence.

**Questions from the board:**

Ed Cameron asked if the board had copies of the correspondence between the abutter as mentioned.

Attorney Costa did not have it printed but read email dated Sept 9th from Mark Griffin stating that they would not be at the meeting.

Attorney Costa will submit updated plans to the planning office.

Renee Bourdeau recommends an addendum to the plans describing the materials that will be used. She also asks where the a/c and vents will be located and to make sure that is also noted on the plans.

Attorney Costa states that all vents and a/c are in the rear of the structure.

Mark Moore asks if there are any changes to the dormer which there are none.

**Deliberations:**

Ed Cameron appreciates all of the back and forth that has been made and the persistence and adjustments that have been made and is in support.

Mark Moore agrees and also appreciates the effort that has been made.

**Motion to Approve application 2019-041 made by Ed Cameron seconded by Mark Moore to approve application 2019-041 with the conditions that the final plans show materials used for the exterior.**

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - recuse  
Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

Attorney Costa request that the board write up the decision in a timely manner because of the process being so length.

**Christopher Horan c/o Lisa Mead, Mead, Talerman & Costa, LLC**  
**2019-046**  
**Address: 5 63rd St**  
**Special Permit for Non-Conformities**  
***Continued from 8/13/19***

Attorney Costa presented revised plans and correspondence from Jamie Tuccolo from the Department of Public Services stating that there are added utilities required due to the addition of bedrooms which include a valve pit and a connection to the vacuum main and will not be granted occupancy until it is installed and approved by the Sewer Department.

In Favor:  
none

In Opposition:  
none

**Questions from the board:**

Mark Moore asks to be reminded of the adjustment to the structure that is to be made.

**Deliberations:**

Mark Moore states that there are no objections from abutters and with the agreement from the DPS he has satisfied.

Robert Ciampitti notes that the applicant has worked with and addressed all concerns with abutters and is satisfied and it seems worthy of approval.

Maureen Pomeroy sees no reason not to move forward if conditions from the Department of Public Services are met.

Renee Bourdeau concurs

**Motion to approve application 2019-046 made by Mark Moore and seconded by Robert Ciampitti with the conditions to meet all requirements from DPS.**

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - yes  
Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

**Newburyport Renovations LLC c/o Lisa Mead, Mead, Talerman & Costa LLC  
2019-051**

**Address: 11 Cater Street  
Special Permit for Non-Conformities  
Continued from 8/27/19**

**Motion made to continue to the 9/24/19 meeting was made by Ed Cameron seconded by Maureen Pomeroy.**

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - yes  
Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

**Risa Schulman and Patricia Schulman  
2019-053**

**Address: 19 Cushing Ave  
Dimensional Variance**

Applicant states that there was a variance put on the home from the prior to them purchasing the home.

They are looking to add 3 dormers and a 4th bedroom.

In Favor:  
none

In Opposition:  
none

**Questions from the board:**

Renee Bourdeau states that as part of the variance requirement they need to go through the criteria and submit a written letter as to what your hardship is.

Katelyn Sullivan had email the applicant informing them of the requirements.

Robert Ciampitti states that this is a rectangular lot and on a corner and notices that they cannot add any space unless they go up. Wants to know where the extra bedroom and dormer will go.

The applicant states that the dormer is just being added for aesthetic purposes to look similar to other houses on the lot. There is already an existing 2nd floor and they are just looking to add a bedroom on top of the existing sunroom.

**Deliberations:**

Mark Moore asked if there were any marshlands or body of water around. There are not.

Robert Ciampitti states that it might be worthy to consult an attorney for wording on a hardship. He says that he is comfortable tonight with proceeding without a continuance

Mark Moore believes that they would not be here except for the variance creating the situation.

Ed Cameron asks about how the lot originally had 2 lots and then went to 3 lots. One of the houses was taken down but the lot is still buildable.

Robert Ciampitti is aware that if not for this variance this would be an easier application he thinks this is a modest alteration and is comfortable taking a risk with moving forward

Mark Moore concurs

Maureen Pomeroy asks if they showed the direct abutters the plans.  
The applicants have.

**Motion was made by Robert Ciampitti to approve application 2019-053 seconded by Mark Moore**

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - yes  
Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

**Benjamin Becker**

**2019-054**

**Address: 5 Buck St**

**Special Permit for Non-Conformities**

Request to continue to 9/24/19.

**Motion was made by Ed Cameron to continue until the 9/24/19 meeting seconded by Mark Moore**

**Votes Cast:**

Renee Bourdeau - yes  
Robert Ciampitti - yes  
Maureen Pomeroy - yes

Edward Cameron - yes  
Mark Moore - yes  
Stephen DeLisle - not voting

**Additional Business:**

Approval of minutes 8/13/19. Motion to approve the 8/13/19 minutes. Approved by all.

Approval of minutes from 8/27/19 continued to next meeting.

**Discussion about the revised Rules and Regulations**

Renee Bourdeau notes that the start time will be 7pm instead of 7:15pm and that they are moving towards electronic submittals instead of paper copies for meetings. There will no longer be paper packets for meetings.

Stephen DeLisle asks about an attorney being present at the meetings if needed. Renee Bourdeau states that we can certainly request that one be present

Stephen DeLisle asks if there is something in the rules about the meetings being recorded.

Renee Bourdeau states that as of Jan 1st the meetings will be video taped

Motion to approve the new Rules and Regulations was made and approved by all.

Last item is that the Planning Office is encouraging the board to continue an approval if the applicant does not have an approved plan from the planning board and the historical board on one set of plans so that there are not multiple sets of plans.

The meeting adjourned at 8:18pm.

Respectfully submitted,  
Respectfully Dawn Gettman - Note taker