

RECEIVED

JAN 28 2020

Newburyport Planning Dept.

Rev. 10/2/19

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

Petitioner: Holly & Dave Mazur

Mailing Address: 6 Butler Street, Newburyport MA 01950

Phone: 978-270-0250 Email: hcamil@stetson.edu

Property Address: 6 Butler Street, Newburyport MA 01950

Map and Lot(s): 63/39 Zoning District: R2

Book and Page(s): 32708/350

Owner(s) Name: Holly & Dave Mazur

Mailing Address (if different): \_\_\_\_\_

This request for a Special Permit for Non-Conformities is made under section(s):  
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

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

Description of request:

Add 603 square feet of living space and a  
130 square foot screened in porch.  
Add a 2 story Breezeway, Family room and  
Screened porch.

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

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

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	6,861.2	6,861.2	10,000
Frontage	67.73	67.73	90
Height*	-35	-35	35
Lot Coverage (%)**	20%	25%	25%
Open Space (%)***	69%	64%	40%
Front Setback	7.3	7.3	25
Side A Setback	8.8	8.8	10
Side B Setback	0.8	10.1	10
Rear Setback	30	46	25
Parking Spaces	2+	2+	2+
FAR****			

\*Height is measured to median roof line.

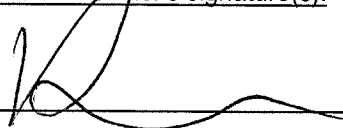
\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

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

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

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




CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2020-014

Name: Holly Mazur

Address: 6 Butler Street Zoning District(s): R2/DCOD

Request: Construct addition to nonconforming structure. Extension of nonconforming front yard setback through garage relocation-plan as previously approved-taller proposal as part of this amendment. Prior approval (within a 3yr period) via a SPNC of an addition where combined add is >500sf. Some criteria previously requiring relief no longer require relief due to recently acquired lot area. No roof-line demo per plans and ,25% wall demo so no DCOD triggered. Unenclosed front porch does not trigger setback definition.

**ZONING BOARD REVIEW REQUIRED**

Variance

- Dimensional Controls (VI)
    - Lot Area
    - Lot Frontage
    - Lot Coverage
  - Open Space
  - Height
  - Lot Width
- Front Yard
  - Side Yard
  - Rear Yard
- Parking (VII)
- Modification

Sign Variance

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

Other

\_\_\_\_\_

Special Permit

- Table of Use Regulations (V.D) #: \_\_\_\_\_
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)\*
- Wind Energy Conversion Facilities (XXVI)
- Other \_\_\_\_\_

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
    - Parking
    - Upward Extension
    - Open Space
    - Height
    - Lot Area
    - Use
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)
  - Plum Island Overlay District (XXI-G-3)
    - FAR
    - Lot Coverage
  - Height
  - Setbacks
  - Open Space

**PLANNING BOARD REVIEW REQUIRED**

Special Permit

- Table of Use Regulations (V-D) # \_\_\_\_\_
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)\*
- Other \_\_\_\_\_

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
    - Parking
    - Upward Extension
    - Open Space
    - Height
    - Lot Area
    - Use
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

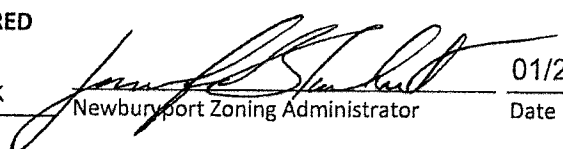
- Major
- Minor

**HISTORICAL COMMISSION REVIEW REQUIRED**

- Demo. Delay
- \*Advisory Review

**CONSERVATION COMMISSION REVIEW REQUIRED**

evaluate entire scope for tree and sidewalk

  
Newburyport Zoning Administrator

01/28/2020  
Date

Dear Chair and Members of the Board:

The property consists of 6,861.2 +/- square feet of land with 67.87 feet of frontage on Butler Street. There is currently a non-conforming easterly side set back of 8.8 feet. No work is proposed on the easterly side set back of 8.8 feet. There is a non-conforming front yard setback of 7.3 feet where 25 feet is required. No work will affect the 7.3 front yard setback. No work will exacerbate the existing non-conformities.

On 6.26.18 we obtained a special permit for non-conformities in order to relocate an existing 2-car garage and connect it to the house via a screened in porch. At that time the house was non-confirming due to lot coverage which required the special permit.

Since that time, we have acquired a parcel of land behind our house changing our total lot area from 5,244.5 square feet to 6,861.2 square feet. The addition of this land allows us to make minor modifications to our previous plans.

We still plan to relocate the existing garage to the previously approved location. We are requesting modification to the previous plans to add 603 square feet of living space and a 130 square foot screened in porch. We would like to connect the garage to the house via a 2-story breezeway, add a 2 story family room behind the garage and a screened in porch behind the house. This triggers the over 500 square foot increase (IX.B.3.c) for non-conformities.

Due to the acquisition of the land, these changes bring our house into compliance for lot coverage, rear setback and side B setback. Additionally, this change brings us more into compliance with the open space requirement.

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-confirming 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 new non-conformity and that the proposed changes will not be substantially more detrimental to the neighborhood.

The Board can find there will be no new non-conformities. The project would not be substantially more detrimental to the neighborhood. We will make a more compact building area on the lot. We have worked closely with the neighbors and have 11 letters of support.

Sincerely,

Holly and Dave Mazur

6 Butler Street

# 6 BUTLER ST

**Location** 6 BUTLER ST

**MBLU** 63/ 39/ / /

**Owner** MAZUR HOLLY ALDEN

**Assessment** \$517,200

**PID** 4233

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$290,500	\$226,700	\$517,200

## Owner of Record

**Owner** MAZUR HOLLY ALDEN  
**Co-Owner** DAVID EVAN MAZUR T/E  
**Address** 6 BUTLER ST  
 NEWBURYPORT, MA 01950

**Sale Price** \$527,000  
**Certificate**  
**Book & Page** 32708/0350  
**Sale Date** 07/31/2013  
**Instrument** 00

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MAZUR HOLLY ALDEN	\$527,000		32708/0350	00	07/31/2013
MELLET MARY JANE	\$0		31130/0494	1F	03/01/2012
MELLET HERBERT PAUL	\$465,000		27237/0204	00	10/05/2007
MCNEIL PETER	\$290,000		16290/0295	00	04/13/2000
LIMA C D JR & M E TRS	\$0		14436/0567	1F	11/19/1997

## Building Information

### Building 1 : Section 1

**Year Built:** 1904  
**Living Area:** 1,644

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Stories:	2 Stories
Occupancy	1

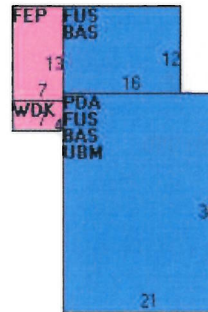
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Vinyl/Asphalt
Interior Flr 2	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\01\01>):

### Building Layout



(<http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches>):

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	822	822
FUS	Upper Story, Finished	822	822
FEP	Porch, Enclosed	91	0
PDA	Pull Down Attic	630	0
UBM	Basement, Unfinished	630	0
WDX	Deck, Wood	28	0
		3,023	1,644

### Extra Features

Extra Features	Legend
No Data for Extra Features	

### Land

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAM

**Land Line Valuation**

**Size (Acres)** 0.16  
**Depth** 0  
**Assessed Value** \$226,700

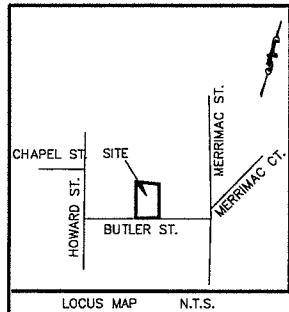
**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR5	W/LOFT GOOD			400 S.F.	\$13,200	1
WDK	WOOD DECK			144 S.F.	\$2,100	1
PAT1	PATIO-AVG			64 S.F.	\$100	1

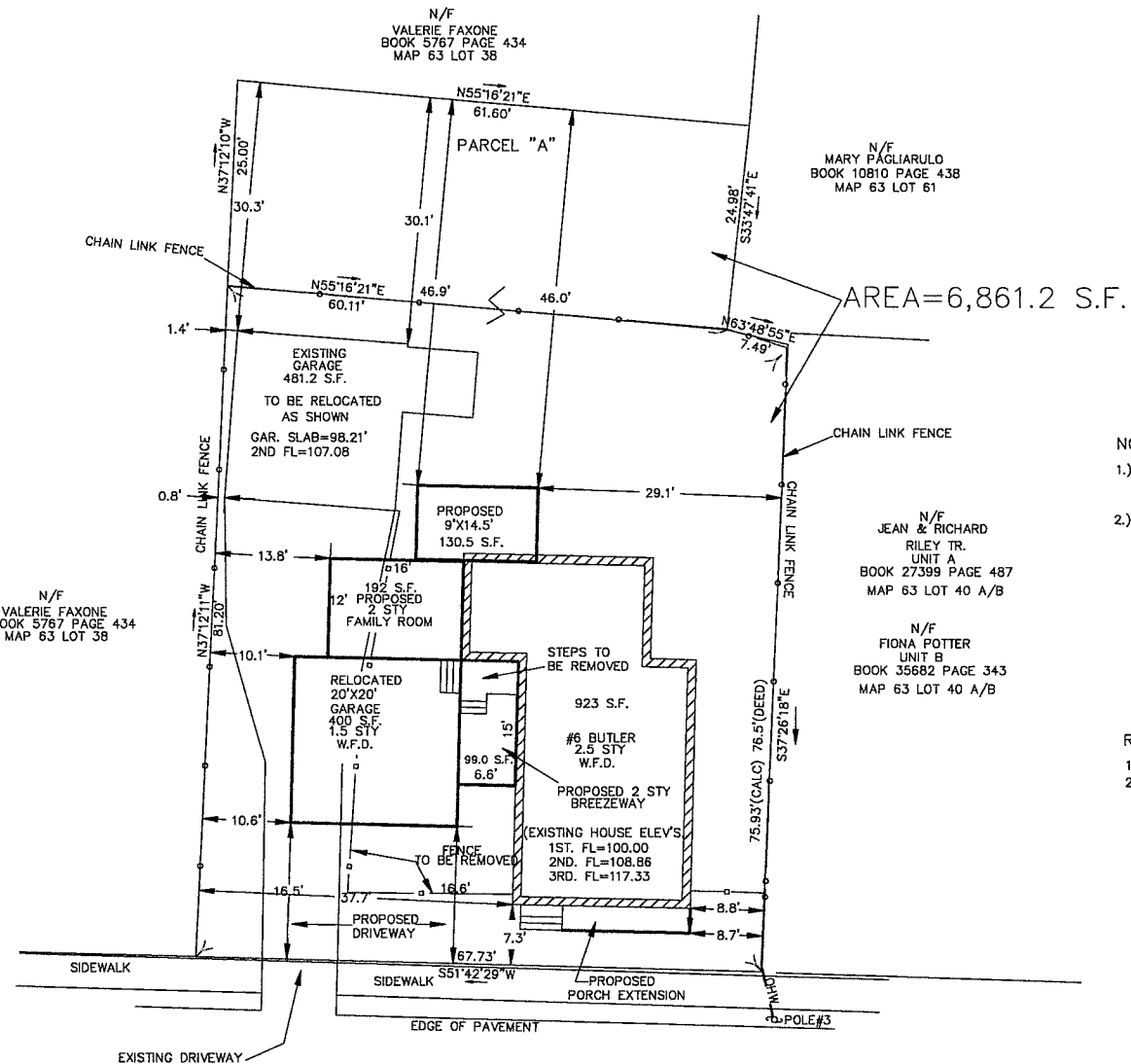
**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$267,300	\$219,600	\$486,900

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LOCUS MAP N.T.S.



AREA=6,861.2 S.F.

NOTES

- 1.) THIS PLAN IS THE RESULT OF AN ON GROUND SURVEY PERFORMED BY WAYPOINT SURVEYING SERVICES ON APRIL 26, 2018.
- 2.) THE FLOOR ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM.

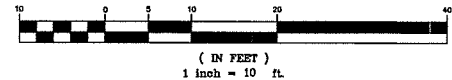
N/F  
JEAN & RICHARD  
RILEY TR.  
UNIT A  
BOOK 27399 PAGE 487  
MAP 63 LOT 40 A/B

N/F  
FIONA POTTER  
UNIT B  
BOOK 35682 PAGE 343  
MAP 63 LOT 40 A/B

REFERENCES

- 1.) E.S.D.R.D. PLAN BK. 444 PLAN 54
- 2.) E.S.D.R.D. PLAN BK. 125 PLAN 94

GRAPHIC SCALE



ZONING TABLE

ZONING DISTRICT: R2

	REQUIRED	EXISTING	PROPOSED	PREVIOUSLY APPROVED	
				EXISTING	PROPOSED
MIN. LOT AREA	10,000 S.F.	6,861.2 S.F.	6,861.2 S.F.	5244.5 S.F.	5244.5 S.F.
MIN. FRONTAGE	90'	67.73'	67.73'	67.87'	67.87'
MIN. FRONT YD.	25'	7.3'	7.3 EXISTING	7.3'	16.5'
MIN. SIDE YD.	10'	0.8'	10.1'	0.8'	10.1'
MIN. REAR YD.	25'	30.1'	46'	4.3'	31.2'
MAX. LOT COVERAGE	25%	20%	25%	26.8%	28.8%
OPEN SPACE	40%	69%	64%	73%	71%

TOTAL EXISTING BUILDING AREA=1404.2 S.F.  
TOTAL PROPOSED BUILDING AREA=855.5 S.F.

NOTE: THE PREVIOUSLY APPROVED NUMBERS SHOWN WERE BEFORE THE ACQUISITION OF PARCEL 1.

BUTLER (VARIABLE WIDTH-PUBLIC) STREET

→ 6.26.18

PROPOSED SITE PLAN  
6 BUTLER STREET  
NEWBURYPORT, MASSACHUSETTS  
ASSESSORS MAP 63 PARCEL 39  
PREPARED FOR  
HOLLY MAZUR

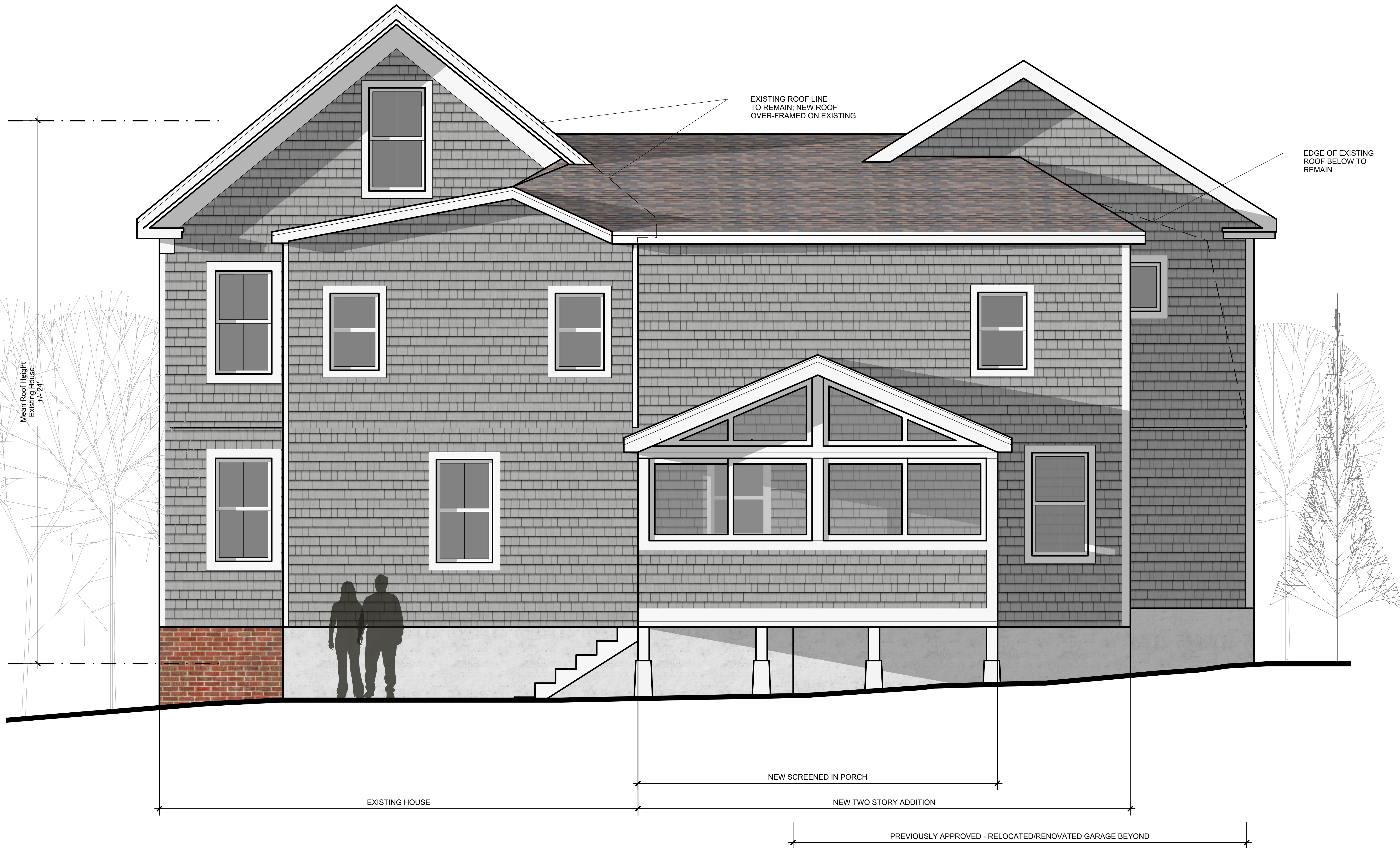
SCALE: 1" = 10' JANUARY 27, 2020

WAYPOINT SURVEYING SERVICES  
141 BRIDGE ROAD, SUITE 202-5  
SALISBURY, MASSACHUSETTS 01952  
(978) 505-5281

DRAWN BY: D.A.	SHEET #: 1 of 1	CHECKED BY: D.A.
FILE #: 3940	DESIGN BY: D.A.	

REVISION





# 6 Butler Street

6 Butler Street  
Newburyport, MA  
APN: 18-001

Dave & Holly Mazur

Document Date:  
January 27, 2020

Document Phase:  
Issued for Permitting

rev.	date	remark
01	1/28/20	Notes added

North Elevation

## A3.1



# 6 Butler Street

6 Butler Street  
Newburyport, MA  
APN: 18-001

Dave & Holly Mazur

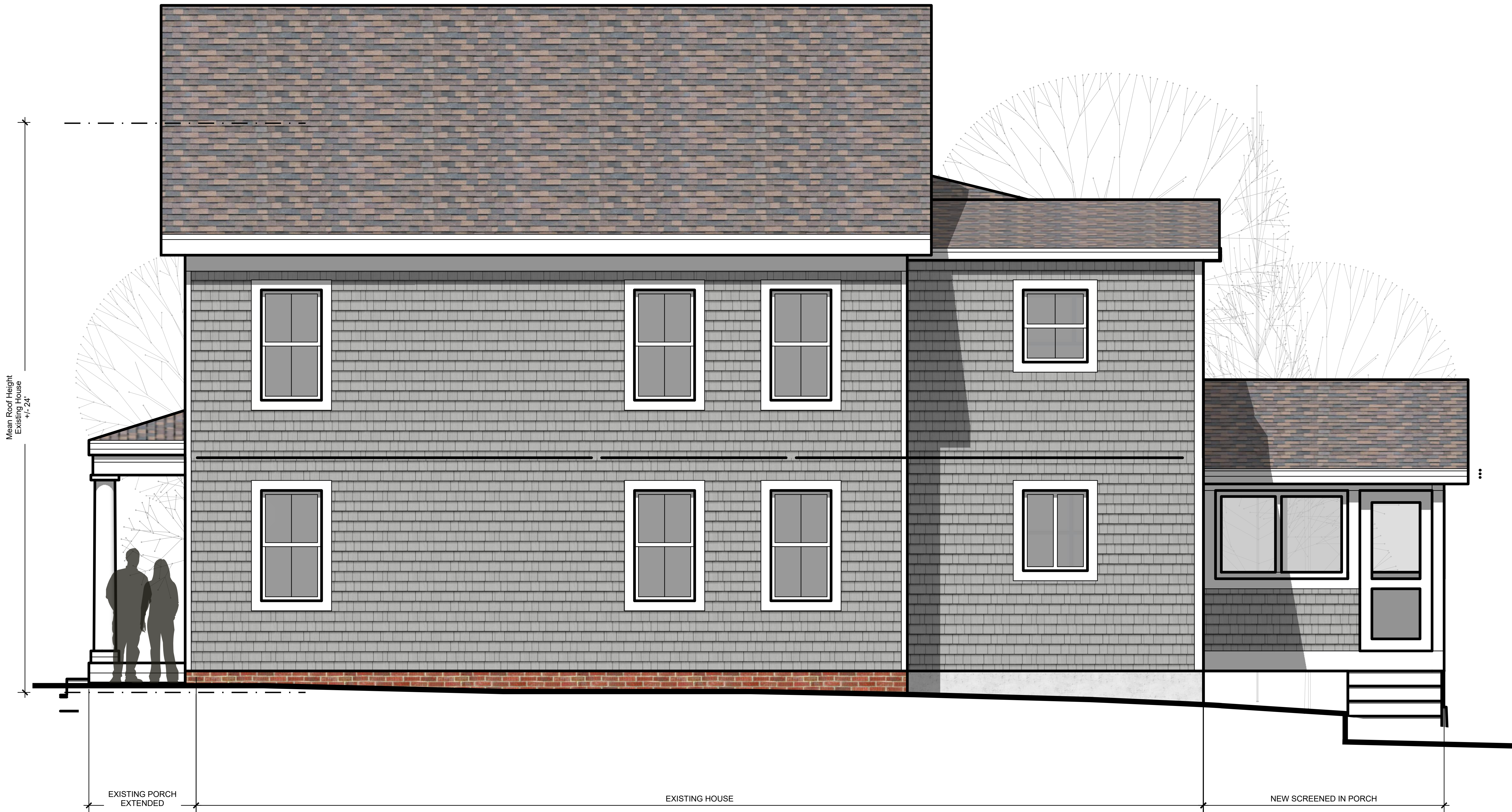
Document Date:  
January 27, 2020

Document Phase:  
Issued for Permitting

rev.	date	remark
01	1/28/20	Notes added

South Elevation

## A3.2



# 6 Butler Street

6 Butler Street  
Newburyport, MA  
APN: 18-001

Dave & Holly Mazur

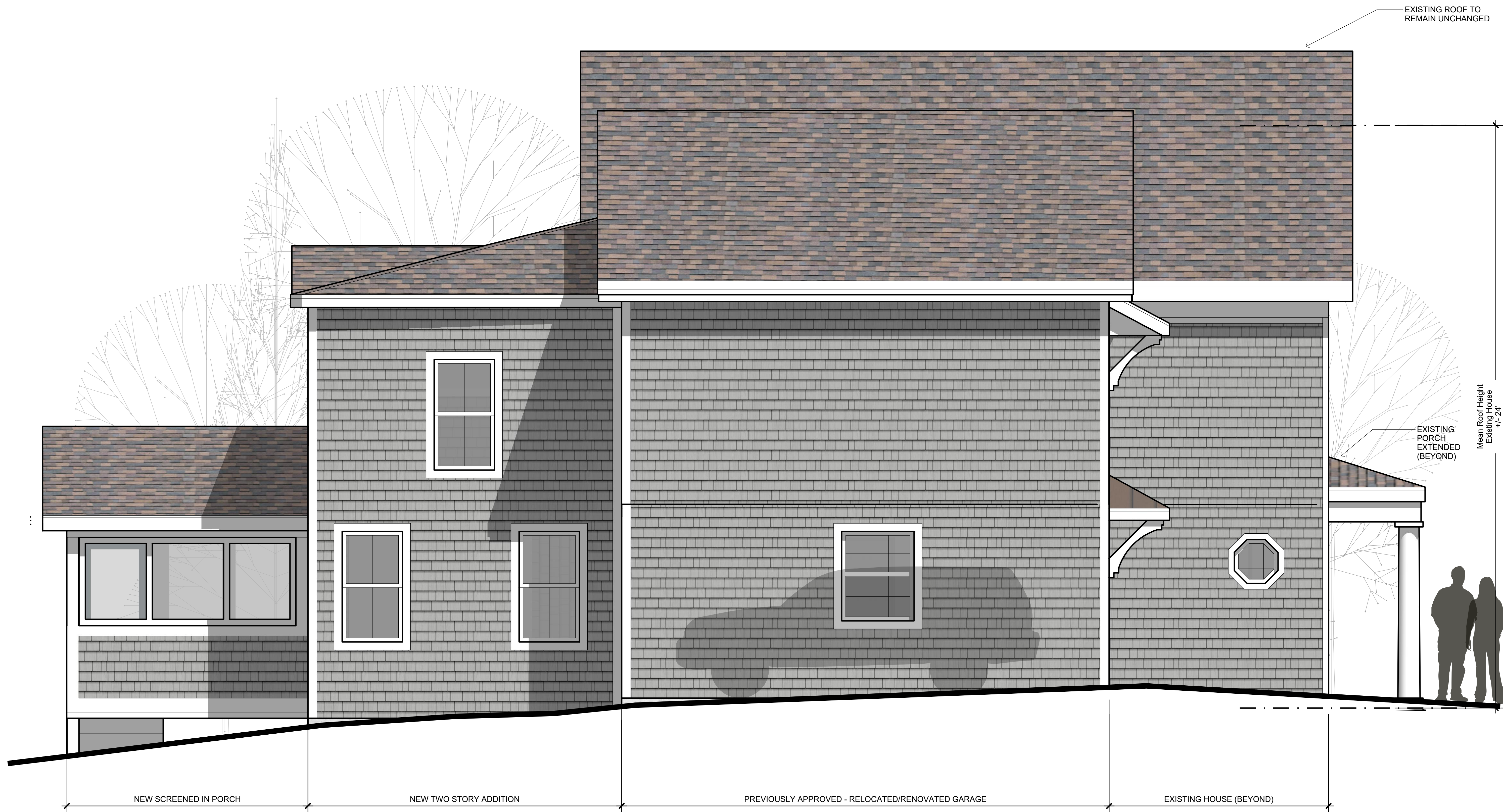
Document Date:  
January 27, 2020

Document Phase:  
Issued for Permitting

rev.	date	remark
01	1/28/20	Notes added

East Elevation

## A3.3



# 6 Butler Street

Document Date:  
January 27, 2020

Document Phase:  
Issued for Permitting

rev.	date	remark
01	1/28/20	Notes added

West Elevation

## A3.4

6 Butler Street  
Newburyport, MA  
APN: 18-001

Dave & Holly Mazur

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Dear Chairman and Members of the Zoning Board;

I have been provided with updated plans to move the existing garage location at 6 Butler Street. I understand that Holly and Dave would like to change the following:

- Make the previously approved screened in porch smaller and place it behind their home.
- Make the previously approved location for the screened in porch smaller, and a family room.
- Make the previously approved deck in front of the home a two-story breezeway.
- Add a second story addition to the new proposed family room.
- Elongate their front porch to cover the length of the existing home.


The proposed changes in the property provide more setback than the existing condition and will be in keeping with the neighborhood and in fact enhance the area. I have no objection to the proposed project and believe the proposal will not be more detrimental to the neighborhood.

Sincerely,

Signature

Address

Date

  
9 BUTLER ST.  
1/12/20

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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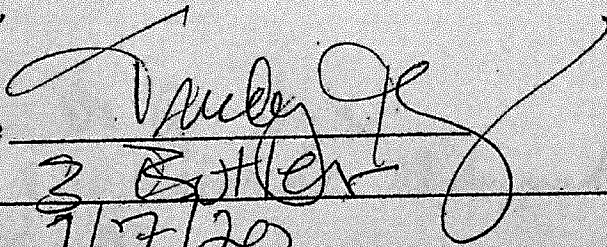
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Sincerely,

Signature

Address

Date

  
3 Butler  
1/7/20

January 3, 2020

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City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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Sincerely,

Signature

Dr. G. H. H. H.

Address

5 1/2 Butler str. Newburyport MA

Date

1/6/20

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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Sincerely,

Signature

Address

Date

  
\_\_\_\_\_  
4B Butler St  
\_\_\_\_\_  
1/4/2020



January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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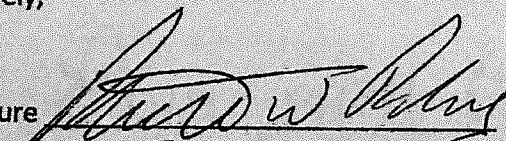
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Sincerely,

Signature

Address

Date

  
4 Butler St. A  
1/3/20

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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Sincerely,

Signature

*Laurel Powell-Beauregard*

Address

*297 Memorial*

Date

*1/4/19*

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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Sincerely,

Signature



Address

395 Merrimack St NBP

Date

1/3/20

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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Sincerely,

Signature



Address

14 Butler Street

Date

1/3/2020

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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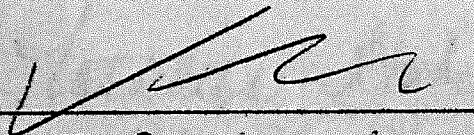
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Sincerely,

Signature



Address

5 Butler St

Date

4 Jan 2020

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

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- Make the previously approved deck in front of the home a two-story breezeway.
- Add a second story addition to the new proposed family room.
- Elongate their front porch to cover the length of the existing home.

The proposed changes in the property provide more setback than the existing condition and will be in keeping with the neighborhood and in fact enhance the area. I have no objection to the proposed project and believe the proposal will not be more detrimental to the neighborhood.

Sincerely,

Signature

*Julian Baker / Fred Baker*

Address

1 Butler St Newburyport MA 01950

Date

12 Jan 2020

January 3, 2020

Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Dear Chairman and Members of the Zoning Board;

I have been provided with updated plans to move the existing garage location at 6 Butler Street. I understand that Holly and Dave would like to change the following:

1. Make the previously approved screened in porch smaller and place it behind their home.
2. Make the previously approved location for the screened in porch a family room.
3. Make the previously approved deck in front of the home a two-story breezeway.
4. Add a second story addition to the new proposed family room.
5. Elongate their front porch to cover the length of the existing home.

The proposed changes in the property provide more setback than the existing condition and will be in keeping with the neighborhood and in fact enhance the area. I have no objection to the proposed project and believe the proposal will not be more detrimental to the neighborhood.

Sincerely,

Signature Belinda Young  
Address 7 Butler St  
Date 1/12/2020

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve  
Christopher Zaremba – approve

**2018 034**  
**Address: 6 Butler Street**  
**Special Permit for Non-conformities**  
*Relocate garage and attach to house with new screened in porch*

Attorney Lisa Mead presented the application. An existing on the property out back has decks on it. The applicant proposes to remove the decks and the barn to the house as well as add a screened in porch. Side and rear yard setbacks would be brought more into conformance. Lot coverage would increase from 26.8% to 28.8%. No new non-conformities would be added. The project would not be substantially more detrimental to the neighborhood. They will make a more compact building area on the lot and remove of decks. They have worked closely with neighbors and have 10 letters of support.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*Melinda Young, 7 Butler Street*  
*In support*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ciampitti asked if they were moving the existing garage. Yes, they would be. He commented on the innovative re-use.

**Deliberations:**

Mr. Zaremba commented that the application did not appear to be substantially more detrimental to the neighborhood.

Mr. Ciampitti commented on the level of support from neighbors.

The rest of the Board agreed.

**Motion to approve application 2018-034 made by Mr. Zaremba, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Renee Bourdeau – absent



Maureen Pomeroy – approve  
Christopher Zaremba – approve

**2018 035**  
**Address: 11 61<sup>st</sup> Street**  
**Special Permit for Non-conformities**  
*Allow a Rebuild single family home on pre-existing non-conforming lot resulting in a height increase*

Kevin and Kim Conway, owners along with Henry Miller, architect was present. Conservation Commission and Newburyport Historical Commission have approved the project. The applicant was before the Board due to the lot size being non-conforming. The existing structure is a little bigger than the proposed structure. The proposed structure will comply with all setbacks. The proposed height increase is driven by pilings and being above sea level. Height is still below the 35’ limit.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**  
*None*

**In Opposition:**  
*None*

**Questions from the Board:**  
Ms. Pomeroy asked what materials would be used on the exterior. Cedar clapboards would be used.

**Deliberations:**  
Mr. Zaremba appreciated improving all setbacks to meet requirements. The project did not seem substantially more detrimental to the neighborhood.

Ms. Pomeroy noted the reduction in size of the structure

The rest of the Board agreed.

Chair Ramsdell noted the sidewalk and tree ordinance was triggered, but DPS recommended no changes.

**Motion to approve application 2018-035 made by Mr. Zaremba, seconded by Mr. Ciampitti.**  
The motion passed unanimously.

**Votes Cast:**  
Ed Ramsdell– approve  
Robert Ciampitti – approve  
Renee Bourdeau – absent  
Maureen Pomeroy – approve  
Christopher Zaremba – approve