

**3 57th Street,
Newburyport**

Application for
Special Permit for Non-Conformities
July 13, 2021

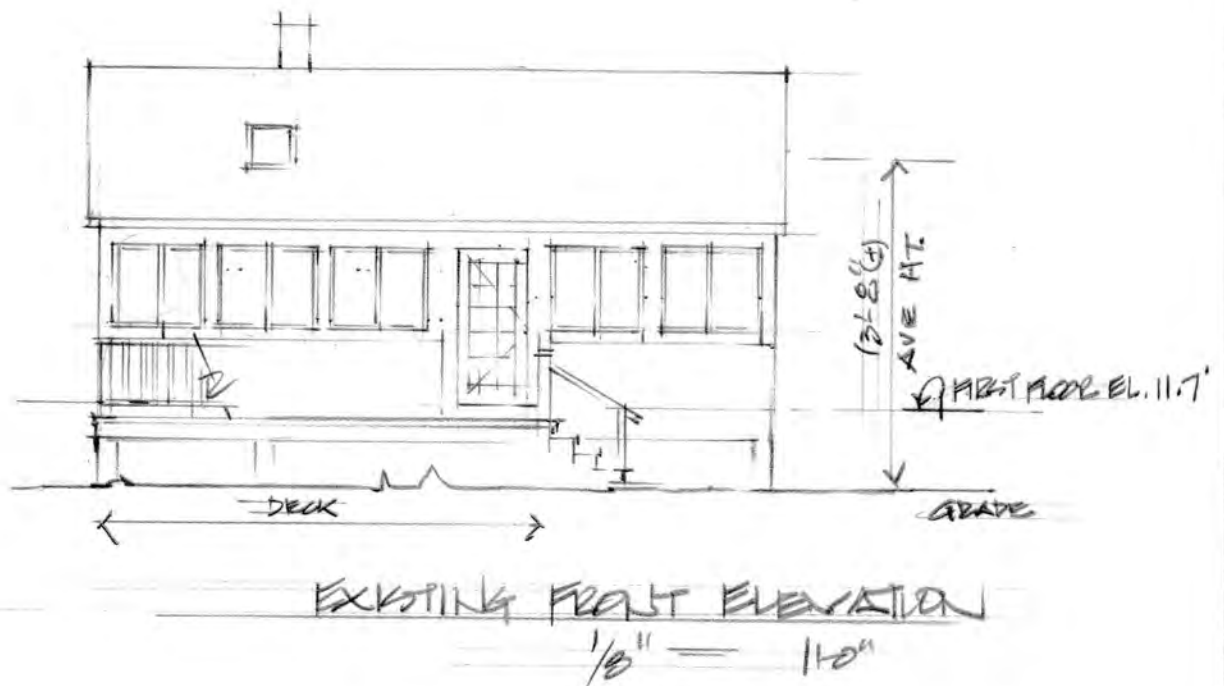


Mead, Talerman & Costa, LLC
Attorneys at Law

**3 57th Street,
Newburyport**
Existing Conditions

Existing Conditions

- Located in R-3 and PIOD Districts.
- Current single family Home with many existing nonconformities:
 - Lot Size: Requires 12,000 Sq. Ft. where the Lot is 4,900 Sq. Ft.
 - Frontage: Requires 120 Ft. where lot has 70 Ft.
 - Side Setback: Requires 20 Ft. where left side is 10.6 Ft.
 - Rear Setback: Requires 20 Ft. where rear setback is 15.1 Ft.
 - Maximum Lot Coverage: 20% where Lot currently is at 21.3%.
- Existing Structure NOT FEMA compliant; does not meet Wetlands Protection Ordinance, Regulations for Plum Island, nor the purpose of the PIOD.



EX. 1
JUN 10 2021

3-57th Street

Windshaw Construction

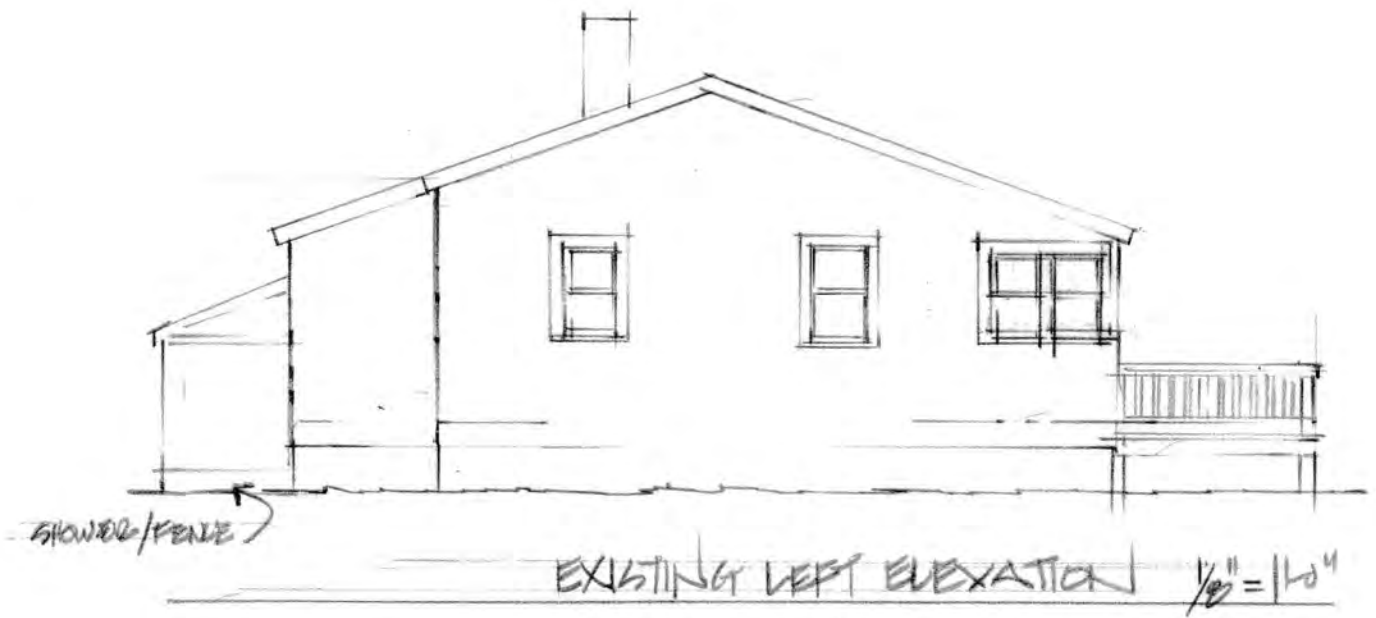
Brian A. Libby Architect

1251 Linda Vista Blvd.
Oro Valley, AZ 85704-3609

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603 785 8768 cell

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EX. 2
JUNE 10, 2021

3-57th Street

Windshaw Construction

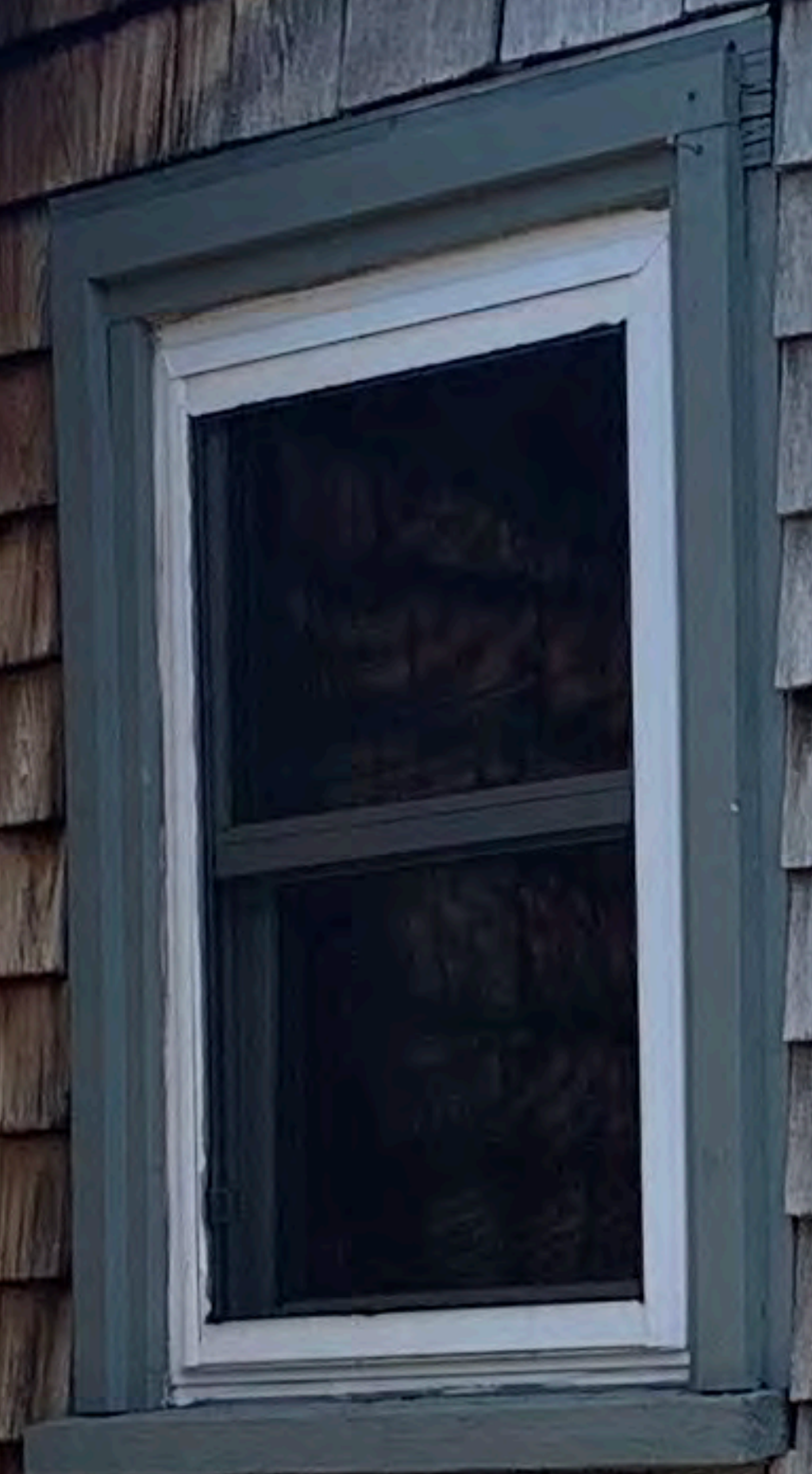
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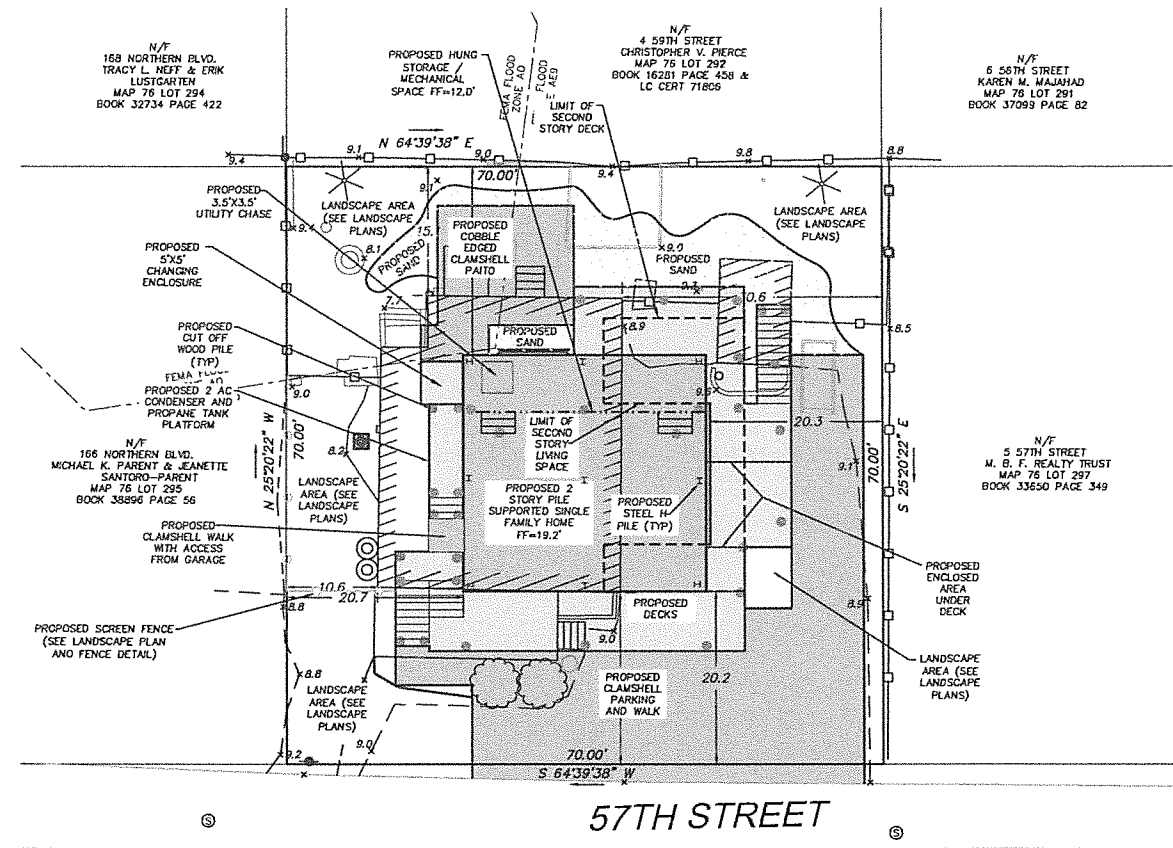
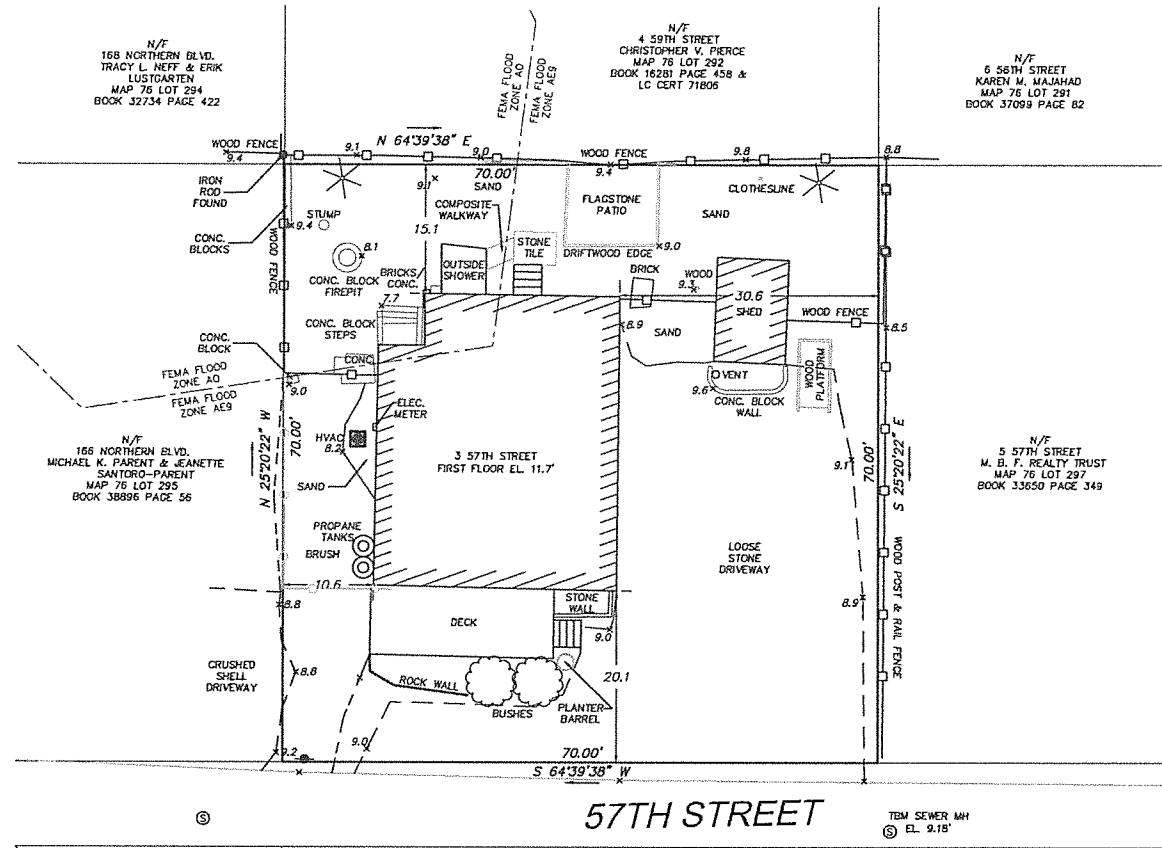




**3 57th Street,
Newburyport**
Proposed Application

Proposed Application

- Remove existing structure and construct new single family home.
- Removing side yard, rear yard, and lot coverage nonconformities.
- FAR proposed to be 28.9%.
- Footprint of proposed structure is smaller therefore lot coverage reduced by 5%.
- Proposed structure has two bedrooms, same as existing structure.
- New structure will be FEMA compliant, abide by local wetlands regulations and more resistant to flood.
- Old Structure partially in FEMA AO Flood Zone. New Structure entirely outside of AO Zone and in AE9 Zone.



ZONING

RESIDENTIAL (R-3)
PLUM ISLAND OVERLAY DISTRICT
SINGLE FAMILY (101)

	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	PROPOSED (SINGLE-FAMILY - 101)
MINIMUM LOT AREA	12,000 SQUARE FEET	4,900 SQUARE FEET	4,900 SQUARE FEET
MINIMUM LOT FRONTAGE	120 FEET	70.00 FEET	70.00 FEET
FRONT SETBACK	20 FEET	20.1 FEET	20.2 FEET
SIDE SETBACK (R)	20 FEET	30.6 FEET	20.3 FEET
SIDE SETBACK (L)	20 FEET	10.6 FEET	20.7 FEET
REAR SETBACK	20 FEET	15.1 FEET	22.1 FEET
MAXIMUM LOT COVERAGE(%)	20.0%	21.3%	16.3%
MAXIMUM HEIGHT	35 FEET	13.5 FEET	33.3 FEET (33'-4")
MINIMUM OPEN SPACE	35.0%	44.8%	48.6%
MINIMUM PARKING REQUIRED	2	2+	2+
MAXIMUM FAR	25.0%	19.2%	28.9%

ON-LINE ZONING ORDINANCES
CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/index.html>
PLANNING DEPARTMENT - MAIN PHONE 978-655-4400

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

EXISTING FAR BASED ON BUILDING FOOTPRINT DIVIDED BY LOT AREA.
PROPOSED FAR PROVIDED BY THE PROJECT ARCHITECT.

LOCUS TITLE INFORMATION

3 53RD STREET
OWNER: JOHN W. & HAYLEY R. SUMINSKI
DEED REFERENCE: BK. 31485 PG. 394
ASSESSORS: MAP 76 LOT 296

NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED RECONSTRUCTION OF THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON FEBRUARY 25, 2021 BY THIS FIRM.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE TOWN OF NEWBURYPORT ASSESSOR'S OFFICES.

ARCHITECTURAL PLANS HAVE BEEN UTILIZED FOR BUILDING SIZE, DECK/STAIR AND OTHER IMPROVEMENT LOCATIONS. FAR HAS BEEN CALCULATED BASED ON FLOOR AREAS PROVIDED BY THE ARCHITECT.

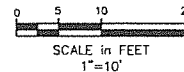
FINAL LOCATION OF UNDERGROUND UTILITIES TO BE COORDINATED WITH THE APPROPRIATE UTILITY PROVIDER EITHER PUBLIC OR PRIVATE. FINAL PILE LOCATIONS AND SPECIFICATIONS TO BE PROVIDED BY A LICENSED STRUCTURAL ENGINEER. LOCATIONS AND NUMBER OF PILES SHOWN HERE IS FOR DISPLAY PURPOSES ONLY.

ELEVATIONS ARE NAVD 88 AS ESTABLISHED BY RTK GPS.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE AO AND AE(9) OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 25009C0141G WHICH BEARS AN EFFECTIVE DATE OF 07/16/2014 AND IS IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. FLOOD ZONE LIMITS SHOWN ARE TAKEN FROM MASS GIS DIGITAL LAYERS ON STATE PLANE COORDINATE SYSTEM.

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

P.L.S.
EVERETT J. CHANDLER, P.L.S.
MASS. REGISTRATION NO. 23875



Winter GEC, LLC

44 MERRIMAC STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1" = 10'
VERT: _____

NO.	DATE	BY	REVISIONS

FIELD: CO/EC
CALCS: EC
CHECKED: EJC
APPROVED: EJC

ZONING PLAN
3 57TH STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
WINDWARD SHAW CONSTRUCTION

PROJECT NO.
2021-353RD
DATE: MAY 12, 2021
SHEET NO.
1 OF 1



FRONT (STREET) ELEVATION 1/4" = 1'-0"



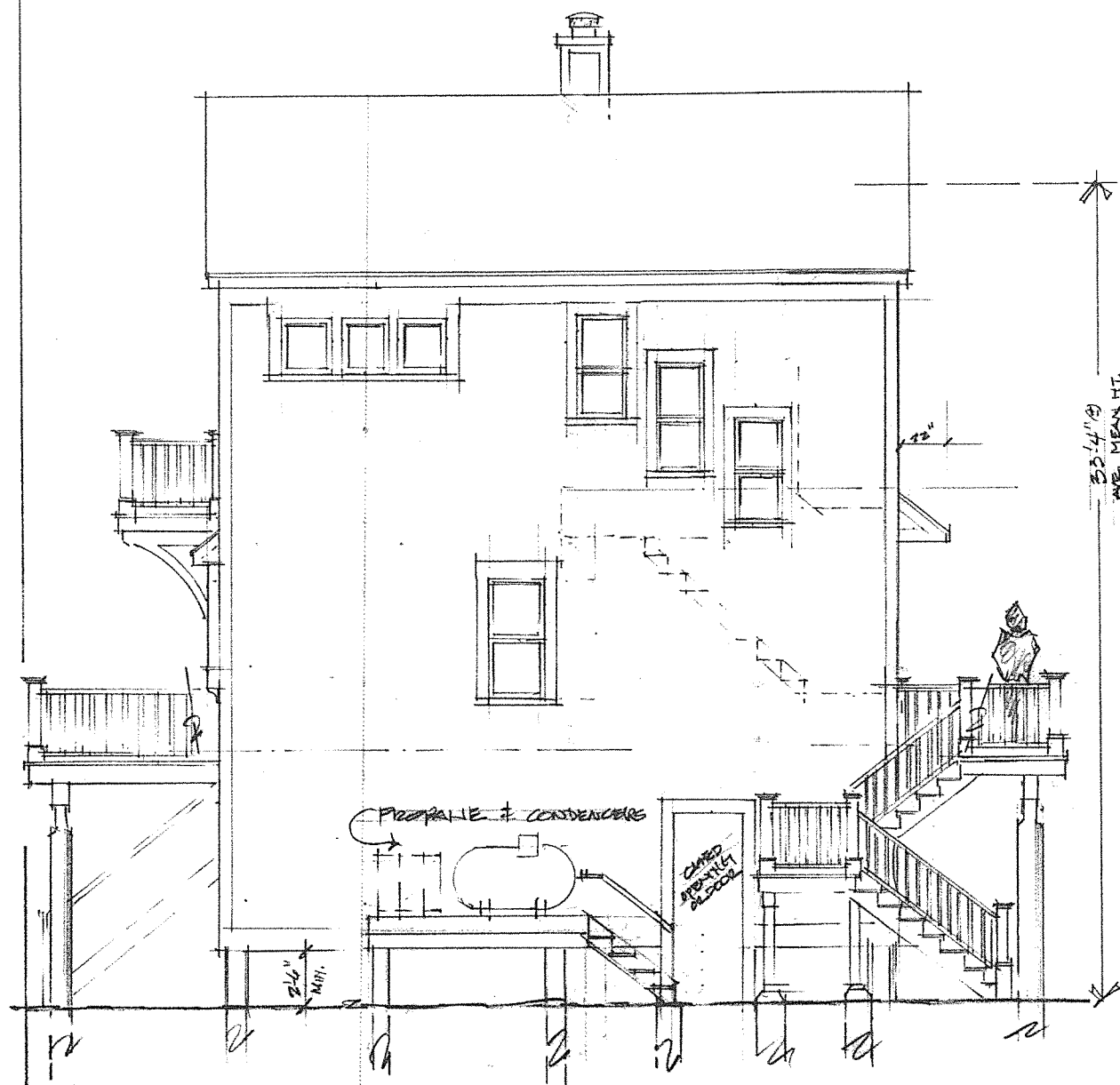
RIGHT SIDE ELEVATION 1/4" = 1'-0"

REV. MAY 29, 2021
 REV. MAY 19, 2021
 REV. MAY 11, 2021
 MAY 3, 2021

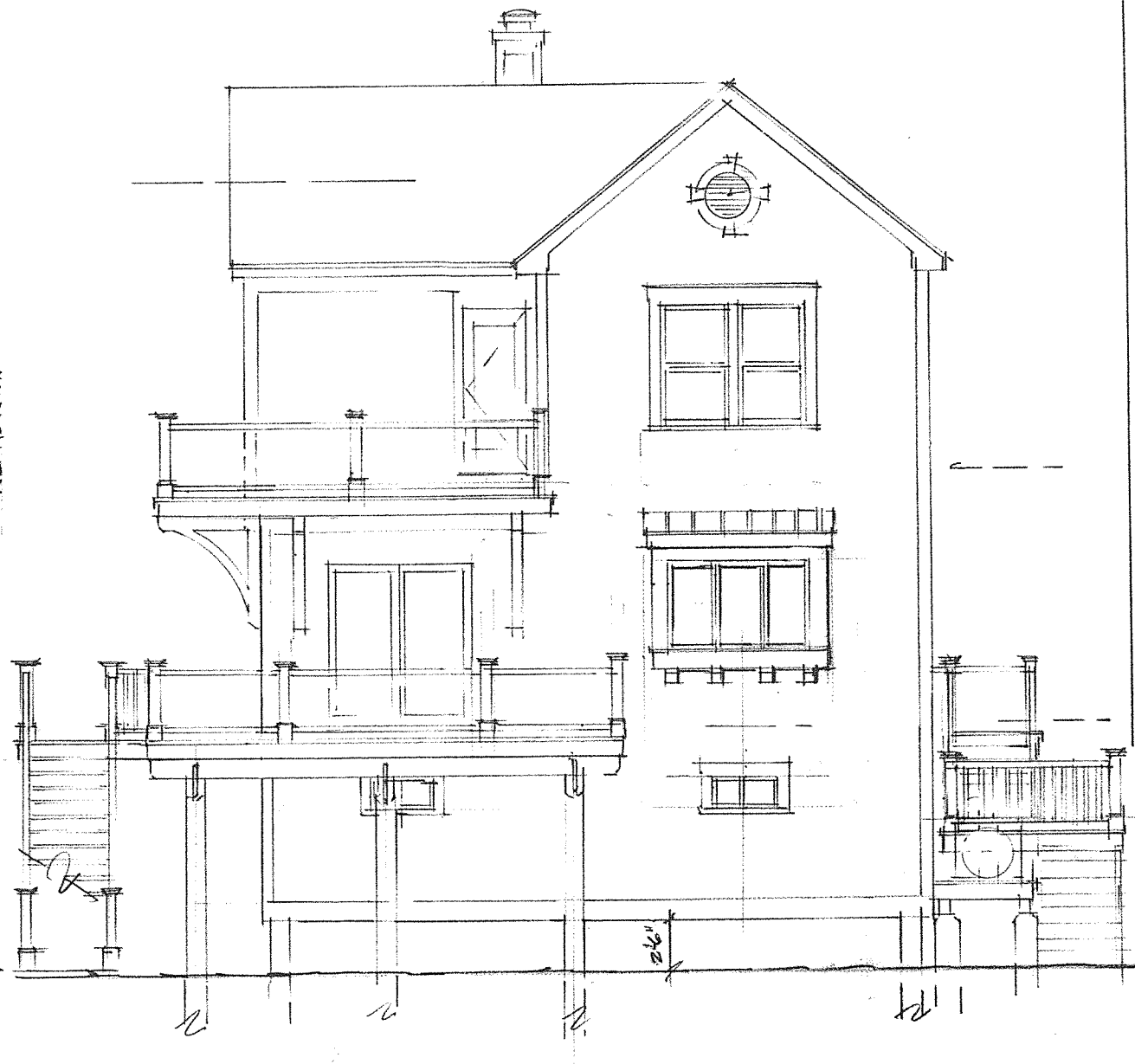
PR-11

3-57th Street Newburyport, MA
 Windshaw Construction 603 785 8768 cell
 Brian A. Libby Architect Northeast office
 1251 Linda Vista Blvd. (520) 906-2321 (cell)
 Oro Valley, AZ 85704-3609 Web: BrianALibby.com

All work shall meet State Building Codes. The B.C. shall take verify dimensions before construction. No field modifications, the Architect of Discrepancies. The drawings are diagrammatic and form the approval, arrangement of wall, doors, equipment etc. All work and construction shall be performed under the direct supervision of personnel licensed by the State and local authorities. The S.C. & Owner agree to hold harmless the Architect from all errors and omissions, unless entering into an agreement for the Administration of the Construction Contract and, any claims against the Architect shall not exceed the amounts paid the Architect for the services rendered for the project. The Architect retains the design rights and these drawings shall not be used or the design copied without the express permission of the Architect, Brian A Libby Architect.



LEFT SIDE ELEVATION 1/4" = 1'0"



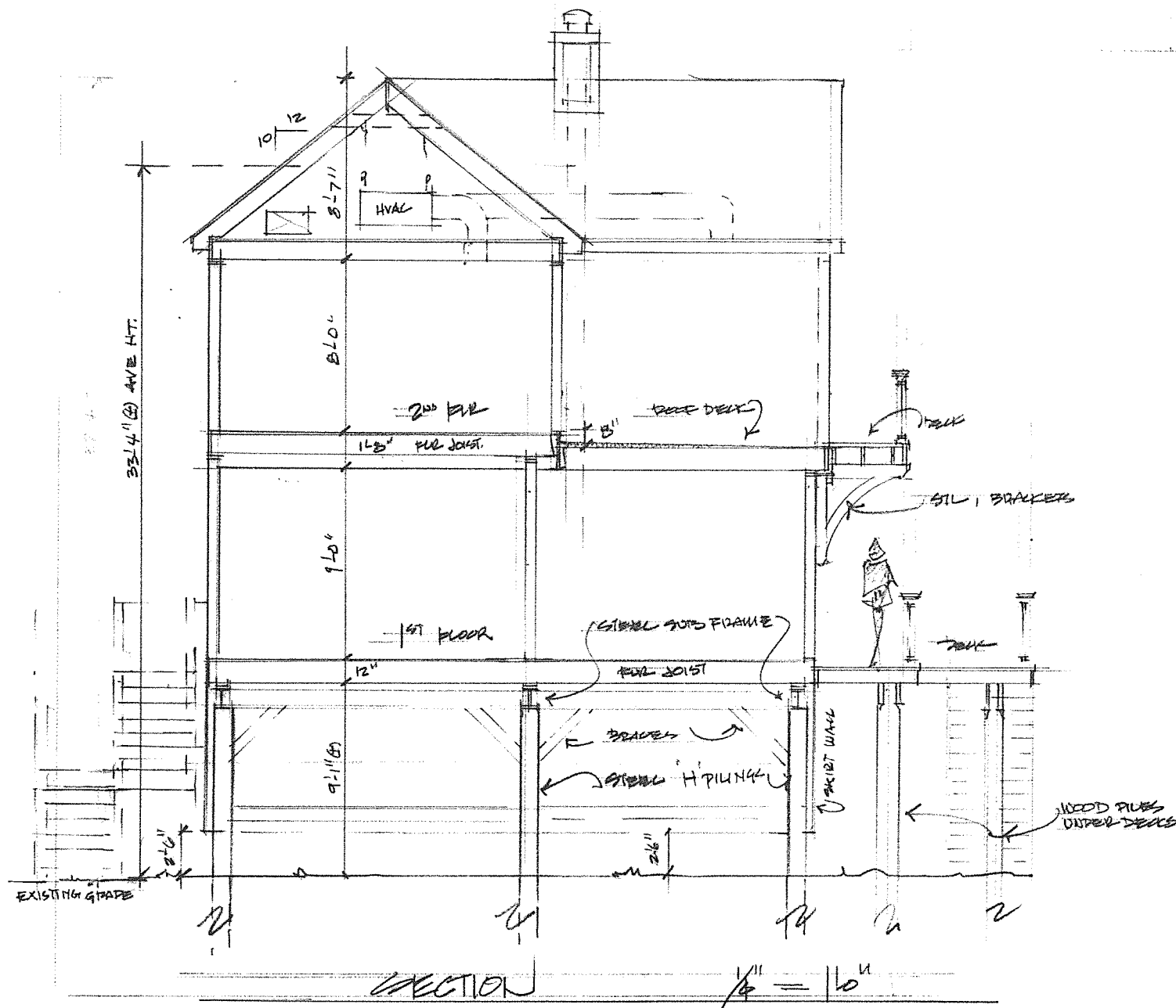
REAR ELEVATION 1/4" = 1'0"

REV MAT 29, 2021
 REVISED MAT 19, 2021
 DEV MAT 11, 2021
 MAT 3, 2021

FRED

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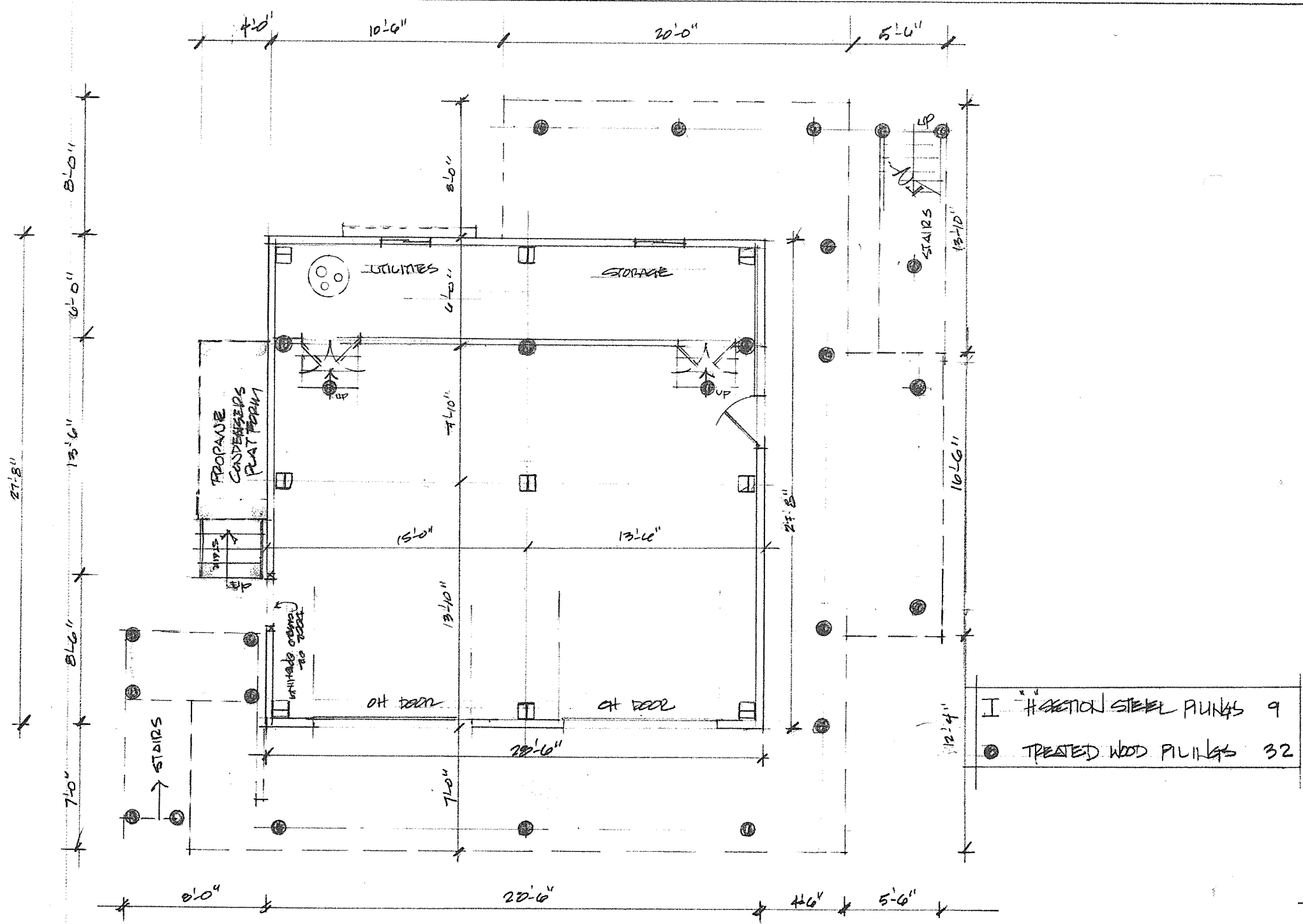
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REV. MAY 19 2021
 REV. MAY 11 2021
 MAY 30 2021

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 Brian A Libby Architect.



- I SECTION STEEL PILING 9
- TREATED WOOD PILING 32

CRATEMATIC PILING PLAN
LABORED SCHEME

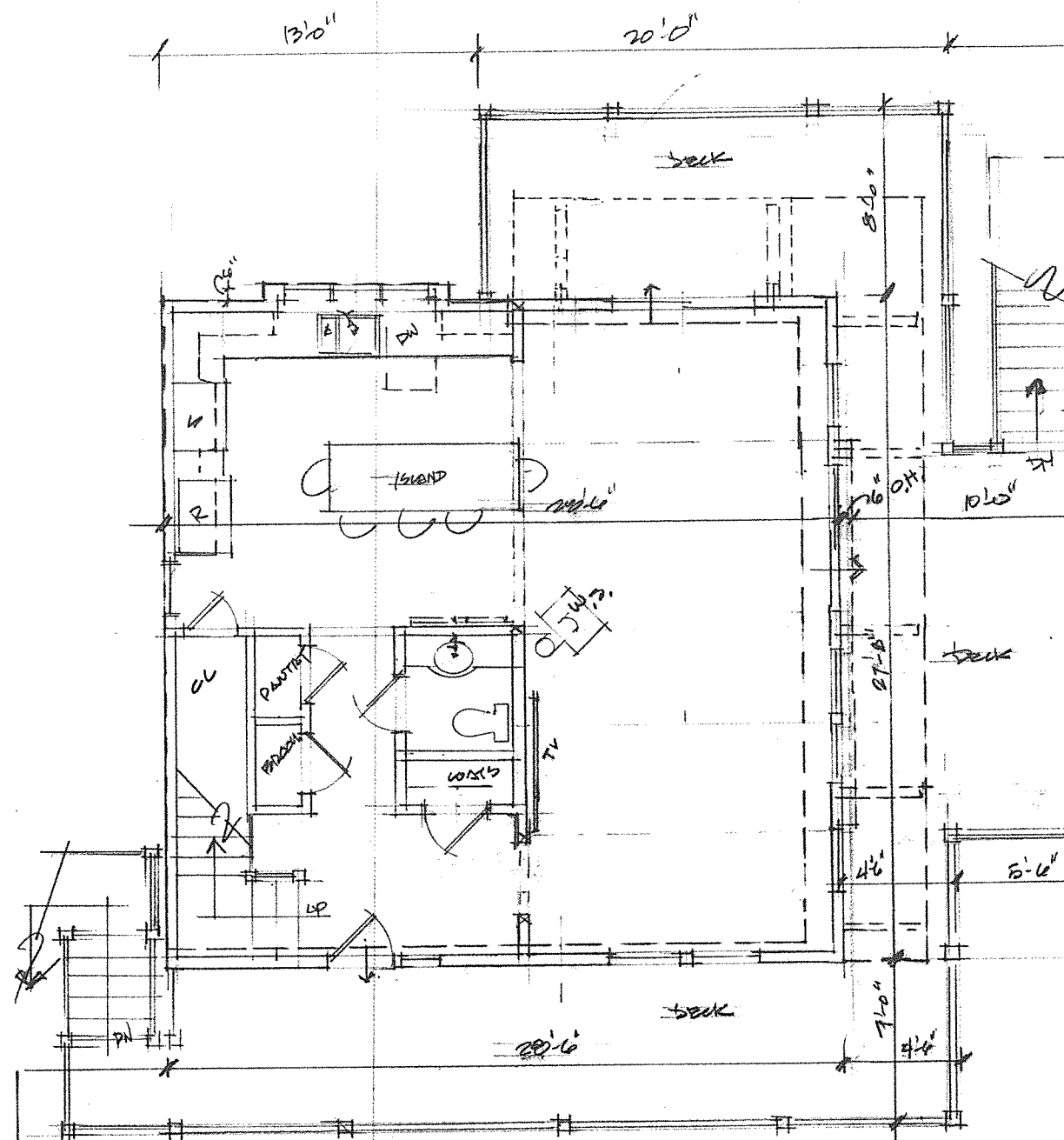
All work shall be in strict accordance with the B.C. specifications. The B.C. shall verify dimensions before construction. The drawings are diagrams only and form the express arrangement of wall, doors, equipment etc. All work and construction shall be done under the direct supervision of personnel licensed by the State of Arizona. The Architect shall not be responsible for any errors or omissions in the drawings or for the Administration of the Construction Contract and, any claims against the Architect shall be the responsibility of the contractor. The Architect shall not be responsible for any errors or omissions in the drawings or for the Administration of the Construction Contract and, any claims against the Architect shall be the responsibility of the contractor. The Architect shall not be responsible for any errors or omissions in the drawings or for the Administration of the Construction Contract and, any claims against the Architect shall be the responsibility of the contractor.

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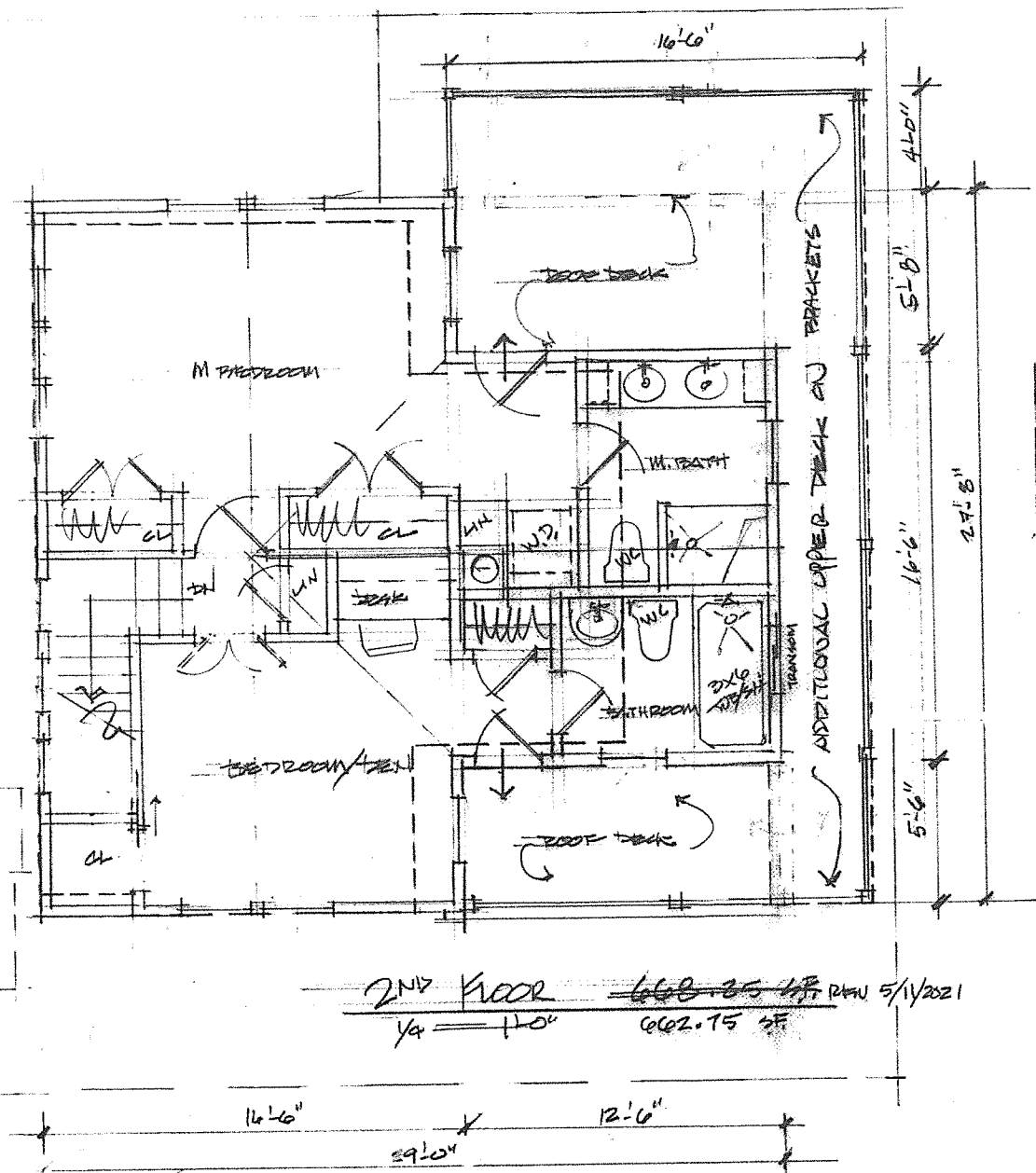
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REVISED MAY 19th 2021
REV MAY 11, 2021
REV MAY 3, 2021
4/20/2021

PR-J R



FIRST FLOOR 1/4" = 1'-0"
~~198~~ 788.5 SF REV 5/11/21
 788.5 SF



2ND FLOOR 1/4" = 1'-0"
 462.75 SF REV 5/11/21

FAR calculation
 Dimensions taken from the exterior walls to exterior walls
 First floor:
 $27'-8" \times 28'-6" = 788.5$ S.F.
 Second floor:
 $18'-8" \times 27'-8" = 456.5$ SF
 $12'-6" \times 16'-6" = 206.25$
 Less stair * 3x10 + 2x3 = (36.0)
 626.75 SF
 Total SF living area 1415.25 SF
 * Counting stair area on one floor only
 Under structure storage & utility less than
 5'-10" headroom (non living space) not counted
 FAR = 28.9% (rounded up)

REV. MAY 12, 2021
 REV. MAY 11, 2021
 REV. MAY 3, 2021

PR.8
 4/20/2021

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Criteria for Special Permit for Nonconformities related to FAR in PIOD:

- **Section XXI-G(4)(a-b) of Newburyport Zoning Ordinance:**
 - **The alteration, reconstruction, extension of, or change to such structures... may be authorized by the grant of a special permit by the board of appeals upon its determination that such alteration, reconstruction, extension, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood or the PIOD.**
 - **The alteration, reconstruction, extension of, or change to lot coverage, floor area ratio, height, open space or front, side and rear yard requirements may be allowed upon the grant of a special permit by the board of appeals, and shall not require a variance, notwithstanding that such alteration, reconstruction, or extension may increase existing nonconformities.**

Stated Purposes of PIOD:

- **Reduce damage to public and private property resulting from flood waters;**
- **Ensure public safety by reducing threats to life and personal injury;**
- **Eliminate costs associated with the response and cleanup of flooding conditions;**
- **Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding;**
- **Prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding;**
- **Eliminate new hazards to emergency response officials; and**
- **Limit the expansion of nonconforming single and two-family structures so as to prevent the exacerbation of existing problems with density and intensity of use.**

Application of Criteria for Special Permit for Nonconformities related to FAR in PIOD:

- Proposal is not substantially more detrimental than existing nonconforming structure to the neighborhood and PIOD as it is vast improvement over existing conditions.**
- Proposed structure meets the purposes of PIOD far better than existing structure.**
- Side yard setback, rear yard setback, and lot coverage nonconformities are being eliminated.**
- New structure is compliant with FEMA and local regulations and intended to be far more flood resistant.**
- Surrounding neighborhood has numerous structures recently updated to be more flood resistant.**
- All direct abutters support the project in addition to widespread neighborhood support.**

Abutter Support (14 total):

- 171 Northern Blvd.
- 3 55th Street
- 168 Norther Blvd.
- 4 59th Street
- 164 Northern Blvd.
- 13 57th Street
- 11 57th Street
- 16 57th Street
- 10 Reservation Terrace
- 19 57th Street
- 6 59th Street
- 7 57th Street
- 166 Northern Blvd.
- 7 57th Street