

# City of Newburyport Zoning Board of Appeals

## Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

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

Book and Page(s): \_\_\_\_\_

Owner(s) Name: \_\_\_\_\_

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 type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c)      |
| ___ Parking   | <input type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| ___ Upward Extension                                      | ___ FAR   |
| ___ Open Space  | ___ Footprint Expansion   |
| ___ Height  | ___ Height Increase   |
| ___ Lot Area  |   |
| ___ Use   |   |

Description of request:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

---

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

\*Height is measured to median roof line.

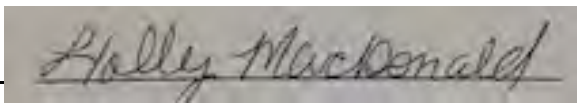
\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*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.

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



Holly MacDonald, Owner



Ryan McShera, Applicant/Petitioner

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2020-019

Name: Holly and Jeff MacDonald

Address: 4 68th Street Zoning District(s): R3/PIOD

Request: Demolish existing non conforming single family 1 story structure and construct new 2 story single family structure with an additional 859sf and parking below.

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

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)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

  
Newburyport Zoning Administrator

02/11/20

Date



84 High Street  
Ipswich, MA 01938  
www.redbarnarchitecture.com  
978.595.6764

**Re: Special Permit Application for #4 68<sup>th</sup> Street, Newburyport**

As per the requirements of the Zoning Board of Appeals application process, we are providing a written narrative for the proposed project and the reasoning behind our request.

**Brief Description of the Proposed Work and Reasoning:**

We are requesting a Special Permit to alter/reconstruct a non-conforming single-family structure located on a non-conforming lot located within the R-3/PIOD. We are proposing to tear down the existing home and build a new one in accordance with all local and state requirements (including Zoning, Building Code, and Conservation Commission requirements).

The existing lot contains the following non-conformities:

- Lot Size
  - 8,000 SF is required, our lot is 4,642 SF
- Frontage
  - 80' is required, our lot has 55' of frontage
- Lot Size
  - 8,000 SF is required, our lot is 4,642 SF

The existing structure carries the following non-conformities:

- Setback Violation
  - The current structure violates the front yard and side yard setbacks
    - Front Yard Required 20' (existing dimensional control – 19.5')
    - Side Yard Required 20' (existing dimensional control – 2.3')

As per section XXI-G of the Newburyport Zoning Ordinance we are seeking to reconstruct what is now a non-conforming single-family residential structure on a non-conforming lot. The single-family use is allowed in the zone and we are not proposing to change the use. Our proposal seeks to improve, and bring into compliance, the non-conforming nature of the setbacks (front and side-yard).

Our proposed building will comply with both front yard and side yard setbacks (see site plan and dimensional control worksheet provided). On the side of the property where the existing side-yard dimensional control is 2.3' we will improve the condition to 10.4' (where 10' is allowed by section XXI-G.4.a). Our FAR is increasing from .21 to .36. Where the existing FAR is compliant, section XIIG.4.b. allows us to increase the FAR by special permit and not a variance. Our FAR of .36 is in keeping with the neighborhood and is not *substantially more* detrimental.

It is our belief that the board can grant us the special permit for this proposal, and that the proposed building is not substantially more detrimental to the neighborhood. The use is allowed by right, we are improving non-conforming setbacks to bring them in compliance with the ordinance, and the proposed FAR is in keeping with the neighborhood.

# 4 68TH ST

**Location** 4 68TH ST

**MBLU** 76/ 152/ / /

**Owner** MACDONALD HOLLY

**Assessment** \$397,700

**PID** 5330

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$128,200	\$269,500	\$397,700

## Owner of Record

**Owner** MACDONALD HOLLY  
**Co-Owner**  
**Address** 175 COLWELL DR  
DEDHAM, MA 02026

**Sale Price** \$50,000  
**Certificate**  
**Book & Page** 31770/0526  
**Sale Date** 09/28/2012  
**Instrument** 1A

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MACDONALD HOLLY	\$50,000		31770/0526	1A	09/28/2012
MACDONALD HOLLY	\$0		30208/0109	1A	02/01/2011
WHITING PENNY L.	\$30,000		10676/0124	1A	01/08/1991
BRESNAHAN JOHN T JR	\$10,000		06917/0060	00	03/17/1982
MCCARTHY DAVID M	\$0		6043/ 415		02/01/1974

## Building Information

### Building 1 : Section 1

**Year Built:** 1981

**Living Area:** 855

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Stories:	1.5
Occupancy	1

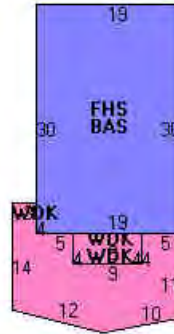
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Electric
Heat Type:	Electr Basebrd
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Old Style

### Building Photo



(http://images.vgsi.com/photos/NewburyportMAPotos//\01\00\

### Building Layout



(http://images.vgsi.com/photos/NewburyportMAPotos//Sketche:

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	570	570
FHS	Half Story, Finished	570	285
WDK	Deck, Wood	306	0
		1,446	855

### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL2	FIREPLACE 1.5 ST	1 UNITS	\$3,200	1

### Land

#### Land Use

Use Code 1010

#### Land Line Valuation

Size (Acres) 0.11

**Description** SINGLE FAM

**Depth** 0

**Assessed Value** \$269,500

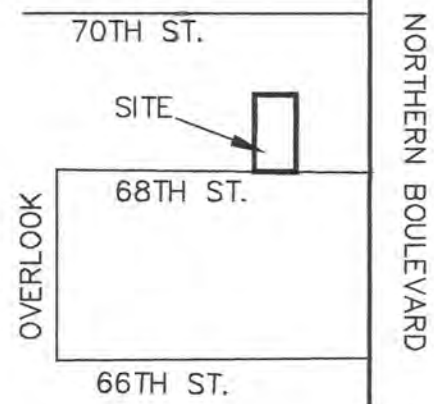
### Outbuildings

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

### Valuation History

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2019	\$121,900	\$258,800	\$380,700

(c) 2020 Vision Government Solutions, Inc. All rights reserved.

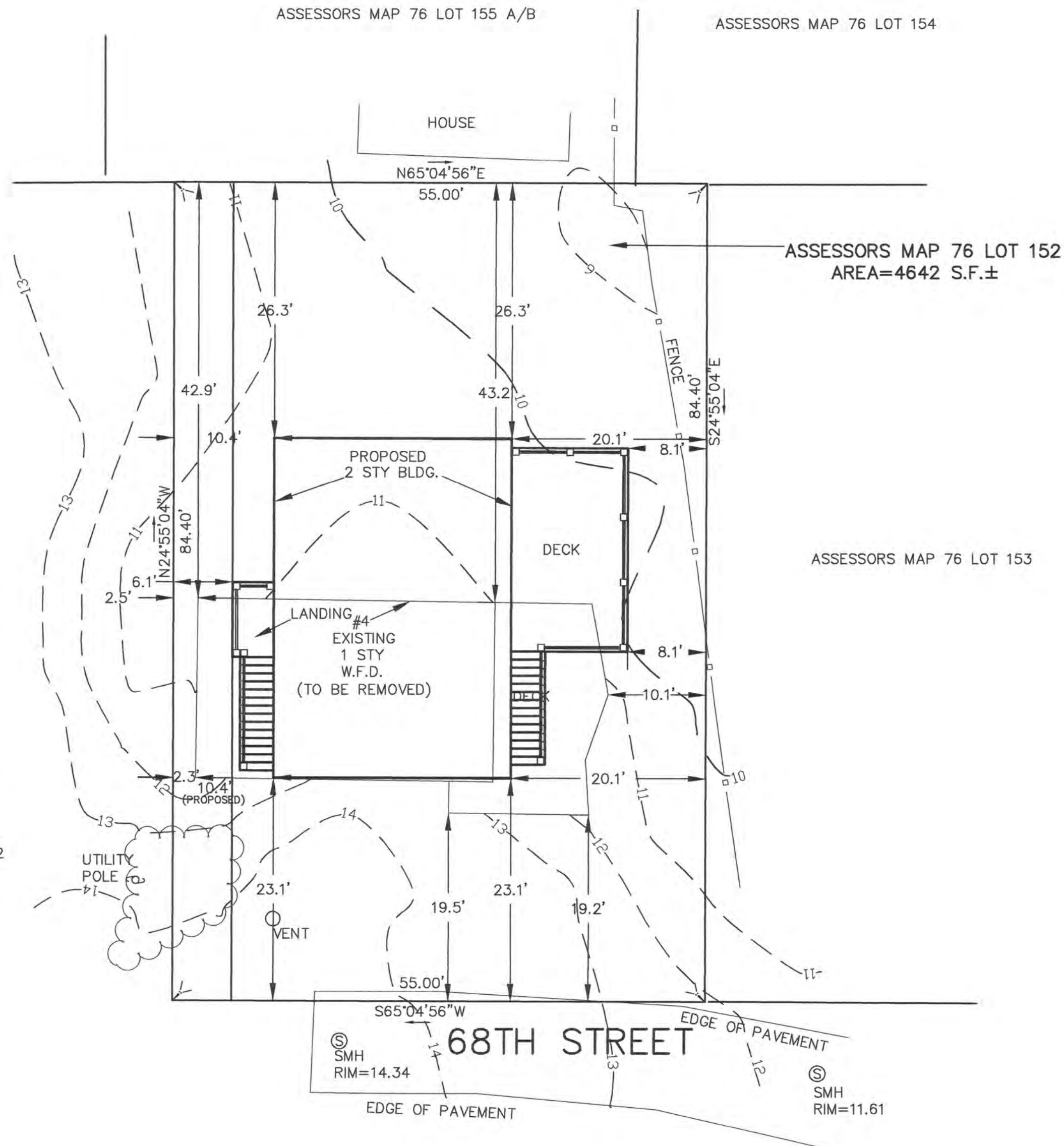


LOCUS MAP N.T.S.

ASSESSORS MAP 76 LOT 150

ASSESSORS MAP 76 LOT 155 A/B

ASSESSORS MAP 76 LOT 154



**NOTES**

- 1.) THIS PLAN IS THE RESULT OF AN ON GROUND SURVEY PERFORMED BY WAYPOINT SURVEYING SERVICES IN AUGUST OF 2019.
- 2.) SUBJECT PARCEL IS IN FLOOD ZONE AO WITH A BASE FLOOD ELEVATION OF 9 ACCORDING TO FEMA MAP #25009C0129F WITH AN EFFECTIVE DATE OF JULY 3, 2012
- 3.) ELEVATION DATUM IS NAD 88.

4.) PROPOSED CONSTRUCTION DESIGNED BY:

RYAN McSHERA  
RED BARN ARCHITECTURE  
84 HIGH STREET  
IPSWICH MA. 01938

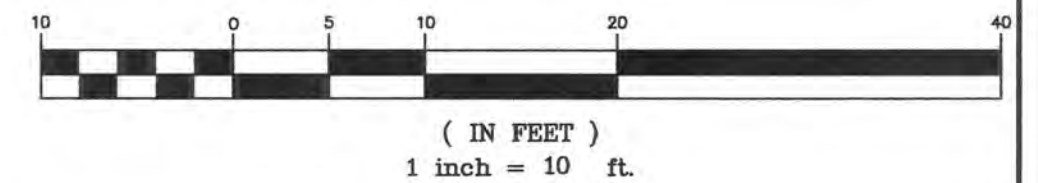
**ZONING TABLE**

ZONING DISTRICT: R3 (OVERLAY)

	REQUIRED	PROPOSED	EXISTING
MIN. LOT AREA	8000 S.F.	4642 S.F.	4642 S.F.
MIN. FRONTAGE	80'	55.00'	55.00'
MIN. FRONT YD.	20'	23.1'	19.5'
MIN. SIDE YD.	20'	6.1'	2.3'
MIN. REAR YD.	20'	26.3'	42.9'



**GRAPHIC SCALE**



PROPOSED SITE PLAN  
4 68TH STREET  
NEWBURYPORT, MASSACHUSETTS  
ASSESSORS MAP 76 LOT 152

PREPARED FOR  
JEFF MACDONALD

SCALE: 1" = 10'      FEBRUARY 11, 2020

**WAYPOINT SURVEYING SERVICES**  
141 BRIDGE ROAD, SUITE 202-5  
SALISBURY, MASSACHUSETTS 01952  
(978) 505-5261

DRAWN BY: D.A.	SHEET #: 1 of 1	CHECKED BY: D.A.
FILE #: 4380	DESIGN BY: D.A.	

REVISION



# MacDonald Residence New Home Construction

#4 68th Street  
Newburyport, MA

## ZBA Set

### GROSS SQUARE FOOTAGE EXISTING

FIRST FLOOR	570 SF
SECOND FLOOR	285 SF
TOTAL	855 SF

### GROSS SQUARE FOOTAGE PROPOSED

FIRST FLOOR	857 SF
SECOND FLOOR	857 SF
TOTAL	1714 SF

NOTE:  
SCOPE OF WORK SHALL INCLUDE THE DEMOLITION/REMOVAL OF AN EXISTING SINGLE FAMILY HOME, AND A NEWLY PROPOSED SINGLE FAMILY HOME IS TO BE CONSTRUCTED ON THE LOT.

MacDonald Residence  
New Home  
#4 68th Street  
Newburyport, MA

Red Barn Architecture  
84 HIGH STREET  
IPSWICH, MA 01938  
(978) 595-6764

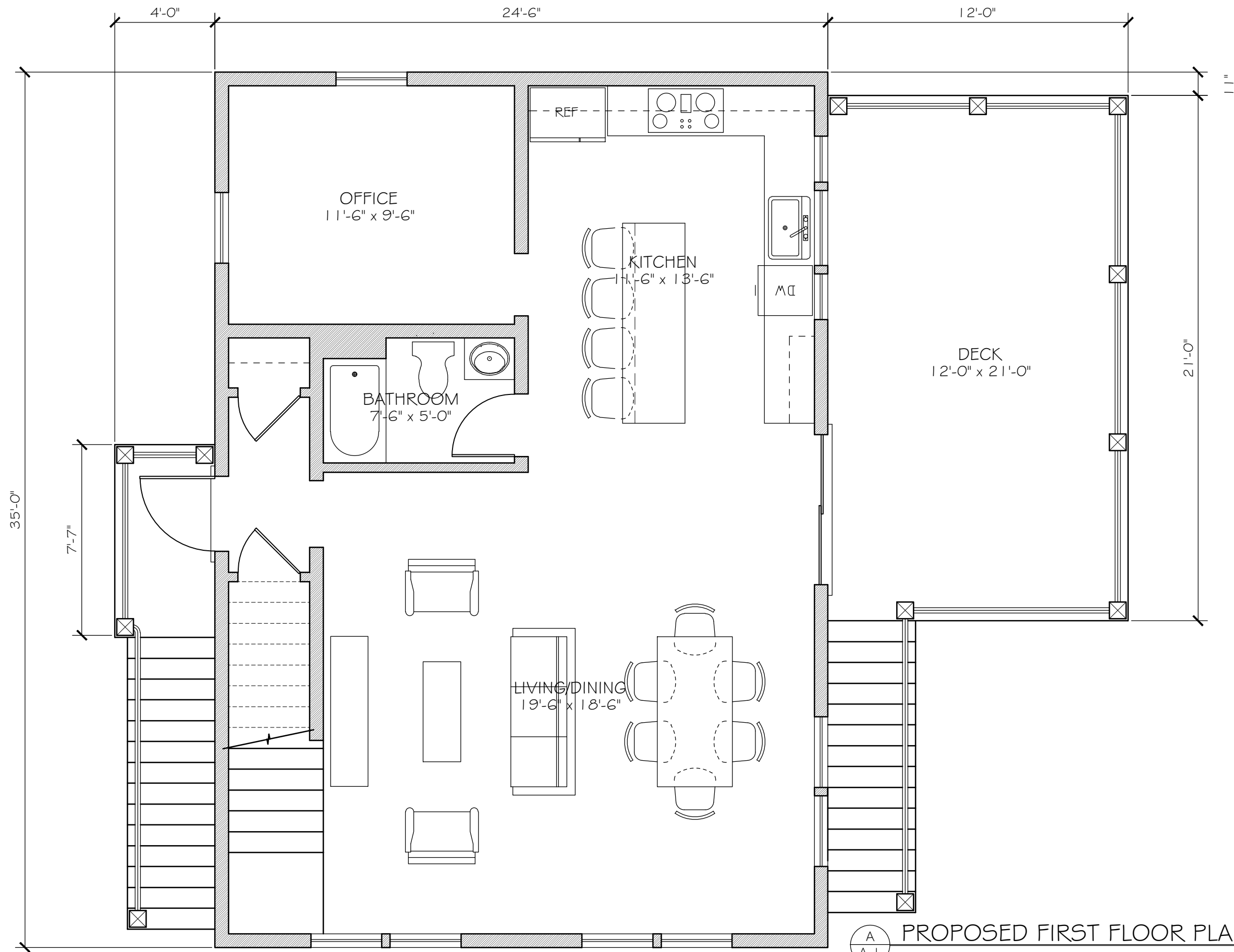
No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**

COVER SHEET

**Sheet Number:**

A-0



A
A-1
**PROPOSED FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

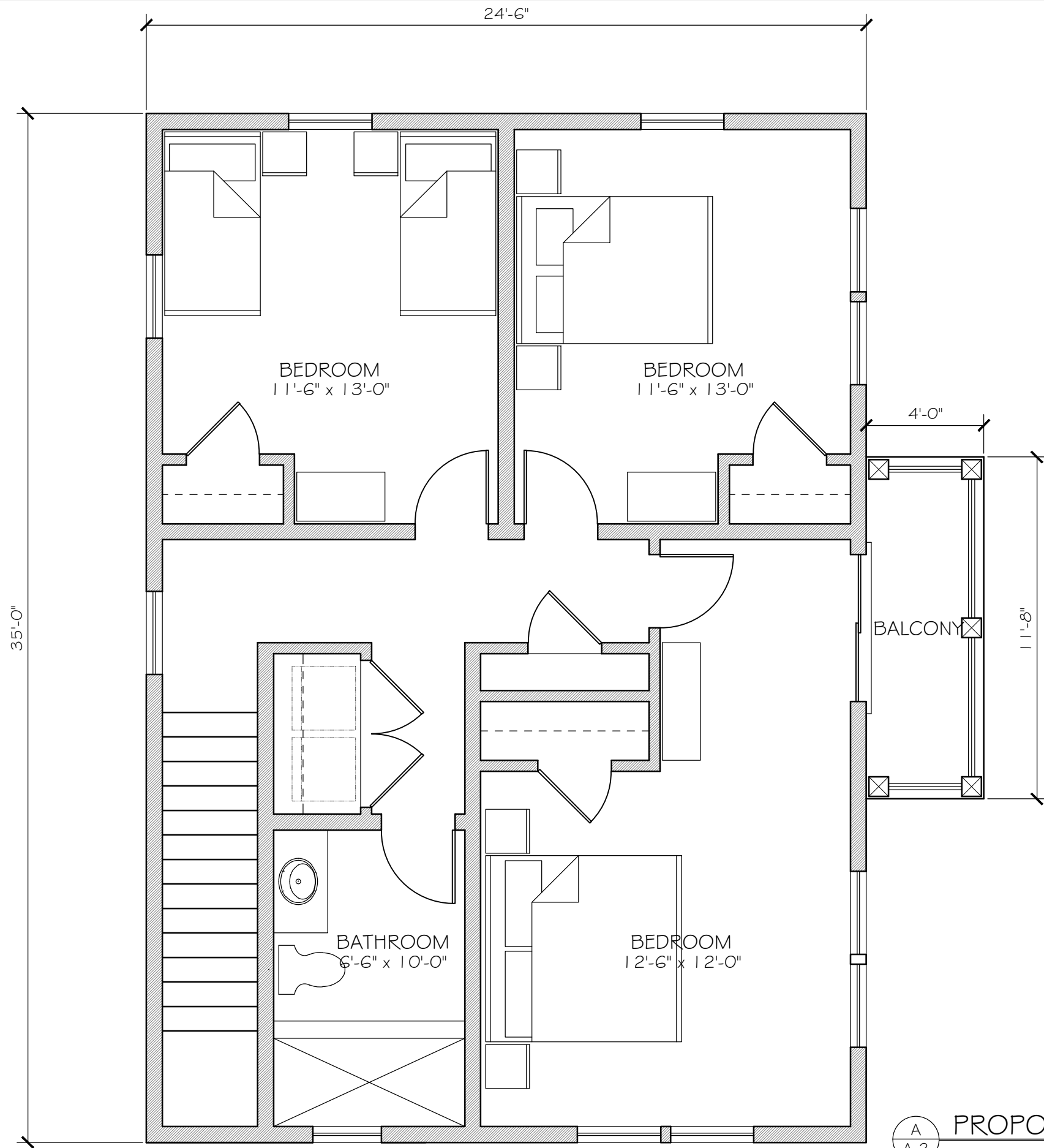
**MacDonald Residence**  
**New Home**  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 PROPOSED FIRST  
 FLOOR PLAN

**Sheet Number:**  
**A-1**



**PROPOSED SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**MacDonald Residence**  
 New Home  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 PROPOSED SECOND  
 FLOOR PLAN

**Sheet Number:**  
 A-2



ELEVATION 12'

33'-3" (HEIGHT BY ZONING ORDINANCE)

AVERAGE GRADE LINE

**A**  
A-3  
**PROPOSED FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

**MacDonald Residence**  
New Home  
#4 68th Street  
Newburyport, MA

Red Barn Architecture  
84 HIGH STREET  
IPSWICH, MA 01938  
(978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
PROPOSED FRONT  
ELEVATION

**Sheet Number:**  
A-3



MacDonald Residence  
 New Home  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 PROPOSED SIDE  
 ELEVATION

**Sheet Number:**  
 A-4

Red Barn Architecture, ALL RIGHTS RESERVED

ELEVATION 12' +/-

AVERAGE GRADE LINE

**PROPOSED SIDE ELEVATION**  
 SCALE: 1/4" = 1'-0"

UTILITY STRUCTURE  
 SUSPENDED FROM HOUSE

7'-0"

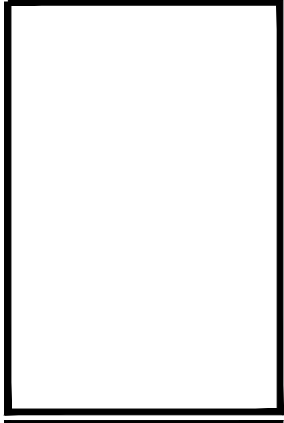
ELEVATION 10' +/-

33'-3" (HEIGHT BY ZONING ORDINANCE)



MacDonald Residence  
 New Home  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

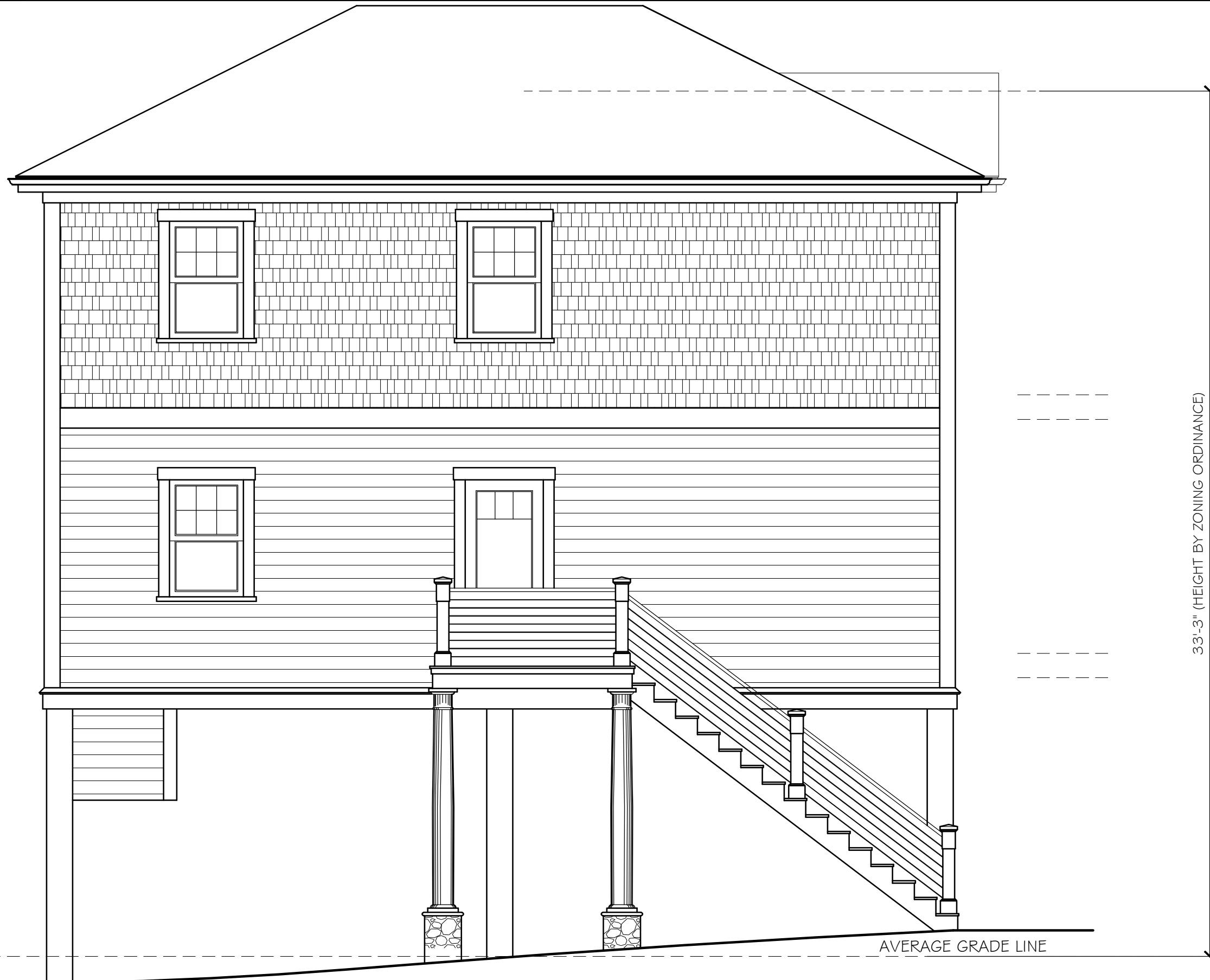


No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 PROPOSED REAR  
 ELEVATION

**Sheet Number:**  
 A-5

A  
 A-5 PROPOSED REAR ELEVATION  
 SCALE: 1/4" = 1'-0"



MacDonald Residence  
 New Home  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 PROPOSED SIDE  
 ELEVATION

**Sheet Number:**  
 A-6

A  
 A-6 PROPOSED SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"



VIEW FROM 68th STREET



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

MacDonald Residence  
 New Home  
 #4 68th Street  
 Newburyport, MA

Red Barn Architecture  
 84 HIGH STREET  
 IPSWICH, MA 01938  
 (978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
 EXISTING ELEVATION  
 PHOTOS

**Sheet Number:**  
 X-1





VIEW FROM INTERSECTION OF 68th + NORTHERN BLVD



VIEW FROM NORTHERN BLVD



VIEW UP 68th ST FROM NORTHERN BLVD

MacDonald Residence  
New Home  
#4 68th Street  
Newburyport, MA

Red Barn Architecture  
84 HIGH STREET  
IPSWICH, MA 01938  
(978) 595-6764

No.	Date	Description
1	2.10.20	SD-1

**Sheet Title:**  
EXISTING ELEVATION  
PHOTOS

**Sheet Number:**  
X-2