

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

Petitioner: George Haseltine, c/o Lisa L. Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 26 Plummer Ave

Map and Lot(s): 69 - 96 Zoning District: R-2

Book and Page(s): 25727/209

Owner(s) Name: Joseph and Elizabeth Lusardi

Mailing Address (if different): 26 Plummer Ave.

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

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

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

Description of request:

Construct addition on rear of home which is pre-existing non-conforming.

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	5279	60.1%	25.4%		20'10"	55	2	15.3	4.9	15	33.5
Proposed	5279	54.7%	29.7%		20'10"	55	2	15.3	4.9	12	27.2
Required	10000	40%	25%		35'	90	2	25	10	10	25

*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**
1081	3	2137	101
_____	_____	_____	_____
_____	_____	_____	_____

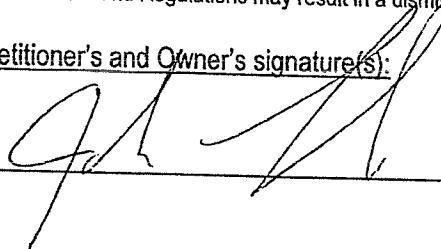
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1273	3	2800	101
_____	_____	_____	_____
_____	_____	_____	_____

**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):







Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

June 12, 2018

By Hand

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

Re: Request for a Special Permit;
26 Plummer Ave., Newburyport, MA (the "Property");
Assessor's Map: 99 Lot 96

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the Windward Shaw Construction, the contractor for the owners of 26 Plummer Avenue (the "Petitioner"), relative to an addition to be constructed at the rear of the Property. The Property is located in the R-2 zoning district and consists of approximately 5,279 square feet of land with 55 feet of frontage on Plummer Avenue. There is currently a non-conforming south side set back of 4.9 feet, front yard setback of 15.3 feet, frontage, lot area and lot coverage of 25.4%.

No work is proposed on the southerly side of the structure or the front yard where there are existing non-conformities. The Petitioner will be constructing an addition on the rear which will meet all required side and rear yard setback requirements. The lot coverage will be intensified from 25.4% to 29.7%.

The existing non-conforming frontage, south side and front yard setbacks will not be modified.

The Petitioner will be adding a modest addition to the rear of the home including approximately 663 square feet (192 square feet on the first floor and 471 square feet on the second floor). You will note there is a portion of the rear of the structure which is being removed in order to construct the addition. The Petitioner is simultaneous with this application seeking Historic Commission review.

To proceed with the Project, Petitioners will require a special permit to modify the pre-existing non-conforming structure on a lot with insufficient frontage and area in accordance with section IXB(2)(A) and IXB(3)(c) of the NZO where the addition is more than 500 square feet.

Section IX-B(2)(A) and (3)(C) allows for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that:

1. There will be no addition of a new non- conformity, and

Millis Office

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

2. That the proposed changes will not be substantially more detrimental to the neighborhood.
 - a. Further section IX-B(3)(C) of the NZO provides that any extension or alteration of the principal structure on a lot with insufficient area or frontage would increase the floor area of a dwelling unit by more than 500 square feet requires a special permit under section IX(B)(2).

To address the first inquiry, as is shown on the plans, there will be no new non-conformities.

Next the Board must find that the proposed change is not substantially more detrimental to the neighborhood than the existing structure. Importantly, the addition is proposed in the rear of the structure and will not, by in large, be seen from Plummer Avenue. There is a slight bump out on the northerly side where the air conditioner condenser is currently located. Otherwise, the proposed addition is entirely in the rear. The addition is also smaller in height than the existing structure. The existing structure has a mean roof height of 20' 10" whereas the proposed addition is 18' 10 1/4" mean height. The architectural design of the proposed addition is in keeping with the style of the home.

The Property abuts Atkinson Common to the rear. The Proposed addition, as you will note on the plans, is more diminutive in size than the existing structure, both in height and in foot print. The proposed addition is about six feet closer to the rear lot line than the existing structure but still is well within the required rear yard setback. given the style and design certainly the proposed addition will not be substantially more detrimental from the view of Atkinson Common as the existing structure.

The Petitioner respectfully requests you grant a Special Permit to modify the existing non-conforming structure.

Respectfully submitted
Windward Shaw Construction
By his Attorney



Lisa L. Mead

Attachment
cc: Client

26 PLUMMER AVE

Location 26 PLUMMER AVE **Mblu** 69/ 96/ / /
Owner LUSARDI JOSEPH F **Assessment** \$544,000
PID 4704 **Building Count** 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$304,500	\$239,500	\$544,000

Owner of Record

Owner LUSARDI JOSEPH F **Sale Price** \$525,000
Co-Owner ELIZABETH T/E **Certificate**
Address 26 PLUMMER AVE **Book & Page** 25727/0209
 NEWBURYPORT, MA 01950 **Sale Date** 05/31/2006
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LUSARDI JOSEPH F	\$525,000		25727/0209	00	05/31/2006
THOMPSON ANDREW M	\$295,000		15902/0303	00	08/27/1999
WILLWERTH CHARLES M	\$182,500		08848/0407	00	03/17/1987
ANDERSON JOHN MICHAEL	\$63,000		07034/0186	00	01/17/1983
KELLEHER KATHRYN E	\$0		3246/ 64		

Building Information

Building 1 : Section 1

Year Built: 1928
Living Area: 1,927

Building Photo

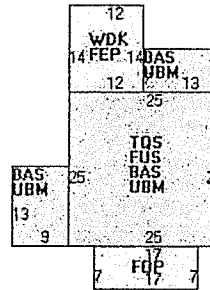
Building Attributes	
Field	Description
Style	Old Style Colonial
Model	Residential
Stories:	2.75
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	

Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Average



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\01\00\66\29.jpg>)

Building Layout



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	833	833	
FUS	Upper Story, Finished	625	625	
TQS	Three Quarter Story	625	469	
FEP	Porch, Enclosed	168	0	
FOP	Porch, Open	119	0	
UBM	Basement, Unfinished	833	0	
WDK	Deck, Wood	168	0	
		3,371	1,927	

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Use Code 1010

Land Line Valuation

Size (Acres) 0.12

Description SINGLE FAM
Zone R2

Depth 0
Assessed Value \$239,500

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			240 S.F.	\$6,000	1
PAT1	PATIO-AVG			144 S.F.	\$300	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$295,000	\$228,100	\$523,100

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CITY OF NEWBURYPORT, MA
ZONING REVIEW/BUILDING PERMIT DENIAL

APR# 2018-040

Name: LISA MEAD / WINDWARD SHAW CONSTRUCTION.

Address: 26 PLUMMER AVE Zoning District(s): R2

Request: CONSTRUCT 2 STORY ADDITION OVER + EXTENDING TO FOOTPRINT OF AN EXISTING SINGLE STORY PORTION OF HOME. NEW SF WILL BE >500 SF +

ZONING BOARD REVIEW REQUIRED INVOLVE DEMO OF REAR PORTION.

Variance

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

Sign Variance

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

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

Special Permit

- Special Permit for Use (V.D) Use #: _____
- 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 _____

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Permitted Uses (V-D)
- Marijuana Overlay District (V-G)
- 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

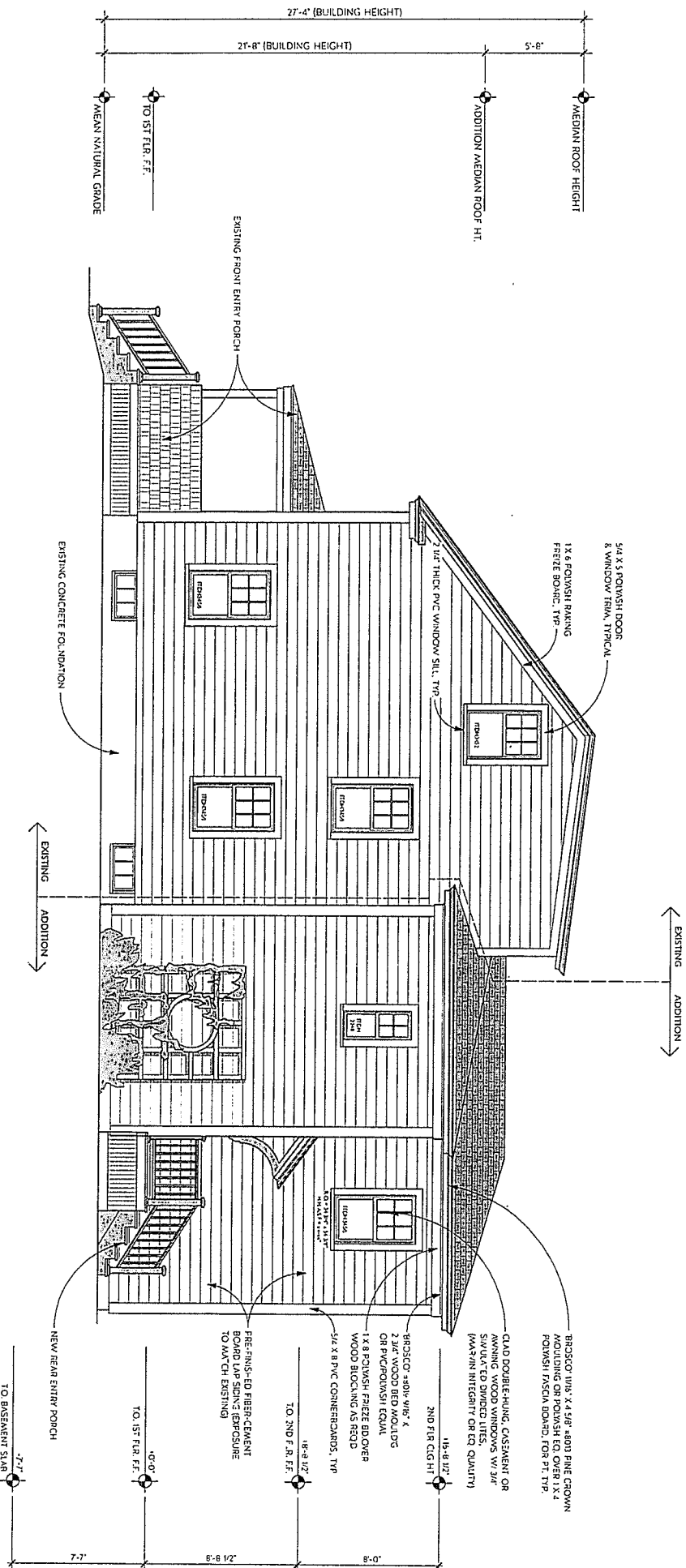
*DATE OF REAR WING COULD NOT BE DETERMINED TO BE < 75 YRS ~
HC REVIEW REQ'D*

CONSERVATION COMMISSION REVIEW REQUIRED

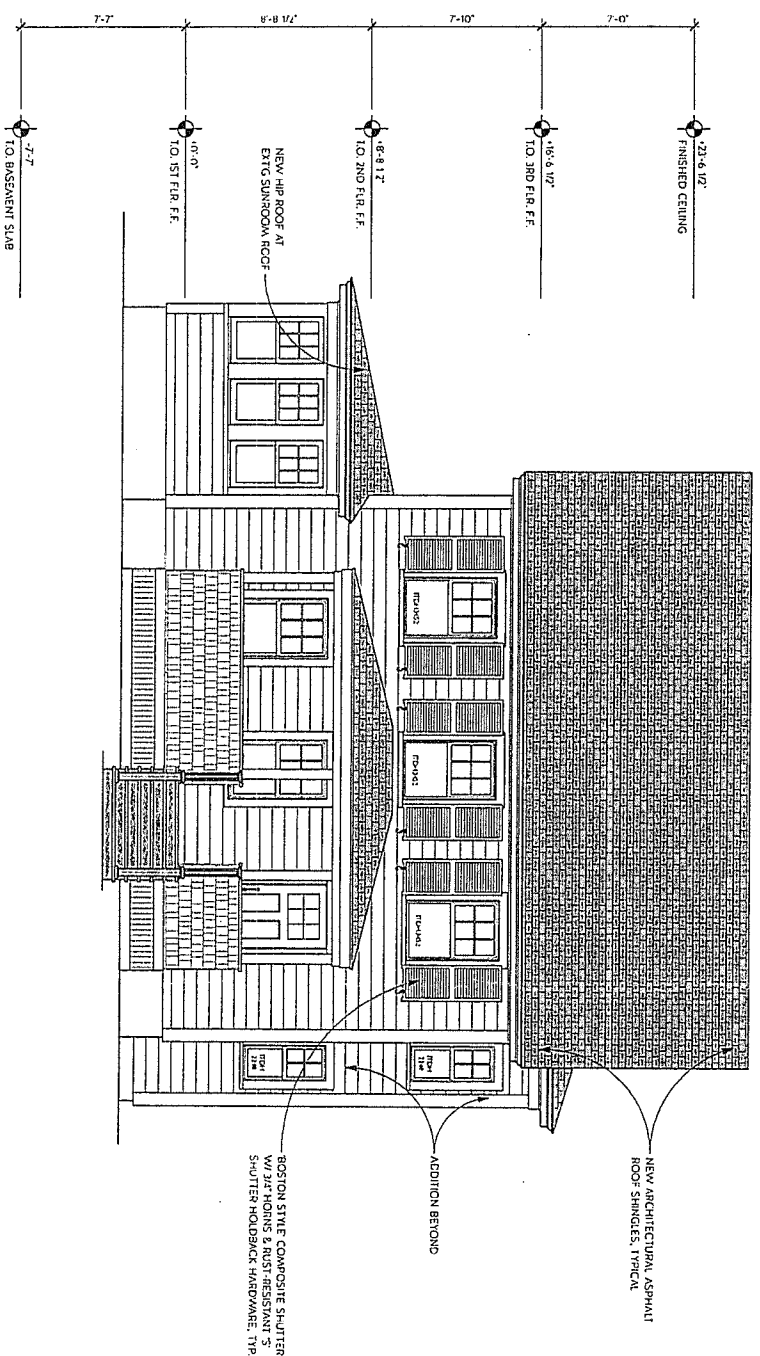
CITY COUNCIL REVIEW REQUIRED (X.H.9)

[Signature]
Newburyport Zoning Administrator

6/16/2018
Date

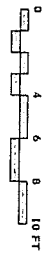


2 RIGHT SIDE ELEVATION
Scale: 1/2" = 1'-0"



1 FRONT ELEVATION
Scale: 1/2" = 1'-0"

1ST FLR. SQ. FOOTAGE = 1272.9 SQ. FT.
2ND FLR. SQ. FOOTAGE = 1109.2 SQ. FT.
3RD FLR. SQ. FOOTAGE = 418.2 SQ. FT.
TOTAL SQ. FOOTAGE = 2800.3 SQ. FT.



SCOTT BROWN
ESTD. 1982
ARCHITECTS
3802
SUITE 209
NEWBURYPORT, MA 01950
T. 978.655.3535
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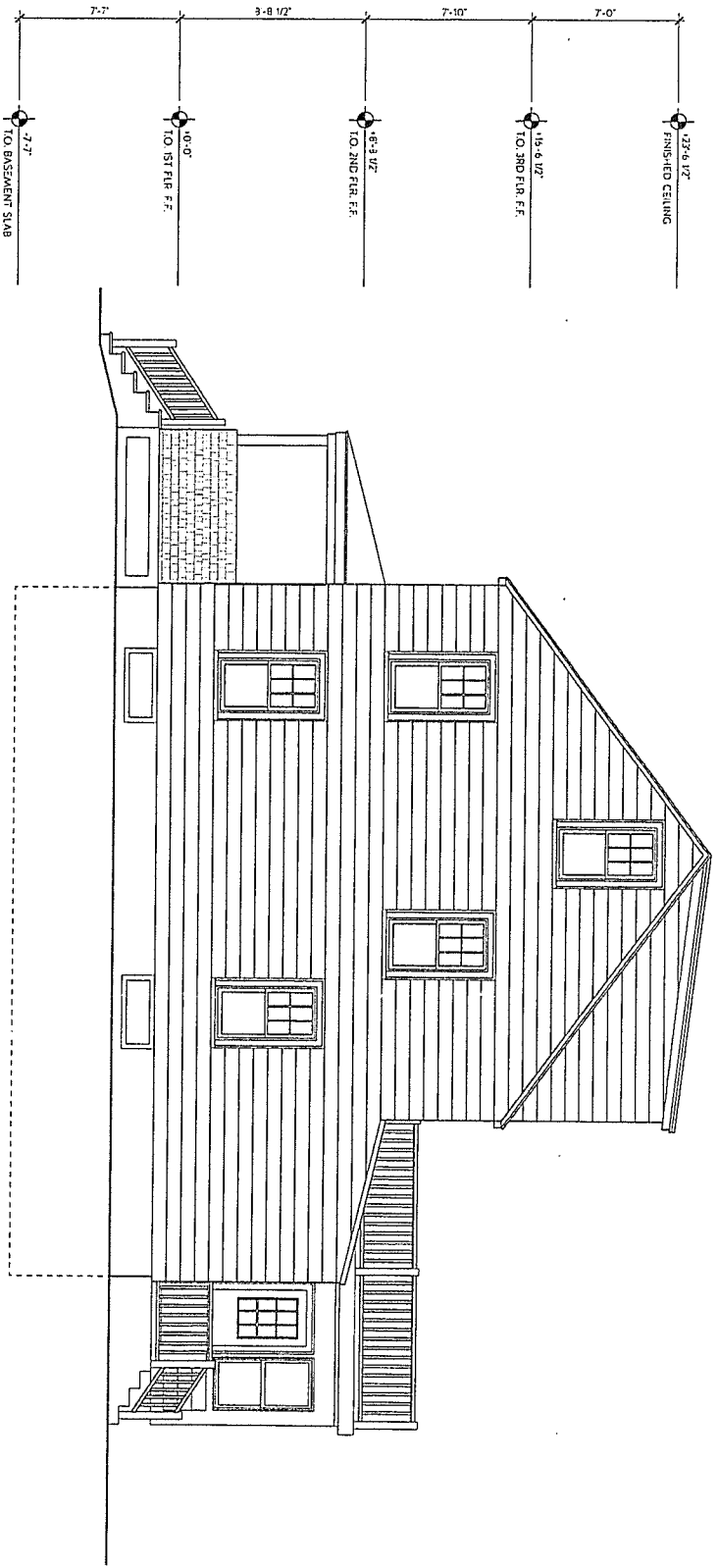
ADDITIONS AND ALTERATIONS
TO:
THE LUSARDI RESIDENCE
26 PLUMMER AVE. NEWBURYPORT, MA

REVISION & REISSUE NOTES	
No.	Date

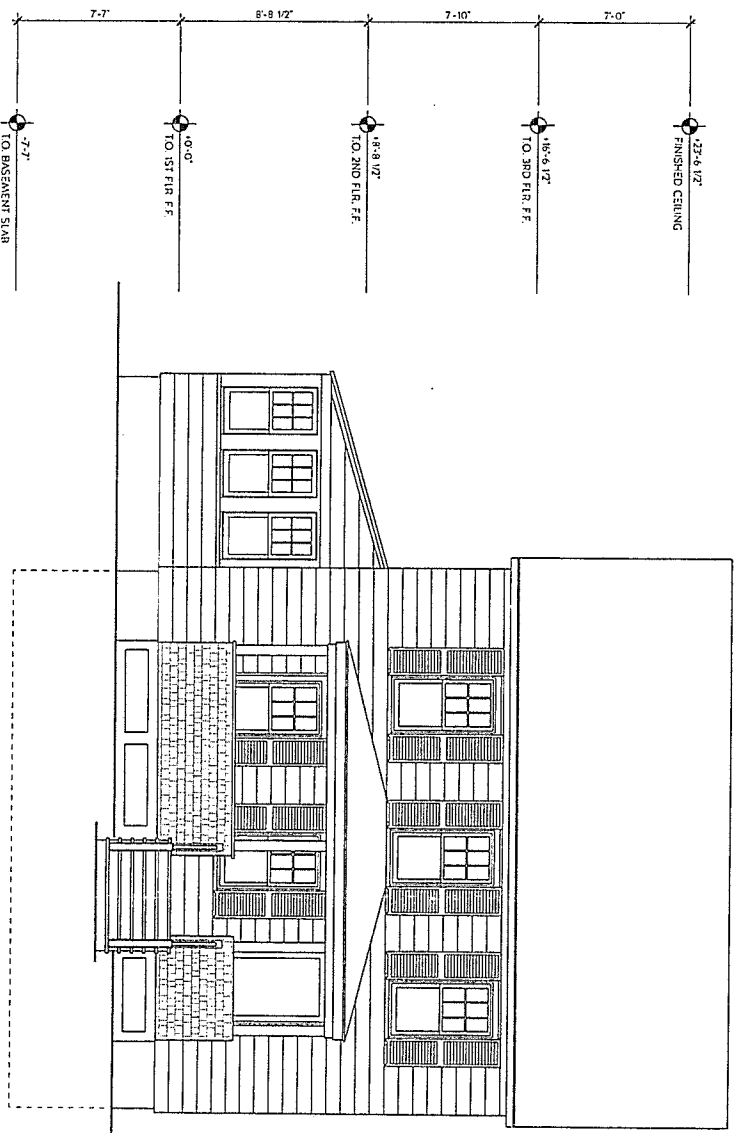
Project # 2016-06
Project Manager H.F.
Date 5.1.2018
Scale: AS NOTED

PROPOSED ELEVATIONS

A1



2 RIGHT SIDE ELEVATION
Scale: 1/8" = 1'-0"



1 FRONT ELEVATION
Scale: 1/8" = 1'-0"

1ST FLR. SQ. FOOTAGE = 1081.1 SQ. FT.
2ND FLR. SQ. FOOTAGE = 638.3 SQ. FT.
3RD FLR. SQ. FOOTAGE = 418.2 SQ. FT.
TOTAL SQ. FOOTAGE = 2137.6 SQ. FT.



SCOTT BROWN
ESTD 1987
ARCHITECTS
29 WATER STREET,
SUITE 209
NEWBURYPORT, MA 01850
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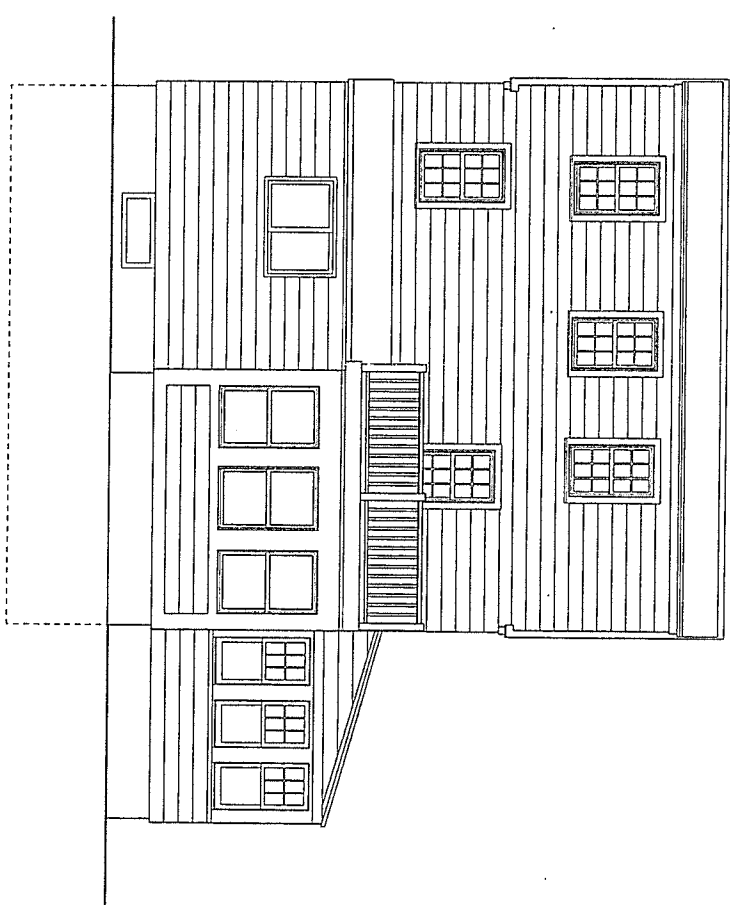
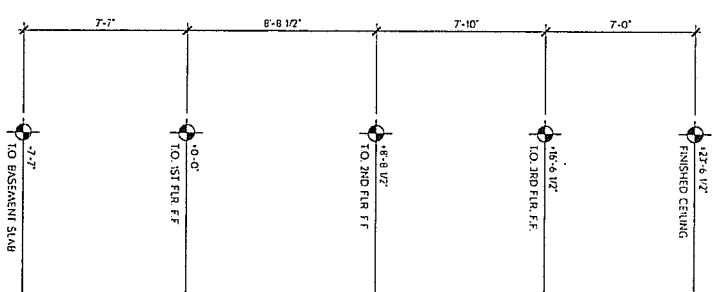
ADDITIONS AND ALTERATIONS
TO:
THE LUSARDI RESIDENCE
26 PLUMMER AVE. NEWBURYPORT, MA

REVISION & RESOLVE NOTES
No. Date Name

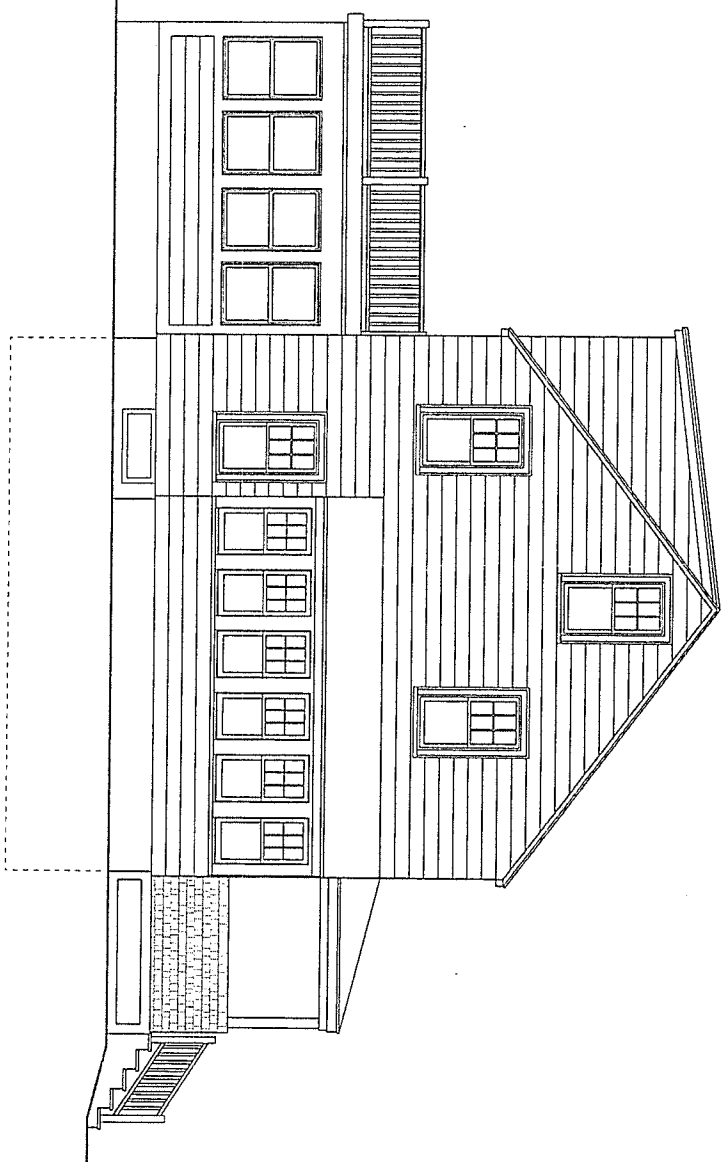
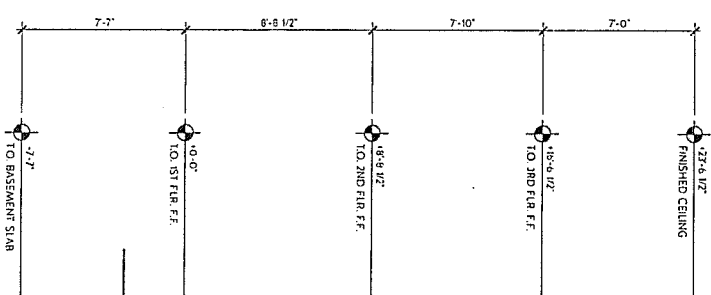
Project #	Project Manager	Date
2016-06	H.F.	4.11.2018
Scale: AS NOTED		

EXISTING CONDITIONS:
FRONT/RIGHT SIDE
ELEVATION

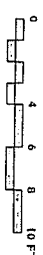
EC-1



3 BACK ELEVATION
Scale: 1/4" = 1'-0"



4 LEFT SIDE ELEVATION
Scale: 1/4" = 1'-0"



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ADDITIONS AND ALTERATIONS
TO:
THE LUSARDI RESIDENCE
26 PLUMMER AVE. NEWBURYPORT, MA

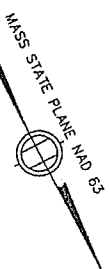
REVISION & REISSUE NOTES	
No.	Date / Notes

Project #	2016-06	Project Manager	H.F.	Date	4.11.2018
Scale:	AS NOTED				

EXISTING CONDITIONS:
REAR/LEFT SIDE
ELEVATION

EC-2

N/E
CITY OF NEWBURYPOROT
ATKINSON COMMON / PIONEER PARK
ASSESSORS MAP 69 PARCEL 28
398 HIGH STREET



ZONING
RESIDENTIAL (R-2)
SINGLE FAMILY

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	10,000 SF	5,278 SF	5,278 SF
MINIMUM FRONTAGE:	90 FT	55.00 FT	55.00 FT
MINIMUM FRONT SETBACK:	25 FT	15.3 FT	15.3 FT
MINIMUM SIDE SETBACK (R):	10 FT	15.0 FT	12.6 FT
MINIMUM SIDE SETBACK (L):	10 FT	4.9 FT	4.9 FT
MINIMUM REAR SETBACK:	25 FT	33.5 FT	27.2 FT
MINIMUM LOT COVERAGE:	25%	25.4%	29.7%
MINIMUM OPEN SPACE:	40%	60.1%	54.7%
MAX BUILDING HEIGHT:	35 FT	28.5 FT	28.5 FT

REGISTRATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. ALL INFORMATION SHOULD BE VERIFIED BY THE CLIENT PRIOR TO RELIANCE UPON THE SAME.

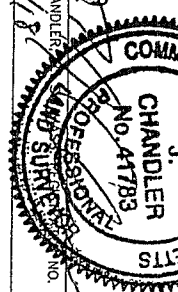
NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AND IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON MAY 21, 2018. DESIGN INFORMATION IS AS PROVIDED BY THE CLIENT'S ARCHITECT.

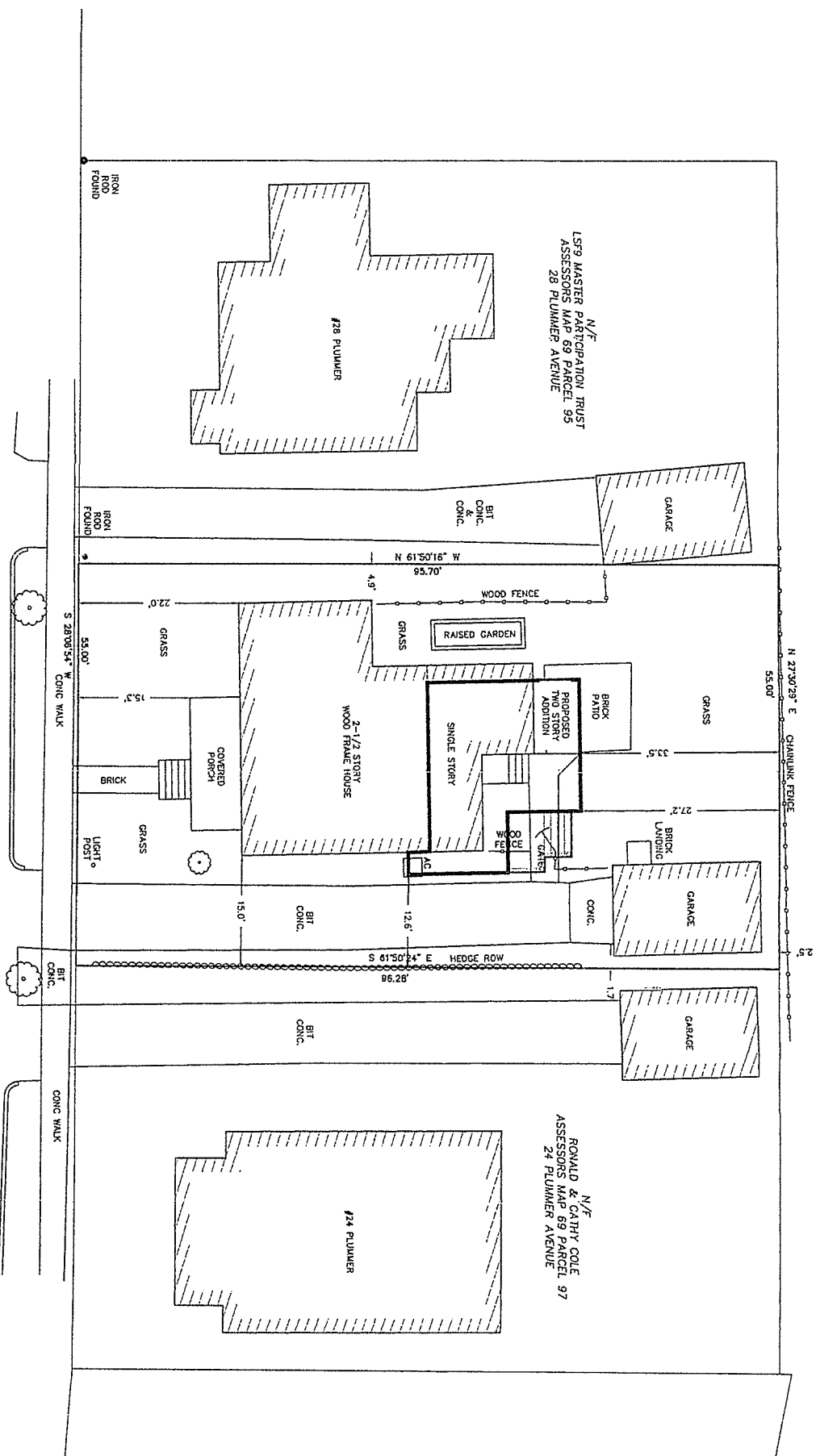
24 AND 28 PLUMMER HOUSE LOCATIONS ARE AS TAKEN FROM THE CITY OF NEWBURYPOROT OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPOROT ASSESSOR'S OFFICES.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, EXPERIENCE, SKILL, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROFESSIONAL STANDARDS AND PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

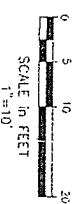
P.L.S. _____
EVERETT J. CHANDLER
LAND SURVEYOR NO. 41783
DATE 6/12/18



PLUMMER AVENUE



LOCUS TITLE INFORMATION
26 PLUMMER AVENUE
OWNER: JOSEPH F. & ELIZABETH LUSARDI
DEED REFERENCE: BOOK 25727 PAGE 209
ASSESSORS: MAP 69 PARCEL 96



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Winter GEC, LLC

34 WINTER STREET
NEWBURYPOROT, MA 01950
978-270-8626

SCALE:

HORIZ: 1" = 10'

VERT: N.A.

NO.	DATE	BY	DESCRIPTION

ZONING BOARD OF APPEALS

PLAN

26 PLUMMER AVENUE

PLAN OF LAND IN

NEWBURYPOROT, MASSACHUSETTS

SURVEYED FOR
GEORGE HASELTINE

PROJECT NO.
2018-26PLUMMER

DATE: JUN. 8, 2018

SHEET NO.