

# City of Newburyport Zoning Board of Appeals

## Application for a SPECIAL PERMIT FOR NON-CONFORMITIES

Petitioner: Wojcicki Holdings, LLC

Mailing Address: 110 Main Street, Amesbury, MA 01913

Phone: 978-388-5826 Email: mark@wojcickidevelopment.com

Property Address: 16 Plummer Avenue, Newburyport, MA 01950

Map and Lot(s): Map 69, Lot 100 Zoning District: R2

Book and Page(s): Book 36362, Page 396

Owner(s) Name: Wojcicki Holdings, LLC

Mailing Address (if different): 110 Main Street, Amesbury, MA 01913

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

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

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

Description of request:

The Applicant seeks to add an addition with an additional 1,173 square feet onto pre-existing nonconforming structure situated on a pre-existing lot which does not have either the required frontage or the required area.

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	6,996	66.7%	23.3%	N/A	26.1'	71.67'	2+	14.71	1.81	29.41	49.61
Proposed	6,996	69.9%	22.6%	N/A	26.1'	71.67'	2+	14.71	1.81	24.3'	34.71
Required	10,000	40%	25%	N/A	35'	90'	2	25'	10'	10'	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**
1171 sq. ft.	2	1,887 sq. ft.	101


**Proposed Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1,541 sq. ft.	2	2,825 sq. ft.	101

\*\*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):

 \_\_\_\_\_

The existing lot and structure at 16 Plummer Avenue, Newburyport, Massachusetts, according to the records of the Newburyport Assessors, pre-date the adoption of zoning in Newburyport.

The existing lot contains 6,996 square feet of area which does not meet the 10,000 square foot minimum in the R2 zone. The existing lot has 71.67 feet of frontage which also does not meet the 90 feet required in the R2 zone.

The Applicant's proposal does not change either the square footage of the lot or the amount of frontage.

The existing structure is set back 14.71 feet from the front lot line which does not meet the 25 foot requirement in the R2 zone and is set back 1.8' from the southwesterly sideline (Side A) which also does not meet the 10 foot requirement in the R2 zone. The Applicant's proposal does not affect these setbacks. In fact the proposed addition, in all respects, meets the dimensional requirements of the zoning ordinance and creates no new nonconformities whatsoever.

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

ZONING DENIAL

City APR#: 85

Name: Woswicki Development/Scott Brown

Address: 16 Plummer Cove. Zoning District: R-II

Request: CONSTRUCT AN ADDITION OVER 500 S.F. ON A PROPERTY W/ NON-CONFORMING AREA + FRONTAGE

ZONING BOARD

**Dimensional Variance**

<input type="checkbox"/> Dimensional Controls (VI)	<input type="checkbox"/> PIOD (XXI)	<input type="checkbox"/> Parking (VII)
___ Lot Area    ___ Open Space    ___ Front Yard	___ FAR	
___ Lot Frontage    ___ Height    ___ Side Yard	___ 2 1/2 stories	
___ Lot Coverage    ___ Lot Width    ___ Rear Yard		

<b>Use Variance</b>	<b>Sign Variance</b>
<input type="checkbox"/> Not permitted use (V)	<input type="checkbox"/> Signs (VIII)
	___ Type    ___ Size
	___ Lighting    ___ Location

<b>Special Permit</b>	<b>Special Permit for Non-Conformities</b>
<input type="checkbox"/> Special Permit for Use (V.D) Use #: _____	<input type="checkbox"/> Extension or Alteration (IX.B.2)
<input type="checkbox"/> Spacing (VI.D)	___ Parking    ___ Rear Yard
<input type="checkbox"/> In-Law Apartment (XIIA)	___ Upward Extension    ___ Lot Coverage
<input type="checkbox"/> Bonus for Multifamily Developments (XVI)	___ Open Space    ___ Side Yard
<input type="checkbox"/> Personal Wireless Communication Services (XX)	___ Height    ___ Lot Frontage
<input type="checkbox"/> Demolition Control Overlay District (XXVIII)	<input checked="" type="checkbox"/> Lot Area    ___ Front Yard
<input type="checkbox"/> Wind Energy Conversion Facilities (XXVI)	<input checked="" type="checkbox"/> Over 500 s.f. increase (IX.B.3.c)
	<input type="checkbox"/> Plum Island Overlay District (XXI-G-3)
	___ FAR    ___ Height Increase
	___ Footprint Expansion    ___ # of bedrooms

PLANNING BOARD

**Special Permit**

<input type="checkbox"/> One residential structure per lot (VI.C)	<input type="checkbox"/> Courts and Lanes (XXIII)
<input type="checkbox"/> Floodplain (XIII)	<input type="checkbox"/> Waterfront West Overlay District (XXIV)
<input type="checkbox"/> Open Space Residential Development (XIV)	<input type="checkbox"/> Towle Complex Redev. Overlay District (XXV)
<input type="checkbox"/> Water Resource Protection District (XIX)	<input type="checkbox"/> Downtown Overlay District (XXVII)
<input type="checkbox"/> Federal Street Overlay District (XXII)	

<b>Site Plan Review (XV)</b>	<b>Smart Growth District (XXIX)</b>
<input type="checkbox"/> Major <input type="checkbox"/> Minor	<input type="checkbox"/> Plan Approval

HISTORICAL COMMISSION

Demo. Delay     Advisory Review

CONSERVATION COMMISSION

CITY COUNCIL

GACM (X.H.9)

Date 12/26/17

[Signature]  
Building Commissioner/Zoning Code Enf. Officer

**16 PLUMMER AVE**

**Location** 16 PLUMMER AVE

**Mblu** 69/ 100/ //

**Owner** LAPIERRE RONALD A & ANNE  
L L/I

**Assessment** \$482,400

**PID** 4708

**Building Count** 1

**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$245,300	\$237,100	\$482,400

**Owner of Record**

**Owner** LAPIERRE RONALD A & ANNE L L/I  
**Co-Owner**  
**Address** 10399 67TH AVE N LOT 9  
SEMINOLE, FL 33772

**Sale Price** \$0  
**Certificate**  
**Book & Page** 35295/0298  
**Sale Date** 09/27/2016  
**Instrument** 1F

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LAPIERRE RONALD A & ANNE L L/I	\$0		35295/0298	1F	09/27/2016
LAPIERRE RONALD A	\$0		5040/ 161		03/01/1963

**Building Information**

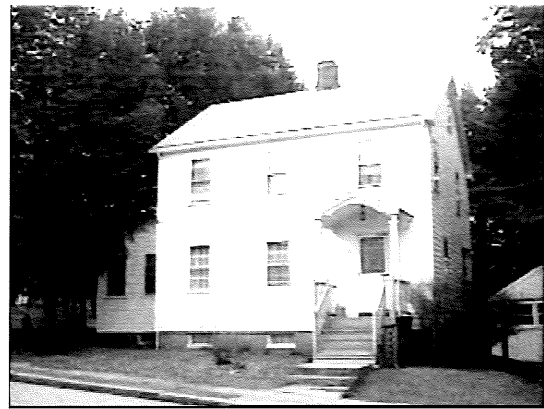
**Building 1 : Section 1**

**Year Built:** 1937  
**Living Area:** 1,636

**Building Photo**

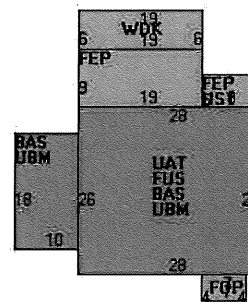
Building Attributes	
Field	Description
Style	Old Style Colonial
Model	Residential
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	

Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Hardwood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Average



(<http://images.vgsi.com/photos/NewburyportMAPotos//\00\06\68.jpg>)

**Building Layout**



Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	908	908
FUS	Upper Story, Finished	728	728
FEP	Porch, Enclosed	211	0
FOP	Porch, Open	28	0
UAT	Attic	728	0
UBM	Basement, Unfinished	908	0
UST	Utility, Storage, Unfinished	40	0
WDK	Deck, Wood	114	0
		3,665	1,636

**Extra Features**

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	1 UNITS	\$3,100	1

**Land**

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAM  
**Zone** R2

**Land Line Valuation**

**Size (Acres)** 0.16  
**Depth** 0  
**Assessed Value** \$237,100

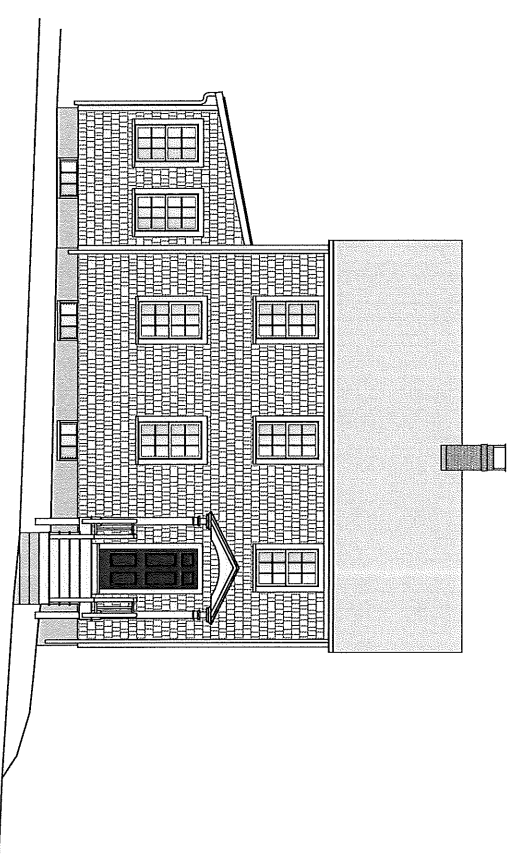
**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR3	GARAGE-POOR			400 S.F.	\$4,200	1

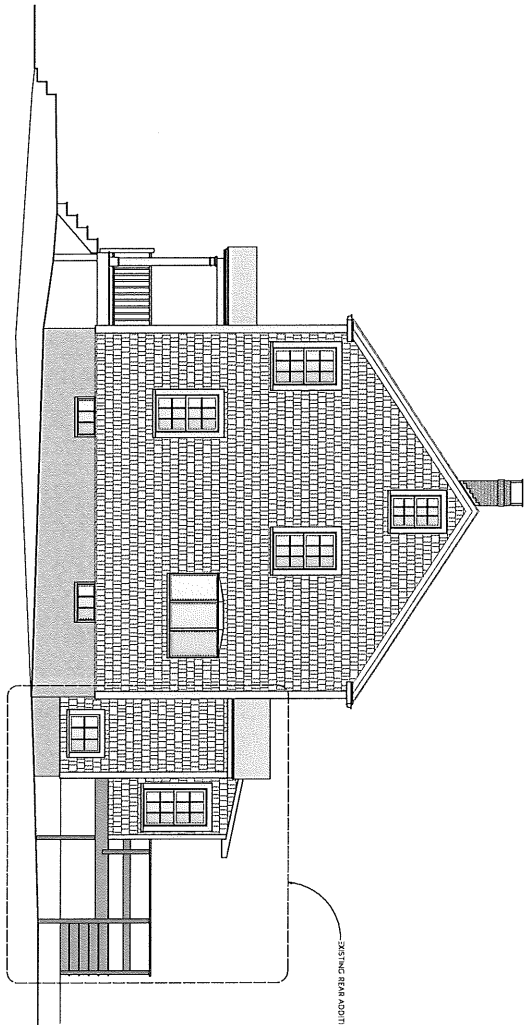
**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$245,300	\$216,100	\$461,400

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1 EXISTING FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 EXISTING RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

EXISTING REAR ADDITIONS TO BE REMOVED.

ADDITIONS & ALTERATIONS

AT:

16 PLUMMER AVENUE  
NEWBURYPORT, MA

SCOTT BROWN  
ARCHITECTS

28 WATER STREET  
SUITE 210  
NEWBURYPORT, MA 01850  
1-978-453-3131  
WWW.SCOTTBROWNARCHITECTS.COM

REVISION AND REISSUE NOTES	
NO.	DATE

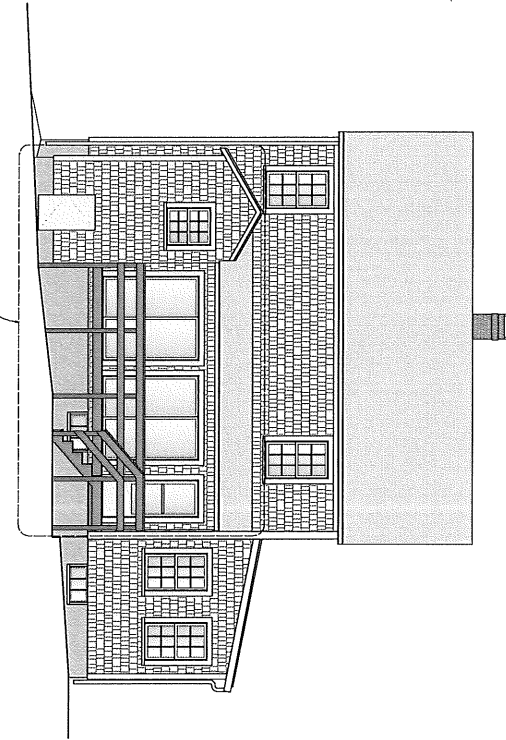
PROJECT NO.	PROJECT MANAGER	DATE
2017-15		12.29.2017
SCALE AS NOTED		

EXISTING ELEVATIONS

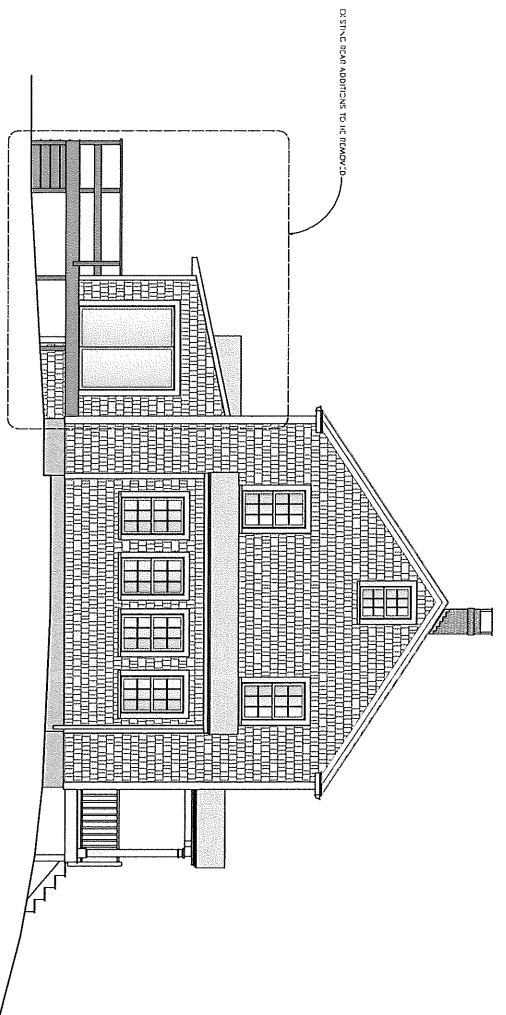
**EX 1.2**

SCOTT BROWN ARCHITECTS

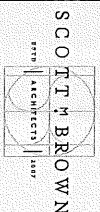




1 EXISTING REAR ELEVATION  
Scale: 1/4" = 1'-0"



2 EXISTING LEFT SIDE ELEVATION  
Scale: 1/4" = 1'-0"



29 WATER STREET  
NEWBURYPORT, MA 01950  
1-800-953-3333  
WWW.SCOTTBROWNARCHITECT.COM

ADDITIONS & ALTERATIONS  
AT:  
16 PLUMMER AVENUE  
NEWBURYPORT, MA

REVISION AND RESUE NOTES  
NO. DATE ISSUE NOTES

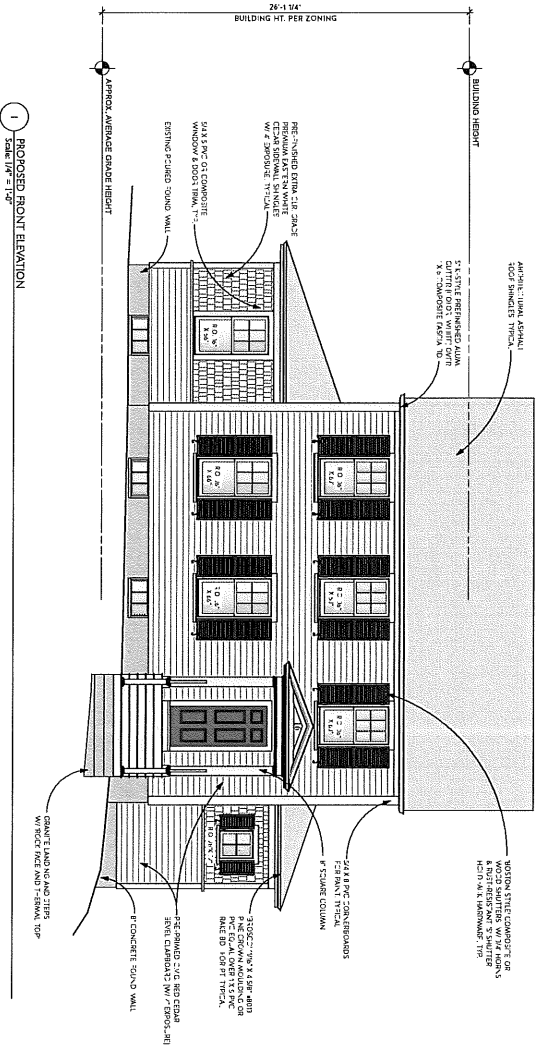
NO.	DATE	ISSUE NOTES

PROJECT NO: 2017-15 PROJECT NAME: DATE: 12/29/2017  
SCALE: AS NOTED

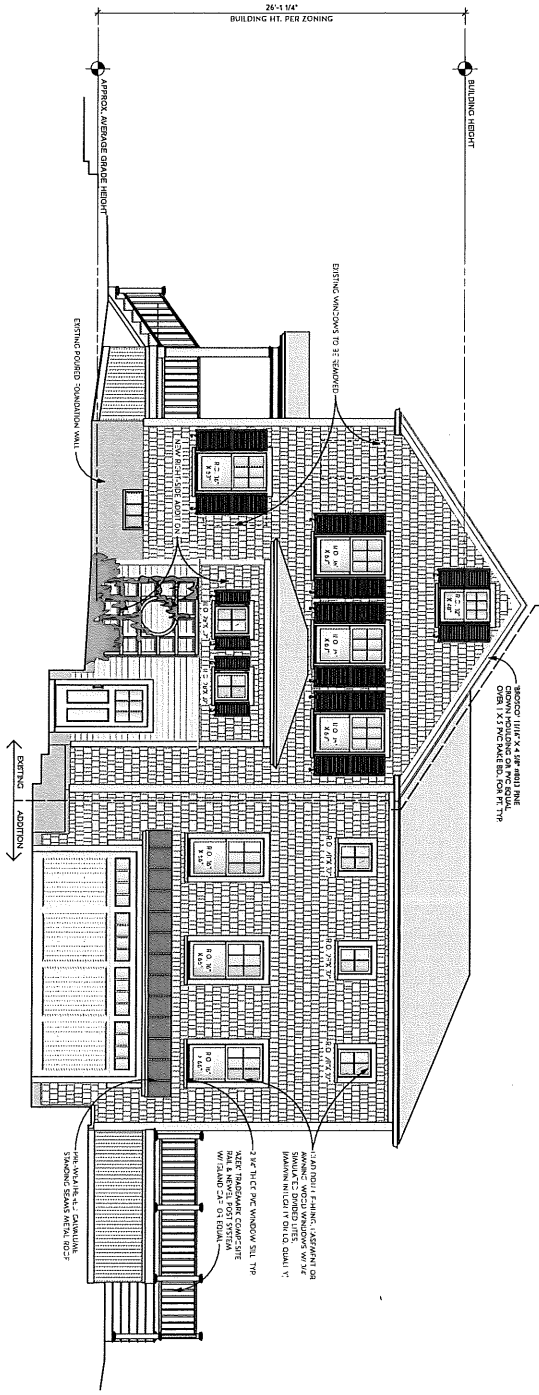
**EXISTING ELEVATIONS**

**EX1.3**

CONSULTANT ARCHITECTURAL RECORD MAP SHEET



1 PROPOSED FRONT ELEVATION  
 SCALE: 1/8\"/>



2 PROPOSED RIGHT ELEVATION  
 SCALE: 1/8\"/>



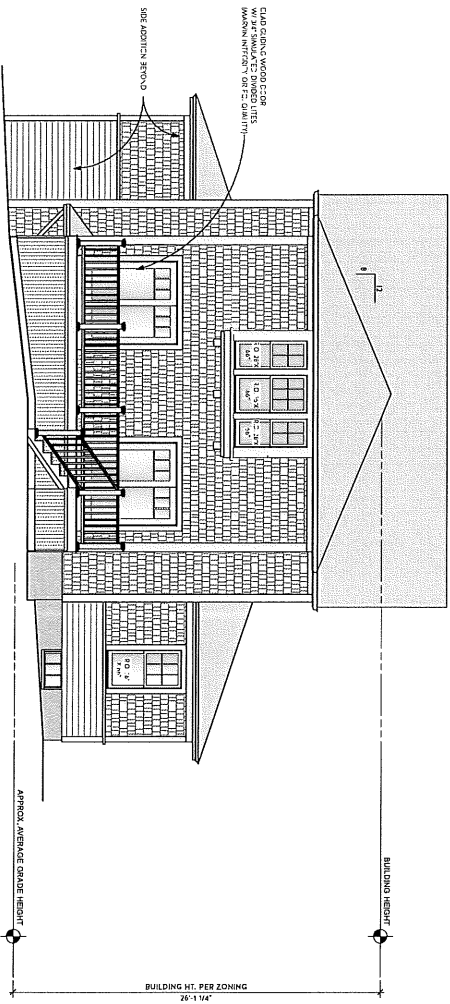
**SCOTT BROWN**  
 ARCHITECTS  
 24 WATER STREET  
 SUITE 1207  
 NEWBURYPORT, MA 01950  
 1.787.465.3535  
 WWW.SCOTTBROWNSARCHITECT.COM

ADDITIONS & ALTERATIONS  
 AT:  
 16 PLUMMER AVENUE  
 NEWBURYPORT, MA

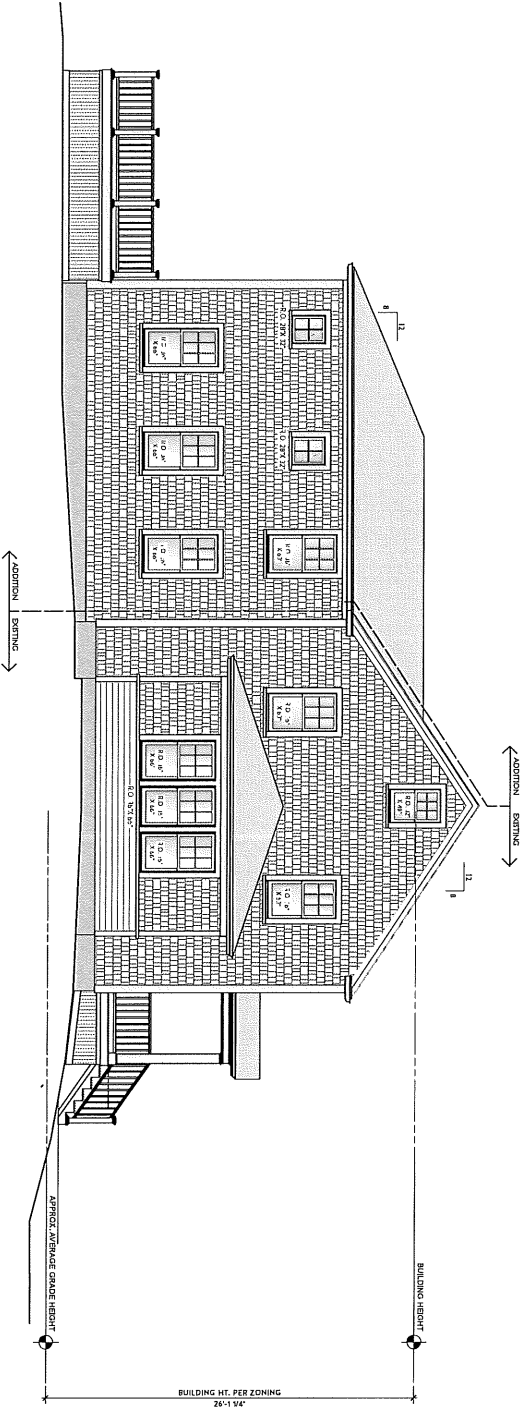
REVISION AND RESUBMIT NOTES	
NO.	DATE / ISSUE NOTES

PROJECT NO:	PROJECT NAME:	DATE:
2017-15	16 PLUMMER AVENUE	12.29.2017
SCALE: AS NOTED		

**PROPOSED ELEVATIONS**  
**A2.0**



1 PROPOSED REAR ELEVATION  
Scale: 1/4" = 1'-0"



2 PROPOSED LEFT SIDE ELEVATION  
Scale: 1/4" = 1'-0"

# ADDITIONS & ALTERATIONS

AT:  
16 PLUMMER AVENUE  
NEWBURYPORT, MA

**SCOTT M. BROWN**  
ARCHITECTS  
NEWBURYPORT, MA 01950  
1.787.465.3333  
WWW.SCOTTBROWNARCHITECT.COM

24 WINTER STREET  
SUITE 204  
NEWBURYPORT, MA 01950  
1.787.465.3333

REVISION AND RESUBMIT NOTES

NO.	DATE	ISSUE NOTES

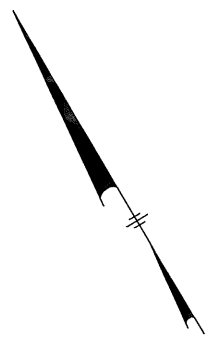
PROJECT NO.	PROJECT MANAGER	DATE
2017-15		12.29.2017

SCALE: AS NOTED

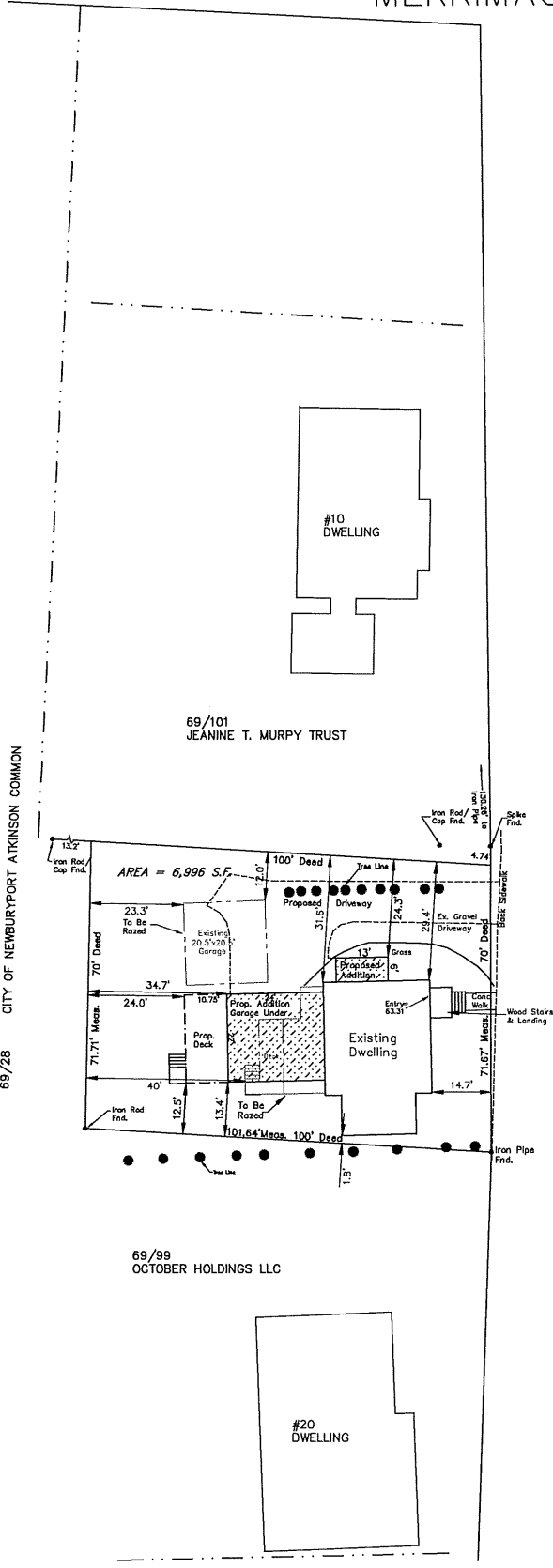
# PROPOSED ELEVATIONS

## A2.1

MERRIMAC STREET



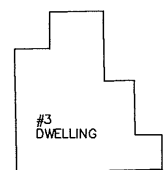
69/28 CITY OF NEWBURYPORT ATKINSON COMMON



69/101  
JEANINE T. MURPY TRUST

69/99  
OCTOBER HOLDINGS LLC

16 PLUMMER AVE.  
( PUBLIC - WIDTH VARIES - PAVED )



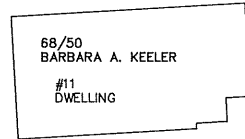
#3  
DWELLING

68/49  
WILLIAM R. & NANCY H. BRODGEN

ABUTTER REFERENCES  
ASSESSOR REF: 59/52  
OWNER REF: JOHN SMITH

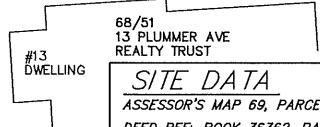
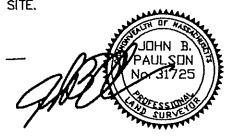
THIS IS AN INSTRUMENT PLOT PLAN SHOWING THE LOCATIONS OF EXISTING AND PROPOSED STRUCTURES FOR OBTAINING A BUILDING PERMIT. LOT LINES HAVE NOT BEEN STAKED AS PART OF THIS JOB.

THE SETBACK DISTANCES SHOWN ARE NOT TO BE USED BY THE CLIENT TO ESTABLISH LINES FOR FENCES, SHRUBS, LANDSCAPING, ETC...



68/50  
BARBARA A. KEELER  
#11  
DWELLING

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY THAT THE INDICATED STRUCTURES ARE LOCATED AS SHOWN, AND THAT THE SETBACK DISTANCES SHOWN HEREON WERE THOSE RECORDED AT THE SITE.



#13  
DWELLING

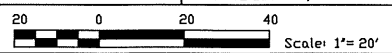
68/51  
13 PLUMMER AVE  
REALTY TRUST

**SITE DATA**  
ASSESSOR'S MAP 69, PARCEL 100  
DEED REF: BOOK 36362, PAGE 396  
LOCUS ADDRESS: 16 PLUMMER AVENUE  
OWNER/APPLICANT: WOJCIK HOLDINGS LLC  
110 MAIN STREET, AMESBURY, MA

**ZONING PERMIT PLAN OF LAND**  
AT  
**16 PLUMMER AVENUE**  
IN  
**NEWBURYPORT, MA**

ENGINEER:  
**ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC.**  
97 TENNEY STREET - GEORGETOWN, MA 01833  
PHONE: 978-352-7870 FAX: 978-352-9940

JDB NO. A1710-07 DATE: DEC. 27, 2017



sk  
2

PLEASE RETURN TO:  
Healey, Deshaies, Gagliardi & Woelfel, PC  
BOX 54

  
SO. ESSEX #335 Bk:36362 Pg:396  
11/28/2017 01:29 DEED Pg 1/2

MASSACHUSETTS EXCISE TAX  
Southern Essex District ROD  
Date: 11/28/2017 01:29 PM  
ID: 1215188 Doc# 20171128003350  
Fee: \$1,915.20  
Cons: \$420,000.00

**QUITCLAIM DEED**

**LOCUS: 16 Plummer Avenue, Newburyport, MA**

We, RONALD A. LAPIERRE and ANNE L. LAPIERRE, husband and wife as tenants by the entirety, of Newburyport, Essex County, Massachusetts

For consideration of Four Hundred Twenty Thousand (\$420,000.00) Dollars paid,

grant to WOJCICKI HOLDINGS LLC, a Massachusetts limited liability company, of 110 Main Street, Amesbury, Essex County, Massachusetts,

with *Quitclaim Covenants*,

The land in said Newburyport, with the buildings thereon, bounded and described as follows:

Beginning at a point on Plummer Avenue in said Newburyport by land of Edwin C. Fowler and the City of Newburyport, and thence running

NORTHEASTERLY	by said Plummer Avenue, 60 feet; thence running
NORTHWESTERLY	100 feet by land now or formerly of Merrill; thence running
SOUTHWESTERLY	60 feet by land of the City of Newburyport and formerly of Merrill, and thence running
SOUTHEASTERLY	100 feet by land of above mentioned Edwin C. Fowler to the point of beginning.

All of the said measurements being more or less.

ALSO: the land in said Newburyport, bounded and described as follows:

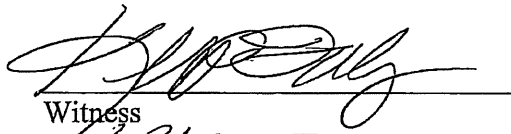
Beginning at the southeasterly corner of land of Albert A. Schrempf, et ux, thence

NORTHWESTERLY by said land of Schrempf, 100 feet to land of City of Newburyport; thence running  
SOUTHWESTERLY by said land of City of Newburyport, 10 feet, more or less to other land of grantor; thence  
SOUTHEASTERLY by other land of the grantor, 100 feet to Plummer Avenue; thence  
NORTHEASTERLY by Plummer Avenue, 10 feet more or less, to point begun at.

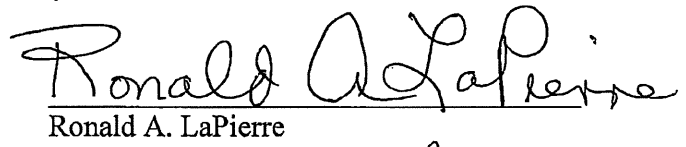
For title reference, see deed of Ronald A. LaPierre, Anne L. LaPierre, Lynn Sullivan, Teresa LaPierre, Amy Anwyl and Joanne Cordon to Ronald A. LaPierre and Anne L. LaPierre dated June 27, 2017 recorded in Essex South District Registry of Deeds in Book 36010, Page 494.

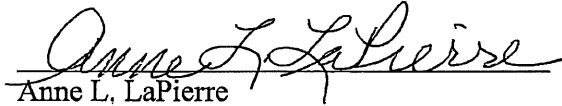
The Grantors hereby release any homestead benefit in this property and do not have any former spouse, partner or former partner in a civil union who can claim the benefit of the Massachusetts Homestead Act, M.G.L. c. 188.

*Witness* my hand and seal this 20<sup>th</sup> day of November, 2017.

  
Witness

  
Witness

  
Ronald A. LaPierre

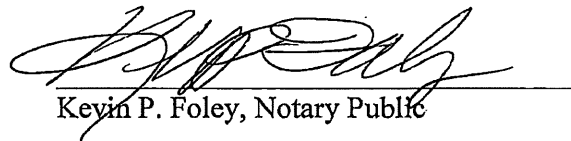
  
Anne L. LaPierre

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

November 20, 2017

Then personally appeared the above named Ronald A. LaPierre and Anne L. Lapierre, proved to me through satisfactory evidence of identification which was a Massachusetts driver's license to be the persons named on this document, and acknowledged the foregoing instrument to be their free act and deed, before me,

  
Kevin P. Foley, Notary Public

My commission expires: 3/2/23

