

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

Petitioner: Kevin Lagasse c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street

Phone: 978-463-7700 Email: lisa@mtclawyers.com

Property Address: 14 Gloria Street

Map and Lot(s): 75 - 262 Zoning District: A/C, PIOD

Book and Page(s): 10671 - 462, 20423 - 527

Owner(s) Name: Kevin J. Lagasse, Trustee of Basin Realty Trust

Mailing Address (if different): _____

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

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

Description of request:
Construct 12 x 20 shed on pre-existing nonconforming lot

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

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	9,800 sq ft	9,800 sq ft	400,000 sq ft
Frontage	140 ft	140 ft	300 ft
Height*	21 ft	21 ft	30 ft
Lot Coverage (%)**	18.6%	21.1%	3%
Open Space (%)***	31.5%	40.7%	NA
Front Setback	19.2 ft	19.2 ft	50 ft
Side A Setback	52.2 ft	52.2 ft, 10 ft accessory	50 ft, 6 ft accessory
Side B Setback	38.2 ft	38.2 ft	50 ft
Rear Setback	13.1 ft	13.1 ft, 6.5 ft accessory	50 ft, 6 ft accessory
Parking Spaces	2+	2+	2
FAR****	0.214	0.238	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):

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-012Rev1

Name: Kevin Lagasse c/o Lisa Mead, MTC LLC

Address: 14 Gloria Street Zoning District(s): Ag/C PIOD

Request: Construct new accessory structure on non conforming lot extending the nonconforming lot coverage. Accessory structure conforms to required setbacks for said structure.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width
- Front Yard
- Side Yard
- Rear Yard

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
 - Size
 - Location

Other

Special Permit

- Table of Use Regulations (V.D) #: _____
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - FAR
 - Lot Coverage
 - Height
 - Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED


Newburyport Zoning Administrator

01/24/2020
Date



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

January 24, 2020

By Hand

Rob Ciampitti, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
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.

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 conforming 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. Pursuant to Section X-H.7 of the Ordinance, the following required "general conditions" must

Millis Office

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

be met for the issuance of a special permit.

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

As noted above, the Property is located within the PIOD. Section XXI-G-4b allows the grant of a special permit in the PIOD to increase existing, nonconforming lot coverage.

2. The requested use is essential and/or desirable to the public convenience or welfare.

A large portion of the Property is located in two FEMA flood zones, zones X and AE, and as such the Property is subject to the Wetlands Protection Act. Further, the entire lot is classified as a dune given its location. The Petitioner is therefore precluded from closing in the area beneath the house due to the dune and the requirements of the City of Newburyport Wetlands Regulations. It is desirable to the public welfare to allow the addition of a small shed, which will comply with the Wetlands Regulations, to provide a storage area for lawn equipment in balancing the reasonable use of property against the requirement to keep the area beneath the house open to protect to dune and surrounding environment.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The addition of a small shed to the Property has no impact on traffic or pedestrian safety.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

An Order of Conditions has issued for the proposed shed, indicating the shed's compliance with the Wetlands Regulations. This small, 12 x 20 foot structure will not overload public water, drainage, sewer systems, or any other municipal systems, nor will it subject the neighborhood to any hazards.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

The proposed shed will comply with the dimensional requirements for an accessory structure.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The addition of a shed will not be detrimental to the public health or welfare and will not impair the integrity of the district.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

Given the neighborhood's existence in various FEMA flood zones and the necessity that structures comply

with the Wetlands Regulations, it more likely that accessory structures for storage are essential due to the requirement that raised structures be kept open and clear beneath the structure to protect dunes and allow the passage of water in a flooding scenario. The addition of a shed on the Property will not be detrimental to the character of the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

The construction of a shed that complies with dimensional requirements for an accessory structure and the Wetlands Regulations is in harmony with the purpose and intent of the Ordinance.

9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The addition of the shed will not be conducted in a manner which is injurious or otherwise dangerous to the area.

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

14 GLORIA ST

Location 14 GLORIA ST

MBLU 75/ 262/ / /

Owner LAGASSE KEVIN J TRUSTEE

Assessment \$662,200

PID 5177

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$353,300	\$308,900	\$662,200

Owner of Record

Owner LAGASSE KEVIN J TRUSTEE
Co-Owner BASIN REALTY TRUST
Address 14 GLORIA ST
 NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page 20423/0527
Sale Date 03/24/2003
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LAGASSE KEVIN J TRUSTEE	\$0		20423/0527	00	03/24/2003
SUSANN POTHIER TRS BASIN RLTY TR	\$100		10671/0462	1A	01/02/1991
POTHIER ROBERT	\$0		5870/ 495		05/26/1972

Building Information

Building 1 : Section 1

Year Built: 2003
Living Area: 2,096

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Stories:	2
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gambrel

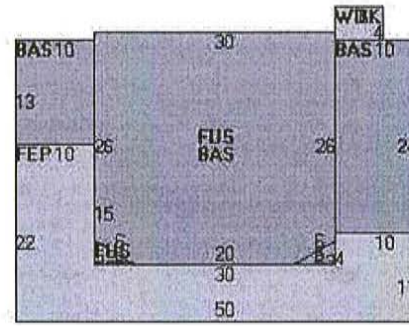
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Hardwood
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Modern

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\01\00\75\05.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/5177_5348.jpg)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,225	1,225
FUS	Upper Story, Finished	871	871
FEP	Porch, Enclosed	556	0
WDK	Deck, Wood	24	0
		2,676	2,096

Extra Features

Extra Features	Legend
No Data for Extra Features	

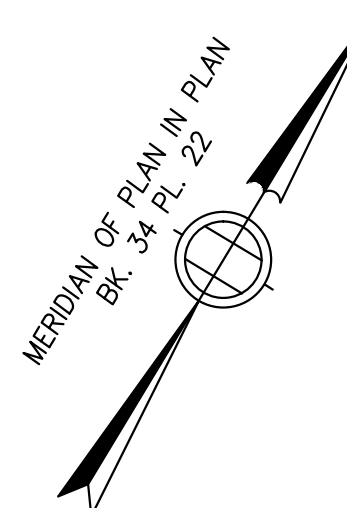
Land

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
WDK	WOOD DECK			100 S.F.	\$1,000	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$353,300	\$308,900	\$662,200

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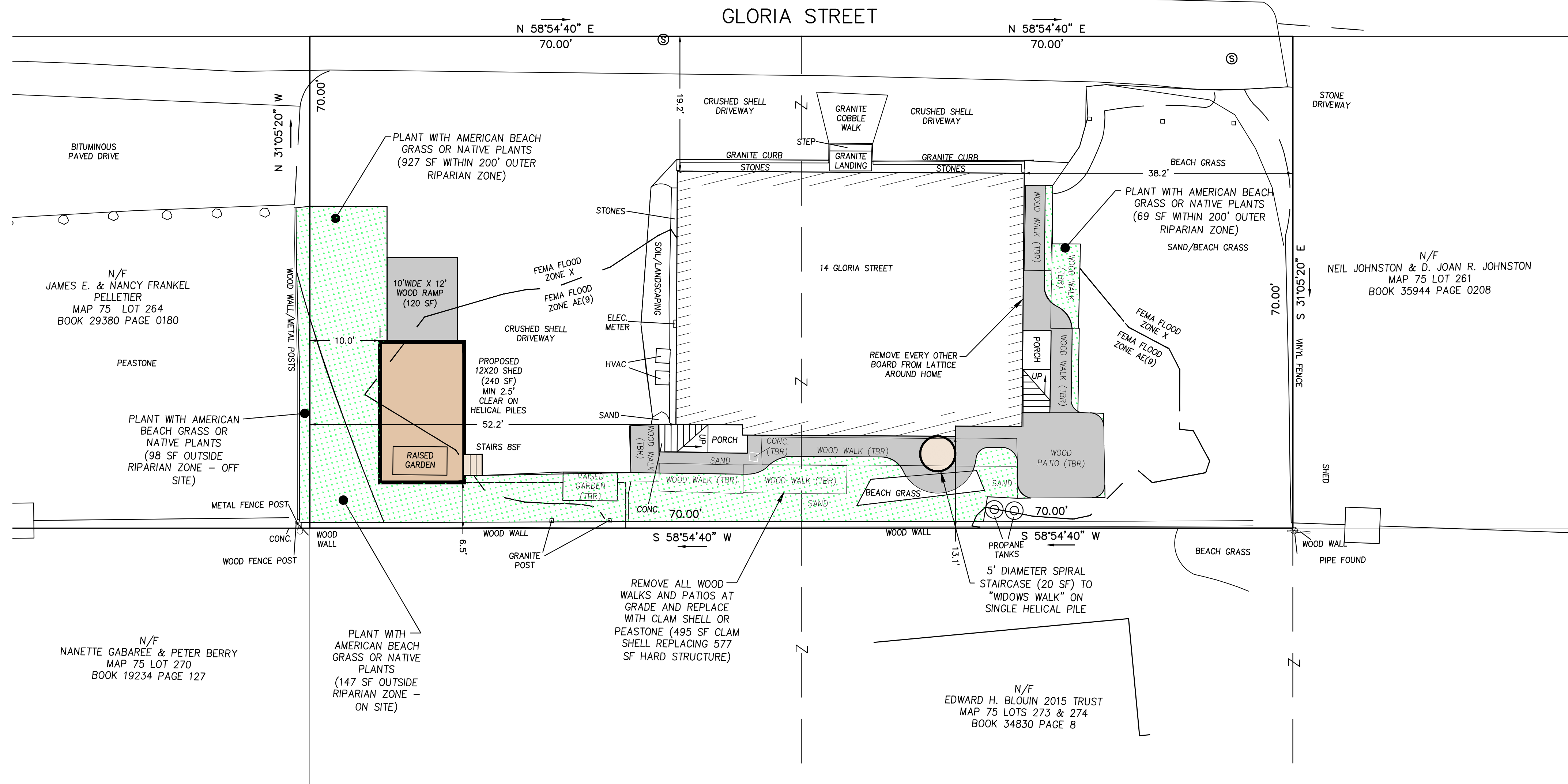
ZONING

AGRICULTURAL / CONSERVATION (A/C)
PLUM ISLAND OVERLAY DISTRICT
SINGLE FAMILY (101)

	REQUIRED (SINGLE FAMILY)	EXISTING	PROPOSED
MIN LOT AREA	400,000 SQUARE FEET	9,800 SQUARE FEET	9,800 SQUARE FEET
MINIMUM FRONTAGE	300 FEET	140.0 FEET	140.0 FEET
FRONT SETBACK	50 FEET	19.2 FEET	19.2 FEET
SIDE SETBACK (R)	50 FEET	52.2 FEET	52.2 FEET
SIDE SETBACK (R) (ACCESSORY)	6.0 FEET	N/A FEET	10.0 FEET
SIDE SETBACK (L)	50 FEET	38.2 FEET	38.2 FEET
REAR SETBACK	50 FEET	13.1 FEET	13.1 FEET
REAR SETBACK (ACCESSORY)	6.0 FEET	N/A FEET	6.5 FEET
% LOT COVERAGE	3%	18.6%	21.1%
MAX FLOOR AREA RATIO	.25	.214	.238
MAX BLD HEIGHT	30 FEET	21.0 FEET	21.0 FEET
MAX STORIES	2	2	2
% OPEN SPACE	N/A%	31.5%	40.7%
PARKING	2 PER UNIT	2+	2+

ON-LINE ZONING ORDINANCES
CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/Index.html>
PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

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.



TBR - TO BE REMOVED

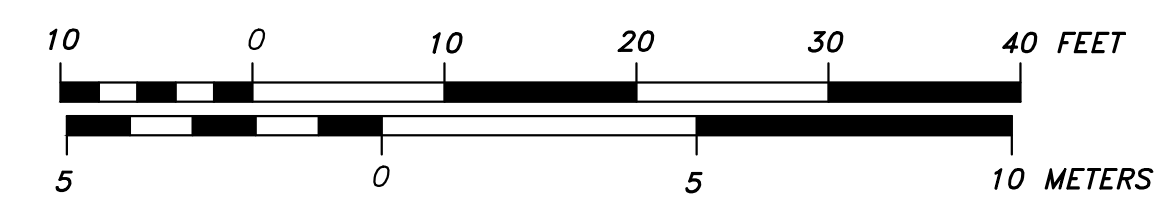
NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED RECONSTRUCTION OF THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED IN AUGUST, 2019 BY THIS FIRM.

CLIENT HAS PROVIDED LOCATION AND SIZE OF PROPOSED SHED AND SITE IMPROVEMENTS/CHANGES.


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.



LOCUS TITLE INFORMATION

14 GLORIA STREET
OWNER: BASIN REALTY TRUST
DEED REFERENCE: BK. 10671 PG. 462
PLAN REFERENCE: PLAN BK. 34 PLAN 22 LOTS 109 & 110
ASSESSORS: MAP 75 LOT 262

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

SCALE:	
HORIZ: 1" = 10'	
VERT: _____	

NO.	DATE	BY	REVISIONS

FIELD: <u>CO</u>
CALCS: <u>EC</u>
CHECKED: <u>EJC</u>
APPROVED: <u>EJC</u>

ZONING BOARD OF APPEALS
PLAN

14 GLORIA STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS

SURVEYED FOR
KEVIN LAGASSE

PROJECT NO. 2019-14GLORIA
DATE: JAN 10, 2020
SHEET NO. 1 OF 1

Reeds Ferry Sheds

Installed Throughout New England

888-85-SHEDS

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- STYLE**
- SIZE**
- SIDING**
- COLORS**
- LAYOUT**
- EXTRAS**

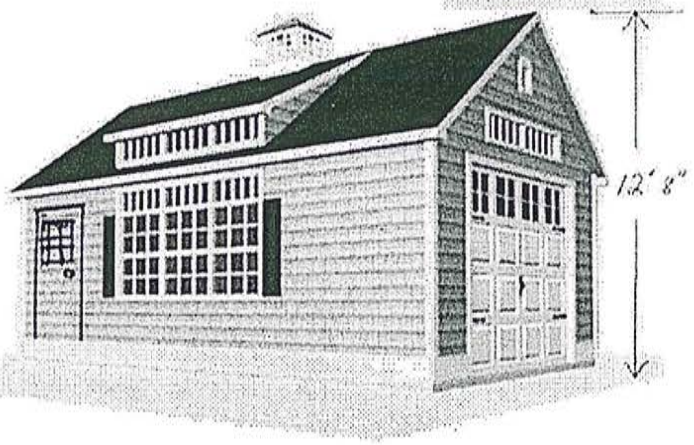
CHECKOUT

Base Model

Style: Grand Victorian
 Size: 12' x 20'
 Shingle: Architectural
 Shingle Color: Black
 Siding: Vinyl Shakes
 Siding Color: Almond
 Shutter Color: Black

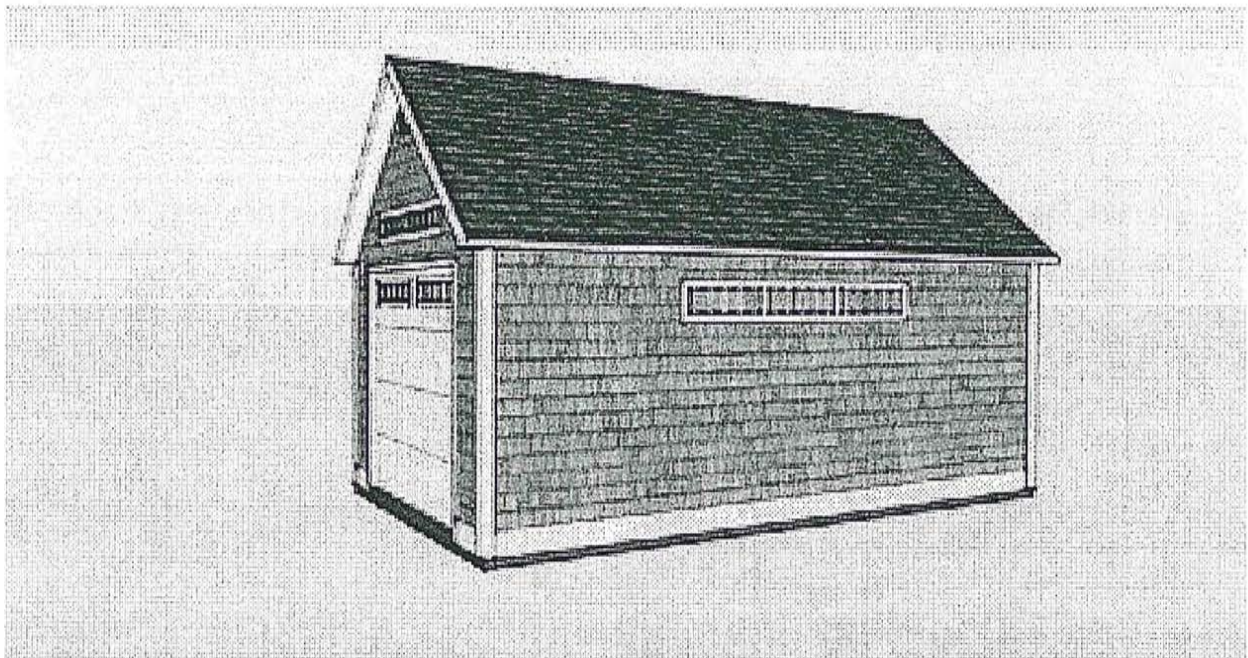
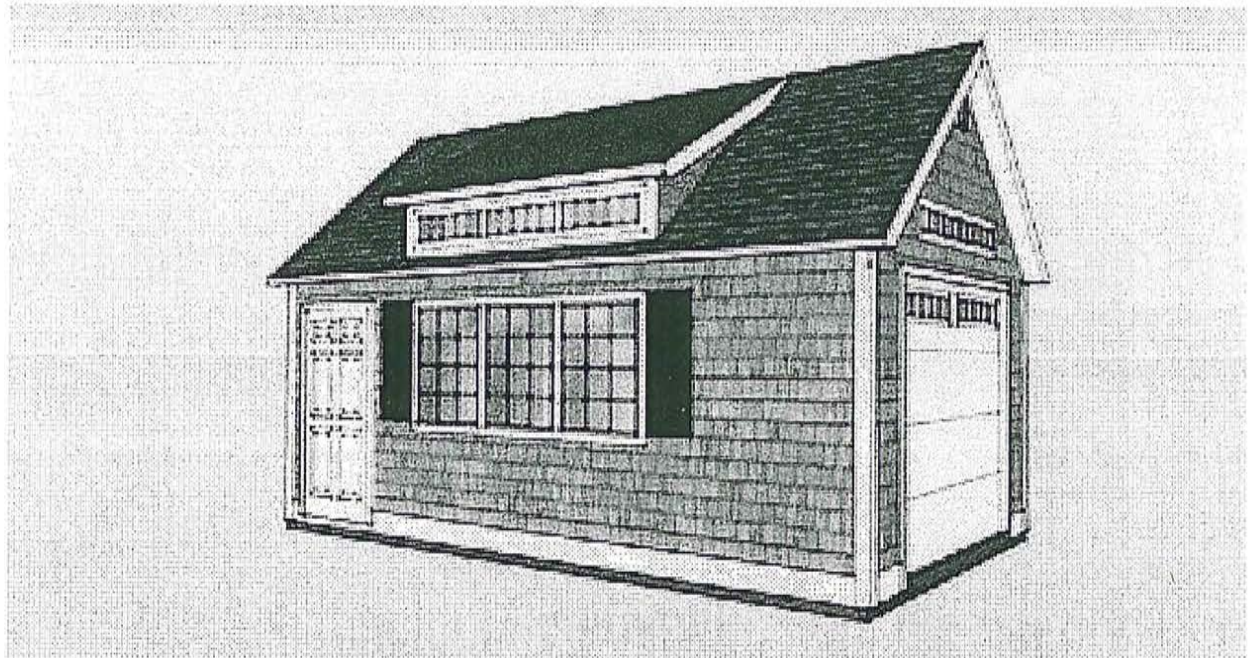
Extra Options

Shutters, Cupola, Bottom Trim, Architectural Shingles, Large Windows, Collage Vents, Loft, PT Plywood Floor



Customer Review
 12' x 20', Grand Victorian,
 Vinyl Shakes, Layout 10

- [12' x 20'](#)
- [12' x 24'](#)
- [12' x 28'](#)
- [16' x 20'](#)



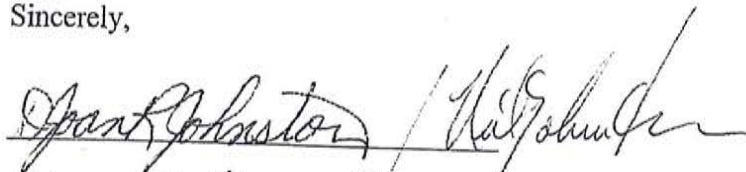
Zoning Board of Appeals
City of Newburyport
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: Variance for 14 Gloria Street Shed

Dear Chair and Members of the Board:

I have been provided with plans for the construction and installation of a 12 x 20 foot shed at 14 Gloria Street. I do not think the applicants would be receiving a special privilege if the Board grants a variance for the project. The project is in keeping with the neighborhood and will have minimal impact on the lot and on the neighborhood. I have no objection to the proposed shed construction.

Sincerely,



Address: 16 Gloria St., NBPT

Date: 1/8/2020

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

RE: Variance for 14 Gloria Street Shed

Dear Chair and Members of the Board:

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Sincerely,

 (Mark Pine)

Address: 7 Glenk St., NBPT

Date: Jan 12, 2020

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

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Sincerely,

PETER J, BRANT

Address: 5 GLORIA STREET

Date: 01/07/2020

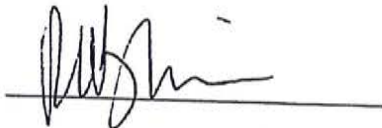
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Sincerely,

A handwritten signature in black ink, appearing to be "D. J. Smith", written over a horizontal line.

Address: 12 Gloria St.

Date: 1/7/20