Rev. 477/20 City of Newburyport Zoning Board of Appeals Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner:	Thomas & Kris Melaragni, TRS c/o Lisa Mead, Mead, Talerman & Costa, LLC			
Mailing Address:	30 Green Street			
Phone:	978-463-7700	Email:	lisa@mtclawy	yers.com
Property Address:	3 Louise Street			49 9 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Map and Lot(s):	75 - 199		Zoning District:	R3/PIOD
Book and Page(s):	36540 - 461		j	
Owner(s) Name:	Thomas & Kris Melaragni, Tl	RS of TMM Realty Tr	rust	
Mailing Address (if c	lifferent):			
(Refer to the Zoning Del	pecial Permit for Non-Conformities is termination form supplied by the Zoning Adn Alteration (IX.B.2)		e (IX.B.3.c)	
ParkingRear Yard I (IX.B.2) ParkingRear Yard I Plum Island Overlay District (XXI-G) Upward ExtensionLot CoverageFAR Open SpaceSide YardFootprint Expansion HeightLot FrontageHeight Increase Height Increase Height Increase Height Increase				

Description of request:

Remove single-family residence and construct single-family residence.

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

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Rev. 10/2/19 City of Newburyport Zoning Board of Appeals Application for a SPECIAL PERMIT for NON-CONFORMITIES

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	9,800 sf	9,800 sf	12,000 sf
Frontage	210 ft	210 ft	120 ft
Height*	11.5 ft	28 ft	35 ft
Lot Coverage (%)**	14.5%	12.8%	20%
Open Space (%)***	78.7%	71.2%	50%
Front Setback	11 ft	21 ft	20 ft
Side A Setback	92.3 ft	60 ft	20 ft
Side B Setback	16.6 ft	35 ft	20 ft
Rear Setback	15.4 ft	21 ft	20 ft
Parking Spaces	2	3	2
FAR****	N/A	0.249	0.25%

*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.

requir, Trustee arre

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

Owner (if different)



30 Green Street Newburyport, MA 01950 Phone 978.463.7700

Attorneys at Law

Fax 978.463.7747

www.mtclawyers.com

May 6, 2020

By Hand

Rob Ciampitti, Chair Zoning Board of Appeals City of Newburyport City Hall 60 Pleasant Street Newburyport, Massachusetts 01950

Re: Request for Special Permit for Non-Conformities; <u>3 Louise Street, Newburyport, MA (the "Property")</u> <u>Assessor's Map: 75 Lot: 199</u>

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Thomas Melaragni and Kris Melaragni, Trustees of the TMM Realty Trust (the "Applicant"), the owner of the Property, relative to the removal of an existing singlefamily home (the "Structure") and the construction of a new single-family home. The Applicant seeks a Special Permit for Non-Conformities for the project.

The Property is located in the R3 zoning district and Plum Island Overlay District ("PIOD") under the Newburyport Zoning Ordinance (the "Ordinance"). The Property is also located in the AE flood zone. The Property fronts on both Louise Street and Old Point Road and is pre-existing, nonconforming for lot area; it contains 9,800 square feet and the PIOD requires a minimum lot size of 12,000 square feet. The Structure was built in or around 1960 and is pre-existing, nonconforming for front, side, and rear yard setbacks. The PIOD requires a minimum front, side, and rear yard setbacks of 20 feet; the front yard setback is 11 feet, the eastern side yard setback is 16.6 feet, and the rear yard setback is 15.4 feet. The Structure is one-story with a height of 11.5 feet.

The proposed single-family residence will comply with all dimensional requirements of the PIOD. The proposed residence will be 2 stories with a height of 28 feet. The proposed FAR is 0.249, in compliance with maximum allowable 0.25. The existing Structure has 2 bedrooms and the proposed residence will include 3 bedrooms. Section XXI-G(2) allows the creation of one additional bedroom. In accordance with the preferred construction standards for the flood zone, the proposed residence will be built on steel and wood piles.

The Applicant requires a Special Permit under Section XXI-G.4a due to the increase in height. Section XXI-G.4a allows the alteration, reconstruction, extension of, or change of a single-family residence in the PIOD where:

- 1. The proposed change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood or the PIOD; and
- 2. The change will not cause the structure to be within 10 feet of the side lot

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

line, more than 2 stories, or more than 35 feet in height.

1. The proposed residence will not be substantially more detrimental than the existing nonconforming Structure. As set forth above, the existing Structure is nonconforming for front, rear, and side yard setback. The Applicant proposes a residence that will comply with all dimensional requirements of the PIOD, which is in keeping with the PIOD. The elimination of the nonconformities is an improvement on the lot. Although the height of the proposed residence is an increase over the existing Structure, it is still in compliance with the maximum allowable 35 feet, as addressed below. Further, the proposed residence will be constructed on piles, contributing to the overall height. The construction on piles is an improvement over the existing Structure, as the Property is in the AE flood zone and the existing Structure is not on piles. The neighborhood is a mixture of homes built as long ago as the 1950s and 1960s, and homes built within the past 20 years. The newer homes are constructed on piles, and the proposed residence will be in keeping with those newer homes and the preferred construction standards for the flood zone. At 2 stories, the proposed residence is in keeping with the neighborhood. Two other residences on Louise Street are 2 stories, a third is 1.75 stories. A property on Martha Street that directly abuts the Property is also 2 stories. Lastly, the existing Structure is an eye sore and the proposed residence will be an improvement to the neighborhood.

2. The new residence will not be more than 2 stories nor more than 35 feet in height. The proposed height is 28 feet, well below the maximum allowable 35 feet. The proposed residence will have 2 stories, in compliance with the PIOD. Finally, the proposed residence will not be within 10 feet of the side lot line and will, in fact, comply with the required minimum setback of 20 feet for front, side, and rear yard setbacks.

The Applicant respectfully requests that the Board find that the proposed changes are not substantially more detrimental to the neighborhood than the pre-existing, nonconforming Structure and grant a Special Permit for Non-Conformities.

Respectfully submitted Thomas Melaragni and Kris Melaragni, Trustees TMM Realty Trust By their Attorney

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Lisa L. Mead Attachment cc: client

RE: Special Permit 3 Louise Street

Dear Chairman and Members of the Zoning Board;

I have been provided with plans for removing the existing structure, which is in an unkempt and unsafe condition, and replacing it with a new home. The proposed new home is consistent with other homes which have been built under the newer flood plain requirements by elevation on pilings. I have no objection to the proposed project and believe the proposal will certainly not be substantially more detrimental to the neighborhood or Plum Island generally.

Sincerely,

von Malt Address: Date:

RE: Special Permit 3 Louise Street

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Sincerely, Services NeConvick Address: 146 Old Point Rd Deubuyport HA @1950

Date: Kon ,2020

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Sincerely,

Address: 7 Date:

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Sincerely,

Address: Date: 5-2-2

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	Sincerely,
	Ment
	Annas Non
hard	Address: 3 /LAPE ST, MENDINPONT MOO1950
	Date: $5/1/20$

CITY OF NEWBURYPORT, MA

APR# 2020-037

		MINIMATION	
Name:	Thomas and Kris Melarangi c/o Lisa Mead,	MTC, LLC	
Address	3 Louise Street	Zoning District(s):	/PIOD
Request	Remove existing nonconforming sigle family same nonconforming lot in conforming locat	structure and construct new	w single family on
	NING BOARD REVIEW REQUIRED Variance Dimensional Controls (VI)	Sign Variance	
	Lot Area Open Space Front Ya Lot Frontage Height Side Yard Lot Coverage Lot Width Rear Yar	rd Type d Lighting d	Size
	Modification	<u>Other</u>	
	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-Con □ Extension or Alteration □ Parking □ Upward Extension □ Open Space □ Height □ Lot Area □ Use □ Over 500 sf. increase ✓ Plum Island Overlay D □ FAR □ Lot Coverage	on (IX.B.2) Rear Yard Lot Coverage Side Yard Lot Frontage Front Yard (IX.B.3.c)
	ANNING 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 Smart Growth District (XXIX)	Special Permit for Non-Cont Extension or Alteratio Parking Upward Extension Open Space Height Lot Area Use Over 500 sf. increase Site Plan Review (XV)	n (IX.B.2) Rear Yard Lot Coverage Side Yard Lot Frontage Front Yard
[]	Plan Approval		
HIS [Demo. Delay Advisory Review		
√ со	NSERVATION COMMISSION REVIEW REQUIRED	The name typed below represents the intent	t to sign the foregoing document:
√ su	bstantial imprvt., but no exist. sidewalk	Jennífer Blanchet	05/05/2020
		Newburyport Zoning Administrator	Date

3 LOUISE ST

Location	3 LOUISE ST	MBLU	75/ 199/ / /
Owner	MELARAGNI THOMAS M & KRIS TRS	Assessment	\$336,800
		PID	5128

Building Count 1

Current Value

Assessment			
Valuation Year Improvements Land Total			
2020	\$39,800	\$297,000	

Owner of Record

Owner	MELARAGNI THOMAS M & KRIS TRS	Sale Price	\$235,000
Co-Owner	TMM REALTY TRUST	Certificate	
Address	6 LOUISE ST	Book & Page	36540/0461
	NEWBURYPORT, MA 01950	Sale Date	02/20/2018
		Instrument	1L

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MELARAGNI THOMAS M & KRIS TRS	\$235,000		36540/0461	1L	02/20/2018
DOWIE DOUGLAS M	\$0		28244/0173	1F	01/13/2009
COLLETTE DIANNE E	\$0		16327/0039	1A	05/03/2000
COLLETTE DIANE E	\$0		13958/0507	1F	02/03/1997
COLLETTE DIANE E	\$1		09416/0373	1A	03/02/1988

Building Information

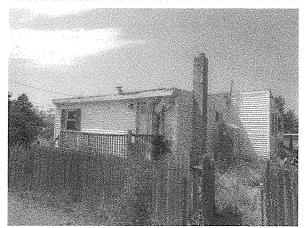
Building 1 : Section 1

Year Built: Living Area:	1960 1,158	
Building Attributes		
Field Description		
Style		Ranch

Vision Government Solutions

Jovennment Solutions	
Model	Residential
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Rolled Compos
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior FIr 1	Hardwood
Interior FIr 2	Carpet
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
АС Туре:	Central
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Average

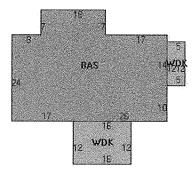
Building Photo



(http://images.vgsi.com/photos/NewburyportMAPhotos/\01\01 \03/35.jpg)

Building Layout

and the second second



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches /5128_5299.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,158	1,158
WDK	Deck, Wood	252	0
		1,410	1,158

Extra Features

2 of 3

	Extra Features	Legend
	No Data for Extra Features	
and		
Land Use	Land Line Valuation	
Use Code 1010	Size (Acres) 0.22	

 Depth
 0

 Assessed Value
 \$297,000

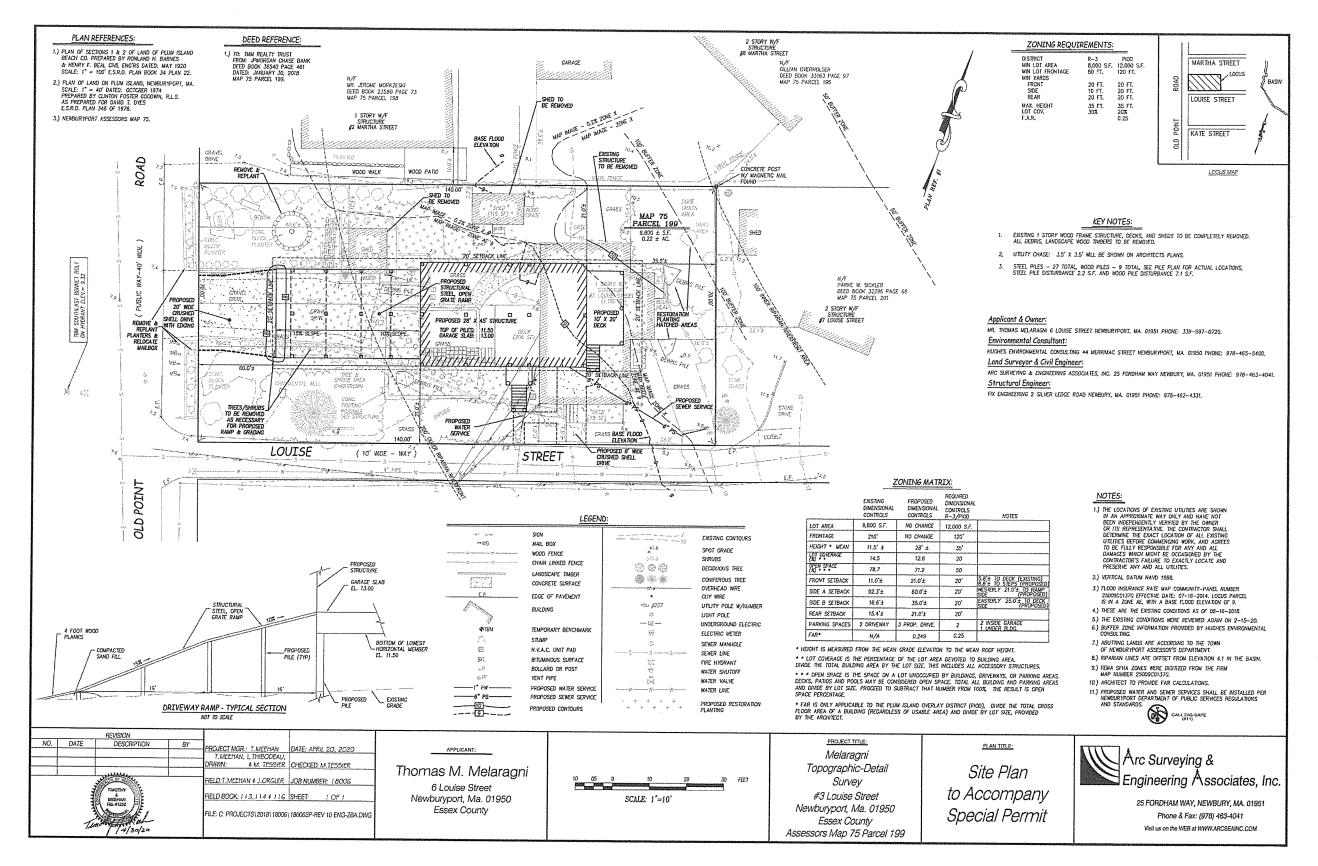
Outbuildings

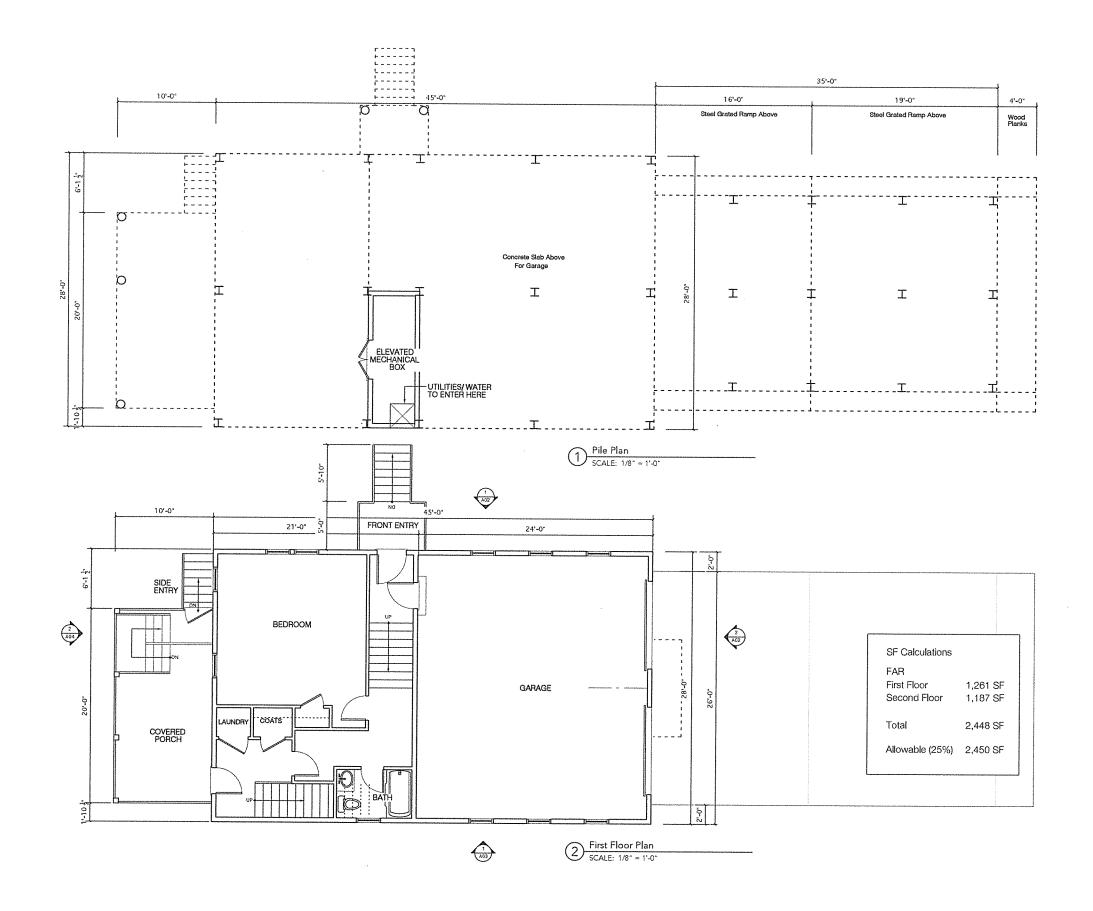
Outbuildings	
No Data for Outbuildings	

Valuation History

	Assessment		
Valuation Year	Improvements	Land	Total
2019	\$35,200	\$285,100	\$320,300

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project:

MELARAGNI RESIDENCE

3 Louise Street Newburyport, MA 01950

architect:

G R A F A R C H I T E C T S 2 Liberty Street Newburyport, MA 01950 T. 978 499 9442

www.grafaoth.com

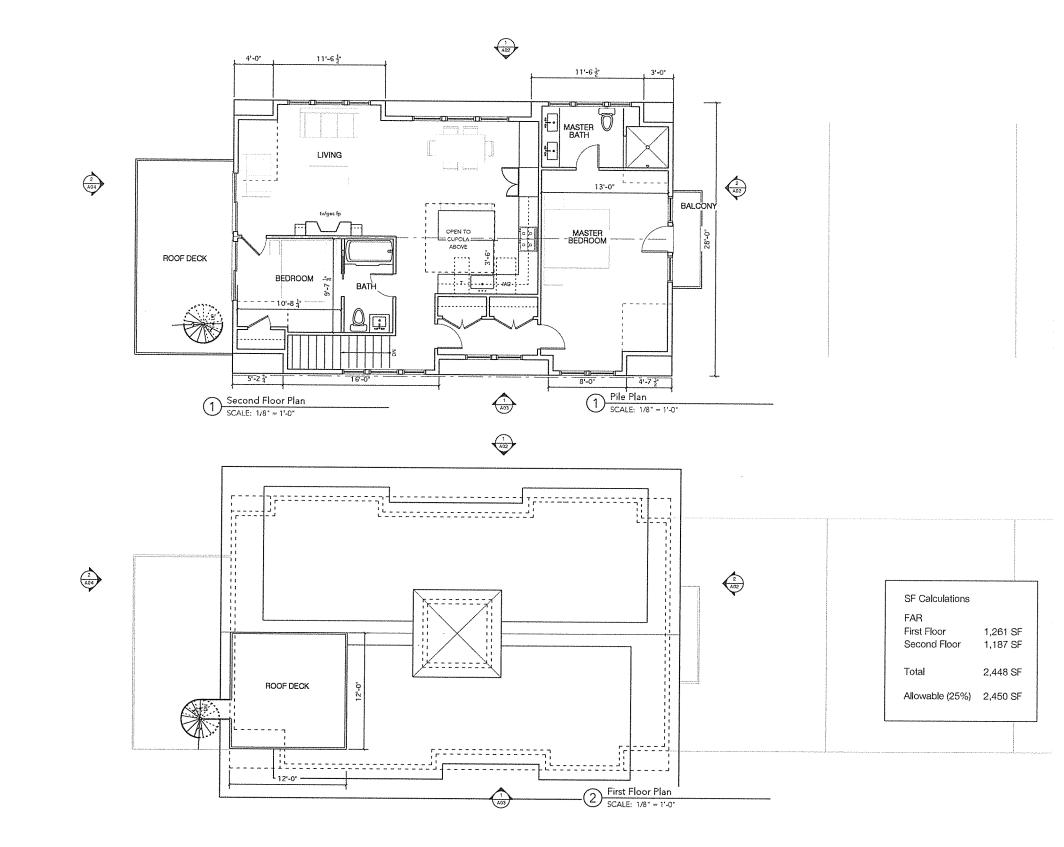
title:

PROPOSED Pile Plan + First Floor Plans

SCALE: 1/8" = 1'-0" 28 april 2020



Notacian FOI Place 25:00 FA2650 12:01 PM



project:

MELARAGNI RESIDENCE

3 Louise Street Newburyport, MA 01950

architect:

G R A F A R C H I T E C T S 2 Liberty Street Newburyport, MA 01950 T. 978 499 9442 www.elefwch.com

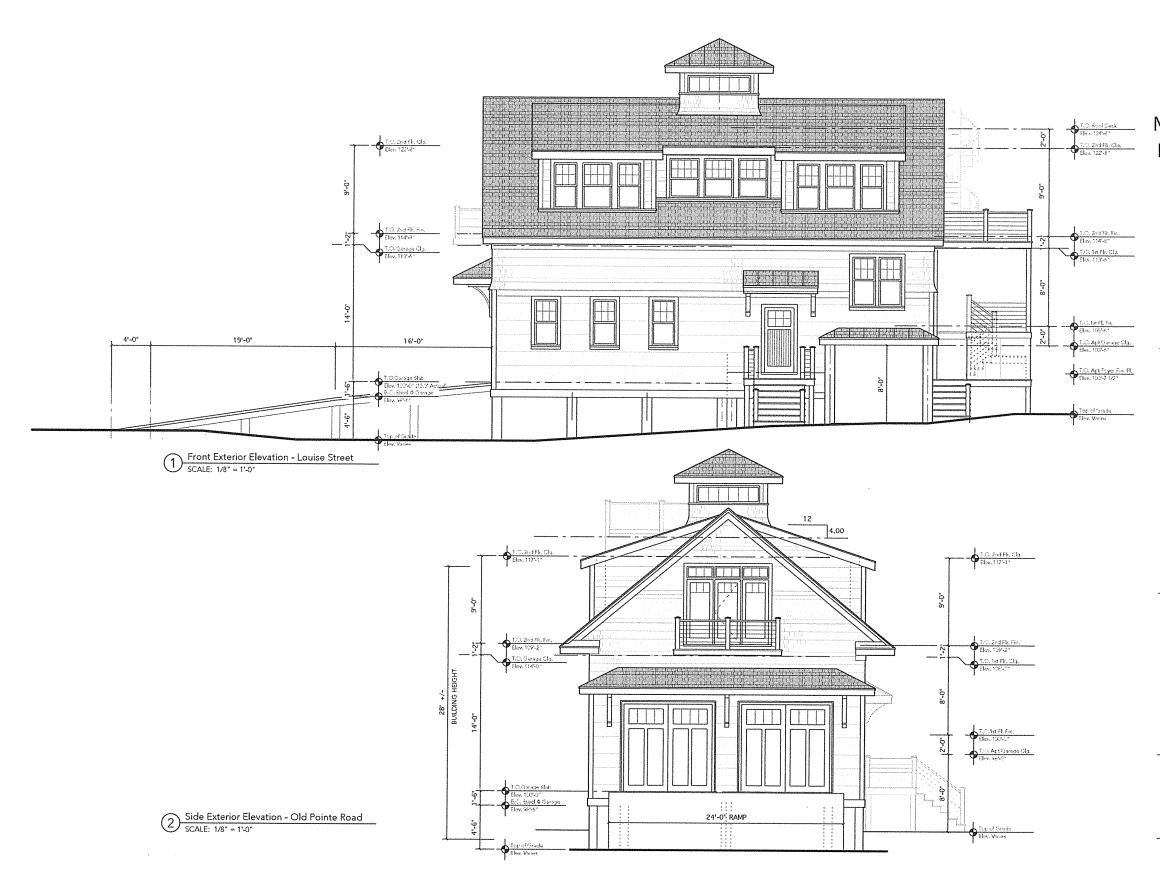
title:

PROPOSED Second Floor + Roof Plan

SCALE: 1/8" = 1'-0" 28 april 2020



Nakaopa KCT Physics 2220 - 140800, 1200 PM



project

MELARAGNI RESIDENCE

3 Louise Street Newburyport, MA 01950

architect:

G R A F A R C H I T E C T S 2 Liberty Street Newburyport, MA 01950 T. 978 499 9442 www.gndath.com

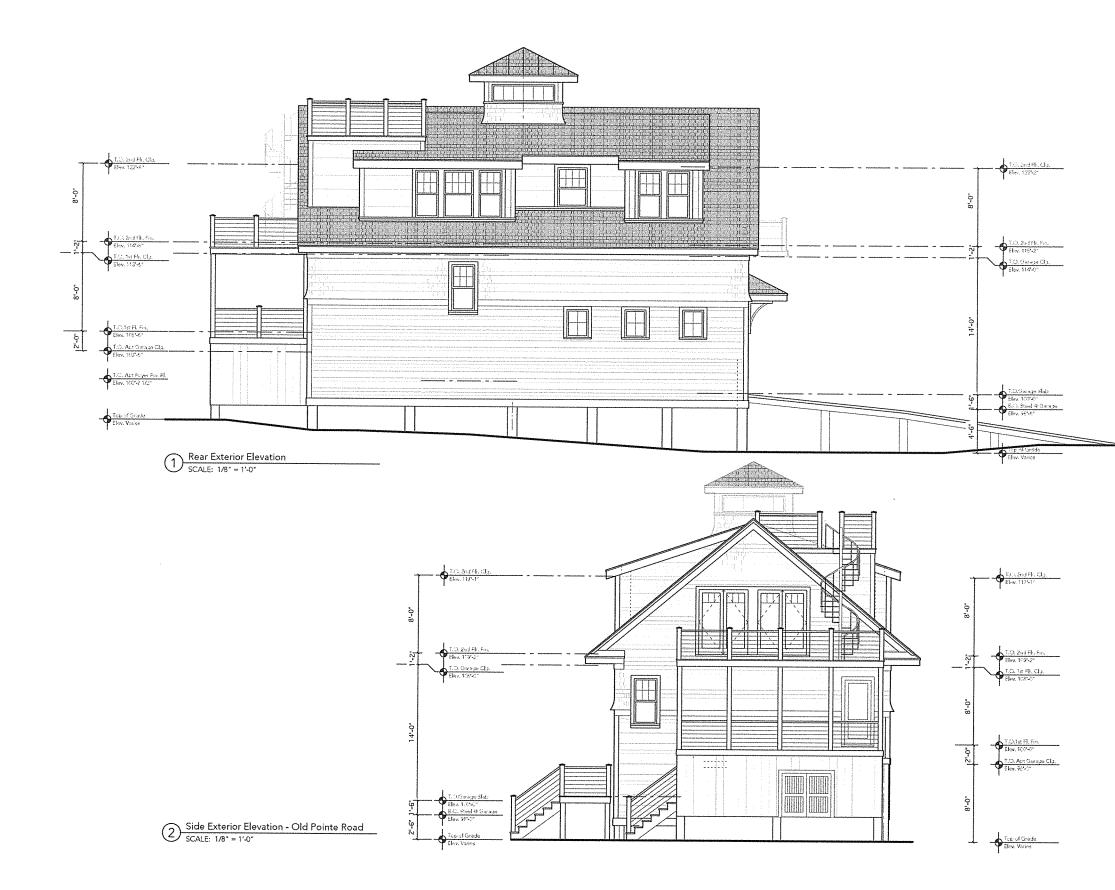
title:

PROPOSED Exterior Elevations

> SCALE: 1/8" = 1'-0" 28 april 2020



Malanon ACE Em Ellove A 2420 \$ 40820, 1210



project:

MELARAGNI RESIDENCE

3 Louise Street Newburyport, MA 01950

architect:

G R A F A R C H I T E C T S 2 Liberty Street Newburyport, MA 01950 T. 978 499 9442 www.grafwd.ctm

title:

PROPOSED Exterior Elevations

> SCALE: 1/8" = 1'-0" 28 april 2020

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