

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

Petitioner: Alfred G Clifford

Mailing Address: 5 1/2 Center Street, Newburyport MA 01950

Phone: 978 375 4741 Email: al@compassrosenewburyport.com

Property Address: 4 Chapel Street

Map and Lot(s): Map 64 Lot 10 Zoning District: R2

Book and Page(s): Book 19027 Page 0189

Owner(s) Name: 4 CHAPEL STREET TRUST

Mailing Address (if different): 2 Chapel Street

The applicant is requesting a Special Permit under section(s):

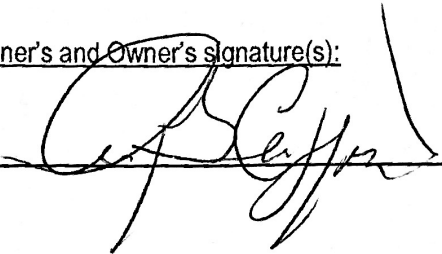
- Special Permit for Use (V.D) – Use # 102
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus Provisions for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Wind Energy Conversion Facilities (XXVI)
- Other _____

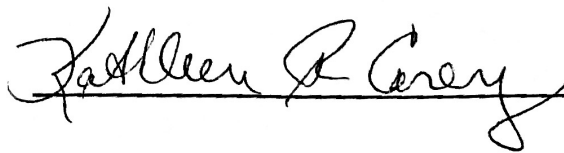
Description of request:

Request special permit for two-family use

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):





OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

ZONING DENIAL

City APR#: 76

Name: ALFRED CLIFFORD

Address: 4 CHAPEL ST - Zoning District: R-II

Request: CONSTRUCT new (2) FAMILY ON EXISTING LOT REQUIRING SPECIAL PERMIT FOR USE.

ZONING BOARD R-III Dim. Reg apply (separate LOT LOT PROSOM) m/c L Chapt 40A Sect. 6

Dimensional Variance

- Dimensional Controls (VI), PIOD (XXI), Parking (VII), Lot Area, Lot Coverage, FAR, Lot Frontage, Open Space, 2 1/2 stories, Front Yard, Height, Side Yard, Lot Width, Rear Yard

Use Variance

- Not permitted use (V), Sign Location/Replacement (VIII)

Special Permit

- Special Permit for Use (V.D) (#102), Spacing (VI.D), In-Law Apartment (XIIA), Bonus Provisions for Multifamily Developments (XVI), Personal Wireless Communication Services (XX), Demolition Control Overlay District (XXVIII), Wind Energy Conversion Facilities (XXVI)

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2), Over 500 s.f. increase (IX.B.3.c), Plum Island Overlay District (XXI-G-3), Parking, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard, Footprint Expansion, Height Increase

PLANNING BOARD

Special Permit

- One residential structure per lot (VI.C), Courts and Lanes (XXIII), Floodplain (XIII), Waterfront West Overlay District (XXIV), Open Space Residential Development (XIV), Towle Complex Redev. Overlay District (XXV), Water Resource Protection District (XIX), Downtown Overlay District (XXVII), Federal Street Overlay District (XXII)

Site Plan Review (XV)

- Major, Minor

CITY COUNCIL

- GACM (X.H.9), Other:

CONSERVATION COMMISSION

HISTORICAL COMMISSION - Demolition Delay

10/27/17 Date

[Signature] Building Commissioner/Zoning Code Enf. Officer

Alfred G Clifford

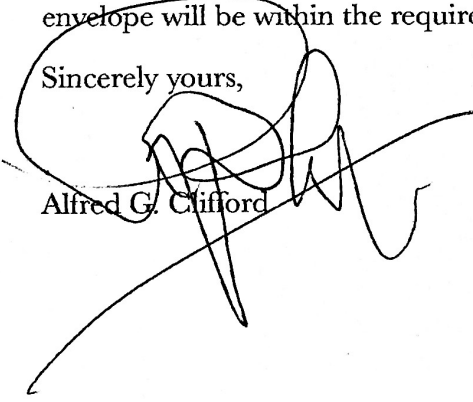
5 1/2 Center Street
Newburyport, ma 01950
978.375.4741
al@compassrosenewburyport.com

October 25, 2017

Dear Building Inspector,

We are proposing to build a two family structure on a vacant lot at 4 Chapel Street. The lot meets all of the current dementional requirements and our building envelope will be within the required setbacks.

Sincerely yours,


Alfred G. Clifford

RECEIVED

OCT 26 2017

CITY OF NEWBURYPORT
BUILDING DEPARTMENT

Dec. 20, 2017

Edward Ramsdel, Chairman
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Special Permit for Use:
4 Chapel Street, Newburyport, MA (the "Property"), Assessor's Map: 68 Lot 156

Dear Chairman Ramsdell and Members of the Board;

Reference is made to the above-captioned matter. I, Alfred G Clifford (The "Applicant"), request to create a two-family use. The Property is located in the R-2 Zoning District of the Newburyport Zoning Ordinance ("NZO") where a 2 Family use is permitted by a Special Permit.

The Property its a vacant lot and consists of 24,078 square feet of land with 115.73 feet of frontage on Chapel Street. This lot fully conforms to the R-3 required dimensional controls as set forth in the NZO. Use of the R-3 dimensional controls is preserved by M.G.L chapter 40A section 6 relating to grandfather status.

The Applicant will be creating a two-family structure totaling 5400 Sq. Ft. +/-, With each unit consisting of 2700 Sq. Ft. +/-

The applicant will require a Special Permit for use as a two-family under section X-H(7) of the NZO.

Special Permit for Use

The Applicant seeks to build a two-family dwelling. A two-family use is allowed in accordance with section V-D of the Ordinance with a Special Permit from the Board. Referencing Section X-H(7) of the NZO, I note the following, required "general conditions" for the issuance of a special permit for a two-family use together with an explanation of the Petitioner's compliance with each such requirement:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances (as] requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

As noted above, the Property is located in an R-2 zoning distraction where a two-family use is allowed by special permit.

2. The requested use is essential and/or desirable to the public convenience or welfare.

Again, the use as a two family is allowed by special permit in the R-2 district and therefore, by its very nature, has been determined by the City to be desirable. The R-2 district is a modestly dense district in the city, requiring more lot area for single and two family uses. The City includes the two-family use in the R-2 which recognizes that it is appropriate to allow more dense developments in various appropriate properties. The proposed creation of a two family dwelling certainly keeps with in the intent of the ordinance. Here the lot area and frontage are more than sufficient for a two-family use, something that is unusual - even in the Chapel Street neighborhood. Therefore, it is appropriate and desirable, where there is sufficient area and frontage to allow a two-family use to provide a diversity of housing in the City.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian Safety.

The creation of two-family dwelling on the Property will not create undue traffic congestion or unduly impair pedestrian safety. New driveways will be created on Chapel Street. Both units will have more than sufficient parking. There are sidewalks which run along the both sides of Chapel Street. As a result, there will be no detrimental impact with regard to traffic or pedestrian safety as a result of the proposed two-family use on site.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

The new two-family dwelling will contains six (6) bedrooms thereby impacting the city water and sewer system with approximately 660¹ gpd of water and sewer usage. Each unit of the proposed two family would contain three (3) bedrooms for a total of 330 gpd of impact per unit on the water and sewer system. The additional possible 660 gpd use of the water and sewer system will not have a detrimental impact on the public water or sewer system.² This addition to the public infrastructure is negligible. As a result, the public systems will not be overloaded and nothing about the increased use on site will pose a hazard to the public health of safety.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for a two-family use that exist in the Ordinance.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The creation of a two-family use is consistent with the zoning district and the integrity and character of the neighborhood. The lot is located in the R-2 zoning district. All throughout R-2 there is a mixture of single family, two family and multifamily homes. The proposed two-family use is consistent with the neighborhood generally and it will not impair the integrity or character of the district or adjoining districts.

¹Newburyport estimated flows per bedroom: Water 110 GPD / Sewer 110. GPD

²Newburyport treats approximately 2.1 million gpd of water and treats 2.4 million gpd for sewer. Therefore the impact on water is .00031 and the impact on the sewer system is .00027 of the current usage of the system.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

As noted above, the two-family use is consistent in the varied housing types in the R-2 zoning district and in the vicinity generally. As noted in above, the addition of a two family to the neighborhood will be entirely consistent with the surrounding uses in the area and will not cause an excess of this particular use or be detrimental to the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

Once again, the two-family use is allowed by special permit in the R-2 District. The R-2 district is one of the most dense residential districts in the City and therefore allowing the two-family use is in harmony with the purpose and intent of the Ordinance.

9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The construction and thereafter use of a two family will not itself create hazardous materials and transmissions. Proposed construction will be completed in a manner that is not dangerous, noxious or injurious, and it will not emit, noise, vibration, smoke, dust or odor or other form of environmental pollution.

As a result, the applicant requests that the Board grant a special permit to allow the two-family use on the Property.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alfred G Clifford".

Alfred G Clifford

CURRENT OWNER	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT
RYAN RUTH S TRUSTEE 4 CHAPEL STREET TRUST 2 CHAPEL ST				Code: 1010 Description: RESDNTL Assessed Value: 41,700 Appraised Value: 41,700
NEWBURYPORT, MA 01950 Additional Owners:				Code: 1010 Description: RES LAND Assessed Value: 227,100 Appraised Value: 227,100
SUPPLEMENTAL DATA				
Other ID: 64-10 CONDO CV: SUB-DIV INLAW Y/N: PHOTO LOT SPLIT: WARD 40B HSNG: 5 TITLE #: ATT 1/2 HSE: GIS ID: M_250077_952408				

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	QU	VI	SALE PRICE	V.C.
RYAN RUTH S TRUSTEE	19027/0189	08/02/2002	U	I	0	IF
RYAN GEORGE F-RUTH S TE	4625/ 528					
Total: 268,800						

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Type	Description	Amount
Total: 546,900			

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD	
NBHD/ SUB	Street Index Name
5/A	Tracing

NOTES

IA
 LOT SPLIT FY2002
 FY12-REMOVED A SHED
 FIRE APRIL 2016
 PD-FIRE DAMAGE/ HOUSE TO BE TORN DOWN
 FIRE DAMAGED GARAGE TORN DOWN

BUILDING PERMIT RECORD		VISIT/ CHANGE HISTORY	
Permit ID	Issue Date	Type	Date
X-2011/2	04/28/2011	RS	09/15/2016
X-2011-2	04/28/2011	RS	02/20/2007
			12/17/1997
			08/23/1988

LAND LINE VALUATION SECTION										
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	C. ST.
1	1010	SINGLE FAM	R3				20,000 SF	11.29	1.0000	1.00
1	1010	SINGLE FAM	R3				0.09 AC	13,900.00	1.0000	1.00
							0.55 AC			
							Parcel Total Land Area:	0.55 AC		
							Total Card Land Units:	0.55 AC		

PREVIOUS ASSESSMENTS (HISTORY)		Special Pricing		Notes- Adj	
Yr.	Code	Assessed Value	Yr.	Code	Amount
2017	1010	41,700	2017	1010	0
2016	1010	227,100	2016	1010	0
Total: 268,800					

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	41,700
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	227,100
Special Land Value	0
Total Appraised Parcel Value	268,800
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	268,800

VISIT/ CHANGE HISTORY	
Permit ID	Issue Date
X-2011/2	04/28/2011
X-2011-2	04/28/2011

LAND LINE VALUATION SECTION	
B #	Use Code
1	1010
1	1010
Total Land Value: 227,100	

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Total: 268,800	

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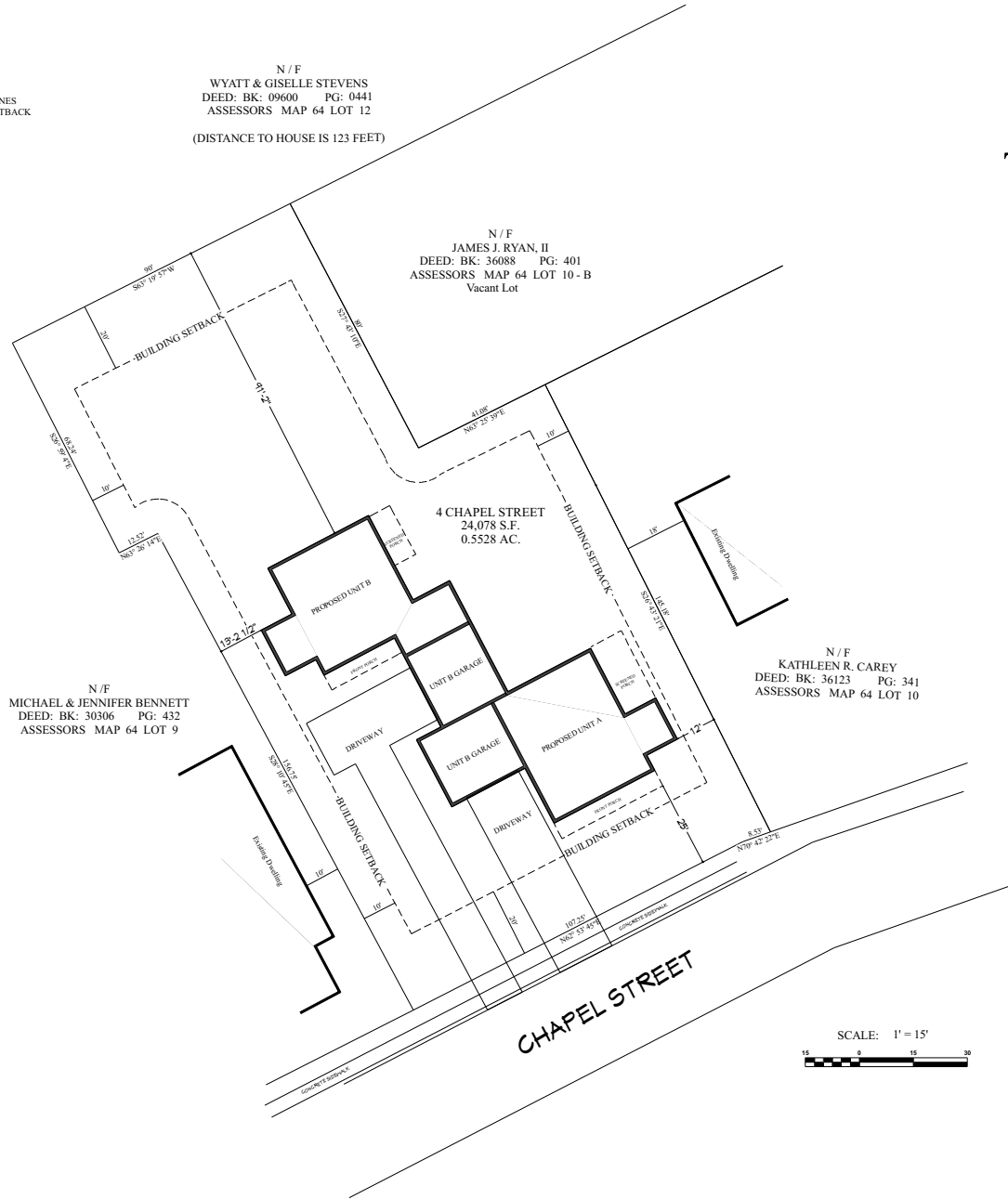
VISION	
Code	Assessed Value
1010	41,700
1010	227,100
Total: 268,800	

VISION	
Code	Assessed Value

LEGEND
 ———— PROPERTY LINES
 - - - - - BUILDING SETBACK

N / F
 WYATT & GISELLE STEVENS
 DEED: BK: 09600 PG: 0441
 ASSESSORS MAP 64 LOT 12
 (DISTANCE TO HOUSE IS 123 FEET)

N / F
 JAMES J. RYAN, II
 DEED: BK: 36088 PG: 401
 ASSESSORS MAP 64 LOT 10 - B
 Vacant Lot



N / F
 MICHAEL & JENNIFER BENNETT
 DEED: BK: 30306 PG: 432
 ASSESSORS MAP 64 LOT 9

N / F
 KATHLEEN R. CAREY
 DEED: BK: 36123 PG: 341
 ASSESSORS MAP 64 LOT 10

PROPOSED TWO-FAMILY RESIDENCE

AT
 4 CHAPEL STREET
 NEWBURYPORT, MA 01950

PREPARED FOR:

ALFRED G CLIFFORD
 5 1/2 CENTER STREET
 NEWBURYPORT, MA 01950
 978.375.4741

DATE: 10/25/2017

Plan Reference: Construction of a Two-Family Residence

Assessors: MAP 64 LOT 10

Deed Reference: E.S.R.D BK: 4625 PG: 528

Zoning: Residential 3
 MINIMUM LOT AREA: 12,000 SQ. FT.
 MINIMUM LOT FRONTAGE: 100 FEET
 MINIMUM SETBACKS:
 FRONT: 20 FEET
 SIDE: 10 FEET
 BACK: 20 FEET

Zoning: Residential 3 (PROPOSED)
 LOT AREA: 24,078 SQ. FT.
 LOT FRONTAGE: 115.78 FEET
 SETBACKS:
 FRONT: 25'
 SIDE: 12'
 SIDE: 13' 2 1/2"
 BACK: 9' 2"

SCALE: 1" = 15'



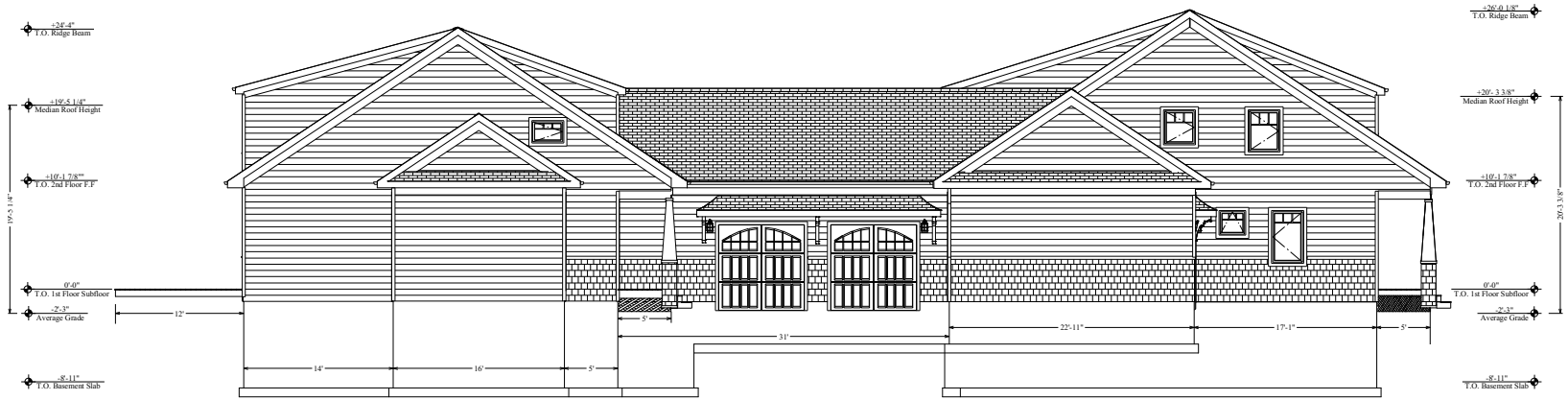


2 Right Side Elevation
Scale: 1" = 5'

PROPOSED
2 FAMILY RESIDENCE
AT
4 CHAPEL STREET
NEWBURYPORT, MA 01950

PREPARED FOR:
ALFRED G CLIFFORD
5 1/2 CENTER STREET
NEWBURYPORT, MA 01950
DATE: 10/25/2017
SCALE: 1" = 5'

Proposed Left and Right
Elevations



2 Left Side Elevation
Scale: 1" = 5'

E2

Drawings Provided By:
Christopher C. Clifford
43 Green Street
Newburyport, Ma 01950

PROPOSED

2 FAMILY RESIDENCE
AT
4 CHAPEL STREET
NEWBURYPORT, MA 01950

PREPARED FOR:

ALFRED G CLIFFORD
5 1/2 CENTER STREET
NEWBURYPORT, MA 01950

DATE: 10/25/2017
SCALE: 1" = 5'

Proposed Front and Rear
Elevations



3 Front Elevation
Scale: 1" = 5'



4 Rear Elevation
Scale: 1" = 5'

E1

Drawings Provided By:
Christopher C. Clifford
43 Green Street
Newburyport, Ma 01950

Lot Area
24,078 SF

Privacy Fence

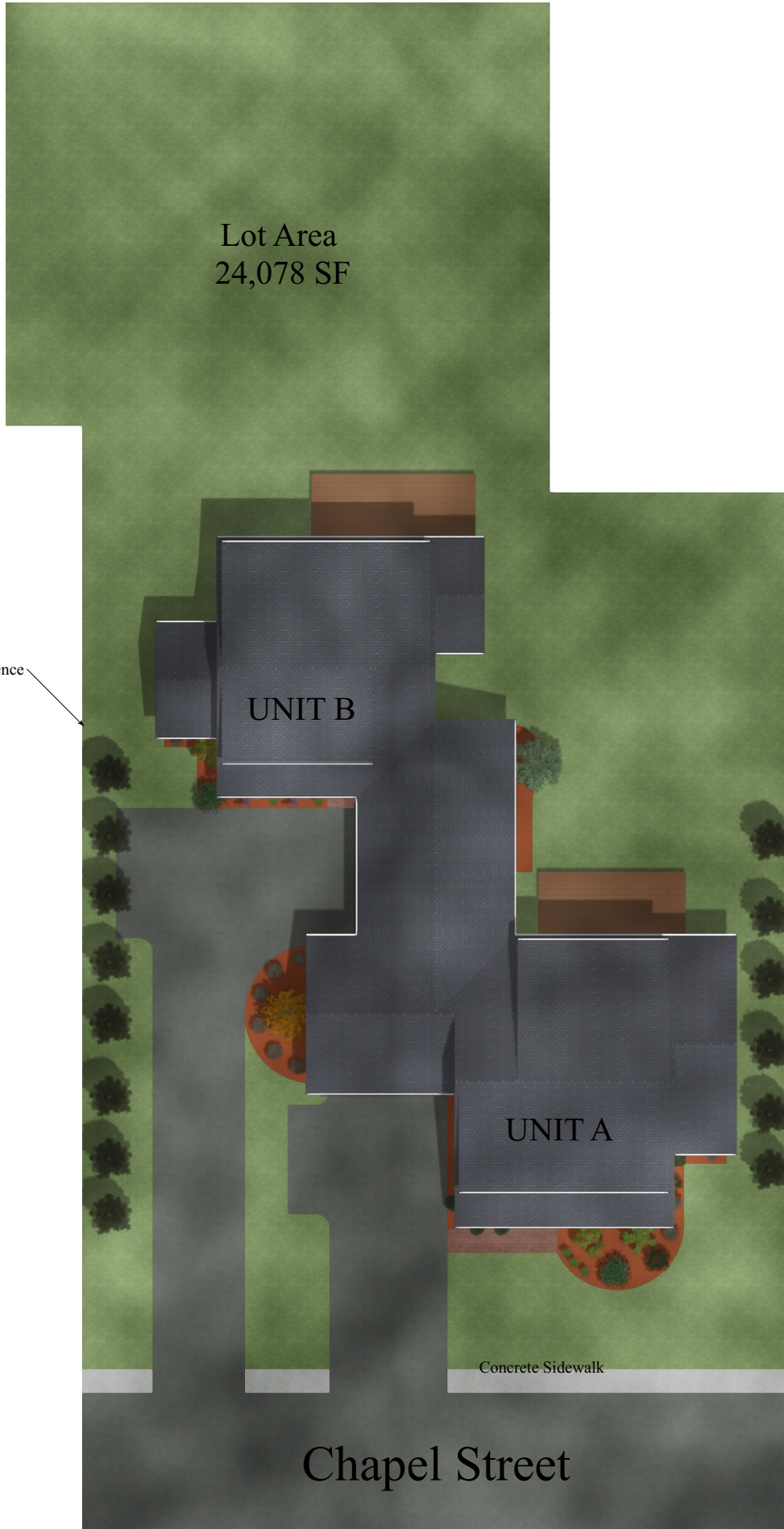
UNIT B

UNIT A

Privacy Fence

Concrete Sidewalk

Chapel Street



Edward Ramsdel, Chairman
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Special Permit for Use:
4 Chapel Street, Newburyport, MA (the "Property"), Assessor's Map: 68 Lot 156

MEMO

Architecture - The Chapel Street/Howard Street neighborhood contains a variety of architectural styles: Victorian, Georgian, Craftsman, turn of the century transitional and 1950's/60's contemporary.

The 1 1/2 story Craftsman style selected provides a fluent transition between the many styles and will not dominate in height or scale over surrounding properties.

Configuration - The oversized lot in question is of unique shape. The left side, as viewed from Chapel Street, is significantly deeper than the right side; The left rear of the lot containing a full 25% of the entire lot area. The offset configuration of the building affords the best reasonable use of the lot. By distributing the building coverage more equitably over the land we are able to minimize the building mass at the street. Minimizing the mass of the building facade at the street is important because the predominant house facades along that part of Chapel Street are single family.