



Mead, Talerman & Costa, LLC
Attorneys at Law

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

August 31, 2021

By Hand

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

Re: Request for Special Permit for Non-conformities;
64 Liberty Street, Newburyport, MA (the "Property")
Assessor's Map: 16 Lot: 54

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Eve Lee the owner of the Property (the "Applicant"), who is proposing to renovate and add onto this single family home. The Applicant requests that you approve its request for a Special Permit for Non-conformities.

The Property is located in the R2 zoning district and the Demolition Control Overlay District ("DCOD"). The structure was built in or around 1750-1775 and is listed as contributory on the District Data Sheets. However, the Applicant is removing less than 25% of the exterior walls and therefore the DCOD does not apply.

The Applicant has filed, however, for a Demolition Delay Permit from the Historic Commission for a roof line change. The Property is non-conforming for lot area, 1,883 where 10,000 feet is required; both front setbacks as a corner lot .2 feet over on its primary front setback; 0 feet on its secondary setback where 25 feet are required for both; rear setback, .2 feet over where 25 feet are required. Further, lot coverage is non-conforming at 53.2% where 25% is required and open space of 12.3% where a minimum of 40% is required.

The Applicant proposes to remove the existing one story addition on the northerly end of the structure and replace it with a combined one and two story addition as shown on the proposed elevations. The deck will also be revised and made slightly smaller given the modified addition.

In 1888 there was an addition which existed in a much smaller footprint than the existing Addition. (Exhibit A, 1888 Sanborn Map). The footprint of this one story addition does not appear to change through the series of Sanborn Maps and the City of Newburyport Assessor's Map through 1924 (See Exhibit B, series of Maps). The 1969 City

Millis Office

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

of Newburyport Assessor's Field Card indicates the one story addition had been enlarged to the entire width of west side of the house. (Exhibit C, Field Card, 1969). Anecdotally, the immediate neighbors on Federal Street indicate that the second part of the first floor addition was actually a covered porch prior to its enclosure sometime after 1988. Further, as evidenced by a building permit in 1995 and the accompanying Special Permit from the Zoning Board of Appeals in 1995, that a 4' x 10'1" addition was permitted to be added to the structure. (Exhibit D). The result is the Addition as it exists today, of which a portion appears to have existed as early as 1888 and a portion as late as 1995.

The Applicant proposes to remove the Addition and construct in its place a partial two story addition which will include a slightly larger footprint as well. The new footprint will extend, approximately, an additional 4.1 feet from the current Addition directly down Liberty Street and the rear portion will extend an additional 8.8 feet along the rear lot line from the current addition. The single story bump-out to the rear will be approximately 2.2 feet wider than the existing bump-out.

Additionally, on the north and south where the current addition extends over the property line, the new footprint will be set in 1' from the corners of the main portion of the house. It is, as a result of this, that the Open Space is actually improved upon the lot.

As you can see from the attached elevations, only a portion of the proposed addition will be two stories. A one story aspect of it will be adjacent to Liberty Street stepping back 5.55' from Liberty Street to the two story portion. Similarly on the western side, the addition will also be only one story. The two story portion exists toward the rear of the structure and is set in from the sides of the existing home, thereby clearly differentiating the new from the old. The northern second story window on the western side will be shifted over to a new opening. The architect has been sensitive to the form of the existing structure as you can see from the west elevation. The original form is quite obvious and unimpaired by the new addition.

Special Permit for Non-Conformities

The Applicant requires a special permit for nonconformities pursuant to Section IX.B.(2)(A) of the Ordinance. The Property is located in the R2 zoning district and is a pre-existing nonconforming.

Section IX-B(2)(A) allows for the modification of a pre-existing nonconforming single-family structure where the Board finds that:

- A. there will be no addition of a new non-conformity**
- B. the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

As to the first requirement, no new non-conformity is being created. The existing rear setback non-conformity is being intensified along the rear lot line and by the two story portion of the addition in an upward fashion. Similarly, the non-conforming lot coverage is being intensified from 53.2% to 60.3% and the Open Space is being improved and going from 12.3% to 13.4%. As a result, this criteria is met.

The next finding the Board can make is that the proposed change will not be substantially more detrimental to the neighborhood than the existing structure. Here, the proposed addition adds a mere 128 square feet to the footprint of the home. The actual structure is being extended along Liberty Street in a one story fashion only 323 more feet than currently exists. Further, the rear line is extended 8.8 feet but not with the same intensity. That is, the extension is entirely within the property lines, whereas the existing structure lies slightly outside the property line.

While it is true there is an upward extension of the rear yard non-conformity, as you can see from the elevations, there are no windows on the southerly side of the home. Further, the Applicant has discussed the proposed addition with the neighbors who have expressed their non-opposition to the proposal. Included in this submission is a Non-Opposition letter from the most immediate abutters.

Finally, the addition is in keeping with the historic nature of the home, does not detract from it and is clearly subservient and set apart from it. It is of note that the term "substantially" means to a great or significant extent. When used in the context of the ordinance the Board would have to make a finding that the proposed renovation and expansion upward was "substantially more detrimental" to the neighborhood. Here, based upon the size of the change to the Addition as compared to the existing conditions, the proposed change cannot be found to be *substantially more detrimental* to the neighborhood than the existing structure.

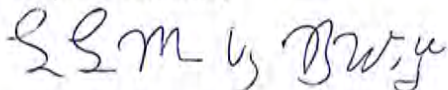
Based upon the foregoing, the Applicant requires the Board approve the request for a Special Permit for Non-conformities.

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

Respectfully submitted

Eve Lee

By her Attorney

A handwritten signature in cursive script, appearing to read "L L Mead by B W, Jr".

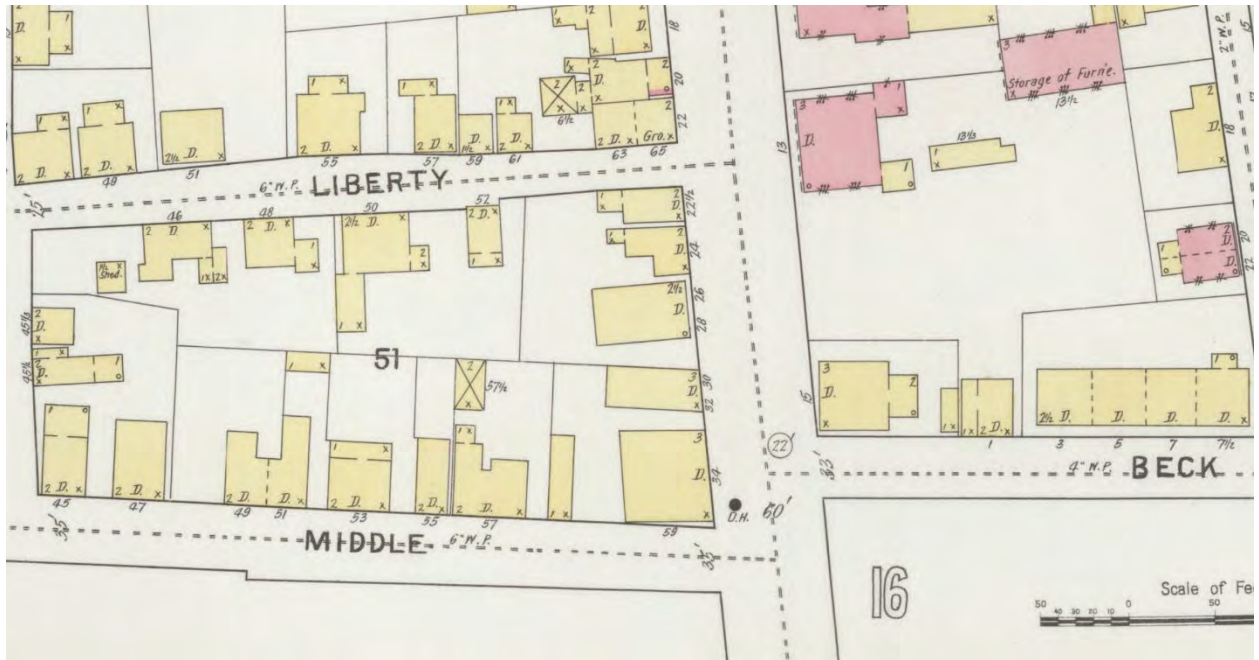
Lisa L. Mead

Attachment

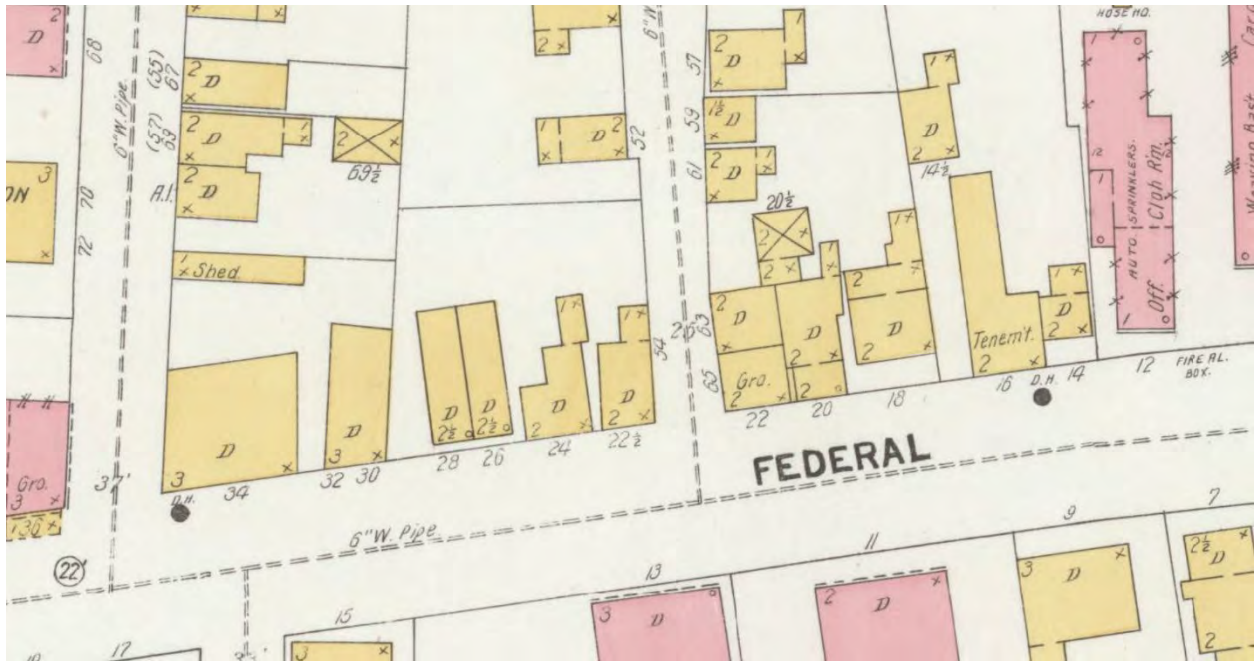
cc: client

Exhibit A

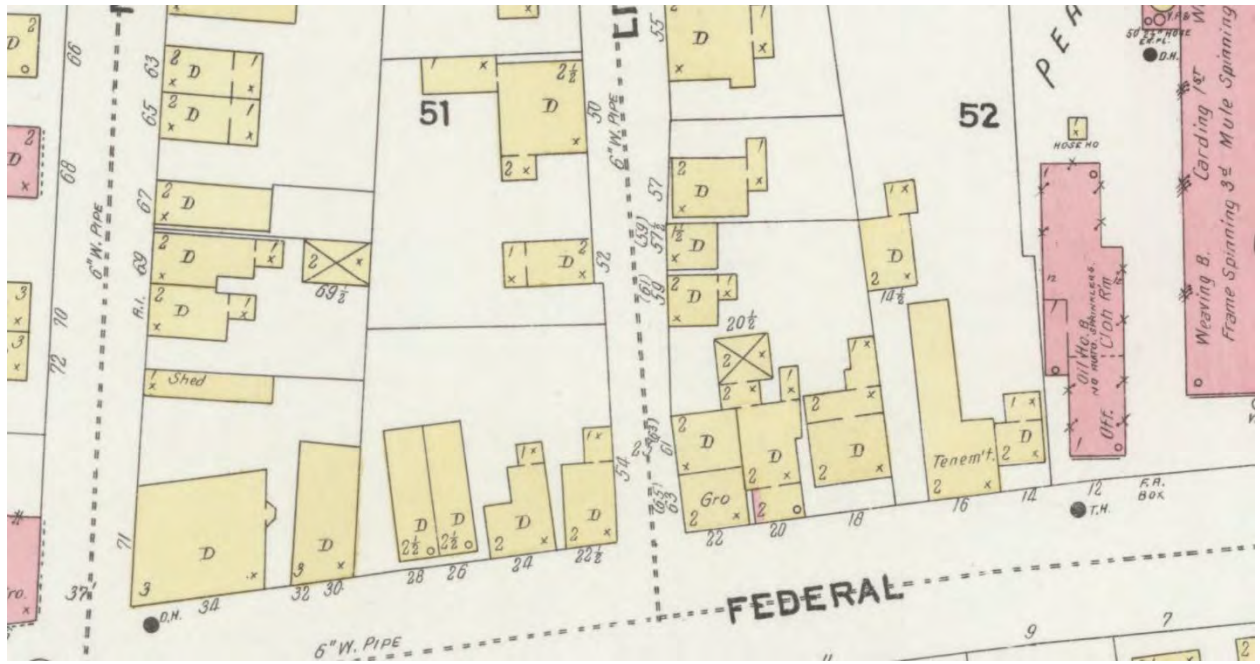
Exhibit B



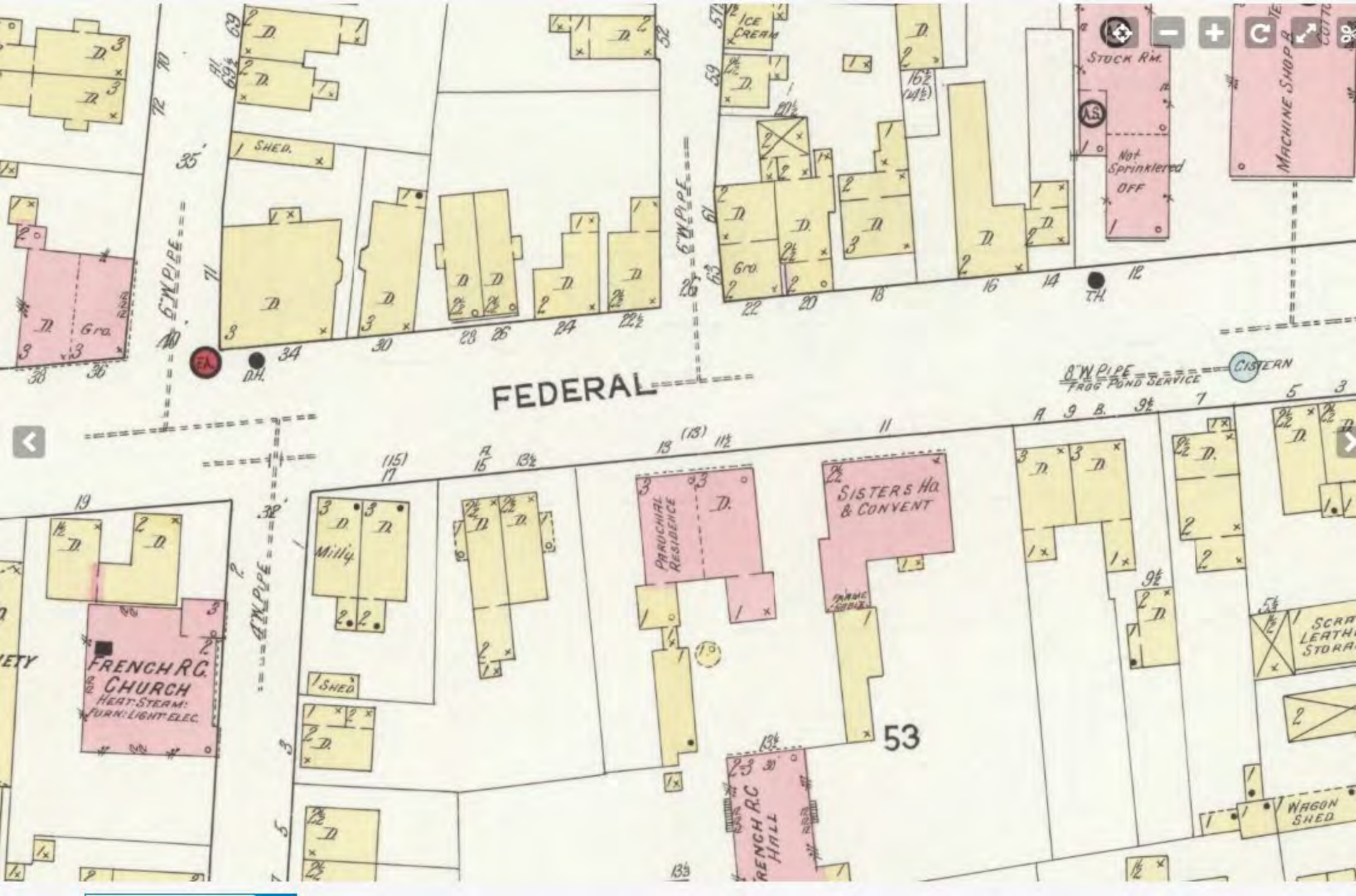
1894 Sanborn



1900 Sanborn



1906 Sanborn



FEDERAL

FRENCH RC. CHURCH
HEAT: STEAM
FURN: LIGHT ELEC.

PAROCHIAL RESIDENCE

SISTERS HA & CONVENT

FRENCH RC HALL

STOCK RM.
Not Sprinklered
OFF

MACHINE SHOP

SCRAP LEATH. STOR.

WAGON SHED

6" W. PIPE

6" W. PIPE

8" W. PIPE
FROG POND SERVICE
CISTERN

35'

6" W. PIPE

3

5

7

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

3

2

1

2

1

2

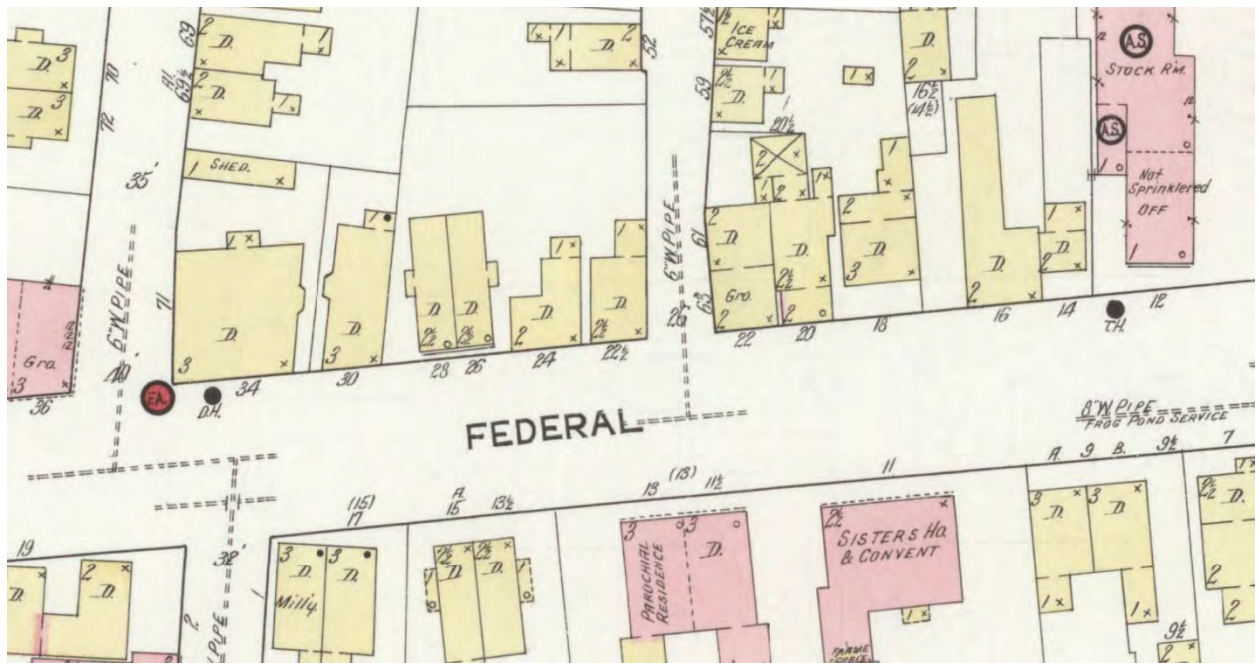
3

2

1

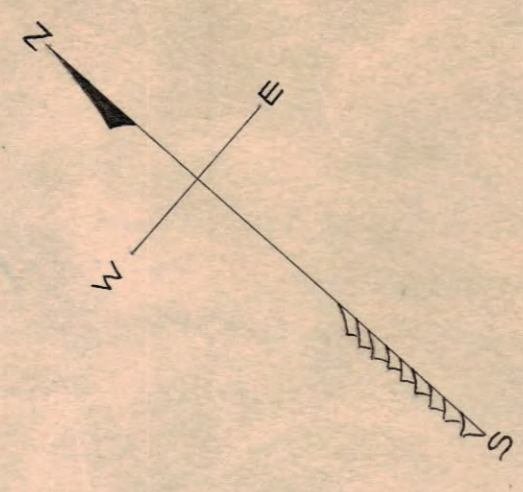
2

1



1914 Sanborn

WATER



FAIR

INDEPENDENT

FEDERAL

LIBERTY ST.

LIBERTY

ST.

MIDDLE ST.

MIDDLE

ST.

BECK ST.

ESSEX ST.

ST.

SPRING

ST.

ST.

SCHOOL ST.

CHARTER ST.

ORANGE

ST.



1955 layout

Parcel #1 Area of Taking 7850 sq ft

R=25
T=27.28
L=41.47

Scale 40 ft. = 1 in.

Exhibit C

BUILDING PERMIT

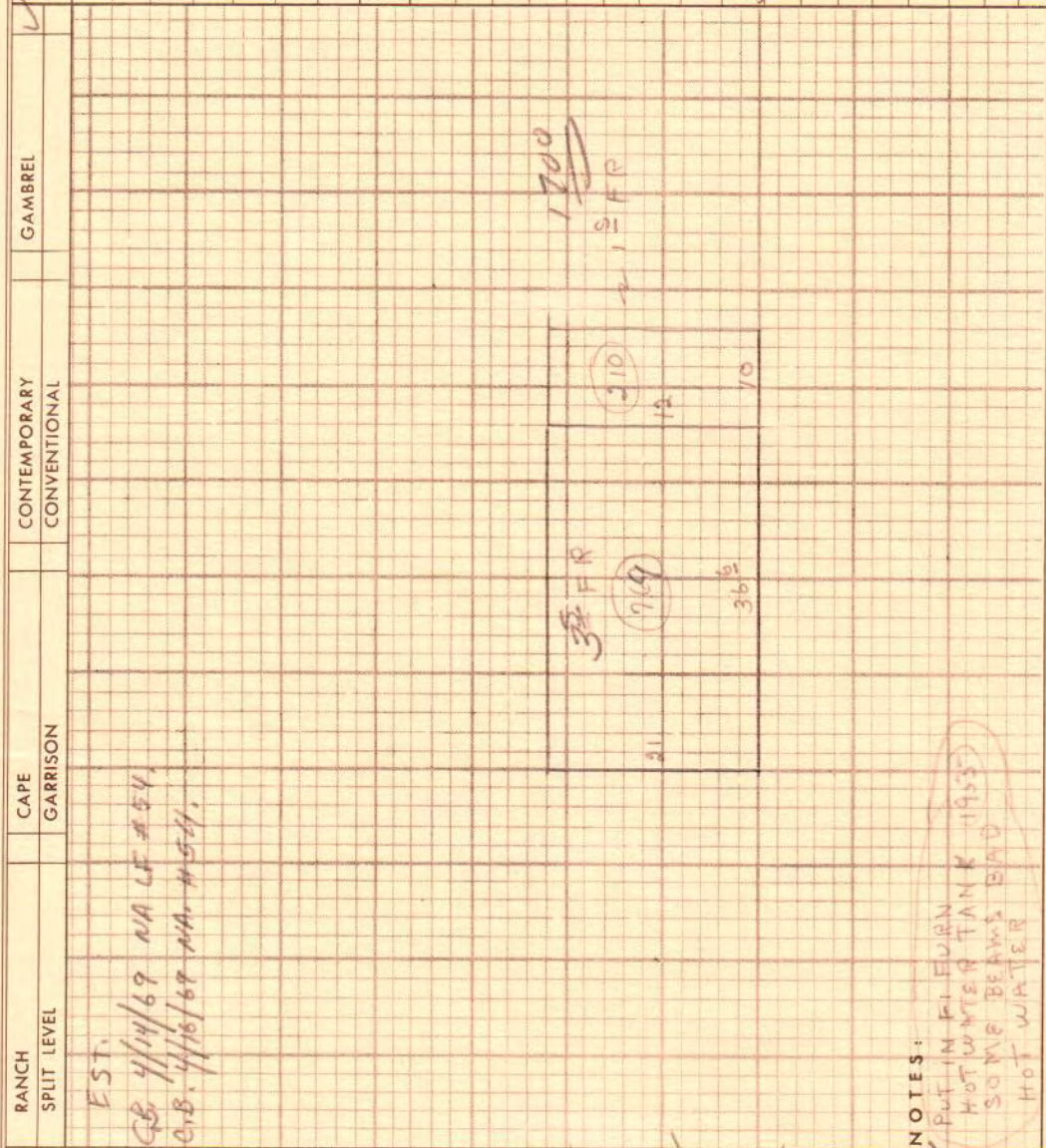
OCCUPANCY		RANCH	CAPE	CONTEMPORARY	GAMBREL	DESCRIPTION of OBSOLESCENCE
<input checked="" type="checkbox"/> SINGLE FAMILY	HOTEL					
<input checked="" type="checkbox"/> TWO FAMILY	ROOMING HOUSE					
<input checked="" type="checkbox"/> APARTMENTS	GAS STATION					
<input checked="" type="checkbox"/> STORES	WAREHOUSE					
<input checked="" type="checkbox"/> OFFICES	INDUSTRIAL					
<input checked="" type="checkbox"/> COMM. GARAGE	FARM					

CONSTRUCTION		FLOORS			
		B	1	2	3
<input checked="" type="checkbox"/> FOUNDATION	CONCRETE				
<input checked="" type="checkbox"/>	CONCRETE BLOCK				
<input checked="" type="checkbox"/>	BRICK OR STONE				
<input checked="" type="checkbox"/>	PIERS				
<input checked="" type="checkbox"/> BASEMENT	CEMENT				
<input checked="" type="checkbox"/>	EARTH				
<input checked="" type="checkbox"/>	PINE				
<input checked="" type="checkbox"/>	POSTS				
<input checked="" type="checkbox"/>	HARDWOOD				
<input checked="" type="checkbox"/>	ASPH. TILE				
<input checked="" type="checkbox"/>	INL. - LIN.				
<input checked="" type="checkbox"/>	W/W CARPET				
<input checked="" type="checkbox"/>	ATTIC STRS. & FLOOR				
<input checked="" type="checkbox"/>	AREA FULL				
<input checked="" type="checkbox"/>	1/4				
<input checked="" type="checkbox"/>	3/4				
<input checked="" type="checkbox"/>	%				
<input checked="" type="checkbox"/>	NO BASEMENT				
<input checked="" type="checkbox"/>	HEAD ROOM				
<input checked="" type="checkbox"/>	INTERIOR FINISH				
<input checked="" type="checkbox"/>	B				
<input checked="" type="checkbox"/>	1				
<input checked="" type="checkbox"/>	2				
<input checked="" type="checkbox"/>	3				

WALLS	
<input checked="" type="checkbox"/>	BEVEL SIDING
<input checked="" type="checkbox"/>	WIDE SIDING
<input checked="" type="checkbox"/>	DROP SIDING
<input checked="" type="checkbox"/>	WOOD SHINGLES
<input checked="" type="checkbox"/>	ASBESTOS SHINGLES
<input checked="" type="checkbox"/>	STUCCO ON FRAME
<input checked="" type="checkbox"/>	STUCCO ON MASONRY
<input checked="" type="checkbox"/>	BAKED ENAMEL STEEL
<input checked="" type="checkbox"/>	BRICK VENEER
<input checked="" type="checkbox"/>	BRICK ON MASONRY
<input checked="" type="checkbox"/>	CONC. or CIND. BLOCK
<input checked="" type="checkbox"/>	ALUMINUM
<input checked="" type="checkbox"/>	ARTIFICIAL STONE
<input checked="" type="checkbox"/>	STONE ON MASONRY
<input checked="" type="checkbox"/>	VERTICAL BDS. SIDES
<input checked="" type="checkbox"/>	ROOF INSULATION
<input checked="" type="checkbox"/>	BLANKET INSUL.

ROOFING	
<input checked="" type="checkbox"/>	ASPHALT SHINGLES
<input checked="" type="checkbox"/>	WOOD SHINGLES
<input checked="" type="checkbox"/>	ASBESTOS SHINGLES
<input checked="" type="checkbox"/>	SLATE
<input checked="" type="checkbox"/>	TILE
<input checked="" type="checkbox"/>	METAL
<input checked="" type="checkbox"/>	COMPOSITION
<input checked="" type="checkbox"/>	ROLL ROOFING
<input checked="" type="checkbox"/>	TYPE OF ROOF
<input checked="" type="checkbox"/>	GAMBREL
<input checked="" type="checkbox"/>	FRAMING
<input checked="" type="checkbox"/>	WOOD JOIST
<input checked="" type="checkbox"/>	TIMBER, BMS. & COLS.
<input checked="" type="checkbox"/>	STEEL BMS. & COLS
<input checked="" type="checkbox"/>	WOOD RAFTERS

NO. OF ROOMS	
<input checked="" type="checkbox"/>	BSMT.
<input checked="" type="checkbox"/>	2ND
<input checked="" type="checkbox"/>	3RD



NOTES:
 PUT IN FIRE ALARM
 HOT WATER TANK 1953
 SOME BEAMS BIRD
 HOT WATER

— SUMMARY OF BUILDINGS —

OCCUPANCY	TYPE	GRADE	YR. BUILT	REMOD.	COND.	REPL. VAL.	PHYS. DEP.	PHYS. VAL.	FUNC. DEP.	SOUND VAL.
DWELLING	3 SF R	C	010		F	24190	60%	9460	20%	2740
GARAGE	NONE.									
COMMERCIAL										
DATE	MEAS.	LISTED	AREA	PRICED	REY'D	FINAL CHECK	TOTAL VALUE BUILDINGS			7740
1-29-69		54	55	45	31	22				

WHIPPLE - MAGANE - DARCY, INC.

Andover, Mass.

TOWN PRINTING COMPANY, ANDOVER, MASS.

Exhibit D



016 054

City of Newburyport

Building Department

CITY HALL

NEWBURYPORT, MASSACHUSETTS

FOR OFFICIAL USE

Permit No. A/C #269
 Ward 2
 Neighborhood _____
 Zoning District _____
 Fee 53.00

EDWARD A. HEWETT
Building Official/Codes Administrator

[Handwritten signature]

APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

Building Permit . . .

THE MUNICIPAL BUILDING CODE prohibits the erection, conversion, repair, alteration, or enlargement of any building or structure — or the installation, alteration or enlargement of any of the mechanical service equipment (electrical, plumbing, heating, gas systems) without first obtaining the necessary and required permits.

Building Plans . . .

THE MUNICIPAL BUILDING CODE requires that applications for permits be accompanied by at least two (2) complete sets of dimensioned plans and specifications showing all necessary details to enable the BUILDING OFFICIAL to determine if the proposed work will be in compliance with the code.

Building Permit Fees . . .

SCHEDULE OF PERMIT FEES:

See City \$25.00 for the first \$1,000.00 of the cost estimate.
Variance #95-052 \$2.00 for each additional \$1,000.00 of the cost estimate or part thereof.
See City APP Permit Denied

APPROVED
 Date: 11/2/95
 BUILDING DEPT.
 CITY OF NEWBURYPORT
[Signature]
 E. A. HEWETT
 Insp. of Bldgs.

Building Inspections . . .

THE MUNICIPAL BUILDING CODE requires one (1) copy of the approved plans and specifications together with the work or building permit to be kept at the site/work area of operation at all times during progress of the work as authorized by the Building Official. It is the responsibility of the person obtaining the permit to notify the Building Official when the work is ready for inspection and no work should be covered before it has been inspected and approved. REQUESTS FOR INSPECTION are usually required in accordance with the following schedule.

- 1st — Footings after forms are set and prior to placement of concrete materials.
- 2nd — Foundation walls prior to backfilling.
- 3rd — Rough framing prior to application of insulation or interior wall coverings. All service equipment (electrical, plumbing, heating, and gas systems rough-in) prior to cover or concealment.
- 4th — Final inspection by the Building Official prior to a permitted use and occupancy.
- 5th — And on such special occasions as the Building Official may designate.

RECEIVED
CITY OF NEWBURYPORT
BUILDING DEPARTMENT

OCT 30 1995

IMPORTANT — Applicant to complete all items in sections: I, II, III, V, and VI.

I. LOCATION OF BUILDING

AT (LOCATION) 104 Liberty St ZONING DISTRICT

(No.) (Street)

BETWEEN Federal street AND water st

(Cross Street) (Cross Street)

SUBDIVISION LOT BLOCK LOT SIZE

II. TYPE AND COST OF BUILDING — All applicants complete Parts A - D

A. TYPE OF IMPROVEMENT

1 New building

2 Addition (If residential, enter number of new housing units added, if any, in Part D, 13)

3 Alteration (See 2 above)

4 Repair, replacement

5 Wrecking (If multifamily residential, enter number of units in building in Part D, 13)
Releases IV & III.
Releases IV & III & J

6 Moving (relocation)

7 Foundation only

B. OWNERSHIP

8 Private (individual, corporation, nonprofit institution, etc.)

9 Public (Federal, State, or local government)

D. PROPOSED USE — For "Wrecking" most recent use

Residential	Nonresidential
12 <input checked="" type="checkbox"/> One family	18 <input type="checkbox"/> Amusement, recreational
13 <input type="checkbox"/> Two or more family — Enter number of units — — — →	19 <input type="checkbox"/> Church, other religious
14 <input type="checkbox"/> Transient hotel, motel — Enter number of units — — — →	20 <input type="checkbox"/> Industrial
15 <input type="checkbox"/> Garage	21 <input type="checkbox"/> Parking garage
16 <input type="checkbox"/> Carport	22 <input type="checkbox"/> Service station, repair garage
17 <input type="checkbox"/> Other — Specify	23 <input type="checkbox"/> Hospital, institutional
	24 <input type="checkbox"/> Office, bank, professional
	25 <input type="checkbox"/> Public utility
	26 <input type="checkbox"/> School, library, other educational
	27 <input type="checkbox"/> Stores, mercantile
	28 <input type="checkbox"/> Tanks, towers
	29 <input type="checkbox"/> Other — Specify

C. COST

10. Cost of improvement	(Omit cents) \$ <u>9 000</u>	— Describe in detail proposed use of buildings, e.g. machine shop, school, department store, rental office building, office building at industrial park, manufacturing or processing plant, etc. If <input checked="" type="checkbox"/> existing building is being changed, enter below the proposed change of <u>Changing entrance to kitchen</u> <u>Remodeling kitchen</u>
To be installed but not included in the above cost		
a. Electrical	<u>3000</u>	
b. Plumbing	<u>4000</u>	
c. Heating, air conditioning	<u>2000</u>	
d. Other (elevator, etc.)		
11. TOTAL COST OF IMPROVEMENT	<u>\$ 15000</u>	

III. SELECTED CHARACTERISTICS OF BUILDING—For new buildings and additions, complete Parts E - L; for wrecking, complete only Part J, for all others skip to VI.

E. PRINCIPAL TYPE OF FRAME 30 <input type="checkbox"/> Masonry (wall bearing) 31 <input checked="" type="checkbox"/> Wood frame 32 <input type="checkbox"/> Structural steel 33 <input type="checkbox"/> Reinforced concrete 34 <input type="checkbox"/> Other — Specify	G. TYPE OF SEWAGE DISPOSAL 40 <input checked="" type="checkbox"/> Public or private company 41 <input type="checkbox"/> Private (septic tank, etc.)	J. DIMENSIONS 48 Number of stories
	H. TYPE OF WATER SUPPLY 42 <input checked="" type="checkbox"/> Public or private company 43 <input type="checkbox"/> Private (well, cistern)	
F. PRINCIPAL TYPE OF HEATING FUEL 35 <input type="checkbox"/> Gas 36 <input checked="" type="checkbox"/> Oil 37 <input type="checkbox"/> Electricity 38 <input type="checkbox"/> Coal 39 <input type="checkbox"/> Other — Specify	I. TYPE OF MECHANICAL Will there be central air conditioning? 44 <input type="checkbox"/> Yes 45 <input type="checkbox"/> No	50. Total land area, sq. ft.
	Will there be an elevator? 46 <input type="checkbox"/> Yes 47 <input type="checkbox"/> No	K. NUMBER OF OFF-STREET PARKING SPACES 51 Enclosed
		L. RESIDENTIAL BUILDINGS ONLY 53 Number of bedrooms
		Size of Bedrooms
		54 Number of bathrooms { Full Partial



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street
 Boston, Mass. 02111

Workers' Compensation Insurance Affidavit

Applicant information: Please PRINT legibly

name: _____

location: 64 Liberty Street

city: Newburyport MA phone # 508-465-7587

- I am a homeowner performing all work myself.
- I am a sole proprietor and have no one working in any capacity

I am an employer providing workers' compensation for my employees working on this job.

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

I am a sole proprietor, general contractor, or homeowner (circle one) and have hired the contractors listed below who have the following workers' compensation policies:

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

Attach additional sheet if necessary

Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one years' imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of \$100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigations of the DIA for coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature Pamela Dodge Date 10-27-95

Print name Pamela Dodge Phone # 465-7587

official use only do not write in this area to be completed by city or town official

city or town: _____ permit/license # _____ Building Department

check if immediate response is required

- Licensing Board
- Selectmen's Office
- Health Department
- Other _____

contact person: _____ phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 section 25 requires all employers to provide workers' compensation for their employees. As quoted from the "law", an *employee* is defined as every person in the service of another under any contract of hire, express or implied, oral or written.

An *employer* is defined as an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer.

MGL chapter 152 section 25 also states that every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required. Additionally, neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority.

Applicants

Please fill in the workers' compensation affidavit completely, by checking the box that applies to your situation and supplying company names, address and phone numbers as all affidavits may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. Also be sure to sign and date the affidavit. The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the "law" or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below.

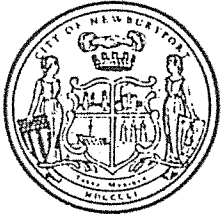
City or Towns

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. The affidavits may be returned to the Department by mail or FAX unless other arrangements have been made.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth Of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, Ma. 02111
fax #: (617) 727-7749



City of Newburyport

Building Department

CITY HALL

NEWBURYPORT, MASSACHUSETTS 01950

TELEPHONE: (508) 465-4405

EDWARD A. HEWETT

Building Official/Codes Administrator

Pursuant to Chapter 15 of the Revised Code of Ordinances of the City of Newburyport, Article VII, Section 15-30, dated June 27, 1988.

✓ Prior to the issuance of any Permit/License, the applicant for said Permit/License must obtain sign-offs from the following:

Treasurer/Collector

[Signature] date 10/30/95

Sewer Department

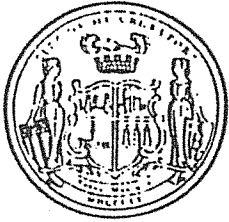
[Signature] date 10/30/95

Water Department

[Signature] date 10/30/95

Application for: Building Permit

Address: 64 Liberty St Newburyport MA



City of Newburyport

Building Department

CITY HALL

NEWBURYPORT, MASSACHUSETTS 01950

TELEPHONE: (508) 465-4405

EDWARD A. HEWITT

Building Official/Codes Administrator

X

DEPARTMENT OF CODE ENFORCEMENT

DEBRIS DISPOSAL CERTIFICATE

AFFIDAVIT

In accordance with the provisions of MGL c 40, S 54, a condition of Building Permit Number _____ is that the debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by MGL c 111, S 150A.

The debris will be disposed of in:

(Location of Facility)

Pamela Dodge

Signature of Permit Applicant

10-27-95

Date

RESTRICTIONS ON ISSUANCE OF BUILDING PERMITS

MGL c40, S54, Added By c584, S9 of the Acts of 1987

Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by section one hundred and fifty A of chapter one hundred and eleven. Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed of as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.

In case of municipal, commercial, industrial, or multi-unit housing construction, the contractor may not know the dumpster subcontractor at the time of the building permit application. In such cases, the attached copy of an Affidavit can be used.

AFFIDAVIT

As a result of the provisions of MGL c 40, S54, I acknowledge that as a condition of Building Permit Number _____ all debris resulting from the construction activity governed by this Building Permit shall be disposed of in a properly licensed solid waste disposal facility, as defined by MGL c 111, S 150A.

I certify that I will notify the Building Official by _____ (Two months maximum) of the location of the solid waste disposal facility where the debris resulting from the said construction activity shall be disposed of, and I shall submit the appropriate form for attachment to the Building Permit.

Date

Signature of Permit Applicant

(Print or type the following information)

Name of Permit Applicant

Firm Name, if any

Address



City of Newburyport

Building Department
Newburyport, Massachusetts

HOMEOWNER LICENSE EXEMPTION

Please print.

DATE 10-26-95

JOB LOCATION: 64 Number Liberty St Street address Section of town

"HOMEOWNER" Pamela Dodge Name 508-465-7587 Home phone 508-952-1211 Work phone

PRESENT MAILING ADDRESS 64 Liberty St
Newburyport City/town MA State 01950 Zip code

- The current exemption for "homeowners" was extended to include owner-occupied dwellings of six units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 109.1.1)

DEFINITION OF HOMEOWNER:

- Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to six family dwelling, attached or detached structures accessory to such use and/or farm structures.
- A person who constructs more than one home in a two-year period shall not be considered a homeowner. - Such "homeowner" shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 109.1.1)

- The undersigned "homeowner" assumes responsibility for compliance with the State Building Code and other applicable codes, by-laws, rules and regulations.

- The undersigned "homeowner" certifies that he/she understands the Town of Building Department minimum inspection procedures and requirements and that he/she will comply with said procedures and requirements.

HOMEOWNER'S SIGNATURE Pamela Dodge

APPROVAL OF BUILDING OFFICIAL [Signature] 11/3/95

Note: Three family dwellings 35,000 cubic feet, or larger, will be required to comply with State Building Code Section 127.0, Construction Control.

H 5341

Chapter 66.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-two

AN ACT RELATIVE TO LIABILITY FOR CERTAIN VIOLATIONS OF THE STATE BUILDING CODE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the civil liability for violations of state building codes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 51 of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- Any person who obtains a permit pursuant to the state building code to erect, construct, or demolish a building or structure shall be liable to any worker or other person for all injuries and damages that result from a failure to provide a safe workplace, or caused by a violation of the state building code or other codes, by-laws, rules and regulations applicable to the construction site. Nothing in the foregoing sentence shall be construed to extend liability to the employer of a worker under the provisions of chapter one hundred and fifty-two.

SECTION 2. This act shall be applicable to causes of action arising on or after November first, nineteen hundred and eighty-eight.

House of Representatives, June 11, 1992.

Preamble adopted,

Angelo M. Scaccia

Acting Speaker.

In Senate, June 11, 1992.

Preamble adopted,

Walter Brennan

RECEIVED MAY 11 1992 CITY PRESIDENT

COPY

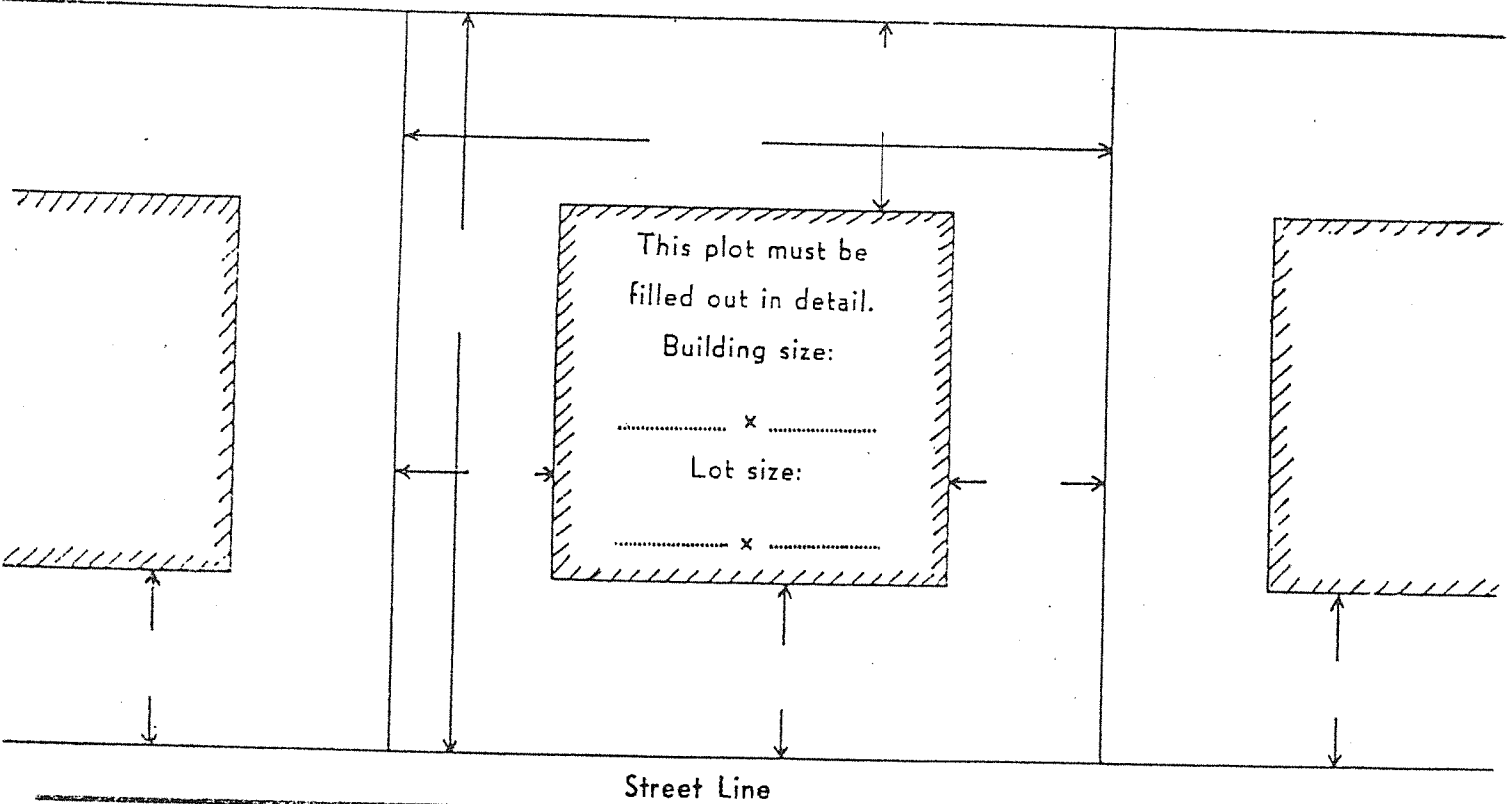
BUILDING DEPARTMENT

IV. WRECKING — REMOVAL BY DEMOLITION — Before any building or portion thereof can be removed/demolished, the owner or his authorized agent shall notify all utilities having service connections within the building or structure, e.g. water, gas, sewer, electrical.

THE FOLLOWING RELEASES HAVE BEEN OBTAINED FOR THE DEMOLITION/REMOVAL OF BUILDING OR STRUCTURE situated at:

(location)	(No.) DATE	(Street) UTILITY	RELEASED BY
.....	ELECTRIC COMPANY	By:.....
.....	HAVERHILL GAS CO.	By:.....
.....	CITY WATER DEPT.	By:.....
.....	CITY SEWERAGE	By:.....
.....	BOARD OF HEALTH	By:.....

V. SITE OR PLOT PLAN — (For Applicant Use)



VI. IDENTIFICATION — To be completed by all applicants.

	Name	Mailing address — Number, street, city, and state	ZIP code	Tel. No.
1. Owner or Lessee	Pamela Dodge	64 Liberty St Newburyport MA	01950	465-7587
2. Contractor	Raymond Dodge	Swamp St		462-9079
3. Architect or Engineer	Linda Miller	Swamp St		462-9079

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

Signature of applicant

Address

DO NOT WRITE BELOW THIS LINE

VII. ZONING PLAN EXAMINERS NOTES

DISTRICT

USE

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

NOTES

By [Signature]
See zone. [Signature]
Group 100 / Use # C01
See City Zoning Permit Form
APR 11/3/95 [Signature]
Variance - [Signature]

VIII. PLAN REVIEW RECORD -- For office use

Plans Review Required	Check	Date Plans Started	By	Date Plans Approved	By	Notes
BUILDING	✓	11/3/95	[Signature]			
PLUMBING						
MECHANICAL						
ELECTRICAL						
OTHER.....						

IX. ADDITIONAL PERMITS REQUIRED OR OTHER JURISDICTION APPROVALS

Permit or Approval	Check	Date Obtained	Number	By	Permit or Approval	Check	Date Obtained	Number	By
City Conservation Com:					PLUMBING				
City CURB OR SIDEWALK CUT (street)					ROOFING				
City Lot Release					Sewer (Permit Issued)				
ELECTRICAL					SIGN OR BILLBOARD				
FURNACE					STREET GRADES				
GRADING					USE OF PUBLIC AREAS				
OIL BURNER					City Water Office				
City Fire Inspection					City Board of Health				

X. VALIDATION

Building Permit issued 11/3/95, 19.....

Approved by

[Signature]

Edward A. Hewett, Building Official/Codes Administrator

City of Newburyport Zoning Board of Appeals
Notification of a Decision for a Special Permit Finding

RECEIVED
CITY CLERKS OFFICE
NEWBURYPORT MA
AUG 15 1 34 PM '95

File Number: 95-052
Petitioner: RAY DODGE AND LINDA MILLER
Petitioners Address: 20 SHIP STREET, NEWBURYPORT, MA

Location: LIBERTY STREET Assessors: Map: 16, Parcel: 54 District: R-3

This letter confirms the Zoning Board of Appeals Decision to GRANT the request for a Special Permit for the above property. The request was for a:

✓ ADDING A 4'w X 10'l FRAME ADDITION ON EXISTING STRUCTURE.

In accordance with the above, this letter will serve as formal notification of action by the Zoning Board of Appeals to GRANT the request.

A copy of this letter, the Record of Proceedings, Findings, Conditions and documents submitted with the petition are on file at the City Clerk's Office. This decision, Record of Proceedings, Findings, and Conditions have been forwarded to the applicant.

This is not a permit for Construction or Occupancy. The Building Inspector / Codes Administrator should be contacted by the applicant. All documentation regarding this Special Permit/Finding must be provided to the Building Inspector / Codes Administrator by the applicant upon application for a permit for Construction or Occupancy.

Appeals of the Zoning Board shall be made pursuant to Massachusetts General Law Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk. This decision was filed with the City Clerk on 08/15/94.

Pursuant to the Zoning Ordinance section X-H.7.C a SPECIAL PERMIT shall LAPSE within two years if a substantial use thereof has not sooner commenced except for a good cause, in the case of permit for construction if construction has not begun by such date except for a good cause. Additionally, if construction or operations has not begun within six (6) months, or if construction is not continuing toward completion in a continuous or expeditious manner as is reasonable during the initial six (6) months, then the construction or operations shall conform to any amendment of the Zoning Ordinance.

Undersigned ✓ *W. Chen* Newburyport Zoning Board of Appeals

William Chen

Date: 8

RECEIVED
CITY OF NEWBURYPORT
BUSINESS DEPARTMENT

AUG 16 1995

RECEIVED
CITY OF NEWBURYPORT MA
AUG 15 1 34 PM '95

- . An application for a
ADDING A 4'w X 10'1 FRAME ADDITION ON
EXISTING STRUCTURE.
- a. was filed by
RAY DODGE AND LINDA MILLER
of; 20 SHIP STREET, NEWBURYPORT, MA,
- b. for property owned by
BRIAN & PAM DODGE, RAY DODGE AND LINDA MILLER
of; , , .
- . The application was filed at the City Clerk's Office on, 07/07/95,
. under Zoning Ordinance Section X-H.3 Powers of the Board and
. Sections: IX- 9B
. in the R-3 Zoning District.
- . The application was for the premises located at; 64 LIBERTY STREET,
. as indicated on the Newburyport Assessors Map 16, and Parcel 54,
. which is recorded in the Registry of Deeds; Book ,
and Page .
- . A Public Hearing for the above application was held on 08/08/95 at 7:30PM.
- 0. The newspaper notice for the above public hearing was posted on
07/24/95 and again on 07/31/95.
- 1. The Zoning Board of Appeals voted on 08/08/95, to GRANT
the above application with the FINDINGS and CONDITIONS as stated
on the attached document titled CITY OF NEWBURYPORT ZONING BOARD
OF APPEALS FINDINGS AND CONDITIONS FOR A SPECIAL PERMIT,
which is incorporated by reference and attached hereto.
(This must be attached when filing a favorable decision with the
Registry of Deeds)
- 2. The members present at the above public hearing:

<u> </u> Douglas MacBurnie	<u> </u> P Jeffery Stone
<u> </u> P William C. Abbott	<u> </u> P Joseph Sullivan
<u> </u> P Virginia Boyle	<u> </u> P Brian Clancy (assoc.) <u> </u> P Edward Ramsdell(assoc.)
- 3. The vote on 08/08/95 for the decision as shown in item 11 above, was
as follows: Y=YES / N=NO / A=ABSTAINED / M=MOTION BY / 2=SECONDED BY

<u> </u> Douglas MacBurnie	<u> </u> YM Jeffery Stone
<u> </u> Y William C. Abbott	<u> </u> Y Joseph Sullivan
<u> </u> Y Virginia Boyle	<u> </u> Brian Clancy (assoc.) <u> </u> Y2 Edward Ramsdell(assoc.)
- 4. Decision filed with City Clerk on: 08/15/94
- 5. Sent Registered Mail to Petitioner on: 08/15/94
- 6. Decision letter sent to Parties in interest and abutting Towns on: 08/15/94
- 7. Undersigned *V. Chm* of the Zoning Board of Appeals

William Abbott

RECEIVED
Date 8-15-95

8. Certification of City Clerk: I _____, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L.A Chapter 40A, Section 11 that the above decision was filed in the Office of the City Clerk on 08/15/94, and that twenty (20) days have elapsed after the decision has been filed and NO APPEAL has been filed with the Newburyport City Clerk.

Date: _____

Newburyport City Clerk

9. Appeals shall be made pursuant to Massachusetts General Laws, Chapter 40A Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.
10. Pursuant to the Zoning Ordinance section X-H.7.C a SPECIAL PERMIT shall LAPSE within two years if a substantial use thereof has not sooner commenced except for a good cause, in the case of permit for construction, if construction has not begun by such date except for a good cause. Additionally, if construction or operations has not begun within six (6) months, or if construction is not continuing toward completion in a continuous or expeditious manner as is reasonable during the initial six (6) months, then the construction or operations shall conform to any amendment of the Zoning Ordinance.

Page 1 of 1 City of Newburyport Zoning Board of Appeals
Findings and Conditions
for a Special Permit Finding

**** FINDINGS ****

File Number: 95-052

Petitioner: RAY DODGE AND LINDA MILLER

Petitioners Address: 20 SHIP STREET, NEWBURYPORT, MA

Location: LIBERTY STREET Assessors: Map: 16, Parcel: 54 District: R-3

After the Public Hearing in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section IX-B.2 Findings the Zoning Board finds as follows:

RAY DODGE AND LINDA MILLER CASE # 95-052 64 LIBERTY STREET

The following findings for the Special Permit Finding are numbered accordingly:

1. Facts support the Finding that the proposed extension or alteration ~~IS~~ / IS NOT more substantially detrimental than the existing non-conforming use.
 - a) The requested one room addition to rear of property not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health of welfare.
 - b) The requested one room addition to rear of property will not impair the integrity or character of the neighborhood. Based on the evidence presented, the Board was of the opinion that the request is appropriate for the building.
 - c) The requested one room addition to rear of property is in harmony with the purposed and intent of the Zoning Ordinance.

Findings and Conditions
for a Special Permit Finding

**** CONDITIONS ****

File Number: 95-052

Petitioner: RAY DODGE AND LINDA MILLER

Petitioners Address: 20 SHIP STREET, NEWBURYPORT, MA

Location of Premises: LIBERTY STREET Assessors:Map: 16, Parcel: 54

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

- 1.01: As a condition of the Special Permit this decision shall run with:
THE LAND
- 1.02: As a condition of the Special Permit/Finding the petitioner shall record this Special Permit/Finding in the Registry of Deeds and notify the Zoning Board of such recording.
- 1.03: As a condition of the Special Permit/Finding the construction and/or use of the premises shall conform to the below; plans, information, additional conditions and any revisions, as approved by the Zoning Board of Appeals. Approved plans shall bear the signature of a Zoning Board member and the stamp of the City Clerk indicating the date of filing of the plans with the decision.

RAY DODGE AND LINDA MILLER CASE # 95-052 64 LIBERTY STREET

- 1.04 Petitioner adheres to the plans and drawings as marked for 64 Liberty Street, dated 8/15/95. ✓

371

RECEIVED
CITY CLERKS OFFICE
NEWBURYPORT MA

52.831

Aug 15 1 35 PM '95

22'

EXISTING HOUSE

PROPOSED
ADDITION

GARDEN

PARKING

LIBERTY STREET

PLOT PLAN

64 LIBERTY STREET

NEWBURYPORT, MA.

1" = 10'-0"

Approved by the Newburyport
Zoning Board of Appeals for a

Date 8-15-95

Undersigned ✓
the Zoning Board of Appeals
William Davis

COPY

CITY OF NEWBURYPORT
ZONING OFFICE
EDWARD A. HEWETT
Zoning Administration
(Ordinance Section X-B)

LOT LINE

LOT LINE

39.17'

43.17'

21.06'

86'

City of Newburyport Zoning Board

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT MA

Aug 15 1 35 PM '95

EXISTING BUILDING

ADDITIONAL
ADDIT.

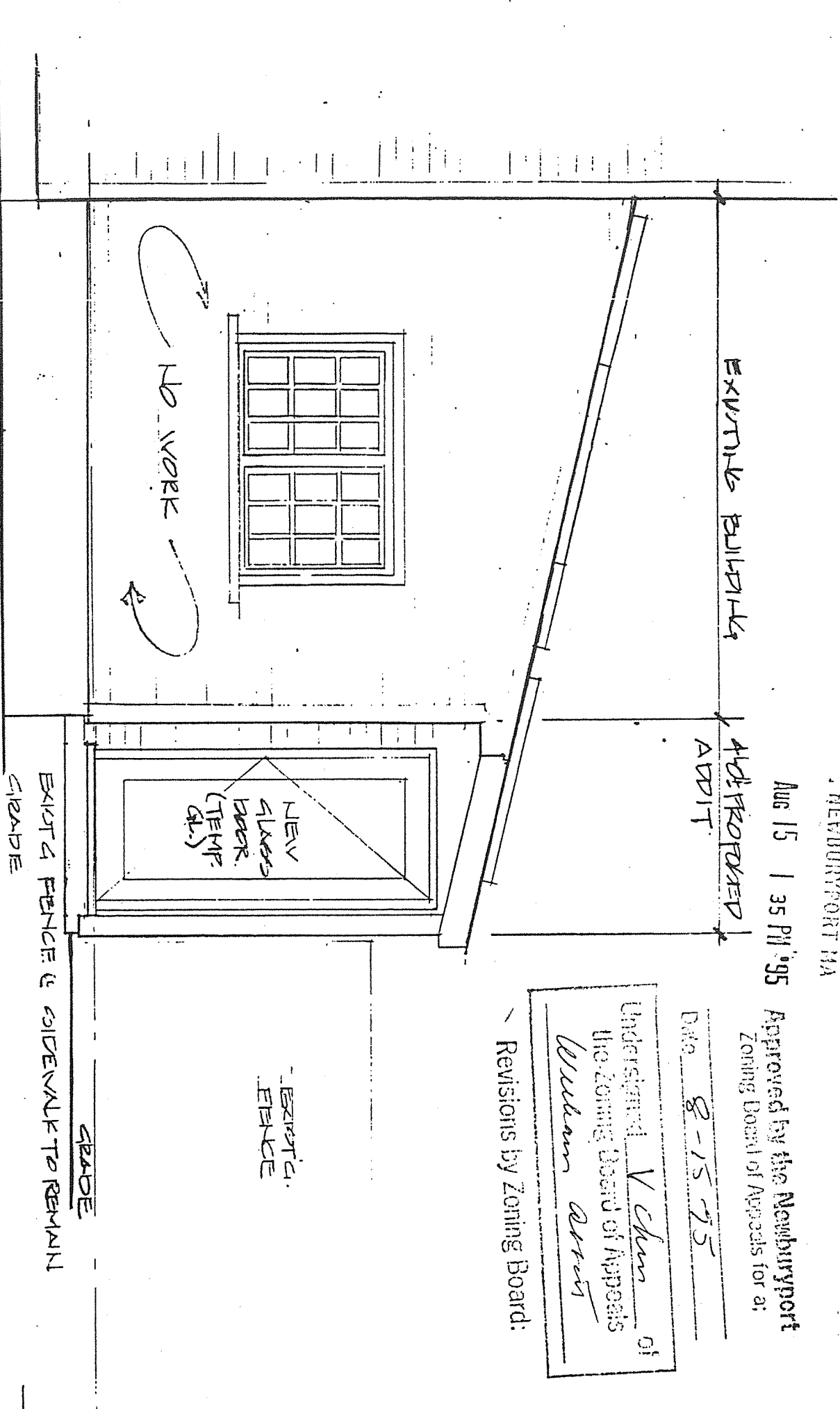
Approved by the Newburyport
Zoning Board of Appeals for a:

Date 8-15-95

Undersigned V. Chen of
the Zoning Board of Appeals

William Arroyo

Revisions by Zoning Board:



FRONT ELEVATION

RECEIVED
CITY CLERKS OFFICE
NEWBURYPORT MA

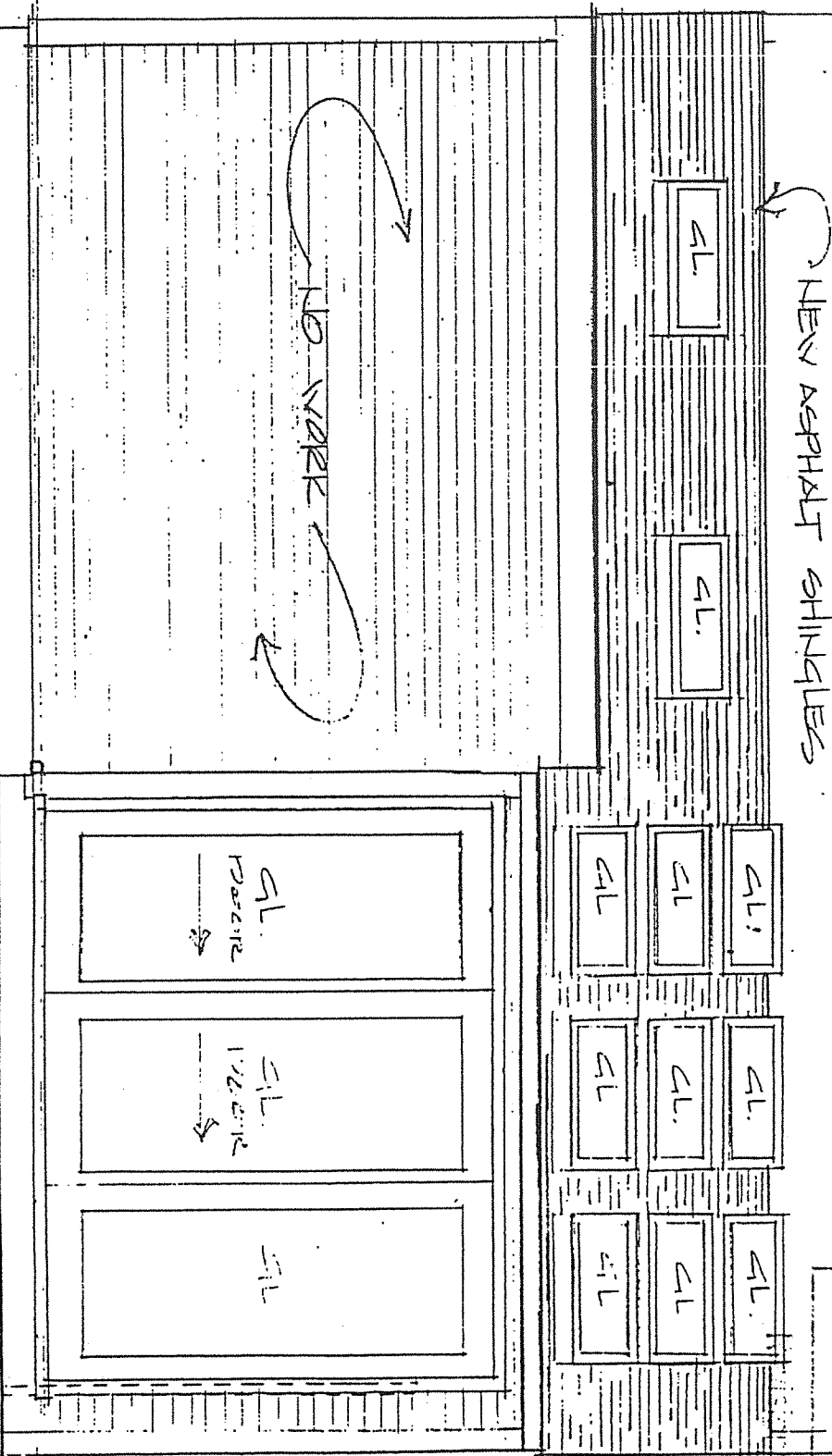
AUG 15 1 35 PM '95

Approved by the Newburyport
Zoning Board of Appeals for a;

Date 8-15-95

Underground V-shun of
the Zoning Board of Appeals
William Aris

by Zoning Board:



RIGHT SIDE ELEVATION

7'-4 1/2"