

CITY OF NEWBURYPORT

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OFFICE OF THE
PLANNING BOARD

MARY ANNE CLANCY
MAYOR

NEWBURYPORT CITY HALL
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NEWBURYPORT, MA 01950

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Date: November 16, 2005 2005 NOV 29 A 11:13
Approval: **Section VI. C Special Permit**
Address: 13 Bromfield Street Newburyport, MA.
Applicant: N/F Bromfield Street Realty Trust- Shawn
M. Cayer & Douglas J. Kilgore Trustees
Map & Lot: 26/56
Registry Info: ESRD B24783, PO427
File Number: 2005 VI.C-008

DECISION:

Pursuant to M.G.L. C.40A, the Planning Board of Newburyport, in accordance with the criteria set forth in the Newburyport Zoning Ordinance in Section VI-C, X-H.7 and X-H.8, and after the public hearing and findings of fact, hereby grants final APPROVAL for construction of a single-family structure at 13 Bromfield Street (Map 26 Lot 56) owed by N/F Bromfield Street Realty Trust Shawn M. Cayer & Douglas J. Kilgore Trustees (ESRD B24783, PO427).

FINDINGS:

1. That the "Project," as submitted on October 10, 2005 and presented at the public hearing on November 2, 2005 and November 16, 2005, and as conditioned by this Decision, meets the criteria of Sections VI-C, X-H.7 and X-H.8 and is consistent with the intent of the City's Master Plan.
2. That the presentation and documents as submitted revised and presented by the Applicant supports the Board's decision to approve the Project subject to the *General Conditions of Approval* listed below.
3. That the Conservation Commission, represented by Conservation Administrator Tracy Peter, walked the site and made a preliminary evaluation that there were no apparent wetland limitations.

INVENTORY OF SUBMITTED PLANS:

- *Existing Site Conditions: Section VI-C Site Plan Review and Preliminary Site Plan: Section VI-C Site Plan Review* dated October 10, 2005 prepared for Bromfield Street Realty Trust by Port Engineering Associates, Inc.; the plans titled *Demolition and Proposed Plans, Sections and Elevation* dated September 26, 2005, the *Special Permit Application*, date stamped October

13, 2005; and, the revised site plans presented at the public hearing on November 16, 2005.

GENERAL CONDITIONS OF APPROVAL

1. The property shall continue to be used and maintained as a two-family use with only two dwelling units permitted on the property. Prior to issuance of an occupancy permit for the proposed single family structure, the existing structure shall be converted from a two-family structure to a single-family structure. Any proposed change to such use shall require, among other potential approvals, an amendment to this Special Permit.
2. Notwithstanding the conditions of approval from the 1988 Definitive Subdivision Plan, the Planning Board finds the grade, surface materials, and drainage of the existing Court/ROW to be adequate to provide safe pedestrian and vehicular access to the lots served by the Court/ROW and such design standards shall remain as proposed on the *Preliminary Site Plan: Section VI-C Site Plan Review* dated October 10, 2005 prepared for Bromfield Street Realty Trust by Port Engineering Associates, Inc.
3. In perpetuity, the proposed driveways for the existing and proposed structures shall remain non-impervious and shall consist of crushed stone or gravel with a cobblestone edge and apron.
4. As discussed at the public hearing, the following revisions and requirements shall be incorporated into the final site plan which shall be revised and filed with the Planning Board prior to an application for a building permit:
 - the garage proposed for the new structures will be no larger than 22 feet by 24 feet and 15 feet in height, and the existing garage shall be restored to its original architectural style;
 - maintenance of the large 36 inch maple tree on the Court shall be done in accordance with the Newburyport Tree Committee's (NTC) recommendations, including recommendations for protection of the two 18-inch maple trees in the side yard during construction (refer to attached NTC recommendations);
 - a certified arborist will be employed during the demolition of the existing barns to ensure that all reasonable measures are taken to preserve the 16 inch maple tree on the Roche's property (Map 26 Lot 53);
 - for the new structure, the foundation exposure shall be 12 inches or less and the entire exposed foundation of the new structure shall have a brick veneer finish;

- the exterior siding of the new structure and the proposed garages shall consist of natural or cement fiber material and the siding exposure shall be appropriate for the period;
 - articulated trim details such as raised panels, pediments or bracketing for the windows, fascia, rakes, corner boards, porches and other ornamentation shall be in keeping with the unified architectural style of the project;
 - the fencing shown on the approved site plan shall be decorative without the use of vinyl or chain link and will provide screening from lights for the adjacent properties; however a green barrier may be substituted for fencing with the written consent of the affected abutters and that this consent shall be filed with the Planning Board; and
 - any power vents, air conditioning condensers, electrical outlets, water meters or any other utility shall be placed so as not to be seen from the street and have the least visible impact to the abutting residential structures.
5. A recordable Restrictive Covenant (RC) shall be executed and recorded to preserve the remaining open space at the back of the lot by prohibiting new permanent structures within the remaining undeveloped areas between the northern property line and the northern building wall of the proposed structures as shown on the revised plans and elevations submitted with the application.
 6. Prior to issuance of the Building Permit for the Project, the City Planner shall review the revised plans and determine that the final site/construction plan(s) are in substantial compliance with the plans presented and approved by the Board and with the conditions set forth in this Decision. If not in substantial compliance, an amendment to this Special Permit shall be sought and obtained, after public hearing, prior to issuance of the Building Permit.
 7. This Special Permit shall run with the land and be binding on all future owners of the property.
 8. Any subsequent proposed change to the configuration, footprint or height of any of the existing or proposed permanent structures or the lot shall require an amendment to this Special Permit, this approval having been based on a review of the buildings and lot as presented at the public hearing.
 9. The City Planner shall certify that the property has been built in accordance with the conditions and plans approved by the Board prior to issuance of a certificate of occupancy by the Building Commissioner. No certificate of occupancy shall be issued for the final unit until all conditions related to both structures and the lot are met.

10. Prior to issuance of a building permit, the Applicant shall file this Special Permit decision with the Essex County Registry of Deeds (or registry district of the Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be included with the application for a building permit. The applicant shall also make reference to these conditions of approval on the final site/construction plans referencing the date, contents and votes of the Planning Board, Historic Commission and Board of Appeals (if applicable).
11. Prior to the start of construction, the applicant or its agent(s) shall meet with the City Planner, Building Commissioner, Sewer and Water Directors, Health Agent and Public Works Director to finalize all details associated with connections to existing municipal utilities.
12. All design and construction of all water utilities must meet Federal, State and local standards and the latest version of Newburyport Water Works Construction Guidelines and Construction Policies, which are available at the Water Works office in City Hall. Contractors are prohibited from operating or connecting to any part of the existing water system without written authorization and field oversight by the Water Works Department.
13. All design and construction of all sewer utilities must meet Federal, State and Local standards and the latest version of Newburyport Sewer Department Construction Guidelines and Construction Policies, which are available at the Sewer Plant located on Water St. Contractors are prohibited from operating or connecting to any part of the existing sewer system without written authorization and field oversight by the Sewer Department.

— end —

A true record.

COMMONWEALTH OF MASSACHUSETTS

Essex,

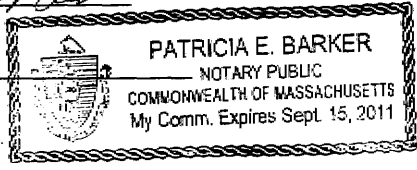
November 17, 2005

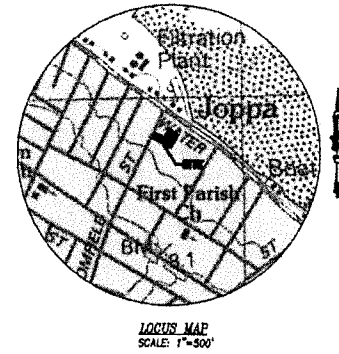
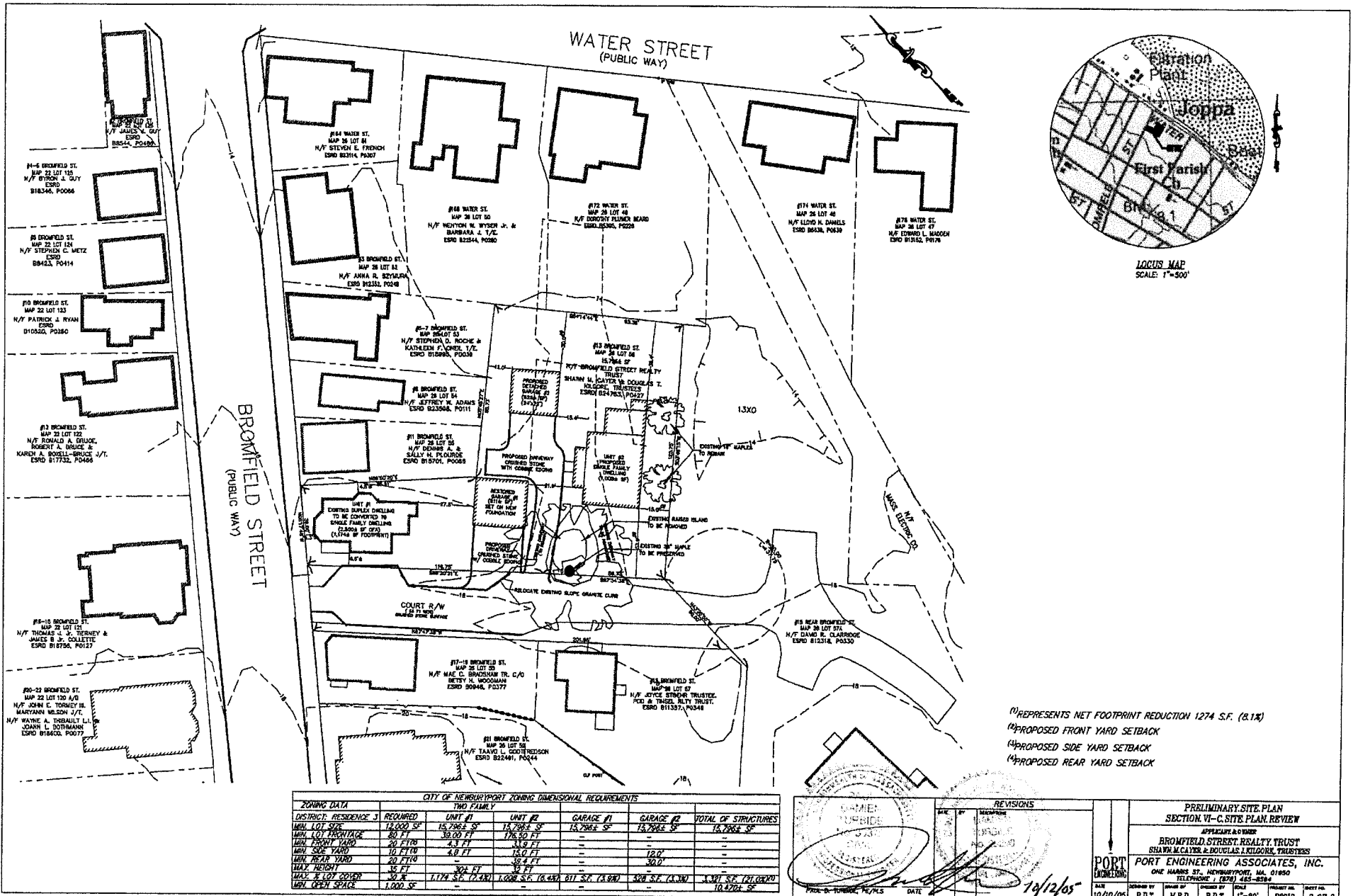
Then personally appeared Douglas A. Locy, Chair, of the Planning Board of the City of Newburyport and acknowledge the foregoing instrument to be the free act and deed of said Planning Board, before me.

Douglas A. Locy
Douglas A. Locy, Chair

Attest: *Patricia E. Barker*
Notary Public

My Commission expires: _____





LOCUS MAP
SCALE: 1"=500'

- (1) REPRESENTS NET FOOTPRINT REDUCTION 1274 S.F. (8.1%)
- (2) PROPOSED FRONT YARD SETBACK
- (3) PROPOSED SIDE YARD SETBACK
- (4) PROPOSED REAR YARD SETBACK

CITY OF NEWBURYPORZ ZONING DIMENSIONAL REQUIREMENTS
THO FAMILY

ZONING DATA	REQUIRED	UNIT #1	UNIT #2	GARAGE #1	GARAGE #2	TOTAL OF STRUCTURES
MIN. LOT AREA	12,000 SF	15,796.5 SF	15,796.5 SF	15,796.5 SF	15,796.5 SF	15,796.5 SF
MIN. LOT FRONTAGE	40 FT	38.00 FT	17.50 FT	-	-	-
MIN. FRONT YARD	20 FT/10'	4.3 FT	18.0 FT	-	-	-
MIN. SIDE YARD	10 FT/10'	4.8 FT	18.0 FT	-	-	-
MIN. REAR YARD	20 FT/10'	3.4 FT	18.4 FT	-	-	-
MAX. HEIGHT	35 FT	30.4 FT	34 FT	-	-	-
MAX. # LOT COVER	30%	1,174 S.F. (7.3%)	1,008 S.F. (6.4%)	871 S.F. (5.5%)	878 S.F. (5.5%)	3,061 S.F. (19.7%)
MIN. OPEN SPACE	1,000 SF	-	-	-	-	10,820 SF

SEAL OF THE CITY OF NEWBURYPORZ

DATE: 10/10/05

10/12/05

PRELIMINARY SITE PLAN
SECTION VI-C SITE PLAN REVIEW

APPROVED BY:

BROMFIELD STREET REALTY TRUST
SHAWN M. CAYR & DOUGLAS J. KILGORE, TRUSTEES

PORT ENGINEERING ASSOCIATES, INC.
ONE HANCOCK ST., NEWBURYPORZ, MA, 01850
TELEPHONE: (978) 455-8234

DATE: 10/10/05

DESIGNED BY: P.B.T.

DRAWN BY: M.R.D.

CHECKED BY: P.B.T.

SCALE: 1"=20'

PROJECT NO.: P0012

SHEET NO.: 2 OF 2

13 Bromfield