



April 14, 2021

Mead, Talerman & Costa, LLC  
Attorneys at Law

By Hand and Electronic Mail

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Rob Ciampitti, Chair  
Newburyport Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Application for Special Permit for Non-Conformities  
2 Neptune Street, Newburyport, MA (the "Property")  
Assessors Map 26, Lot 22

Dear Chair Ciampitti and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Pattiann Bampos, the owners of the Property (the "Applicant"), who seeks a Special Permit for Non-Conformities for construction of a shed dormer on her pre-existing non-conforming single-family home.

This letter addresses the following Special Permit for Non-Conformities criteria as provided in the City of Newburyport Zoning Ordinance ("NZO") § XI-B and demonstrates that the construction of a dormer is not substantially more detrimental than the existing nonconforming structure to the neighborhood.<sup>1</sup>

The Property currently contains a pre-existing non-conforming salt-box style single-family home built in or around 1657, according to the Assessor's database. It sits on a pre-existing non-conforming lot. The Applicant proposes to add a dormer to the house to increase the living area on the second story of the structure by 140 square feet. (the "Project").

The Property is in the R-2 and DCOD zoning districts and is subject to the dimensional and use requirements found in the Ordinance § VI-A. Being constructed in or around 1657, the existing lot and structure do not comply with the majority of today's dimensional requirements of the R-2 district:

- The lot area of the Property 1,621 square feet, where 10,000 is required.
- The Property frontage is 87.24.58 feet, where 90 feet is required.
- The current structure has a front yard setback of 2.6 feet, where 25 feet is required.
- The left side yard setback is 2.6 feet, where 10 is required.

<sup>1</sup> This request for a Special Permit for Nonconformities is made simultaneously with an appeal of the Zoning Administrators' decision that a dormer does in fact require a special permit. This application does not waive the objection to the Zoning Administrator's analysis.

- The rear yard setback is 0.0 feet where 25 feet is required; and
- The maximum lot coverage allowed is 25%, where this Property has 48.7%.

Otherwise, the Property and current structure meet the dimensional and use requirements of the Ordinance.

The Project does not add any new nonconformities. The Project consists of addition of a shed dormer on the rear slope of the roof, which is fully contained within the existing dimensions of the existing structure.

The Applicant's proposal is not more detrimental to the neighborhood than the existing structure for the following reasons:

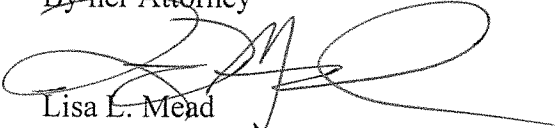
The Applicant proposes to add a dormer on the rear of the existing structure to add 140 square feet of living space to the second story of the house. As demonstrated by the dimensional table, this small addition does not impact any dimensional requirements. The footprint of the structure remains the same, as does the height and setbacks. The addition will provide a modest increase in living area on the second story, without the need for any ground level additions or alterations.

Based on the foregoing, the Project is not more detrimental than the existing structure to neighborhood due to the continuity of all dimensional requirements and compliance with all other dimensional requirements, over which the Applicant has control.

As a result of the foregoing, we respectfully request this Board to find that the Applicant's proposal satisfies the criteria for a Special Permit for Non-Conformities.

Please do not hesitate to contact me at 978-463-7700 if you have any questions.

Respectfully submitted,  
Pattiann Bampos,  
By her Attorney

  
Lisa E. Mead

Attachment  
cc: client

# City of Newburyport Zoning Board of Appeals

## Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Map and Lot(s): \_\_\_\_\_ Zoning District: \_\_\_\_\_

Book and Page(s): \_\_\_\_\_

Owner(s) Name: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

This request for a Special Permit for Non-Conformities is made under section(s):  
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- |   |   |
|---|---|
| <input 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) |
| <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"/> Use                              |   |
| <input type="checkbox"/> Rear Yard                        |   |
| <input type="checkbox"/> Lot Coverage                     |   |
| <input type="checkbox"/> Side Yard                        |   |
| <input type="checkbox"/> Lot Frontage                     |   |
| <input type="checkbox"/> Front Yard                       |   |

Description of request:

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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**

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	10,000	1,621	1,621
Frontage	90	87.24	87.24
Height*	35	28.3	28.3
Max. Lot Coverage (%)**	25	48.7	48.8
Min. Open Space (%)***	40	51.3	51.3
Primary Front Setback	25	2.6	2.6
Side A Setback/Secondary Front Setback	10	2.6	2.6
Side B Setback	10	18.6	18.6
Rear Setback	25	0.0	0.0
Parking Spaces	2	0	0
FAR****	N/A	N/A	N/A

\*Height is measured to median roof line.

\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

\*\*\*\*FAR is only applicable in the Plum Island Overlay District (PIOD).

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. 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.

By checking this box and typing my name below, I am electronically signing this application.

Pattian Campos

Petitioner

By checking this box and typing my name below, I am electronically signing this application.

\_\_\_\_\_  
 Owner (if different)

CITY OF NEWBURYPORT, MA  
**ZONING DETERMINATION**

APR# \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Request: \_\_\_\_\_

**ZONING BOARD REVIEW REQUIRED**

**Variance**

- Dimensional Controls (VI)
  - Lot Area
  - Lot Frontage
  - Lot Coverage
  - Parking (VII)
  - Modification
- Open Space
- Height
- Lot Width
- Front Yard
- Side Yard
- Rear Yard

**Sign Variance**

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

**Other**

\_\_\_\_\_

**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 \_\_\_\_\_

**Special Permit for Non-Conformities**

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

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

**Smart Growth District (XXIX)**

- Plan Approval

**Site Plan Review (XV)**

- Major
- Minor

**HISTORICAL COMMISSION REVIEW REQUIRED**

- Demo. Delay
- \*Advisory Review

**CONSERVATION COMMISSION REVIEW REQUIRED**

The name typed below represents the intent to sign the foregoing document:

\_\_\_\_\_

\_\_\_\_\_  
Newburyport Zoning Administrator

\_\_\_\_\_  
Date

## 2 NEPTUNE ST

**Location** 2 NEPTUNE ST

**MBLU** 26/ 22/ / /

**Owner** BAMPOS PATTIANN

**Assessment** \$476,400

**PID** 1409

**Building Count** 1

### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$82,700	\$393,700	\$476,400

### Owner of Record

**Owner** BAMPOS PATTIANN

**Sale Price** \$365,000

**Co-Owner**

**Certificate**

**Address** 2 NEPTUNE ST  
NEWBURYPORT, MA 01950

**Book & Page** 37384/0252

**Sale Date** 03/15/2019

**Instrument** 10

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAMPOS PATTIANN	\$365,000		37384/0252	10	03/15/2019
HORTH PETRONELLA H G TRS.	\$1		13278/0542	1F	11/13/1995
HORTH T C & PETRONELLA H G T/E	\$1		13278/0520	1F	11/12/1995
HORTH THOMAS C	\$129,000		07855/0048	00	08/02/1985
ALEXANDER IVAN D	\$55,000		06779/0341		12/31/1980

### Building Information

#### Building 1 : Section 1

**Year Built:** 1657

**Living Area:** 1,320

Building Attributes	
Field	Description
Style:	Old Style Colonial
Model	Residential

Grade:	Below Average
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	Wood Shingle
Roof Structure:	Gable/Hip
Roof Cover	Wood Shingle
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Heat Pump
Total Bedrooms:	1 Bedroom
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	3 Rooms
Bath Style:	Old Style
Kitchen Style:	Old Style
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/A01\01\05\09.jpg>)

### Building Layout



([http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/1409\\_14](http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/1409_14))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	726	726	
FUS	Upper Story, Finished	594	594	
UAT	Attic	440	0	
		1,760	1,320	

### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	1.00 UNITS	\$1,800	1

### Land

#### Land Use

Use Code 1010

#### Land Line Valuation

Size (Acres) 0.04

Description SINGLE FAM

Depth 0

Assessed Value \$393,700

**Outbuildings**

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$24,200	\$393,700	\$417,900



# City of Newburyport Zoning Board of Appeals

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Description of request:

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# ZONING

RESIDENTIAL (R-2)  
SINGLE FAMILY

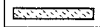
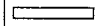

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	10,000 SF	1,621 SF	1,621 SF
MINIMUM FRONTAGE:	90 FT	87.24 FT	87.24 FT
MINIMUM FRONT SETBACK:	25 FT	2.6 FT	2.6 FT
MINIMUM SIDE SETBACK(R):	10 FT	18.6 FT	18.6 FT
MINIMUM SIDE SETBACK(L):	10 FT	2.6 FT	2.6 FT
MINIMUM REAR SETBACK:	25 FT	0.0 FT	0.0 FT
MAX LOT COVERAGE:	25%	48.7%	48.7%
MIN OPEN SPACE	40%	51.3%	51.3%
MAX BUILDING HEIGHT:	35 FT	28.3 FT	28.3 FT

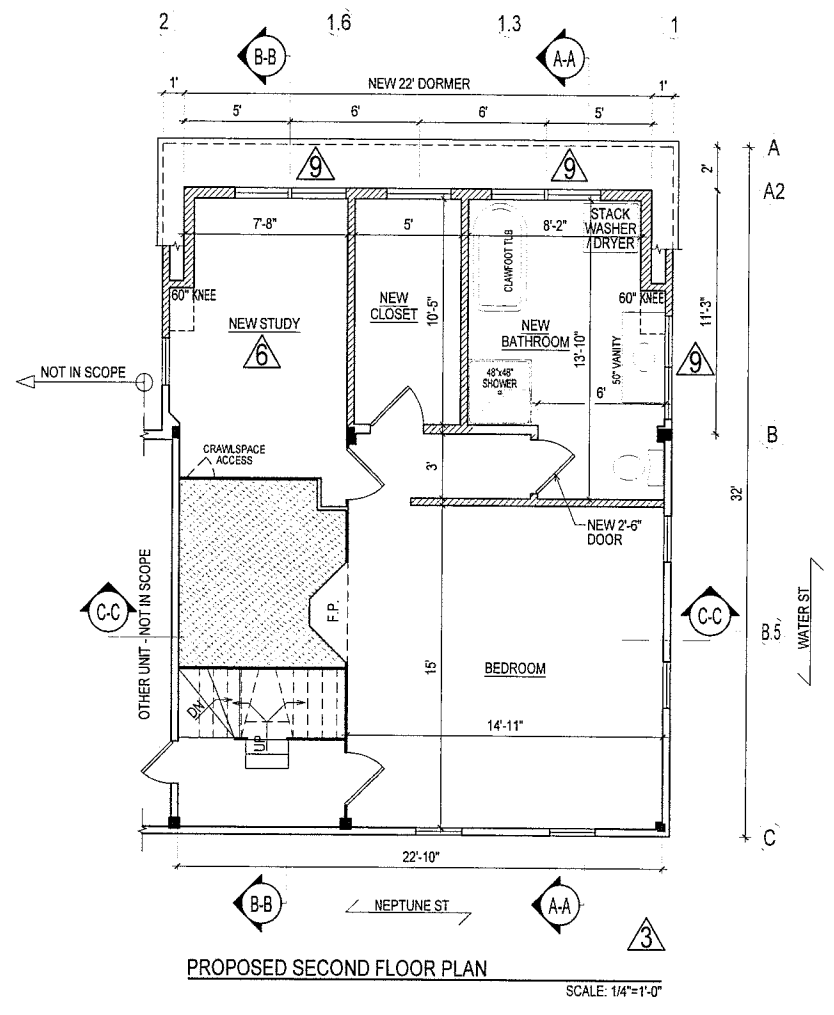
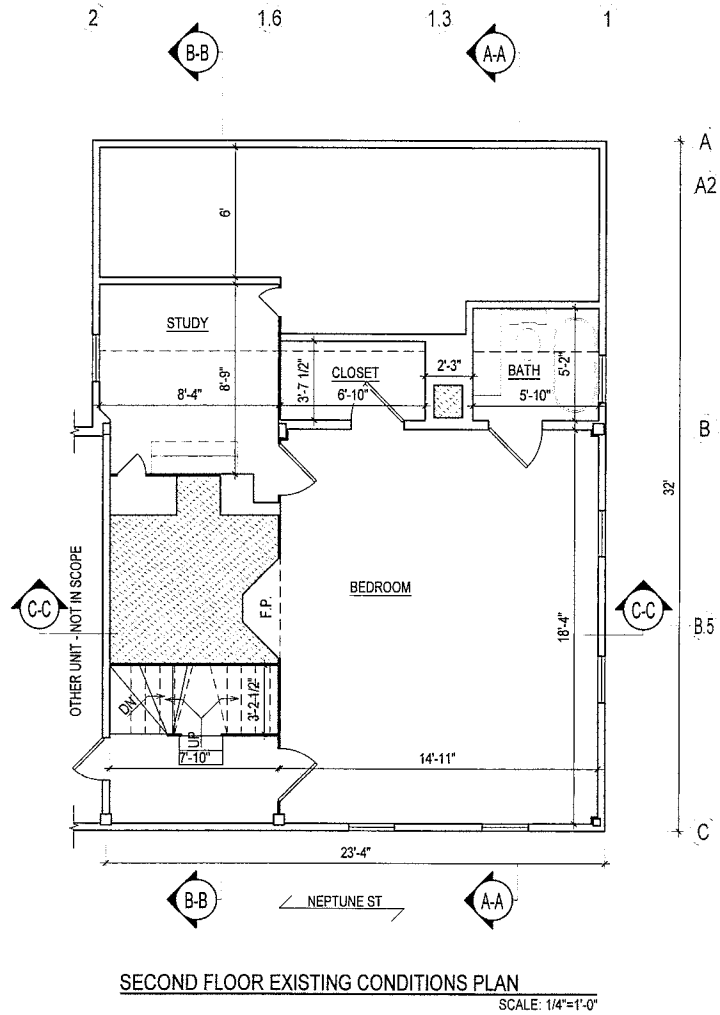
INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.

NO CHANGES TO THE FOOTPRINT ARE PROPOSED AS DIRECTED BY THE OWNER. THE PURPOSE OF THIS ZONING MATRIX IS ONLY TO PROVIDE DIMENSIONAL INFORMATION RELATIVE TO THE PLAN OF RECORD AS MARKED WITH THE DORMER ADDITION BY THE OWNER. SEE PLAN BOOK 112 PLAN 63 FOR THE RECORD PLAN. BUILDING HEIGHT HAS BEEN CALCULATED AS DIRECTED FRONT (HIGHER) EAVE FROM THE DESIGN SET OF PLANS PROVIDED IN 2019.(3/24/21) THERE CURRENTLY EXISTS NO ON-SITE PARKING. ALL CALCULATIONS, EXCEPT BUILDING HEIGHT ARE FROM AUGUST 1, 2019.



G:\18\_LLC\18343 PATTI ANN 2 NEPTUNE ST NEWBURYPORT MA3\_DWG\_STR\REV 10 - 7.29.20\REV 10 - 18343 - 7.29.20

COMPONENTS	
	NEW WALLS
	EXISTING WALLS
	DEMOLISHED WALLS



*Daniel G.*  
 Job 18343  
 July 29, 2020

**Celinas Structural**  
 ENGINEERING LLC  
 579A North End Blvd. | Salisbury, MA 01952-1738 | 978-465-6436  
 www.celinasstructural.com | daniel@celinasstructural.com

PREPARED FOR:  
**PATTI-ANN BAMPOS**

PROJECT NAME:  
**2 NEPTUNE ST RESIDENCE**  
 NEWBURYPORT, MA




REV	DATE	DESCRIPTION
7	6/27/19	REMOVED BEAM B26 ON SG-7
8	3/5/20	ADDED LEFT ELEVATION ON SG-11, ADDED SG-12
9	7/15/20	DBLE WINDOWS IN BATH AND STUDY
10	7/29/20	UPDATED ELEVATIONS ON SG-11, SG-11.1

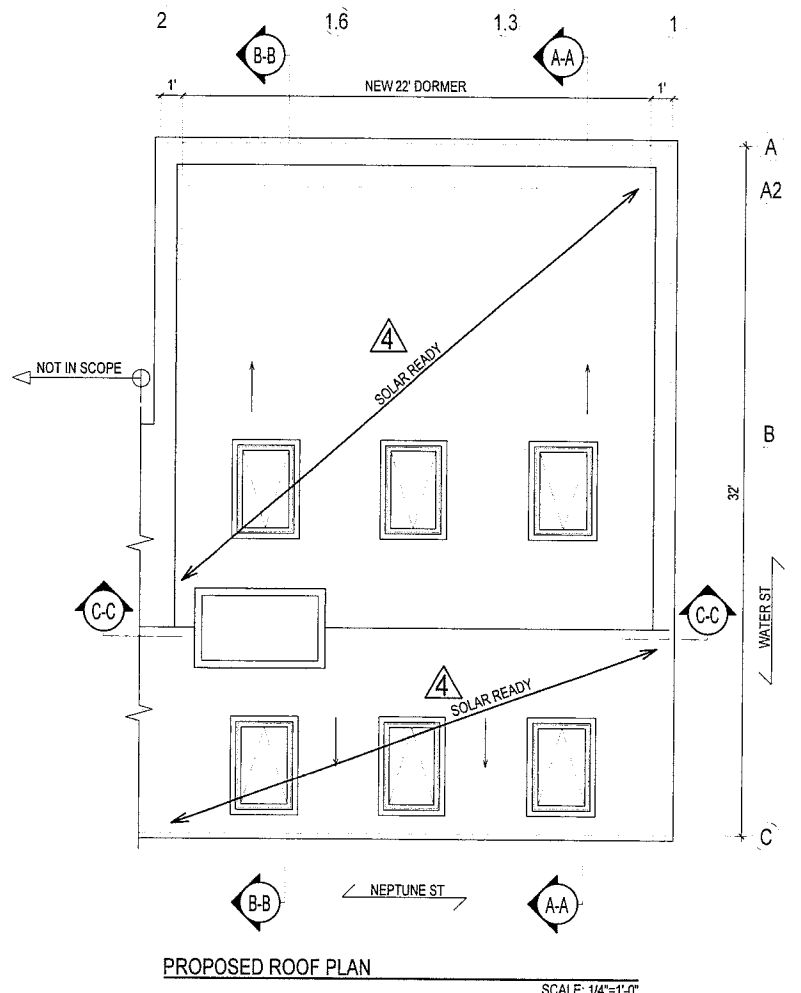
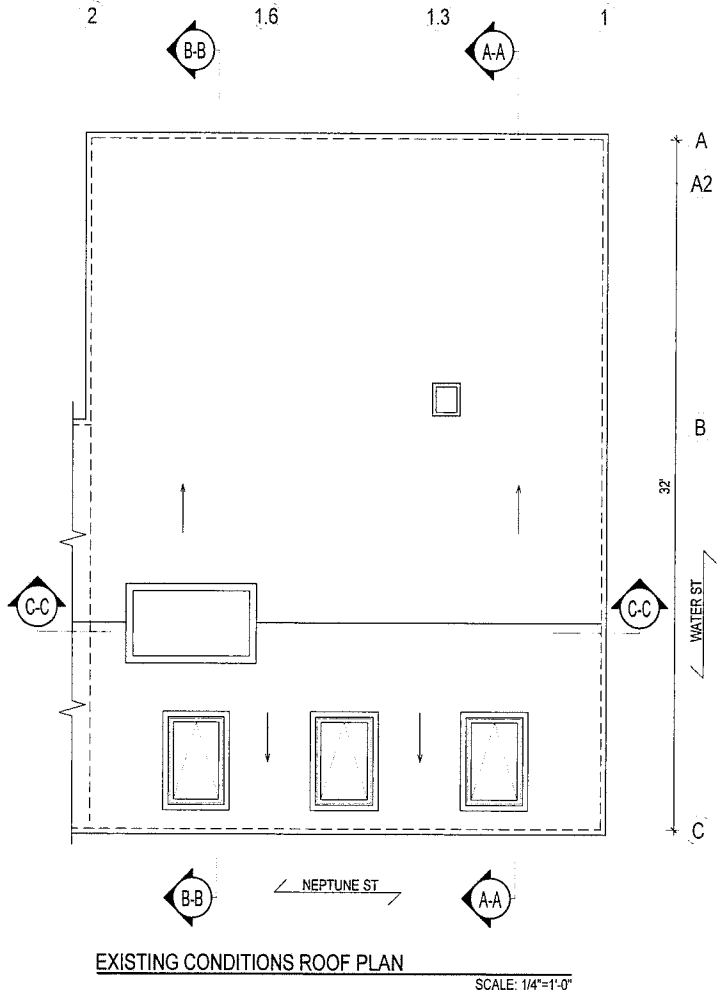
JOB NO. 18343


SHEET NO.

**SG-3**

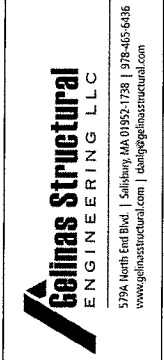
G:\18\_LLC\18343 PATTI ANN 2 NEPTUNE ST NEWBURYPORT MA\3\_DWG\_STR\REV 10 - 7.29.20\REV 10 - 18343 - 7.29.20

COMPONENTS	
	NEW WALLS
	EXISTING WALLS
	DEMOLISHED WALLS



  
 Dan G.  
 Job 18343  
 July 29, 2020

**NOTE: FROM MASS STATE BUILDING CODE.**  
 C402.3 through C402.3.1 Delete the section and subsection, and replace with the following sections C402.3 through C402.3.6:  
 C402.3 Rooftop Solar Readiness. New low-rise commercial buildings and additions of less than four stories above grade, with not less than 2,400 square feet of roof area that is either flat or oriented between 110 degrees and 270 degrees of true north, shall comply with sections C402.3.1 through C402.3.6.



PREPARED FOR:  
**PATTI-ANN BAMPOS**

PROJECT NAME:  
**2 NEPTUNE ST RESIDENCE**  
 NEWBURYPORT MA

REV	DATE	DESCRIPTION
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9	7.8.20	DBLE WINDOWS ON SG-3
10	7.29.20	UPDATED ELEVATIONS ON SG-11, SG-11.1

JOB NO. 18343

SHEET NO.  
**SG-5**

PREPARED FOR:  
**PATTI-ANN BAMPOS**

PROJECT NAME:  
**2 NEPTUNE ST RESIDENCE**  
NEWBURYPORT, MA

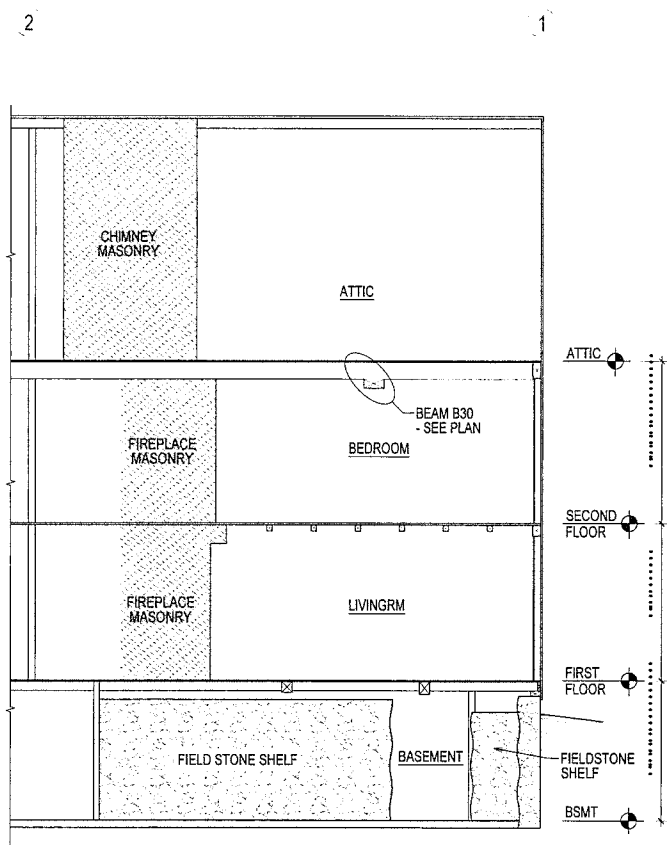
*Dan K*  
Job 18343  
July 29, 2020

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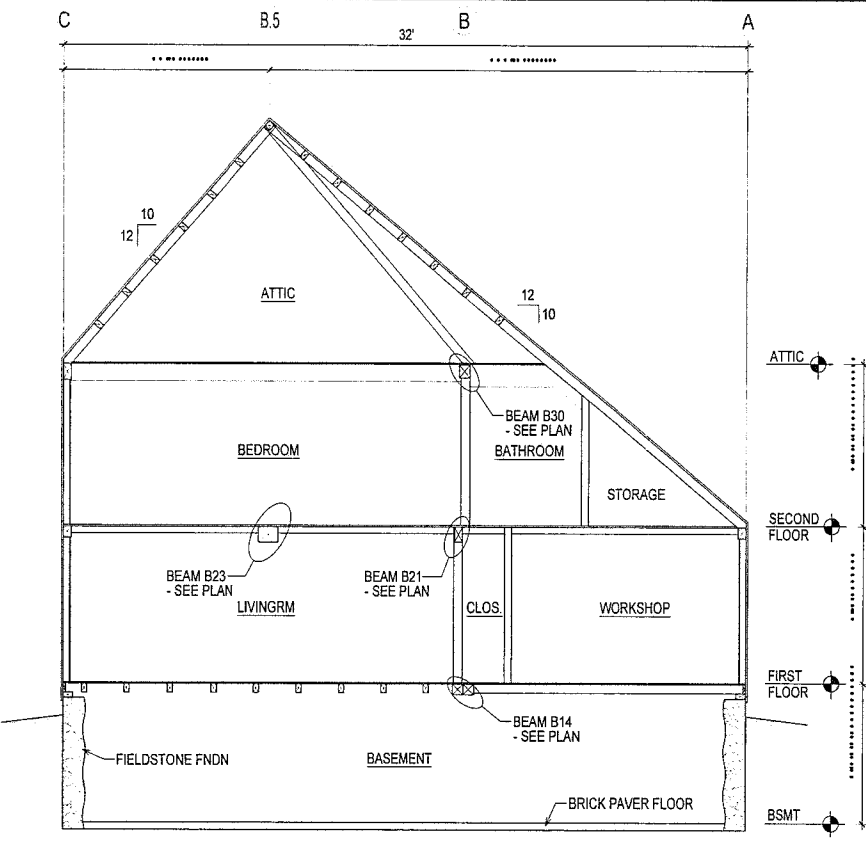
JOB NO. 18343

SHEET NO.

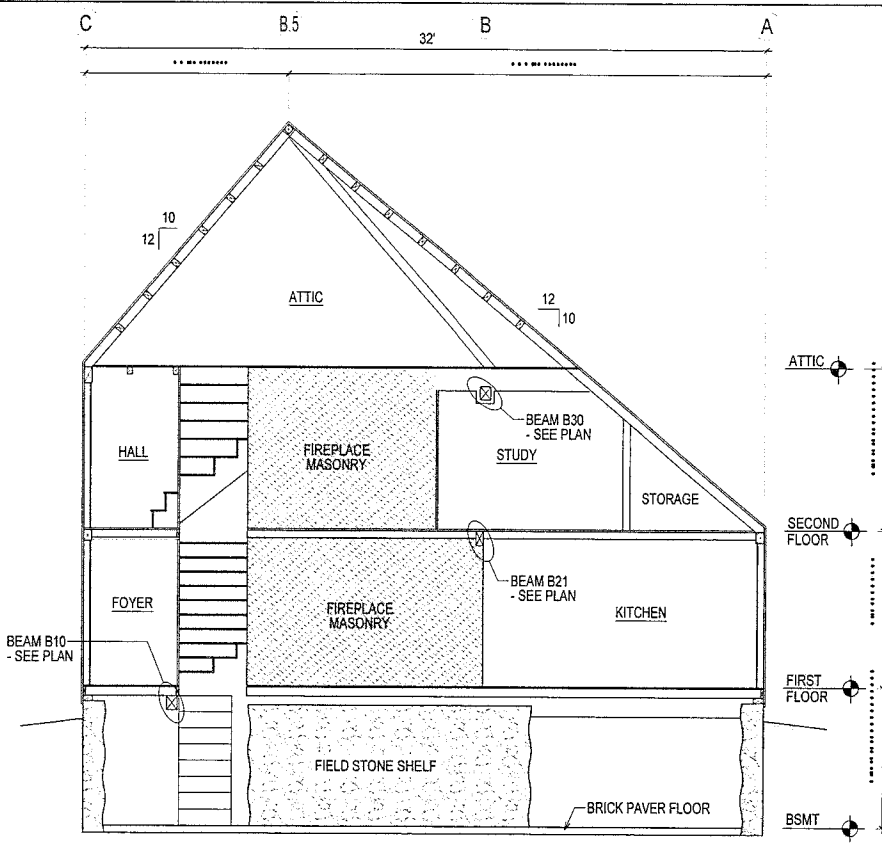
**SG-10**



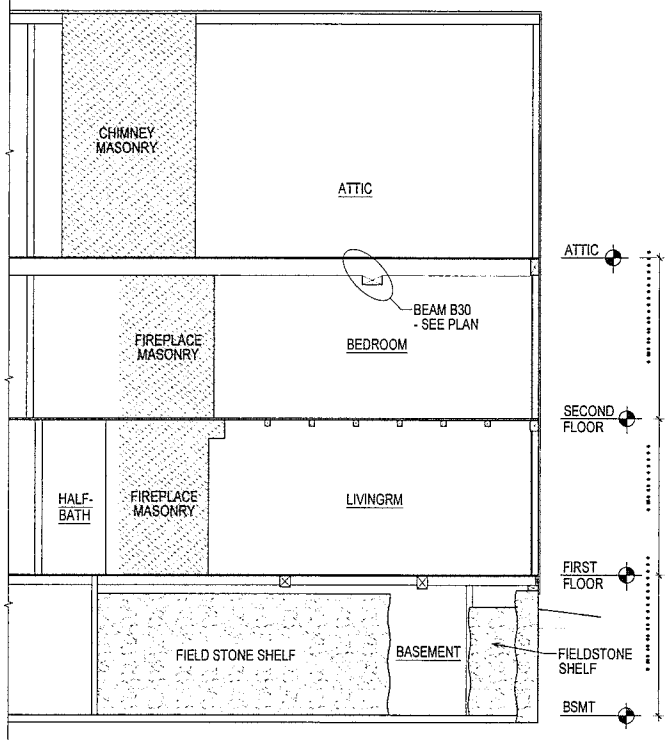
EXISTING SECTION C-C  
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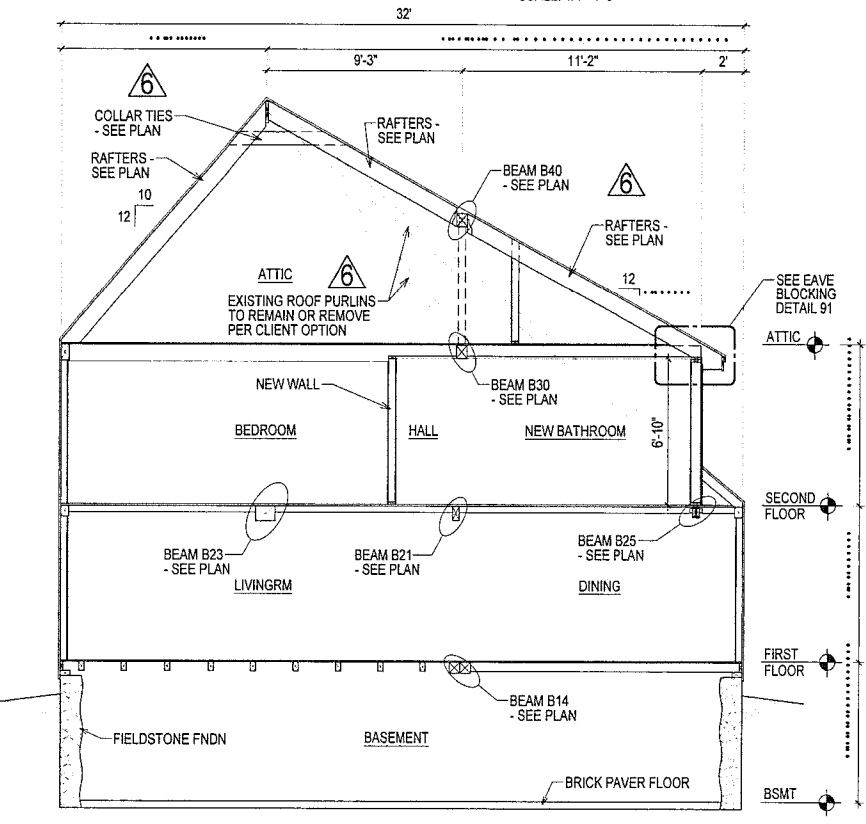
EXISTING SECTION A-A  
SCALE: 1/4"=1'-0"



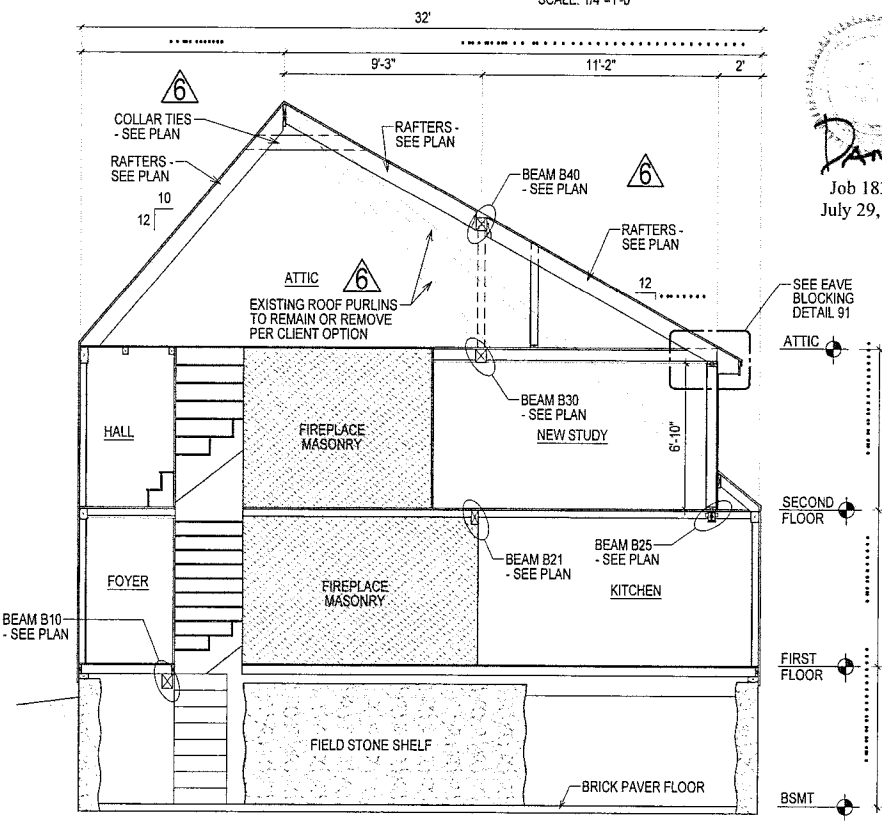
EXISTING SECTION B-B  
SCALE: 1/4"=1'-0"



PROPOSED SECTION C-C  
SCALE: 1/4"=1'-0"

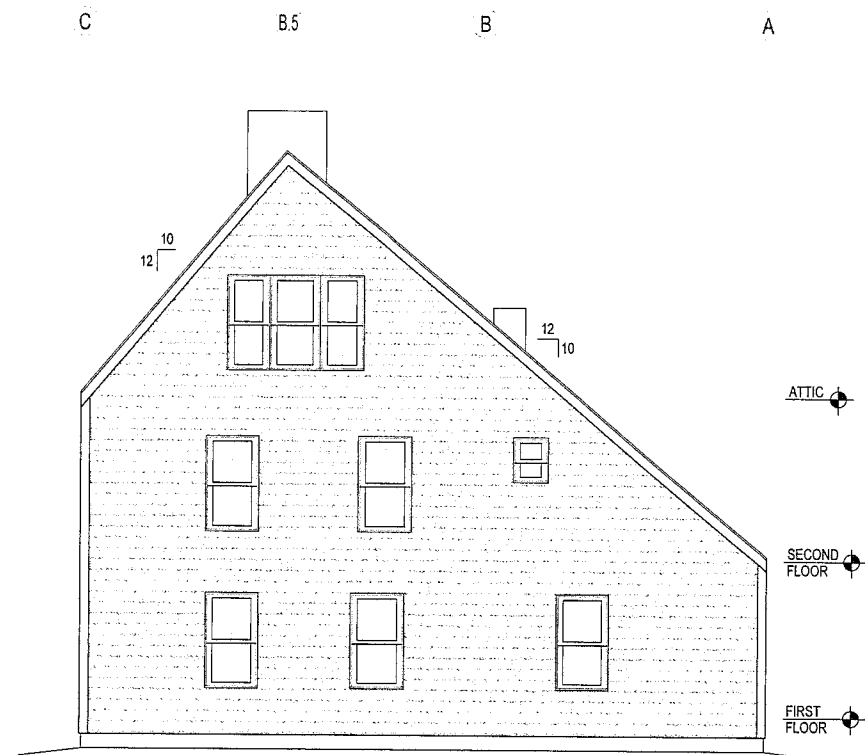


PROPOSED SECTION A-A  
SCALE: 1/4"=1'-0"



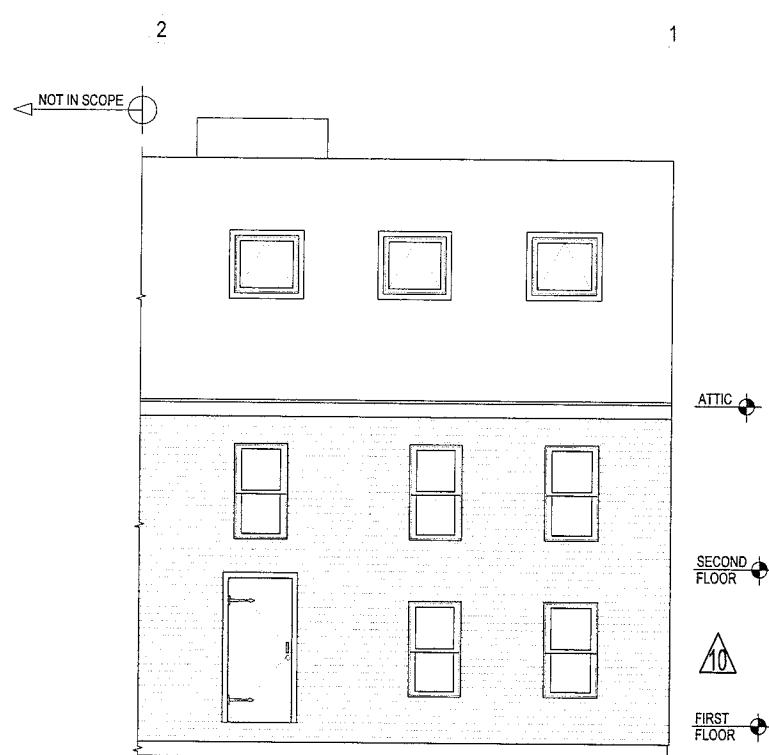
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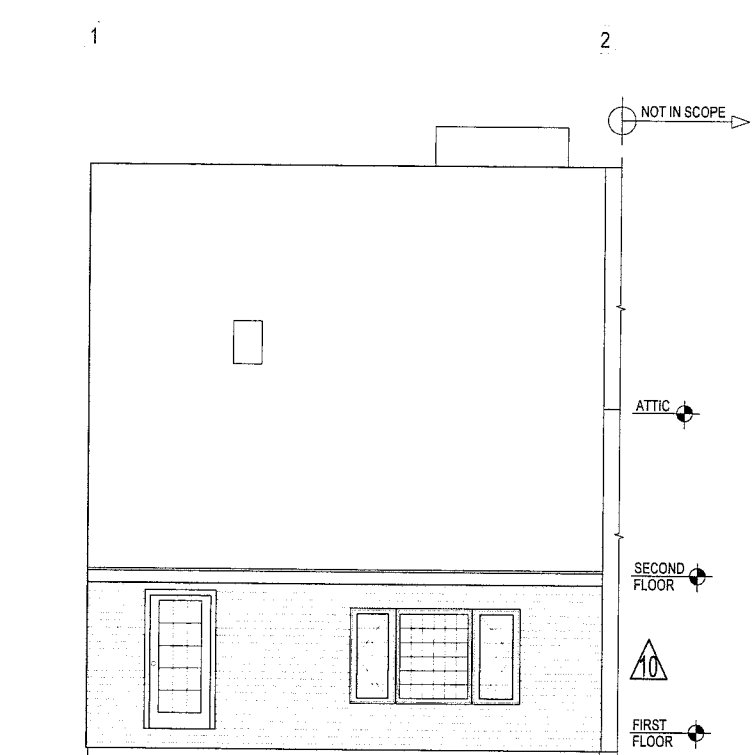
EXISTING RIGHT ELEVATION

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



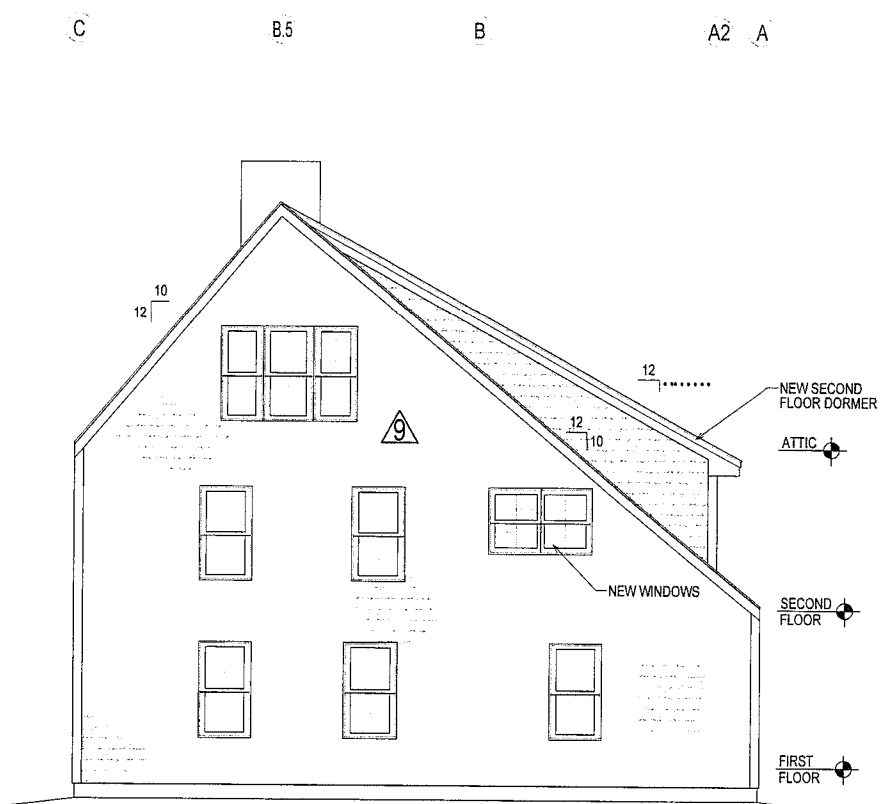
EXISTING FRONT ELEVATION

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



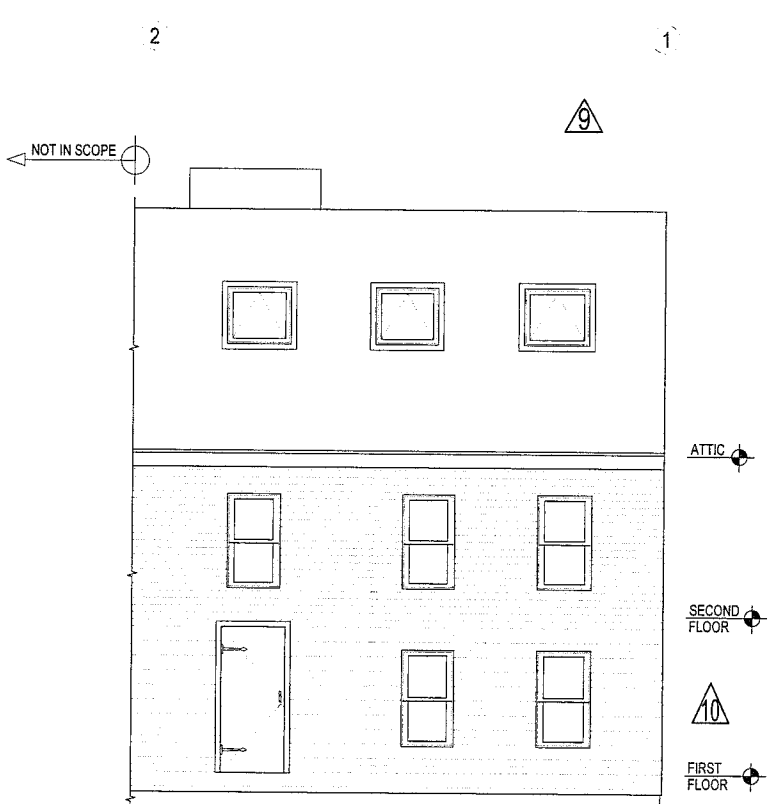
EXISTING REAR ELEVATION

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



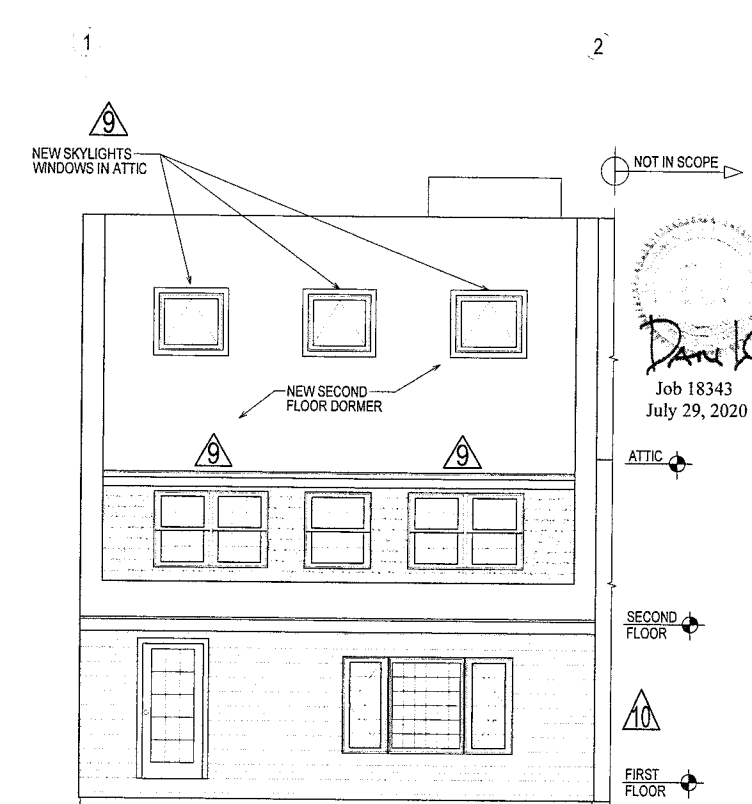
PROPOSED RIGHT ELEVATION

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



PROPOSED FRONT ELEVATION

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



PROPOSED REAR ELEVATION

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

G:\18\_LLC\18343 PATTI ANN 2 NEPTUNE ST NEWBURYPORT MA\3\_DWG\_STRREV 10 - 7.29.20\REV 10 - 18343 - 7.29.20



379A North End Blvd. | Salisbury, MA 01922-1738 | 978-465-6456  
www.gelinasstructural.com | design@gelinasstructural.com

PREPARED FOR:  
PATTI-ANN BAMPOS

PROJECT NAME:  
2 NEPTUNE ST RESIDENCE  
NEWBURYPORT MA

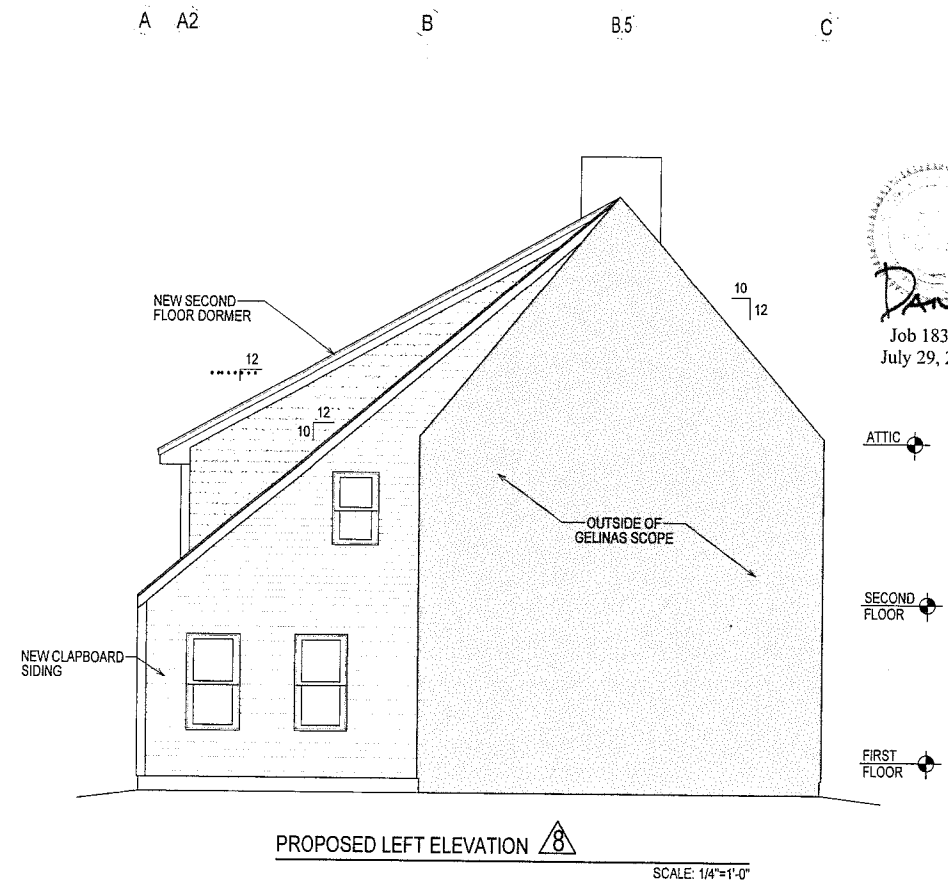
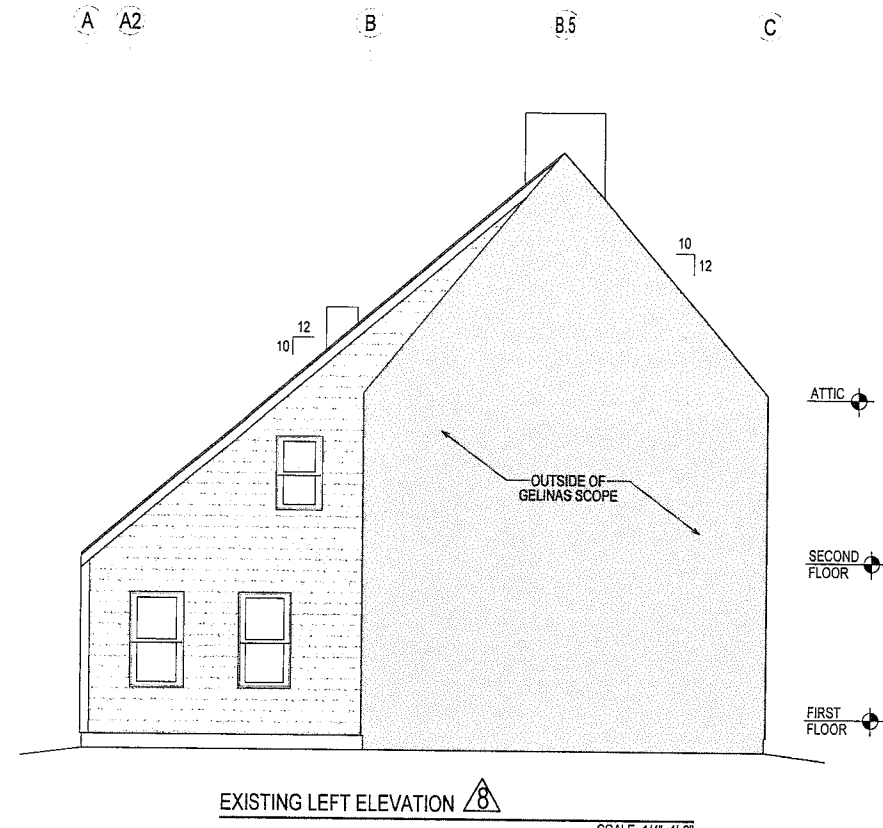
Job 18343  
July 29, 2020

REV	DATE	DESCRIPTION
7	6.27.19	REMOVED BEAM B26 ON SG-7
8	3.5.20	ADDED LEFT ELEVATION ON SG-11, ADDED SG-12
9	7.8.20	DBLE WINDOWS
10	7.29.20	UPDATED ELEVATIONS ON SG-11, SG-11.1

SHEET NO.  
**SG-11**



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 Daniel G.  
 Job 18343  
 July 29, 2020

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 www.gelinstructural.com | daniel@gelinstructural.com

PREPARED FOR:  
 PATTI-ANN BAMPOS

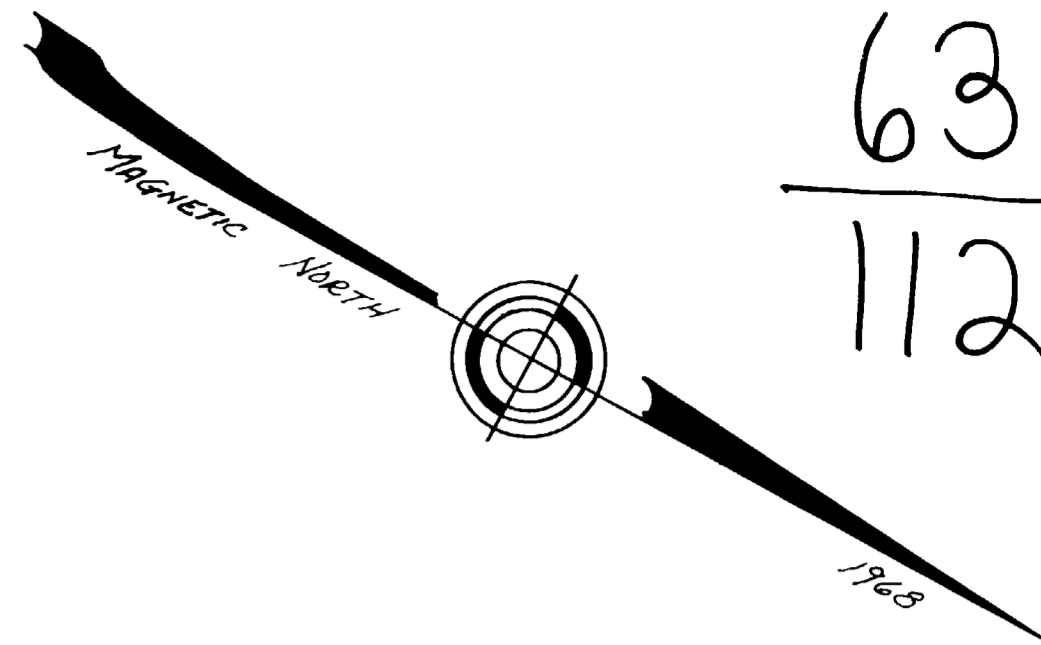
PROJECT NAME:  
 2 NEPTUNE ST RESIDENCE  
 NEWBURYPORT MA

REV	DATE	DESCRIPTION
7	8.27.19	REMOVED BEAM BBS ON SG-7
8	3.5.20	ADDED LEFT ELEVATION ON SG-11, ADDED SG-12
9	7.8.20	DBLE WINDOWS ON SG-3
10	7.29.20	UPDATED ELEVATIONS ON SG-11, SG-11.1

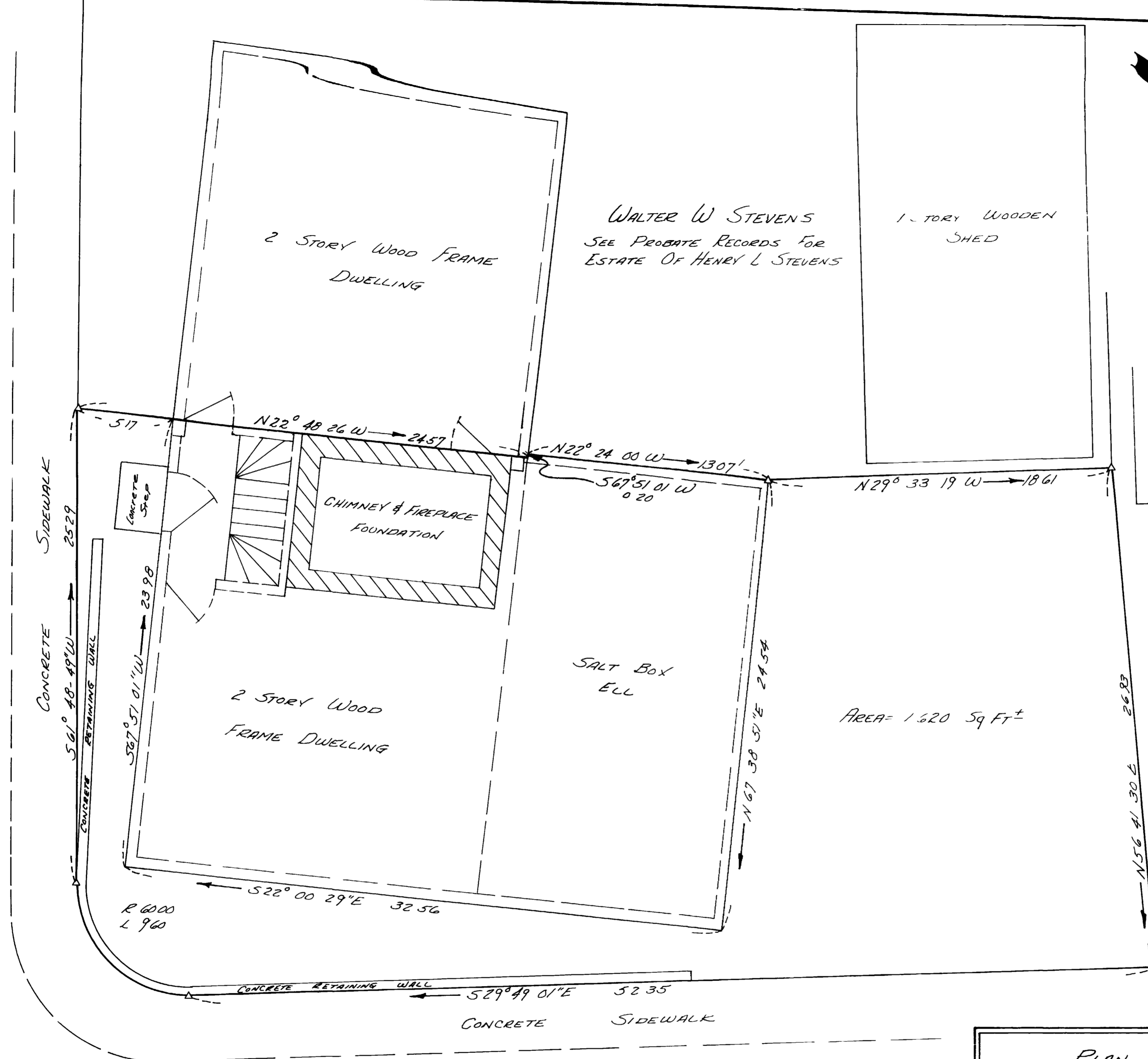
JOB NO. 18343  
 SHEET NO. SG-11.1



63  
112



NEPTUNE STREET



SAID TO BE  
CHARLES W MORSE, JR

PLAN BOOK 112 PLAN 63

ESSEX REGISTRY OF DEEDS SO. DIST  
SALEM MASS

Received Sept 26, 1968

ATTEST  
Leo H. Jones  
Register of Deeds

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES OF EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN

DATE August 21, 1968  
Almer M. Huntley Jr.  
REGISTERED LAND SURVEYOR 1969

Planning Board Approval not Required  
Chairman  
Aug 21, 1968

paged

PLAN OF LAND IN NEWBURYPORT, MASSACHUSETTS BELONGING TO FRANCES W LORING & JOHN LORING		DRAWN HLE
		TRACED EDS
		APPROVED AMH
		SCALE 1" = 4'
		DATE AUG 21 1968
ALMER HUNTLEY JR & ASSOCIATES INC REGISTERED LAND SURVEYORS & CIVIL ENGINEERS 238 BRIDGE STREET NORTHAMPTON MASS		SHEET 1 OF 1