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CITY CLERK'S OFFICE
NEWBURYPORT MA
Case # 2003-021

Record of Proceedings and Decision for a Special Permit for Non-Conformities

APR 22 2 38 PM '03

An application for the following petition to:

Demolish two (2) existing non-conforming single family dwellings, and rebuild one (1) single family dwelling.

Was filed by: Kevin & Ellen Lagasse
3400 Woodshire Crossing
Marietta GA 30066

For property owned by: Kevin J. Lagasse, Trustee, Basin Realty Trust

The application was filed at the City Clerk's Office on: 2/27/03 under the Newburyport Zoning Ordinance Section X-H.3 Powers of the Board and Sections: IX-B-2, PIOD XXI G. 3b & G.4

The application is for the premises at: 14 Gloria Street in the AgCo Zoning District, as indicated on the Newburyport Assessors Office as Map and Parcel Numbers: 75/262

and is recorded in the Essex South District Registry of Deeds as Book and Page Number: 10671/462

The newspaper notices for the public hearing were posted on: 3/18/03 and 3/24/03

A public Hearing was held at 7:15 p.m. for the above application on: 4/8/03

After the close of the hearing, the Zoning Board of Appeals on upon motion made by Member

David Tierney and duly seconded by Member Robert Ciampitti

the ZBA voted to APPROVE the application.

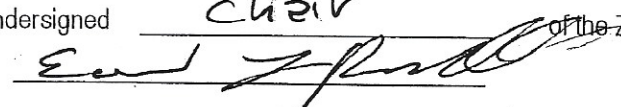
The following members present and voting, and voting as follows:

Jeffrey Stone	<u>Absent</u>	Robert Ciampitti	<u>Yes</u>
Edward Ramsdell	<u>Yes</u>	Ann Dawley, Associate	<u>Not Voting</u>
David Tierney	<u>Yes</u>	Roger Gagnon, Associate	<u>Yes</u>
Duncan LaBay	<u>Yes</u>		

The motion having recieved the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 9, as adopted; the petition for the Special Permit for Non-Conformities was therefore, Granted. The Decision was filed with the Newburyport City Clerk on: 04/22/03

and sent registered mail to the applicant, and by regular mail to the Parties in Interest and the abutting Municipalities.

Undersigned Chair of the Zoning Board of Appeals.



Date: 04/22/03

Record of Proceedings and Decision for a Special Permit for Non-Conformities

Certification of the City Clerk: I, _____ John Moak, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L.s Chapter 40A, Section 11, that the decision for the property known

as: 14 Gloria Street

was filed in the Office of the City Clerk on: 04/22/03 and that (20) twenty days have elapsed after the decision was filed and NO APPEAL was filed.

Pursuant to MGL's Chapter 40A, Section 11 this decision was filed in the Office of Planning and Development on: 04/22/03

Appeals shall be made pursuant to M.G.L.'s Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

Newburyport City Clerk

Date: _____

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Notification of a Decision

Applicant: Kevin & Ellen Lagasse

Property: 14 Gloria Street

This letter confirms that the Zoning Board of Appeals decision to Approve with conditions the request for the following:

Demolish two (2) existing non-conforming single family dwellings, and rebuild one (1) single family dwelling.

In accordance with the above, this letter will serve as a formal notification of the foregoing action of the Board for this property. A copy of this letter, the record of the proceedings, findings, conditions and documents as submitted with the application are on file at the City Clerk's office and forwarded to the applicant.

Pursuant to the Newburyport Zoning Ordinance Section IX-B-2 a SPECIAL PERMIT FOR NON-CONFORMITIES shall LAPSE within two years if a substantial use thereof has not sooner commenced except for good cause, or in the case of construction, if construction has not begun by such date except for good cause. Additionally, if construction or operations has not begun within six (6) months, or if construction is not continuing toward completion in a continuous or expeditious manner as is reasonable during the initial six (6) months, then the construction or operations shall conform to any amendment of the Zoning Ordinance.

This is not a permit for construction or occupancy. The Building Inspector/Zoning Code Enforcement Officer should be contacted by the applicant. All documentation regarding this Special Permit for Non-Conformities must be provided to the Building Inspector/Zoning Code Enforcement Officer by the applicant upon application for a permit for construction or occupancy. Appeals of the Zoning Board of Appeals shall be made pursuant to M.G.L.'s Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing. This decision was filed with the City Clerk on:

04/22/03

Undersigned chair of the Zoning Board of Appeals.

[Signature] Date: 04/22/03

Record of Proceedings and Decision for a Special Permit for Non-Conformities

Findings

Property: 14 Gloria Street

Applicant: Kevin & Ellen Lagasse

After the Public Hearing in accordance with the criteria setforth in the City of Newburyport Zoning Ordinance Section IX-B.2. Special Permit for Non-Conformities.

The Zoning Board of Appeals finds as follows:

1. The request for the following petition to:

Demolish two (2) existing non-conforming single family dwellings, and rebuild one (1) single family dwelling.

was NOT MORE detrimental then the existing.

2. Facts support the Finding that the proposed extension and or addition IS NOT substantially more detrimental then the existing non-conforming structure.

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Record of Proceedings and Decision for a Special Permit for Non-Conformities

The following conditions for the Special Permit for Non-Conformities do not limit any other rights and remedies the City of Newburyport may have. The conditions are as follows:

- 1.01: The Special Permit for Non-Conformities shall not take effect until the City Clerk certifies on the original or certified copy of the decision that twenty days have elapsed without a filing of an appeal or that any appeal has been dismissed.
- 1.02: The certified decision shall be recorded at the Essex South District Registry of Deeds at the owners expense and indexed in the grantor index under the name of the record owner, as noted on the owners certificate of title. If registered property is involved, the decision shall also be filed with the recorder of the Land Court. The petitioner shall send the Zoning Board of Appeals a copy of such recording.
- 1.03: Before the applicant is issued a building permit, the applicant is required to submit to the Zoning Board of Appeals a certified survey plan. Such plan shall show the exact dimensions of all proposed and approved additions, and shall show the building dimensional setbacks from all property lines and any conditions as stated in the Decision for Approval.
- 1.04: As a condition of the Special Permit for Non-Conformities, the construction and or use of this premises shall conform to the following: plans and or information and or additional conditions and any revisions, as approved by the Zoning Board of Appeals. All approved plans and or documentation shall bear the signature of a Zoning Board member and the stamp of the City Clerk indicating the date of filing.

Plans entitled "Lagasse Residence Newburyport, MA as prepared by John Minton. Dated April 8, 2003, and Drawings of the proposed residence labled A-1, A-2, A-3, and X-1 showing the location o the new structure with proposed setbacks. Dated and signed by a member of the Newburyport Zoning Board of Appeals.

Undersigned

chair

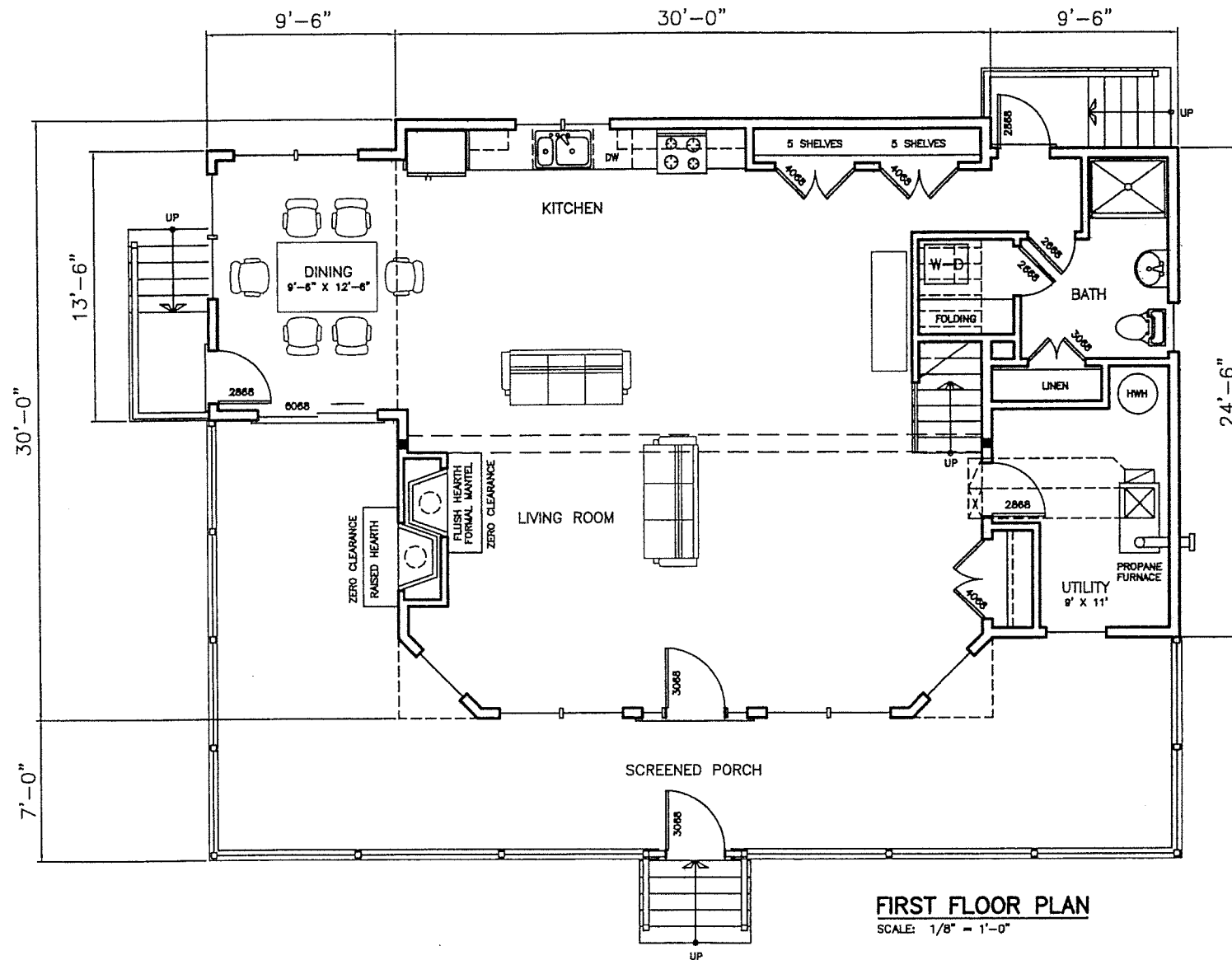
of the Zoning Board of Appeals.

[Handwritten Signature]

Date: 04/22/03

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NEWBURYPORT MA

APR 22 2 39 PM '03



Approved by the Newburyport
Zoning Board of Appeals for a;
SPNC
Date *April 22, 2003*

Undersigned *Chair* of
the Zoning Board of Appeals
[Signature]

Revisions by Zoning Board:

LOT AREA = 9,800 SQ. FT.

LOT DENSITY - EXISTING CONSTRUCTION

1,785 SQ. FT. EXISTING ROOFED AREA

LOT DENSITY OF EXISTING ROOFED AREA = 18 PERCENT

LOT DENSITY - NEW CONSTRUCTION

1,245 1ST FLOOR

540 PORCH

1,785 SQ. FT.

LOT DENSITY OF NEW HOME = 18 PERCENT

FLOOR AREA RATIO

1,245 1ST FLOOR

835 2ND FLOOR

2,080 TOTAL FLOOR AREA = 21 PERCENT "FAR"

978-499-4953
FAX 978-499-4953
EMAIL JMINTONRA@AOL.COM

GENERAL NOTES:

REVISIONS:

LAGASSE RESIDENCE

NEWBURYPORT, MA

ISSUE DATE:

JOB NUMBER: V02-03

DRAWN BY: JM

CHECKED BY:

APPROVED FOR OWNER:

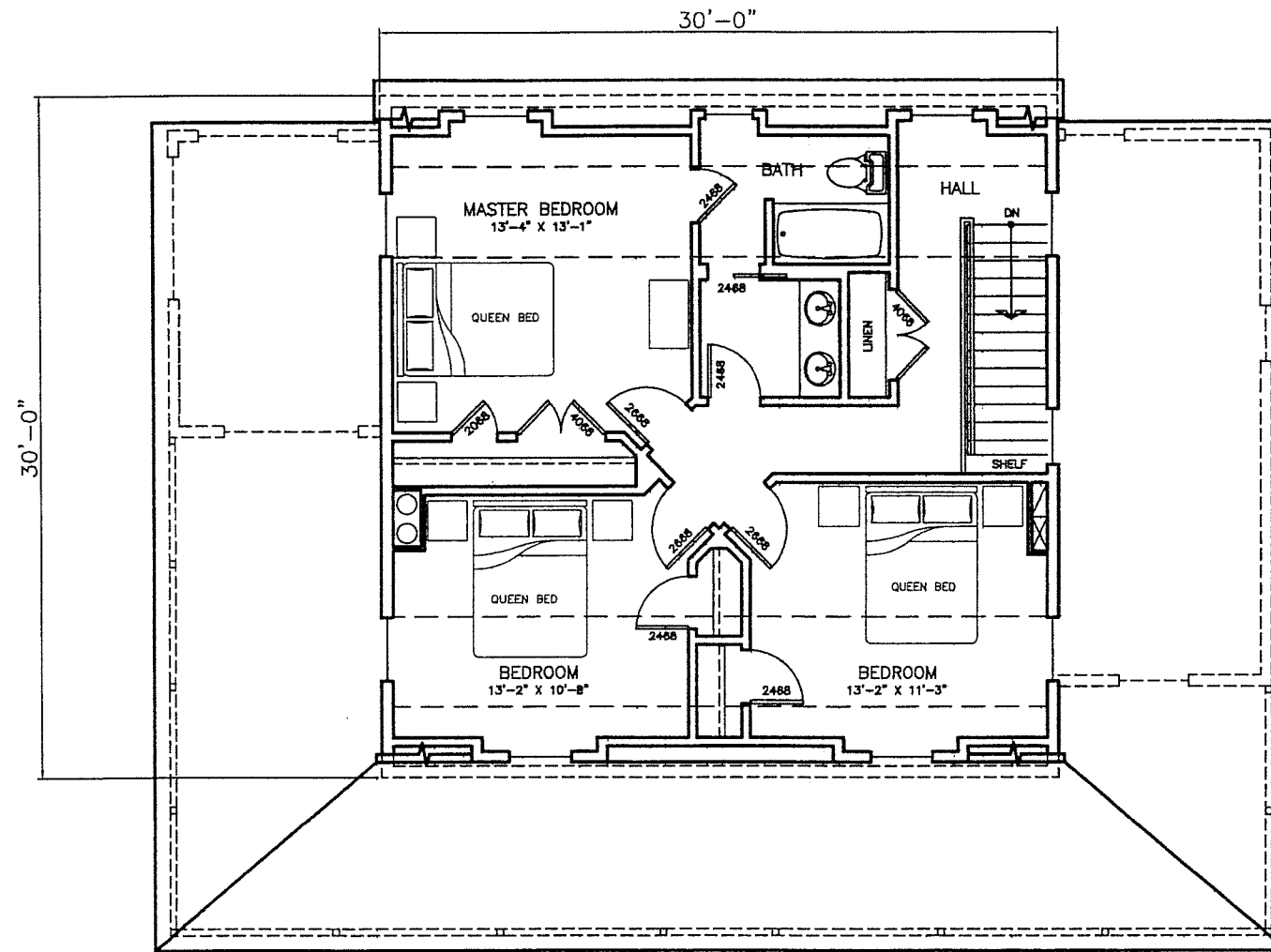
BINDING ORDER: 1

SCALE: 1/4" = 1'-0"

A-1

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APR 22 2 37 PM '03



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

Approved by the Newburyport
Zoning Board of Appeals for a;

SPNC
Date April 22, 2003

Undersigned Chair of
the Zoning Board of Appeals
[Signature]

Revisions by Zoning Board:

978-462-2001
FAX 978-499-4953
EMAIL JMINTONRA@AOL.COM

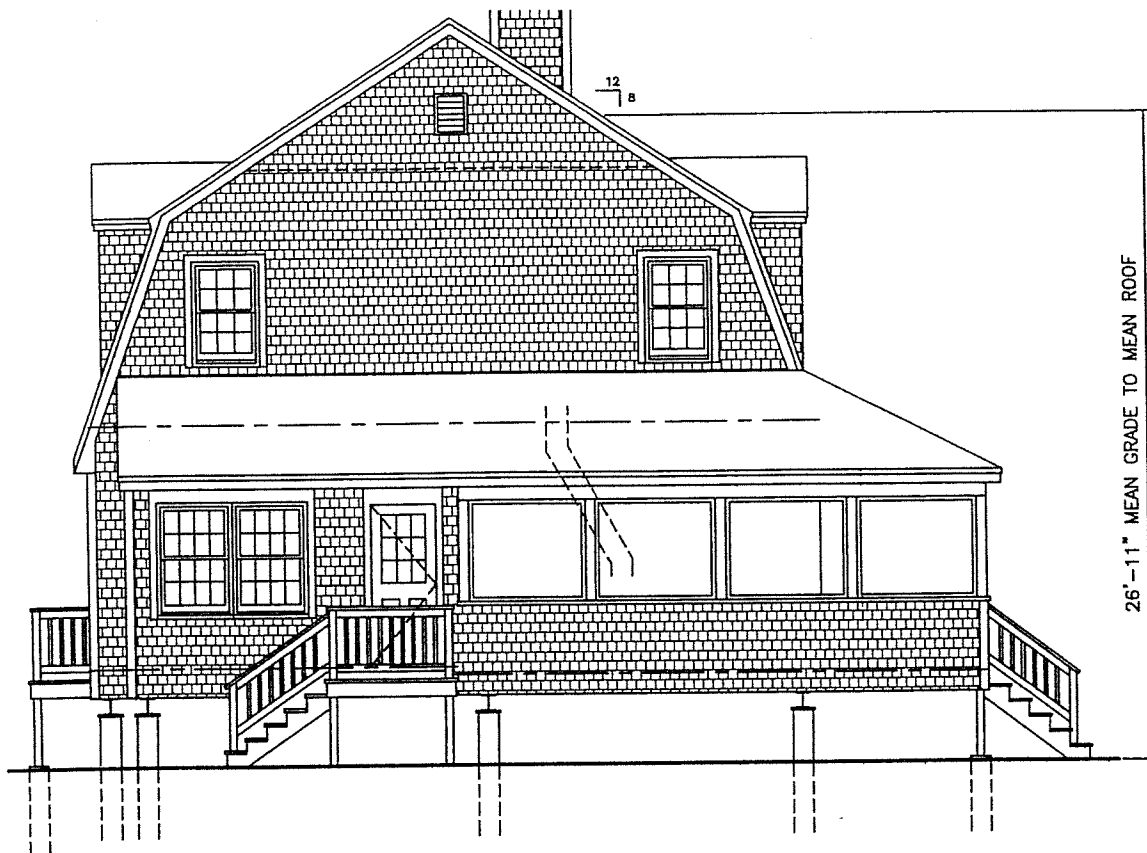
GENERAL NOTES:

REVISIONS:

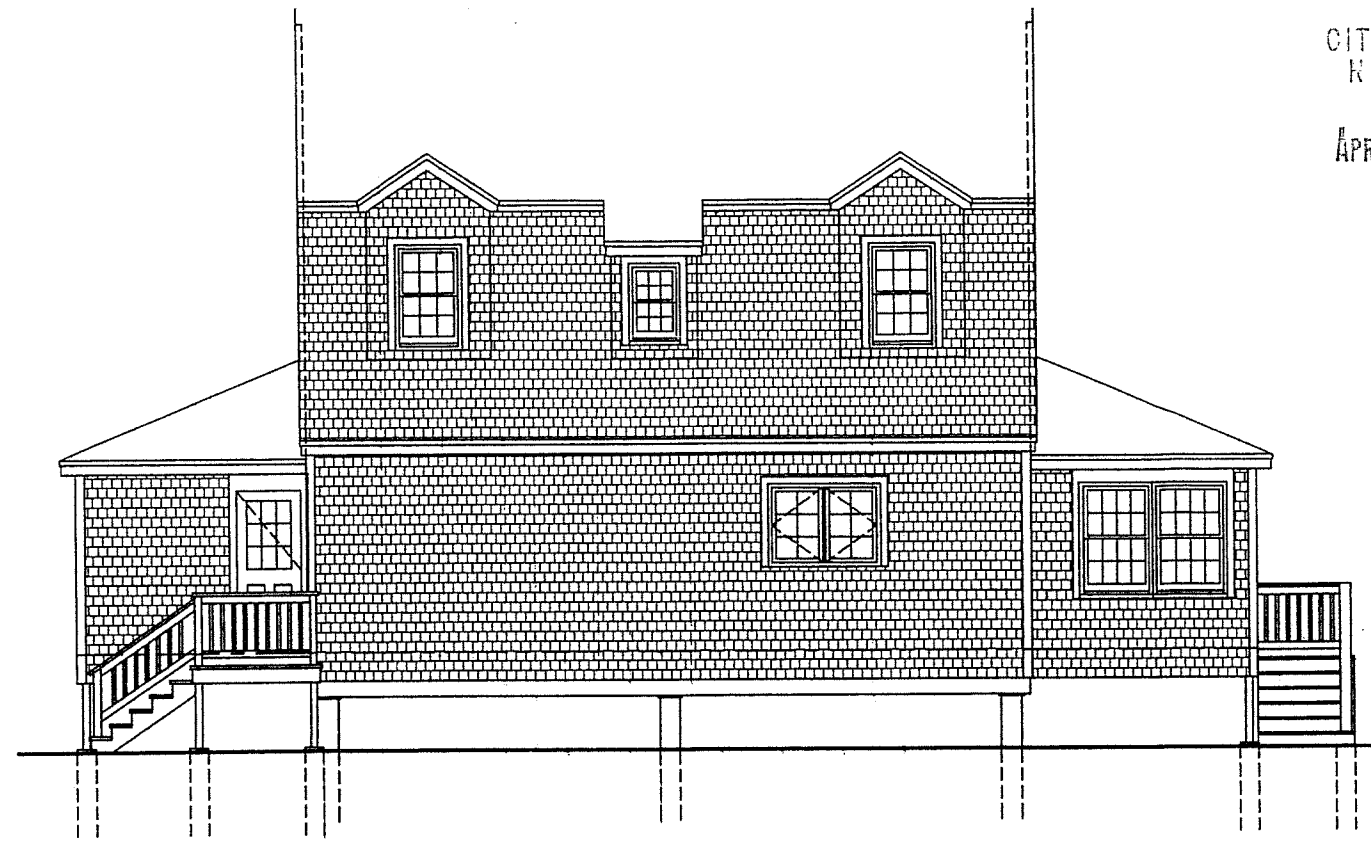
LAGASSE RESIDENCE
NEWBURYPORT, MA

ISSUE DATE: .
JOB NUMBER: V02-03
DRAWN BY: JM
CHECKED BY:
APPROVED FOR OWNER:
BINDING ORDER: 2
SCALE: 1/4" = 1'-0"

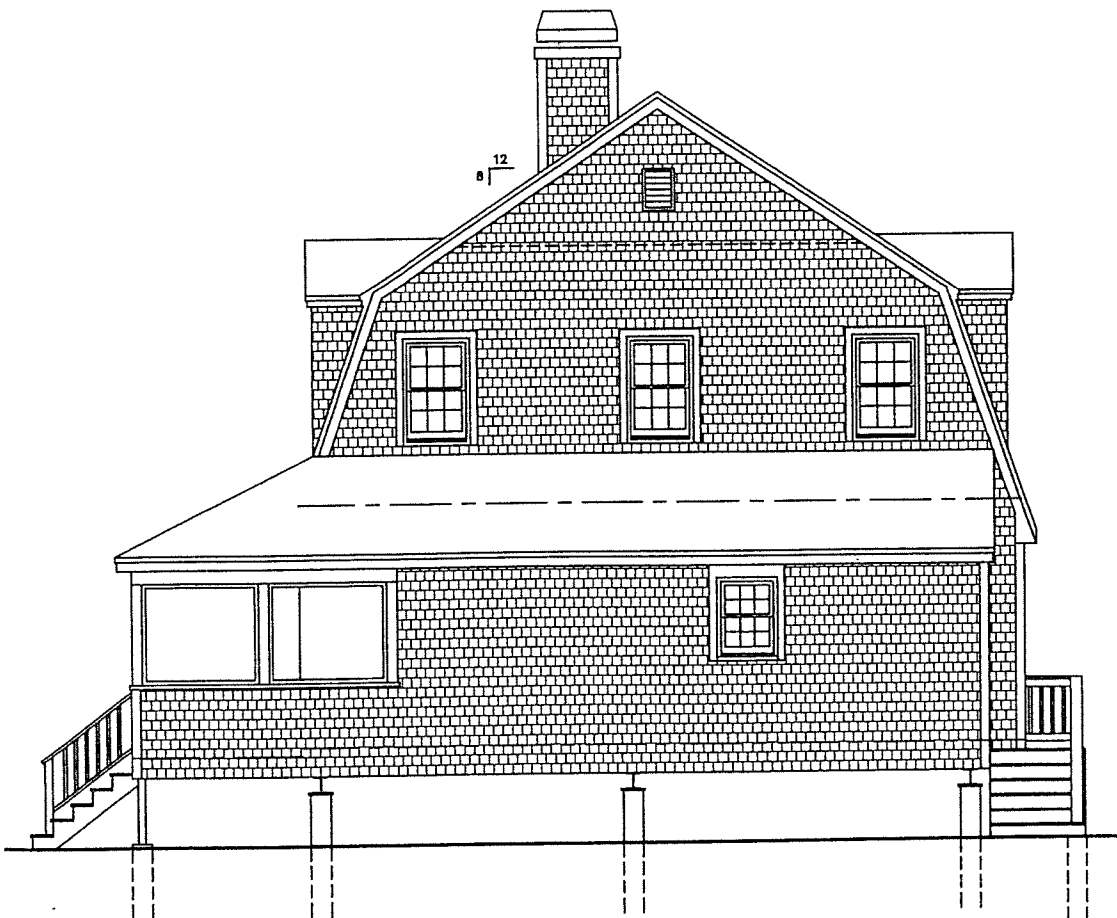
APR 22 2 37 PM '03



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

REVISIONS:

Approved by the Newburyport
Zoning Board of Appeals for a;
SPNC
Date *April 22, 2003*

Undersigned *Chair* of
the Zoning Board of Appeals
[Signature]

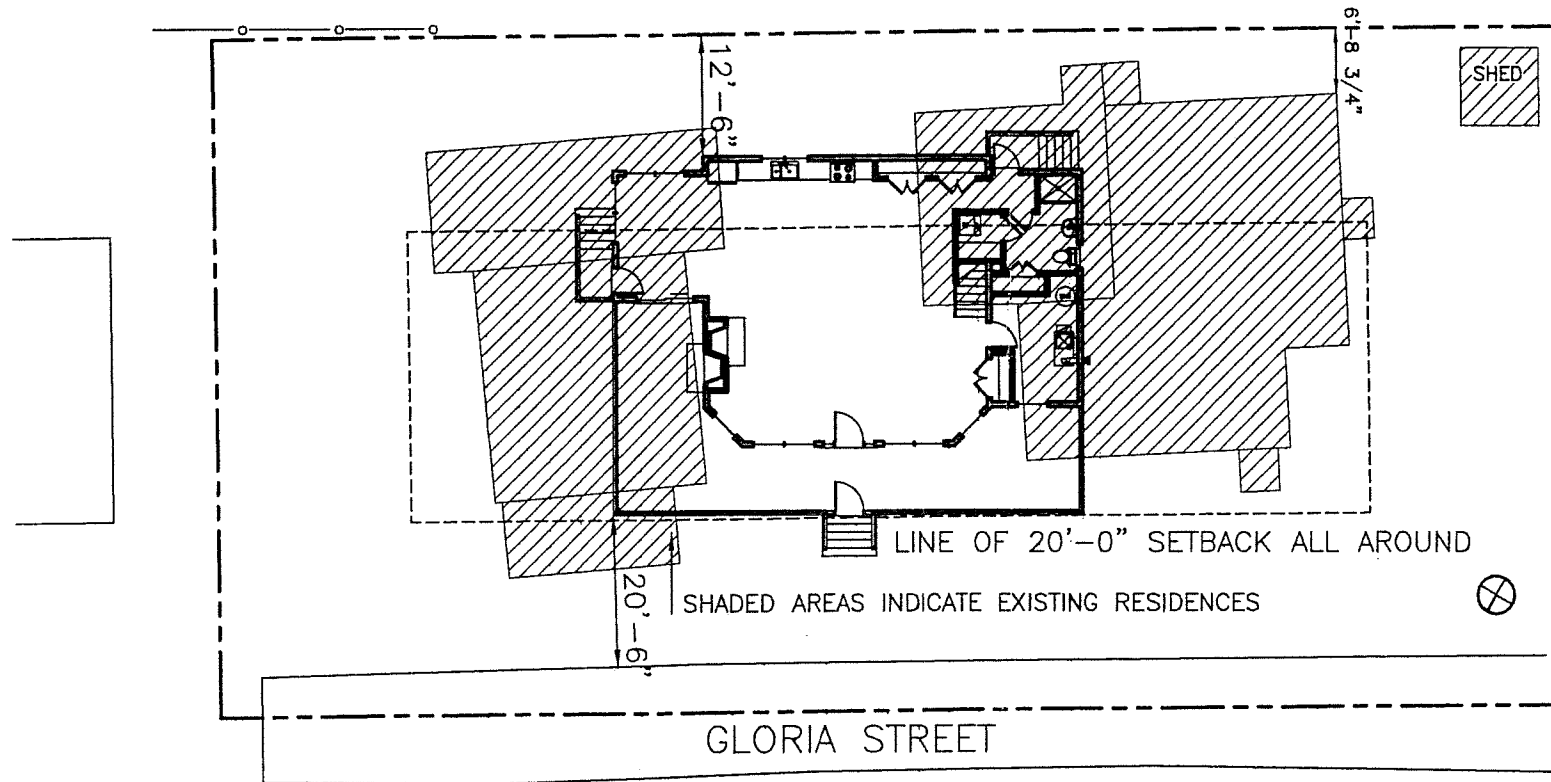
Revisions by Zoning Board:

LAGASSE RESIDENCE
NEWBURYPORT, MA

ISSUE DATE: .
JOB NUMBER: V02-03
DRAWN BY: JM
CHECKED BY:
APPROVED FOR OWNER:

BINDING ORDER: 3
SCALE: 1/4" = 1'-0"

APR 22 2 37 PM '03



SITE PLAN
SCALE: 1" = 20'-0"

Approved by the Newburyport
Zoning Board of Appeals for a;
SPNC
Date *April 22, 2003*

Undersigned *dear* of
the Zoning Board of Appeals
[Signature]

Revisions by Zoning Board:

GENERAL NOTES:

REVISIONS:

LAGASSE RESIDENCE
NEWBURYPORT, MA

ISSUE DATE: .
JOB NUMBER: VD2-03
DRAWN BY: JM
CHECKED BY:
APPROVED FOR OWNER:
BINDING ORDER: 3
SCALE: 1" = 20'-0"