



**TOWN OF NEWBURY
ZONING BOARD OF APPEALS
12 KENT WAY, SUITE 200
BYFIELD, MA 01922
978/465-0862 x304**

**ZONING BOARD OF APPEALS
MEETING MINUTES
THURSDAY, APRIL 17, 2025
TOWN HALL, 12 KENT WAY, 2ND FLOOR HEARING ROOM, 7:30 PM**

Members Present: Chair Eric Svahn, Member Mario Carnovale, Member Jack Kelly, Associate Member Michelle Weidler

Others Present: Larry Murphy, Planning Board Liaison, ZBA Administrator Chrissy Beaupre

ZBA meeting called to order at 7:30 pm by Chairman Svahn.

Public Hearings – Continued:

Gerald Fandetti (11 & 15 Sunset Drive): The Applicant is requesting a **VARIANCE/REVERSAL OF ADMINISTRATIVE DECISION** and a **SPECIAL PERMIT/FINDING** for relief from Newbury Zoning Bylaws, Section 97-4D(2)(b) and 97-6(B) regarding allowed uses and dimensional requirements, in order to correct the lot configurations, allowing for the creation of a legal non-conforming lot to be redeveloped, in order to raze the pre-existing non-conforming dwelling and for the construction of a new single-family dwelling with garage on pilings, on the properties located at 11 & 15 Sunset Drive, Plum Island, Newbury, MA 01951 (Assessor's Map U02, Lots 78 and 80).

Hearing on Variance requests closed; review of draft variances for both lots; Applicant to submit ANR Plan to Planning Board for endorsement/approval before coming back to ZBA for Special Permit request.

Board reviews the draft Decisions. Minor edits required.

Member Carnovale makes motion to accept the drafted Decisions with the corrections on the date of decision and revised site plan, the removal of reference to expiration timing #2 in Section IV, Decision.

Member Kelly seconds, all in favor, none opposed 3:0:0

Chairman Svahn makes motion to accept the motion for the following edits:

- Date on page 1;
- Date on page 5 for site plan;
- Remove #2 under page 5;

Member Carnovale seconds the motion, all in favor, none opposed 3:0:0

Al Ward (80 Northern Boulevard): The Applicant is requesting a **SPECIAL PERMIT/FINDING** for relief from Sections 97-4D(5)(c)(01) (increase in square footage) and (02) (upward extension) of the Newbury Zoning Bylaws, and any other permit relief as may be required under

the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to raze the existing dwelling on the lot while keeping the garage, and the construction of a new single-family dwelling on pilings, on the property located at 80 Northern Boulevard, Plum Island, Newbury, MA 01951 (Assessor's Map U03, Lot 181).

Continued public hearing from 3/20/25 meeting; Applicant to submit revised site plan as requested during the last hearing (received 4/10/25).

Attorney David Guerette, Al & Jane Ward present. David discusses the changes made in discussions with the abutters the Drosts in an effort to appease everyone. Removing garage, sliding house away from dune, to be more centrally located on the lot.

FAR less, side yard setback now conforming; fully in compliance with all setbacks now. This will be our 5th revision of the plan, legitimate concerns over the dune have been satisfied; Conservation Commission has approved the plan/project, DEP has approved. Fits neighborhood, lifts house out of storm surge, removing garage, site plan and application match, 30' height, now reflected on plan;

Hearing opened to abutters, comment letters received, read in; no abutters present in favor of project; the Drosts represented by Attorney Jeffrey Roelofs are present; reiterate their concerns, velocity zone, additional parking, vegetation, Conservation purvue;

Chairman Svahn closes the public hearing;

Member Carnovale makes motion to accept the application based on addressing the non-conformities and making all the setbacks conforming. Height will be corrected on Plan and the two pillars will be removed.

Member Kelly seconds, all in favor, none opposed 3:0:0

Public Hearings – New:

Mark Friery, Rinkoo-Tei Realty, LLC, represented by Attorney Jeffrey Roelofs (2 Plum Island Boulevard): The Applicant is requesting a **SPECIAL PERMIT/FINDING** for relief from Sections 97-4D(4) (Change of Non-Conforming Use) and 97-4D(2) (Allowed Uses) (b) (Single-Family Dwellings Dimensional Regulations) (03) (Max Floor Area Ratio) and (04) (Lot Coverage) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to redevelop the property, the razing of all existing structures, removal of existing pavement and equipment, and the construction of four residential townhomes within two pile-supported buildings, on the property located at 2 Plum Island Boulevard, Newbury, MA 01951 (Assessor's Map U02, Lot 132).

Attorney Jeffrey Roelofs, Engineer Steven Sawyer of Millennium Engineering, Inc., Mark Friery, Owner, Chris Crump, Architect, all present.

Mark Friery starts conversation, had a neighborhood meeting a few weeks ago, lots of concerns from abutters. Previous owner of PI Grille, wants to redevelop the property, make least burdensome to the neighborhood, proposing 6 units in two buildings; couple of safety issues to deal with – the lot is mostly impervious, but ponding of water near Sunset Boulevard; change use back to residential, the parking lot that receives beach and PI goes would defer back to the Town to be changed to walkways, more property taxes back to the Town, less Town services needed.

Steve Sawyer Engineer and Chris Crump the Architect present the existing and proposed dimensional setbacks and FAR, lot coverage, statements of making the site less detrimental; site plan submitted, zoning table; increasing FAR – one story to two story; buildings elevated on pilings; sand being brought in; shows 100-year flood elevation – have to go up 2' more. Most of site is either building, pavement or compacted gravel; states 40% of the property will be reverted back – rip up gravel, building, back fill with beach sand to assist with erosion concerns, and restored. Parking underneath buildings, 2 spots for each unit. Utilities serviced by Newburyport Water & Sewer Dept, betterment has been paid for the 4-unit use.

Hearing opened up to abutters; concerns over the buildings being too close, too much density and intensity for the site; completely blocks out light for few abutters; height is maxed out and too tall.

Chairman Svahn thanks those abutters in attendance and for the presentation from the applicants; the public hearing will remain open to receive additional information, including the proposed flow uses by the four dwellings, have to conduct an analysis. Is this project appropriate for PI? The PIOD was put in place to protect the wetlands and the barrier beach from over development.

Discussion ensues over commercial vs. residential use; intensity vs. density; doubling FAR, not less detrimental; the ZBA has authority to allow an increase in FAR above the standard, but not doubling it; abandonment status, if over 2 years, use abandoned, revert back to base zoning, residential lot.

Chairman Svahn asks the Architect about fire separation, and can it be 6'. Architect replies that with the right materials, it can be done, it is legit and legal, and we have done it at Salisbury Beach.

Member Carnovale makes motion to continue the meeting to May 15, 2025, here at Town Hall, 12 Kent Way, 2nd Floor Hearing Room, Byfield, MA at 7:30 pm, to obtain additional information on the use, and to discuss with Town Counsel.

Member Kelly seconds, all in favor, none opposed 3:0:0

Other Business:

Cricket Lane / 55 R Pearson Drive Project: Applicant submitted bond payment as requested by ZBA and Planning Boards. It has been deposited into interest bearing account. Martha Taylor, Planning Director, states Walter Ericksen, Developer for Cricket Lane, LLC would like to request a pre-construction meeting; Board discusses possible dates.

Member Carnovale makes motion to adjourn the public meeting; Member Weidler seconds, all in favor, none opposed 3:0:0

Meeting adjourned 10:27 pm.