

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

Petitioner: HENRY BURTON BURTON CONSTRUCTION

Mailing Address: 586 MOUNTAIN AVE. REVERE, MA 02151

Phone: 781-438-3761 Email: KEVIN@MADISONPRINT.COM

Property Address: 18 AUBURN STREET, NEWBURYPORT MA 01950

Map and Lot(s): 35-145 Zoning District: R3/DCOD

Book and Page(s): BOOK 16946 PAGE 0583

Owner(s) Name: KEVIN CHILES, MADISON REAL ESTATE GROUP LLC

Mailing Address (if different): 5 WHITNEY ST, SAUGUS MA 01906

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 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 checked="" type="checkbox"/> Front Yard                       |   |

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request: CONSTRUCT FARMER'S PORCH AT FRONT OF EXISTING NONCONFORMING SINGLE FAMILY HOME WITHIN FRONT YARD SETBACK. NOTE! ENTRY PORCH ALLOWED BY RIGHT, BUT EXTENDING FULL FACE ~~width~~ OF HOUSE WOULD TRIGGER SPNC

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

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**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	5000	18	26%	NA	26'	36' <sup>33"</sup>	1	9'	6'	6'	68'
Proposed	5000	72.4%	27.6%	NA	26'	36' <sup>33"</sup>	1	2' <sup>2"</sup>	6'	6'	68'
Required	8000	35% MIN	31% MAX	NA	30' MAX	2'	2	20'	10'	10'	20'

\*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**
<u>1300</u>	<u>2</u>	<u>2564</u>	<u>101</u>
_____	_____	_____	_____

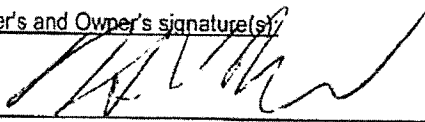
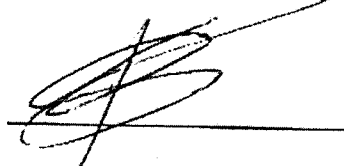
**Proposed Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1300</u>	<u>2</u>	<u>2564</u>	<u>101</u>
_____	_____	_____	_____

\*\*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)

CITY OF NEWBURYPORT, MA  
ZONING REVIEW (BUILDING PERMIT DENIAL)

APR# 2018-59

Name: Henry Burton

Address: 18 Auburn Street

Zoning District(s): R3/DCOD

Request: Contract farmer's porch at front of existing nonconforming single family home within front yard setback. Note: Entry porch allowed by right, but extending full face of house triggers SPNC

ZONING BOARD REVIEW REQUIRED

Variance

- Use Regulations (V)  
 Dimensional Controls (VI)  
    \_\_\_ Lot Area      \_\_\_ Open Space      \_\_\_ Front Yard  
    \_\_\_ Lot Frontage      \_\_\_ Height      \_\_\_ Side Yard  
    \_\_\_ Lot Coverage      \_\_\_ Lot Width      \_\_\_ Rear Yard

Parking (VII)

Sign Variance

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

Special Permit for Non-Conformities

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

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 \_\_\_\_\_

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      \_\_\_ Rear Yard  
    \_\_\_ Upward Extension      \_\_\_ Lot Coverage  
    \_\_\_ Open Space      \_\_\_ Side Yard  
    \_\_\_ Height      \_\_\_ Lot Frontage  
    \_\_\_ Lot Area      \_\_\_ Front Yard  
 Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major       Minor

Smart Growth District (XXIX)

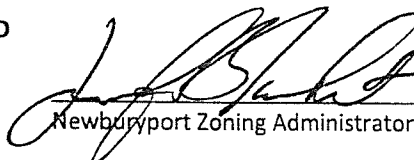
- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay       \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQUIRED (X.H.9)

  
Newburyport Zoning Administrator

8/1/2018  
Date

**Kevin Chiles 18 Auburn Street, Newburyport, MA**

**Special Permit Memo for Non-Conformities**

- A. Proposed Use – To construct a farmer’s porch on 18 Auburn St, Newburyport, MA on the existing home.
- B. Respects of non -conformity – The covered front porch does not meet the front setback requirement.
- C. Proposed non- conformity - The farmer’s porch would create a better esthetic appearance to the homeowner as well as the neighborhood. It would also have a practical use for the future homeowner.
- D. Facts for Non-Conformity – Any structure or landing larger than specified allowed as a main egress is covered needs a special permit. The use would not be altered, this will allow coverage during inclement weather as well as add esthetic value to the home.



Kevin Chiles  
Madison Real Estate Group LLC

Property Location: 18 AUBURN ST

MAP ID: 35/ 145/ 11

Bldg Name:

State Use: 1010

Vision ID: 2091

Account #

Bldg #:

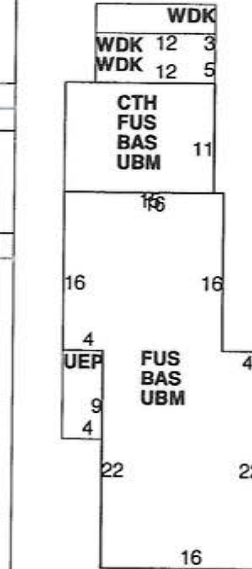
1 of 1

Sec #: 1 of 1

Card 1 of 1

Print Date: 01/04/2018 14:48

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)				
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	06		Conventional				
Model	01		Residential				
Grade	03		Average				
Stories	2		2 Stories				
Occupancy	1			Kitchen Grd			
Exterior Wall 1	25		Vinyl Siding	<b>MIXED USE</b>			
Exterior Wall 2				<b>Code</b>	<b>Description</b>	<b>Percentage</b>	
Roof Structure	03		Gable/Hip	1010	SINGLE FAM	100	
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered	<b>COST/MARKET VALUATION</b>			
Interior Wall 2				Adj. Base Rate:		172.42	
Interior Flr 1	12		Hardwood	Replace Cost		299,143	
Interior Flr 2	14		Carpet	AYB		1820	
Heat Fuel	03		Gas	EYB		1993	
Heat Type	05		Hot Water	Dep Code		G	
AC Type	01		None	Remodel Rating			
Total Bedrooms	03		3 Bedrooms	Year Remodeled			
Total Bthrms	2			Dep %		24	
Total Half Baths	1			Functional Obslnc		0	
Total Xtra Fixtrs				External Obslnc		0	
Total Rooms	7			Cost Trend Factor		1	
Bath Style	02		Average	Condition			
Kitchen Style	02		Average	% Complete			
				Overall % Cond		76	
				Apprais Val		227,300	
				Dep % Ovr		0	
				Dep Ovr Comment			
				Misc Imp Ovr		0	
				Misc Imp Ovr Comment			
				Cost to Cure Ovr		0	
				Cost to Cure Ovr Comment			



OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Descrpt	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
SHP5	W/IMPROV G			L	480	30.00	1999		0		90	13,000

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	773	773	773	172.42	133,278
CTH	Cathedral Ceiling	0	165	0	0.00	0
FUS	Upper Story, Finished	773	773	773	172.42	133,278
UBM	Basement, Unfinished	0	773	155	34.57	26,725
UEP	Porch, Enclosed, Unfinished	0	36	18	86.21	3,104
WDK	Deck, Wood	0	156	16	17.68	2,759
<b>Ttl. Gross Liv/Lease Area:</b>		<b>1,546</b>	<b>2,676</b>	<b>1,735</b>		<b>299,143</b>



Property Location: 18 AUBURN ST  
 Vision ID: 2091

MAP ID: 35/ 145/ //

Bldg Name:

State Use: 1010

Account #

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/04/2018 14:48

CURRENT OWNER		TOPO.	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT			
GALLAGHER KEVIN R						Description	Code	Appraised Value	Assessed Value
18 AUBURN ST						RESIDNTL	1010	227,300	227,300
NEWBURYPORT, MA 01950						RES LAND	1010	207,100	207,100
Additional Owners:						RESIDNTL	1010	13,000	13,000
SUPPLEMENTAL DATA						<b>123</b> <b>NEWBURYPORT, MA</b>  <b>VISION</b>			
Other ID: 35-145		CONDO CV:							
SUB-DIV		INLAW Y/N:							
PHOTO		LOT SPLIT:							
WARD 3		40B HSNG:							
TILE #:		ASSOC PID#							
ATT 1/2 HSE:		Total				447,400	447,400		
GIS ID: M_250915_951001									

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	vi	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
GALLAGHER KEVIN R		16946/0583	03/07/2001	U	I	0	1H	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
GALLAGHER BERTHA E		3771						2018	1010	227,300	2017	1010	220,700	2016	1010	226,500
								2018	1010	207,100	2017	1010	197,200	2016	1010	187,300
								2018	1010	13,000	2017	1010	13,000	2016	1010	13,000
								Total:		447,400	Total:		430,900	Total:		427,300

EXEMPTIONS			OTHER ASSESSMENTS				
Year	Type	Description	Amount	Code	Description	Number	Amount
Total:							

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD					
NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch	
5/A					

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	227,300
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	13,000
Appraised Land Value (Bldg)	207,100
Special Land Value	0
Total Appraised Parcel Value	447,400
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	447,400

NOTES	
WHITE/YELLOW IA EG	
NO ATTIC - SCUTTLE HOLE	
DIRT BM	
99P2820EPI 4-18-2-7-00	

BUILDING PERMIT RECORD									VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
74-12/98	12/08/1998	RS	Residential	4,000		0		STORAGE SHED	02/20/2007			RK	00	Measur+Listed
									07/01/1999			DR	50	Building Permit
									11/14/1996			CN	07	Measur/Inf/Dr Info taken
									10/12/1988			JS	00	Measur+Listed

LAND LINE VALUATION SECTION																					
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing			S Adj Fact	Adj. Unit Price	Land Value
																Spec Use	Spec Calc				
1	1010	SINGLE FAM	R3				5,000	SF	41.42	1.0000	5	1.0000	1.00	0.00					1.00	41.42	207,100

Total Card Land Units: 0.11 AC Parcel Total Land Area: 0.11 AC Total Land Value: 207,100

# MORTGAGE INSPECTION PLAN

18-06613

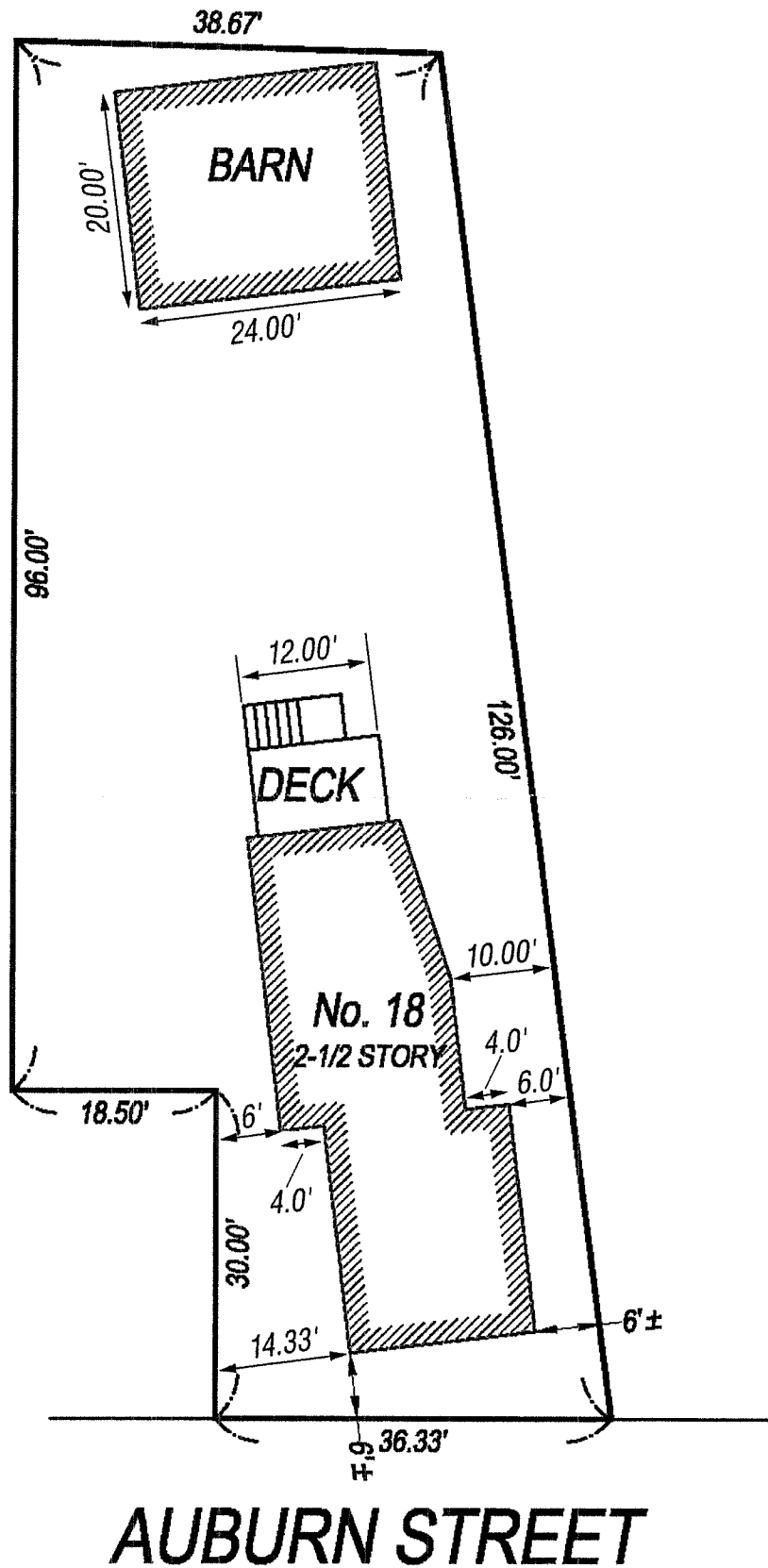
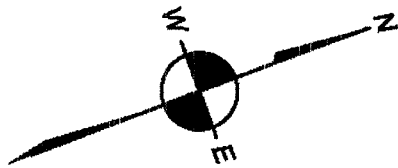
LOCATION: 18 AUBURN STREET  
 CITY, STATE: NEWBURYPORT, MA  
 APPLICANT: MADISON REAL ESTATE GROUP, LLC  
 CERTIFIED TO: MAIN STREET LENDING LLC  
 DATE: 07-02-2018



**BOSTON**  
**SURVEY, INC.**

P.O. BOX 290220  
 CHARLESTOWN, MA 02129  
 T (617) 242-1313; F (617) 242-1616  
 WWW.BOSTONSURVEYINC.COM

LOT CONFIGURATION BASED ON  
 ASSESSORS MAP. INSTRUMENT  
 SURVEY IS RECOMMENDED.



SCALE: 1" = 20'

**FLOOD DETERMINATION**

According to Federal Emergency Management Agency maps, the major improvements on this property fall in an area designated as ZONE: X

COMMUNITY PANEL No. 25009C0117G  
 EFFECTIVE DATE: 7/16/2014

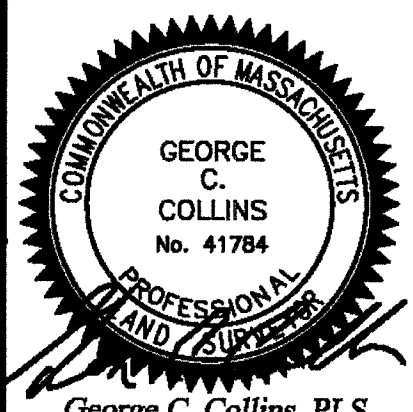
**REFERENCES**

DEED REF: 16946/583  
 PLAN REF: ASSESSORS

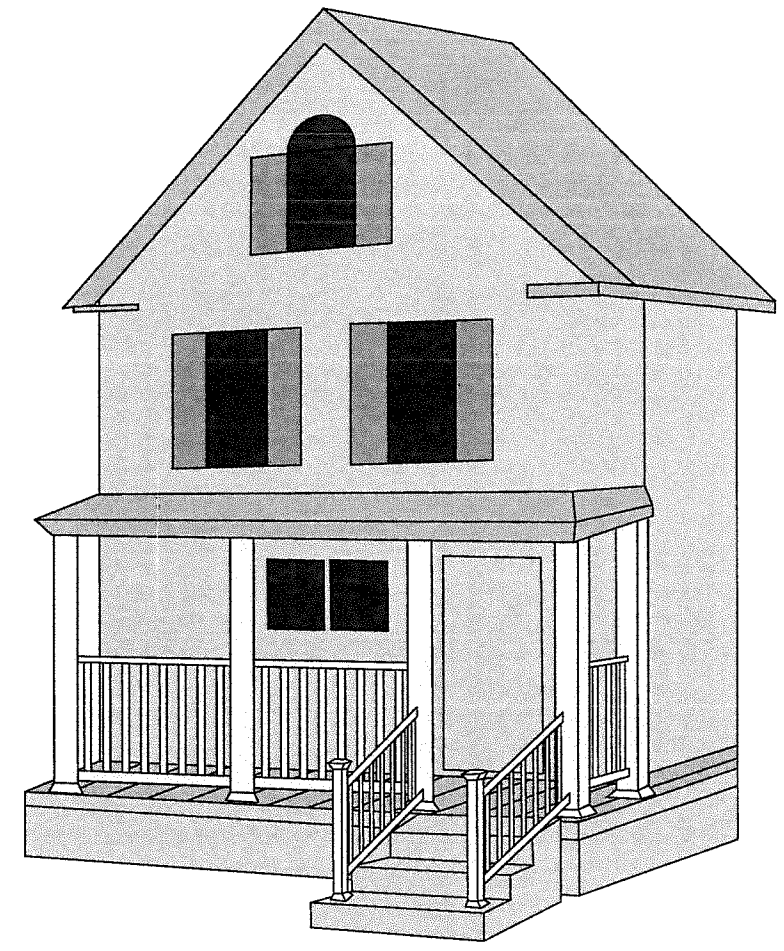
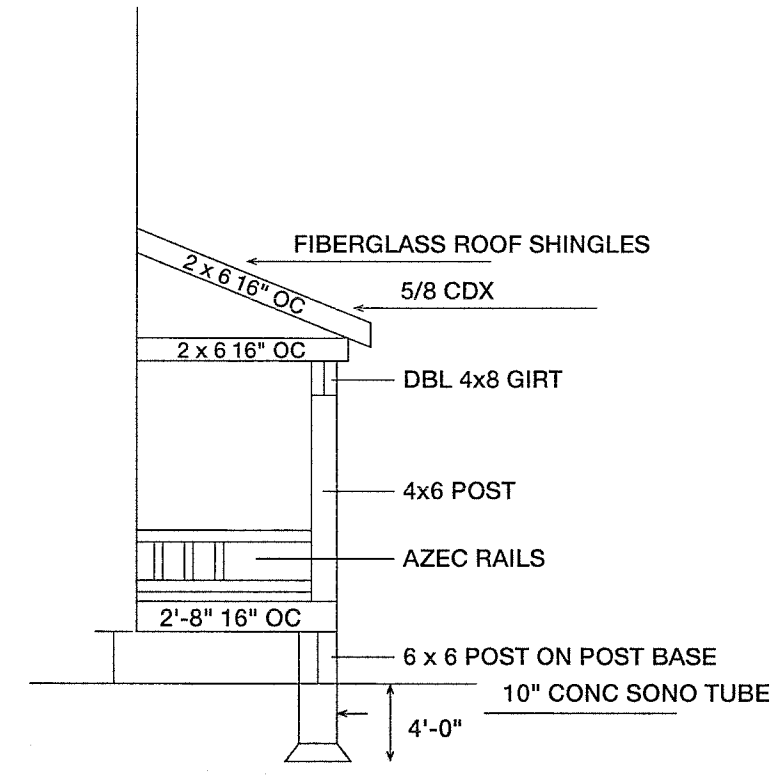
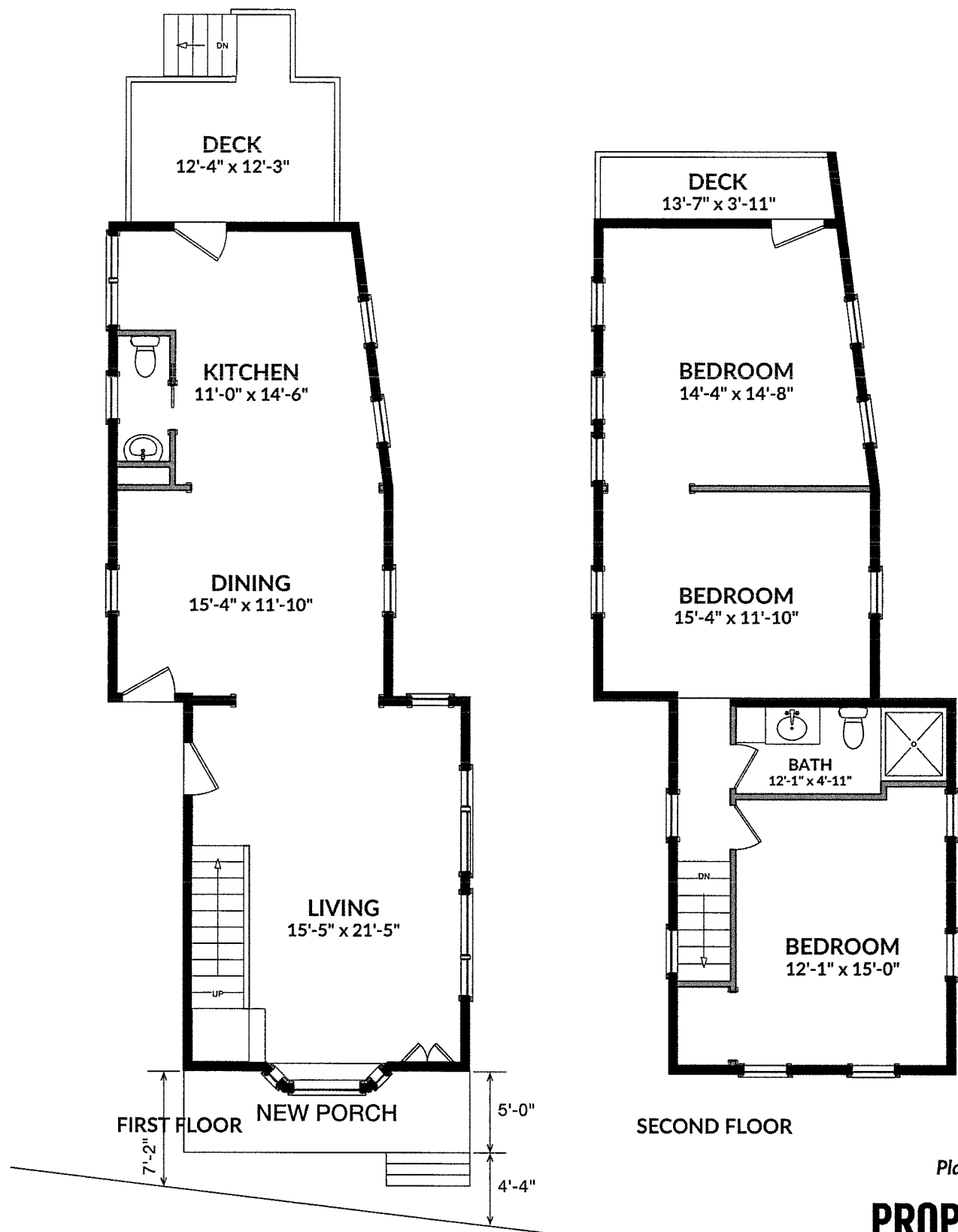
NOTE: To show an accurate scale this plan must be printed on legal sized paper (8.5" x 14")

The permanent structures are approximately located on the ground as shown. They either conformed to the setback requirements of the local zoning ordinances in effect at the time of construction, or are exempt from violation enforcement action under M.G.L. Title VII, Chapter 40A, Section 7, and that are no encroachments of major improvements across property lines except as shown and noted hereon.

This is not a boundary or title insurance survey. This plan should not be used for construction, recording purposes or verification of property lines.



George C. Collins, PLS



Plans Drafted By:

