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March 13, 2020

By Hand

Rob Ciampitti, Chair  
Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Special Permit for Non-Conformities;  
12 54th Street, Newburyport, MA (the "Property")  
Assessor's Map: 76 Lot: 4

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Gregory Elliott and Candace McMahon (the "Applicant"), the owners of the Property, relative to the construction of additions to a single-family residence (the "Structure"). The Applicant seeks a Special Permit for Non-Conformities for the project.

The Property is located in the R3 zoning district and Plum Island Overlay District ("PIOD") under the Newburyport Zoning Ordinance (the "Ordinance"). The Property is pre-existing, nonconforming for lot area; it contains 9,500 square feet and the PIOD requires a minimum lot size of 12,000 square feet for single-family use. The Structure is pre-existing, nonconforming for front yard setback and side yard setback on the eastern side of the Structure. The PIOD requires a minimum front and side yard setbacks of 20 feet; the front yard setback is 9.6 feet and eastern side yard setback is 5.01 feet.

The Structure is one-story with two bedrooms. The Application proposes to construct a second story over the existing footprint, and a one-story addition to the northwest corner of the existing Structure, as shown on the site plan attached hereto. These additions total more than 500 square feet and will exceed the existing height of the Structure.

The Applicant will require a Special Permit for non-conformities under sections IX-B-2.A, IX-B-3.c and XXI-G-4a of the Ordinance. Section IX-B-2.A allows the modification of a preexisting nonconforming single-family structure where the Board finds that:

- 1. There will be no addition of a new nonconformity; and**
- 2. The proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

1. As is shown on the plans there is no addition of a new nonconformity.

*Millis Office*

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

2. The proposed changes will not be substantially more detrimental to the neighborhood. There are 5 homes on the Newburyport-side of 54<sup>th</sup> Street; 3 homes are two stories, one of which is on piles, 1 home is one story and on piles, and the Structure is one story. The proposed changes are in keeping with the rest of the Street. The expansion of the footprint for the one-story addition is to the rear corner of the Structure away from the street. Further, the Property is large for the neighborhood.

Section XXI-G.4a allows the alteration, reconstruction, extension of, or change of a single-family residence in the PIOD where:

1. **The proposed change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood or the PIOD; and**
2. **The change will not cause the structure to be within 10 feet of the side lot line, more than 2 stories, or more than 35 feet in height.**

1. As mentioned in detail above, the proposed change is not substantially more detrimental to the neighborhood or PIOD. The Structure with the proposed addition will appear in keeping with other homes on 54<sup>th</sup> Street and the large lot size will accommodate the small expansion in footprint.
2. With the proposed additions, the Structure will not be more than two stories or 35 feet in height. The proposed height is 21 feet, well under the maximum allowable 35 feet. The eastern side of the Structure is pre-existing nonconforming and already within 10 feet of the side lot line, for which the Applicant seeks a Special Permit for Non-Conformities.

The Applicant respectfully requests that the Board find that the proposed changes are not substantially more detrimental to the neighborhood than the pre-existing, nonconforming Structure and grant a Special Permit for Non-Conformities.

Respectfully submitted  
Gregory Elliott and Candace McMahon  
By their Attorney



Lisa L. Mead

Attachment  
cc: client

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

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	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	9,500 sq ft	9,500 sq ft	12,000 sq ft
Frontage	120 ft	120 ft	120 ft
Height*	13.75 ft	21 ft	35 ft
Lot Coverage (%)**	16%	17%	20%
Open Space (%)***	84%	83%	25%
Front Setback	9.6 ft	9.6 ft	20 ft
Side A Setback	58.49 ft	58.49 ft	20 ft
Side B Setback	5.01 ft	5.01 ft	20 ft
Rear Setback	33.8 ft	33.8 ft	20 ft
Parking Spaces	4	4	2
FAR****	15.42	24.78	0.25

\*Height is measured to median roof line.

\*\*Total building footprint divided by the lot area expressed as a percentage.

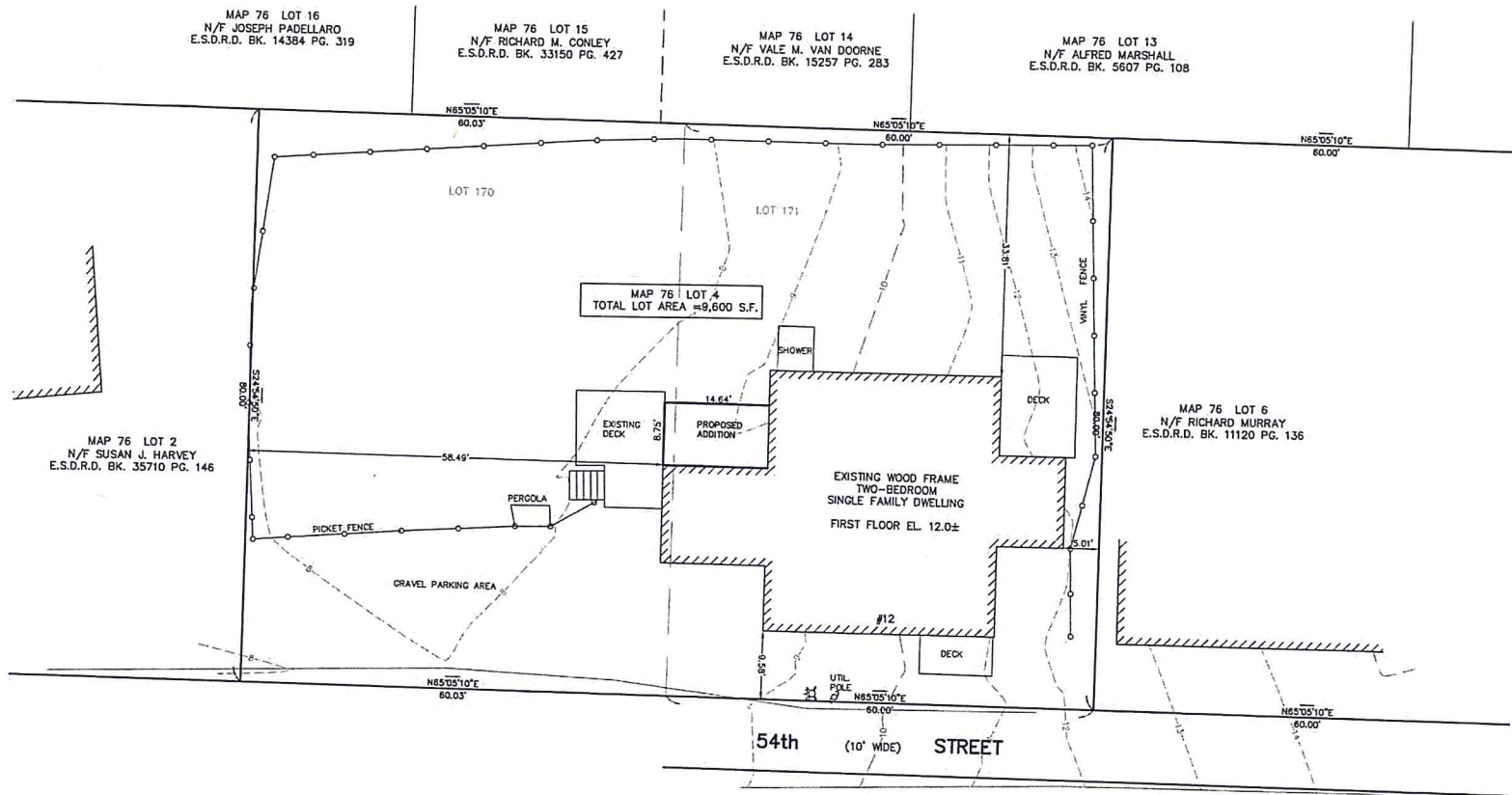
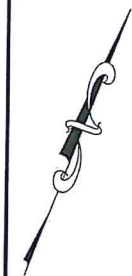
\*\*\*Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

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

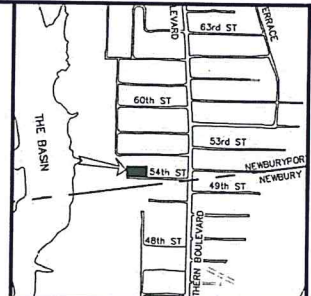
Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy 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):

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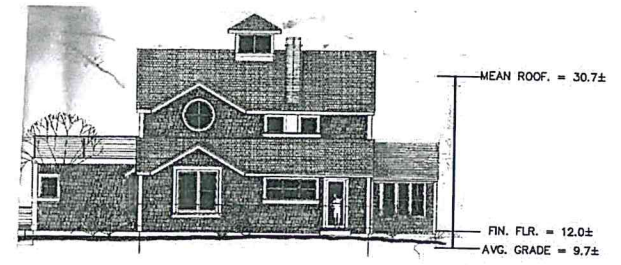
**SITE PLAN**  
SCALE: 1"=10'



**VICINITY PLAN**  
SCALE: 1"=500'

TABLE OF ZONING REQUIREMENTS RESIDENTIAL (R-3), PLUM ISLAND OVERLAY SINGLE FAMILY RESIDENCE			
ZONING PARAMETER	REQUIRED	EXISTING	PROPOSED
LOT AREA (S.F.)	12,000	9500*	9500*
STREET FRONTAGE (FT.)	120	120	120
BUILDING HEIGHT (FT.)	35	<35	<35
MAX LOT COVERAGE (BLDG) %	20	16	17
MIN OPEN SPACE %	25	84	83
MAX. # OF STORIES	2	2	2
MIN. STREET SETBACK (FT.)	20	9.6±	9.6±
MIN. SIDE SETBACK (FT.)	20	5.0±	5.0±
MIN. REAR SETBACK (FT.)	20	33.8±	33.8±

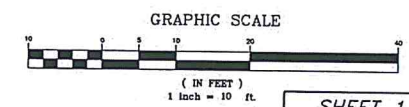
\* TOTAL LOT AREA IS 9,600 S.F., APPROXIMATELY 100 S.F. LIES WITHIN THE TOWN OF NEWBURY AND 9,500 S.F. IN NEWBURYPORT.



**PROPOSED BUILDING SOUTH ELEVATION**  
SCALE: 1"=10'

**PLAN REFERENCES:**  
1) LOTS NO. 170 AND 171 IN BLOCK LETTERED "C" AS SHOWN ON PLAN ENTITLED "PLAN OF SECTIONS ONE AND TWO OF LANDS OF PLUM ISLAND BEACH COMPANY", DATED MAY 1920 BY ROWLAND H. BARNES AND HENRY F. BEAL, CIVIL ENGINEERS, RECORDED WITH ESSEX SOUTH DISTRICT REGISTRY OF DEEDS, PLAN BOOK 34, PLAN 22.

**LOCUS DEED REFERENCE:**  
E.S.D.R.D. BK. 26901 PG. 413

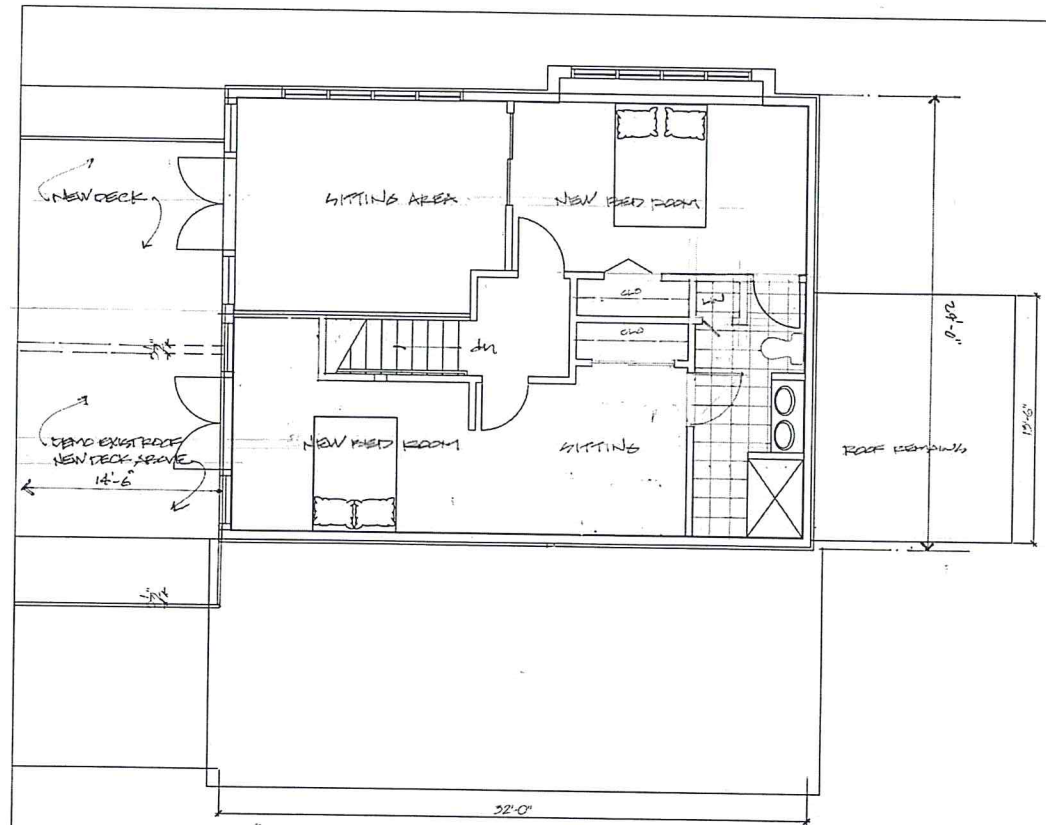


SHEET 1 OF 1

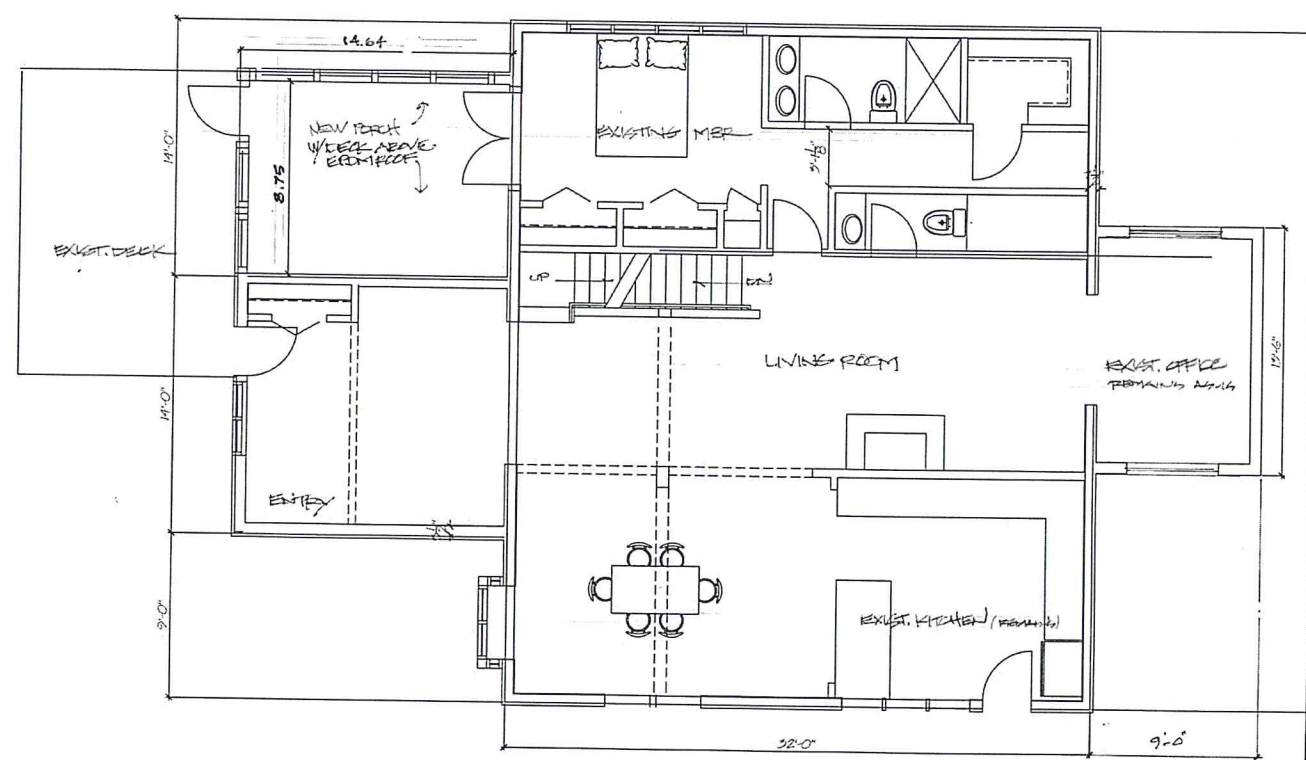
JOHN HARGREAVES, PE/PLS  
DATE: 8-28-2019

**PLAN OF LAND**  
IN  
**NEWBURYPORT, MASSACHUSETTS**  
**12 54th STREET, PLUM ISLAND**  
**ASSESSORS MAP-76, LOT-4**  
AS PREPARED FOR:  
**GREGORY D. ELLIOT & CANDACE D. McMAHON**  
12-54TH STREET, NEWBURYPORT, MA

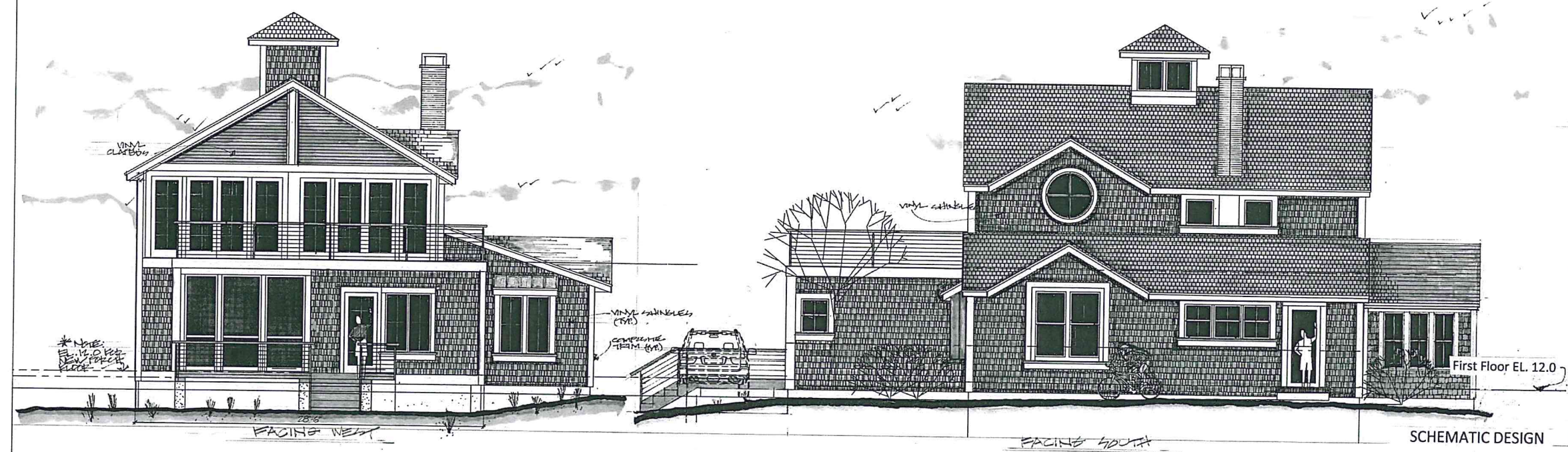
**GA CONSULTANTS, INC.**, PROFESSIONAL ENGINEERS  
10 STATE STREET, NEWBURYPORT, MA 01950 978-502-5197



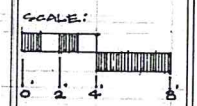
SECOND FLOOR PLAN



FIRST FLOOR PLAN



SCHEMATIC DESIGN



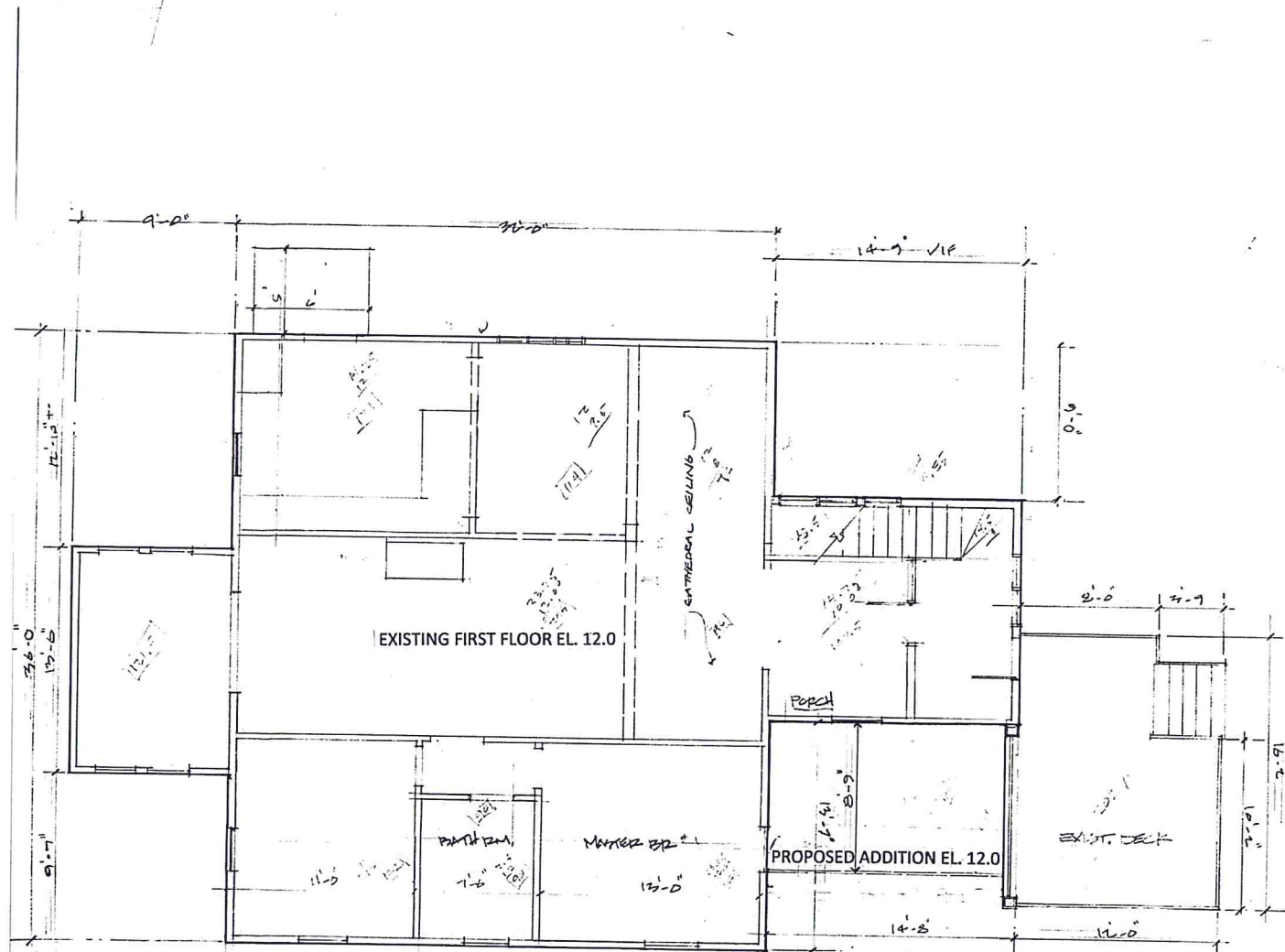
No.	Description	Date
1	PROJECT START	1/23/19
2	4th PROFESSIONAL	1/23/19
3	ISSUED FOR PERMIT	2/11/19

**RESIDENCE**  
 12 56 th Street  
 Newburyport, MA

**FLOOR PLANS & EXTERIOR ELEVATIONS**

Project Number 1602  
 Date February 23, 2018

**A1.0**  
 Scale 1/4" = 1'-0"



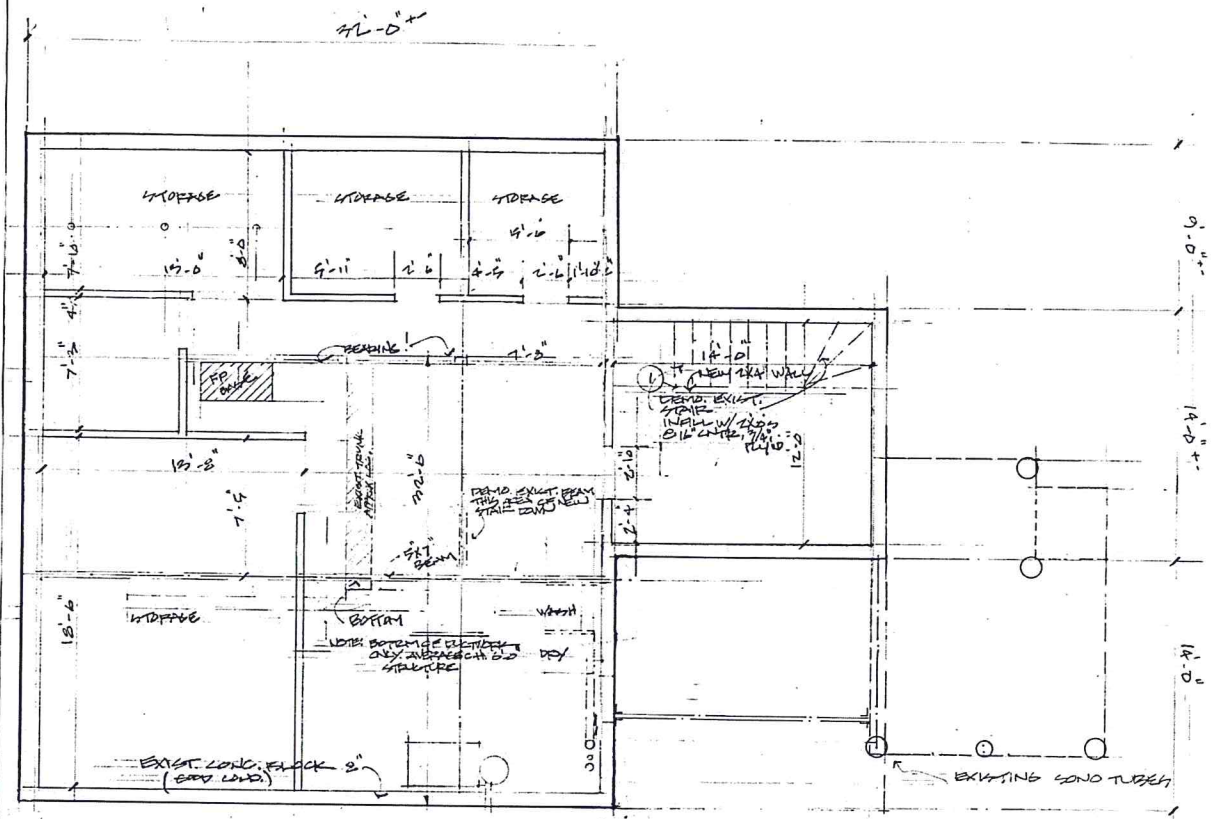
FIRST FLOOR PLAN

EXISTING CONDITIONS

#12, 54<sup>th</sup> ST. NEWBURYPORT, MA 01950

JOHN SAVA ARCHITECTS, LLC, 191 INN STREET, NEWBURYPORT, MA 01950

SCHEMATIC DESIGN



BASEMENT PLAN



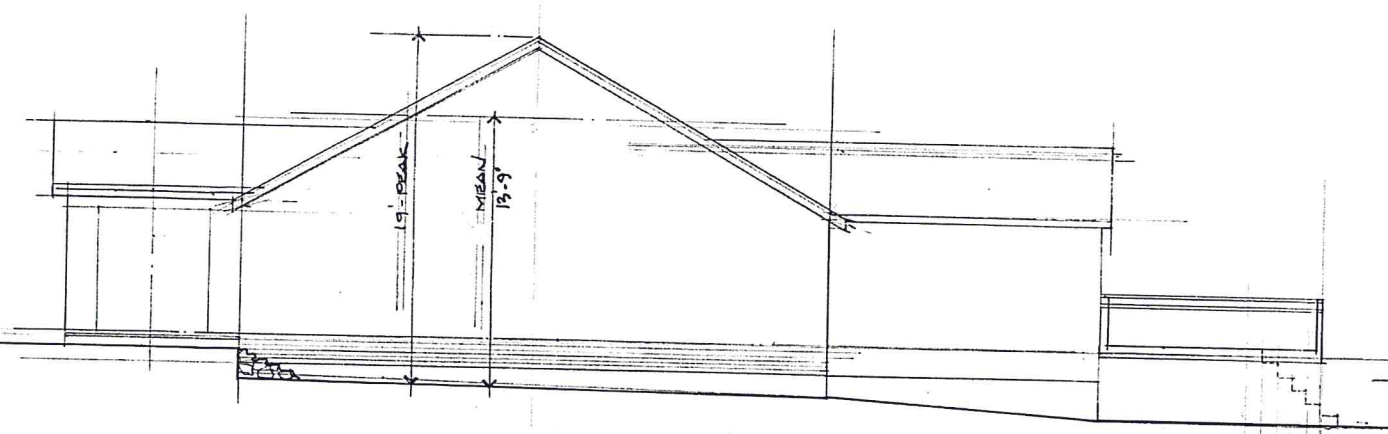
191 Inn Street  
Newburyport  
Massachusetts 01950  
johnsavaarchitects.com  
**JOHN SAVA ARCHITECTS, LLC**  
tel 978 417 9324  
john@johnsavaarchitects.com  
John S. Sava, Principal  
AIA, NCARB

Addition for: Gregory Elliot and Candace McMahon  
12, 54<sup>th</sup> Street, Newburyport, Ma 01950  
EXISTING CONDITIONS

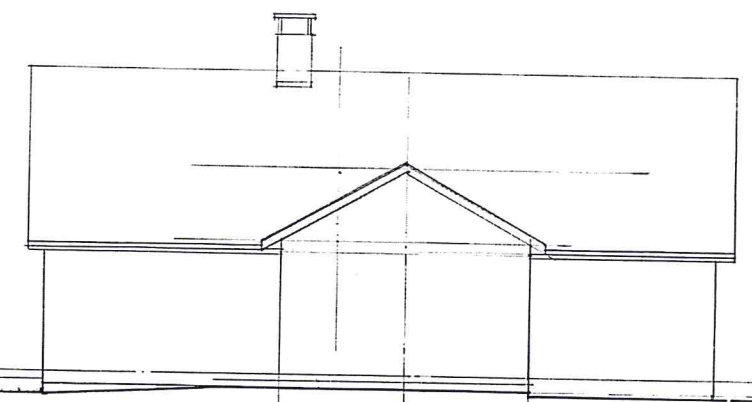
TEEN 2/1/2010  
7/2/10  
NOTATION #2

19 Isa Street  
 Newburyport  
 Massachusetts 01950  
 www.savaarchitects.com  
**SAVA ARCHITECTS**  
 tel 978 462 8288  
 cell 978 417 9324  
 savaarchitects@verizon.net  
 John S. Sava, AIA principal

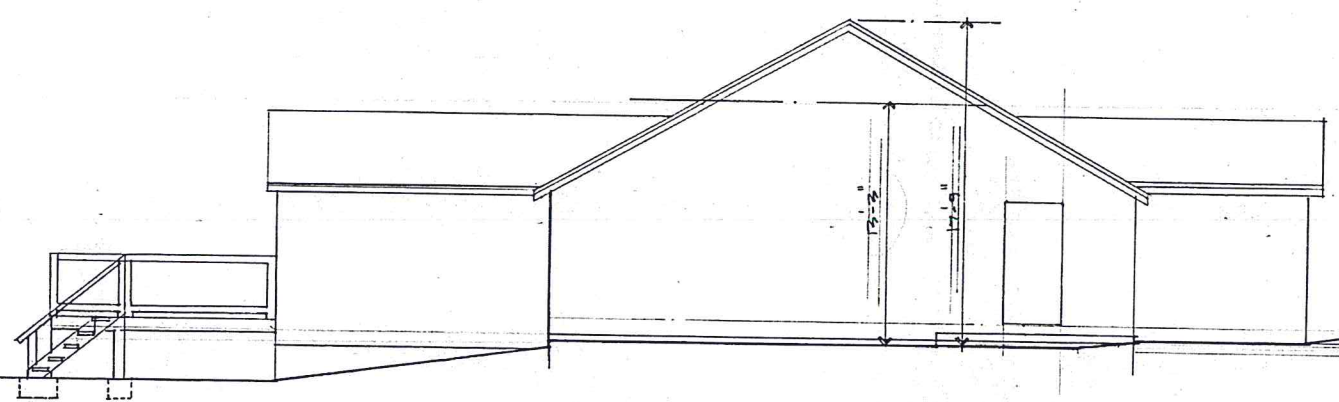
Addition for:  
 Elliott Gregory & Candace McMahon  
 12,54<sup>th</sup> St. Newburyport, Ma 01950



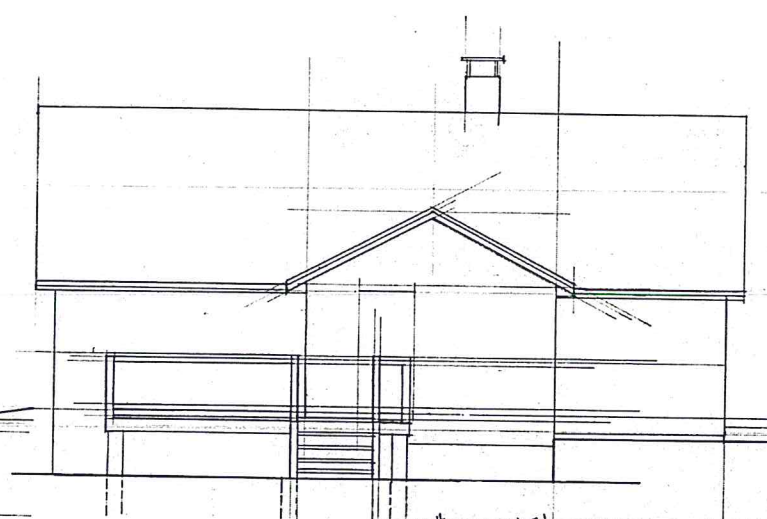
#12,54<sup>th</sup> ST NORTH ELEVATION  
 EXISTING CONDITIONS  
 AVERAGE MEAN HT 13'-9"



#12,54<sup>th</sup> ST EAST ELEVATION  
 EXISTING CONDITIONS



#12,54<sup>th</sup> ST SOUTH ELEVATION  
 EXISTING CONDITIONS



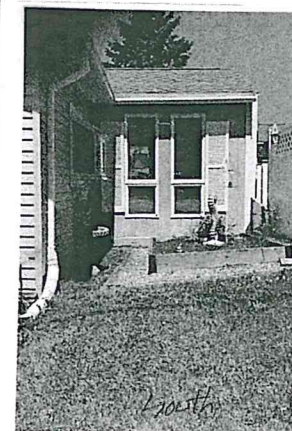
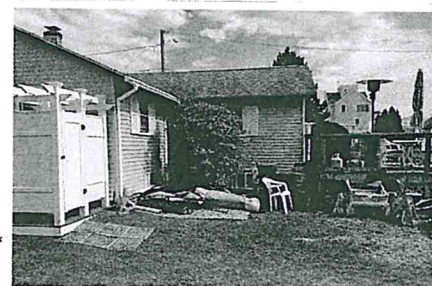
#12,54<sup>th</sup> ST WEST ELEVATION  
 EXISTING CONDITIONS

Drawing Title:  
 AS- BUILT CONDITIONS

- REVISIONS:
- Date: 3/11/2010 - MEN/JHT
  - Date:
  - Date:
  - Date:
- ISSUE DATES
- Date:
  - Date:
  - Date:

Drawing Sheet Number:





19L Inn Street  
Newburyport  
Massachusetts 01950  
johnsavaarchitect.com

JOHN SAVA ARCHITECTS, LL

tel (978) 417 9324  
john@johnsavaarchitects.com  
John S. Sava, Principal  
AIA, NCARB

General Notes:  
GENERAL CONTRACTOR SHALL MAKE ALL SUB-CONTRACTORS AND SUPPLIERS AWARE OF THE REQUIREMENTS OF THESE NOTES.

ALL WORK SHALL BE PERFORMED IN COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND NATIONAL BUILDING, LIFE, SAFETY, ELECTRICAL, AND PLUMBING CODE.

ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL PERMITS NECESSARY FOR COMPLETION OF WORK THROUGHOUT THE CONTRACT DOCUMENTS.

GENERAL CONTRACTOR SHALL LAYOUT IN THE FIELD THE ENTIRE WORK TO BE PERFORMED TO VERIFY ALL EXISTING CONDITIONS AND LOCATIONS BEFORE PROCEEDING WITH WORK.

GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF DIMENSIONAL REQUIREMENTS BETWEEN THE WORK OF REQUIRED TRADES / SUB-CONTRACTORS FOR WORK.

ANY DISCREPANCIES FOUND IN THE PLANS, DIMENSIONS, EXISTING CONDITIONS OR AN APPARENT ERROR IN THE CLASSIFYING OR SPECIFICATION OF A PRODUCT, MATERIAL OR METHOD OF ASSEMBLY IS TO BE BROUGHT TO THE ATTENTION OF THE GENERAL CONTRACTOR IMMEDIATELY.

REGARDLESS OF WHETHER OR NOT AN ITEM IS SHOWN OR SPECIFIED, THE GENERAL CONTRACTOR SHALL PROVIDE SAID ITEM IF IT IS NECESSARY FOR THE PROPER INSTALLATION OR FUNCTION OF AN ITEM SHOWN OR SPECIFIED. SUPPLIERS AND SUBCONTRACTORS SHALL INFORM THE GENERAL CONTRACTOR OF THEIR REQUIREMENTS FOR THE WORK OF OTHER TRADES, WHICH MAY NOT BE INDICATED, PRIOR TO SUBMITTAL OF FINAL BID.

DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS AND/OR SIZES. DRAWINGS MAY HAVE BEEN REPRODUCED AT A SCALE DIFFERENT THAN ORIGINALLY DRAWN.

Gregory Elliot & Candace McMahon  
12,54 th St. Newburyport, Ma 01950

REVISIONS:

- Date: 3/11/2020 MGH/H/T
- Date:
- Date:
- Date:

ISSUE DATES:

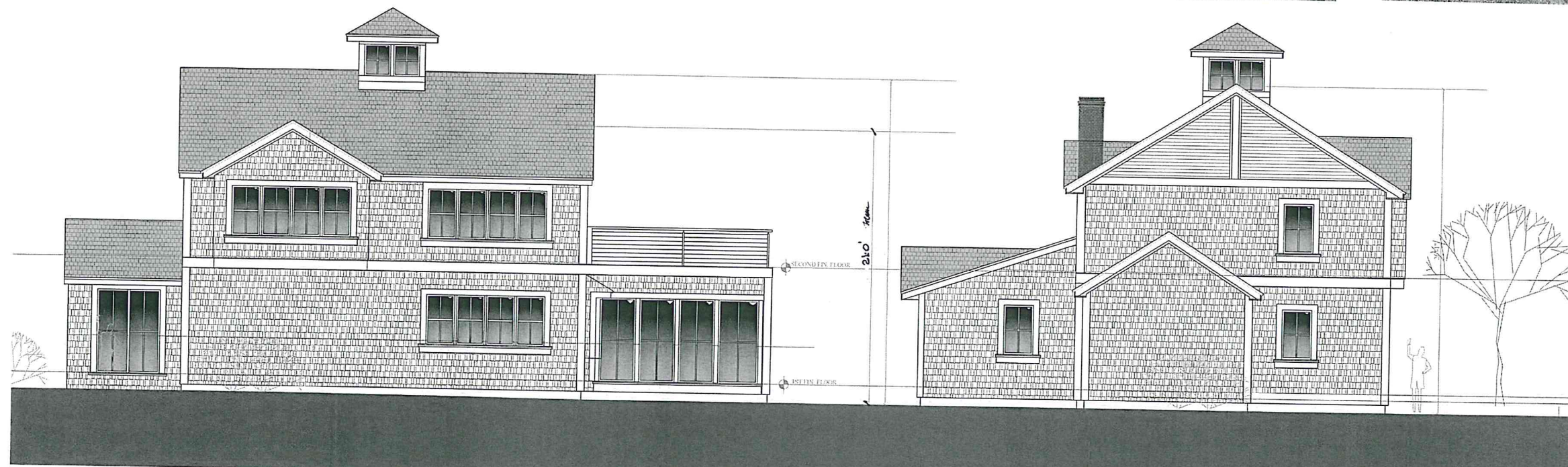
- Date:
- Date:
- Date:
- Date:

Drawing Title:

PROPOSED NORTH AND EAST ELEVATIONS

Drawing Sheet Number:

A-2.0



NORTH ELEVATION  
Scale 1/4" = 1'-0"

EAST ELEVATION  
Scale 1/4" = 1'-0"