

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

Petitioner: Jeff and Nancy Hawkes c/o Lisa Mead, Mead, Talerman & Costa

Mailing Address: 30 Green Street, Newburyport, MA 01950

Phone: (978) 463-7700 Email: lisa@mtclawyers.com

Property Address: 23 Overlook Street

Map and Lot(s): Map 76, Lots 117 and 118 Zoning District: R3

Book and Page(s): Book 36184, Page 340

Owner(s) Name: Jeff Hawkes and Nancy Hawkes

Mailing Address (if different): 10 Agawam Avenue, Hampstead, NH 03841

This request for a Special Permit for Non-Conformities is made under section(s):

- |   |  |
|---|--|
| <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 checked="" type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| <input type="checkbox"/> Upward Extension                 | <input type="checkbox"/> FAR   |
| <input type="checkbox"/> Open Space                       | <input checked="" type="checkbox"/> Footprint Expansion                    |
| <input type="checkbox"/> Height                           | <input type="checkbox"/> Height Increase                                   |
| <input type="checkbox"/> Lot Area                         |  |

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

Description of request:

Request to demolish a pre-existing nonconforming single-family structure and associated outbuildings, containing a total of 949 square feet, to be replaced with a new single-family structure and shed containing a total of 1,447 square feet. The existing single family structure has a height of nine feet, nine inches (9'9") and the proposed single-family structure will have a height of thirty feet, one inch (30'1"). The floor area ratio (FAR) for the existing single-family structure is ten percent (10%), and the FAR for the proposed single-family structure will be fifteen percent (15%), whereas the allowed FAR is twenty-five percent (25%).

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**

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	9,750 s.f.	87%	13%	10%	9' 9"	130'	5	5.8'	1.6'	96.54'	36.8'
Proposed	9,750 s.f.	85%	15%	15%	30' 1"	130'	5	21.0'	4.98'	103'	20.9'
Required	12,000 s.f.	80%	20%	25%	35'	120'	2	20'	20'	20'	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**
819 s.f.	1	819 s.f.	101
130 s.f.	1	130 s.f.	(shed)

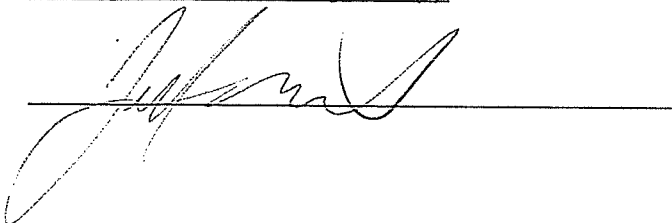
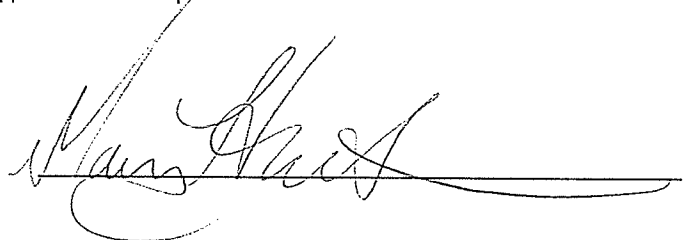
**Proposed Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
680 s.f.	2	1,447 s.f.	101
130 s.f.	1	130 s.f.	(shed)

\*\*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# 2018-058

Name: Jeff and Nancy Hawkes/Lisa Mead MTC LLC

Address: 23 Overlook Street (11 Overlook St) access via 70th Zoning District(s): R3/PIOD

Request: Demolish existing non conforming single family residence and reconstruct a new single family home in such a manner that it does not present any new non conformities. Existing and proposed access to the property is via a 10' wide right of way (70th street). 480 additional interior sf. Structure cleared for demo by NHC.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

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 \_\_\_ 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

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)

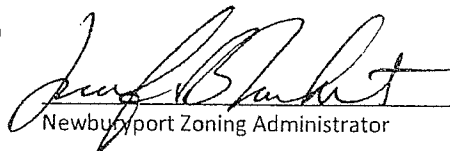
- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

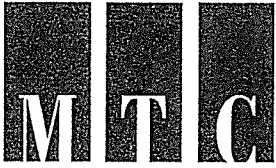
- Demo. Delay  \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQUIRED (X.H.9)

  
Newburyport Zoning Administrator

7/26/2018  
Date



Mead, Talerman & Costa, LLC  
Attorneys at Law

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30 Green Street  
Newburyport, MA 01950

Phone 978.463.7700  
Fax 978.463.7747

[www.mtclawyers.com](http://www.mtclawyers.com)

July 24, 2018

Edward Ramsdell, Chairman  
Newburyport Zoning Board of Appeals  
City of Newburyport  
62 Pleasant Street  
Newburyport, MA 01950

RE: Application for Special Permit For Nonconformities  
23 Overlook Street (fka 11 Overlook Street) (the "Property")

Dear Chair and Members of the Board:

Reference is made to the above captioned matter regarding the Application for Special Permit For Nonconformities relating to the Property, shown as lots 117 and 118 on Assessor's Map 76 and containing approximately 9,750 square feet of area. The Property is located on Plum Island in the R-3 Zoning District, and is thus subject to the Plum Island Overlay District ("PIOD"). The Property currently contains a one-story cottage that was constructed circa 1920, along with associated outbuildings, collectively containing a total of 949 square feet of area. This office represents the property owners Jeff and Nancy Hawkes (the "Applicants"), who are looking to demolish the existing structures, to be replaced with a two-story single-family structure and shed containing a total of 1,447 square feet of area. Please note, the Board granted a Special Permit for Nonconformities for this Property with these exact plans on June 16, 2015. (See Exhibit A) At the time, the Property was owned by Janine Miner. Since that time the Property has gone through two real estate transactions. The current owners, Jeffrey and Nancy Hawkes (the "Applicants") purchased the Property on September 15, 2017 (Book 36184 Page 340 at the Essex South Registry of Deeds). At the time of their purchase the then owner, who had purchased from the Miners, had received an extension of the Special Permit from the Board on March 3, 2017 which subsequently expired on June 16, 2018. (See Exhibit B) It was the intent of the Applicants to construct the approved plans, however, due to unforeseen medical issues with both Mr. and Mrs. Hawkes fathers, they were unable to take any action with regard to exercising the permit. As a result, they seek to have the permit issued again. On July 17, 2018 the Conversation Commission issued an extension to the Order of Conditions.

The existing single-family cottage structure on the Property was originally constructed as a shed, and contains numerous Building Code deficiencies that make

---

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

renovation impracticable. Furthermore, the layout of the existing structure, which is awkwardly arranged, precludes the likelihood of meaningful renovation. The Applicant obtained the determination of the Newburyport Historical Commission on May 7, 2015 that the existing structure is not significant, therefore the Applicants are authorized to remove the existing structure.

The Applicants submit the following documents in support of their request for a Special Permit For Nonconformities:

1. Newburyport Board of Appeals Application for a Special Permit For Nonconformities.
2. Zoning Code Enforcement Officer Denial
3. Newburyport Assessor's Card for Map 76, Parcels 117 and 118.
4. Plans entitled "Miner Residence, 11 Overlook Street, Newburyport, MA" prepared by John Minton, RA, and dated December 20, 2014 (containing 5 sheets).

Because the Property is located on Plum Island, the reconstruction of the existing structure is subject to the provisions of the PIOD, contained in Section XXI of the Newburyport Zoning Ordinance (the "NZO"). Having existed since approximately 1920, before zoning was adopted in Newburyport, this is a pre-existing, nonconforming structure for the R-3 zone. The existing structure is nonconforming in the following aspects:

Lot Area:	Required – 12,000 sq. ft.	Provided – 9,750 sq. ft.
Lot Frontage:	Required – 120 ft.	Provided – 51.5 ft.
Front Setback:	Required – 20 ft.	Provided – 5.8 ft.
Side Setback:	Required – 20 ft.	Provided – 1.6 ft.

The proposed reconstruction will not increase any of the existing nonconformities, and will not create any new nonconformities. The existing front setback will be increased from 5.8 feet to 21 feet, while the side setback violation will go from 1.6 feet to 4.98 feet. The Floor Area Ratio ("FAR") for the proposed structure will be fifteen percent (15%), an increase from the existing FAR of ten percent (10%), but still well below the maximum allowed FAR of twenty-five percent (25%). The proposed reconstruction is proposed to increase the number of bedrooms from two bedrooms to three bedrooms, in conformance with Section XXI-G(2) of the NZO, which limits the increase in the number of bedrooms to one (1) additional bedroom.

The proposed reconstruction of the pre-existing nonconforming structure requires a Special Permit For Nonconformities (rather than being allowed as-of-right) because it will increase the footprint of the existing structure and it will increase the height of the existing structure. The proposed reconstruction will increase the height from nine feet, nine inches (9'9") to thirty feet, one inch (30'1"), which will still comply with the maximum height requirement of thirty-five feet (35').

Section XXI-G(4)(a) of the NZO states that the Board may grant a special permit after the Board finds that "such alteration, reconstruction, extension, or change shall not be substantially more detrimental to the neighborhood or the PIOD." Because the Applicant will be reconstructing a structure with significant structural deficiencies and is of no historical significance, and replacing it with an aesthetically pleasing new structure that reduces existing nonconformities, it is clear that the proposed reconstruction will not be substantially more detrimental to the neighborhood.

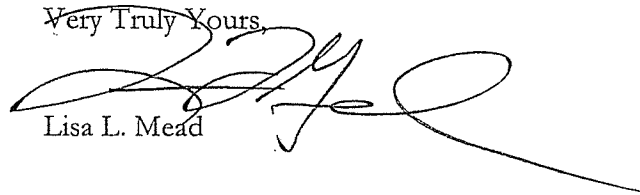
Section XXI-G(4)(a) also states that the Board "shall not grant a special permit for any alteration, reconstruction, extension of, or change to such structures that would cause such structure to be within ten (10) feet of the side lot line, more than two (2) stories, or more than thirty-five (35) feet in height. As noted above, the

proposed structure will be two-stories, and will be less than maximum thirty-five (35) feet in height. Although the proposed structure will be within ten feet (10') of one side lot line, this will actually represent an improvement over the current setback 1.6 feet to 4.98 feet. Additionally, the proposal will replace a structure currently located within the floodplain elevation of 17.0 feet N.A.V.D. (the existing structure is at elevation 12.8 feet) with a structure that is completely out of the floodplain (the proposed structure will be at 21.0 feet), an improvement that many surrounding properties have also made. Accordingly, the Board can find that the proposed modifications will not be substantially more detrimental to the neighborhood than the existing structure.

A copy of the site plan is attached hereto. The Project will be completed in accordance with all other requirements of the NZO.

Please let us know if you have any additional questions regarding this issue.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Lisa L. Mead', with a long horizontal flourish extending to the right.

Lisa L. Mead

<b>CURRENT OWNER</b> HAWKES JEFFREY D & NANCY E T/J 10 AGAWAM AVE HAMPSTEAD, NH 03841 Additional Owners:	<b>UTILITIES</b> STRT./ROAD LOCATIONS	<b>TOPO.</b> RESIDENTIAL RES LAND	<b>DESCRIPTION</b> RESIDENTIAL RES LAND	<b>CODE</b> 1010 1010	<b>APPRAISED VALUE</b> 22,600 235,400	<b>ASSESSED VALUE</b> 22,600 235,400
<b>SUPPLEMENTAL DATA</b>						
Other ID: 76-117 CONDO CY: 1 SUB-DIV: 1 INLAW Y/N: 1 PHOTO: 1 LOT SPLIT: 1 WARD: 1 40B HSNG: 1 TITLE #: 1 ATT 1/2 HSE: 1 GIS ID: M_256017_951572						

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	W/I	SALE PRICE	V.C.
HAWKES, JEFFREY D & NANCY E T/J	36184/0340	09/18/2017	U	I	325,000	1V
MAHKE KRISTIN & WAYNE J/T	34419/0354	10/02/2015	U	I	257,500	1V
KROL JANINE R	20451/0308	03/25/2003	U	I	116,500	1A
GALLAGHER HERBERT W. II	13018/0211	05/12/1995	U	I	0	1F
GALLAGHER GERALDINE E	3658/225				0	0
<b>Total:</b>					<b>258,000</b>	<b>Total:</b>

**PREVIOUS ASSESSMENTS (HISTORY)**

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2016	1010	22,600	2016	1010	21,600
2017	1010	235,400	2017	1010	224,200
2018	1010	235,400	2018	1010	222,400
<b>Total:</b>		<b>258,000</b>	<b>Total:</b>		<b>244,000</b>

**OTHER ASSESSMENTS**

Year	Type	Description	Code	Amount	Number	Comm. Int.
<b>Total:</b>						

**ASSESSING NEIGHBORHOOD**

Street Index Name: \_\_\_\_\_ Tracing: \_\_\_\_\_ Batch: \_\_\_\_\_

**NOTES**

SEASONAL

6/4/15 CHANGE FROM #11 TO #23 OVERLOOK

**APPRAISED VALUE SUMMARY**

Appraised Bldg. Value (Card) 22,600  
 Appraised XF (B) Value (Bldg) 0  
 Appraised OB (L) Value (Bldg) 0  
 Appraised Land Value (Bldg) 235,400  
 Special Land Value 0  
 Total Appraised Parcel Value 258,000  
 Valuation Method: C  
 Adjustment: 0  
 Net Total Appraised Parcel Value 258,000

**BUILDING PERMIT RECORD**

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments

**LAND LINE VALUATION SECTION**

B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A. Disc	Acre	C. Factor	ST. Idx	Notes-Adj
1	1010	SINGLE FAM	R3				4.875	SF	42.36	1.0000	5	1.0000	0.95	P2 1.20 ROW
<b>Total Card Land Units:</b> 0.11 AC														<b>Parcel Total Land Area:</b> 0.11 AC

**APPROXIMATE VALUE SUMMARY**

Appraised Bldg. Value (Card) 22,600  
 Appraised XF (B) Value (Bldg) 0  
 Appraised OB (L) Value (Bldg) 0  
 Appraised Land Value (Bldg) 235,400  
 Special Land Value 0  
 Total Appraised Parcel Value 258,000  
 Valuation Method: C  
 Adjustment: 0  
 Net Total Appraised Parcel Value 258,000

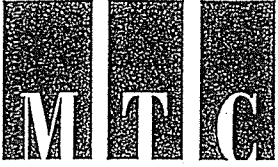
**VISIT/CHANGE HISTORY**

Date	Type	IS	ID	Cd.	Purpose/Result
12/03/2015	DAR			02	Measur+2 Visits
10/25/2006	AF			00	Measur+2 Visits
10/17/1997	CN			00	Measur+Listed
08/30/1988	PC			00	Measur+Listed

**VISION**







RECEIVED

JUL 18 2018

Newburyport Planning Dept.

Mead, Talerman & Costa, LLC  
Attorneys at Law

July 18, 2018

By Hand

Ed Ramsdell, Chair  
Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

30 Green Street  
Newburyport, MA 01950

Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

Re: Request for One Year Extension of Special Permit for 11 Overlook Street,  
Newburyport (the "Property").

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Jeffrey and Nancy Hawkes (the "Petitioners"), relative to a Special Permit which was issued to their predecessor's in interest for the Property. Due to unforeseen circumstances with Mrs. Hawkes elderly father the Hawkes have not been able to commence construction. In addition, Mr. Hawkes father had a stroke in early June and they missed submission for the extension. Please see the attached permit granted by this Board and the original extension.

Given the provisions of section X-H(7)(C), it should be noted that there have been no changes to the code which would effect the modifications to this pre-existing non-conforming structure.

Finally, I have attached an extension granted by the Conservation Commission relative to the Order of Conditions on the Property.

I greatly appreciate your time and consideration of this matter.

Sincerely,

Lisa L. Mead

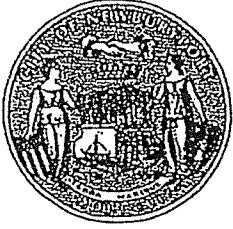
Attachment  
cc: Client

Handwritten notes: 8/13/18, 361741-5412

Millis Office

730 Main Street, Suite 1F  
Millis, MA 02054

Phone 508.376.8400



CITY OF NEWBURYPORT  
 ZONING BOARD OF APPEALS  
 60 PLEASANT STREET • P.O. BOX 550  
 NEWBURYPORT, MA 01950  
 (978) 465-4400  
 WWW.CITYOFNEWBURYPORT.COM



SO.ESSEX #488 Bk:36185 Pg:163  
 09/18/2017 03:58 PM EXTN Pg 1/1  
 eRecorded

**CERTIFICATE OF VOTE**  
 Case # 2015-031

At a regularly scheduled meeting of the Newburyport Zoning Board of Appeals held on February 28, 2017, a quorum being present and voting, upon a motion duly made by Renee Bourdeau and seconded by Maureen Pomeroy, it was unanimously VOTED:

*To allow a one year extension of time, until 6/16/18, for the Special Permit for Non-Conformities granted to Janine and Richard Miner c/o Blatman, Bobrowski, Mead & Taleran, LLC on 6/9/15 and filed with the City Clerk on 6/16/15 for the property located at 11 Overlook Street. All other terms of the decision remain the same.*

Robert Ciampitti, Vice-Chair  
 Zoning Board of Appeals

3-8-17

Date

ATRUE COPY. ATTEST

*Richard B. Jones*  
 City Clerk  
 Newburyport, Massachusetts



CITY OF NEWBURYPORT  
 ZONING BOARD OF APPEALS  
 60 PLEASANT STREET • P.O. BOX 550  
 NEWBURYPORT, MA 01950  
 (978) 465-4400 • (978) 465-4452 (FAX)  
 WWW.CITYOFNEWBURYPORT.COM

SO.ESSEX #487 Bk:36185 Pg:158  
 09/18/2017 03:58 PM PERMIT Pg 1/5  
 eRecorded

CITY OF NEWBURYPORT  
 CLERK'S OFFICE  
 60 PLEASANT STREET  
 NEWBURYPORT, MA

2015 JUN 16 P 2:55

RECORD OF PROCEEDINGS AND DECISION FOR  
 A SPECIAL PERMIT FOR NON-CONFORMITIES

An application for a Special Permit for Non-Conformities was filed by:

Janine and Richard Miner c/o Blatman, Bobrowski, Mead & Talerman, LLC  
 30 Green Street  
 Newburyport, MA 01950

for property owned by Janine and Richard Miner for the following request:

*demolish pre-existing non-conforming single family home and reconstruct resulting in a footprint expansion*

The application was filed at the City Clerk's Office on 5/12/2015 under the Zoning Ordinance Section X-H.3 Powers of the Board and Section IX.B.2 Extension or Alteration and XXI-G-3 PIOD Footprint Expansion.

The application is for the premises at 11 Overlook Street in the PIOD/R3 Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel 76-117 and 76-118 and recorded in the Essex South District Registry of Deeds as Book and Page 20451-307. The newspaper notices for the public hearing were posted on 5/25/2015 and 6/1/2015 in the Newburyport Daily News.

A public hearing was held for the above application on 6/9/2015 at 7:15 p.m. at which time the Board heard the petition for a Special Permit for Non-Conformities. After the close of the hearing on 6/9/2015, upon motion made by Member Richard Goulet and duly seconded by Member Duncan LaBay, the Board voted to APPROVE the petition for the Special Permit for Non-Conformities.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Yes</u>	Duncan LaBay	<u>Yes</u>
Jamie Pennington	<u>Yes</u>	Richard Goulet	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>	Libby McGee, Associate	<u>Absent</u>
Renee Bourdeau, Associate	<u>Absent</u>		

Having received 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 APPROVED.

## FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section IX.B Extension or Alteration, the Newburyport Zoning Board of Appeals made the following findings:

1. The applicant is seeking a SPNC to allow the demolition of the pre-existing, non-conforming structures and the construction of a single-family home with shed on the subject property, which is located on Plum Island. Existing sheds will remain on the site. The only structure that will be demolished is the residential building. The property is located in an R3 zone and is subject to the regulations in the Plum Island Overlay District (PIOD). The applicant is seeking the following relief: lot area, lot frontage and side setback (south).
2. This proposal will eliminate the non-conformance in the front yard setback and slightly improve the side setback non-conformance. No other non-conformance is increased nor are any new non-conformances created.
3. Other changes from the existing structure that increase floor area ratio, footprint, height and number of bedrooms comply with existing regulatory requirements. The change creates a total structure of a size and design that is in keeping with the neighborhood. The Newburyport Historical Commission determined that the existing structures were not historically significant and authorized the applicants to remove them.
4. The proposed change continues to be in conformity with the neighborhood and will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure.

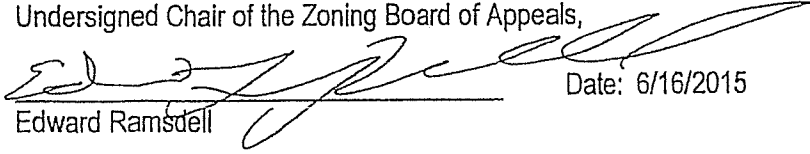
## CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Special Permit for Non-Conformities shall not take effect until a copy of this decision bearing the certification of the City Clerk is recorded in the Essex South Registry of Deeds or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This special permit will lapse after two years if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.
3. The project shall conform to the following plans:  
"Miner Residence" by John Minton, RA, dated 12/20/14, pages X-1 and A-2.

This decision was filed with the Newburyport City Clerk on 6/16/2015 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: 6/16/2015  
Edward Ramsdell

### CERTIFICATION OF CITY CLERK

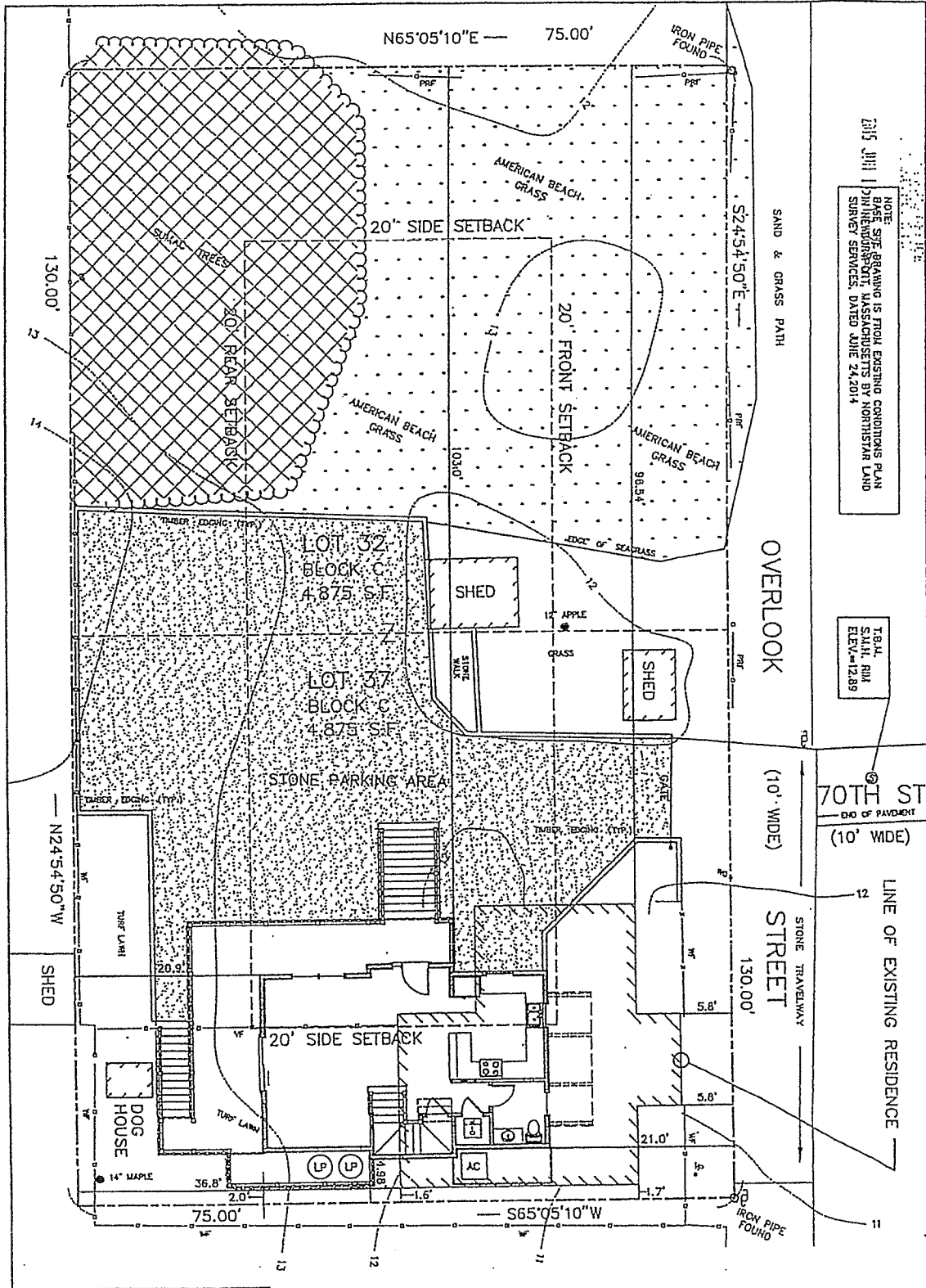
I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as 11 Overlook Street was filed in the Office of the City Clerk on 6/16/2015.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on 6/16/2015.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. 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: SEP 18 2017



NOTE:  
 BASE SIZE DRAWING IS FROM EXISTING CONDITIONS PLAN  
 JOHN MINTON RA, MASSACHUSETTS BY NORTHSTAR LAND  
 SURVEY SERVICES, DATED JUNE 24, 2014

T.S.M.  
 S.M.H. R.M.  
 ELEV. #12.89

70<sup>th</sup> ST  
 10' WIDE  
 10' WIDE

LINE OF EXISTING RESIDENCE

**MINER RESIDENCE**  
 11 OVERLOOK STREET  
 NEWBURYPORT, MA

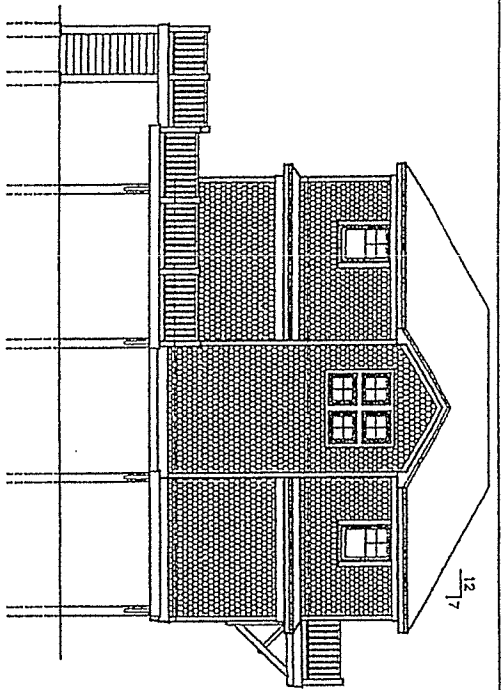
ISSUE DATE: 12/20/14  
 JOB NUMBER: V14-09

**SITE PLAN**  
 SCALE: 1" = 10'-0"

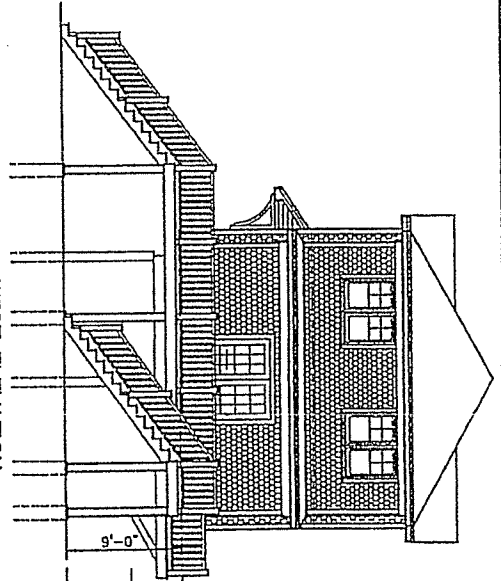


**JOHN MINTON, RA**  
 101 Northern Boulevard  
 Newbury, MA 01951  
 978-462-2001  
 FAX 978-499-4953  
 EMAIL JMINTONRA@AOL.COM

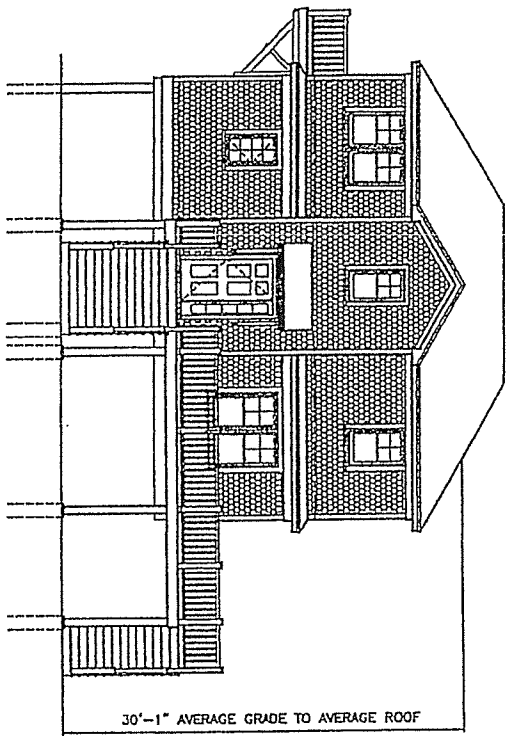
X-1



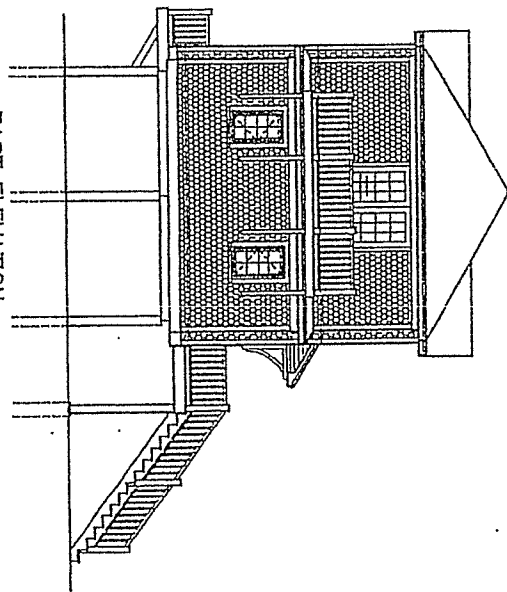
**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



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



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

FIRST SUB-FLOOR  
K.A.V.D. EL. 21'-0"  
GRADE  
K.A.V.D. EL. 12'-0"  
ZONE VE  
BASE FLOOD ELEVATION  
17'-0"  
K.A.V.D. 1988 M.L.S.  
PANEL NUMBER 25009C0129 F  
EFFECTIVE DATE 7/3/2012

**JOHN MINTON, RA**  
101 Northern Boulevard  
Newbury, MA 01951  
978-462-2001  
978-499-4953  
FAX 978-499-4953  
EMAIL JMINTONRA@AOL.COM

**MINER RESIDENCE**  
11 OVERLOOK STREET  
NEWBURYPORT, MA

ISSUE DATE: 12/20/14  
JOB NUMBER: V14-09

**A-2**

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**

051-0941

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

**A. General Information**

Important:  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. Applicant:

Janine and Rich Miner

Name

13 Independence Road

Mailing Address

Pepperell

City/Town

MA

State

01463

Zip Code

2. Property Owner (if different):

Jeffrey + Nancy Hawkes

Name

10 Acawam Ave

Mailing Address

Hampstead

City/Town

NH

State

03841

Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

7/21/2015

Date

Issued by:

Newburyport

Conservation Commission

for work at:

23 Overlook Street

Street Address

76

Assessor's Map/Plat Number

117

Parcel/Lot Number

recorded at the Registry of Deeds for:

Essex

County

Book

Page

Certificate (if registered land)

is hereby extended until:

7/21/2021

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office

(<http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Signatures:

Paul Healy  
Stephen Moore

7/17/2018

Date

[Signature]





### C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

\_\_\_\_\_  
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

\_\_\_\_\_  
Project Location

\_\_\_\_\_  
DEP File Number

has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
County

for:

\_\_\_\_\_  
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Book

\_\_\_\_\_  
Page

If recorded land the instrument number which identifies this transaction is:

\_\_\_\_\_  
Instrument Number

If registered land, the document number which identifies this transaction is:

\_\_\_\_\_  
Document Number

\_\_\_\_\_  
Signature of Applicant

Kristin Mahnke  
576 Trapelo Road  
Belmont, MA 02478  
(781) 698-9587

Re: Request for extension of Special Permit

Zoning Board of Appeals  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950


Dear Zoning Board Members,

I am seeking a 12 month extension on a Special Permit for Non-Conformities filed by Janine and Richard Mine c/o Blatman, Bobrowski, Mead & Talerman, LLC for property located at 11 Overlook Street, Newburyport, MA approved on June 16, 2015, which was later recorded to the registry of deed under my Grandfather (Wayne Mahnke) and my name (Kristin Mahnke) on October 2, 2015.

Unfortunately, my Grandfather and I are unable to start construction by June 2017 due to health issues this winter, a pending lawsuit and my upcoming wedding in June 2017. We still very much want to build the year round house and hope to receive the extension.

I also would like to request, if possible, that this matter be addressed in the February 28, 2017 Zoning Board meeting. I am currently a third-year evening law student at New England Law Boston with a class scheduled on Tuesday evenings. February 28, 2017 Zoning Board meeting is during our Spring Break and would allow me to attend without missing the class.

Thank you for your time and consideration,

  
\_\_\_\_\_  
Kristin Mahnke

**BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC**  
ATTORNEYS AT LAW

30 GREEN STREET  
NEWBURYPORT, MA 01950  
PHONE 978.463.7700  
FAX 978.463.7747

*Concord Office*  
9 DAMONMILL SQUARE, SUITE 4A4  
CONCORD, MA 01742  
PHONE 978.371.2226  
FAX 978.371.2296

*Millis Office*  
730 MAIN STREET, SUITE 2B  
MILLIS, MA 02054  
PHONE 508.376.8400  
FAX 508.376.8440

LISA L. MEAD  
Lisa@bbmatlaw.com

May 12, 2015

Edward Ramsdell, Chairman  
Newburyport Zoning Board of Appeals  
City of Newburyport  
62 Pleasant Street  
Newburyport, MA 01950

RE: Application for Special Permit For Nonconformities  
11 Overlook Street

Dear Chair and Members of the Board:

Reference is made to the above captioned matter regarding the Application for Special Permit For Nonconformities relating to the property located at 11 Overlook Street, Newburyport, Massachusetts (the "Property"), shown as lots 117 and 118 on Assessor's Map 76 and containing approximately 9,750 square feet of area. The Property is located on Plum Island in the R-3 Zoning District, and is thus subject to the Plum Island Overlay District ("PIOD"). The Property currently contains a one-story cottage that was constructed circa 1920, along with associated outbuildings, collectively containing a total of 949 square feet of area. This office represents the property owners Janine and Richard Miner (the "Applicants"), who are looking to demolish the existing structures, to be replaced with a two-story single-family structure and shed containing a total of 1,447 square feet of area.

The existing single-family cottage structure on the Property was originally constructed as a shed, and contains numerous Building Code deficiencies that make renovation impracticable. Furthermore, the layout of the existing structure, which is awkwardly arranged, precludes the likelihood of meaningful renovation. The Applicant obtained the determination of the Newburyport Historical Commission on May 7, 2015 that the existing structure is not significant, therefore the Applicants are authorized to remove the existing structure.

The Applicants submit the following documents in support of their request for a Special Permit For Nonconformities:

1. Newburyport Board of Appeals Application for a Special Permit For Nonconformities.
2. Building Commissioner's Permit Denial
3. Newburyport Assessor's Card for Map 76, Parcels 117 and 118.
4. Plans entitled "Miner Residence, 11 Overlook Street, Newburyport, MA" prepared by John Minton, RA, and dated December 20, 2014 (containing 5 sheets).

Because the Property is located on Plum Island, the reconstruction of the existing structure is subject to the provisions of the PIOD, contained in Section XXI of the Newburyport Zoning Ordinance (the "NZO"). Having existed since approximately 1920, before zoning was adopted in Newburyport, this is a pre-existing, nonconforming structure for the R-3 zone. The existing structure is nonconforming in the following aspects:

Lot Area:	Required – 12,000 s.f.	Provided – 9,750
Lot Frontage:	Required - 120 ft.	Provided – 51.5 ft.
Front Setback:	Required – 20 ft.	Provided – 5.8 ft.
Side Setback:	Required – 20 ft.	Provided – 1.6 ft.

The proposed reconstruction will not increase any of the existing nonconformities, and will not create any new nonconformities. The existing front setback will be increased from 5.8 feet to 21 feet, while the side setback violation will go from 1.6 feet to 4.98 feet. The Floor Area Ratio ("FAR") for the proposed structure will be fifteen percent (15%), an increase from the existing FAR of ten percent (10%), but still well below the maximum allowed FAR of twenty-five percent (25%). The proposed reconstruction is proposed to increase the number of bedrooms from two bedrooms to three bedrooms, in conformance with Section XXI-G(2) of the NZO, which limits the increase in the number of bedrooms to one (1) additional bedroom.

The proposed reconstruction of the pre-existing nonconforming structure requires a Special Permit For Nonconformities (rather than being allowed as-of-right) because it will increase the footprint of the existing structure and it will increase the height of the existing structure. The proposed reconstruction will increase the height from nine feet, nine inches (9'9") to thirty feet, one inch (30'1"), which will still comply with the maximum height requirement of thirty-five feet (35').

Section XXI-G(4)(a) of the NZO states that the Board be granted after the Board finds that "such alteration, reconstruction, extension, or change shall not be substantially more detrimental to the neighborhood or the PIOD." Because the Applicant will be reconstructing a structure with significant structural deficiencies and is of no historical significance, and replacing it with an aesthetically pleasing new structure that reduces existing nonconformities, it is clear that the proposed reconstruction will not be substantially more detrimental to the neighborhood.

Section XXI-G(4)(a) also states that the Board "shall not grant a special permit

for any alteration, reconstruction, extension of, or change to such structures that would cause such structure to be within ten (10) feet of the side lot line, more than two (2) stories, or more than thirty-five (35) feet in height. As noted above, the proposed structure will be two-stories, and will be less than maximum thirty-five (35) feet in height. Although the proposed structure will be within ten feet (10') of one side lot line, this will actually represent an improvement over the current setback 1.6 feet to 4.98 feet. Additionally, the proposal will replace a structure currently located within the floodplain elevation of 17.0 feet N.A.V.D. (the existing structure is at elevation 12.8 feet) with a structure that is completely out of the floodplain (the proposed structure will be at 21.0 feet), an improvement that many surrounding properties have also made. Accordingly, the Board can find that the proposed modifications will not be substantially more detrimental to the neighborhood than the existing structure.

A copy of the site plan is attached hereto. The Project will be completed in accordance with all other requirements of the NZO.

Please let us know if you have any additional questions regarding this issue.

Very Truly Yours,



Lisa L. Mead  
Paul J. Haverty

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

Petitioner: Janine and Richard Miner, c/o Blatman, Bobrowski, Mead & Talerman, LLC P 3: 25

Mailing Address: 30 Green Street, Newburyport, MA 01950

Phone: (978) 463-7700 Email: lisa@bbmatlaw.com

Property Address: 11 Overlook Street

Assessor's Map and Lot(s): Map 76, Lots 17 and 18 Zoning District: R3

Book and Page(s): 20451/307 and 308 Years owned land: 12

Owner(s) Name: Janine and Richard Miner

Mailing Address (if different): 13 Independence Road, Pepperell, MA 01463

This request for a Special Permit for Non-Conformities is made under section(s):

- |   |  |
|---|--|
| <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 checked="" type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| <input type="checkbox"/> Upward Extension                 | <input type="checkbox"/> FAR   |
| <input type="checkbox"/> Open Space                       | <input checked="" 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 type="checkbox"/> Front Yard                       |  |

(Refer to the Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request:

Request to demolish a pre-existing nonconforming single-family structure and associated outbuildings, containing a total of 949 square feet, to be replaced with a new single-family structure and shed containing a total of 1,447 square feet. The existing single-family structure has a height of nine feet, nine inches (9'9") and the proposed single-family structure will have a height of thirty feet, one inch (30'1"). The floor area ratio (FAR) for the existing single-family structure is ten percent (10%), and the FAR for the proposed single-family structure will be fifteen percent (15%).

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**

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	9,750 s.f.	87%	13%	10%	9'9"	130'	5	5.8'	1.6'	96.54'	36.8'
Proposed	9,750 s.f.	85%	15%	15%	30'1"	130'	5	21'	4.98'	103'	20.9'
Required	12,000 s.f.	80%	20%	25%	35'	120'	2	20'	20'	20'	20'

**Existing Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>819 s.f.</u>	<u>1</u>	<u>819 s.f.</u>	<u>101</u>
<u>130 s.f.</u>	<u>1</u>	<u>130 s.f.</u>	<u>(shed)</u>

**Proposed Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>680 s.f.</u>	<u>2</u>	<u>1,299 s.f.</u>	<u>101</u>
<u>130 s.f.</u>	<u>1</u>	<u>130 s.f.</u>	<u>(shed)</u>

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

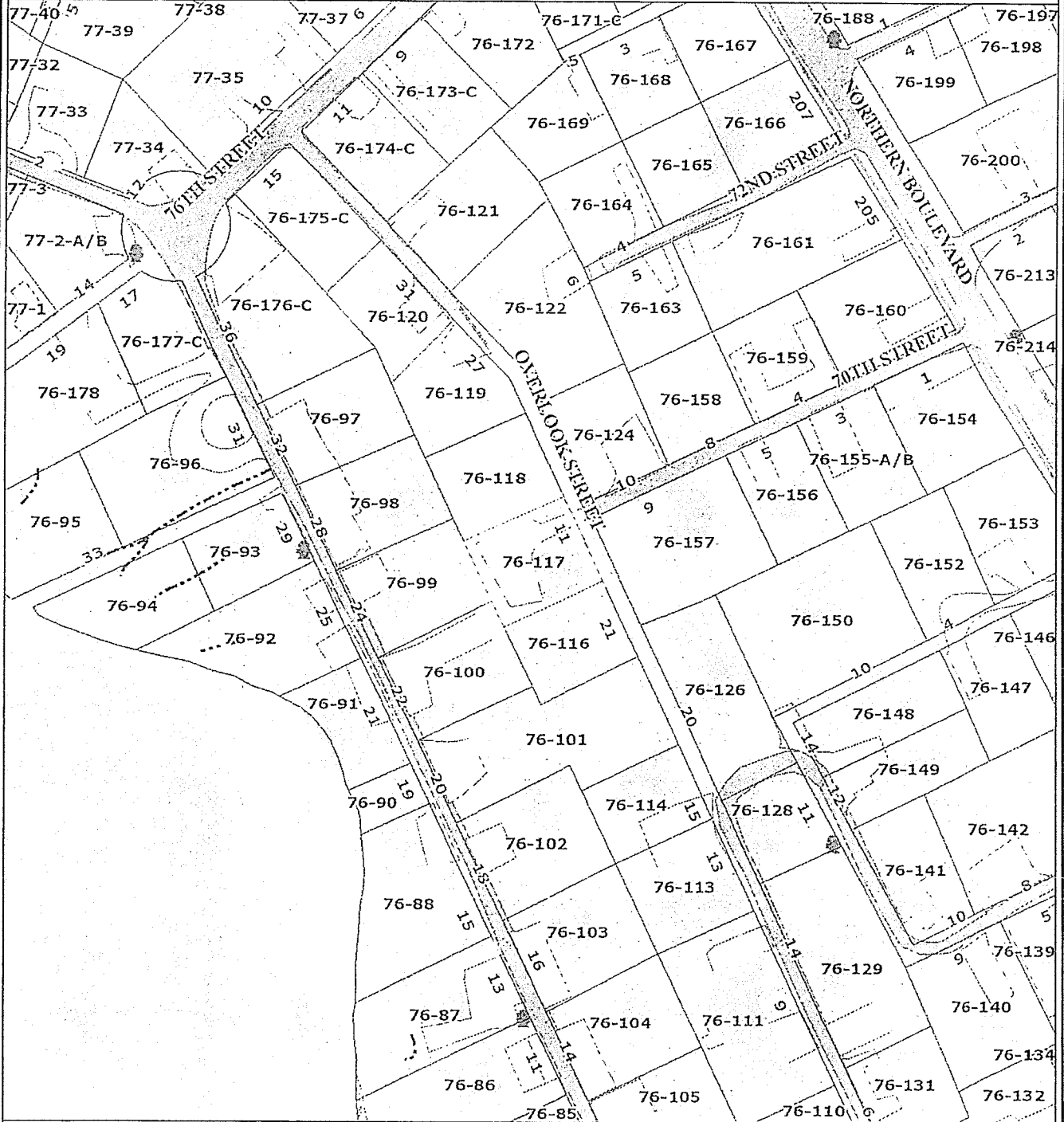
\*\*Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. - 101 = single family, etc.)

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 and Landowner signature(s):

Signature Janine Miner

Print or type above name(s) here Janine Miner



- MVPC Bo
  - Newburyport Boundary
  - Trees
  - Immediate Action Needed
  - No Action Needed
  - Unknown
  - Railroad
  - Parcels
  - Sidewalks
  - Water System
  - Hydrant
  - Trails
  - Building Footprints
  - Driveways
  - Easements
- Road Right of Way
  - Paved
  - Unpaved
  - Hydrographic Features
  - Streams
  - Stream - Intermittent Stream
  - Wetlands
  - City
  - City and State
  - State
  - Exempt Lands
  - Recreation Areas
- 1" = 99 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



**BLATMAN, BOBROWSKI, MEAD & TALENMAN, LLC**  
ATTORNEYS AT LAW

30 GREEN STREET  
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FAX 978.463.7747

*Concord Office*  
9 DAMONMILL SQUARE, SUITE 4A4  
CONCORD, MA 01742  
PHONE 978.371.2226  
FAX 978.371.2296

*Millis Office*  
730 MAIN STREET, SUITE 2B  
MILLIS, MA 02054  
PHONE 508.376.8400  
FAX 508.376.8440

LISA L. MEAD  
Lisa@bbmatlaw.com

By Hand

April 27, 2015

Gary Calderwood, Building Commissioner  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Permit Denial:  
11 Overlook Street, Newburyport, MA;  
Assessor's Map: 76, Lots 117 and 118.

Dear Gary;

Reference is made to the above-captioned matter. In that connection, this firm represents Janine and Richard Miner (the "Petitioners"), relative to the redevelopment of a pre-existing nonconforming single-family structure on property located at 11 Overlook Street, Plum Island (the "Property"). The Property consists of approximately 9,750 square feet of land with 130 feet of frontage, more or less, on Overlook Street. Located on the Property is an existing single-family structure together with an accessory structure (shed). The Property is located in the R-3 District, per the Newburyport Zoning Ordinances (the "NZO"). It is the Petitioners' intention to demolish the existing structure on the Property and rebuild a new, single-family home.

The existing structure on the lot is a pre-existing nonconforming single-family home, built in approximately 1920. The Petitioners will appear before the Newburyport Historical Commission on May 7, 2015, to determine whether this structure is significant pursuant to Article X, §5-308(d)(1) of the NZO. The Petitioners are confident that the existing structure, which was originally constructed as a shed, does not have any historical significance.

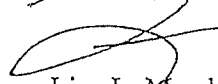
Having existed since approximately 1920, before zoning was adopted in Newburyport, this is a pre-existing, nonconforming structure for the R-3 zone. The structure is nonconforming due to lot area, front setback and one side-yard setback. The proposed reconstruction will not increase any of the nonconformities (and will not create any new nonconformities), and will significantly reduce the front-yard setback violation and minimally reduce the side-yard setback violation. The proposed reconstruction is proposed to increase the number of bedrooms from two bedrooms to three bedrooms, in conformance with Section XXI-G(2) of the NZO. The proposed reconstruction will increase the height of the structure from 9'9" to 30'1". To proceed with the Project, Petitioners will require special permit to modify the pre-existing non-conforming structure in accordance with

Section XXI-G of the NZO because there is an alteration to a pre-existing non-conforming structure. The Project will include a Floor Area Ratio (FAR) of fifteen percent (15%), which will comply with the FAR requirement of twenty-five percent (25%) for the Plum Island Overlay District ("PIOD") required by the NZO. The Project will also have a height of thirty feet, one inch (30'1"), and will include two (2) stories, both in compliance with PIOD requirements in Section XXI-G(4)(a) of the NZO.

A copy of the site plan is attached hereto. The Project will be completed in accordance with all other requirements of the NZO.

Kindly confirm the above at your earliest convenience. Should you have any questions or concerns, please contact me at (978) 463-7700.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa L. Mead", written over the word "Sincerely,".

Lisa L. Mead

Attachment  
cc: Client

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER  
ZONING DENIAL

City APR#: 19

Name: JAYNE AND RICHARD MENER

Address: 11 OVERLOOK STREET Zoning District: RM / RPD

Request: DEMOLITION OF EXISTING BUILDING TO CONSTRUCT NEW (2) STORY HOME

ZONING BOARD

Dimensional Variance

Dimensional Controls (VI)

- Lot Area
- Open Space
- Front Yard
- Lot Frontage
- Height
- Side Yard
- Lot Coverage
- Lot Width
- Rear Yard

PIOD (XXI)

- FAR
- 2 1/2 stories

Parking (VII)

Use Variance

Not permitted use (V)

Sign Variance

Sign Location/Replacement (VIII)

Special Permit

- Special Permit for Use (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)

Special Permit for Non-Conformities

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

PLANNING BOARD

Special Permit

- One residential structure per lot (VI.C)
- Floodplain (XIII)
- 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)

Site Plan Review (XV)

Major  Minor

HISTORICAL COMMISSION

Demo. Delay  Advisory Review

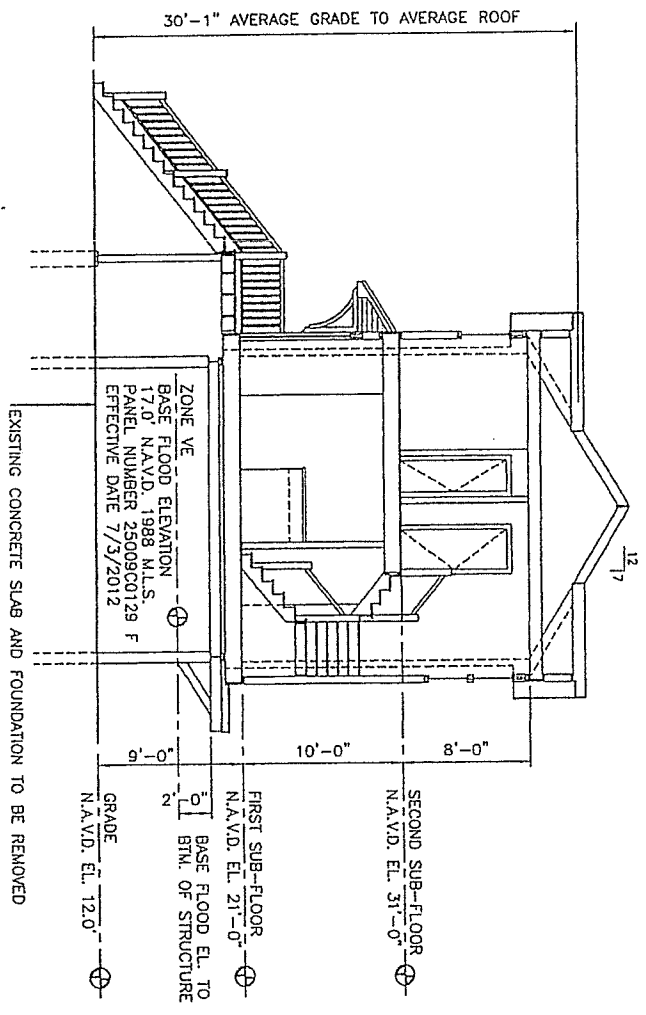
CONSERVATION COMMISSION

CITY COUNCIL

GACM (X.H.9)

April 30, 2015  
Date

Jay W. [Signature]  
Building Commissioner/Zoning Code Enf. Officer



A TRANSVERSE SECTION  
 A-3 SCALE: 1/8" = 1'-0"

ZONE = RESIDENCE III / F1UD

	REQUIRED	EXISTING	PROPOSED
LOT AREA	12,000 S.F.	9,750 S.F.	9,750 S.F.
LOT FRONTAGE	120 FEET	130 FEET	130 FEET
FRONT SETBACK	20 FEET	5.8 FEET	21.0 FEET
SIDE SETBACK	20 FEET	1.6' & 96.54'	4.98' & 103.0
REAR SETBACK	20 FEET	36.8 FEET	20.9 FEET
MAXIMUM BUILDING HEIGHT	35 FEET	9'-9" <sup>H</sup>	30'-1" <sup>H</sup>
% LOT COVERAGE	20%	13%	15%
FLOOR AREA RATIO	25%	10%	15%
MAXIMUM NUMBER OF STORIES	2	1	2
PARKING SPACES	2	5	5

EXISTING FAR	PROPOSED FAR
COTTAGE 819	619
SHEDS 130	680
949 SQ. FT.	18
	130
	1,447 SQ.

949 / 9,750 LOT AREA = 10% FAR  
 1,447 / 9,750 LOT AREA = 14.7%

EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE
COTTAGE 819	RESIDENCE 680
SHEDS 133	SHEDS 130
DECKS 262	DECK 346
DOG HOUSE 14	STAIRS 114
1,228 SQ. FT.	BALCONY 76
	UTILITY PLATFORMS 123
	1,469 SQ.

1,228 / 9,750 LOT AREA = 13% LOT COVERAGE  
 1,469 / 9,750 LOT AREA = 15.1%

**MINET**  
 11 0'  
 NEW

ISSUE DATE: 1:  
 JOB NUMBER:

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Ch	Description	Element	Cd	Ch	Description
Occupancy	1	1	Wood Shingle				
Interior Wall 1	14						
Interior Wall 2	14						
Roof Structure	03		Gable/Hip				
Roof Cover	02		Rollod Compos				
Interior Wall 1	04		Plywood Panel				
Interior Wall 2	04						
Interior Flr 1	05		Vinyl/Asphalt				
Interior Flr 2	05						
Heat Fuel	01		Coal or Wood				
Heat Type	01		None				
Heat Type	01		None				
Bedrooms	02		2 Bedrooms				
Rooms	03		3 Rooms				
Bath Style	02		Average				
Kitchen Style	01		Old Style				

**COST/MARKET VALUATION**

Adj. Base Rate:	40.95
Replace Cost	30,794
AYB	1920
EYB	1984
Dep Code	A
Remodel Rating	30
Year Remodeled	0
Dep %	0
Functional Obshnc	0
External Obshnc	0
Cost Trend Factor	1
Condition	70
% Complete	0
Overall % Cond	21,600
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

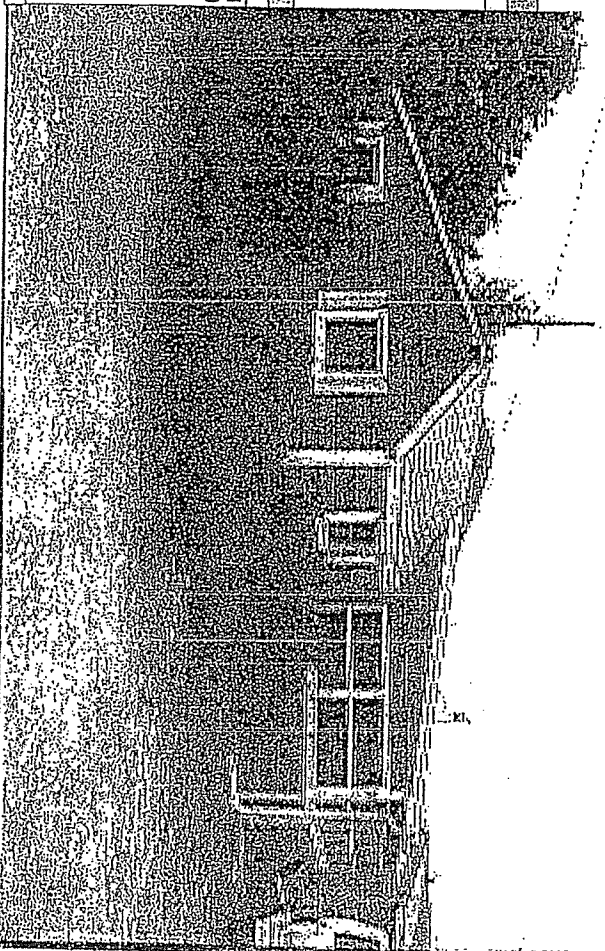
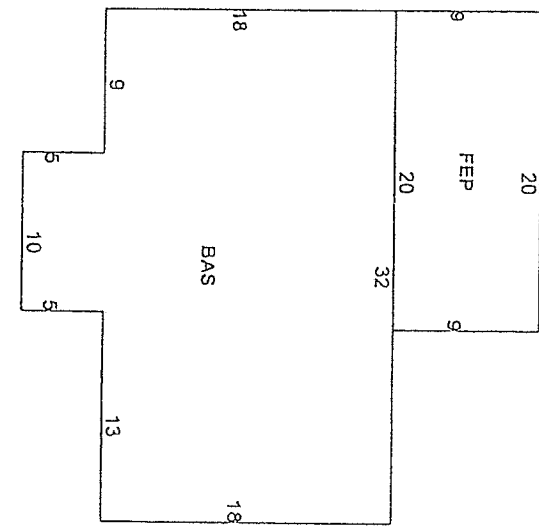
OB-OUTBUILDING & YARD ITEMS(D) EX-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descrip	U/B	Units	Unit Price	Yr	Code	Dp Rl	Chd	%Chd	Apr Value

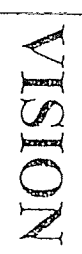
BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eft. Area	Unit Cost	Underec. Value
3AS	First Floor	626	626	626	40.95	25,634
FEP	Porch, Enclosed	0	180	126	28.66	5,160

TL Gross Livable Area:		626	806	752		30,794
------------------------	--	-----	-----	-----	--	--------



<b>CURRENT OWNER</b>		<b>TOPG</b>	<b>UTILITIES</b>	<b>STRT./ROAD</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>CURRENT ASSESSMENT</b>	<b>ASSESSED VALUE</b>	<b>NEWBURYPORT, MA</b>
ROL JANINER O JANINE KROU MINER 1 INDEPENDENCE RD EPPERELL, MA 01463 Additional Owners:						RESIDENTL RES LAND	Code 1010 Appraised Value 21,600 Assessed Value 222,400	21,600 222,400	123 NEWBURYPORT, MA
		<b>SUPPLEMENTAL DATA</b>							
Other ID: 76-117 SUB-DIV: CONDO CV: PHOTO: INLAY YIN: WARD: LOT SPLIT: TITLE #: 40B HSNB: ATT 1/2 HSE: GIS ID: M 256017 951572 ASSOC PID#:									



<b>RECORD OF OWNERSHIP</b>		<b>BK-VOL/PAGE</b>	<b>SALE DATE</b>	<b>SALE PRICE</b>	<b>Yr.</b>	<b>Code</b>	<b>ASSESSED VALUE</b>	<b>Yr.</b>	<b>Code</b>	<b>ASSESSED VALUE</b>
ROL JANINER ALLA GHER HERBERT W. II ALLA GHER GERALDINE E		20451/0308 13018/0211 3658/225	03/25/2003 U 05/12/1995 U	116,500 1A 0 1F 2015 1010	2015	1010	21,600 222,400	2014	1010	21,600 207,200
		<b>Total:</b>		<b>244,000</b>			<b>244,000</b>			<b>223,800</b>

<b>EXEMPTIONS</b>		<b>Amount</b>	<b>Code</b>	<b>Description</b>	<b>Number</b>	<b>Amount</b>	<b>Comm. Inl.</b>
Year Type							
		<b>Total:</b>				<b>244,000</b>	<b>209,800</b>

<b>OTHER ASSESSMENTS</b>		<b>Amount</b>	<b>Code</b>	<b>Description</b>	<b>Number</b>	<b>Amount</b>	<b>Comm. Inl.</b>
Year Type							
		<b>Total:</b>				<b>244,000</b>	<b>223,800</b>

<b>ASSESSING NEIGHBORHOOD</b>		<b>Street Index Name</b>	<b>Tracing</b>	<b>Batch</b>
NBHD/SUB				
S/A				
<b>NOTES:</b>		SEASONAL		

<b>APPRAISED VALUE SUMMARY</b>		<b>Appraised Bidg. Value (Card)</b>	21,600
		<b>Appraised XF (B) Value (Bidg)</b>	0
		<b>Appraised OB (L) Value (Bidg)</b>	0
		<b>Appraised Land Value (Bidg)</b>	222,400
		<b>Special Land Value</b>	0
		<b>Total Appraised Parcel Value</b>	244,000
		<b>Valuation Method:</b>	C
		<b>Adjustment:</b>	0
		<b>Net Total Appraised Parcel Value</b>	244,000

<b>BUILDING PERMIT RECORD</b>		<b>Issue Date</b>	<b>Type</b>	<b>Description</b>	<b>Amount</b>	<b>Issp. Date</b>	<b>% Comp.</b>	<b>Date Comp.</b>	<b>Comments</b>	<b>Date</b>	<b>Type</b>	<b>IS</b>	<b>ID</b>	<b>CA</b>	<b>Purpose/Result</b>
F															
										10/25/2006			AF	02	Measur+2 Visits
										10/17/1997			CN	00	Measur+Listed
										08/30/1988			PC	00	Measur+Listed

<b>LAND LINE VALUATION SECTION</b>		<b>Zone</b>	<b>D</b>	<b>Front</b>	<b>Depth</b>	<b>Units</b>	<b>Unit Price</b>	<b>Factor S.A.</b>	<b>Acre</b>	<b>Factor C.</b>	<b>ST. Adj.</b>	<b>Notes Adj.</b>	<b>S Adj. Fac.</b>	<b>Adj. Unit Price</b>	<b>Land Value</b>
B Use															
1 1010 SINGLE FAM		R3				4,875 SF	38.42	1.0000	5	1.0000	0.95	P2	1.25	ROW	222,400

<b>Total Card Land Units:</b>		0.11	<b>AC</b>	<b>Parcel Total Land Area:</b>		0.11	<b>AC</b>	<b>Total Land Value:</b>		222,400
-------------------------------	--	------	-----------	--------------------------------	--	------	-----------	--------------------------	--	---------



Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	

Building Layout

<b>Building Sub-Areas</b>	<u><a href="#">Legend</a></u>
No Data for Building Sub-Areas	

Extra Features

<b>Extra Features</b>	<u><a href="#">Legend</a></u>
No Data for Extra Features	

Land

Land Use

Use Code 1320  
 Description RES ACLNUD  
 Zone R3

Land Line Valuation

Size (Acres) 0.11  
 Depth 0  
 Assessed Value \$11,700

Outbuildings

<b>Outbuildings</b>	<u><a href="#">Legend</a></u>
No Data for Outbuildings	

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CURRENT OWNER	TOPO	UTILITIES	STRT./ROAD	LOCATION	DESCRIPTION	CURRENT ASSESSMENT	PREVIOUS ASSESSMENTS (HISTORY)
KROL JANINE R C/O JANINE KROL MINER 13 INDEPENDENCE RD PEPPERELL, MA 01463 Additional Owners:					RESIDENTL RES LAND	Code 1010 Appraised Value 21,600 Assessed Value 222,400	Yr. Code 2015 1010 Yr. Code 2015 1010 Yr. Code 2014 1010 Yr. Code 2013 1010 Yr. Code 2013 1010 Yr. Code 2013 1010
SUPPLEMENTAL DATA						21,600	222,400
Other ID: 76-117 SUB-DIV PHOTO WARD 1 TITLE #: 1 ATT 1/2 HSE: GIS ID: M 256017_951572						222,400	222,400
CONDO CV: INLAW Y/N: LOT SPLIT: 40B HSNB:							
ASSOC PID#							

**VISION**

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	W/I	SALE PRICE	V.C.	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
KROL JANINE R CALLAGHER HERBERT W. II CALLAGHER GERALDINE E	2045/10308 13018/0211 3658/225	03/25/2003	U	1	116,500	1A	2015	1010	21,600	2014	1010	21,600	2013	1010	22,500
		05/12/1995	U	1	0	1F	2015	1010	222,400	2014	1010	202,200	2013	1010	187,300
Total: 244,000															

EXEMPTIONS	Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
OTHER ASSESSMENTS									
Total: 244,000									

**APPRAISED VALUE SUMMARY**

ASSESSING NEIGHBORHOOD	NOTES	Appraised Bldg. Value (Card)	Appraised XF (B) Value (Bidg)	Appraised OB (L) Value (Bidg)	Appraised Land Value (Bidg)	Special Land Value	Total Appraised Parcel Value	Valuation Method:	Adjustment:	Net Total Appraised Parcel Value
ASSESSING NEIGHBORHOOD	NOTES	21,600	0	0	222,400	0	244,000	C	0	244,000

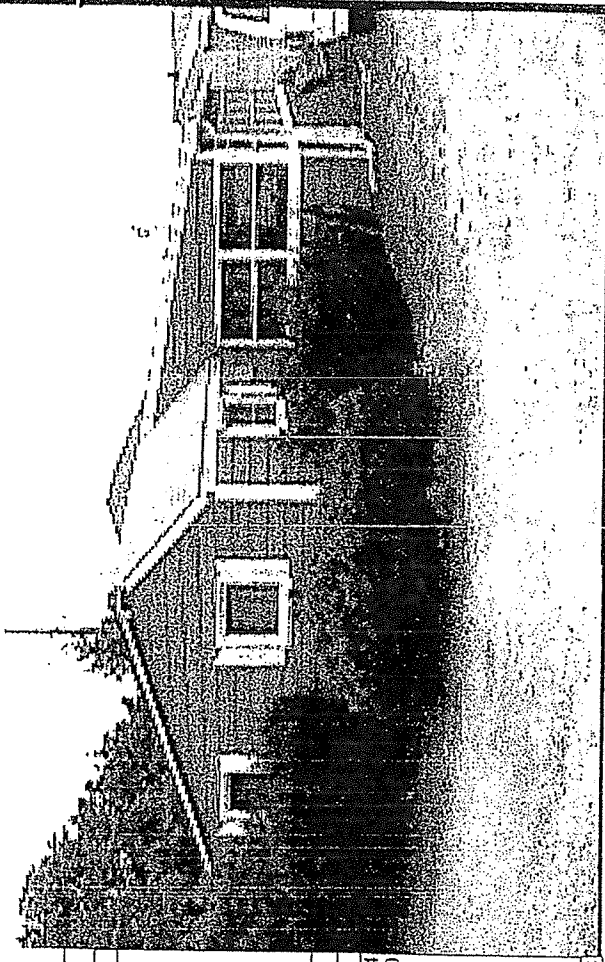
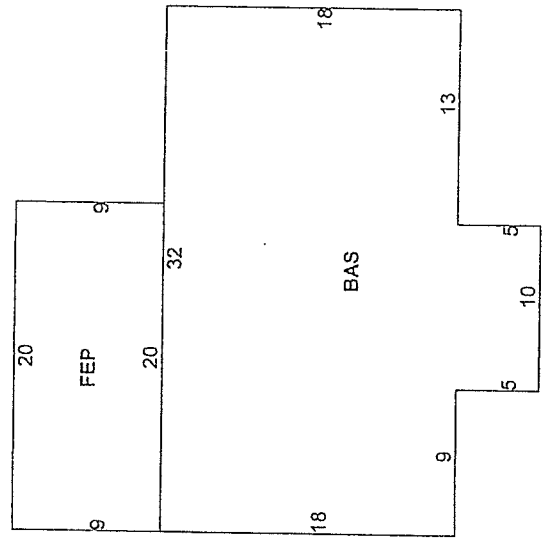
BUILDING PERMIT RECORD	Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	CA	Purpose/Result
Total: 244,000															

LAND LINE VALUATION SECTION															
B Use # Code	Use Description	Zone	D Front	Depth	Units	Unit Price	L Factor	S.A.	5	Acres	C Factor	ST	Adi.	Notes-Adi	S Adj
1	1010 SINGLE FAM	R3			4,875	SF	38,421	1.0000	5	1.0000	0.95	P2	1.25	ROW	1.00
Total Card Land Units: 0.11 AC Parcel Total Land Area: 0.11 AC Total Land Value: 222,400															

VISIT/CHANGE HISTORY															
Date	Type	IS	ID	CA	Purpose/Result										
10/25/2006															
10/17/1997			CN	00	Measur+2 Visits										
08/30/1988			PC	00	Measur+Listed										

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd. Ch.	Element	Cd. Ch.
Style	36		
Model	01		
Grade	03		
Stories	1		
Occupancy	1		
Exterior Wall 1	14		
Exterior Wall 2			
Roof Structure	03		
Roof Cover	02		
Interior Wall 1	04		
Interior Wall 2			
Interior Fir 1	05		
Interior Fir 2			
Heat Fuel	01		
Heat Type	01		
AC Type	01		
Total Bedrooms	02		
Total Bthrms	0		
Total Half Baths	1		
Total Xtra Fixrs			
Total Rooms	3		
Bath Style	02		
Kitchen Style	01		

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		BUILDING SUB-AREA SUMMARY SECTION	
Code	Description	Sub Description	Sub Description
BAS	First Floor	Living Area	Gross Area
FEP	Porch, Enclosed	0	180
		626	626
		Eff. Area	Unit Cost
		626	40.95
		126	28.66
		Undeprc. Value	5,160
			30,704
			752
			806
			626
			Th. Gross Liv/Lease Area:



<b>CURRENT OWNER</b>	KROL JANINE R C/O JANINE KROL MINER 13 INDEPENDENCE RD PEPPERELL, MA 01463 Additional Owners:	<b>TOPO.</b>		<b>UTILITIES</b>		<b>STRT./ROAD</b>		<b>LOCATION</b>		<b>CURRENT ASSESSMENT</b>		<b>Code</b>	RES LAND	<b>Appraised Value</b>	11,700	<b>Assessed Value</b>	11,700	<b>Yr. Code</b>	1320	<b>Assessed Value</b>	11,700	<b>Yr. Code</b>	1320	<b>Assessed Value</b>	9,900	<b>Yr. Code</b>	1320	<b>Assessed Value</b>	11,700
										<b>SUPPLEMENTAL DATA</b>																			
										<b>Other ID:</b>	76-118																		
										<b>Sub-Div</b>																			
										<b>PHOTO</b>																			
										<b>WARD</b>	1																		
										<b>TILE #:</b>																			
										<b>ATT 1/2 HSE:</b>																			
										<b>GIS ID:</b>	M_256000_951590																		
										<b>ASSOC PID#</b>																			

<b>RECORD OF OWNERSHIP</b>										<b>BK-VOL/PAGE</b>	20451/0307	<b>SALE DATE</b>	03/26/2003	<b>U</b>	<b>W</b>	<b>SALE PRICE</b>	1,001	<b>Yr. Code</b>	1A	<b>Assessed Value</b>	11,700	<b>Yr. Code</b>	2015	<b>Assessed Value</b>	11,700	<b>Yr. Code</b>	1320	<b>Assessed Value</b>	9,900	<b>Yr. Code</b>	1320	<b>Assessed Value</b>	11,700
											13972/0358		02/13/1997				0	1A		0	1A		0	1F									
											13018/0209		05/12/1995				0			0													
											5330/ 626																						
										<b>Total:</b>																							

<b>EXEMPTIONS</b>										<b>Year</b>		<b>Type</b>		<b>Description</b>		<b>Amount</b>		<b>Code</b>		<b>Description</b>		<b>Number</b>		<b>Amount</b>		<b>Comm. Int.</b>								
										<b>Total:</b>																								

<b>OTHER ASSESSMENTS</b>										<b>Year</b>		<b>Type</b>		<b>Description</b>		<b>Amount</b>		<b>Code</b>		<b>Description</b>		<b>Number</b>		<b>Amount</b>		<b>Comm. Int.</b>									
										<b>Total:</b>																									

<b>ASSESSING NEIGHBORHOOD</b>										<b>Year</b>		<b>Type</b>		<b>Description</b>		<b>Amount</b>		<b>Code</b>		<b>Description</b>		<b>Number</b>		<b>Amount</b>		<b>Comm. Int.</b>									
										<b>Total:</b>																									

<b>NOTES</b>										<b>Year</b>		<b>Type</b>		<b>Description</b>		<b>Amount</b>		<b>Code</b>		<b>Description</b>		<b>Number</b>		<b>Amount</b>		<b>Comm. Int.</b>									
										<b>Total:</b>																									

<b>BUILDING PERMIT RECORD</b>										<b>Permit ID</b>		<b>Issue Date</b>		<b>Type</b>		<b>Description</b>		<b>Amount</b>		<b>Insp. Date</b>		<b>% Comp.</b>		<b>Date Comp.</b>		<b>Comments</b>					

<b>LAND LINE VALUATION SECTION</b>										<b>Date</b>	10/19/2006	<b>Type</b>	IS	<b>ID</b>	AF	<b>CD</b>	00	<b>Purpose/Result</b>	Measur++Listed
											09/17/1997				CN	00		Measur+Listed	
											07/15/1988				PC	00		Measur++Listed	

<b>B Use</b>	<b>Code</b>	<b>Description</b>	<b>Zone</b>	<b>D</b>	<b>Front</b>	<b>Depth</b>	<b>Units</b>	<b>Unit Price</b>	<b>I</b>	<b>Factor S.A.</b>	<b>Acre</b>	<b>C</b>	<b>SF</b>	<b>Adj.</b>	<b>Notes-Adj</b>	<b>Special Pricing</b>	<b>S Adj</b>	<b>Fact</b>	<b>Adj.</b>	<b>Unit Price</b>	<b>Land Value</b>
1	1320	RES AC LNUD	R3				4,875 SF	38.42	1.0000	5	1.0000	0.05	P2	1.25			1.00			2.40	11,700
<b>Total Card Land Units:</b> 0.11 AC <b>Parcel Total Land Area:</b> 0.11 AC <b>Total Land Value:</b> 11,700																					



**APPRAISED VALUE SUMMARY**

Appraised Bldg. Value (Card) 0  
 Appraised XF (B) Value (Bldg) 0  
 Appraised OB (L) Value (Bldg) 0  
 Appraised Land Value (Bldg) 11,700  
 Special Land Value 0  
 Total Appraised Parcel Value 11,700  
 Valuation Method: C  
 Adjustment: 0  
 Net Total Appraised Parcel Value 11,700

This signature acknowledges a visit by a Data Collector or Assessor



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**

051-0941

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

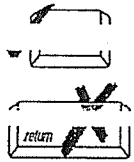
Provided by DEP

**A. General Information**



SO ESSEX #383 Bk:36872 Pg:207  
07/18/2018 03:04 PM EXTN Pg 1/2  
eRecorded

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Janine and Rich Miner

Name

13 Independence Road

Mailing Address

Pepperell

City/Town

MA

State

01463

Zip Code

2. Property Owner (if different):

Jeffrey + Nancy Hawkes

Name

10 Acawan Ave

Mailing Address

Hampstead

City/Town

NH

State

03841

Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

7/21/2015

Date

Issued by:

Newburyport

Conservation Commission

for work at:

23 Overlook Street

Street Address

76

Assessor's Map/Plat Number

117

Parcel/Lot Number

recorded at the Registry of Deeds for:

Essex

County

36185

Book

142

Page

Certificate (if registered land)

is hereby extended until:

7/21/2021

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office

(<http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

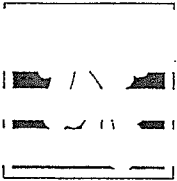
Signatures:

Paul Healy  
Stephen Moore

7/17/2018

Date

[Signature]



**WPA Form 7 – Extension Permit for Orders of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

---

### C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

\_\_\_\_\_  
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

\_\_\_\_\_  
Project Location

\_\_\_\_\_  
DEP File Number

has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
County

for:

\_\_\_\_\_  
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Book

\_\_\_\_\_  
Page

If recorded land the instrument number which identifies this transaction is:

\_\_\_\_\_  
Instrument Number

If registered land, the document number which identifies this transaction is:

\_\_\_\_\_  
Document Number

\_\_\_\_\_  
Signature of Applicant





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 051-0941  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
 Newburyport  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Essex  
 a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 6/16/2015 7/7/2015 7/21/2015  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Miner Residence, 11 Overlook Street, Newburyport, MA. Site Plan and sheets A1-A3, dated 12/20,2014, prepared by John Minton, RA.  
John Minton, RA  
 b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_  
12/20/2014  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_  
 f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
 d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

CERTIFIED TRUE COPY OF THE ORIGINAL  
 Signed: Blaine Boisvert  
 Date: 12/21/15  
 Newburyport Conservation Commission





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 051-0941  
 MassDEP File #

eDEP Transaction #  
 Newburyport  
 City/Town

**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0  
 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet

CERTIFIED TRUE COPY OF THE ORIGINAL  
 Signed: [Signature]  
 Date: 4/16/17  
 Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 051-0941  
 MassDEP File #

eDEP Transaction #  
 Newburyport  
 City/Town

**B. Findings (cont.)**

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ c. yd cu. yd	_____ d. yd cu. yd
14. <input checked="" type="checkbox"/> Coastal Dunes	2300 a. square feet	2300 b. square feet	_____ c. nourishment	_____ d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	2300 a. square feet	2300 b. square feet		

CERTIFIED TRUE COPY OF THE ORIGINAL  
 Signed: Blaise Bonvut  
 Date: 9/18/17  
 Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:  
 0 \_\_\_\_\_ 0 \_\_\_\_\_  
 a. square feet of BWV b. square feet of salt marsh

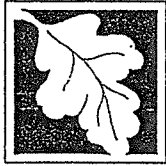
23.  Stream Crossing(s):  
 0 \_\_\_\_\_ 0 \_\_\_\_\_  
 a. number of new stream crossings b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 7/21/2018 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

CERTIFIED TRUE COPY OF THE ORIGINAL  
 Signed: NYANNE BOISVERT  
 Date: 7/18/19  
 Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
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### C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number 051-0941"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

CERTIFIED TRUE COPY OF THE ORIGINAL

Signed: Myra Biswa

Date: 9/18/17

Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
  - (2)  is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

CERTIFIED TRUE COPY OF THE ORIGINAL:

Signed: STANLEY BUISANT

Date: 11/8/17

Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

CERTIFIED TRUE COPY OF THE ORIGINAL  
Signed: Frank Borsuta  
Date: 9/18/17  
Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attached

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20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes       No
2. The Newburyport Conservation Commission hereby finds (check one that applies):  
 Conservation Commission
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

\_\_\_\_\_ 1. Municipal Ordinance or Bylaw      \_\_\_\_\_ 2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

\_\_\_\_\_ 1. Municipal Ordinance or Bylaw      \_\_\_\_\_ 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

7/21/15  
 1. Date of Issuance  
7  
 2. Number of Signers

Signatures:

[Signature]  
[Signature]  
Stephen J. Moore

[Signature]  
[Signature]  
Paul Head

by hand delivery on  
 \_\_\_\_\_  
 Date

by certified mail, return receipt requested, on  
7/21/15  
 Date

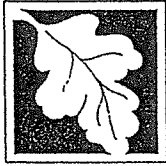
**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

CERTIFIED TRUE COPY OF THE ORIGINAL  
 Signed: Marye Bisulfi  
 Date: 7/21/15  
 Newburyport Conservation Commission



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
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 \_\_\_\_\_  
 eDEP Transaction #  
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 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Newburyport  
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

\_\_\_\_\_  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



CITY OF NEWBURYPORT  
CONSERVATION COMMISSION  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)  
[WWW.CITYOFNEWBURYPORT.COM](http://WWW.CITYOFNEWBURYPORT.COM)

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**Standard and Special Conditions for 11 Overlook Street**

DEP File Number: 051-0941

Date: July 21, 2015

Applicant: Janine and Rich Miner

Property Owner: Same

Project Location: 11 Overlook Street

Map: 76

Lot: 117 and 118

**Project Description:** Removal of an existing single family home and reconstruction of new home on pilings within the FEMA VE zone.

These conditions are in addition to and part of the Order of Conditions (WPA Form 5) for the property located at 11 Overlook Street, Newburyport, MA 01950.

This project shall conform to the following documents and plans unless otherwise specified:

1. NOI Form 3 and supporting documents for 11 Overlook Street, prepared by Tom Hughes, Hughes Environmental, dated June 16, 2015.
2. Miner Residence, 11 Overlook Street, Newburyport, MA. Site Plan and sheets A1-A3, dated 12/20.2014, prepared by John Minton, RA.

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**A. General Conditions**

19. The Conservation Commission shall be informed of all changes that may be made to the Plan(s) of Record by any other Board, Commission or Authority or as a result of changes by the Applicant. All changes shall require additional approvals from the Conservation Commission.
20. A member of the Newburyport Conservation Commission (the Commission) or its administrator may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order.
21. With respect to all conditions the Conservation Commission designates the Conservation Administrator as its agent with full powers to act on its behalf in administering and enforcing this Order.
22. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.

CERTIFIED TRUE COPY OF THE ORIGINAL  
Signed: *M. M. B. S. V. E. T.*  
Date: *9/18/17*  
Newburyport Conservation Commission

23. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.
24. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and shall be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
25. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00.
26. The Commission reserves the right to impose additional conditions on this project, including but not limited to, additional or modified erosion/siltation controls during construction, if it deems that site conditions warrant such measures to mitigate potential impacts.
27. If any changes are made in the above-described plan(s) which, in the Commission's opinion, may alter an area subject to protection under the Wetlands Protection Act, 310 CMR 10.00 or the Newburyport Wetlands Ordinance, the applicant shall inquire from this Commission or its agent, prior to implementing the change in the field, whether the change is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. Approval of changes must be granted by the Conservation Commission before such work may continue.
28. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission shall require separate review and approval by the Commission or its agent.
29. The limits of work in the field shall be clearly marked and all workers shall be instructed not to work beyond the specified limits. Resource area flags shall be maintained and replaced as necessary until a final Certificate of Compliance is issued for the project.

#### **B. Pre-Construction**

30. Prior to the commencement of any activity on this site, the applicant or owner shall complete and submit the attached "Permit Compliance Contact Form," providing the name(s), address(es), phone number(s) and email address(es) of a contact person or persons responsible for compliance with this Order. Should the responsible parties change during the course of the project, the Commission shall be notified as soon as practical of such change.
31. The applicant shall display the Department of Environmental Protection (DEP) file number for this Order on a sign within the minimum dimensions of two feet by two feet at a location clearly visible from the street. This sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
32. The Commission shall be notified at least 48 hours in advance of the commencement of work at the site.

#### **C. During Construction**

33. A copy of this Order of Conditions and approved Plan(s) of Record shall be on the site upon commencement and during any site work for contractors to view and adhere to.
34. Any material placed in wetland resource areas or outside the Limit of Work by the applicant without express authorization under this Order shall be removed as soon as possible by the applicant upon the request of the Conservation Commission or its administrator.
35. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of hay bales or other approved erosion control device to prevent contact with rain water.
36. As soon as possible, all disturbed areas shall be brought to final grade and shall be permanently stabilized within 30 days of that time by measures acceptable to the Commission.
37. The project manager shall be responsible for regular inspections of the erosion controls on at least a weekly basis and after each rain storm. Necessary repairs and maintenance of the erosion control devices shall be made expeditiously.
38. Any and all demo/construction debris resulting from the approved construction shall be placed in an enclosed covered container or removed from the site daily.
39. Trash dumpsters shall be located as far away from the resource areas as possible and shall be emptied at least once a week during construction.
40. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order.
41. No fuel, oil, urethanes, or other pollutants shall be stored in any resource area or the buffer zone.

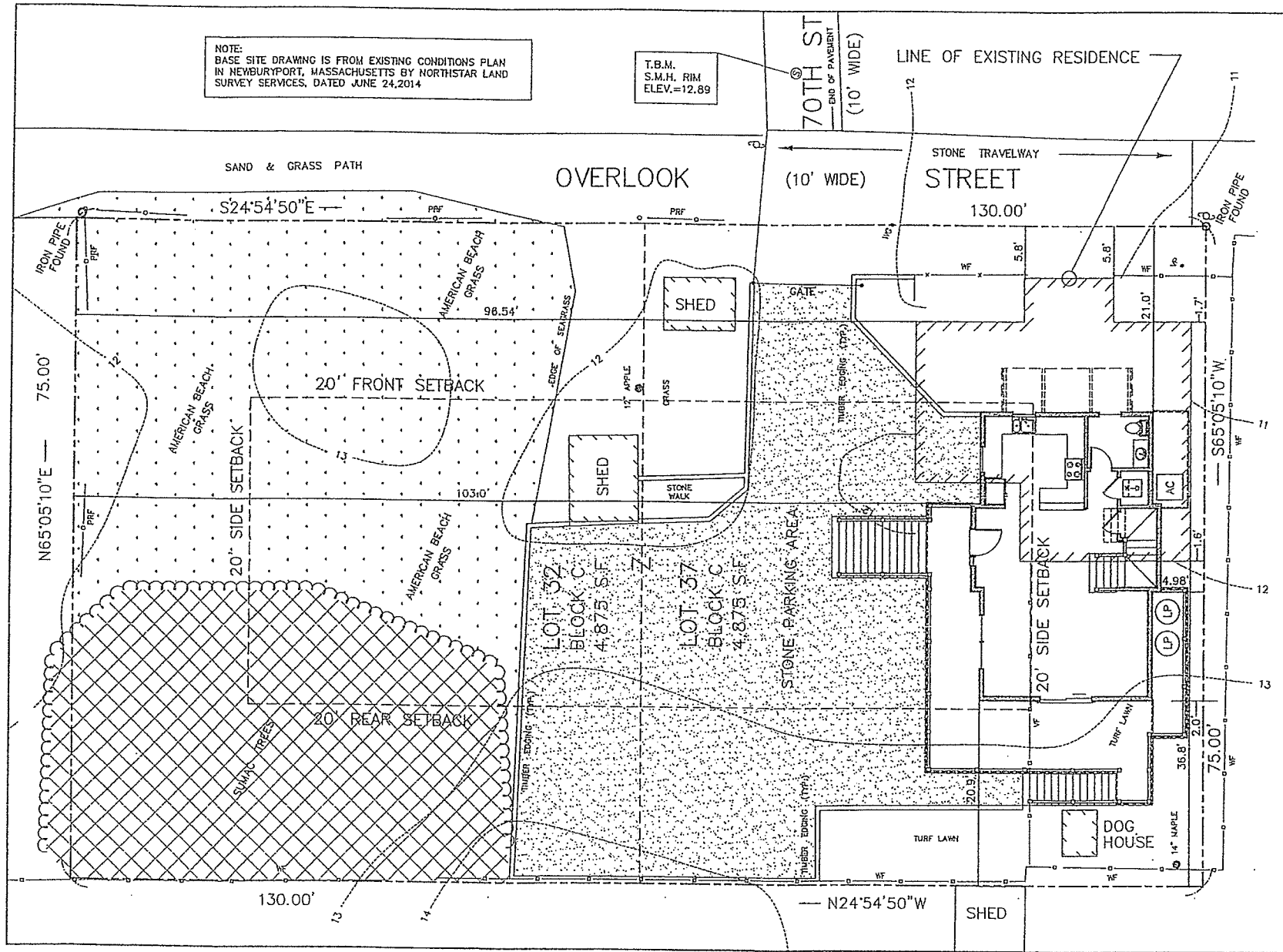
#### **D. Special Conditions**

42. Any excavated material from the proposed project is to remain on site. Any material to be placed as fill, if part of the approved work, shall consist only of approved beach grade sand. If additional sand is brought onto the site it shall be inspected by the Conservation Administrator prior to its use.
43. Any dune grass damaged or destroyed during construction shall be replaced.
44. All construction materials shall be stored/stockpiled off of the dune grass on the existing gravel driveway or other existing unvegetated area.
19. The lowest horizontal member, including but not limited to any joists, sills, or trim boards used to construct the deck shall be at least 2 feet above grade. If upon completion, there is not a minimum of two feet of open space between the ground and the lowest horizontal member of the deck, the Commission reserves the right to require the applicant to raise that structure in order to receive a Certificate of Compliance.

#### **E. Post Construction**

45. After the completion of construction and prior to the expiration date of this Order of Conditions, the applicant shall submit the following to the Conservation Commission:

- a. A completed Request for a Certificate of Compliance – WPA form 8A.
- b. A letter from a registered professional engineer certifying compliance of the property with this Order of Conditions and detailing any deviations that exist and their potential effect on the project. A statement that the work is in “substantial compliance” with no detailing of the deviations shall not be accepted.
- c. Photos of the completed project (including photos of first floor elevations for projects on Plum Island) and an “As-Built” plan showing post-construction conditions, stamped and signed by a professional engineer or land surveyor. This plan shall note any deviations from the original plans/profiles and shall include final lot elevations when grades have been changed.



NOTE:  
 BASE SITE DRAWING IS FROM EXISTING CONDITIONS PLAN  
 IN NEWBURYPORT, MASSACHUSETTS BY NORTHSTAR LAND  
 SURVEY SERVICES, DATED JUNE 24, 2014

T.B.M.  
 S.M.H. RIM  
 ELEV.=12.89

JOHN MINTON, RA  
 101 Northern Boulevard  
 Newbury, MA 01951  
 978-462-2001  
 FAX 978-499-4953  
 EMAIL JMINTONRA@AOL.COM



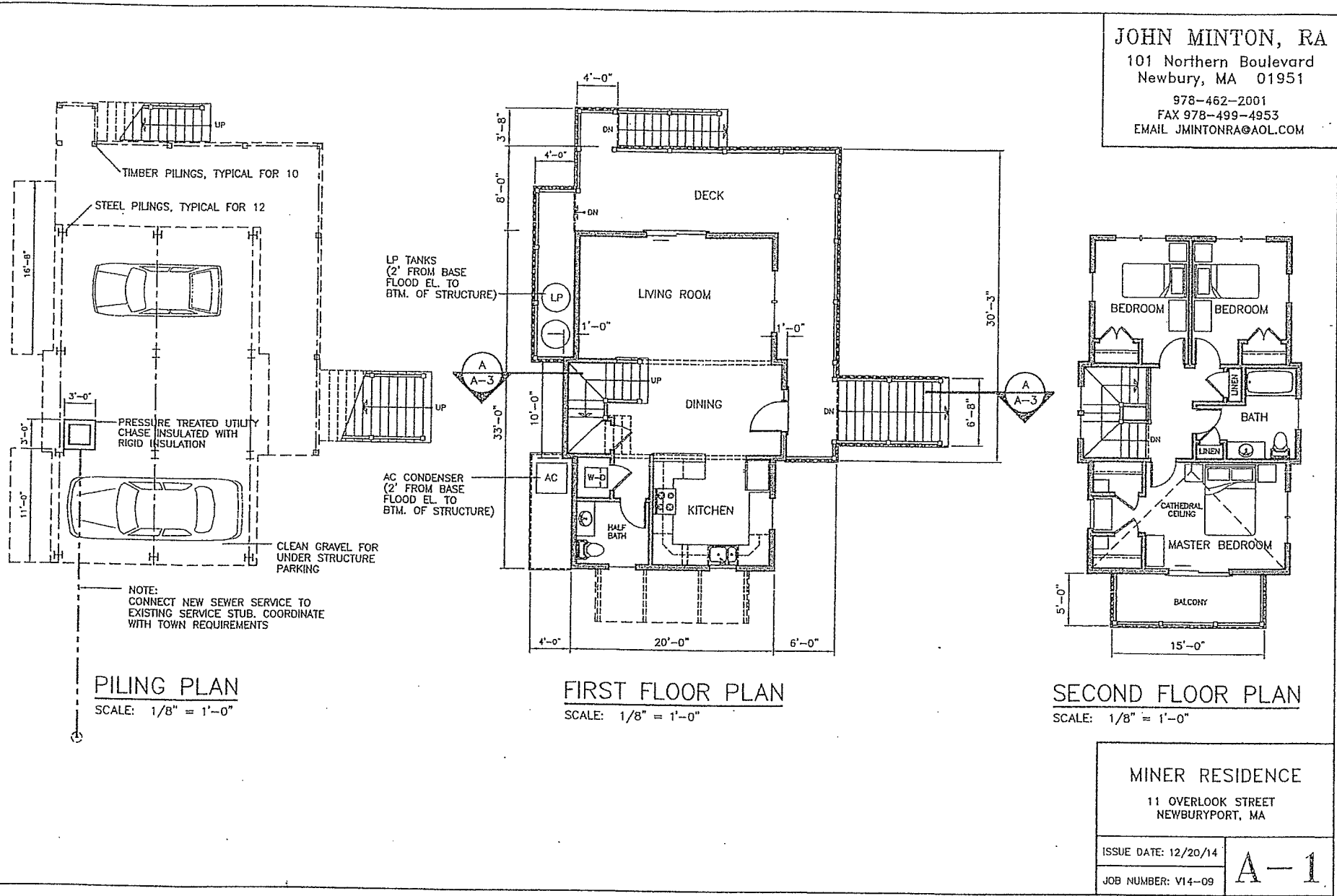
SITE PLAN  
 SCALE: 1" = 10'-0"

MINER RESIDENCE  
 11 OVERLOOK STREET  
 NEWBURYPORT, MA

ISSUE DATE: 12/20/14  
 JOB NUMBER: V14-09

X-1

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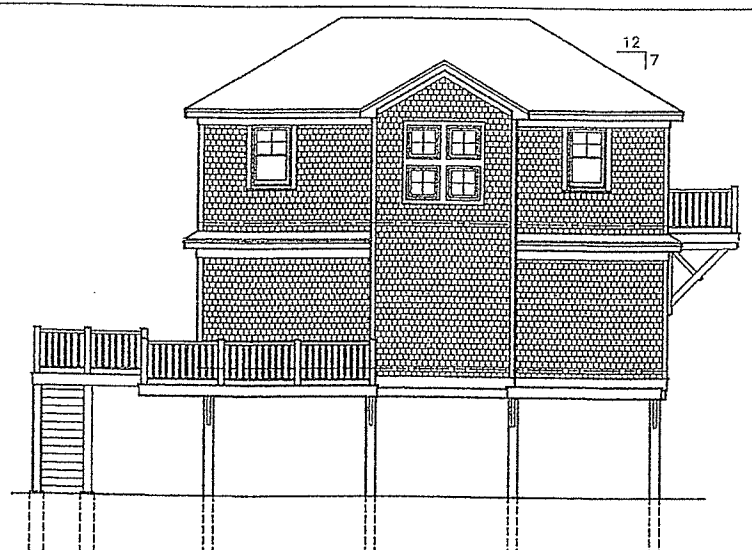
**PILING PLAN**  
 SCALE: 1/8" = 1'-0"

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

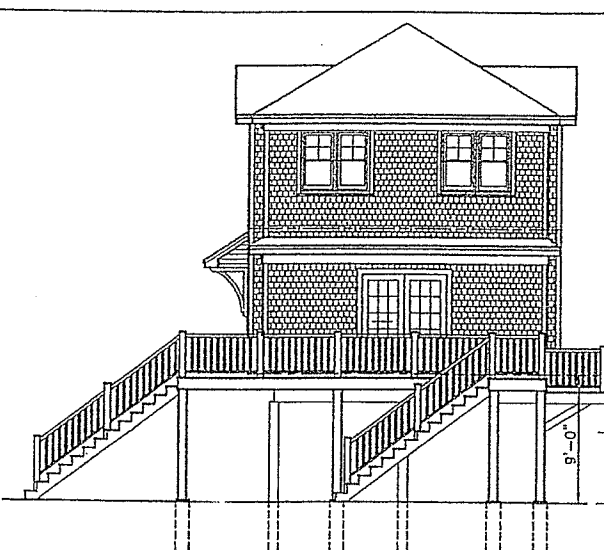
**SECOND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

**MINER RESIDENCE**  
 11 OVERLOOK STREET  
 NEWBURYPORT, MA  
 ISSUE DATE: 12/20/14  
 JOB NUMBER: V14-09  
**A-1**

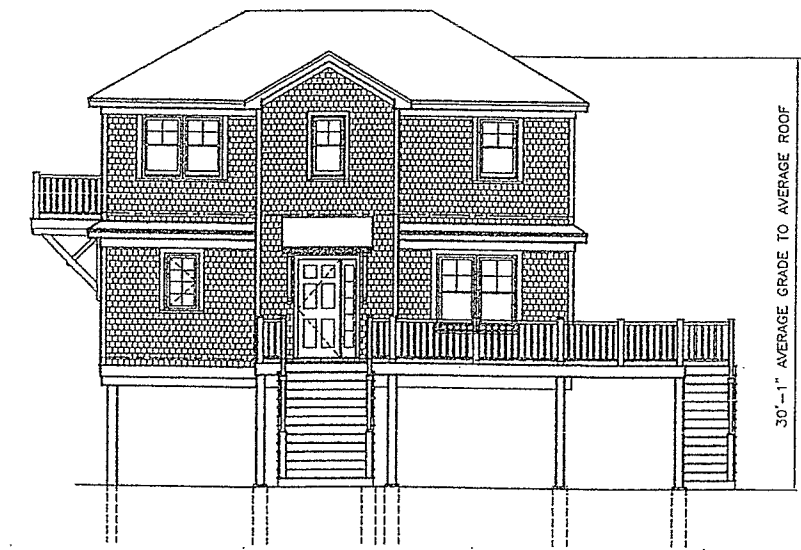




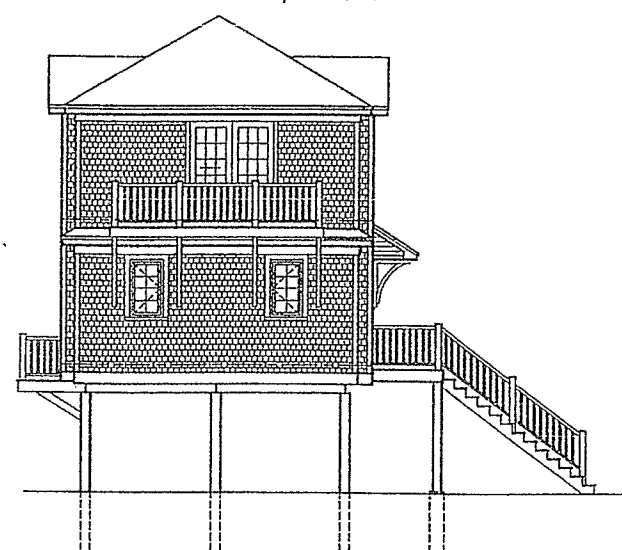
**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**NORTHT ELEVATION**  
SCALE: 1/8" = 1'-0"



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

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FIRST SUB-FLOOR  
N.A.V.D. EL. 21'-0"

ZONE VE  
BASE FLOOD ELEVATION  
17.0' N.A.V.D. 1988 M.L.S.  
PANEL NUMBER 25009C0129 F  
EFFECTIVE DATE 7/3/2012

GRADE  
N.A.V.D. EL. 12.0"

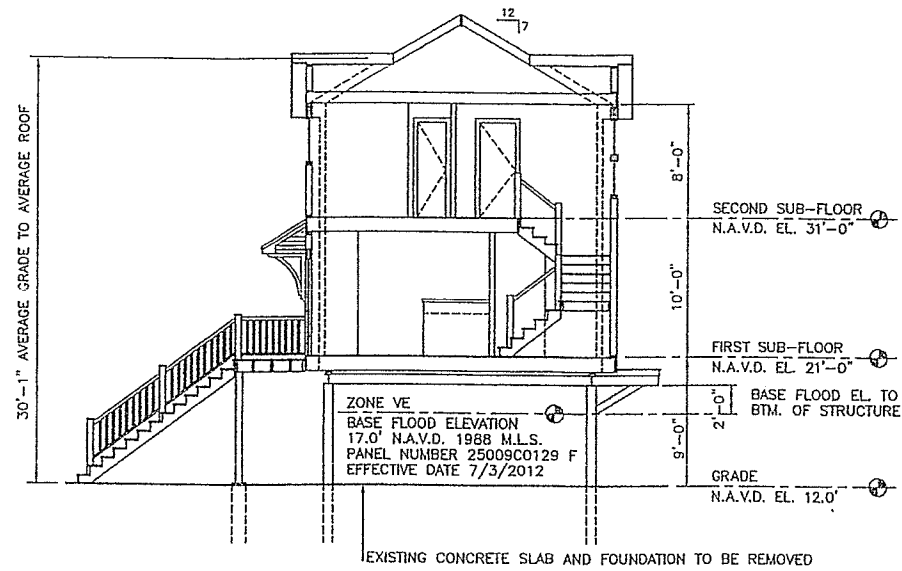
**MINER RESIDENCE**  
11 OVERLOOK STREET  
NEWBURYPORT, MA

ISSUE DATE: 12/20/14  
JOB NUMBER: V14-09

**A-2**

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ZONE = RESIDENCE III / PIOD



A TRANSVERSE SECTION  
 A-3 SCALE: 1/8" = 1'-0"

	REQUIRED	EXISTING	PROPOSED
LOT AREA	12,000 S.F.	9,750 S.F.	9,750 S.F.
LOT FRONTAGE	120 FEET	130 FEET	130 FEET
FRONT SETBACK	20 FEET	5.8 FEET	21.0 FEET
SIDE SETBACK	20 FEET	1.6' & 96.54'	4.98' & 103.0'
REAR SETBACK	20 FEET	36.8 FEET	20.9 FEET
MAXIMUM BUILDING HEIGHT	35 FEET	9'-9"±	30'-1"±
% LOT COVERAGE	20%	13%	15%
FLOOR AREA RATIO	25%	10%	15%
MAXIMUM NUMBER OF STORIES	2	1	2
PARKING SPACES	2	5	5

EXISTING FAR  
 COTTAGE 819  
 SHEDS 130  
 949 SQ. FT.

949 / 9,750 LOT AREA = 10% FAR

EXISTING LOT COVERAGE  
 COTTAGE 819  
 SHEDS 133  
 DECKS 262  
 DOG HOUSE 14  
 1,228 SQ. FT.

1,228 / 9,750 LOT AREA = 13% LOT COVERAGE

PROPOSED FAR  
 SECOND FLOOR 619  
 FIRST FLOOR 680  
 ENTRANCE ROOF 18  
 SHEDS 130  
 1,447 SQ. FT.

1,447 / 9,750 LOT AREA = 15% FAR

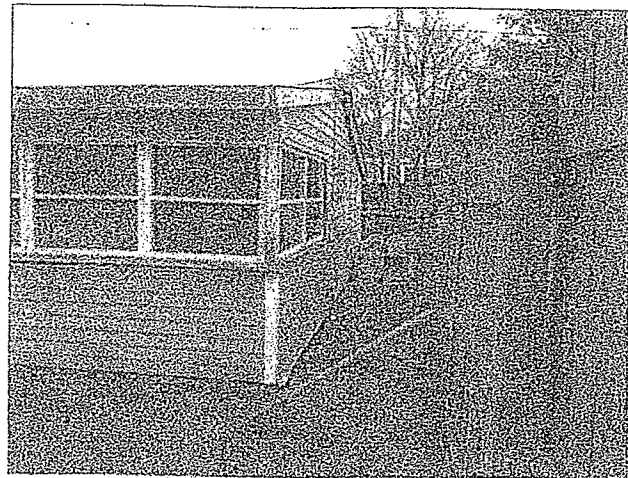
PROPOSED LOT COVERAGE  
 RESIDENCE 680  
 SHEDS 130  
 DECK 346  
 STAIRS 114  
 BALCONY 76  
 UTILITY PLATFORMS 123  
 1,469 SQ. FT.

1,469 / 9,750 LOT AREA = 15% LOT COVERAGE

MINER RESIDENCE  
 11 OVERLOOK STREET  
 NEWBURYPORT, MA

ISSUE DATE: 12/20/14  
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A-3



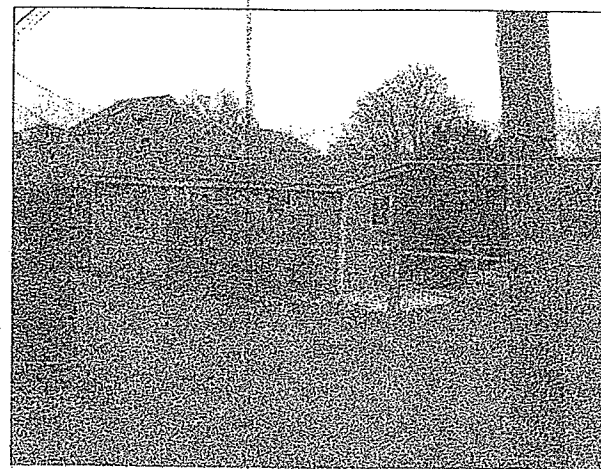
**EXISTING SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXISTING WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

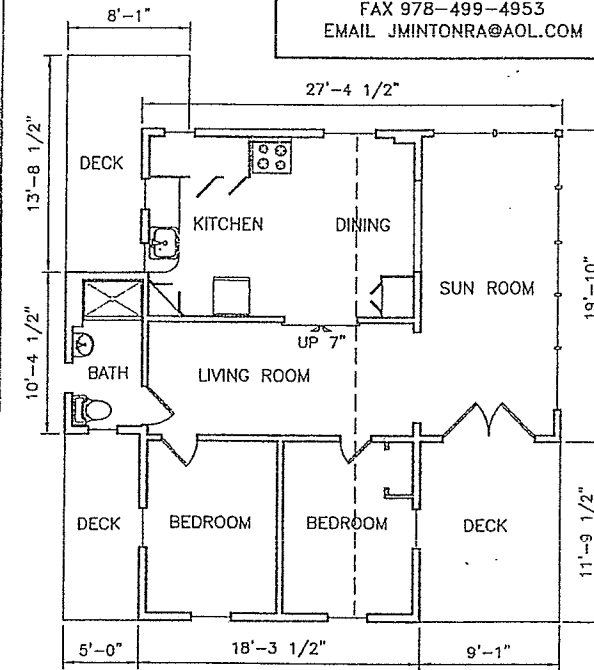


**EXISTING NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



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

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**EXISTING FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**EXISTING  
CONDITIONS**

**MINER RESIDENCE**  
11 OVERLOOK STREET  
NEWBURYPORT, MA

ISSUE DATE: 12/20/14

JOB NUMBER: V14-09

**E-1**