

Revised

Form revised 7/25/16

City of Newburyport Zoning Board of Appeals
Application for a SPECIAL PERMIT FOR NON-CONFORMITIES

Petitioner: Chris Horan, c/o Lisa L. Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport

Phone: 978 463 7700 Email: Lisa@MTClawyers.com

Property Address: 10 Ashland Street

Map and Lot(s): Map 68 Lot 156 Zoning District: R-2

Book and Page(s): Book 12676 Page 464

Owner(s) Name: Madeline A Insalaco

Mailing Address (if different): 10 Ashland Street

This request for a Special Permit for Non-Conformities is made under section(s):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| <input checked="" type="checkbox"/> Upward Extension | <input type="checkbox"/> FAR |
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Footprint Expansion |
| <input type="checkbox"/> Height | <input type="checkbox"/> Height Increase |
| <input type="checkbox"/> Lot Area | |
| <input type="checkbox"/> Rear Yard | |
| <input type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

(Refer to the Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request:

Permit modification of pre-existing non-conforming structure for two family use.

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

City of Newburyport Zoning Board of Appeals
Application for a SPECIAL PERMIT FOR NON-CONFORMITIES

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	15768	82.2	14.1		27.5	249.50	4+	24.1 28		57.2	32
Proposed	15768	82.7	14.1		27.5	249.50	4+	24.1 28		57.2	32
Required	15000	40	25		35	120	4	25 25		20	25

*FAR is only applicable within the Plum Island Overlay District (PIOD).

Existing Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1,584	2 +	3,600	101
_____	_____	_____	_____
_____	_____	_____	_____

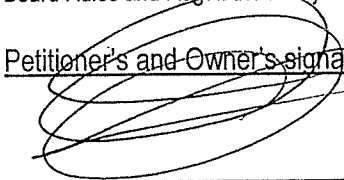
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1568	2 +	4,453	102
_____	_____	_____	_____
_____	_____	_____	_____

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. - 101 = single family, etc.)

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

Petitioner's and Owner's signature(s):





lead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

October 2, 2017

By Hand

Ed Ramsdel, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Special Permit for Use and Special Permit for Non-conformities;
10 Ashland Street, Newburyport, MA (the "Property"), Assessor's Map: 68 Lot 156
/ Additional Information

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter and the opening of the hearing last week. In that connection, the Petitioner along with his consultants reviewed, again, the proposal in response to the comments from the neighbors as well as the Board. As noted at the end of the meeting, it was clear the Board continued to have concerns about the new driveway locations as well as the height and massing of the structure. To that end, the Architect has completely redesigned the structure such that those two items are addressed head on.

First, you will see the Petitioner is reusing the existing driveway and garage – for the same purpose as it is currently being used. There will be no new addition of a drive anywhere on the Property. Instead of one garage door, the door way will be divided into two, one serving each unit.

Second, instead of raising the roof over the garage to allow for an full second story, the Applicant is adding 2.4 feet in height along with dormers. As you can see from the attached plans, the proposed ridge height will be 6'7" shorter than the ridge height of the existing structure facing Ashland Street, clearly remaining subservient to that portion of the home, and is only 2.4 feet higher than the existing roof over the garage. You will see as part of this new design, the form of the connection between the structure facing Ashland Street and that form facing Ashland Court remains intact.

Third the Petitioner has reduced the heated square footage of the proposed renovated structure from 5,214 to 4,453. This is a reduction of 761 square feet.

Finally, you will note on the plans, while the Petitioner has previously agreed both with the Board and the neighbors that the brick sidewalk and walkway will be reconstructed on Ashland Street and a brick walk will be constructed on Ashland Court.

I have attached revised plans for your review and consideration. Given this change, and based upon our prior submission, it is the position of the Petitioner that

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

this Board can find – after the elimination of the additional driveway and reuse of the existing driveway and garage, that the proposed modification is not substantially more detrimental to the neighborhood than the existing structure.

We look forward to discussing these proposed modifications with you next week.

Respectfully submitted,
Chris Horan
By His Attorney



Lisa L. Mead

N/F
GANTON LLC
MAP 68 LOT 155
E.S.D.R.D. BK. 22957 PG. 100

N 48°15'40" E
100.50'



ZONING

RESIDENTIAL
(R-2)

	REQUIRED (USE 101) SINGLE FAMILY	EXISTING	PROPOSED (USE 102) 2-FAMILY	PROPOSED
MINIMUM LOT SIZE:	10,000 SF	15,768 SF	15,000 SF	15,768 SF
MINIMUM FRONTAGE:	90 FT	248.50 FT	120 FT	249.50 FT
MINIMUM FRONT SETBACK:	25 FT	24.1 FT	25 FT	24.1 FT
MINIMUM SIDE SETBACK (R):	25 FT*	28.0 FT	25 FT*	28.0 FT
MINIMUM SIDE SETBACK (L):	10 FT	57.2 FRT	20 FT	57.2 FT
MINIMUM REAR SETBACK:	25 FT	32.0 FT	25 FT	32.0 FT
MAX LOT COVERAGE:	25%	14.1%	25%	14.1%
MAX BUILDING HEIGHT:	35 FT	27.5 FT	35 FT	27.5 FT
MINIMUM OPEN SPACE:	40%	82.2%	40%	82.7%

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.
* RIGHT SETBACK IS TREATED AS A FRONT PER ZONING ORDINANCE.

NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT ALONG WITH THE PROPOSED ADDITION AND SITE IMPROVEMENTS. EXISTING INFORMATION IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON JUNE 23, 2017. PROPOSED INFORMATION IS AS PROVIDED BY THE CLIENT AND THE CLIENT'S ARCHITECT.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S. Everett J. Chandler
EVERETT J. CHANDLER, P.L.S. MASS. REGISTRATION NO. 41783

DATE 9/29/17

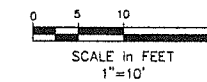
LOCUS TITLE INFORMATION

10 ASHLAND STREET

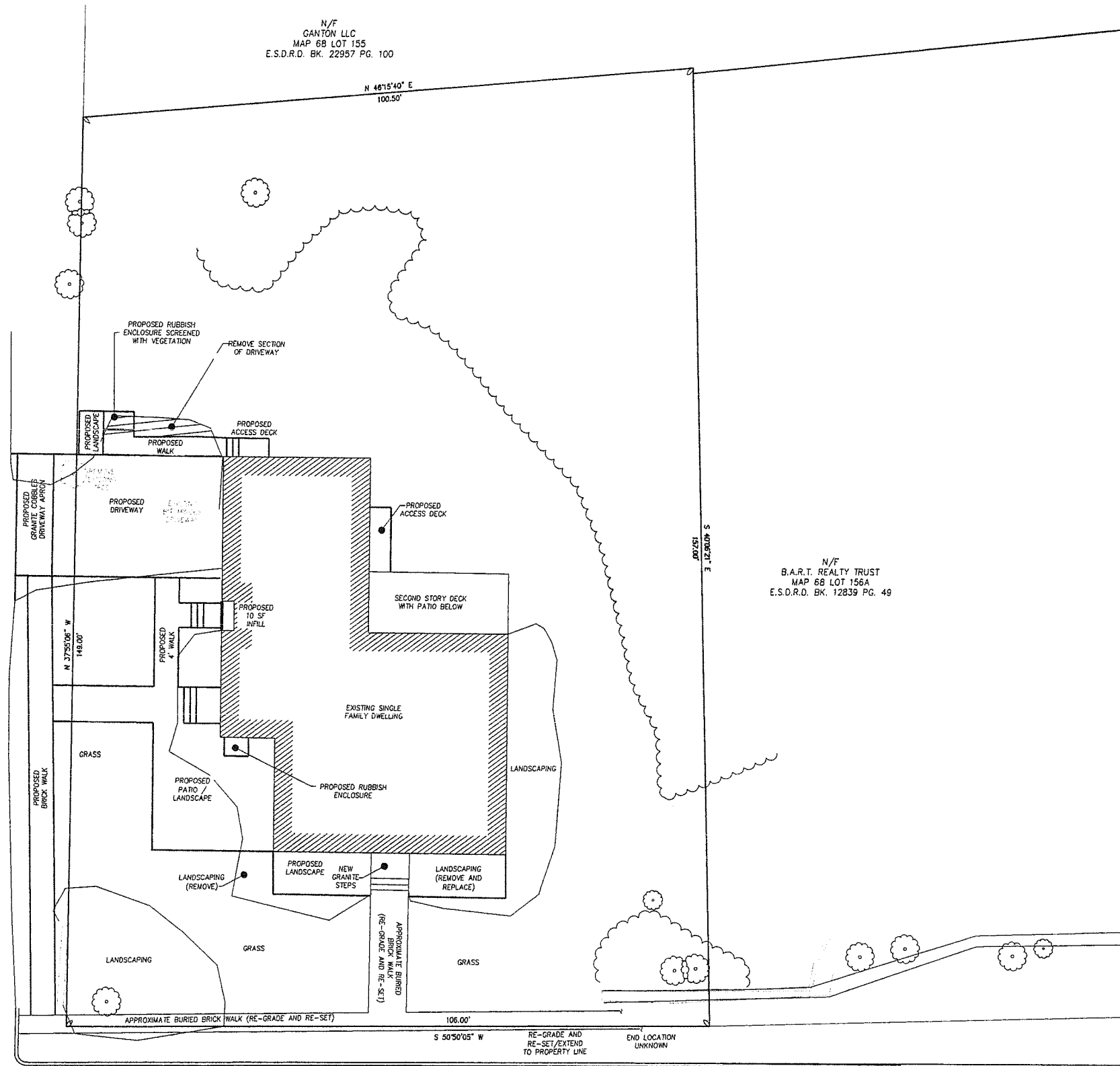
OWNER: MADELINE INSALACO

DEED REFERENCE: BOOK 12676 PAGE 464

ASSESSORS: MAP 68 PARCEL 156



ASHLAND COURT



N/F
B.A.R.T. REALTY TRUST
MAP 68 LOT 156A
E.S.D.R.D. BK. 12839 PG. 49

ASHLAND STREET

Winter GEC, LLC

34 WINTER STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1" = 10'
VERT: N.A.

NO.	DATE	BY	REVISIONS
3	9/29/17	EJC	REMOVED DRIVEWAYS / ADDED LANDSCAPE DETAILS
2	9/5/17	EJC	UPDATED DRIVEWAYS / ADDED LANDSCAPE DETAILS
1	8/7/17	EJC	UPDATED DRIVEWAYS / CORRECTED SCALE NOTATION

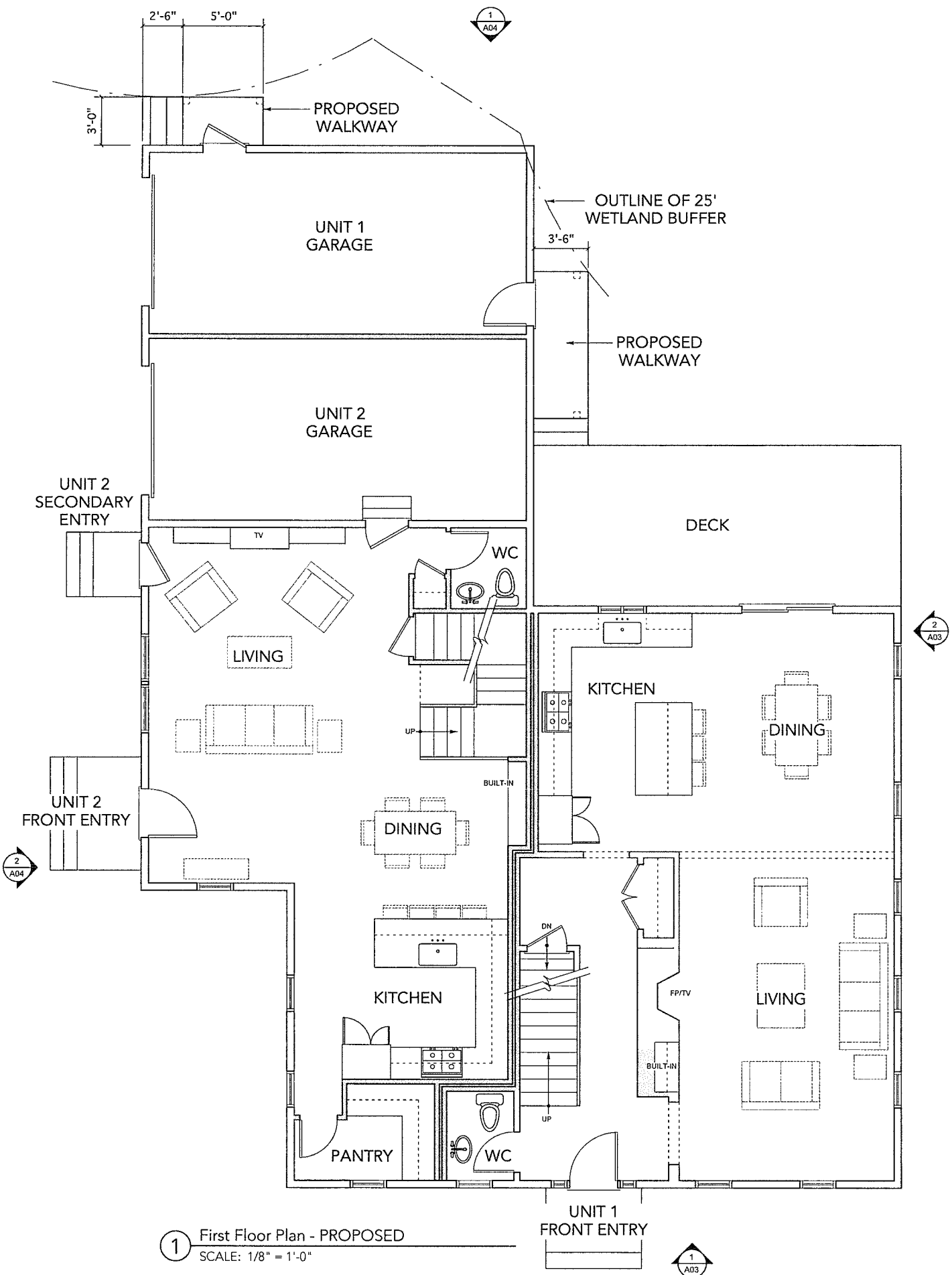
FIELD: T.P.T.
CALCS: T.P.T.
CHECKED: EJC
APPROVED: EJC

ZONING BOARD OF APPEALS
PLAN

10 ASHLAND STREET

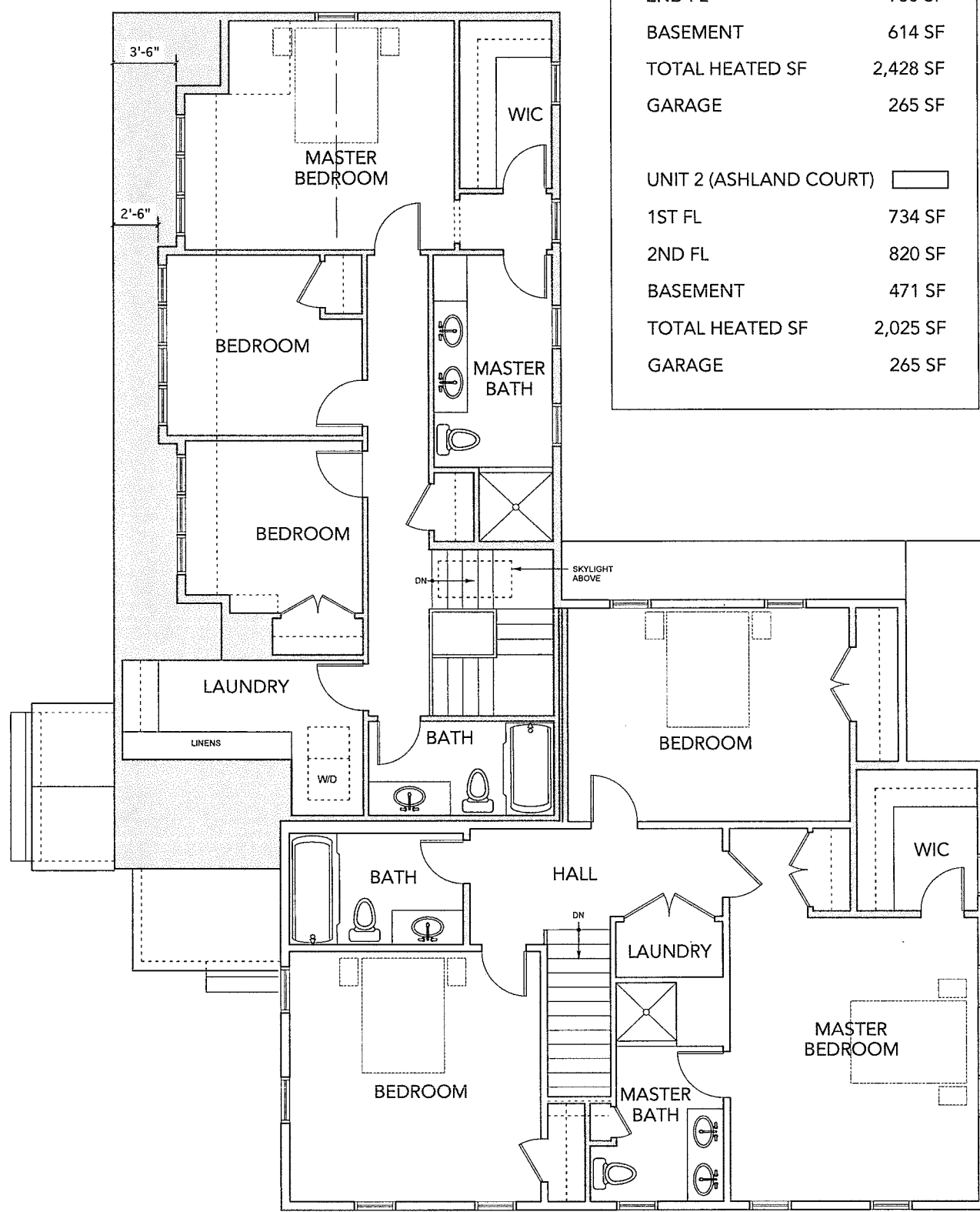
PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
BALMORAL DEVELOPMENT, LLC

PROJECT NO.
2017- 10ASHLAND
DATE: JUNE 30, 2017
SHEET NO.
1 OF 1



1 First Floor Plan - PROPOSED
SCALE: 1/8" = 1'-0"

UNIT 1
FRONT ENTRY



2 Second Floor Plan - PROPOSED
SCALE: 1/8" = 1'-0"

PROPOSED SF CALCULATIONS	
UNIT 1 (ASHLAND ST)	
1ST FL	834 SF
2ND FL	980 SF
BASEMENT	614 SF
TOTAL HEATED SF	2,428 SF
GARAGE	265 SF
UNIT 2 (ASHLAND COURT)	
1ST FL	734 SF
2ND FL	820 SF
BASEMENT	471 SF
TOTAL HEATED SF	2,025 SF
GARAGE	265 SF

project:
10 ASHLAND STREET
Newburyport, MA
01950

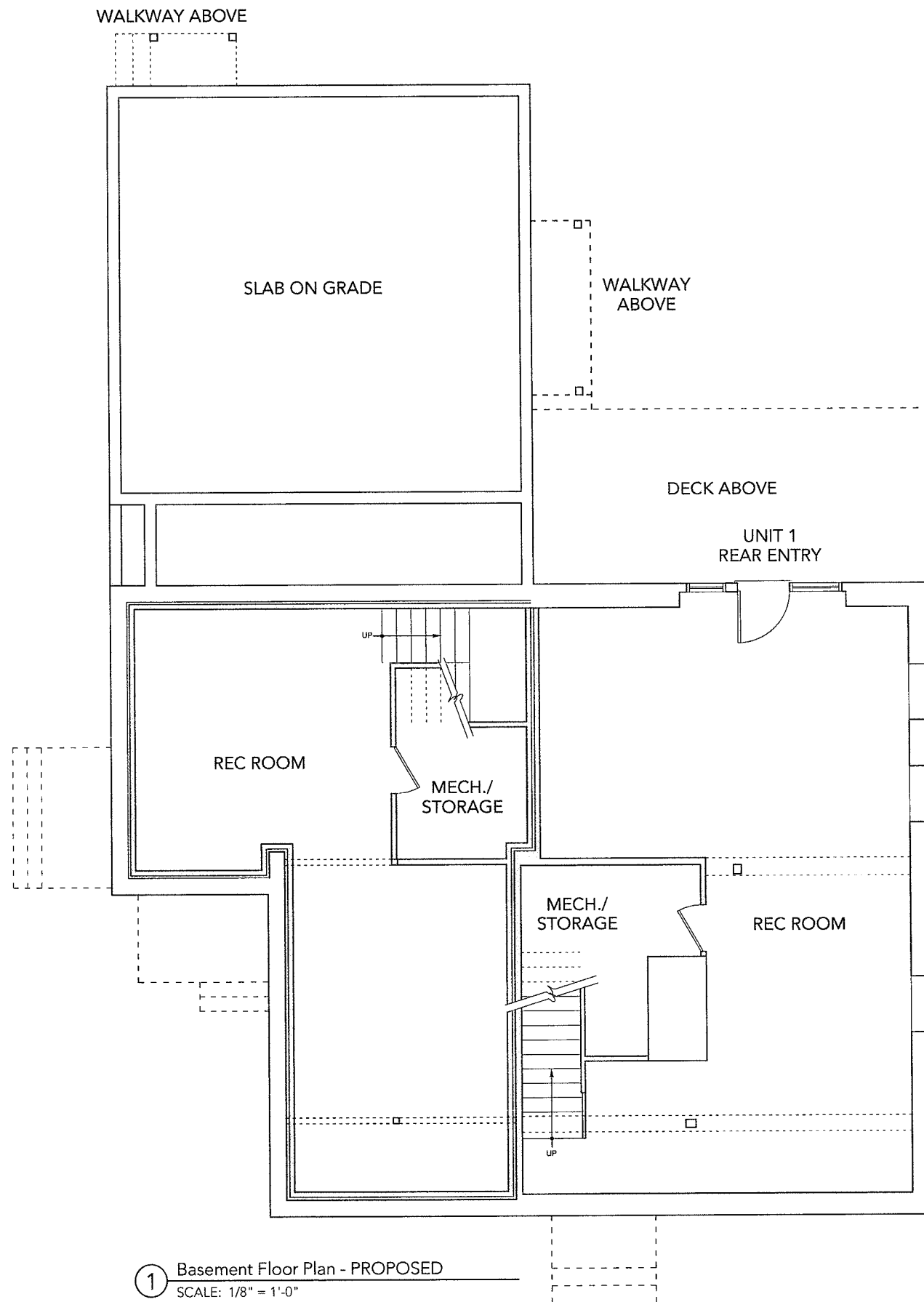
architect:
GRAF ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:
**PROPOSED
First + Second
Floor Plans**

SCALE: 1/8" = 1'-0"
27 sept 2017

A01

PROPOSED SF CALCULATIONS	
UNIT 1 (ASHLAND ST)	□
1ST FL	834 SF
2ND FL	980 SF
BASEMENT	614 SF
TOTAL HEATED SF	2,428 SF
GARAGE	265 SF
UNIT 2 (ASHLAND COURT)	□
1ST FL	734 SF
2ND FL	820 SF
BASEMENT	471 SF
TOTAL HEATED SF	2,025 SF
GARAGE	265 SF



1 Basement Floor Plan - PROPOSED
SCALE: 1/8" = 1'-0"

project:
10 ASHLAND STREET

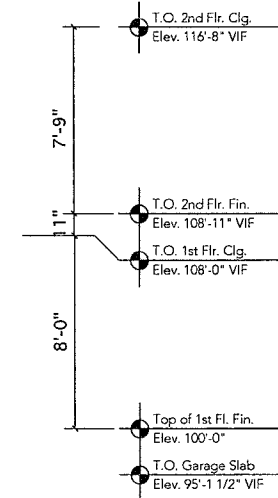
Newburyport, MA
01950

architect:
GRAF ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:
**PROPOSED
Basement Floor Plan**

SCALE: 1/8" = 1'-0"
27 sept 2017

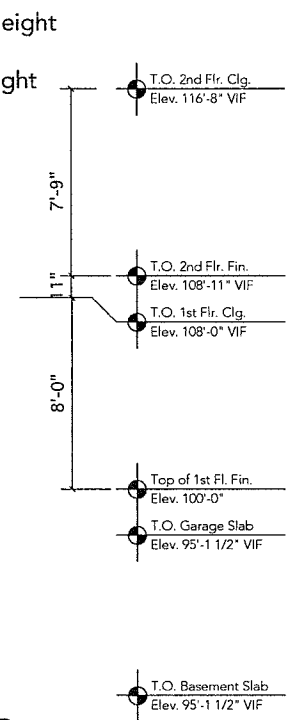
A02



1 Front Exterior Elevation - ASHLAND STREET
SCALE: 1/8" = 1'-0"

project:
10 ASHLAND STREET
Newburyport, MA
01950

architect:
GRAF ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com



2 Side Exterior Elevation - PROPOSED
SCALE: 1/8" = 1'-0"

title:
PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"
27 sept 2017

A03

project:
10 ASHLAND STREET

Newburyport, MA
 01950

architect:

GRAF ARCHITECTS
 2 Liberty Street
 Newburyport, MA
 01950
 T. 978.499.9442
 www.grafarch.com

title:
PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"
 27 september 2017

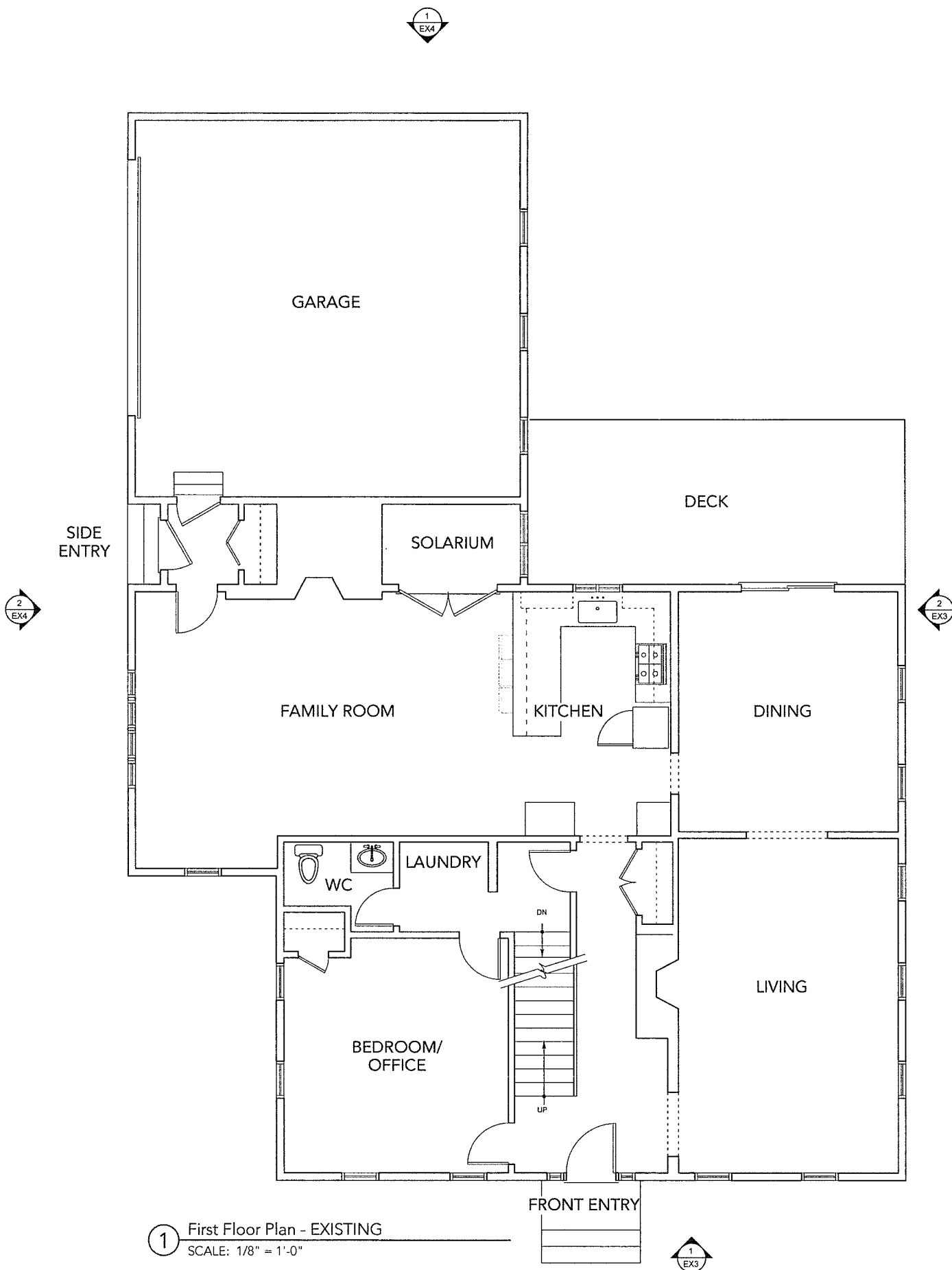
A04

① Rear Exterior Elevation - PROPOSED
 SCALE: 1/8" = 1'-0"

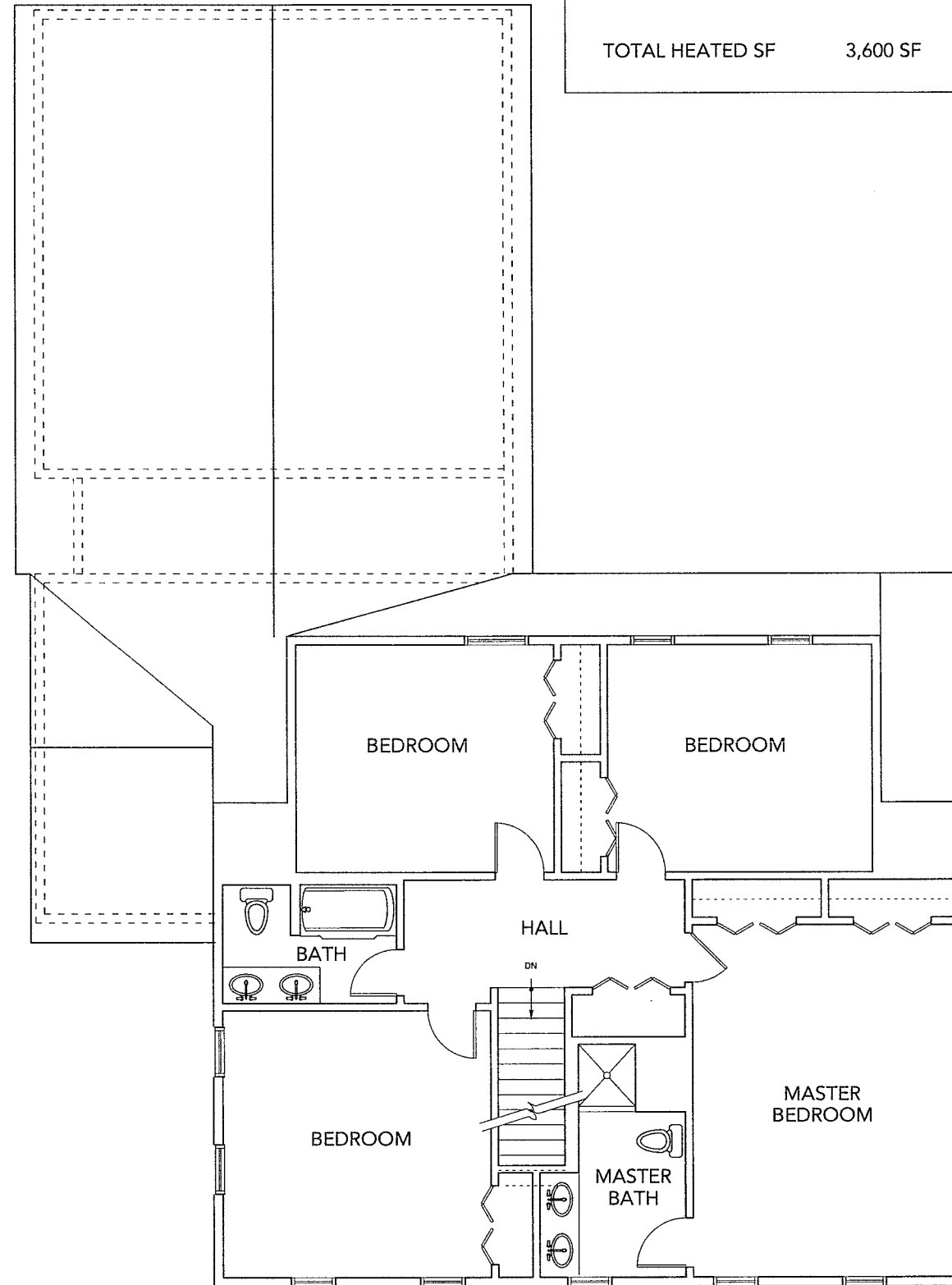


② Front Exterior Elevation- ASHLAND COURT
 SCALE: 1/8" = 1'-0"





1 First Floor Plan - EXISTING
SCALE: 1/8" = 1'-0"



2 Second Floor Plan - EXISTING
SCALE: 1/8" = 1'-0"

EXISTING SF CALCULATIONS	
1ST FL	1,584 SF
2ND FL	1,169 SF
BASEMENT	847 SF
TOTAL HEATED SF	3,600 SF

project:
10 ASHLAND STREET
Newburyport, MA 01950

architect:
GRAF ARCHITECTS
2 Liberty Street
Newburyport, MA 01950
T. 978 499 9442
www.grafarch.com

title:
EXISTING First + Second Floor Plans

SCALE: 1/8" = 1'-0"
6 july 2017

EX1

project:

10 ASHLAND STREET

Newburyport, MA
01950

architect:

GRAF ARCHITECTS

2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

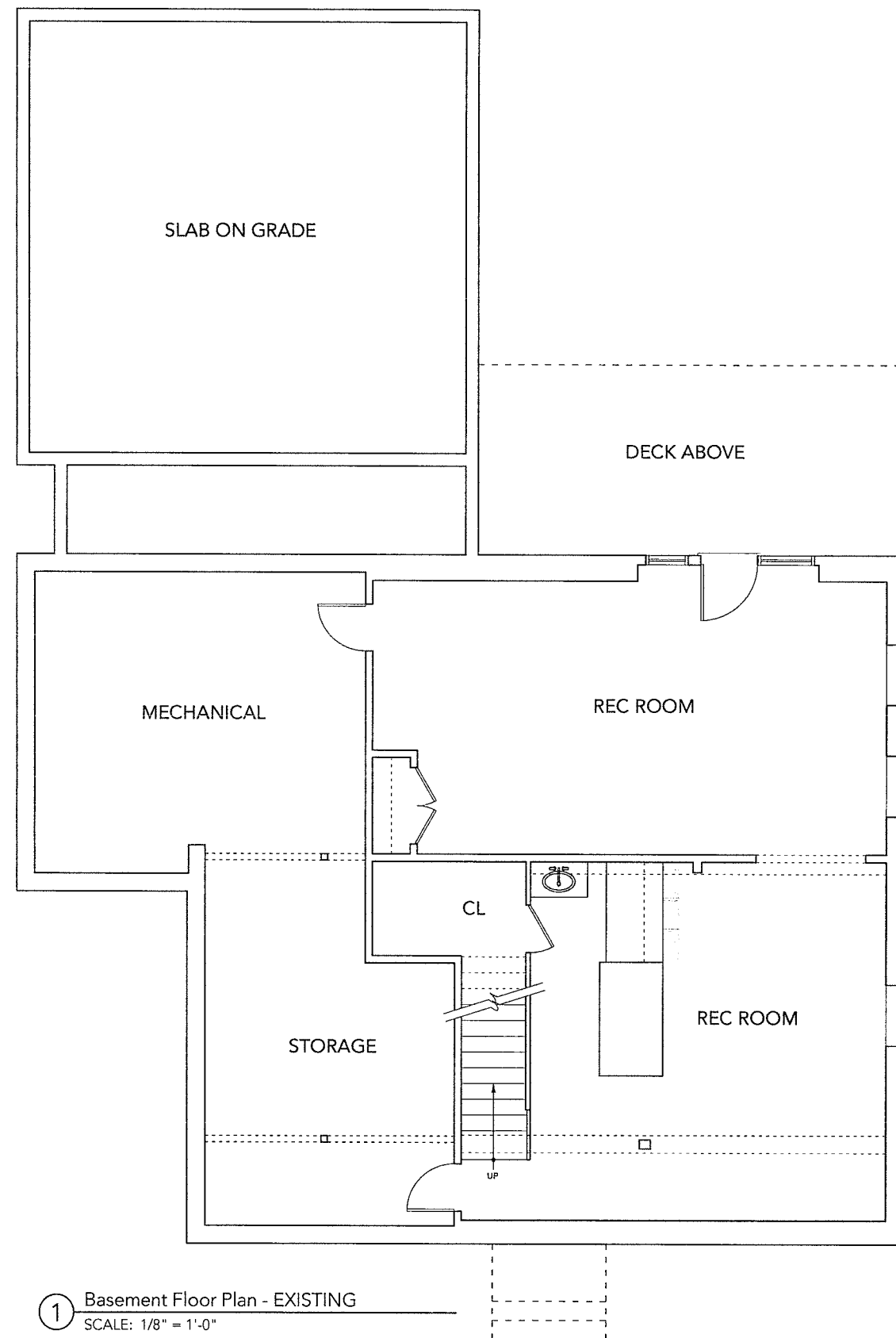
title:

EXISTING Basement Floor Plan

SCALE: 1/8" = 1'-0"

6 July 2017

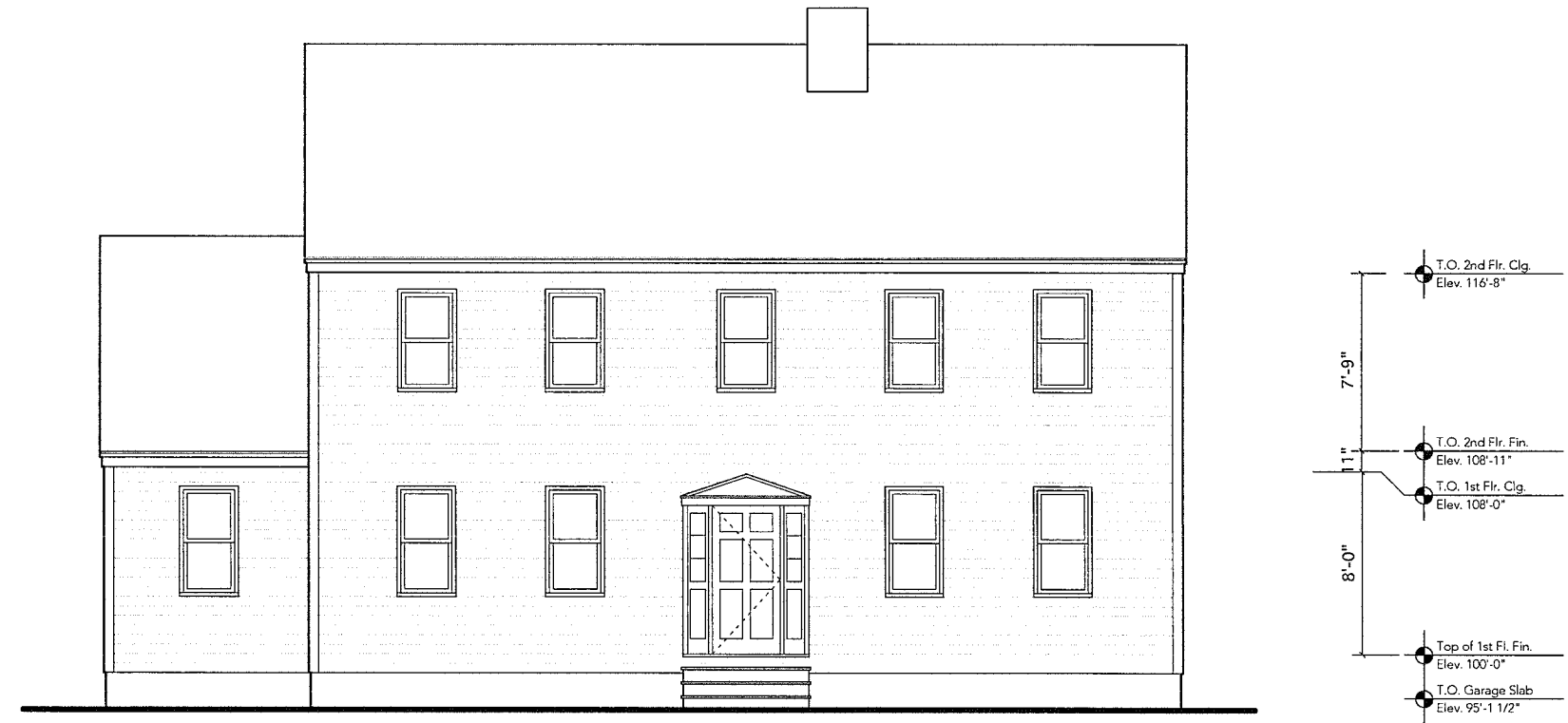
EX2



① Basement Floor Plan - EXISTING
SCALE: 1/8" = 1'-0"

project:
10 ASHLAND STREET
 Newburyport, MA
 01950

architect:
GRAF ARCHITECTS
 2 Liberty Street
 Newburyport, MA
 01950
 T. 978 499 9442
 www.grafarch.com



① Front Exterior Elevation - EXISTING
 SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - EXISTING
 SCALE: 1/8" = 1'-0"

title:
EXISTING Exterior Elevations

SCALE: 1/8" = 1'-0"
 6 july 2017

EX3

project:
10 ASHLAND STREET
 Newburyport, MA
 01950

architect:
GRAF ARCHITECTS
 2 Liberty Street
 Newburyport, MA
 01950
 T. 978 499 9442
 www.grafarch.com

title:
EXISTING Exterior Elevations

SCALE: 1/8" = 1'-0"
 6 july 2017

EX4

① Rear Exterior Elevation - EXISTING
 SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - EXISTING
 SCALE: 1/8" = 1'-0"