



306
CITY OF NEWBURYPORT
PLANNING BOARD
 60 PLEASANT STREET • P.O. BOX 550
 NEWBURYPORT, MA 01950
 (978) 465-4400 • (978) 465-4452 (FAX)

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2012 OCT 22 A 9:14

SPECIAL PERMIT FINDINGS & DECISION

APPLICATION & DECISION SUMMARY

DECISION DATE: 10/3/2012
APPLICATION DATE: 7/3/2012
FILE NO: 2012-SP-03



APPLICANT/OWNER: Nathaniel Norton
APPLICANT ADDRESS: 8 New Street, Newburyport, MA 01950
PARCEL(S) ADDRESS: 53 Spofford Street
MAP/LOT: 71-20
BK/PAGE: 12234-554
ZONING DISTRICT: R2
SECTION: VI.C

BRIEF DESCRIPTION: convert the existing two-family home to a single family and construct an additional single family home on the same property

NEWSPAPER NOTICE: 7/17/2012 and 7/24/2012

PUBLIC HEARING: A public hearing was held on the above application on 8/1/2012 and continued to 8/15, 9/5, 9/19, and 10/3/2012.

DECISION: After the close of the public hearing the Planning Board, upon a motion made by member Don Walters and seconded by Paul Dahn, the Board voted to APPROVE the application for a Special Permit.

The motion having received the necessary two-thirds super majority vote of all the members of the Planning Board, in accordance with M.G.L. Chapter 40A Section 9, as amended, the petition for the Special Permit was therefore granted.

RECORD OF VOTE: The following members of the Planning Board voted as follows with respect to the petition for a special permit subject to the below-stated terms and conditions:

Susan Grolnic	<u>Yes</u>	Bonnie Sontag	<u>Yes</u>	Noah Luskin	<u>Absent</u>
Don Walters	<u>Yes</u>	Henry Coo	<u>Yes</u>	Cynthia Zabriskie	<u>Yes</u>
James McCarthy	<u>Yes</u>	Paul Dahn	<u>Yes</u>	Daniel Bowie	<u>Yes</u>

PLANS AND MATERIALS INCORPORATED INTO DECISION

1. This special permit application is accompanied and augmented by the following plans, drawings and submittals:
 - "53 Spofford Street - "Certified Plot Plan of Land in Newburyport, Massachusetts Essex County" by DGT Survey Group dated 6/26/12 and revised 8/15/12;
 - "53 Spofford Street Proposed Development Perspective" dated July, 2012; and
 - "Proposed Landscape Improvements" by JMA Architects, Inc. dated October 3, 2012
2. The plans and other submission material were reviewed by the Planning Board, its legal counsel and consulting engineer as follows:
 - "53 Spofford Street - "As-of-Right Plot Plan of Land in Newburyport, Massachusetts Essex County" by DGT Survey Group dated 6/26/12
3. Throughout its deliberations the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

FINDINGS

General Findings:

1. The current structure is a pre-existing, non-conforming two-family structure. The applicant proposes to construct two single family homes on one lot.
2. The requested use is desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety. The property will continue to have housing and parking for two families.
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. While the exact number of additional bedrooms has not been determined, any increase in bedrooms will be minimal and will not affect public health, safety, or welfare.
5. There are no special regulations for the proposed use set forth in the zoning table.
6. The requested use will not impair the integrity or character of the district as it is keeping with pattern of development in the surrounding area.
7. The requested use will not cause an excess of single family residences in the neighborhood and maintains the existing number of housing units on the property.
8. The proposed use is in harmony with the purpose and intent of this ordinance.
9. The proposed use shall not be conducted in a manner 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.

Specific Findings:

1. The application represents a reasonable alternative to the existing two-family structure and would be consistent with the development patterns and density in the surrounding neighborhood.
2. A clear public benefit will be realized from the application as the following elements have been proposed by the applicant as conditions of this approval. The applicant has proposed and agreed to contribute \$36,750 to the City's Affordable Housing Trust Fund, such funds to be administered by the Affordable Housing Trust, and deposited with the City prior to the issuance of a building permit for the proposed second dwelling unit/structure. Additionally, the applicant has proposed and agreed to contribute \$2,000 to the Moseley Woods Foundation, such funds to be deposited with the City prior to the issuance of a building permit for the proposed second dwelling unit/structure.
3. Each residential structure will comply with all other applicable regulations and in accordance with all related approvals referenced above.

DECISION

In view of the foregoing, the Planning Board hereby decides to grant a V.I.C Special Permit in accordance with the terms and conditions stated below:

General Conditions

1. The applicant shall file this Special Permit Decision with the Southern Essex County Registry of Deeds or registry 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 final site/construction plans shall also make reference to the decision date and conditions of approval. This Special Permit shall run with the land and be binding on all future owners of the property.
2. Prior to the granting of a Building Permit, the applicant shall submit the written certification of a registered Architect or Civil Engineer to the Building Commissioner that the project will be constructed in accordance with the approved plans and conditions.
3. No building permit shall be issued unless all public utilities have been reviewed and approved by the respective utility departments and that the proposed utilities will be installed in accordance with plans submitted with the application.
4. Record plans stamped by a professional engineer showing new construction, renovation or expansion shall be submitted to the Building Commissioner and the Planning Board. Said plans shall contain a certification, made by a registered architect or civil engineer, that what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of this Special Permit.
5. The Planning Board requires the developer to submit all drawings and plans in computer aided drafting (CAD) formats. Specific file format shall be .DXF unless otherwise determined by the Planning Office.
6. 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.

7. 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.

Specific Conditions

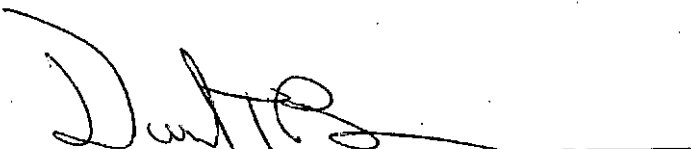
1. Unless otherwise specified herein, all work (including but not limited to: site layout, buildings and landscaping) shall conform to the above referenced plans and materials submitted by the applicant.
2. The applicant shall file this Decision with the Southern Essex County Registry of Deeds or registry 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 final site/construction plans shall also make reference to the decision date and conditions of approval.
3. The Planning Board requires the developer to submit all approved drawings and as built plans in computer aided drafting (CAD) formats. Specific file format shall be .DXF unless otherwise allowed. Such plans should be submitted to the Newburyport Office of Planning & Development within 20 days of the issuance of this decision/approval.
4. Any proposed change to the use, size, configuration, footprint or height of the existing or proposed buildings or the lot shall require an amendment of this special permit, this approval having been based on a review of the buildings and lot as presented at the public hearing.
5. The proposed removal and replacement of Street Tree(s) shall be done only in accordance with the requirements of the City's Tree Warden/Department of Public Services, and under the direction of the Tree Warden/Department of Public Services.
6. No building permit shall be issued by the Building Commissioner for the proposed second dwelling unit/structure until such time as the following upgrades and improvements are made to the front (main) dwelling unit/structure:
 - a. The upper story of the rear of the house and the front porch shall be painted and restored to a well-maintained appearance.
 - B. The gutters on the front porch shall be repaired and restored to a well-maintained appearance.
 - c. The existing overgrown pine trees shall be thinned.
 - d. The mailbox and newspaper boxes shall be removed and/or replaced with new.
 - e. Overgrown shrubs shall be removed.
 - f. The trash and recycling shall be removed from the north side of the existing dwelling unit.
 - g. All landscaping improvements are made consistent with a plan submitted by the applicant entitled "Proposed Landscape Improvements - 53 Spofford Street, Newburyport, Massachusetts 01950, prepared by JMA Architects, Inc., and dated October 3, 2012.
7. The applicant has proposed and agreed to contribute \$36,750 to the City's Affordable Housing Trust Fund, such funds to be administered by the Affordable Housing Trust, and deposited with the City prior to the issuance of a building permit for the proposed second dwelling unit/structure. Additionally, the applicant has proposed and agreed to contribute \$2,000 to the Moseley Woods Foundation, such funds to be deposited with the City prior to the issuance of a building permit for the proposed second dwelling unit/structure. No building permit or occupancy permit shall be issued by the Building Commissioner for the proposed second dwelling unit/structure until such time as this condition is met by the applicant.

8. The applicant shall provide screening (a dense row of privets) along the northern property line, between the proposed new dwelling and the adjacent house at 47R Spofford Street for a length of approximately forty feet (40'), beginning at a point ten feet (10') off the rear of said adjacent house. No occupancy permit shall be issued by the Building Commissioner for the proposed second dwelling unit/structure until such time as this condition is met by the applicant.
9. There shall be no second floor windows on the north side of the proposed new dwelling unit/structure.
10. Both existing and proposed dwelling units/structures shall be limited to single family use.
11. The proposed new dwelling unit shall have a sprinkler system installed as approved by the Newburyport Fire Department.

DATE OF FILING OF DECISION

Filed with the Newburyport City Clerk on 10/22/2012 and sent registered mail to the applicant. Notice of decision is also sent by regular mail to the Parties in Interest and the abutting municipalities.

SIGNATURE OF THE BOARD


Daniel Bowie, Chair, Newburyport Planning Board

10/22/2012
Date

NOTICE OF APPELLATE RIGHTS

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

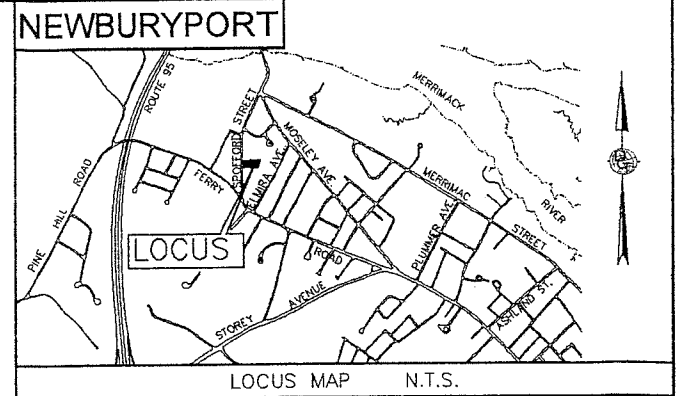
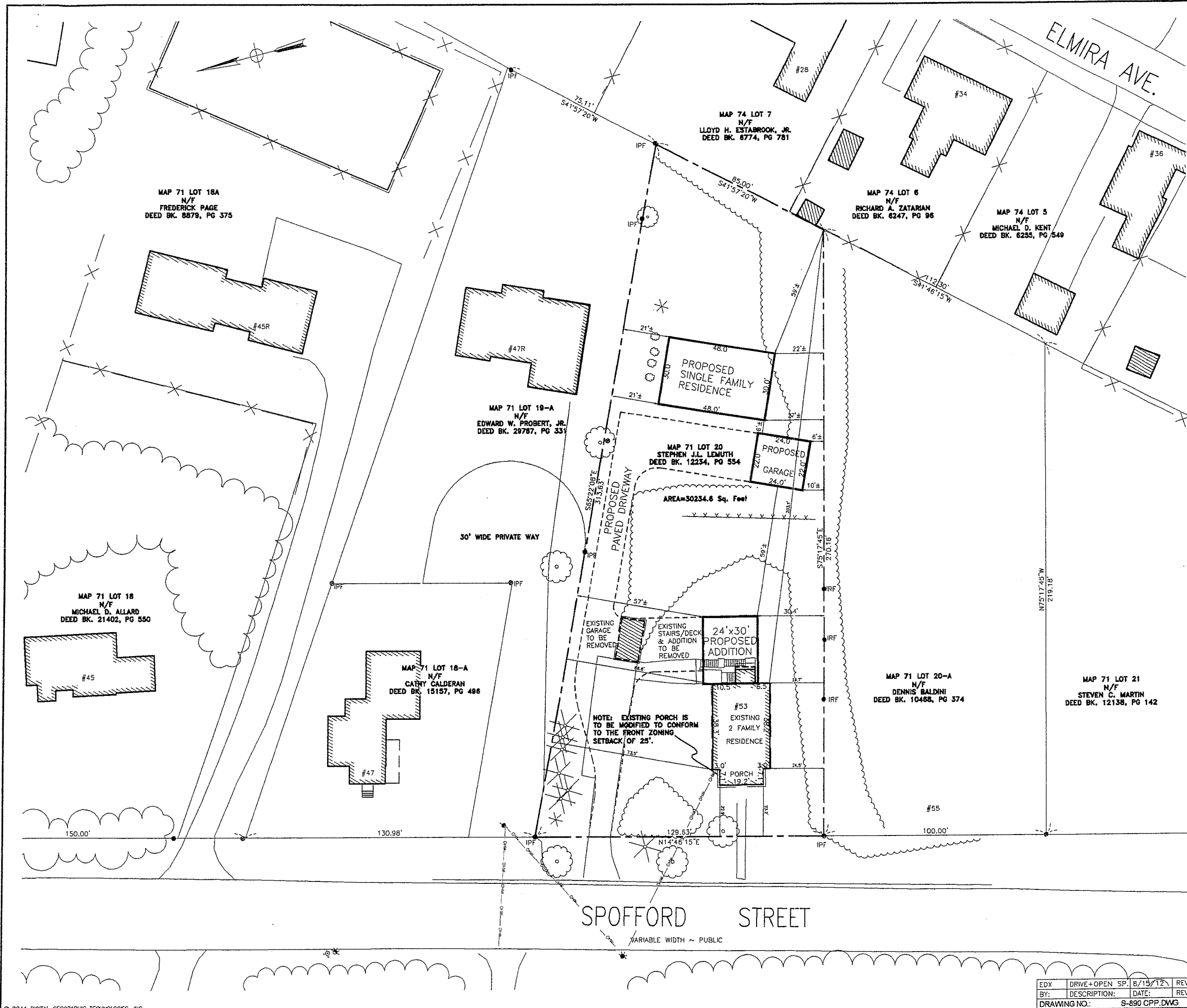
CITY CLERK CERTIFICATION OF APPEAL PERIOD EXPIRATION

Certification of the City Clerk: I, *Rue Bfm*, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the decision for the property known as: 53 Spofford Street was filed in the Office of the City Clerk on 10/22/2012.

Pursuant to M.G.L. Chapter 40A Section 11, this decision was also filed in the Office of Planning and Development on 10/22/2012 and twenty days have elapsed after the decision was filed and NO APPEAL has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A Section 17 and made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk.

Rue Bfm
Newburyport City Clerk

11/27/12
Date



OWNER REFERENCE

OWNER OF RECORD: STEPHEN J. L. & JANE LEMUTH

LEGAL REFERENCE: BOOK 12234, PAGE 554

ASSESSORS REFERENCE: 71-20

AREA: 30,235.4 SF (22) 0.692 ACRES

ZONING TABLE (R2 DISTRICT)

	EXISTING	R2 DISTRICT SINGLE FAM. REQ	R2 DISTRICT TWO FAM. REQ	PROPOSED
MINIMUM LOT AREA	30,235 sf.	10,000 sf.	15,000 sf.	30,235 sf
MINIMUM LOT FRONTAGE	129.63'	90'	120'	129.63'
MAXIMUM LOT COVERAGE	4%	25%	25%	12.6%
MAXIMUM BUILDING HEIGHT	30'±	35'	35'	30'
FRONT YARD SET BACK	22.9'	25'	25'	25'*
REAR YARD SETBACK	20.3'	25'	25'	59'
SIDE YARD SETBACK	24.5'	10'	20'	22'
OPEN SPACE %	90.2%	40%	40%	71.4%

** SEE NOTE ON DRAWING

LEGEND:

IPF IRON PIPE FOUND

IRF IRON ROD FOUND

APPROVED

I HEREBY CERTIFY THAT:

- THIS CERTIFIED PLOT PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY AND A LIMITED RECORDS RESEARCH EFFORT IN CONFORMANCE WITH 250 CMR REQUIREMENTS FOR A CADASTRAL SURVEY.
- THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF DGT.

Edward Dixon
No. 34304
REGISTERED LAND SURVEYOR

Reduced NOT to Scale

SCALE IN FEET
1"=20'

53 SPOFFORD STREET
CERTIFIED

PLOT PLAN OF LAND
IN
NEWBURYPORT, MASSACHUSETTS
ESSEX COUNTY

PREPARED FOR:
NATHANIEL NORTON

PREPARED BY:
DGT SURVEY GROUP - NORTH SHORE
A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.

18 CENTER STREET
SUITE 1
NEWBURYPORT, MA
01950

RESEARCH: EDX/CA

FIELD: NA

CALCULATION: EDX

DRAFTING: EDX

CHECK: EDX

PROJ. MANAGER: EDX

DATE: 6/28/2012

D.G.T. JOB NO. S-890.00

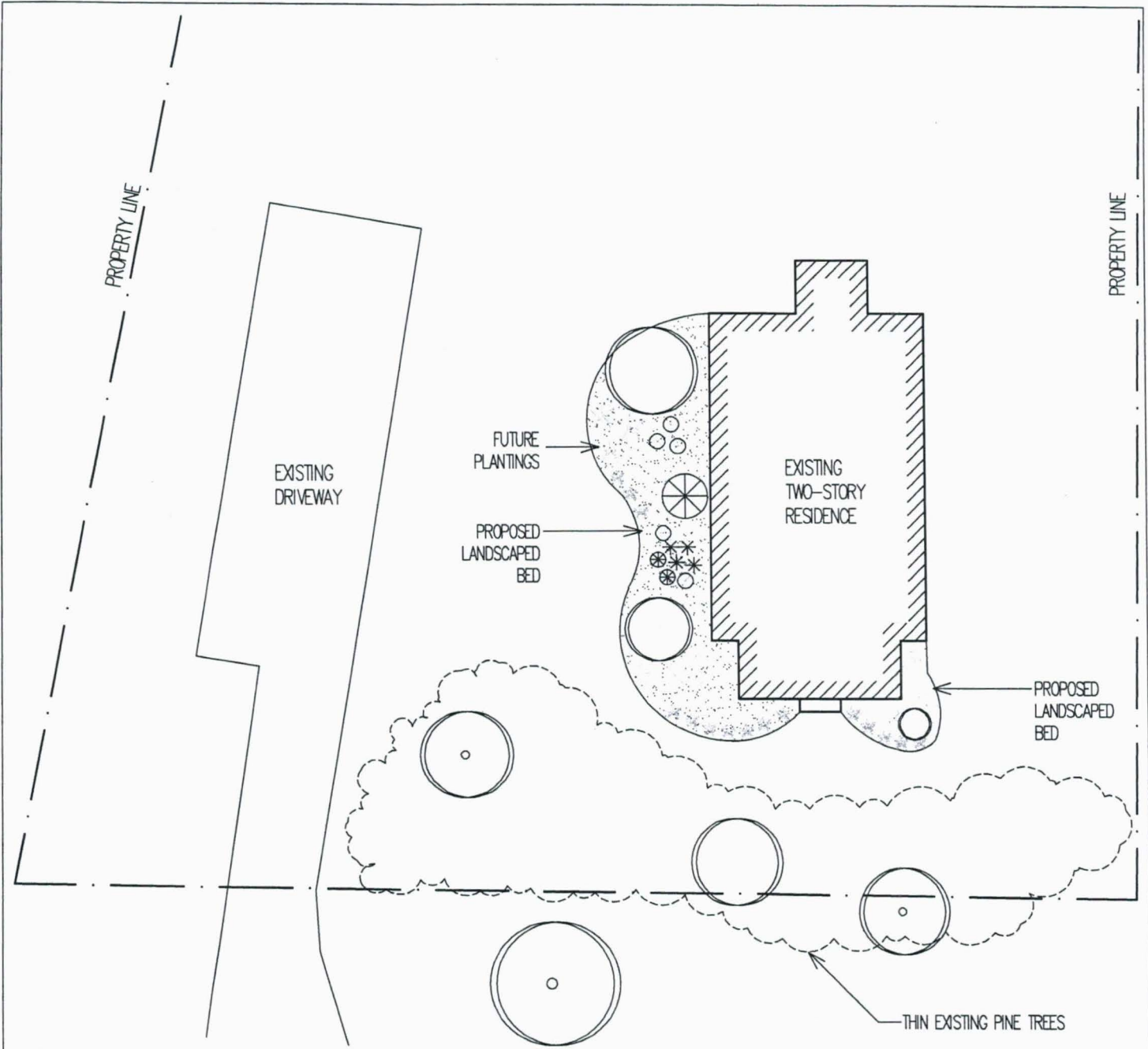
CRD FILE S890.CRD

SHEET NO. 1 OF 1

EDX DRIVE+OPEN SP. 8/19/12 REV: 1
BY: DESCRIPTION: DATE: REV: 0
DRAWING NO.: S-890 CPP.DWG



53 Spofford Street
Proposed Development Perspective
July, 2012



PROPOSED LANDSCAPING PLAN

NO SCALE

Proposed Landscape Improvements

53 SPOFFORD STREET
 Newburyport, Massachusetts 01950
 October 3, 2012

APPROVED

JMA Architects, Inc.

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 Woburn, Massachusetts, 01801
 E info@JMAarchitects-mq.com T 978.465.2263