

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

In order to be scheduled for a public hearing before the Zoning Board of Appeals, the petitioner shall submit the following information. If materials are not included because they are not applicable then the applicant must request a waiver from the Office of Planning and Development in order to consider the application complete.

1. Two (2) hard copies of the following information.
- a. _____ Completed "Application for a Special Permit for Non-Conformities" form.
 - b. _____ Zoning Determination form from the Zoning Administrator indicating the need for a Special Permit for Non-Conformities.
 - c. _____ Assessor's Card available from the Assessor's Office or from <http://gis.vgsi.com/newburyportma/>
 - d. _____ A written memo addressing the following Special Permit for Non-Conformities criteria:
 - 1) Please identify the particular use existing or proposed for the land or structure.
 - 2) Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning.
 - 3) Please identify whether the proposed use, extension, alteration, or addition would intensify the existing non-conformities or result in additional ones.
 - 4) Please identify the facts relied upon to support the Special Permit for Non-Conformities that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.
 - e. _____ Site plans or survey clearly showing existing and proposed conditions. Plans shall include the following:
 - North point;
 - Zoning district(s)
 - Names of streets
 - Wetlands (if applicable);
 - Dimensional control requirements;
 - Property boundaries; locations of buildings on adjacent properties and dimensional setbacks from property lines;
 - Indicate the proposed dimensional setbacks of the proposed structure with the existing structure(s) dimensional controls;
 - Deed restrictions, easements, and other restrictions that may affect the proposal;
 - Proposed features in solid lines; Features that are to be removed in dashed lines;
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Graphic scale;
 - Existing and proposed parking spaces
 - f. _____ Elevation plans showing all four sides of the existing building(s) and any proposed work to be highlighted. Plans shall include the following:
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Setbacks of any proposed dormers;
 - Height of ridge and median roof lines
 - f. _____ Any other supplemental information such as letters of support, photos, etc.
2. Pdf files of the above information via file transfer or email to planning@cityofnewburyport.com.
3. An administrative fee of \$200.00 per application is required at the time of application, plus a publication/abutters notification fee of \$350 per project. Checks may be combined and made payable to the "City of Newburyport."

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

Petitioner: Michael Graf

Mailing Address: 8 Exeter Road, Newmarket, NH 03857

Phone: 978 828 6566 Email: michael@grafbuilders.com

Property Address: 60 Liberty Street

Map and Lot(s): 16,55 Zoning District: R-2

Book and Page(s): 39147,367

Owner(s) Name: Cynthia Stoldt

Mailing Address (if different): 33 Market Street, Newburyport, MA 01950

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 type="checkbox"/> Lot Area | |
| <input type="checkbox"/> Use | |
| <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 | |

Description of request:

Permission requested to add 48 square feet of additional living space in the side yard and extend the roof 4 feet toward the rear yard

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 | 10000 | 2784 | 2784 |
| Frontage | 90 | 31.33 | 31.33 |
| Height* | 35 | 21 | 21 |
| Max. Lot Coverage (%)** | 25 | 29.6 | 30.1 |
| Min. Open Space (%)*** | 40 | 57.7 | 53.6 |
| Primary Front Setback | 25 | 3.0 | 3.0 |
| Side A Setback/Secondary Front Setback | 10 | 2.3 | 2.3 |
| Side B Setback | 10 | 8.7 | 3.3 |
| Rear Setback | 25 | 30.1 | 30.1 |
| 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.

Michael Graf

 Petitioner

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

Cynthia Stoldt

 Owner (if different)

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# _____

Name: _____

Address: _____ Zoning District(s): _____

Request: _____

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)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

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

Newburyport Zoning Administrator

Date

60 LIBERTY ST

Location 60 LIBERTY ST

MBLU 16/ 55/ / /

Owner STOLDT CYNTHIA ELLEN

Assessment \$468,800

PID 627

Building Count 1

Current Value

| Assessment | | | |
|----------------|--------------|-----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2021 | \$233,200 | \$235,600 | \$468,800 |

Owner of Record

Owner STOLDT CYNTHIA ELLEN

Sale Price \$512,000

Co-Owner

Certificate

Address 60 LIBERTY ST
NEWBURYPORT, MA 01950

Book & Page 39147/0367

Sale Date 11/05/2020

Instrument 00

Ownership History

| Ownership History | | | | | |
|----------------------|------------|-------------|-------------|------------|------------|
| Owner | Sale Price | Certificate | Book & Page | Instrument | Sale Date |
| STOLDT CYNTHIA ELLEN | \$512,000 | | 39147/0367 | 00 | 11/05/2020 |
| CLINE JOHN L | \$119,900 | | 07684/0360 | 00 | 03/13/1985 |
| LUCY DONALD R | \$1 | | 06969/0466 | 1A | 08/20/1982 |
| LUCY EVELYN F | \$0 | | 5539/0020 | | |

Building Information

Building 1 : Section 1

Year Built: 1850

Living Area: 1,600

| Building Attributes | |
|---------------------|--------------------|
| Field | Description |
| Style: | Old Style Colonial |
| Model | Residential |
| Grade: | Average |

| | |
|--------------------|----------------|
| Stories: | 2 Stories |
| Occupancy | 1 |
| Exterior Wall 1 | Clapboard |
| Exterior Wall 2 | |
| Roof Structure: | Gable/Hip |
| Roof Cover | Asph/F Gls/Cmp |
| Interior Wall 1 | Plastered |
| Interior Wall 2 | Drywall/Sheet |
| Interior Flr 1 | Hardwood |
| Interior Flr 2 | Pine/Soft Wood |
| Heat Fuel | Gas |
| Heat Type: | Hot Water |
| AC Type: | None |
| Total Bedrooms: | 3 Bedrooms |
| Total Bthrms: | 3 |
| Total Half Baths: | 0 |
| Total Xtra Fixtrs: | |
| Total Rooms: | 8 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\16\46.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/627_67)

| Building Sub-Areas (sq ft) | | | Legend |
|----------------------------|-----------------------|------------|-------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 800 | 800 |
| FUS | Upper Story, Finished | 800 | 800 |
| UAT | Attic | 608 | 0 |
| UBM | Basement, Unfinished | 608 | 0 |
| | | 2,816 | 1,600 |

Extra Features

| Extra Features | Legend |
|----------------------------|--------|
| No Data for Extra Features | |

Land

Land Use

Land Line Valuation

Use Code 1010
Description SINGLE FAM

Size (Acres) 0.07
Depth 0
Assessed Value \$235,600

Outbuildings

| Outbuildings | | | | | | Legend |
|---------------------|--------------------|-----------------|------------------------|-------------|--------------|---------------|
| Code | Description | Sub Code | Sub Description | Size | Value | Bldg # |
| WDK | WOOD DECK | | | 168.00 S.F. | \$1,600 | 1 |

Valuation History

| Assessment | | | |
|-----------------------|---------------------|-------------|--------------|
| Valuation Year | Improvements | Land | Total |
| 2020 | \$212,900 | \$235,600 | \$448,500 |

18 March 2021

Planning Department
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: Special Permit Application Memorandum for 60 Liberty Street

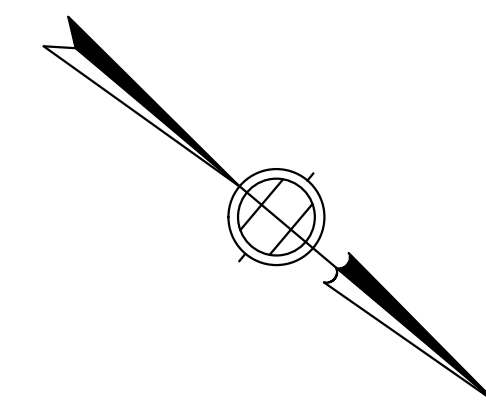
This memorandum will address the following points required in the application for a Special Permit for Non-Conformities for the City of Newburyport Zoning Ordinance Section IXB:

1. The existing structure has been used as a single-family residence with in-law apartment. The proposed use is as a single-family residence.
2. The existing structure does not conform at the front, left and right setbacks. The existing structure also does not conform to minimum required lot area, frontage, lot coverage and open space.
3. The proposed application would intensify the existing non-conforming left side setback, lot coverage, and open space. The proposed does not result in additional non-conformities.
4. The proposed structure will not increase the existing height of the structure. The proposed structure and its relation to the lot are consistent with the surrounding residential structures in this area. All other proposed changes are allowable within the required dimensional controls.

Sincerely,



Michael Graf, RA



ZONING
RESIDENTIAL (R-2)
SINGLE-FAMILY (101)

| | REQUIRED (SINGLE-FAMILY - 101) | EXISTING (SINGLE-FAMILY - 101) | PROPOSED (SINGLE-FAMILY - 101) |
|--------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| MINIMUM LOT AREA | 10,000 SQUARE FEET | 2,784 SQUARE FEET | 2,784 SQUARE FEET |
| MINIMUM LOT FRONTAGE | 90 FEET | 31.33 FEET | 31.33 FEET |
| FRONT SETBACK | 25 FEET | 3.0 FEET | 3.0 FEET |
| SIDE SETBACK (R) | 10 FEET | 2.3 FEET | 2.3 FEET |
| SIDE SETBACK (L) | 10 FEET | 8.7 FEET | 3.3 FEET |
| REAR SETBACK | 25 FEET | 30.1 FEET | 30.1 FEET |
| MAXIMUM LOT COVERAGE(%) | 25.0% | 29.6% | 31.3% |
| MAXIMUM HEIGHT | 35 FEET | 21 FEET | 21 FEET |
| MINIMUM OPEN SPACE | 40.0% | 57.7% | 53.6% |
| MINIMUM PARKING REQUIRED | 2 | 2 | 2 |

ON-LINE ZONING ORDINANCES
CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/index.html>
PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.


NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE VISIBLE EXISTING CONDITIONS ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED DECEMBER 1, 2020 AND JANUARY 13, 2021 BY THIS FIRM.

PROPOSED BUILDING FEATURES ARE AS PROVIDED BY THE PROJECT ARCHITECT.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

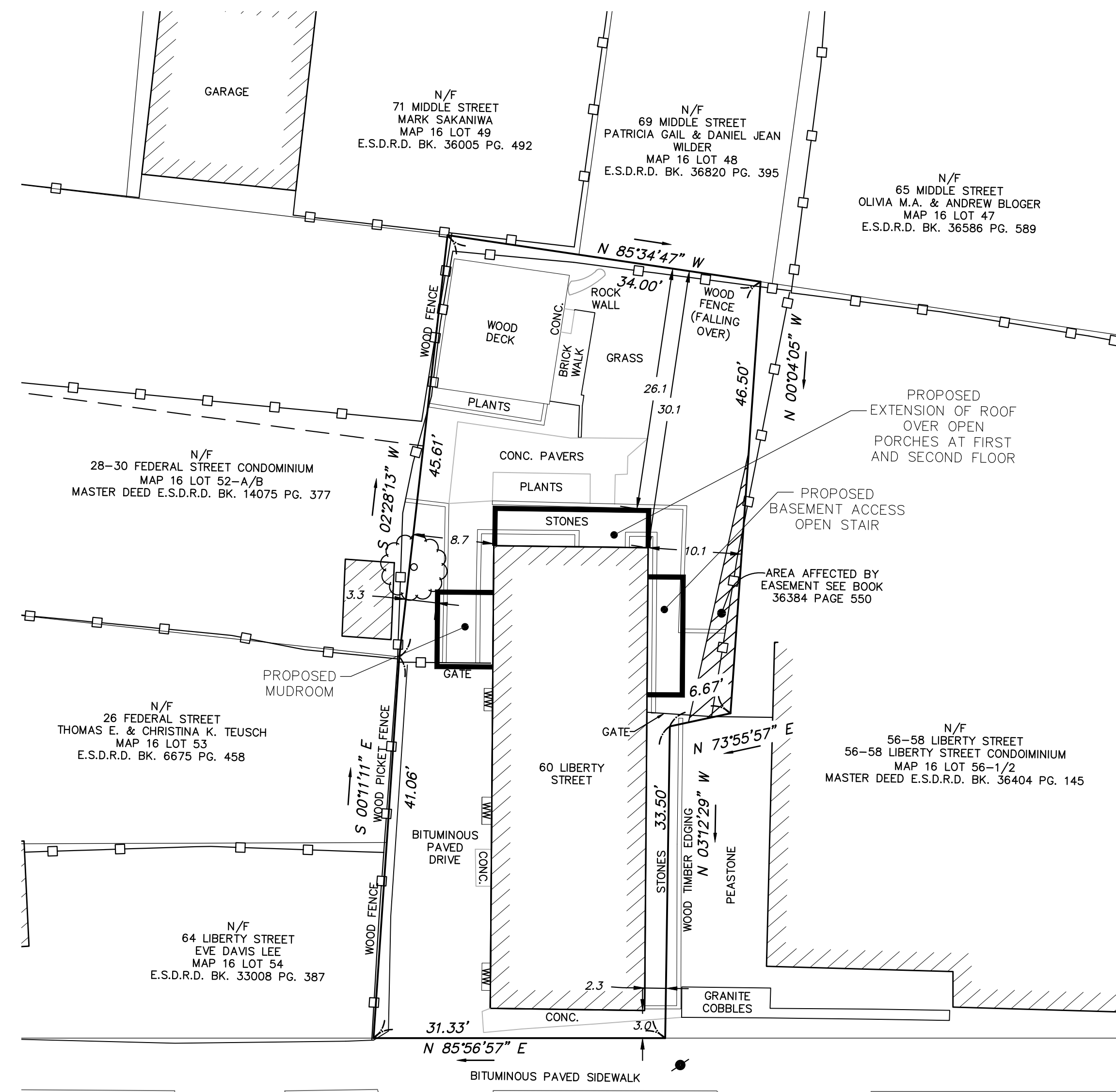
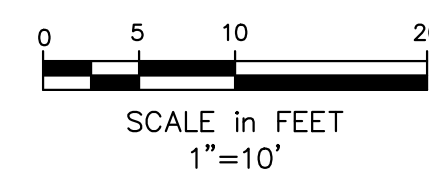
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S. 
EVERETT J. CHANDLER, P.L.S.
MASS. REGISTRATION NO. 41783

LOCUS TITLE INFORMATION

60 LIBERTY STREET

OWNER: CYNTHIA ELLEN STOLDT
DEED REFERENCE: BOOK 39147 PAGE 367
ASSESSORS: MAP 16 LOT 55



LIBERTY STREET

| | | | |
|----------------|------|----|-----------|
| SCALE: | | | |
| HORIZ: 1"= 10' | | | |
| VERT: _____ | | | |
| NO. | DATE | BY | REVISIONS |

| | |
|-----------|-----|
| FIELD: | CO |
| CALCS: | EC |
| CHECKED: | EJC |
| APPROVED: | EJC |

ZONING PLAN
60 LIBERTY STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
CYNTHIA SOTLDT

| |
|-------------------------------|
| PROJECT NO. 2020-60LIBERTY |
| DATE: MAR 4, 2021 |
| SHEET NO. 1 OF 1 |

NOTE:
WALL AREA DEMOLITION CALCULATIONS
ARE LOCATED ON SHEETS A03 & A04



60 LIBERTY STREET
ZONING SET

18 MARCH, 2021

PROPERTY OWNER
Cynthia Stoldt

33 Market Street
Newburyport, MA 01950
T 646 241 4007
E cynthiashome@cloud.com

CONTRACTOR
Michael Graf, R.A.

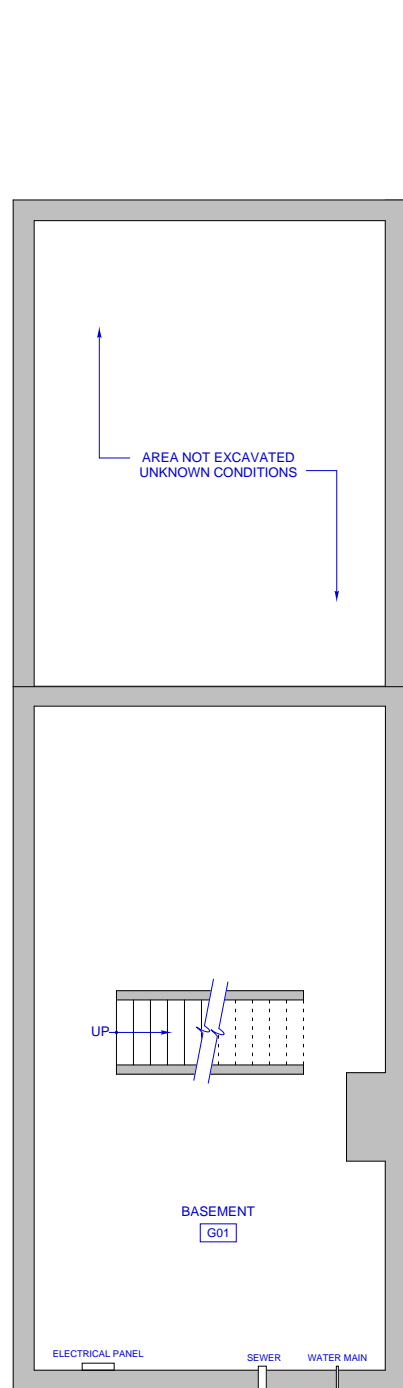
8 Exeter Road
Newmarket, NH 03857
39 Liberty Street
Newburyport, MA 01950
T 978 828 6566
E michael@grafbuilders.com
WEB grafbuilders.com

ARCHITECT
Michael Graf, R.A.

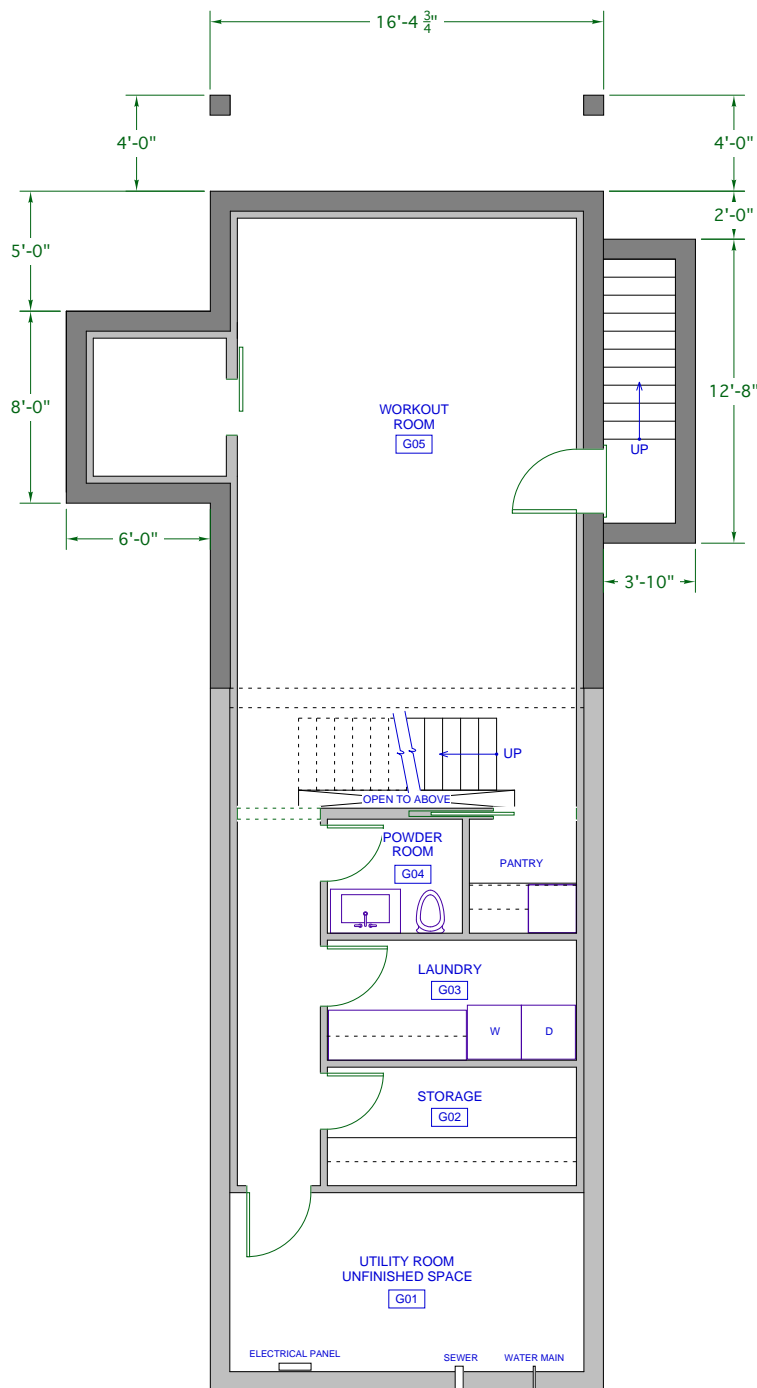
8 Exeter Road
Newmarket, NH 03857
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E michael@grafbuilders.com
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REVISIONS

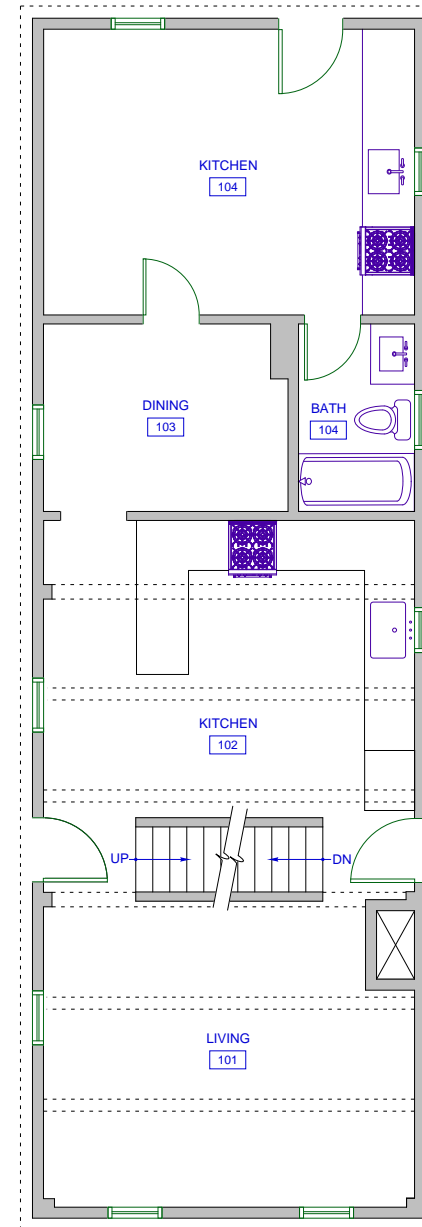
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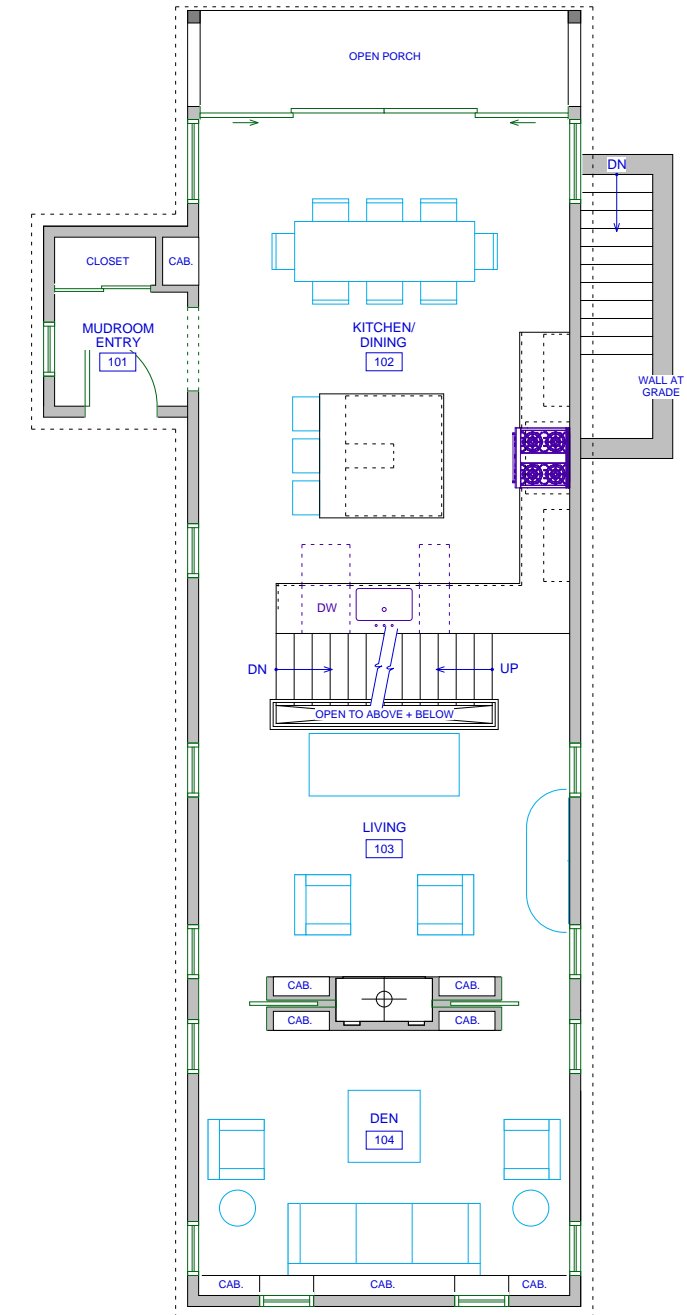
1 Existing Basement Plan
Scale: 1/8" = 1'-0"



2 Proposed Basement Plan
Scale: 1/8" = 1'-0"



3 Existing First Floor Plan
Scale: 1/8" = 1'-0"



4 Proposed First Floor Plan
Scale: 1/8" = 1'-0"

Existing + Proposed
Basement +
First Floor Plans

18 MARCH 2021

Scale: As Noted

Project No.: 2006

A01

NOTE:
WALL AREA DEMOLITION CALCULATIONS
ARE LOCATED ON SHEETS A03 & A04



60 LIBERTY
STREET
ZONING SET

18 MARCH, 2021

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E cynthiashome@icloud.com

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REVISIONS

| NO. | DESCRIPTION |
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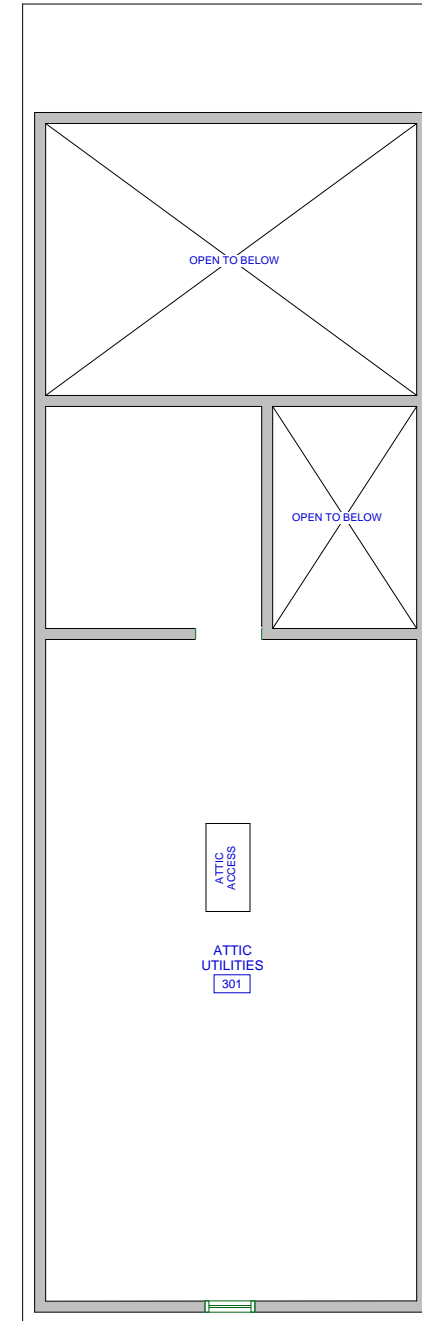
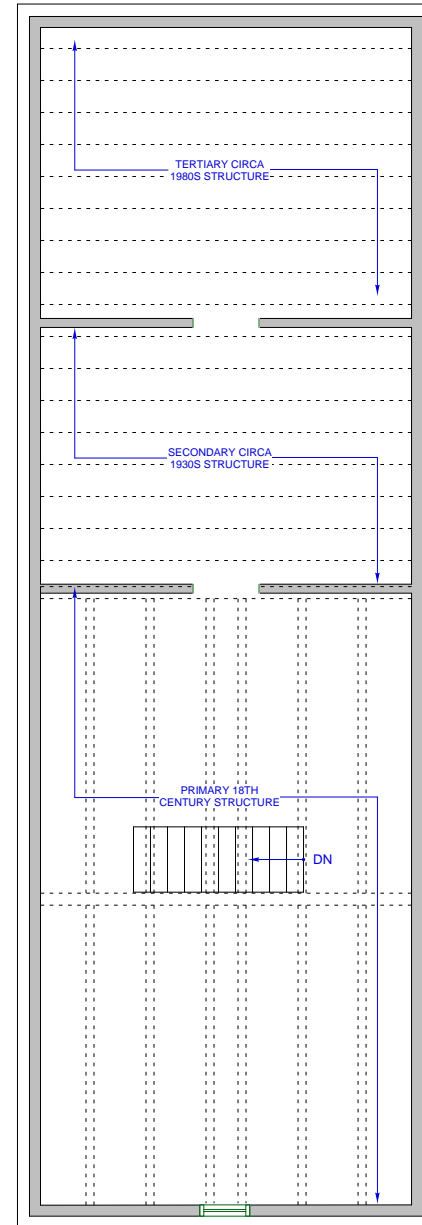
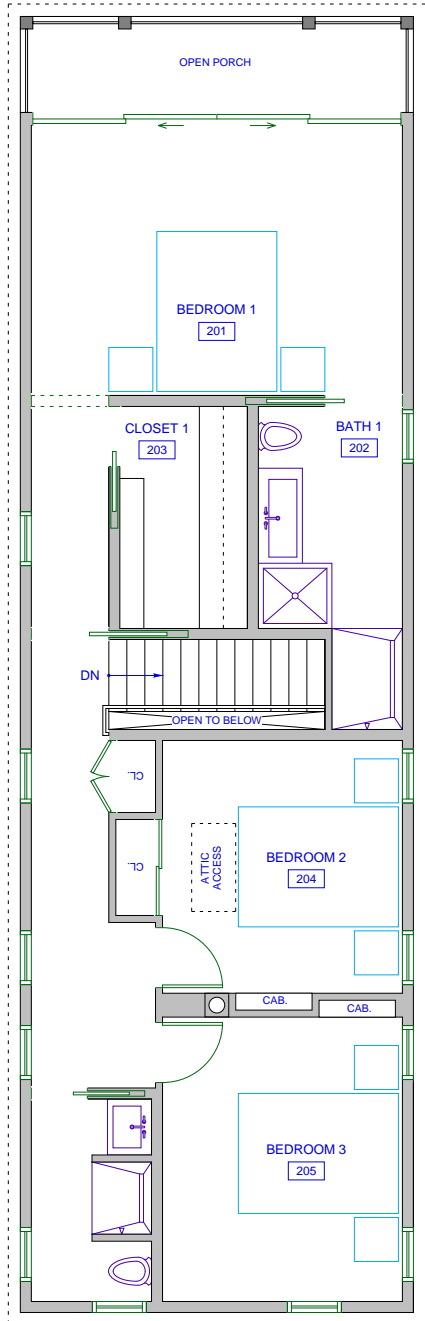
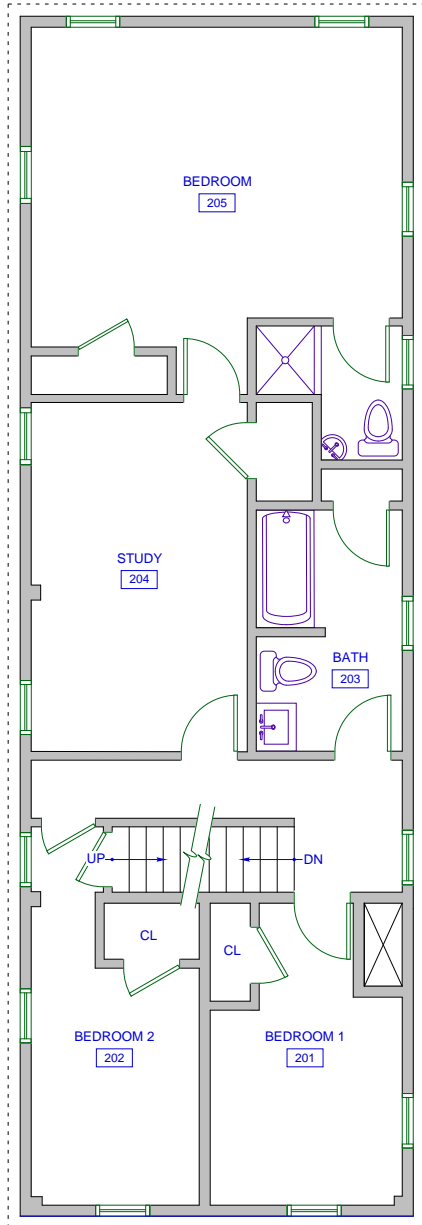
Existing + Proposed
Second Floor +
Attic Plans

18 MARCH 2021

Scale: As Noted

Project No.: 2006

A02



1 Existing Second Floor Plan
Scale: 1/8" = 1'-0"

2 Proposed Second Floor Plan
Scale: 1/8" = 1'-0"

3 Existing Attic Plan
Scale: 1/8" = 1'-0"

4 Proposed Attic Plan
Scale: 1/8" = 1'-0"



60 LIBERTY STREET ZONING SET

18 MARCH, 2021

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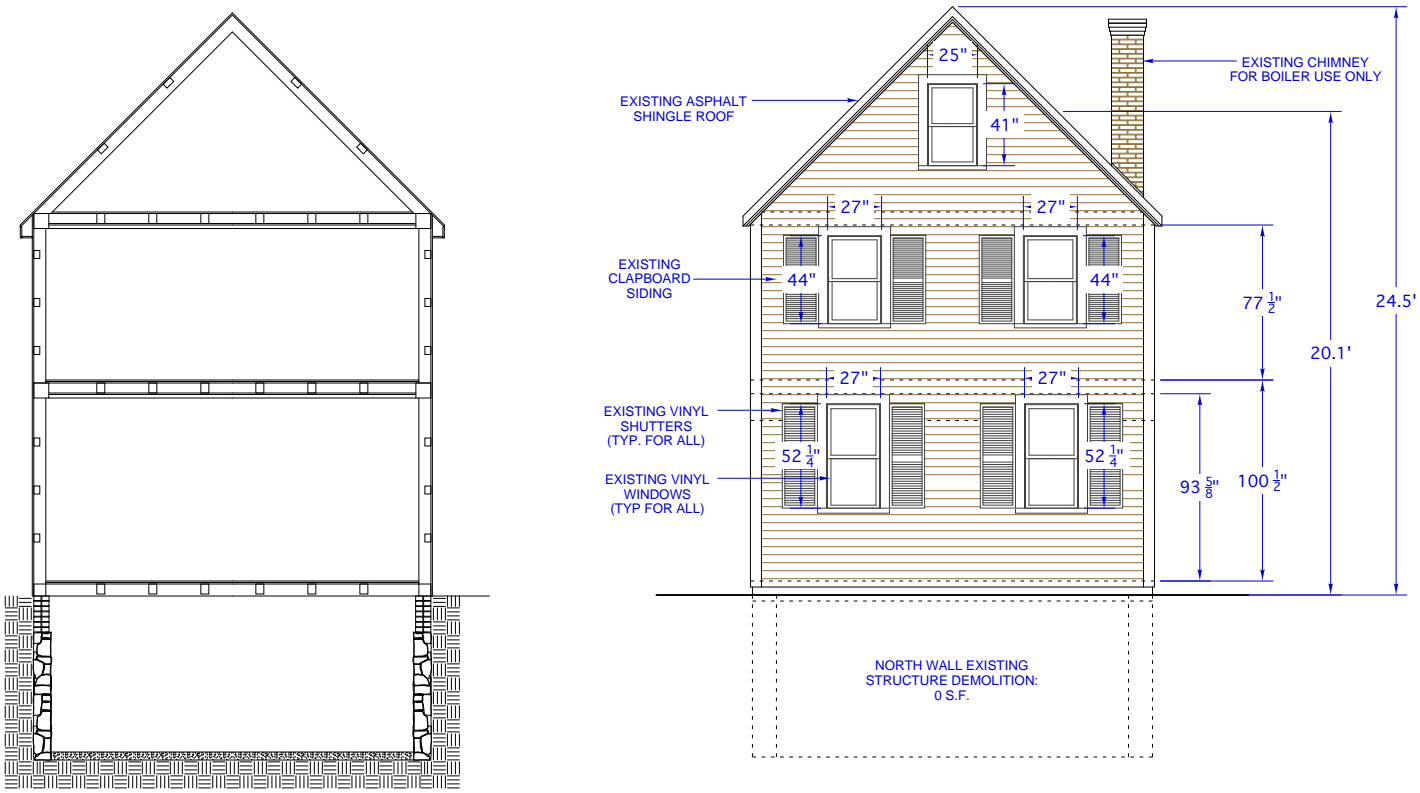
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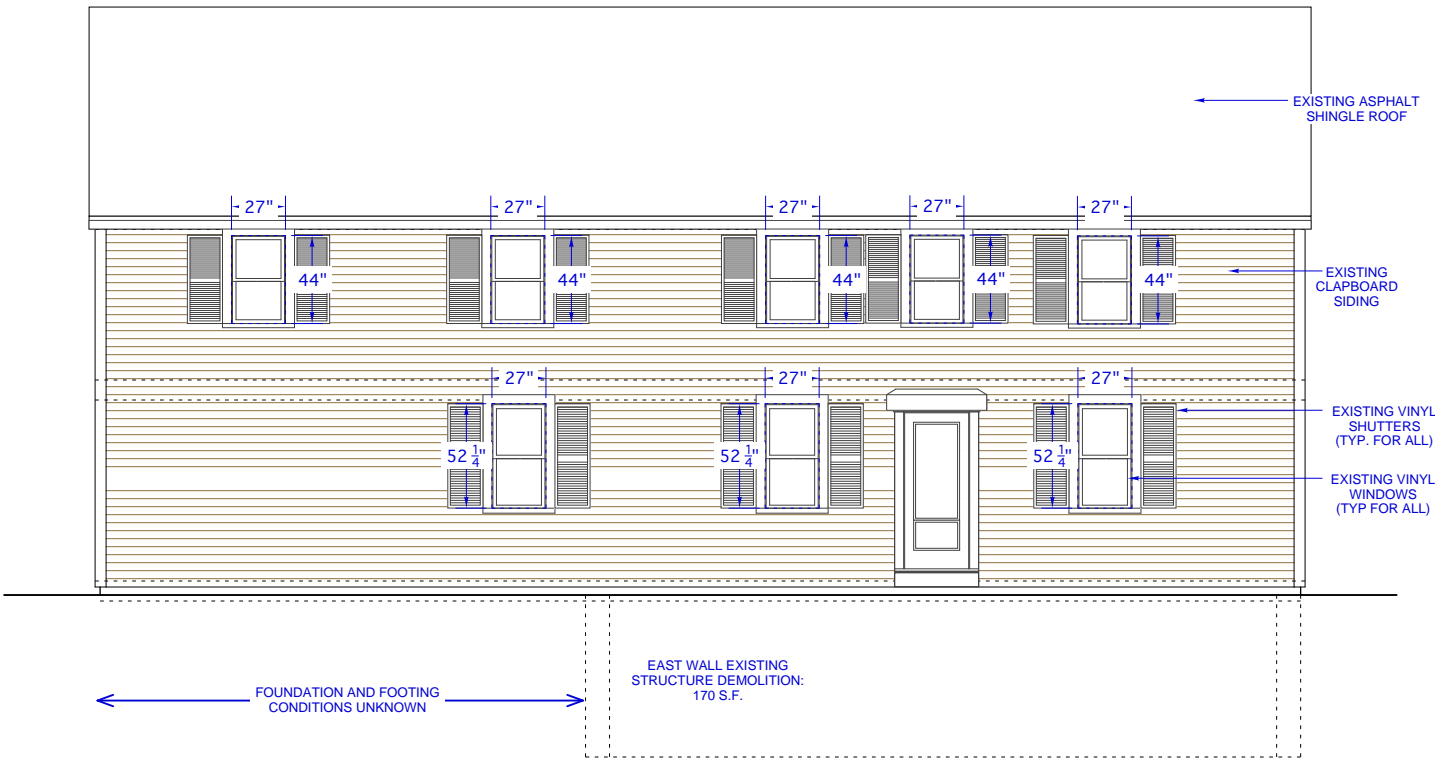
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Existing + Proposed Exterior Elevations
Project No.: 2006
Scale: As Noted
18 MARCH 2021

A03



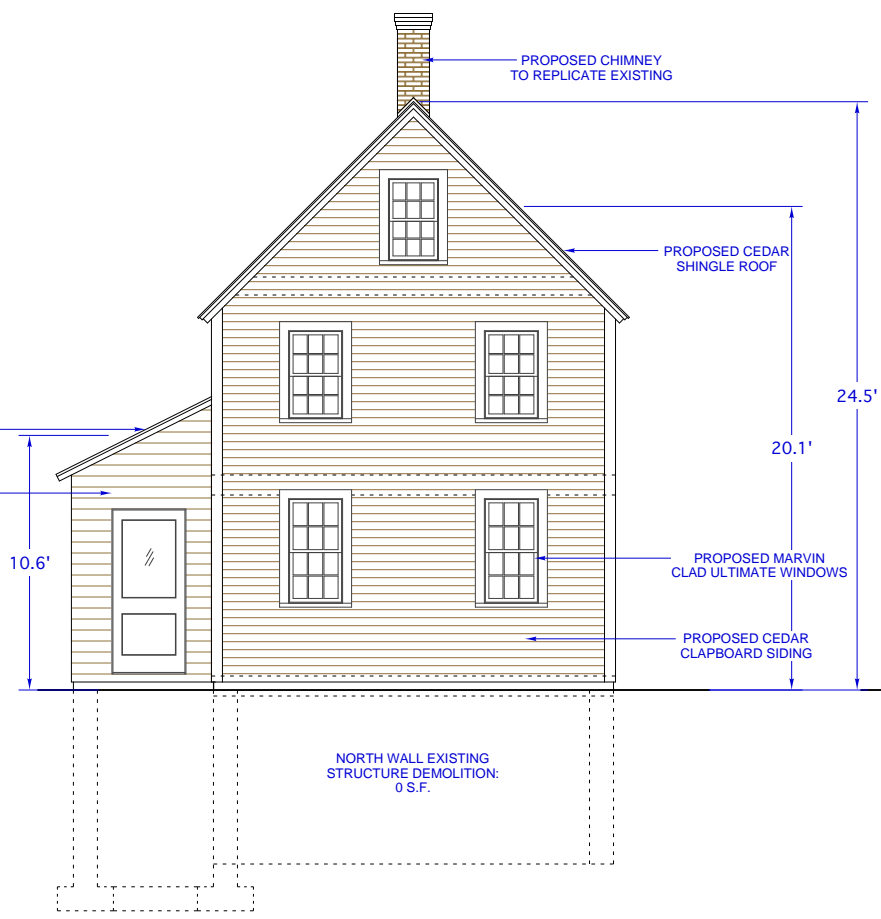
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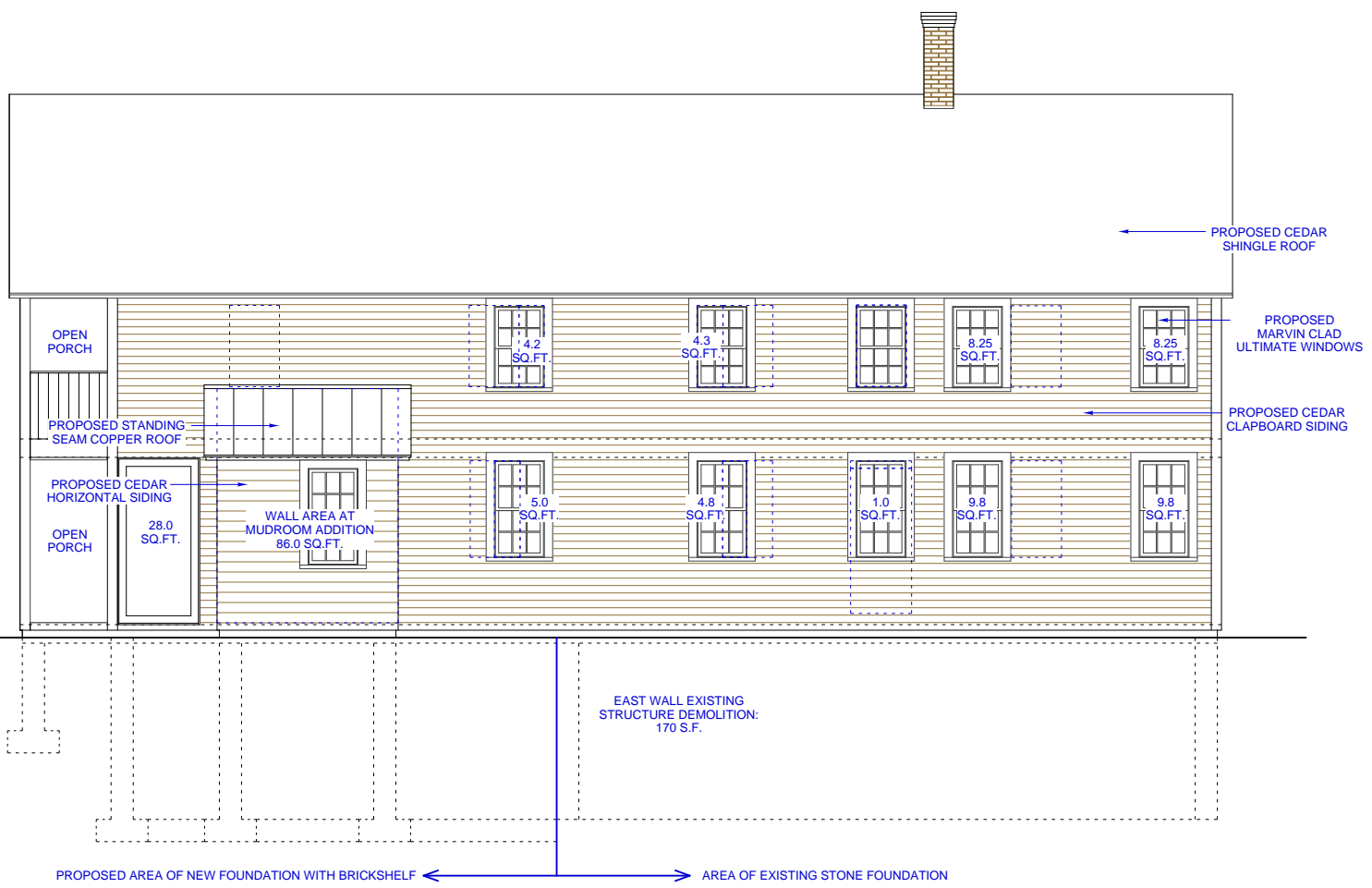
2 Existing North Elevation
Scale: 1/8" = 1'-0"

4 Existing East Elevation
Scale: 1/8" = 1'-0"

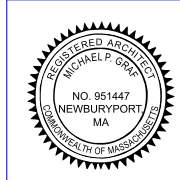
| WALL AREA TO BE DEMOLISHED | |
|---|--------------------------|
| TOTAL WALL AREA OF EXISTING STRUCTURE | 2152 SQUARE FEET |
| 25% OF TOTAL WALL AREA | 538 SQUARE FEET |
| AREA OF NORTH GABLE WALL TO BE DEMOLISHED | 0 SQUARE FEET |
| AREA OF SOUTH GABLE WALL TO BE DEMOLISHED | 233 SQUARE FEET |
| AREA OF EAST WALL TO BE DEMOLISHED | 170 SQUARE FEET |
| AREA OF WEST WALL TO BE DEMOLISHED | 81 SQUARE FEET |
| TOTAL WALL AREA TO BE DEMOLISHED | 484 SQUARE FEET 22.5% |



3 Proposed North Elevation
Scale: 1/8" = 1'-0"



5 Proposed East Elevation
Scale: 1/8" = 1'-0"



60 LIBERTY STREET ZONING SET

18 MARCH, 2021

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E cynthiahome@icloud.com

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E michael@grafbuilders.com
WEB grafbuilders.com

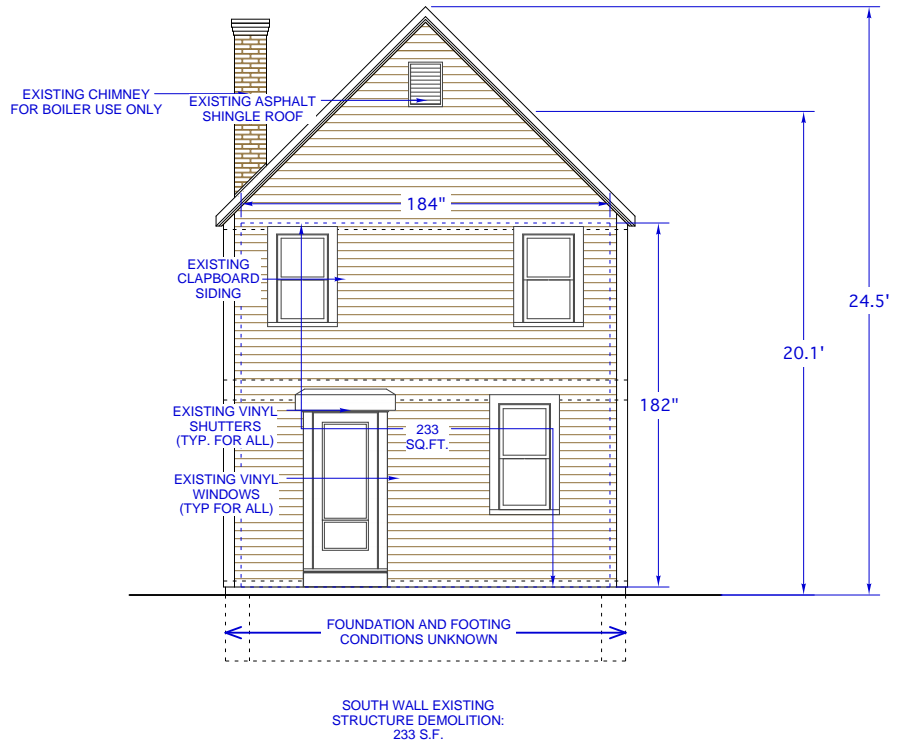
REVISIONS

| NO. | DESCRIPTION |
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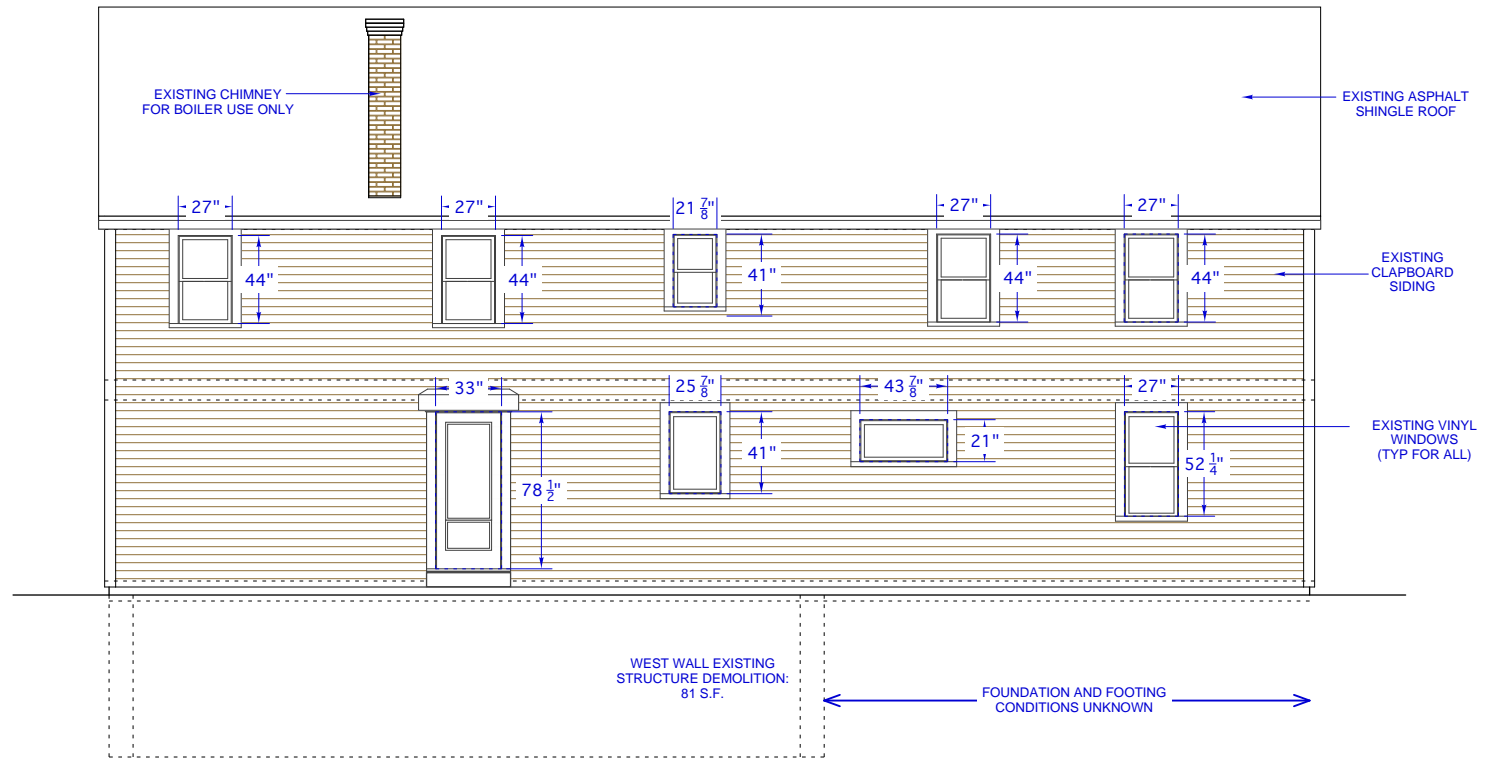
Existing + Proposed
Exterior Elevations

18 MARCH 2021
Scale: As Noted
Project No.: 2006

A04



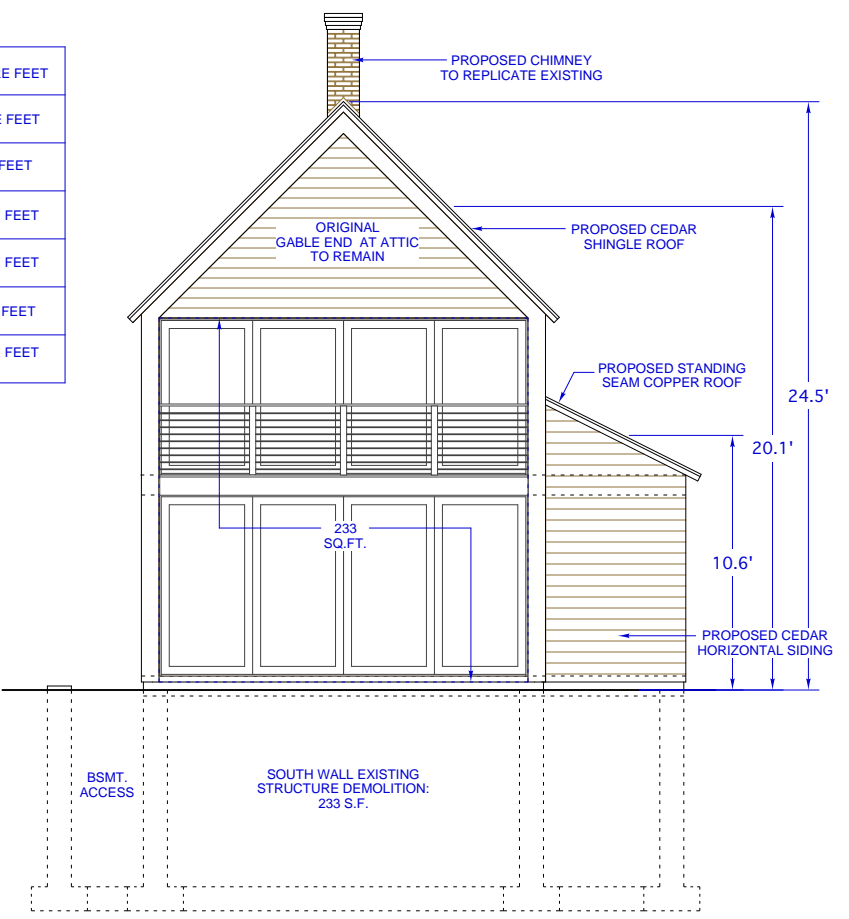
1 Existing South Elevation
Scale: 1/8"= 1'-0"



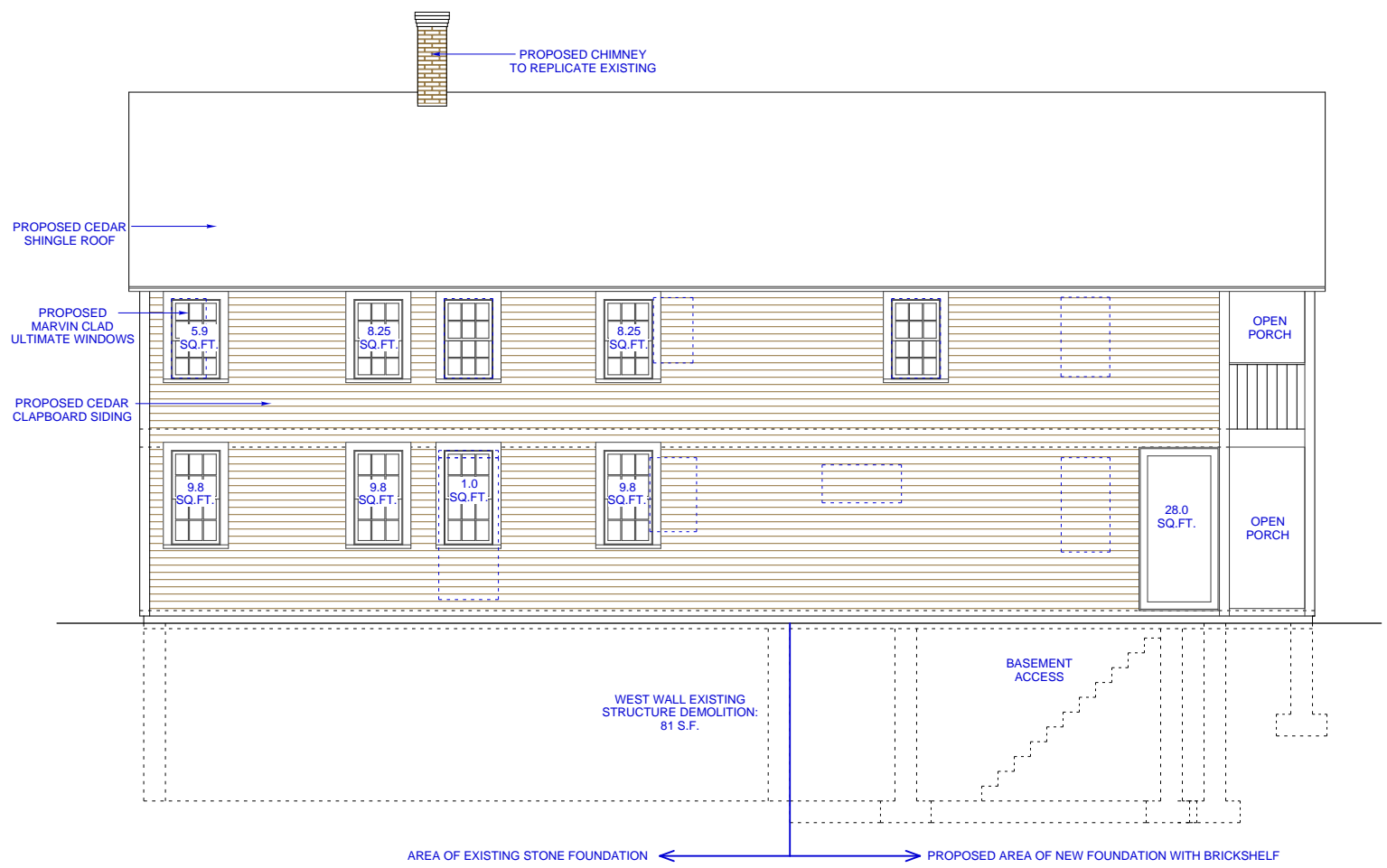
3 Existing West Elevation
Scale: 1/8"= 1'-0"

WALL AREA TO BE DEMOLISHED

| | |
|---|--------------------------|
| TOTAL WALL AREA OF EXISTING STRUCTURE | 2152 SQUARE FEET |
| 25% OF TOTAL WALL AREA | 538 SQUARE FEET |
| AREA OF NORTH GABLE WALL TO BE DEMOLISHED | 0 SQUARE FEET |
| AREA OF SOUTH GABLE WALL TO BE DEMOLISHED | 233 SQUARE FEET |
| AREA OF EAST WALL TO BE DEMOLISHED | 170 SQUARE FEET |
| AREA OF WEST WALL TO BE DEMOLISHED | 81 SQUARE FEET |
| TOTAL WALL AREA TO BE DEMOLISHED | 484 SQUARE FEET 22.5% |



2 Proposed South Elevation
Scale: 1/8"= 1'-0"



4 Proposed West Elevation
Scale: 1/8"= 1'-0"



1 View from Rear Yard



2 View from Liberty Street



3 View from Liberty Street



4 Circa 1800 Attic Framing



5 Circa 1930 Attic Framing



6 Circa 1980 Attic Framing



7 Typical Interior Door



8 Typical Window



60 LIBERTY STREET ZONING SET

18 MARCH, 2021

PROPERTY OWNER
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REVISIONS

| No. | Description | Date |
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Existing Conditions

18 MARCH 2021

Scale: As Noted

Project No.: 2008

A05