

**316 High Street,
Newburyport**

Application for
**Special Permit for Non-Conformities
and Variance**

June 22, 2021



Mead, Talerman & Costa, LLC
Attorneys at Law

**316 High Street,
Newburyport**
Existing Conditions

Existing Conditions

- Located in R-2 and DCOD District.
- Corner Lot-High Street and Forrester Street. Primary front yard on Forrester Street.
- Single Family Home with existing nonconformities:
 - Lot Size: Requires 10,000 Sq. Ft. where the Lot is 9,361 Sq. Ft.
 - Secondary Front Yard Setback on High Street Side: 25 feet required where currently is 1.2 feet.
- DCOD not triggered: removing less than 25% of existing walls.

**316 High Street,
Newburyport
Proposed
Applications**

Proposed Applications

- Construct addition onto the northern side of existing home.
- Special Permit to “Extend” existing setback nonconformity on High Street side
 - Existing Structure is 1.9 feet from boundary, where addition will be 13.1 feet back.
 - Addition is also greater than 500 sq. ft.
- Variance: New nonconformity created as new addition will be 10 feet from rear yard boundary where 25 are required. Treated as rear boundary due to property being a corner lot.

DISTRICT : R-2 (PRIMARY STRUCTURE)

	LOT AREA	STREET FRONTAGE	% LOT COVERAGE	OPEN SPACE	FRONT YARD	SIDE YARD	REAR YARD
REQUIRED	10,000 SF	90'	25% MAX.	40% MIN.	25'	10'	25'
EXISTING	9,361± SF	107.92'± (FORRESTER) 92.76'± (HIGH)	18.9% ±	60.7% ±	34.1'± (FORRESTER) 1.2'± (HIGH)	67.9'±	26.1'±
PROPOSED	9,361± SF	107.92'± (FORRESTER) 92.76'± (HIGH)	24.4% ±	57.5% ±	34.1'± (FORRESTER) 1.2'± (HIGH)	63.4'±	10.0'±

ZONING DISTRICT: R-2 & DCOD OVERLAY

ASSESSORS: MAP 66 LOT 7

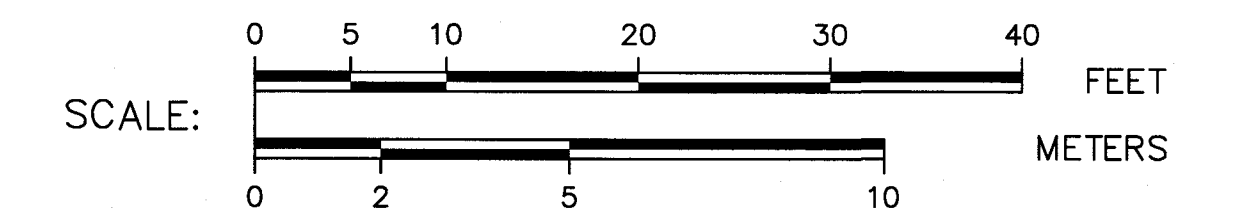
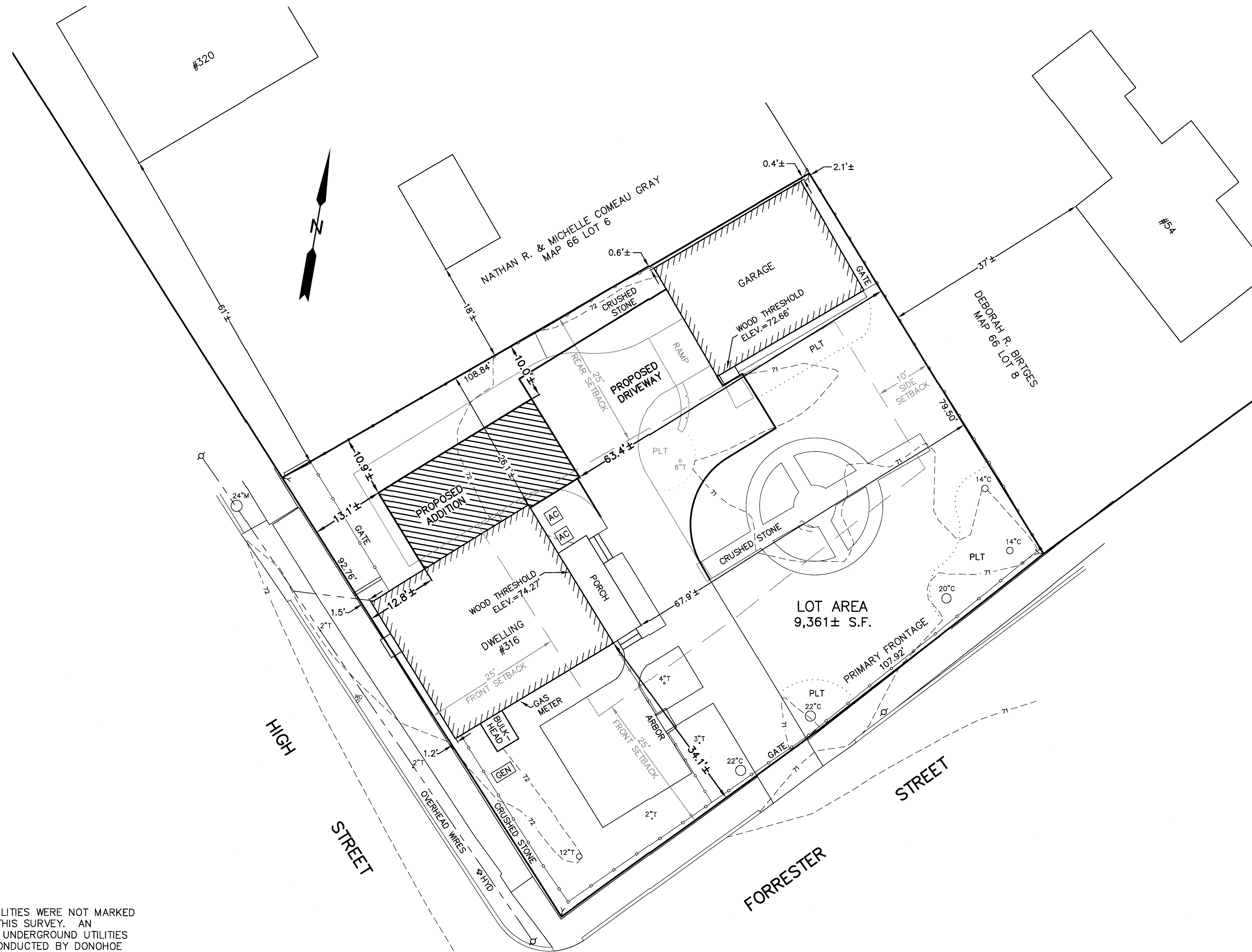
REFERENCE:

DEED - BK. 37306 PG. 176

VERTICAL DATUM: N.A.V.D. 1988

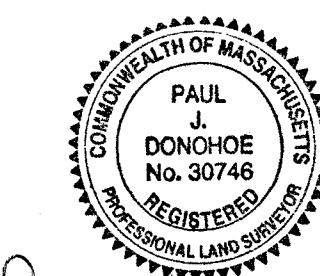
LEGEND & SYMBOLS

- AC AIR CONDITIONER
- ELEV. ELEVATION
- PLT PLANTED/GARDEN
- HYD HYDRANT
- T TREE
- M MAPLE
- C CHERRY
- GEN GENERATOR
- WG WATER GATE
- ⊕ UTILITY POLE
- METAL FENCE
- WOOD FENCE
- RETAINING WALL



NOTE:

- UNDERGROUND UTILITIES WERE NOT MARKED AT THE TIME OF THIS SURVEY. AN INVESTIGATION OF UNDERGROUND UTILITIES HAS NOT BEEN CONDUCTED BY DONOHOE SURVEY, INC.
- DUE TO LACK OF DEFINITIVE RECORD DATA & MONUMENTS, LOT LINES ARE SHOWN APPROXIMATELY. BOUNDARY LINE AGREEMENTS ARE RECOMMENDED.
- ABUTTING BUILDINGS ARE SHOWN APPROX. BASED ON NEWBURYPORT GIS.



Paul J. Donohoe
4/30/21

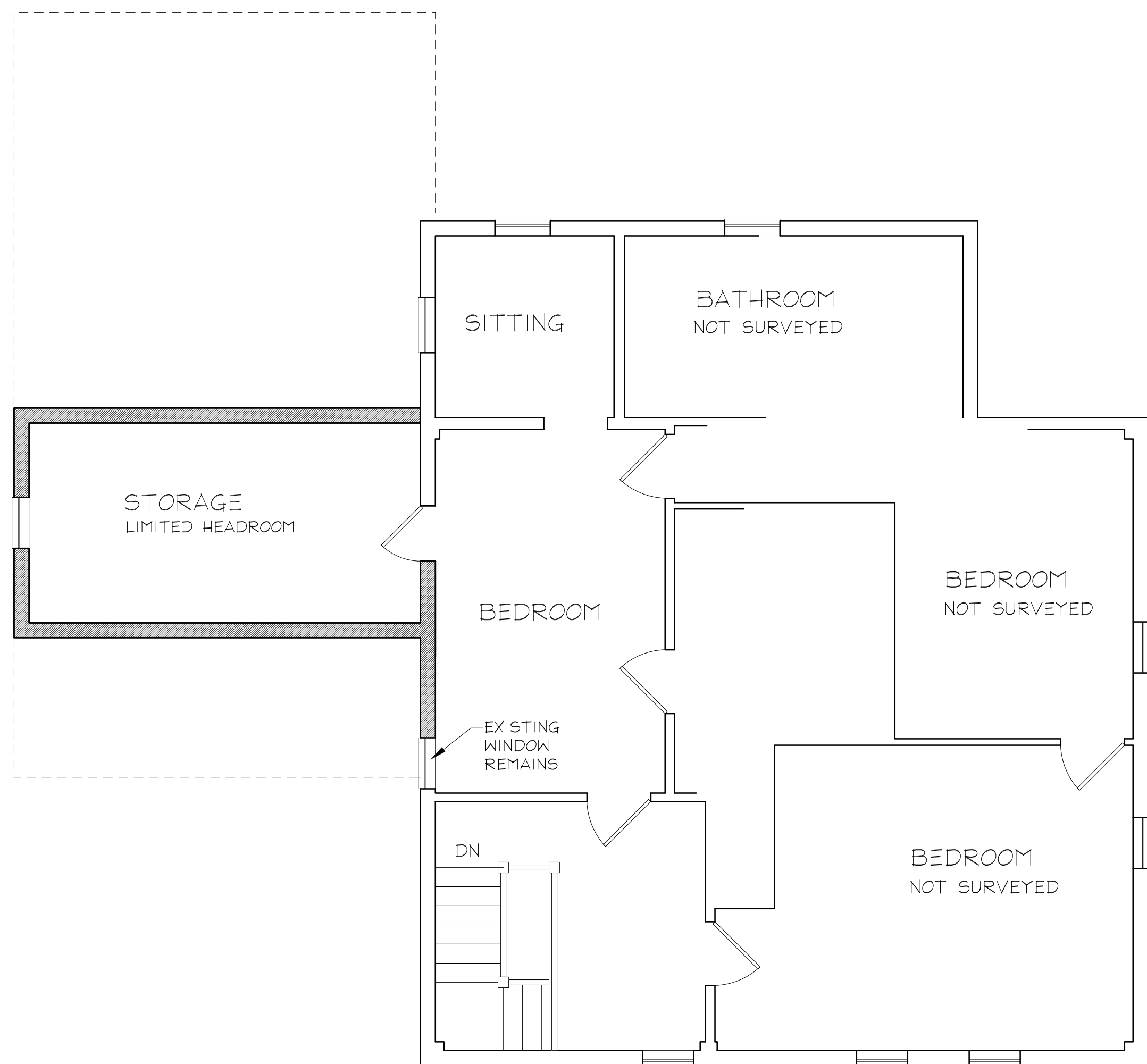
PROPOSED PLAN
#316 HIGH STREET
NEWBURYPORT, MA

PROPERTY OF
ARTHUR R. & VENETTA M. RUSSO

SCALE: 1" = 10' APRIL 30, 2021

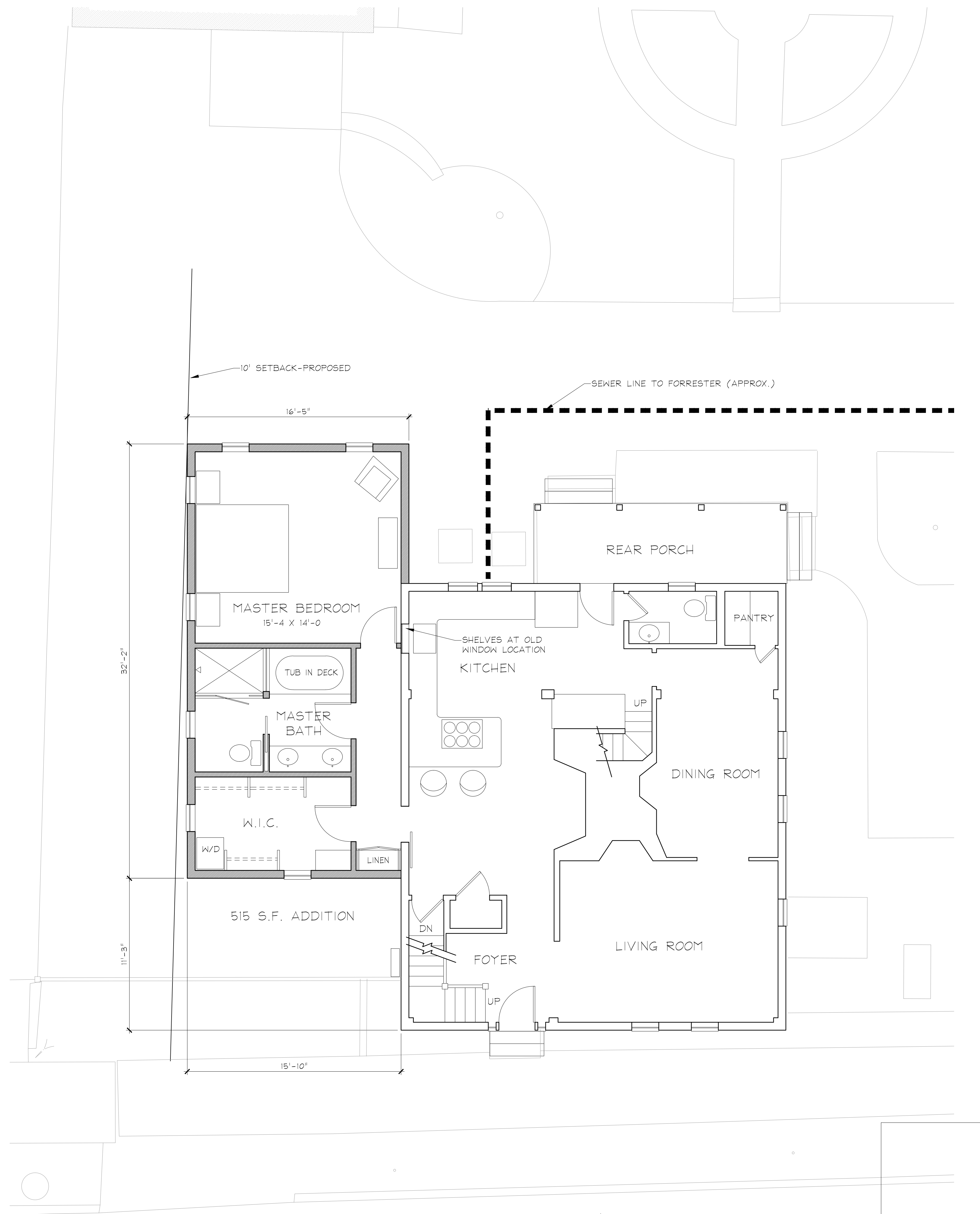
DONOHOE SURVEY, INC.
363 BOSTON ST. TOPSFIELD, MA

(978) 887-6161



143 S.F. ADDITION
(ATTIC STORAGE)

SECOND FLOOR PLAN



FIRST FLOOR PLAN

BENJAMIN NUTTER ARCHITECTS, LLC
POST OFFICE BOX 254
TOPSFIELD, MASSACHUSETTS 01963
T: 978.887.9836 BENJAMINNUTTER.COM

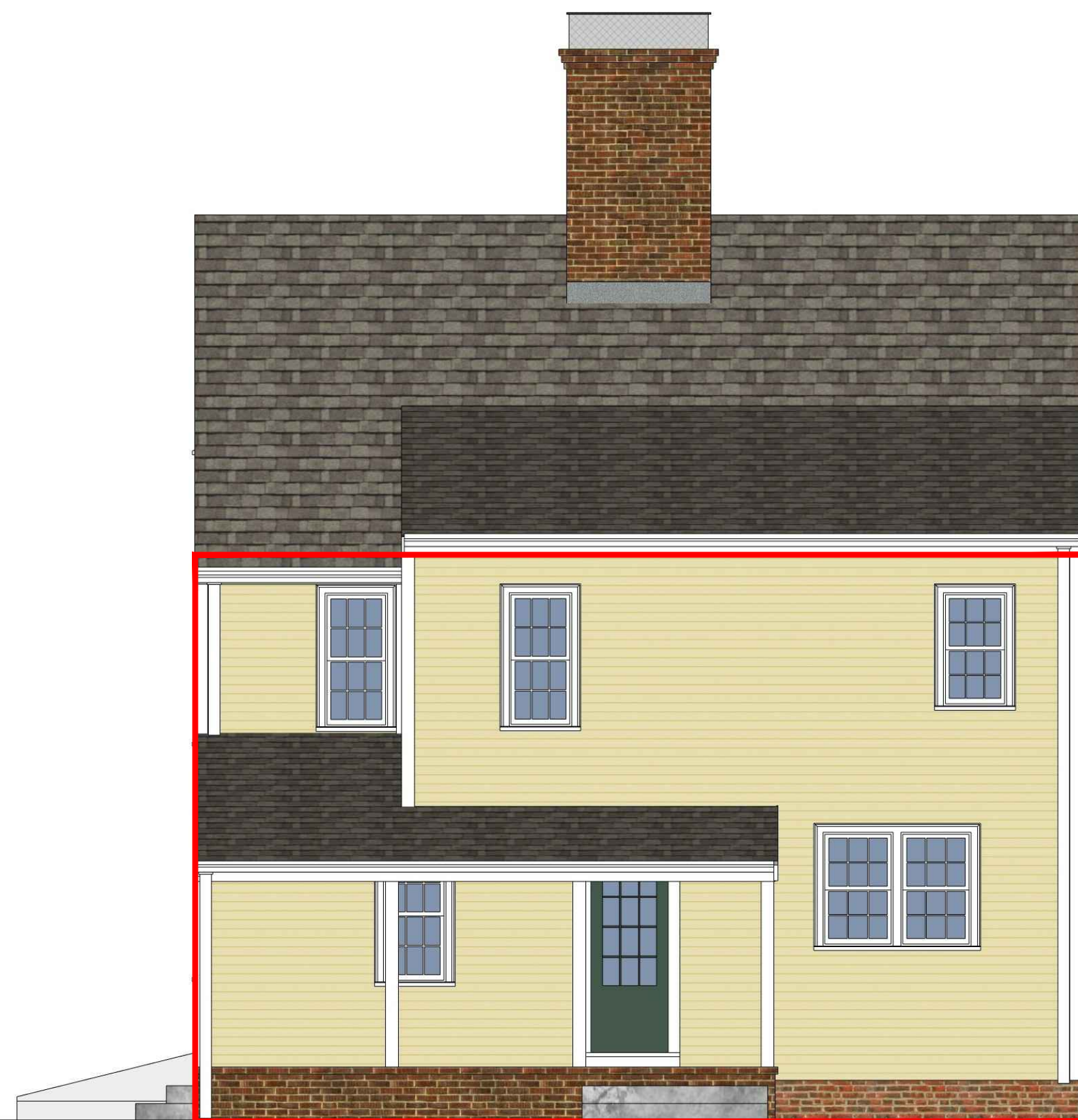
DRAWN BY:
DS

PRINTS MADE:
APRIL 29, 2021

CONCEPT 2.0 PLANS
SCALE: 1/4" = 1'-0"

ALTERATIONS & ADDITIONS FOR
RUSSO RESIDENCE
316 HIGH ST
NEWBURYPORT, MA

C2.0



REAR ELEVATION EXISTING
WALL AREA: 484 S.F.
OUTLINED IN RED

REAR ELEVATION



RIGHT SIDE EXISTING
WALL AREA: 753 S.F.
OUTLINED IN RED

FRONT ELEVATION (FORRESTER STREET)



LEFT SIDE EXISTING
WALL AREA: 753 S.F.
OUTLINED IN RED

LEFT SIDE ELEVATION



FRONT ELEVATION EXISTING
WALL AREA: 484 S.F.
OUTLINED IN RED

FRONT ELEVATION (HIGH STREET)

EXTERIOR WALL AREA CALCULATION:

- EXISTING EXTERIOR WALL AREA: 2,474 S.F.
- EXTERIOR WALL PROPOSED DEMO: 332 S.F.
- % OF PROPOSED DEMO: 13.4%



EXISTING
-NO CHANGES

PROPOSED

REAR ELEVATION

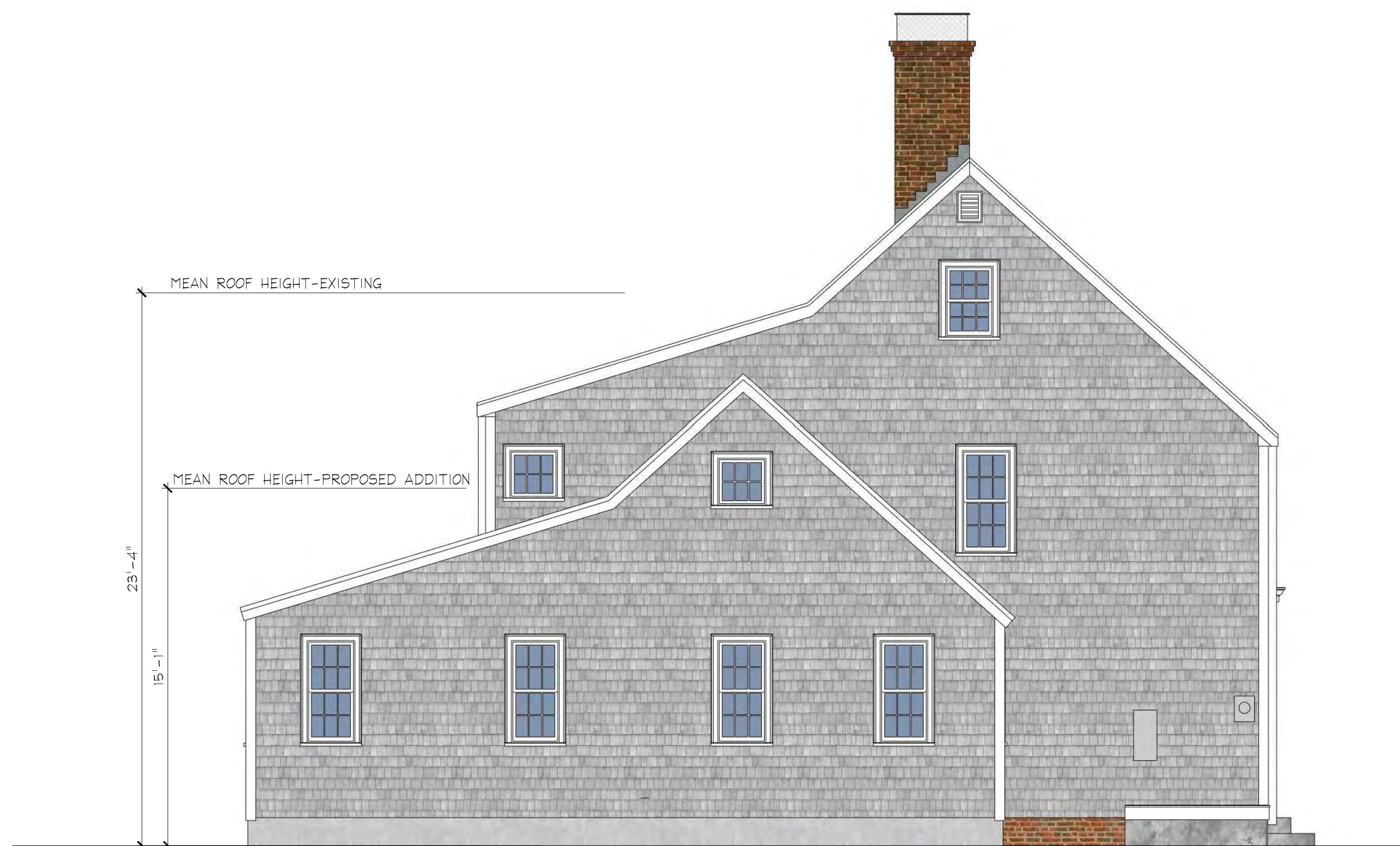


EXISTING
-NO CHANGES

PROPOSED

NO CHANGE AT
EXISTING PORCH

FRONT ELEVATION (FORRESTER STREET)



MEAN ROOF HEIGHT-EXISTING

MEAN ROOF HEIGHT-PROPOSED ADDITION

23'-4"

15'-1"

PROPOSED
SECOND FLOOR PLAN

EXISTING
-NO CHANGES

LEFT SIDE ELEVATION



PROPOSED

EXISTING
-NO CHANGES

FRONT ELEVATION (HIGH STREET)

BENJAMIN NUTTER ARCHITECTS, LLC
POST OFFICE BOX 254
TOPSFIELD, MASSACHUSETTS 01963
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DRAWN BY:
DS

PRINTS MADE:
APRIL 29, 2021

CONCEPT 2.0 ELEVATIONS
SCALE: 1/4" = 1'-0"

ALTERATIONS & ADDITIONS FOR
RUSSO RESIDENCE
316 HIGH ST
NEWBURYPORT, MA

C2.1

Criteria for Special Permit for Nonconformities:

- 1. That there will be no addition of a new nonconformity;**
 - Here, applicant is asking for variance for new nonconformity.**
- 2. That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use.**
 - Addition does not “intensify” existing front yard nonconformity. It is stepped back at 13.1 feet from the front boundary where the existing structure is 1.2 feet and practically on High Street sidewalk.**
 - Purpose of the addition is to help applicants age in place and use stairs less by creating master bedroom and bathroom on first floor of home.**
 - Minimal disruption to existing structure by using matching materials and complimenting the form of existing structure.**
 - Addition will be partially screened by existing fence, street trees and other landscaping.**
 - Abutter support includes 318 High Street (closest rear abutter) and 54 Forrester Street (direct side abutter).**

Variance:

- But for the property being a corner lot, rear yard would be a side yard and addition would be conforming as the side yard setback requirement is at 10 feet.
- Existing layout of lot makes locating addition off structure anywhere else very difficult.
 - Ornate landscaping, plantings, and driveway would need to be altered or even removed to the detriment of Applicant and surrounding neighborhood.
 - Existing curb cut off Forrester Street dictates where the driveway can go.
 - Curb cut off High Street remains, but not used. Using it again would be much less safe than using Forrester Street for ingress/egress.
 - Location of Structure being on top of High Street also makes expansion difficult.
- Does not derogate from intent of Zoning Ordinance as proposed addition is located on portion of lot where would cause the least amount of disruption to the Property and surrounding neighborhood.
- Not detrimental to neighborhood as there will be no negative impacts on neighbors. Closest abutters have no objection the project.
- No special privilege as proposal is consistent with the nearby properties on northern side of High Street on this portion of the Street where many lots, including corner lots, appear to have many dimensional nonconformities.

City of Newburyport

06/17/2021



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



Legend

- Municipal Boundary
- Parcels (on aerial)
- Roads
 - Interstate
 - Major Road
 - Local Road
 - Railroad