

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

RECEIVED

JUN 17 2021

Newburyport Planning Dept.

Petitioner: Bill and Sally Green

Mailing Address: 40 Middle Street

Phone: 781/771-1742 Email: salleegreen@gmail.com

Property Address: 40 Middle Street

Map and Lot(s): 7/25 Zoning District: R3/DOD

Book and Page(s): 32715/0088

Owner(s) Name: Bill and Sally Green

Mailing Address (if different): \_\_\_\_\_

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 checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input checked="" type="checkbox"/> Over 500 s.f. Increase (IX.B.3.c) |
| <input type="checkbox"/> Parking                                     | <input type="checkbox"/> Rear Yard                                    |
| <input checked="" type="checkbox"/> Upward Extension                 | <input type="checkbox"/> Lot Coverage                                 |
| <input type="checkbox"/> Open Space                                  | <input checked="" type="checkbox"/> Side Yard                         |
| <input type="checkbox"/> Height                                      | <input type="checkbox"/> Lot Frontage                                 |
| <input type="checkbox"/> Lot Area                                    | <input type="checkbox"/> Front Yard                                   |
| <input type="checkbox"/> Use   |   |

Description of request:  
Construct a second story above existing attached garage.

All information contained within this application will become a formal part of the Planning Board's proceedings and decision.

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	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	8,000 SF	5,846 SF	5,846 SF
Frontage	80 FT	64 FT	64 FT
Height*	35 FT	22 FT	22 FT
Max. Lot Coverage (%)**	30%	28.9%	29.8%
Min. Open Space (%)***	35%	57%	56.9%
Primary Front Setback	20 FT	15 FT	15 FT
Side A Setback/Secondary Front Setback	10 FT	18.9 FT	18.9 FT
Side B Setback	10 FT	1.6 FT	1.6 FT
Rear Setback	20 FT	5.9 FT	5.9 FT
Parking Spaces	2	2	2
FAR****	N/A	N/A	N/A

\*Height is measured to median roof line.

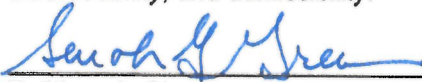
\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*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 Planning Board. 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 Planning Board Rules and Regulations may result in a dismissal this application as incomplete.

*Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.*

  
 \_\_\_\_\_  
 Petitioner's Signature

\_\_\_\_\_  
 Owner's Signature (if different)

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2021-055

Name: David Keery/ Bill and Sally Green

Address: 40 Middle Street Zoning District(s): R3/DOD

Request: Construct attached garage with living space above extending an existing nonconforming side yard setback(s) laterally and upward. Roofline being modified is NOT historic.

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)
  - 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

Review for tree and sidewalk

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

*Jennifer T Blanchet*

06/22/2021

Newburyport Zoning Administrator

Date

# 40 MIDDLE ST

Location 40 MIDDLE ST

MBLU 7/ 25/ / /

Owner GREEN WILLIAM M

Assessment \$1,027,100

PID 248

Building Count 1

## Current Value

Valuation Year	Assessment		
	Improvements	Land	Total
2021	\$772,900	\$254,200	\$1,027,100

## Owner of Record

Owner	GREEN WILLIAM M	Sale Price	\$1,262,500
Co-Owner	SARAH G T/E	Certificate	
Address	40 MIDDLE ST NEWBURYPORT, MA 01950	Book & Page	32715/0088
		Sale Date	08/02/2013
		Instrument	00

## Ownership History

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date	
GREEN WILLIAM M	\$1,262,500		32715/0088	00	08/02/2013	
RUSSELL GROVER ASSOCIATES LLC	\$475,000		30633/0152	10	09/01/2011	
MURPHY MOLLY D	\$1		28948/0068	1F	09/25/2009	
MURPHY ROBERT J & MOLLY D TRS	\$0		15603/0449	1F	04/14/1999	
MURPHY ROBERT J	\$219,000		12767/0203	00	09/30/1994	

## Building Information

### Building 1 : Section 1

Year Built: 1850  
Living Area: 2,199

### Building Attributes

Field	Description
Style:	Conventional
Model	Residential

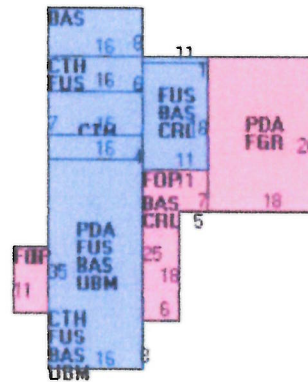
Grade:	Above Avg
Stories:	2 Stories
Occupancy	2
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Slate
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Fir 1	Hardwood
Interior Fir 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos/\01\00\63\66.jpg>)

### Building Layout



([http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/248\\_26](http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/248_26))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,169	1,169	
FUS	Upper Story, Finished	1,030	1,030	
CRL	Crawl Space	321	0	
CTH	Cathedral Ceiling	272	0	
FGR	Garage, Attached	468	0	
FOP	Porch, Open	251	0	
PDA	Pull Down Attic	1,028	0	
UBM	Basement, Unfinished	624	0	
		5,163	2,199	

### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #

FPL4	FIREPLACE, MNF	1.00 UNITS	\$1,800	1
WHL	WHIRLPOOL	1.00 UNITS	\$1,700	1

**Land**

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAM

**Land Line Valuation**

**Size (Acres)** 0.13  
**Depth** 0  
**Assessed Value** \$254,200

**Outbuildings**

**Outbuildings**

**Legend**

No Data for Outbuildings

**Valuation History**

**Assessment**

Valuation Year	Improvements	Land	Total
2020	\$738,200	\$254,200	\$992,400

June 22, 2021

**To: Newburyport Planning Board  
Bonnie Sontag, Chair**

**Memorandum in Support of the Application for a Special Permit  
for Non-Conformities by Bill and Sally Green for 38/40 Middle  
Street in Newburyport, MA.**

A) The current use of the existing land is Residential/One-Family (Use No. 101). The proposed use will remain the same (Use No. 101).

B) The existing structure is non-conforming with the requirements of the zoning ordinance for District R-3/DOD in several ways: It does not conform to the front setback requirement of 20 feet, as it lies 15 feet from the front lot line. It does not conform to the side setback requirement of ten feet on one side, as it lies 1.6 feet away. Finally, it does not conform to the rear setback requirement of twenty feet, as it lies 5.9 feet away.

C) The proposed 2nd story addition will extend but not intensify any existing non-conformities.

D) The proposed second-story addition to the garage will not be more detrimental than the existing structure. It will match the height of the existing "ell" roof which runs perpendicular to the main roof and is smaller and set back further from the Street than the main building. It is scaled and detailed to match the existing architecture and respects the character of the existing home.

■ 437 Merrimac Street  
Newburyport, MA 01950

