

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

Petitioner: Kenneth J. Letourneau

Mailing Address: 6 Bare Hill Road

Phone: 978-373-7022 Email: letoukjl@comcast.net

Property Address: 27 55th Street Newburyport

Map and Lot(s): 76/330 LOT147A Zoning District: R3/PIOD

Book and Page(s): 35801/0340

Owner(s) Name: Kenneth J. and Karen C. Letourneau

Mailing Address (if different): _____

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 checked="" 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 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:

Request approval for a second floor addition to the residential house at the address indicated above. The residential building structure is two stories. The West side entrance and closet area is a single story. This request is for adding a second level onto the front entrance and closet area which will not exceed the existing outer dimensions of the first level front entrance and closet area. This addition will be a second floor bathroom approximately 5'0" x 12'-0". The height of the new second floor addition with the the first floor entryway will be less that the existing top elevation of the existing structure. The existing building foot print will not change as a result of this second floor addition.

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	2600	67.2%	32.8%	0.367	24'-8"	65'-0"	2	4'-0"	5'-6"	16'-0"	12'-0"
Proposed	No Change	No Change	No Change	0.390	No Change	No Change	No Change	No Change	No Change	No Change	No Change
Required	12000	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**
(1st) 594	1	594	101
(2nd) 360	1	360	101

Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
(1st) 594	1	594	101
(2nd) 420	1	420	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):

Kenneth J. Letourneau

Karen Letourneau

CITY OF NEWBURYPORT, MA
ZONING REVIEW/BUILDING PERMIT DENIAL

APR# 2018-031

Name: Kenneth J. Letourneau

Address: 27 55TH ST. Zoning District(s): R3/ P10D

Request: ADD SECOND FLOOR ADD ABOVE EXISTING WITHIN EXISTING
NOW CONFORMING SETBACKS.

☒ **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

- ☐ 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 _____

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 < existing
- ___ Lot Coverage unchanged. ☒ Setbacks
- ___ Open Space unchanged.

☐ **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

☐ **CONSERVATION COMMISSION REVIEW REQUIRED**

☐ **CITY COUNCIL REVIEW REQUIRED (X.H.9)**


Newburyport Zoning Administrator

5/4/18
Date

Kenneth J. Letourneau
6 Bare Hill Road
Groveland, MA 01834
05/11/2018

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

SUBJECT: 27 55TH Street Newburyport, MA Special Permit Request

Dear Zoning Board of Appeals Members:

This letter outlines the request for a Special Permit to add a small second floor bathroom addition to the existing two story single family residential dwelling at 27 55th Newburyport, Massachusetts.

This dwelling currently has a single story side entryway with a closet area measuring approximately 5'-0" X 14'-0" located on the westerly side. The proposed addition will be constructed above the first floor entry and closet area with measurements of 5'-0" x 12'-0".

Pursuant to M.G.L.s Ch. 40A Section 6 and the City's Zoning Ordinance Sections IX.B Extension or Alteration and X.H.7 Special Permits, this memo addressing each of the points below.

- a) Please identify the particular use existing or proposed for the land or structure.

The residential dwelling located at 27 55th Street Newburyport Massachusetts is used as a second home. The proposed second floor addition intended purpose is for a second floor bathroom.

- b) Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning.

The present zoning requirements are specified as the Plum Island Overlay District (PIOD) SECTION XXI. Based on the existing requirements the lot is required to be in accordance with the following:

Minimum lot area: Twelve thousand (12,000) square feet.

Minimum lot frontage: One hundred twenty (120) feet.

Minimum front setback: Twenty (20) feet.

Minimum side setback: Twenty (20) feet.

Minimum rear setback: Twenty (20) feet.

Maximum floor area ratio: .25.

Maximum lot coverage by buildings: Twenty (20) percent.

The existing dwelling unit:

Lot area: 2600 square feet (PIOD = 12000 square feet)

Frontage: 65 feet (PIOD = 120 feet)

Front Setback: 4'-0" to 7'-9" square feet (PIOD = 20 feet)

Side A Setback (West): 16'-0" to 17'-0" (PIOD = 20 feet)

Side B Setback (East): 5'-6" to 6'-6" (PIOD = 20 feet)

Back Setback: 12'-0" to 13'-3" (PIOD = 20 feet)

Floor area ratio: 0.367 (PIOD = 0.25)

Lot coverage: 32.8% (PIOD = 20%)

Year Built; 1945

Since this dwelling was constructed in 1945 it does not meet the present zoning requirements and is considered a legal non-conforming structure.

- c) Please identify whether the proposed use, extension, alteration, or addition would intensify the existing non-conformities or result in additional ones.

The proposed addition does not alter the existing lot size, frontage, building height, setbacks or lot coverage. The addition will increase the FAR from 0.367 to 0.390. Although the FAR

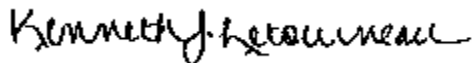
will increase slightly by 0.023, the proposed addition will not intensify any other existing non-conformities or result in additional ones.

d) Please identify the facts relied upon to support the Special Permit for Non-Conformities that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.

- 1) City of Newburyport Property Information M76-B330
- 2) Assessors Card 2018
- 3) Survey Record of Lot Staking. Christiansen & Sergi, INC., MASS. PE 33191

Please refer to the attached supporting documentation for determination of approval for this request. If you should have any questions regarding this request or with the provided documentation please do not hesitate in contacting me at telephone 987-373-7022 or email letoukjl@comcast.net. sincerely

Sincerely,

A handwritten signature in black ink, reading "Kenneth J. Letourneau". The signature is written in a cursive, flowing style.

Kenneth J. Letourneau PE

27 55TH ST**Location** 27 55TH ST**Mblu** 76/ 330/ / /**Owner** LETOURNEAU KENNETH J &
KAREN C TRS**Assessment** \$486,100**PID** 5494**Building Count** 1**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$122,400	\$363,700	\$486,100

Owner of Record**Owner** LETOURNEAU KENNETH J & KAREN C TRS**Sale Price** \$0**Co-Owner** KJKC LETOURNEAU TRUST**Certificate****Address** 6 BEAR HILL RD
GROVELAND, MA 01834**Book & Page** 35801/0340**Sale Date** 04/18/2017**Instrument** 1F**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LETOURNEAU KENNETH J & KAREN C TRS	\$0		35801/0340	1F	04/18/2017
JONES JAN C TRUSTEE	\$0		34237/0275	1F	07/23/2015
LETOURNEAU K & JONES J TRS	\$0		10502/0015	1A	07/17/1990
CONSTANTINEAU NORMAN A	\$0		6389/ 009		09/01/1977

Building Information**Building 1 : Section 1****Year Built:** 1945**Living Area:** 790**Building Photo**

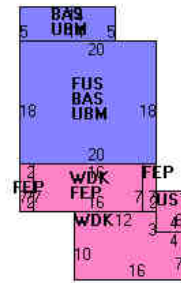
Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle

Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Rolled Compos
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Vinyl/Asphalt
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	1
Total Rooms:	5 Rooms
Bath Style:	Average
Kitchen Style:	Average



(<http://images.vgsi.com/photos/NewburyportMAPphotos//\01\00\60\37.jpg>)

Building Layout



Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	430	430
FUS	Upper Story, Finished	360	360
FEP	Porch, Enclosed	140	0
UBM	Basement, Unfinished	430	0
UST	Utility, Storage, Unfinished	24	0
WDK	Deck, Wood	260	0
		1,644	790

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.06
Depth 0

Zone R3**Assessed Value** \$363,700**Outbuildings**

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

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$118,700	\$346,400	\$465,100

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27 55th Street Aerial



- MVPC Boundary
- Trees
- Immediate Action Needed
- No Action Needed
- Unknown
- Parcels
- Hydrographic Features
- Streams
- Intermittent Stream
- Wetlands
- City
- City and State
- State

**27 55TH STREET
PLUM ISLAND, MASS. 01950
ZONING DISTRICT-R3/PIOD
K.J.& K.C. LETOURNEAU FAMILY
TRUST
AERIAL PROPERTY MAP**

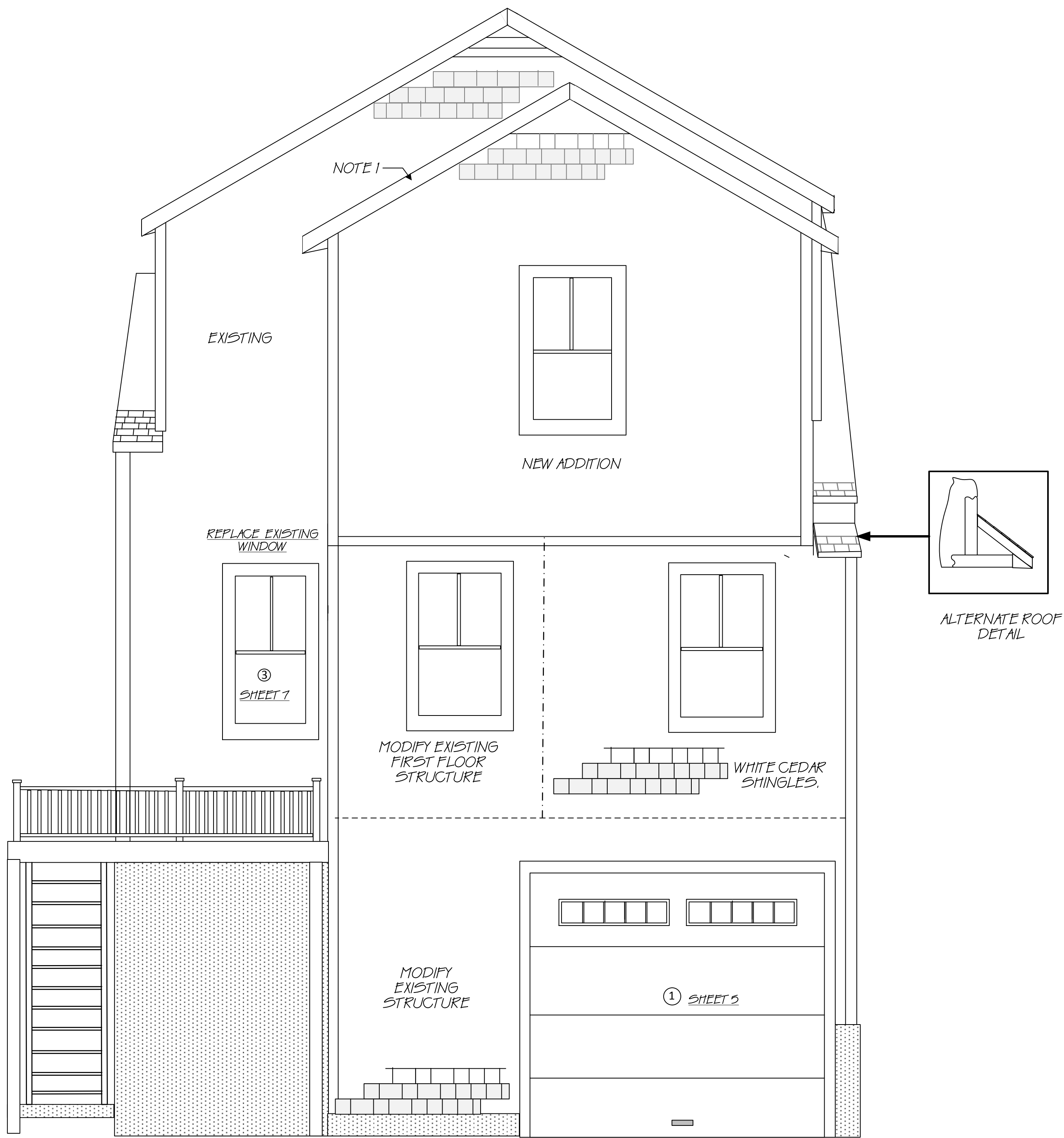
Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The 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

1" = 39 ft



Newburyport MIMAP

May 7, 2018

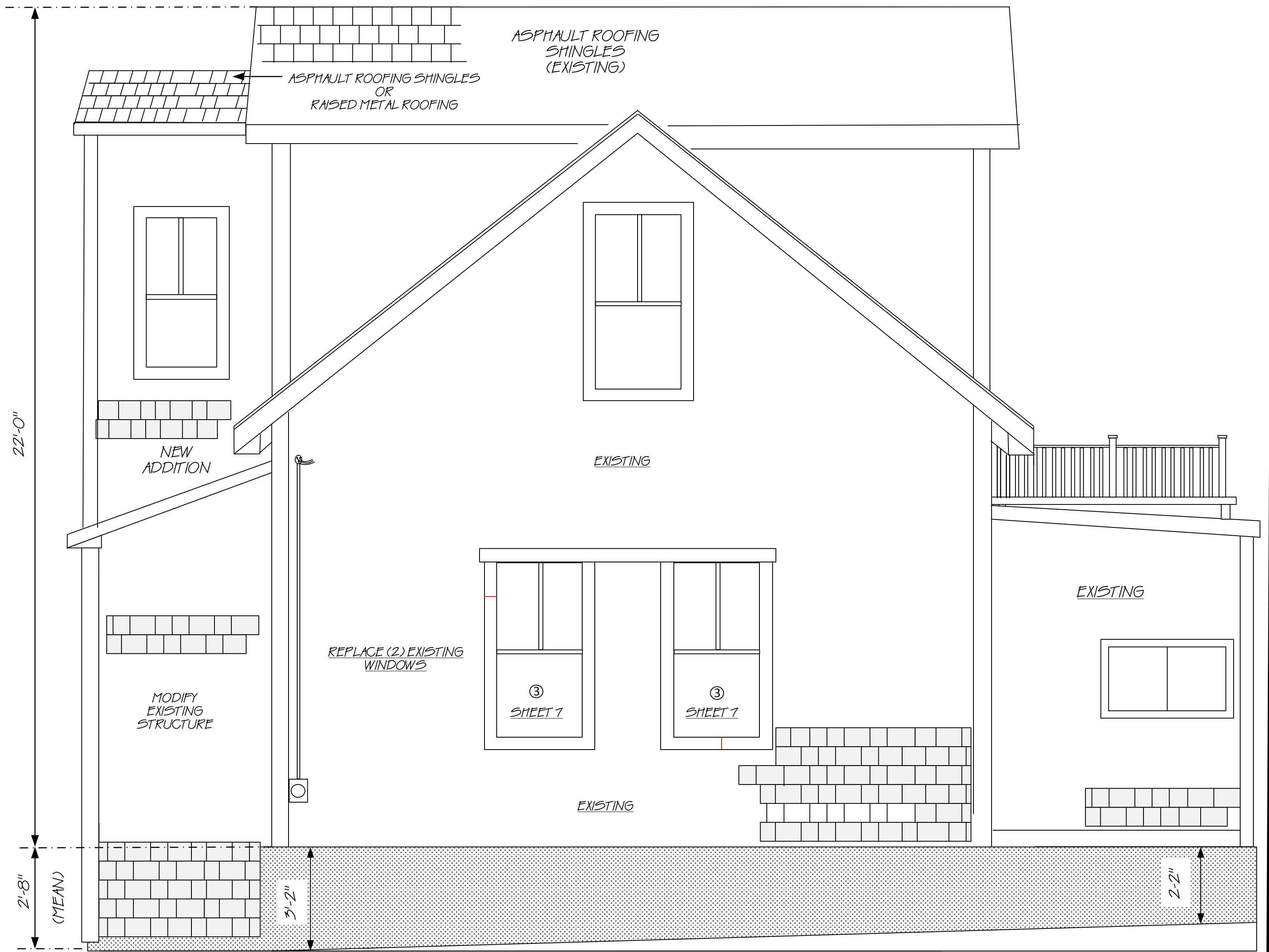


WEST ELEVATION

1' 2'
SCALE: 1/8" = 1'-0"

NOTE 1;
ROOF SLOPE SAME AS FULL SHED
DORMMER.

27 TH 55 TH STREET			
PLUM ISLAND, MASS. 01950			
ZONING DISTRICT-R3/PIOD			
K.J.& K.C. LETOURNEAU FAMILY TRUST			
WEST ELEVATION VIEW			
DRAWN BY:		KENNETH J. LETOURNEAU P.E.	
DATE	05/10/18	C SIZE DRAWING	SH. 1 OF 7



SOUTH ELEVATION

1' 2'
SCALE: 1/2" = 1'-0"

NOTES:

1. EXTERIOR TO BE FINISHED WITH WHITE CEDAR SHINGLES.
2. SIDE WALLS AND ROOF SHALL BE SHEATH WITH ZIP SYSTEM PRODUCTS.

27TH 55TH STREET
PLUM ISLAND, MASS. 01950

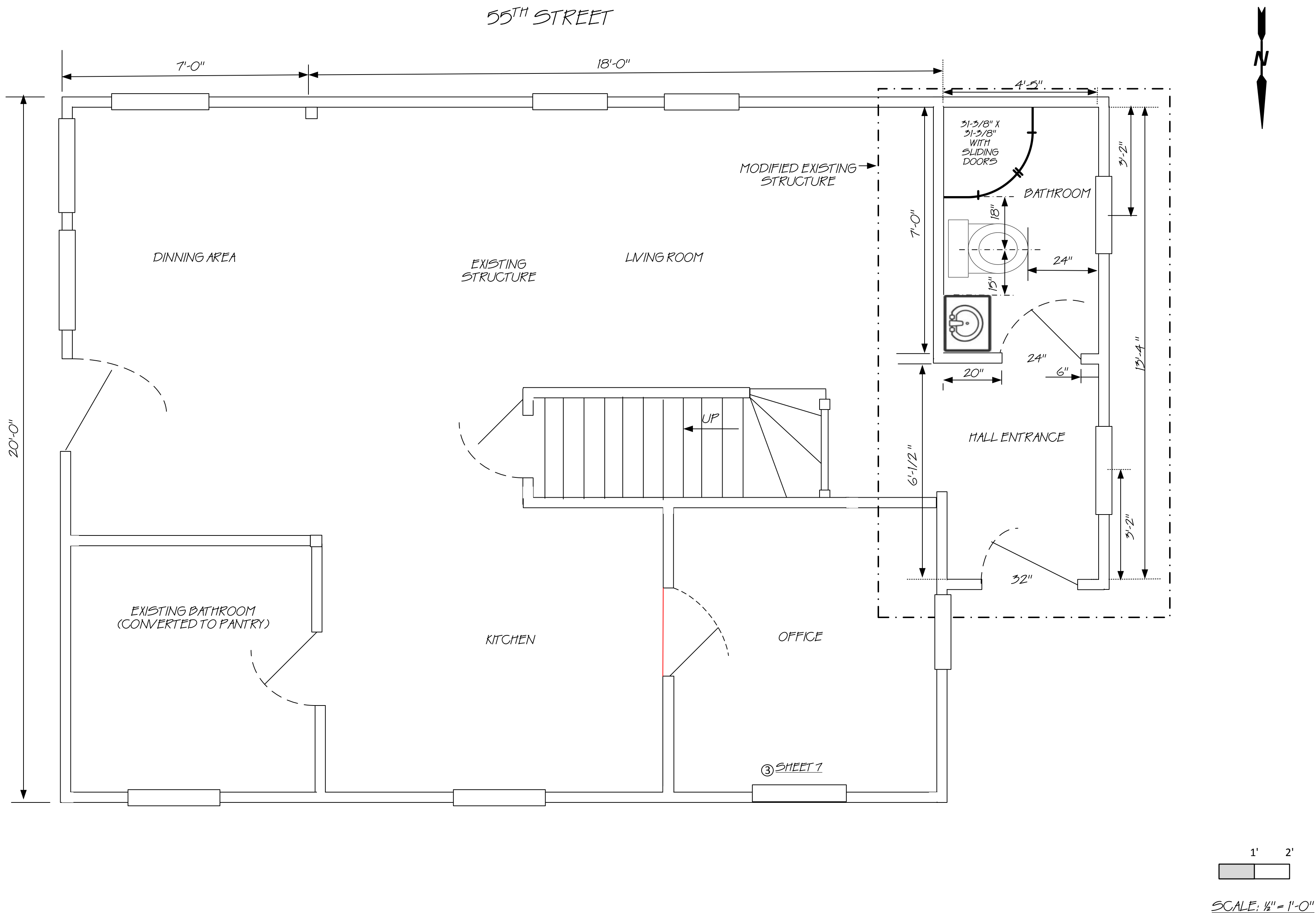
ZONING DISTRICT-R3/PIOD

K.J.& K.C. LETOURNEAU FAMILY TRUST

SOUTH ELEVATION VIEW

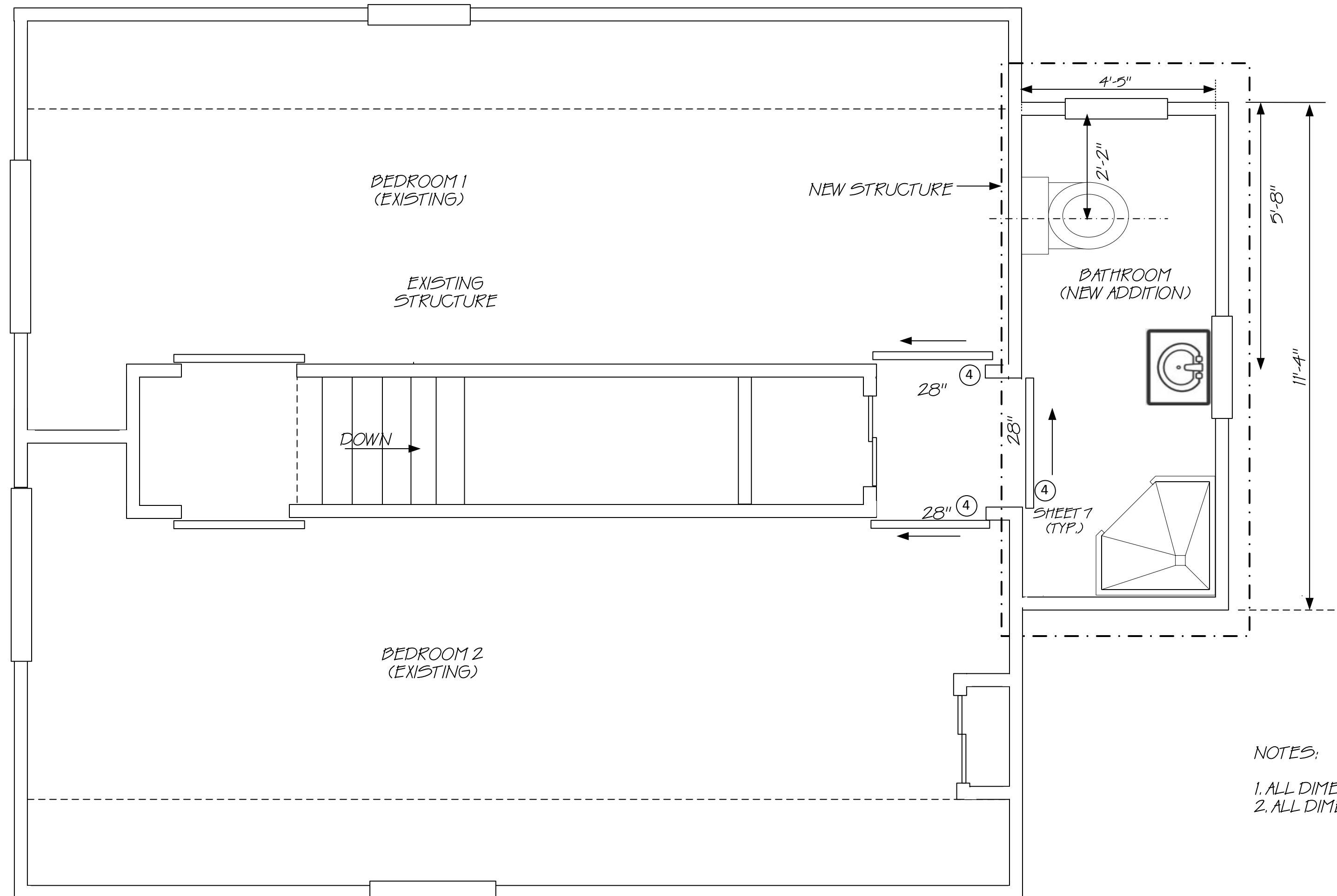
DRAWN BY: **KENNETH J. LETOURNEAU P.E.**

DATE **05/08/18** C SIZE DRAWING SH. 2 OF 7



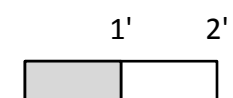
NOTES:
1. FLOOR JOISTS SHALL BE 2" X 6" TO MATCH THE EXISTING STRUCTURE FLOOR ELEVATION.
2. ALL DIMENSIONS ARE +/- 2". (EXCEPT DOORWAY OPENINGS).
3. ALL DIMENSIONS SHALL BE FIELD VERIFIED.

27 TH 55 TH STREET PLUM ISLAND, MASS. 01950 ZONING DISTRICT-R3/PIOD K.J.& K.C. LETOURNEAU FAMILY TRUST FIRST FLOOR PLAN			
DRAWN BY:	KENNETH J. LETOURNEAU P.E.		
DATE	05/10/18	C SIZE DRAWING	SH. 3 OF 7



NOTES:

1. ALL DIMENSIONS ARE +/- 2".
2. ALL DIMENSIONS SHALL BE FIELD VERIFIED.



SCALE: 1/2" = 1'-0"

27TH 55TH STREET
PLUM ISLAND, MASS. 01950
ZONING DISTRICT-R3/PIOD

K.J. & K.C. LETOURNEAU FAMILY TRUST
SECOND FLOOR PLAN

DRAWN BY:		KENNETH J. LETOURNEAU P.E.		
DATE	05/10/18	C SIZE DRAWING	SH. 4 OF 7	



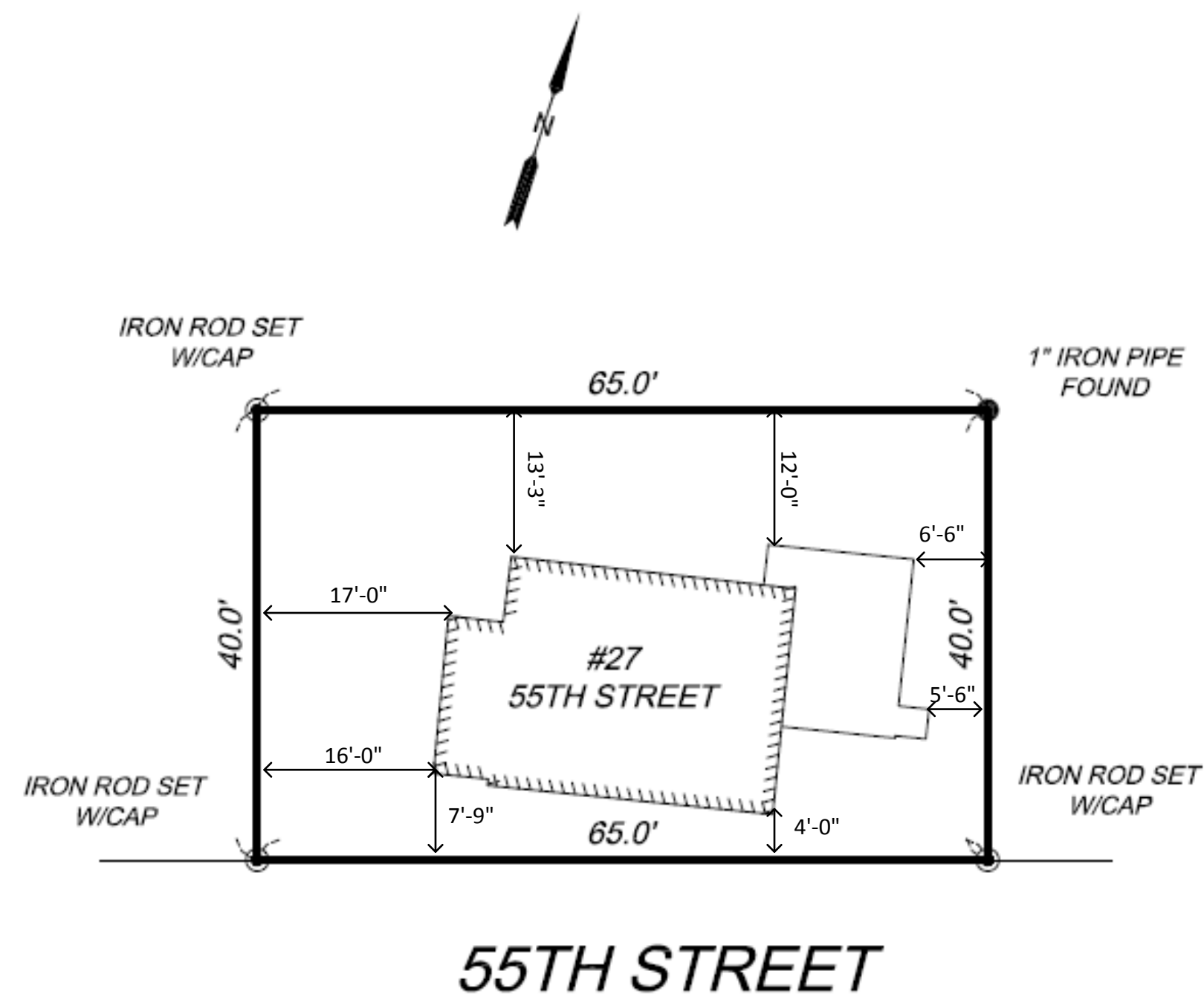
SCALE: NONE

27TH. 55TH. STREET
PLUM ISLAND, MASS. 01950
ZONING DISTRICT-R3/PIOD

K.J.& K.C. LETOURNEAU FAMILY TRUST
EXISTNG HOUSE DETAILS

DRAWN BY: KENNETH J. LETOURNEAU P.E.

DATE 05/09/18 **C SIZE DRAWING** **SH. 5 OF 7**



RECORD OF LOT STAKING

LOCATION: 27 55TH STREET, NEWBURYPORT, MA..
CLIENT: KENNETH & KAREN LETOURNEAU
DATE: 1/4/18 SCALE: 1"=20'



PROFESSIONAL ENGINEERS & LAND SURVEYORS
CHRISTIANSEN & SERGI, INC.
160 SUMMER STREET, HAVERHILL, MASSACHUSETTS 01830
WWW.CSI-ENGR.COM TEL. 978-373-0310 FAX. 978-372-3960

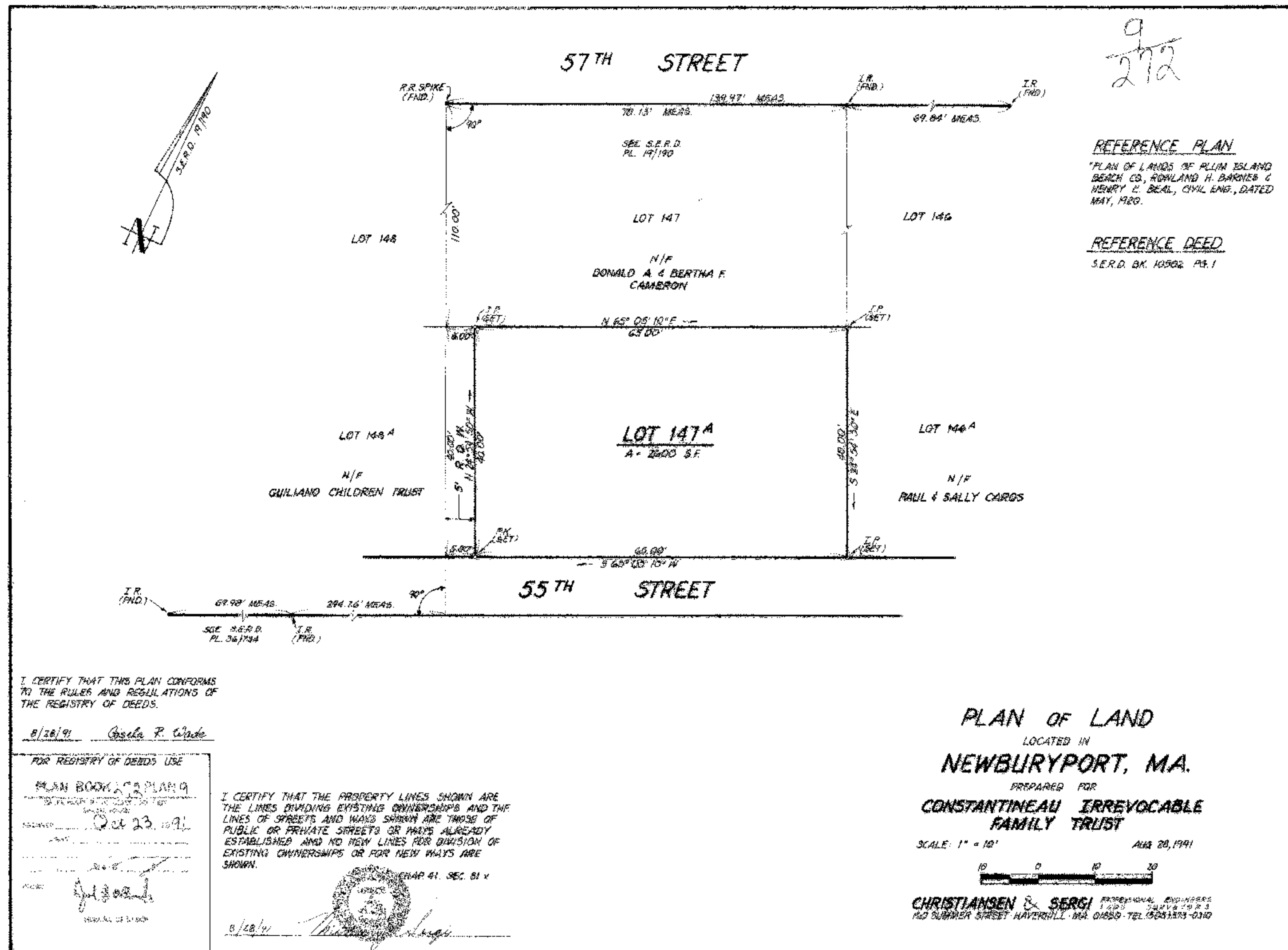


DWG.NO.: 17113.001.006

Annotation of setbacks by Kenneth J. Letourneau PE 97047

27 55TH STREET
PLUM ISLAND, MASS. 01950
ZONING DISTRICT-R3/PIOD
K.J.& K.C. LETOURNEAU FAMILY TRUST
LAND SURVEY PLOT PLAN

DRAWN BY:	AS SHOWN ON SURVEY		
DATE	05/08/18	C SIZE DRAWING	SH. 6 OF 7



27 55 TH STREET			
PLUM ISLAND, MASS. 01950			
ZONING DISTRICT-R3/PIOD			
K.J.& K.C. LETOURNEAU FAMILY TRUST			
LAND SURVEY			
DRAWN BY:		AS SHOWN ON SURVEY	
DATE	01/08/18	C SIZE DRAWING	SH. 7 OF 7

1. Lot coverage is basically the total square footage of all structures covering a lot from a birds eye view.
2. The following areas are to be **included** for the purpose of computing **Lot Coverage**:
 - All buildings including single, two or multi family dwellings.
 - All buildings of a nonconforming use.
 - Accessory structures including sheds, garages, pools, carports, decks, roof over hangs exceeding 20", platform walkways and similar structures.
3. The following areas are to be **excluded** for the purpose of computing **Lot Coverage**
 - Existing grade level walkways and driveways.
 - Retaining walls and fences.

Note: Although the Zoning By-law only uses the total of "all building footprints" to determine the 20% allowed lot coverage restrictions, the Wetlands By-law includes the above mentioned accessory structures in the 20% coverage. The ZBA will strongly encourage the applicant to submit an application that is in compliance with the lot coverage requirements of the Wetlands By-Law to eliminate issuing a decision potentially in conflict with the Conservation Commission.

LOT COVERAGE CHECKLIST

Please fill in all blanks below (mark N/A where not applicable)

LOT COVERAGE CALCULATION

Lot Size = 2600 sq. ft.

Total Lot Coverage = 854 sq. ft

Lot Coverage % = (Total Lot Coverage / Lot Size) x 100 = 32.8 %

Structure	Sq. Footage Existing Footprint	Sq. Footage Proposed Footprint
Primary Dwelling	594	NO CHANGE
Secondary Dwelling	N/A	N/A
Decks	260	NO CHANGE
Garage/Carport	N/A	N/A
Shed	N/A	N/A
Other Structures	N/A	N/A
Roof Overhangs >20"	N/A	N/A
Totals	854	NO CHANGE

FAR CHECKLIST

Please fill in all blanks below (mark NA where not applicable)

Property Address: 27 55th Street Newburyport

Owners Name: Kenneth J. and Karen C. Letourneau

FAR CALCULATION (EXISTING FAR CALCULATION - SEE NEXT SHEET FOR NEW ADDITION FAR CALCULATION)

Lot Size = 2600 sq. ft. **Total Floor Area =** 954 sq. ft

Floor Area Ratio = (Total Floor Area / Lot Size) x 100 = 36.7 %

Note: Total square footage shall include all wall thicknesses

<i>Room Name</i>	<i>Existing Square Footage</i>	<i>Proposed Square Footage</i>
<i>Bedroom #1</i>		
<i>Bedroom #2</i>		
<i>Bedroom #3</i>		
<i>Bathroom #1</i>		
<i>Bathroom #2</i>		
<i>Kitchen</i>		
<i>Family Room</i>		
<i>Dining Room</i>		
<i>Living Room</i>		
<i>Hallways/Foyers</i>		
<i>Den/Study/Office</i>		
<i>Laundry Room</i>		
<i>Mechanical Room</i>		
<i>Storage Closets</i>		
<i>Covered Decks/Porches/Sunrooms</i>		
<i>Stairways (see definition above)</i>		
<i>Garage/Carport</i>		
<i>Second Unit or Guest House</i>		
<i>Other (please specify)</i>		
<i>Other (please specify)</i>		
<i>Totals for Existing & Proposed</i>	954	(SEE NEXT SHEET)
<i>Total Gross Floor Area (incl. Wall Thickness)</i>	954	

Total Gross Floor Area Including Wall Thicknesses:		
Total First Floor:	594	Total Second Floor: 360
Total Other:	N/A	Total All Floor Area? 954

FAR CHECKLIST

Please fill in all blanks below (mark NA where not applicable)

Property Address: 27 55th Street Newburyport

Owners Name: Kenneth J. and Karen C. Letourneau

FAR CALCULATION (WITH NEW ADDITION)

Lot Size = 2600 sq. ft. **Total Floor Area** = 1014 sq. ft

Floor Area Ratio = (Total Floor Area / Lot Size) x 100 = 39.0 %

Note: Total square footage shall include all wall thicknesses

<i>Room Name</i>	<i>Existing Square Footage</i>	<i>Proposed Square Footage</i>
<i>Bedroom #1</i>		
<i>Bedroom #2</i>		
<i>Bedroom #3</i>		
<i>Bathroom #1</i>		
<i>Bathroom #2</i>		
<i>Kitchen</i>		
<i>Family Room</i>		
<i>Dining Room</i>		
<i>Living Room</i>		
<i>Hallways/Foyers</i>		
<i>Den/Study/Office</i>		
<i>Laundry Room</i>		
<i>Mechanical Room</i>		
<i>Storage Closets</i>		
<i>Covered Decks/Porches/Sunrooms</i>		
<i>Stairways (see definition above)</i>		
<i>Garage/Carport</i>		
<i>Second Unit or Guest House</i>		
<i>Other (please specify)</i>		
<i>Other (please specify)</i>		
<i>Totals for Existing & Proposed</i>	954	60
<i>Total Gross Floor Area (incl. Wall Thickness)</i>	954	60

Total Gross Floor Area Including Wall Thicknesses:		
Total First Floor:	594	Total Second Floor: 420
Total Other:	N/A	Total All Floor Area? 1014