

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

Petitioner: Matthew Dallett, c/o Lisa Mead, Mead, Talerman & Costa, LLC  
Mailing Address: 30 Green Street, Newburyport, MA 01950  
Phone: (978) 463-7700 Email: lisa@mtclawyers.com  
Property Address: 5 Parsons Street, Newburyport, MA 01950  
Map and Lot(s): Map 21, Page 49 Zoning District: R2  
Book and Page(s): Book 36425, Page 589  
Owner(s) Name: Matthew Dallett, Trustee of the Matthew Clarkson Dallett Revocable Trust  
Mailing Address (if different): 5 Parsons Street, Newburyport, MA 01950

This request for a Special Permit for Non-Conformities is made under section(s):

- |  |   |
|--|---|
| <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-3) |
| <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 type="checkbox"/> Lot Area                                    |   |
| <input type="checkbox"/> Rear Yard                                   |   |
| <input checked="" type="checkbox"/> Lot Coverage                     |   |
| <input checked="" type="checkbox"/> Side Yard                        |   |
| <input type="checkbox"/> Lot Frontage                                |   |
| <input type="checkbox"/> Front Yard                                  |   |

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

Applicant seeks Special Permit to create modest mudroom on footprint of existing deck, will extend or alter side yard and lot coverage nonconformities.

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

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	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	2,405 sq.ft.	45.6%	35.9%	N/A	24.3 ft.	25.66 ft.	N/A	5.5 ft.	0.0 ft.	9.3 ft.	37.6 ft.
Proposed	2,405 sq.ft.	41.6%	39.9%	N/A	24.3 ft.	25.66 ft.	N/A	5.5 ft.	0.0 ft.	9.3 ft.	29.9 ft.
Required	10,000 sq.ft.	40%	25%	N/A	35 ft.	90 ft.	N/A	25 ft.	10 ft.	10 ft.	25 ft.

\*FAR is only applicable within the Plum Island Overlay District (PIOD).

**Existing Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
656 sq. ft.	2	1,312 sq.ft	101

**Proposed Buildings:**

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
753 sq. ft.	2	1,409 sq. ft.	101

\*\*Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. – 101 = single family, etc.)

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. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. 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):

*Matthew C. Abbott, Trustee*



Mead, Talerman & Costa, LLC  
Attorneys at Law

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30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747  
www.mtclawyers.com

March 28, 2018

By Hand

Ed Ramsdell, Chair  
Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Application for a Special Permit for Non-conformities; 5 Parsons Street, Newburyport, Massachusetts (the "Property"); Assessor's Map: 21, Lot: 49.

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the Matthew Clarkson Dallett Revocable Trust, Matthew Dallett, Trustee (the "Petitioner"), relative to the construction of an enclosed mudroom on the Property. The Property is now and will continue to be used as a single-family residence. The Petitioner proposes to enclose an existing deck on the Property to create a mudroom which will have a footprint of 97 square feet, and also proposes add a different configuration for the steps leading down to the ground. See plans attached as **Exhibit A**.

The Property is nonconforming for lot area, frontage, both side setbacks and lot coverage. The Petitioner proposes to extend the side-setback non-conformity on the southwesterly side for a distance of just under 8 feet. This of course will also intensify the lot coverage calculation.

The proposed mudroom largely will be placed on the footprint of an existing deck and will extend nonconformities with regard to the side yard setbacks and lot coverage. A side yard setback of 10 feet is required in the R-2 Zoning District. The existing setback on the southwesterly side of the Property is 0.0 feet, the proposed mudroom would extend this nonconformity for just under 8 feet with the curve of the mudroom angling away from this property boundary as it extends towards the back of the lot. See **Exhibit A** page 1, **Exhibit B**. The existing setback on the northeasterly side is 9.3 feet. The proposed mudroom would not-extend or intensify this nonconformity as the proposed addition steps in from the existing condition away from the northeasterly lot line. The maximum allowable lot coverage in the R-2 is 25%. The Property now has a lot coverage of 35.9%, and the proposed mudroom will intensify this nonconformity by creating a lot coverage of 39.9%.

No other existing nonconformities will change and otherwise the Property is in conformance with the Newburyport Zoning Ordinance ("NZO").

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*Millis Office*  
730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

To proceed with the Project, Petitioners will require a special permit to modify the pre-existing non-conforming structure in accordance with section IXB(2)(A) of the NZO because there is an alteration to a pre-existing non-conforming structure.

Section IX-B(2)(A) allows for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that there will be no addition of a new non-conformity and that the proposed changes will not be substantially more detrimental to the neighborhood.

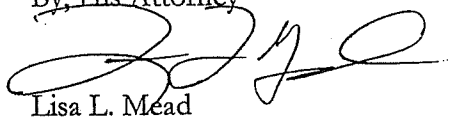
As to the first criterion, the Board can find there will be no new non-conformities.

As to the second criterion, the Board can find that the proposed extension of the existing non-conforming side yard setback and lot coverage is not substantially more detrimental to the neighborhood than the existing structure. Specifically, the proposal is less detrimental than existing non-conforming structure because the existing steps actually continue on along the 0' foot setback where the proposed addition actually moves the steps away from that southwesterly side, thereby, in some respects reducing the existing situation. The proposed mudroom will also angle away from both side lot lines in a way that will reduce the footprint presently occupied by the deck and stairs. This is, again, most critical on the southwesterly side where the adjacent living space is closest. See **Exhibit B**. By enclosing what is now largely the footprint of the current deck the physical extension of the mudroom from the house will be minor in effect on neighboring properties that are already accustomed to a physical structure in that location and the location itself being a gathering place. While the mudroom will cover more of the lot than is now covered by the house, the nature of the room itself and the fact that it is being placed atop the existing deck operate to allay any detrimental effects. Finally, the proposed enclosure is less than one story tall and will only slightly extend above the existing fence.

As a result, the Petitioner believes the Board can find that the proposed mudroom will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

Should you have any questions or concerns, please contact me at (978) 463-7700.

Respectfully submitted,  
Matthew Dallett, Trustee  
By, His Attorney



Lisa L. Mead

Attachment  
cc: Client





CITY OF NEWBURYPORT, MA  
ZONING REVIEW/BUILDING PERMIT DENIAL

APR# 2018-021

Name: MATTHEW DALETT / MTC LLC - LISA MEAD

Address: 5 PARSONS STREET Zoning District(s): R2/DCOD

Request: ADD SUNROOM TO REAR OF EXISTING NON CONFORMING STRUCTURE EXTENDING SIDEYARD NC SETBACKS + NC COVERAGE

ZONING BOARD REVIEW REQUIRED

Variance

- Use Regulations (V)
- Dimensional Controls (VI)
  - \_\_\_ Lot Area      \_\_\_ Open Space      \_\_\_ Front Yard
  - \_\_\_ Lot Frontage      \_\_\_ Height      \_\_\_ Side Yard
  - \_\_\_ Lot Coverage      \_\_\_ Lot Width      \_\_\_ Rear Yard
- Parking (VII)

Sign Variance

- Signs (VIII)
  - \_\_\_ Type      \_\_\_ Size
  - \_\_\_ Lighting      \_\_\_ Location

Special Permit

- Special Permit for Use (V.D) Use #: \_\_\_\_\_
- 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
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
  - \_\_\_ FAR      \_\_\_ Height
  - \_\_\_ Lot Coverage      \_\_\_ Setbacks
  - \_\_\_ Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Permitted Uses (V-D)
- Marijuana Overlay District (V-G)
- 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
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major       Minor

Smart Growth District (XXIX)

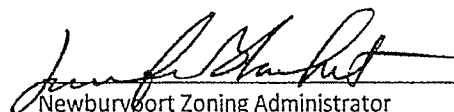
- Plan Approval

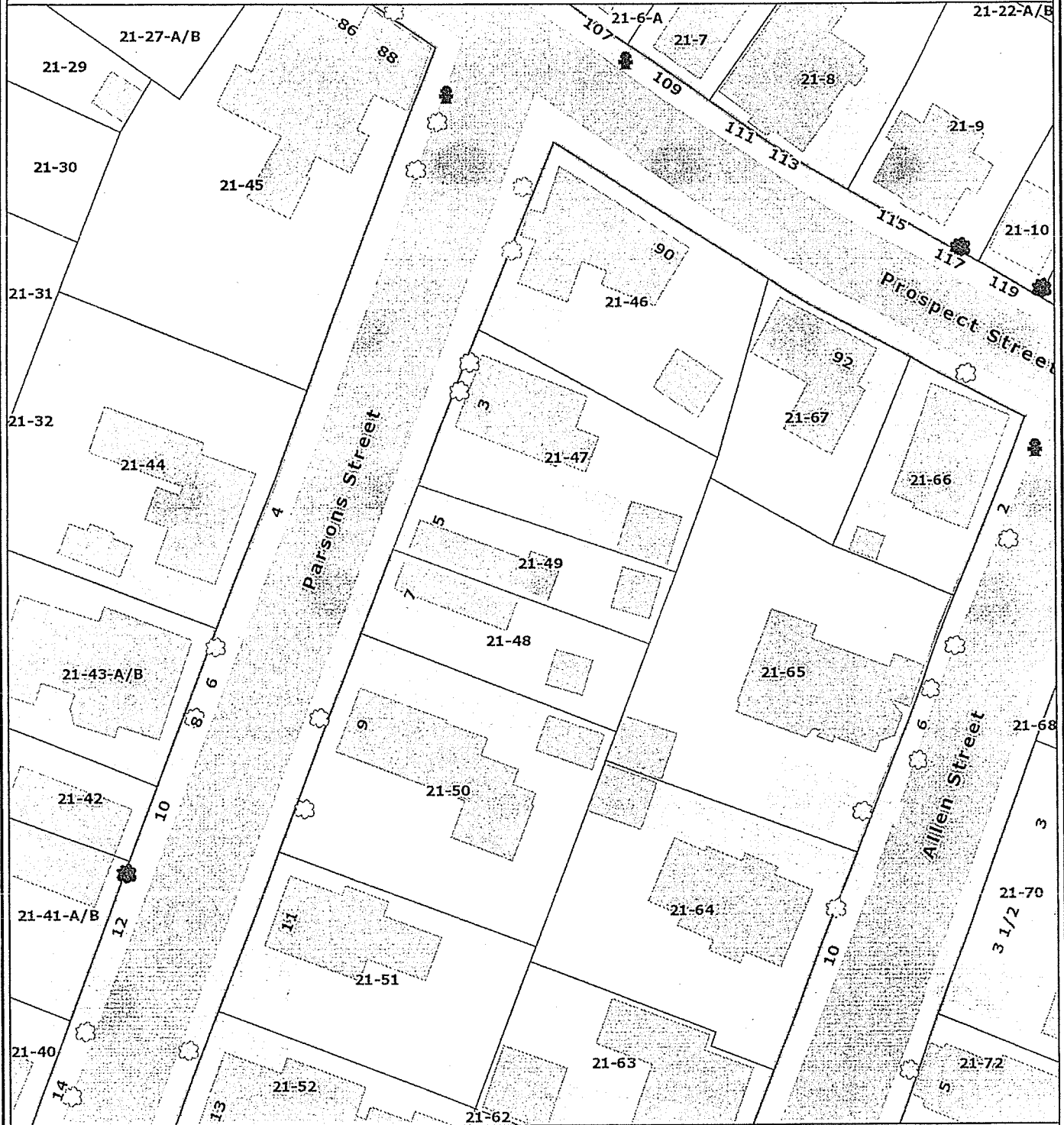
HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay       \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQUIRED (X.H.9)

 3/20/2018  
 Newburyport Zoning Administrator      Date



- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>□ MVPC Bo</li> <li>□ Newburyport Boundary</li> <li>Trees                     <ul style="list-style-type: none"> <li>● Immediate Action Needed</li> <li>○ No Action Needed</li> <li>○ Unknown</li> </ul> </li> <li>— Railroad</li> <li>□ Parcels</li> <li>— Sidewalks</li> <li>Water System                     <ul style="list-style-type: none"> <li>● Hydrant</li> <li>— Trails</li> </ul> </li> <li>□ Building Footprints</li> <li>— Driveways</li> <li>□ Easements</li> </ul> | <ul style="list-style-type: none"> <li>Road Right of Way                     <ul style="list-style-type: none"> <li>— Paved</li> <li>— Unpaved</li> </ul> </li> <li>Hydrographic Features                     <ul style="list-style-type: none"> <li>— Stream</li> <li>— Intermittent Stream</li> </ul> </li> <li>Wetlands                     <ul style="list-style-type: none"> <li>○ City</li> <li>○ City and State</li> <li>○ State</li> </ul> </li> <li>□ Exempt Lands</li> <li>Recreation Areas</li> </ul> |
|--|--|

1" = 49 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



project:

# DALLETT RESIDENCE

5 Parsons Street  
Newburyport, MA

architect:

GRAF  
ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
T. 978.499.9442  
www.grafarch.com

title:

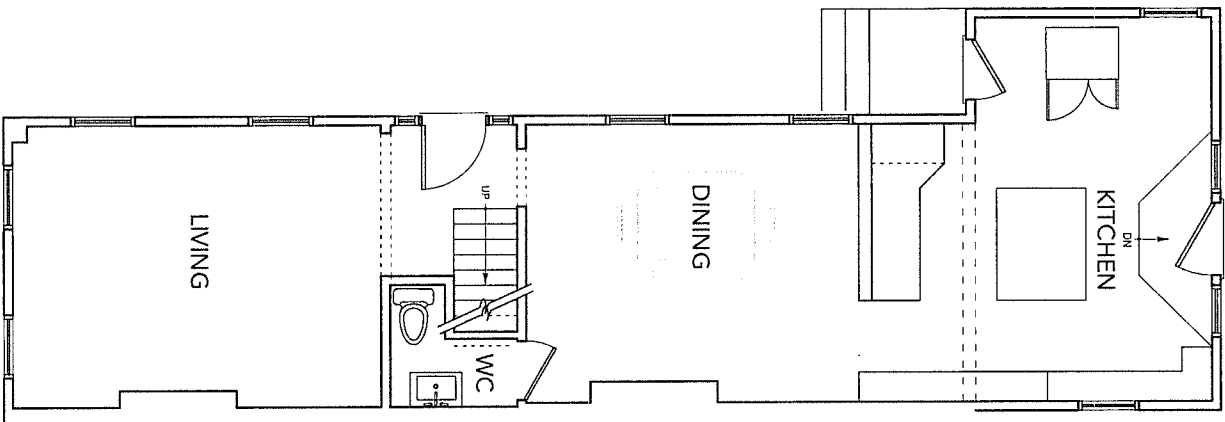
Existing + Proposed  
Floor Plans

SCALE: 1/8" = 1'-0"

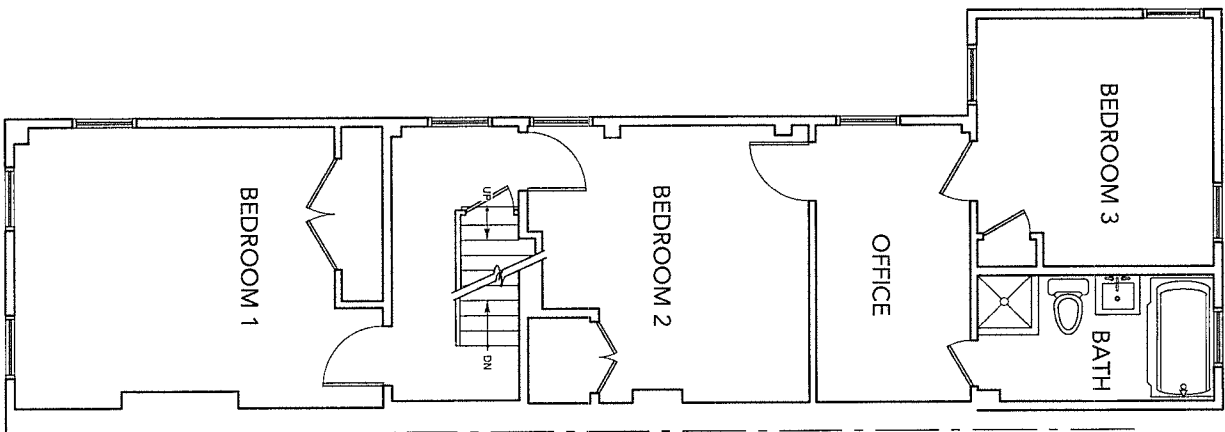
27 march 2018

A01

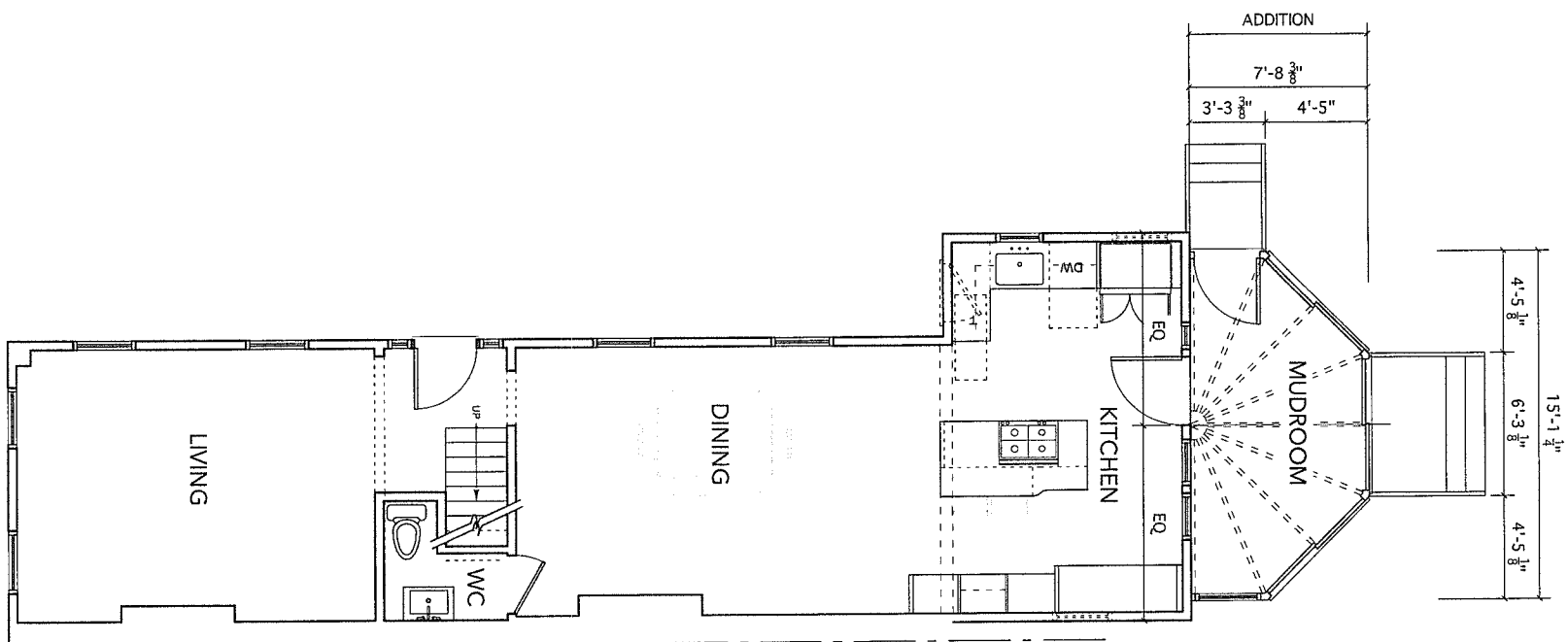
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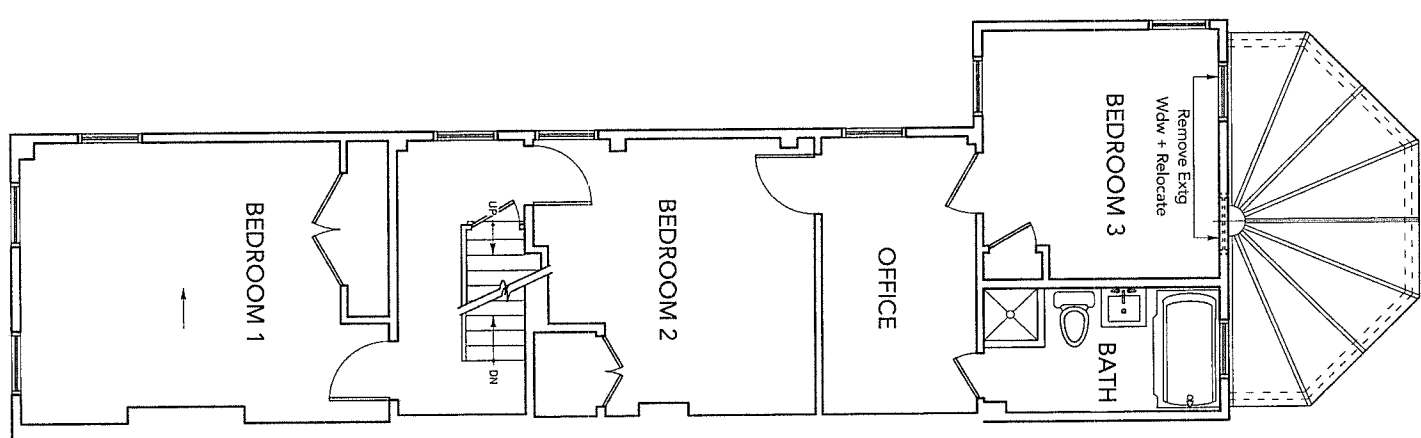
1 First Floor Plan - EXISTING  
SCALE: 1/8" = 1'-0"



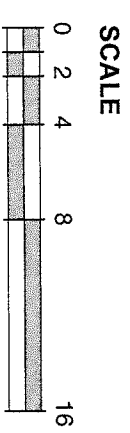
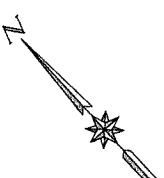
2 Second Floor Plan - EXISTING  
SCALE: 1/8" = 1'-0"



3 First Floor Plan - PROPOSED  
SCALE: 1/8" = 1'-0"



4 Second Floor Plan - PROPOSED  
SCALE: 1/8" = 1'-0"



project:

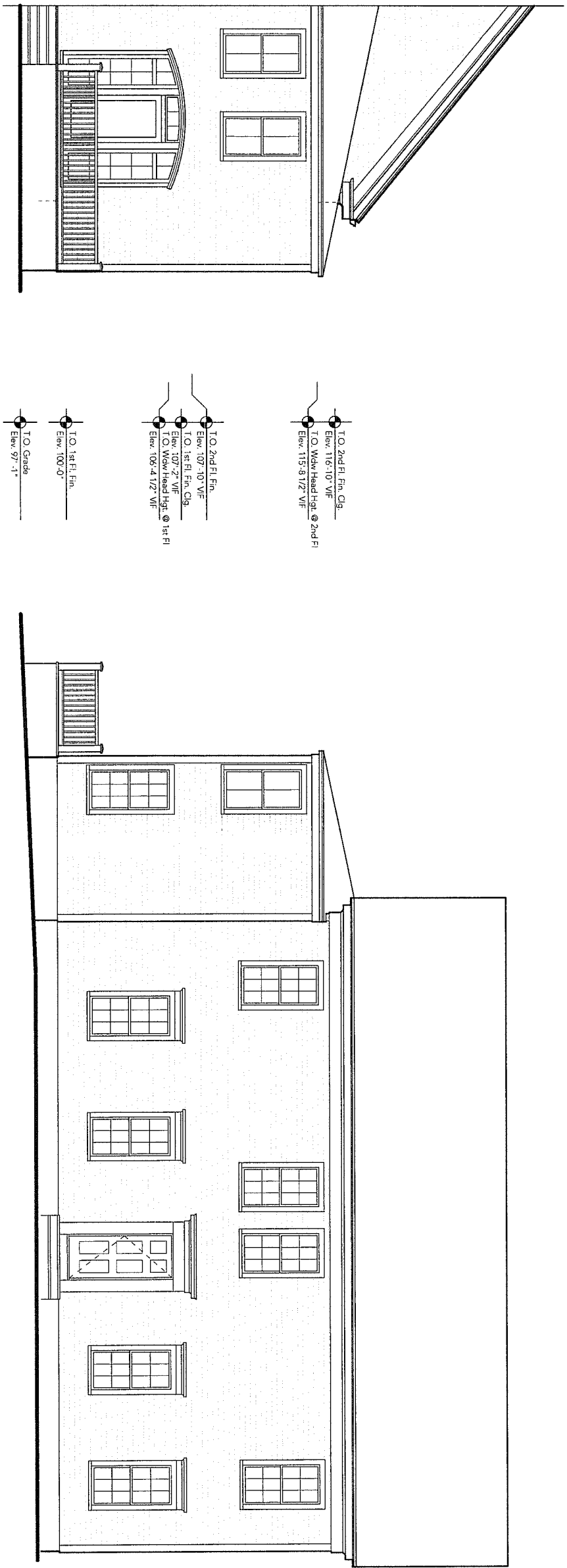
# DALLETT RESIDENCE

5 Parsons Street  
Newburyport, MA

architect:

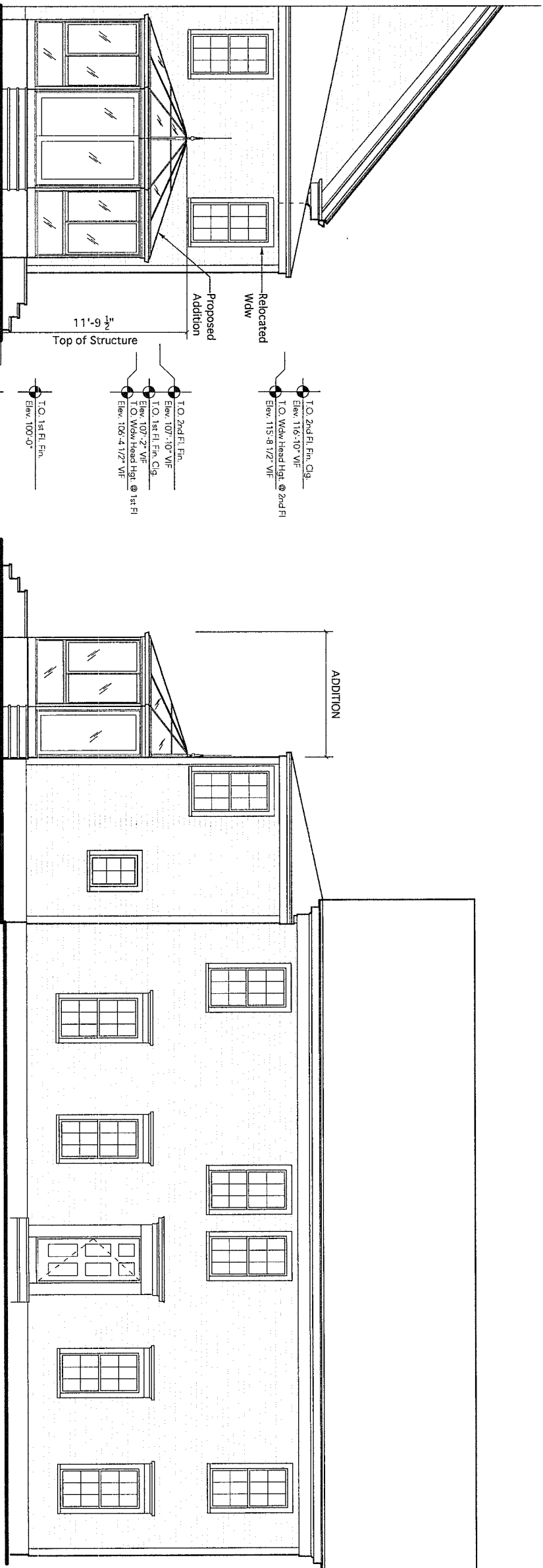
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1 Rear Exterior Elevation - EXISTING  
SCALE: 1/8" = 1'-0"

2 Side Exterior Elevation - EXISTING  
SCALE: 1/8" = 1'-0"



3 Rear Exterior Elevation - PROPOSED  
SCALE: 1/8" = 1'-0"

4 Side Exterior Elevation - PROPOSED  
SCALE: 1/8" = 1'-0"

title:  
**Existing + Proposed  
Exterior Elevations**

SCALE: 1/8" = 1'-0"  
27 march 2018

A02

