

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

Petitioner: William Barrett

Mailing Address: 1 JACKSON WAY Newbury, MA 01951

Phone: 508-509-3040 Email: bill@plumislandprop.com

Property Address: 3 Q Street

Map and Lot(s): 75 / 108 Zoning District: R3

Book and Page(s): 12775 / 529

Owner(s) Name: MARK DRAGO

Mailing Address (if different): 9 Kenmore Road Melrose, MA 02176

This request for a Special Permit for Non-Conformities is made under section(s):  
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- |   |  |
|---|--|
| <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) |
| <input checked="" 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"/> Use                              |  |
| <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                       |  |

Description of request: owner request to add 439 Sq Ft. to the second floor, there is 1 bedroom on second floor now. the plan is to eliminate the bedroom on first floor and create 2 bedrooms and a bath on the second floor.

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

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	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	4785	4785	12000
Frontage	65'	65'	120'
Height*	13.5'	20.3'	35'
Lot Coverage (%)**	31.7%	29.1%	20%
Open Space (%)***	48.9%	48.9%	35%
Front Setback	0	0	20'
Side A Setback	23'	23'	20'
Side B Setback	11.1'	11.1'	20'
Rear Setback	35'	35'	20'
Parking Spaces	4	4	2
FAR****	22.1%	30.9%	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.

Petitioner's and Owner's signature(s):




CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2020-024

Name: Mark Drago c/o William Barrett

Address: 3 Q Street

Zoning District(s): R3/PIOD

Request: Renovate and expand non conforming single family structure on non conforming property through an upward extension. Property frontage on Q street is not accessible and physical access to the property is via an easement over an adjacent private parcel from P Street.

**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

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-3)
  - FAR
  - Lot Coverage
  - Height
  - Setbacks
  - Open Space

XXI-F, 5

**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**

  
Newburyport Zoning Administrator

2/26/2020  
Date

**3 Q ST**

Location 3 Q ST

MBLU 75/168//

Owner DRAGO MARK

Assessment \$461,300

PID 5104

Building Count 1

**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$28,600	\$432,700	\$461,300

**Owner of Record**

Owner DRAGO MARK  
 Co-Owner  
 Address 9 KENMORE RD  
 MELROSE, MA 02176

Sale Price \$340,000  
 Certificate  
 Book & Page 37291/0144  
 Sale Date 01/24/2019  
 Instrument 00

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DRAGO MARK	\$340,000		37291/0144	00	01/24/2019
TRACY CAROL	\$0		12775/0529	1A	10/06/1994
DUQUETTE WILLIAM E	\$0		5468/ 456		

**Building Information**

**Building 1 : Section 1**

Year Built: 1930  
 Living Area: 700

**Building Photo**

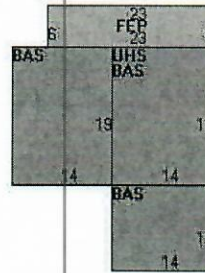
Building Attributes	
Field	Description
Style	Camp
Model	Residential
Stories:	1 1/2 Stories
Occupancy	1
Exterior Wall 1	Asphalt
Exterior Wall 2	

Roof Structure:	Gable/Hip
Roof Cover	Rolled Compos
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Flr 1	Vinyl/Asphalt
Interior Flr 2	
Heat Fuel	Coal or Wood
Heat Type:	None
AC Type:	None
Total Bedrooms:	1 Bedroom
Total Bthrms:	0
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	3 Rooms
Bath Style:	Average
Kitchen Style:	



(<http://images.vgsi.com/photos/NewburyportMAPhotos//0100175/34.jpg>)

### Building Layout



([http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/5104\\_52](http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/5104_52))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	700	700	
FEP	Porch, Enclosed	138	0	
UHS	Half Story, Unfinished	266	0	
		1,104	700	

### Extra Features

Extra Features		Legend
No Data for Extra Features		

### Land

#### Land Use

Use Code 1010  
Description SINGLE FAM

#### Land Line Valuation

Size (Acres) 0.11  
Depth 0  
Assessed Value \$432,700

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			336 S.F.	\$4,700	1

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$25,800	\$432,700	\$458,500

Application To Newburyport Zoning Board of Appeals

**3 Q Street**

**Applicant:** Mark Drago 9 Kenmore Road Melrose, MA 02176

**Representing Applicant:** William Barrett. 1 Jackson Way Newbury, MA 01951 Phone: 508-509-3040

***Identify the particular use existing or proposed for the land or structure.***

158 Old point Rd is currently a single family, 2 story, 2 bedroom dwelling. The Applicant proposes to renovate the existing structure by adding 439 square feet to the second floor. The renovation include removing the bedroom on the first floor and adding that to the second floor with an additional full bathroom.

***Identify the particular respect in which the existing structure or use does not conform to the requirements of present Zoning.***

**According to the zoning bylaws under Plum Island Overlay District Section XX1-D Paragraph 2**

- The existing lot is non-conforming due to lot size, (less than 12000 sq. ft.).
- The existing Structure is non-conforming due to its front yard setback at 0'. (20' required)
- The existing structure is non-conforming due to its lot frontage at 65'.
- The existing Structure is non-conforming due to its side yard setback of 11.5' (20' required)

Note: The house frontage is on a paper street (Q Street) but is accessed from P Street though a legal driveway easement.

***Identify whether the proposed use, extension, alteration or addition would intensify the existing non-conformities or result in additional ones.***

- Right side setback stay will the same at 23'
- The front setback will stay the same at 0'.
- The left setback will stay the same at 11.1'.
- The rear setback will stay the same at 35'.
- The lot Coverage percentage will decrease from 31.7% to 29.1%.
- The FAR will increase from 22.1 % to 30.9%.

***Identify the facts relied upon to support the petition that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.***

The proposed construction shall not be more detrimental as most of the ground level setbacks will all remain the same. Additionally, the proposed new home will be of similar design to most others in the immediate area, will decrease lot coverage and will also be far under the building height limitations at 20.3'.

We respectfully ask that the Board issue a finding in favor of a Special Permit for Non-Conformities under section XX1-F Paragraph 5. The enlargement or extension 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 enlargement or extension may increase existing nonconformities.