

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

Petitioner: TAG Development LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

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Mailing Address: 30 Green Street, Newburyport MA 01950

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Phone: 9784637700 Email: lisa@mtclawyers.com

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Property Address: 490 Merrimac Street

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Map and Lot(s): 69/4 Zoning District: R1

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Book and Page(s): 38716/303

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Owner(s) Name: 490 Real Estate Trust, Courtney Metcalf, Trustee,

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Mailing Address (if different): Hines Way, Newburyport

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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 type="checkbox"/> Over 500 s.f. increase (IX.B.3.c)    |
| <input type="checkbox"/> Parking                                     | <input type="checkbox"/> Plum Island Overlay District (XXI-G) |
| <input type="checkbox"/> Upward Extension                            | <input type="checkbox"/> FAR                                  |
| <input type="checkbox"/> Open Space                                  | <input type="checkbox"/> Footprint Expansion                  |
| <input type="checkbox"/> Height                                      | <input type="checkbox"/> Height Increase                      |
| <input checked="" type="checkbox"/> Lot Area                         |   |
| <input type="checkbox"/> Use   |   |

Description of request:

Renovate existing residential structure into a garage and construct new single family home attached.

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

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

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	20,000	11,100	11,100
Frontage	125	122.6	122.6
Height*	30	15.75	25.5
Max. Lot Coverage (%)**	20	8.9	19.8
Min. Open Space (%)***	50	91	70.2
Primary Front Setback	30	10.9	10.9
Side A Setback/Secondary Front Setback	20	15.1	16
Side B Setback	20	67	26.1
Rear Setback	30	46.3	30.4
Parking Spaces	2	2	2
FAR****	NA	NA	NA

\*Height is measured to median roof line.

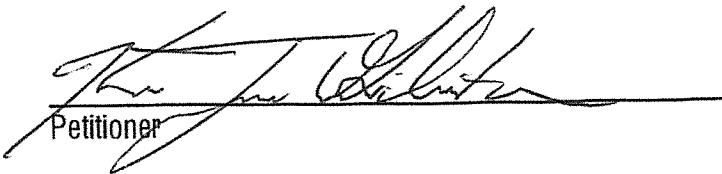
\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*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.

  
 \_\_\_\_\_  
 Petitioner

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

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



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

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March 17, 2021

By Hand and Electronic Mail

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

Re: 490 Merrimac Street Newburyport, MA (the "Property")  
Assessor's Map: 69 Lot 4

Dear Chair Ciampitti and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents TAG Development, LLC, the purchaser of the Property (the "Applicant") relative to a proposed renovation of the existing single family home into a garage and the construction of a connected single-family home.

The existing structure was built in or around 1890. The owners went before the Historic Commission in November of last year and received a release for demolition even though the structure was determined to be Historically Significant for its age.

The Property is located in the R-1 zoning district and the lot is non-conforming for area, 11,100 were 20,000 is required, and frontage 122.6 where 125 is required. Further, the existing structure is located within the west side yard setback at 16 feet where 20 feet is required.

The Applicant proposes to reconstruct the existing structure as presented to the Historic Commission as a garage and then connect the single-family home to its rear, also as indicated to the Historic Commission. The proposed home will meet all of the dimensional requirements of the Ordinance.

The Applicant will require a Special Permit for non-conformities from the Zoning Board of Appeals pursuant to section IX-B(3)(B).

The Project does not add any new non-conformities, nor does it increase or intensify any non-conformities. Indeed, it lessens a side setback non-conformity in length as a portion of the existing structure will be removed.

The Applicant's proposal is not more detrimental to the neighborhood than the existing structure for the following reasons:

The proposed home will be built entirely within the exiting dimensional requirements. Further, the Applicant is maintaining the streetscape by reusing the existing home as the garage for the proposed structure. This section of Merrimac Street is a

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Phone 508.376.8400

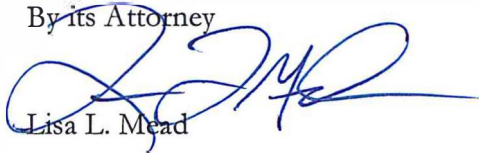
mixture of architectural styles, sizes and uses. Across the street are a number of two-family homes, to the west is a cape, a two story and a ranch. As one travels to the east the homes are further setback from the street. There is no consistent style or pattern. Indeed, the proposed home is set toward the rear of the lot while the existing structure maintains the on-street presence.

Based on the foregoing, the proposed renovation is not more detrimental than the existing structure to neighborhood due to the continuity of a single-family home, aesthetic improvement and re-use of the existing structure, and compliance with all other dimensional requirements.

As a result of the foregoing, we respectfully request this Board to find that the Applicant's proposal satisfies the criteria for a Special Permit for Non-Conformities.

Please do not hesitate to contact me at 978-463-7700 if you have any questions.

Respectfully submitted,  
TAG Development LLC,  
By its Attorney



Lisa L. Mead

Attachment  
cc: client

ZONING DETERMINATION

Name: TAG Development, LLC c/o/Lisa Mead MTC LLC

Address: 490 Merrimac Street

Zoning District(s): R2/DCOD

Request: Construct addition >500sf to existing nonconforming single family home extending an existing non conforming side yard setback at existing structure. Demo Delay review has been conducted/approved for proposed connection to existing srtructure.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

tree and sidewalk ordinance review

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

Jennifer T Blanchet

03/15/21

Newburyport Zoning Administrator

Date

# 490 MERRIMAC ST

Location 490 MERRIMAC ST

MBLU 69/ 4/ / /

Owner METCALF COURTNEY TRS

Assessment \$336,700

PID 4580

Building Count 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$97,400	\$239,300	\$336,700

## Owner of Record

Owner	METCALF COURTNEY TRS	Sale Price	\$330,000
Co-Owner	MERRIMAC 490 REALTY TRUST	Certificate	
Address	4245 BROWNSTONE DR BEAUMONT, TX 77706	Book & Page	38716/0303
		Sale Date	07/15/2020
		Instrument	1H

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
METCALF COURTNEY TRS	\$330,000		38716/0303	1H	07/15/2020
SULLIVAN JOAN F	\$0		5391/0024		09/06/1966

## Building Information

### Building 1 : Section 1

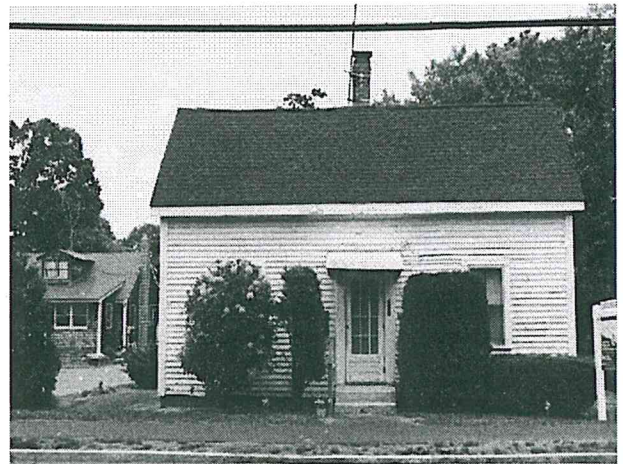
Year Built: 1890

Living Area: 994

Building Attributes	
Field	Description
Style:	Cape Cod
Model	Residential
Grade:	Average
Stories:	1 Story
Occupancy	1

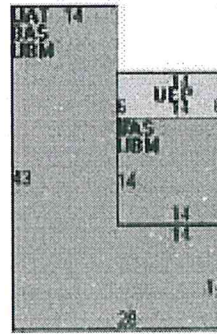
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	Plastered
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	5 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\01\21\27.jpg>)

### Building Layout



([http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/4580\\_47](http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/4580_47))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	994	994	
UAT	Attic	798	0	
UBM	Basement, Unfinished	994	0	
UEP	Porch, Enclosed, Unfinished	84	0	
		2,870	994	

### Extra Features

Extra Features	Legend
No Data for Extra Features	

### Land

Land Use

Land Line Valuation

Use Code 1010  
Description SINGLE FAM

Size (Acres) 0.25  
Depth 0  
Assessed Value \$239,300

**Outbuildings**

Outbuildings	Legend
No Data for Outbuildings	

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$130,500	\$239,300	\$369,800













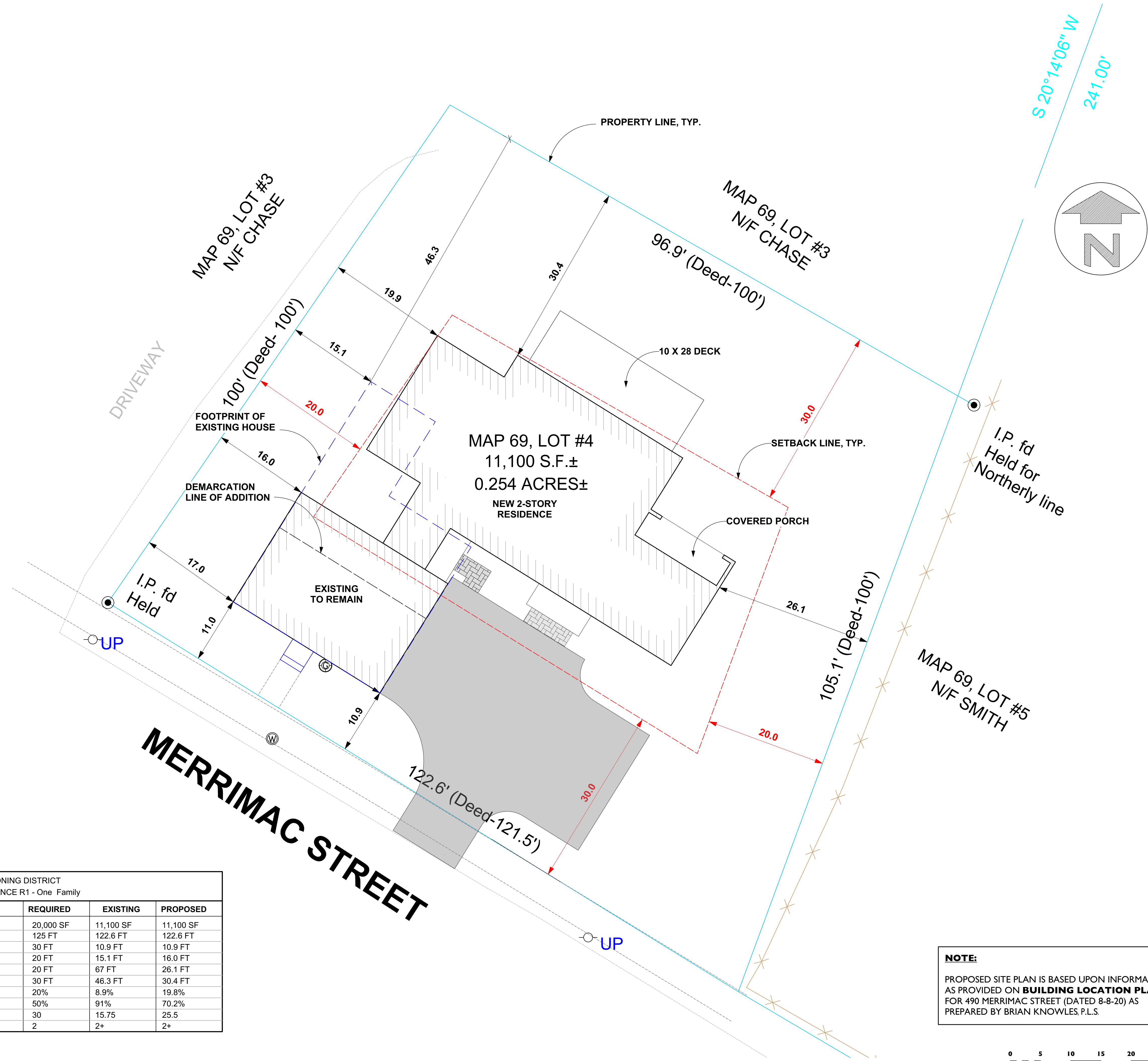
**PROPOSED NEW RESIDENCE**  
AT  
490 MERRIMAC STREET,  
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES

No.	Date	Notes

Project # 2021-14    Project Manager X.X.    Date 3-14-21  
Scale: 1/8" = 1'-0"

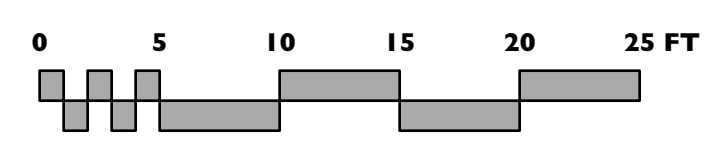
**PROPOSED SITE PLAN**  
**A0.0**  
COPYRIGHT 2021 SCOTT M. BROWN, ARCHITECTS



ZONING DISTRICT  
RESIDENCE R1 - One Family

ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA	20,000 SF	11,100 SF	11,100 SF
LOT FRONTAGE	125 FT	122.6 FT	122.6 FT
FRONT YARD	30 FT	10.9 FT	10.9 FT
SIDE YARD A	20 FT	15.1 FT	16.0 FT
SIDE YARD B	20 FT	67 FT	26.1 FT
REAR YARD	30 FT	46.3 FT	30.4 FT
LOT COVERAGE	20%	8.9%	19.8%
OPEN SPACE	50%	91%	70.2%
HEIGHT	30	15.75	25.5
PARKING SPACES	2	2+	2+

**NOTE:**  
PROPOSED SITE PLAN IS BASED UPON INFORMATION AS PROVIDED ON **BUILDING LOCATION PLAN** FOR 490 MERRIMAC STREET (DATED 8-8-20) AS PREPARED BY BRIAN KNOWLES P.L.S.



PROPOSED NEW RESIDENCE  
AT  
490 MERRIMAC STREET,  
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES

No.	Date	Notes
A	3-15-21	ZBA SUBMISSION

Project #	Project Manager	Date
2021-14	X.X.	3-15-21

Scale: AS NOTED

PROPOSED ELEVATIONS

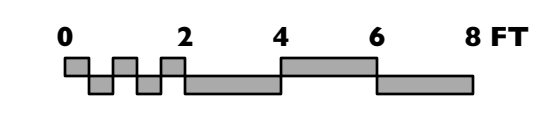
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2 PROPOSED RIGHT SIDE ELEVATION  
Scale: 1/4" = 1'-0"



1 PROPOSED FRONT ELEVATION  
Scale: 1/4" = 1'-0"



PROPOSED NEW RESIDENCE  
AT  
490 MERRIMAC STREET,  
NEWBURYPORT, MA 01950



2 PROPOSED LEFT SIDE ELEVATION  
Scale: 1/4" = 1'-0"



1 PROPOSED REAR ELEVATION  
Scale: 1/4" = 1'-0"

REVISION & REISSUE NOTES

No.	Date	Notes
A	3-15-21	ZBA SUBMISSION

Project #	Project Manager	Date
2021-14	X.X.	3-15-21

Scale: AS NOTED

PROPOSED ELEVATIONS

A2.2

