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March 4, 2020

By Hand

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

Re: Application for Special Permit for Non-Conformities  
14 Gloria Street, Newburyport, MA (the "Property")  
Assessor's Map: 75 Lot: 262

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Kevin Lagasse (the "Petitioner"), the owner of the Property. The Petitioner seeks to construct a 12 x 20 foot shed on the Property. Please disregard our initial correspondence submitted with the special permit application.

The Property is located in the Agricultural/Conservation ("Ag/C") zoning district and Plum Island Overlay District ("PIOD") under the Newburyport Zoning Ordinance (the "Ordinance") and is a pre-existing, nonconforming lot. The Property measures 9,800 square feet where 400,000 square feet are required. The front setback is 19.1 feet, while the required minimum setback is 50 feet; the eastern side yard setback is 38.2 feet where 50 feet is the requirement, and the rear setback is 13.1 feet where a minimum of 50 feet is required. The lot coverage is pre-existing nonconforming as the maximum allowable lot covering in the Ag/C is 3% and the lot coverage on the Property is 18.6%.

The Petitioner proposes to construct a 12 x 20 foot shed near the southwestern corner of the Property. The proposed shed will comply with the side and rear yard setback requirements for an accessory structure, which require a minimum 6 feet. The increase in FAR is minimal and the resulting FAR, at 0.238, complies with the maximum allowable 0.25. The addition of the shed will minimally increase the currently nonconforming lot coverage of 18.6% to 21.1%, for which the Petitioner requires a Special Permit for Non-Conformities to intensify the nonconforming lot coverage. The Petitioner has received an Order of Conditions from the Conservation Commission for the work.

### **Special Permit for Non-Conformities**

The Applicant will require a Special Permit for Non-Conformities under Section XXI-G-4b of the Ordinance to intensify the lot coverage on the Property. Section XXI-G-4b allows a change to lot coverage upon the grant of a special permit from the Board, even if said change increases existing nonconformities. The Board can grant a special permit for nonconformities where it finds:

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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 will be no addition of a new nonconformity. The lot coverage on the Property is already nonconforming for the Ag/C district.
2. The proposed shed and its increase in lot coverage on the Property is not substantially more detrimental to the neighborhood. The increase in lot coverage is minimal and the shed will comply with the dimensional requirements for an accessory structure. The lots on Gloria Street are all of a similar size and undersized for the Ag/C district. The existing lot coverage on the Property is either comparable to that of other developed lots in the neighborhood, or better than that of nearby properties. As such, the 2.5% increase in lot coverage is not substantially more detrimental to the neighborhood.

Based upon the foregoing, the Petitioner respectfully request that the Board grant a Special Permit for Non-Conformities to construct the shed.

Respectfully submitted  
Kevin Lagasse  
By his attorney



Lisa L. Mead

Attachment  
cc: Client