

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

Petitioner: Jeff Stott c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street

Phone: 978-463-7700 Email: lisa@mtclawyers.com

Property Address: 7 Dove Street

Map and Lot(s): 64 - 17 Zoning District: R2/DCOD

Book and Page(s): 11994 - 406

Owner(s) Name: Jeffrey A. Stott and Ann K. Stott

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

Description of request:  
Demolish barn and construct new barn measuring exact same dimensions and add a small lean-to on western side of barn.

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	5,758	5,758	10,000
Frontage	58 ft	58 ft	90 ft
Height*	barn - 16.5 ft	barn 16.5 ft	15 ft
Lot Coverage (%)**	30.2%	32.6%	25%
Open Space (%)***	50.5%	48.1%	40%
Front Setback	8 ft	8 ft	25 ft
Side A Setback	barn - 0.8 ft	barn - 1.4 ft	10 ft
Side B Setback	15.7 ft	15.7 ft	10 ft
Rear Setback	barn - 1.6 ft	barn 1.6 ft	25 ft
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):






Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950

Phone 978.463.7700  
Fax 978.463.7747

[www.mtclawyers.com](http://www.mtclawyers.com)

November 14, 2019

By Hand

Renee Bourdeau, Chair  
Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Special permit for Non-Conformities  
7 Dove Street, Newburyport, MA (the "Property")  
Assessor's Map: 64 Lot: 17

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Jeff Stott (the "Applicant") relative to the removal of a barn on the Property, to be replaced with a new barn in the same location. The Applicant also proposes to construct a small lean-to on the western side of the barn. The Property and the barn are pre-existing, nonconforming as noted below and a Special Permit for Non-Conformities is required for the project.

The Property is located in the R2 Zoning District and Demolition Control Overlay District ("DCOD") under the Newburyport Zoning Ordinance (the "Ordinance") and is improved with a single-family home, constructed circa 1775-1800 according to the historic District Data Sheets, and a barn located at the southeastern corner of the Property. The barn's age is unknown; however, it appears on an 1894 Sanborn-Perris Map, and an 1851 survey entitled "Plan of Newburyport, Mass. from an Actual Survey" by Henry McIntyre. See Exhibit B. The barn, therefore, is at least 168 years old. It is not listed as contributing on the District Data Sheet and does not appear on the Form B for the Property. See Exhibit C.

The Property is pre-existing, nonconforming for lot area, frontage, front setback, right side yard setback, and lot coverage, as shown on the attached site plan. The existing barn is 320 square feet with a median roof height of 16 feet 6 inches. The barn is pre-existing, nonconforming for height as Section VI-F of the Ordinance limits accessory structures to a maximum height of 15 feet. The barn's side and rear yard setbacks are also nonconforming; the Ordinance requires 6-foot rear and side yard setbacks, but the northeastern corner of the barn is 0.8 inches over the property line and the rear setback is 1.6 feet.

The barn is in poor condition to almost dangerous condition. In one corner, the wood has deteriorated and come apart to the point that there is a large hole open to the elements. Several shingles are missing and the structural beams are exposed. The barn leans to the west and the front doors are uneven and in poor condition. Various pieces of

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*Millis Office*

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



wood are rotted and deteriorated, and the barn is sagging at the center. What little foundation that exists is cracked and disintegrated.

The Applicant proposes to demolish the existing barn and replace it with a new barn with the exact same dimensions<sup>1</sup>, including the exact same height. As for the barn's location on lot, the new barn will be constructed largely within the footprint of the existing barn, but shifted to the west pulling it away from the lot line with the abutting property. This will result in a 1.4-foot side yard setback, improving the barn's nonconforming side yard setback and taking the northeast corner of the barn off the abutting property.

The Applicant further proposes to construct a lean-to on the western side of the barn, measuring 140 square feet, bringing the total square footage to 460 square feet. The barn is currently used for storage and miscellaneous outdoor uses compatible with a barn and the use will be the same when re-built.

The Applicant will require a Special Permit for non-conformities under section IX-B-2.B of the Ordinance for the proposed project. Section IX-B-2.B allows the alteration of a structure where the Board makes the following findings:

- 1. That there will be no intensification or extension of an existing nonconformity or the addition of a new nonconformity; and**
- 2. That the proposed change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.**

1. As is shown on the plans, there will be no addition of a new non-conformity. To the contrary, the side setback on the eastern side of the barn will improve and be more in compliance than the presently existing barn. The new barn will have the exact same dimensions of the existing barn, with the exception of the added lean-to. The lean-to will comply with the setback requirements of the Ordinance and the additional 140 square feet to the barn's footprint still qualify it as an accessory structure.
2. The demolition of the barn and replacement with a barn measuring the same dimensions poses no detriment to the neighborhood. Further, the proposed lean-to is small and will not have an impact on the neighborhood. The westward shift of the barn's footprint to remove the southeastern corner from the abutting property is an improvement to the neighborhood, particularly for the abutter on whose property the barn encroaches. As shown on the elevation plans attached hereto, the architectural style of the new barn largely mimics the existing barn, for example, the single window centered on the front elevation with the opening in the center and the doors below. The proposed materials for the new barn are in keeping with the historic house on the Property.

The Applicant also requires a finding under section IX-B-2.A as the coverage on the lot for single- or two-family use will be intensified. The Board must find:

- 1. There will be no addition of a new non-conformity; and**
- 2. The proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

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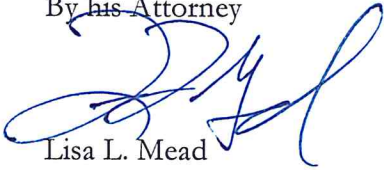
<sup>1</sup> But for the addition of a lean-to which is fully in compliance with the setbacks and does not make the barn larger than that permitted for an accessory structure.



1. There will be no addition of a new non-conformity. Currently the lot is non-conforming for lot coverage. The additional coverage on the lot is an intensification and not a new non-conformity.
2. The addition of a lean-to, which increases the pre-existing, nonconforming lot coverage by a mere 2.4%, is not substantially more detrimental to the neighborhood than the existing barn. The lean-to, as aforementioned, is only 140 square feet and any effect on the neighborhood is negligible. For the same reasons set forth in the above analysis under Section IX-B.2.B, the Board can find under Section IX-B.2.A that the addition of the lean-to and the associated minimal increase in lot coverage is not substantially more detrimental to the neighborhood than the existing condition.

Finally, given the barn's age, the Applicant has submitted the proposal to the Historical Commission for Demolition Delay review. The Applicant respectfully requests that the Board find that the barn's demolition and replacement with the new barn as proposed is not substantially detrimental to the neighborhood than the pre-existing, nonconforming structure and grant a Special Permit for Non-Conformities.

Respectfully submitted,  
Jeff Stott,  
By his Attorney



Lisa L. Mead

Attachment  
cc: client

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2019-081

Name: Jeff Stott c/o Lisa Mead, MTC LLC

Address: 7 Dove Street

Zoning District(s): R2/DCOD

Request: Demolish existing non conforming barn and reconstruct new barn and addition for same single family accessory use in similar non conforming location. Accessory structure is not individually listed as contributing so DCOD does not apply.

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-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

  
Newburyport Zoning Administrator

11/13/2019  
Date



# 7 DOVE ST

**Location** 7 DOVE ST

**MBLU** 54/ 23/ / /

**Owner** STOTT JEFFREY A.

**Assessment** \$803,000

**PID** 3704

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$581,900	\$221,100	\$803,000

## Owner of Record

**Owner** STOTT JEFFREY A.

**Sale Price** \$160,000

**Co-Owner** ANN K. T/E

**Certificate**

**Address** 7 DOVE ST

**Book & Page** 11994 0406

NEWBURYPORT, MA 01950

**Sale Date** 07/09/1993

**Instrument** 00

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
STOTT JEFFREY A.	\$160,000		11994 0406	00	07/09/1993
TRUE DAVID A-MARTHA L TE	\$0		3877/ 368		

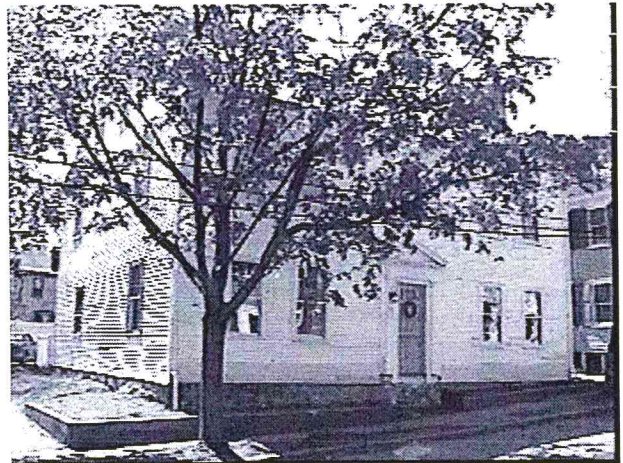
## Building Information

## Building 1 : Section 1

**Year Built:** 1850  
**Living Area:** 2,788

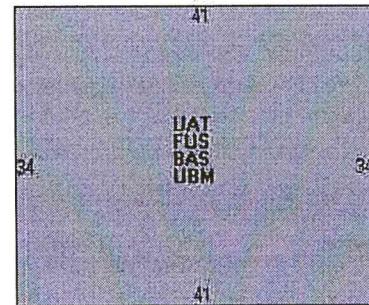
Building Attributes	
Field	Description
Style	Antique
Model	Residential
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Average

## Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPphotos//\00\00\21\53.jpg>)

## Building Layout



([http://images.vgsi.com/photos/NewburyportMAPphotos//Sketches/3704\\_3857.jpg](http://images.vgsi.com/photos/NewburyportMAPphotos//Sketches/3704_3857.jpg))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,394	1,394
FUS	Upper Story, Finished	1,394	1,394
UAT	Attic	1,394	0
UBM	Basement, Unfinished	1,394	0
		5,576	2,788

## Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	4 UNITS	\$14,400	1
FPL1	FIREPLACE 1 ST	2 UNITS	\$3,500	1



**Land**

**Land Use**

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

**Land Line Valuation**

**Size (Acres)** 0.13  
**Depth** 0  
**Assessed Value** \$221,100

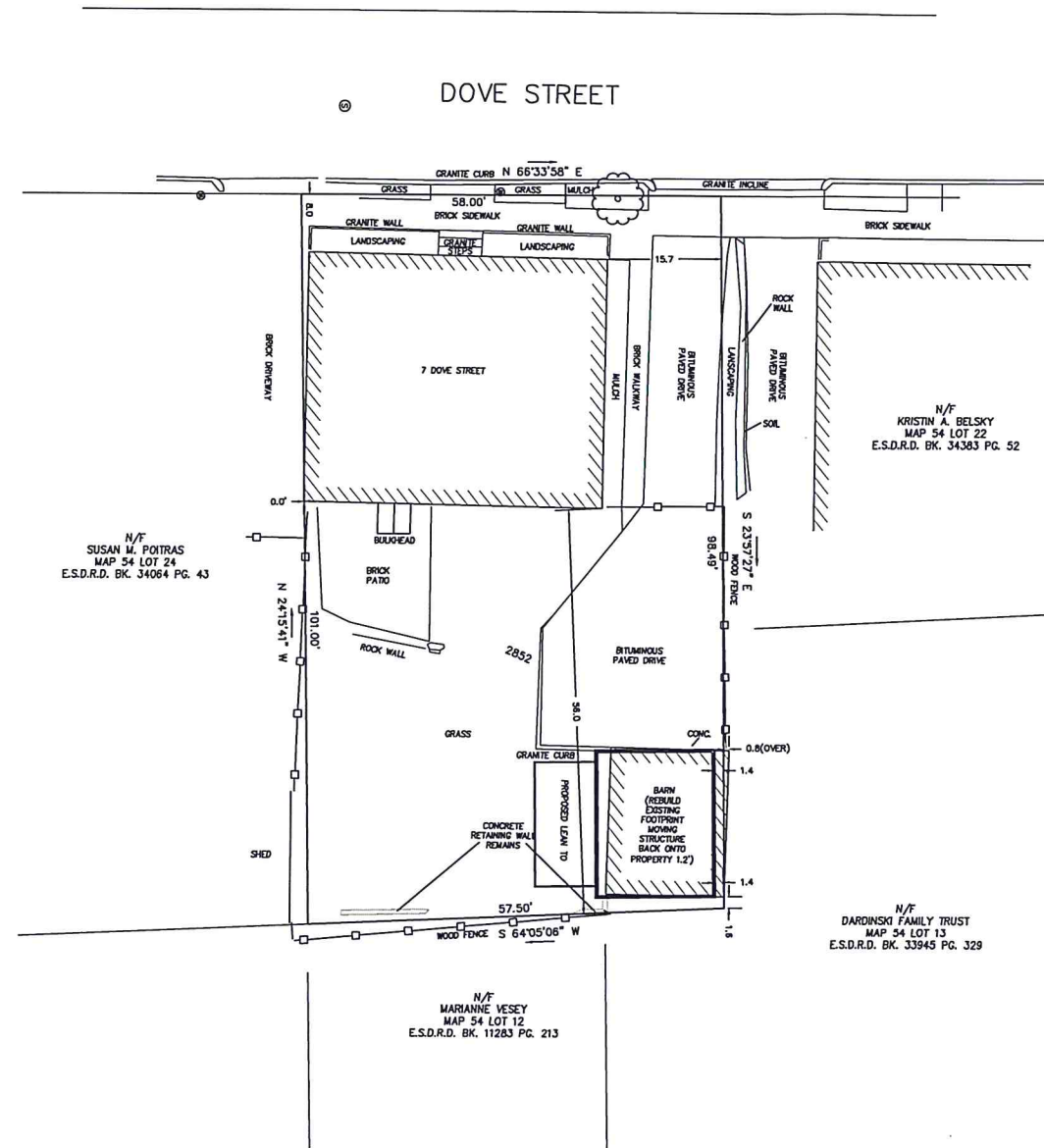
**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR4	GAR W/LFT AVE			320 S.F	\$2,700	1

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$541,900	\$210,600	\$752,500

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**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	5,750 SQUARE FEET	5,750 SQUARE FEET
MINIMUM FRONTAGE	90 FEET	58 FEET	58 FEET
FRONT SETBACK	25 FEET	8.0 FEET	8.0 FEET
SIDE SETBACK (R)	10 FEET	8.0 FEET	8.0 FEET
SIDE SETBACK (L)	10 FEET	ACCESSORY OVER 0.8 FEET	1.4 FEET
REAR SETBACK	25 FEET	15.7 FEET	15.7 FEET
		50.8 FEET	50.8 FEET
		ACCESSORY 1.8 FEET	1.8 FEET
MAXIMUM LOT COVERAGE (R) 25%		30.2%	32.6%
MAXIMUM HEIGHT	35 FEET	25.5 FEET	25.5 FEET
	15 FEET (ACCESSORY)	18.5 FEET	18.5 FEET
MINIMUM OPEN SPACE	40%	50.5%	48.1%
MINIMUM PARKING	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 EXISTING BUILDING AND PROPOSED RECONSTRUCTION OF THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED AUGUST 19 & 20, 2019 BY THIS FIRM.

ARCHITECTURAL PLANS HAVE BEEN UTILIZED FOR BUILDING ADDITION DETAILS.

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**  
7 DOVE STREET  
OWNER: JEFFREY A. & ANN K. STOTT  
DEED REFERENCE: BK. 11994 PG. 406  
ASSESSORS: MAP 54 LOT 23

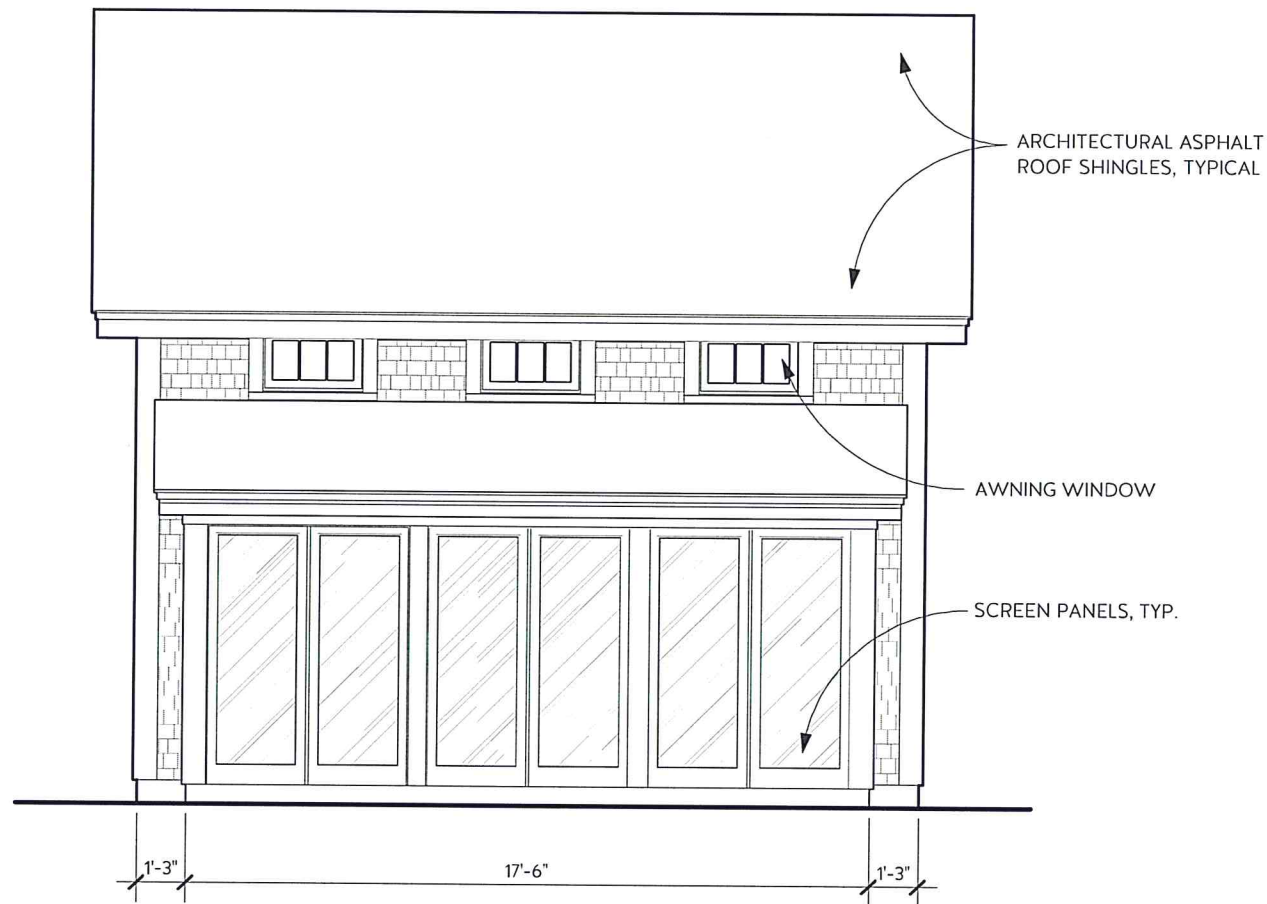
Copyright 2019 Winter GEC, LLC

Winter GEC, LLC 44 MERRIMAC STREET NEWBURYPORT, MA 01950 978-270-8626	SCALE: HORIZ: 1" = 10' VERT:	FIELD: CO CALCS: EC CHECKED: EJC APPROVED: EJC	ZONING PLAN 7 DOVE STREET	PLAN OF LAND IN NEWBURYPORT, MASSACHUSETTS SURVEYED FOR JEFFREY A. & ANN K. STOTT	PROJECT NO. 2019-7DOVE DATE: OCT 24 2019 SHEET NO. 1 OF 1
	NO. DATE BY REVISIONS				





C:\Users\james\OneDrive\Documents\ScottBarn\SD\_Elevations.rvt



SCOTT BROWN  
ESTD ARCHITECTS 1987  
79 WATER STREET,  
SUITE 209  
NEWBURYPORT, MA 01950  
1.978.465.3535  
WWW.SCOTTBROWNARCHITECTS.COM

THE STOTT BARN  
AT  
7 DOVE STREET  
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES		
No.	Date	Notes

Project # 2019-36	Project Manager XX	Date 11-3-19
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Scale: AS NOTED

BARN RIGHT SIDE  
ELEVATION

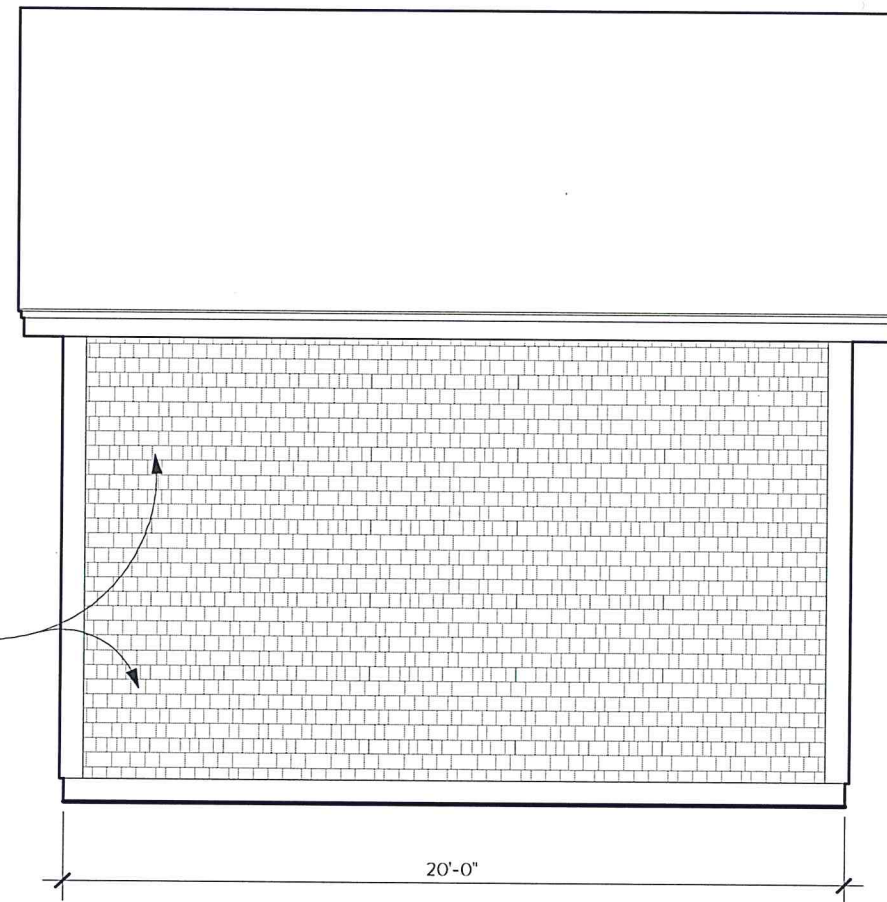
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PRE-FINISHED EXTRA CLEAR GRADE  
PREMIUM EASTERN WHITE CEDAR  
SIDEWALL SHINGLES W/ 4" EXPOSURE, TYP.



**SCOTT BROWN**  
ESTD ARCHITECTS 2007  
79 WATER STREET  
SUITE 209  
NEWBURYPORT, MA 01950  
978.465.3575  
WWW.SCOTTBROWNARCHITECTS.COM

**THE STOTT BARN**  
AT  
7 DOVE STREET  
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES		
No.	Date	Notes

Project # 2019-36	Project Manager XX	Date 11-3-19
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Scale: AS NOTED

**BARN LEFT SIDE  
ELEVATION**

A4

LSPR 2019 SCOTT BROWN ARCHITECTS



























