

# City of Newburyport Zoning Board of Appeals Application for a VARIANCE

Petitioner: Michael Shea / Figtree Kitchen Bakery

Mailing Address: 3 Liberty St, Newburyport MA 01950

Phone: 978.255.4076 Email: nbpt@figtreekitchen.com

Property Address: 3 Liberty St

Map and Lot(s): \_\_\_\_\_ Zoning District: \_\_\_\_\_

Book and Page(s): 14988/0146

Owner(s) Name: LEAHY C P & WARREN M L TRS

Mailing Address (if different): 12 Temple Blvd East, Newbury MA 01950

The petitioner is requesting a Variance from section(s):  
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- |  |  |
|--|--|
| <input type="checkbox"/> Dimensional Controls (VI) | <input type="checkbox"/> Parking (VII)       |
| <input type="checkbox"/> Lot Area                  | <input type="checkbox"/> PIOD (XXI)          |
| <input type="checkbox"/> Open Space                | <input type="checkbox"/> FAR                 |
| <input type="checkbox"/> Lot Coverage              | <input type="checkbox"/> 2 1/2 stories       |
| <input type="checkbox"/> Height                    | <input type="checkbox"/> Footprint expansion |
| <input type="checkbox"/> Frontage                  |  |
| <input type="checkbox"/> Front Yard                |  |
| <input type="checkbox"/> Side Yard                 |  |
| <input type="checkbox"/> Rear Yard                 |  |
| <input type="checkbox"/> Lot Width                 |  |

Modification of existing variance (please attach)

Other: DO D window regulations

Request: Replace our only window (a fixed window) at 3 Liberty St.

The total sq. footage of our bakery is about 450 sq ft, with only about 150 sq ft for customers to come in to transact business. Because of this small space, the historic building, difficulties of complying with Covid-19, social distancing, getting proper air and circulation, keeping our customers and staff safe, and our fixed window, we have been transacting business at the front door. While this is working fine with

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

summer warm weather, it is won't be practical in the cold winter months.

Given the strict regulations which currently prohibit a change in the "mode of operation" for protected/historic windows, we are requesting a variance to replace our fixed window with a same style as the current window, with a similar wood, and with true divided light, but we would have the ability to open it to conduct business and to not obstruct

and circulation to keep our staff and customers safe.

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**City of Newburyport Zoning Board of Appeals  
Application for a VARIANCE**

	Required Dimensional Controls	Existing Dimensional Controls	Proposed Dimensional Controls
Lot Area			
Frontage			
Height*			
Lot Coverage (%)**			
Open Space (%)***	N/A		
Front Setback			
Side A Setback			
Side B Setback			
Rear Setback			
Parking Spaces			
FAR****			

\*Height is measured to *median* roof line.

\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

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

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. 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.

By checking this box and typing my name below, I am electronically signing this application.

*Michael Shea*

\_\_\_\_\_  
Petitioner

By checking this box and typing my name below, I am electronically signing this application.

\_\_\_\_\_  
Owner (if different)

CITY OF NEWBURYPORT, MA  
**ZONING DETERMINATION**

APR# 2020-064

Name: Michael Shae/Figtree Kitchen

Address: 3 Liberty Street (9-25 A/Z) Zoning District(s): B2/DOD

Request: Replace existing window of undertermined age with operable window to provide ventilation.

**ZONING BOARD REVIEW REQUIRED**

**Variance**

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

**Sign Variance**

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

**Other**

- DOD window regulations

**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
  - Upward Extension
  - Open Space
  - Height
  - Lot Area
  - Use
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
  - FAR
  - Lot Coverage
  - Height
  - 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
  - Upward Extension
  - Open Space
  - Height
  - Lot Area
  - Use
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)

**Smart Growth District (XXIX)**

- Plan Approval

**Site Plan Review (XV)**

- Major
- Minor

**HISTORICAL COMMISSION REVIEW REQUIRED**

- Demo. Delay
- \*Advisory Review

**CONSERVATION COMMISSION REVIEW REQUIRED**

The name typed below represents the intent to sign the foregoing document:

\_\_\_\_\_

*Jennifer Blanchet*

08/24/2020

Newburyport Zoning Administrator

Date

### 3 LIBERTY ST R-7

**Location** 3 LIBERTY ST R-7

**MBLU** 9/25/G//

**Owner** LEAHY C P & WARREN M L TRS

**Assessment** \$193,700

**PID** 332

**Building Count** 1

#### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$193,700	\$0	\$193,700

#### Owner of Record

**Owner** LEAHY C P & WARREN M L TRS  
**Co-Owner** C & M NOMINEE TRUST  
**Address** 12 TEMPLE BLVD EAST  
NEWBURY, MA 01951

**Sale Price** \$100,000  
**Certificate**  
**Book & Page** 14988/0146  
**Sale Date** 07/30/1998  
**Instrument** 00

#### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LEAHY C P & WARREN M L TRS	\$100,000		14988/0146	00	07/30/1998
RAPOSA, ELAINE TRS.	\$65,000		12632/0558	00	06/24/1994
GORMAN JOHN J.	\$57,000		11097/0397	00	01/15/1992
DYER SAMUEL	\$44,000		07984/0382	00	11/01/1985
	\$0				

#### Building Information

##### Building 1 : Section 1

**Year Built:** 1800

**Living Area:** 454

Building Attributes	
Field	Description
STYLE	Retail Condo
MODEL	Com/Ind Condo

Stories:	1 Story
Occupancy	1
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	
Interior Floor 1	Ceram Clay Til
Interior Floor 2	
Heat Fuel:	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Ttl Bedrms:	00
Ttl Bathrms:	0
Ttl Half Bths:	0
Xtra Fixtres	
Total Rooms:	1
Bath Style:	Old Style
Kitchen Style:	
Kitchen Grd	
Grade	Average +20
Stories:	2
Residential Units:	12
Exterior Wall 1:	Brick/Masonry
Exterior Wall 2:	
Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Cmrc'l Units:	12
Section #:	0
Parking Spaces	0
Section Style:	0
Foundation	
Security:	
Cmplx Cnd	
Xtra Field 1:	
Remodel Ext:	
Super	

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/\A01\00\27\25.jpg>)

### Building Layout



([http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/332\\_36](http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/332_36))

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	454	454
		454	454

### Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

### Land

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**Land Use**

**Use Code** 3221  
**Description** RTL CONDO MDL-06

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**Land Line Valuation**

**Size (Acres)** 0  
**Depth** 0  
**Assessed Value** \$0

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**Outbuildings**

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

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**Valuation History**

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2019	\$129,500	\$0	\$129,500

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Hours  
7-3  
Closed Tuesdays

Sidewalk  
&  
Curbside  
Pickup



yes,  
We Are  
Open





45.5"

29"

10 MINUTE PARKING  
P CURBSIDE SERVICE ONLY  
NEWBURYPORT



45.5"

29"

10 MINUTE PARKING  
P CURBSIDE SERVICE ONLY  
NEWBURYPORT

45.5"

62"



45.5"

62"

**OPTIONS**

**Casing Options (Primed)**



**Brickmould Casing (standard)**  
1 1/4" x 2"  
(Primed Composite)



**Flat Casing**  
- 1 1/16" x 3 3/4" Head & Sides  
(Primed Composite)  
  
- 1 1/16" x 5 1/4" Head & Sides  
- 1 1/16" x 5 1/4" Head Casing  
w/ 1 1/16" x 3 3/4" Sides  
(Primed Pine)



**Flat Cape Cod Casing**  
1 1/16" x 4 1/2"  
(Primed Composite)

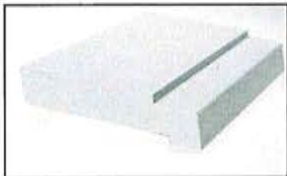
**Clear Cedar**



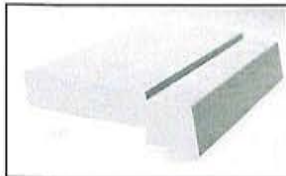
**Flat Casing**  
- 1 1/16" x 3 3/4" Head & Sides  
- 1 7/16" x 3 3/4" Head Casing  
w/ 1 1/16" x 3 3/4" Sides

- Naturally decay resistant Clear Cedar Sill
- Sill and casing completely caulked
- Casing applied with stainless steel fasteners

**Main Sill w/Standard Sill Nosing/Connector**  
(Primed Composite)  
(Included with Basic Unit)



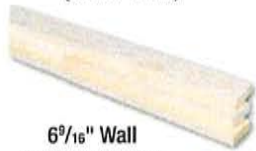
**Main Sill w/Optional Historic Sill Nosing/Connector**  
(Primed Composite)



**Moulded Urethane Window Head & Trim**



**Extension Jambs (Clear Pine)**



6 9/16" Wall  
(applied or K.D.)

**Insect Screen**



White aluminum full screen with plastic corners and charcoal fiberglass mesh

**Long Sill Horns**



On "NO CASING" orders, 3 3/4" horns will be used unless otherwise specified

**Wood Grilles**



Shipped K.D. and Poly-bagged complete with fasteners (picture grilles are set-up)

**Cam Sash Lock**

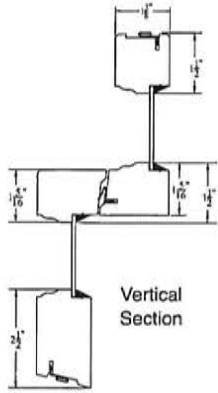


White is standard  
Brasstone is optional

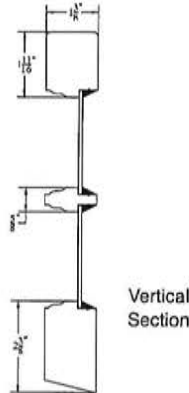
**BROSCO Putty Glazed SSB  
Double-Hung Window**

**BROSCO Putty Glazed SSB  
Picture Window**

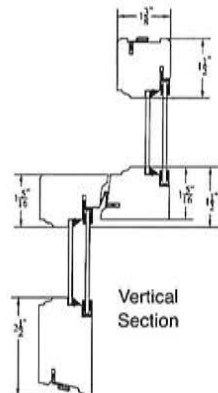
**BROSCO Putty Glazed SSB  
Window with Low-E  
Energy Panel**



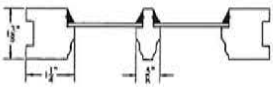
Vertical Section



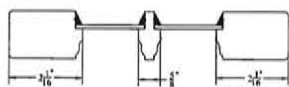
Vertical Section



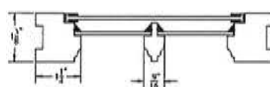
Vertical Section



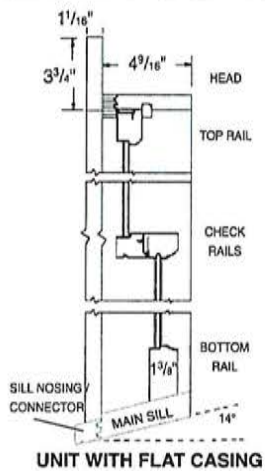
Horizontal Section



Horizontal Section

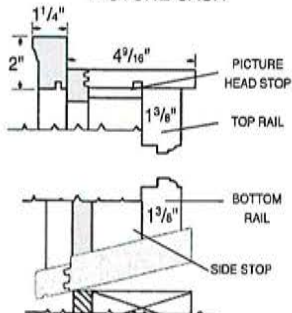


Horizontal Section



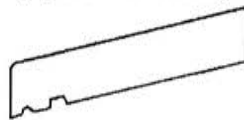
UNIT WITH FLAT CASING

**DETAIL TO SHOW POSITION OF  
PICTURE SASH**



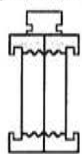
STATIONARY UNIT WITH  
BRICKMOULD CASING

**Replacement Sill**  
**1 1/4" x 6 1/4"**  
**(1 piece - "A" Grade)**



Side Jamb . . . . .	1 1/16" x 4 9/16"
Head Jamb . . . . .	1 1/16" x 4 9/16"
Main Sill Composite . . . . .	1 1/4" x 4 3/4"
Main Sill Cedar . . . . .	1 1/4" x 4 3/4"
Sill Nosing / Connector - Composite . . . . .	1 3/16" x 1 1/2"
Sill Nosing / Connector - Cedar . . . . .	1 1/4" x 2"
Sill Nosing / Connector - "Historic" Composite . . . . .	1 5/8" x 1 3/4"
Sill Nosing / Connector - "Historic" Cedar . . . . .	1 3/4" x 2 1/4"
Mullion Casing for Standard (Narrow) Mullion . . . . .	1 1/16" x 1 5/16"
Mullion Casing for Single Stud Pocket Mullion . . . . .	1 1/16" x 3 1/2"

**MULLION  
(NARROW)**



**MULLION w/SINGLE  
STUD Pocket**

