

7 Harbor Street Newburyport

ZBA Special Permit for
Non-Conformities Application

7 Harbor Street
Newburyport

Project Summary

- Proposed addition over the existing first floor of the single-family structure.
- Proposed addition to add 216 +/- s.f.
- Proposed addition will provide closet space and a small desk area in the master bedroom.
- Proposed addition is designed to minimize any visual impact to abutting properties and enhance the aesthetics of the existing structure.

7 Harbor Street Newburyport

Existing Conditions

- Existing structure dates from 1900.
- Property has been and will continue to be a single family residence, an allowed use in the applicable (R3/PIOD) zoning district.
- Property is pre-existing, non-conforming.
- Existing Lot is non-conforming as to:
 - Area (12,000 s.f. required – 6,504 s.f. provided)
 - Frontage (120' required – 70' provided)
- Existing structure is non-conforming as to:
 - Side Setbacks (20' required – 5.6' and 10.3' provided)
 - Rear Setback (20' required – 14.8' provided)
 - Lot Coverage (20% allowed – 22.8% covered)
 - FAR (max allowed 25%, 36% existing)

7 Harbor Street Newburyport

Proposed Addition

- Proposed addition will not create any new non-conformities.
- Increase in FAR from 36% to 39%.
- Addition will extend the pre-existing side setback non-conformity upward.
- Proposed roofline will exceed the height of the existing structure (current height: 17.4', proposed 20.5'),

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	12,000 s.f.	6,504 s.f. +/-	6,504 s.f +/- (nc)
Frontage	120'	70'	70' (nc)
Height*	35' max	17.4' +/-	20.5' +/-
Max. Lot Coverage (%)**	20%	22.8%	22.8% (nc)
Min. Open Space (%)***	35%	49.8%	49.8% (nc)
Primary Front Setback	20'	43.9'	43.9' (nc)
Side A Setback/Secondary Front Setback	20'	5.6'	5.6' (nc)
Side B Setback	20'	10.3'	10.3 (nc)
Rear Setback	20'	14.8'	14.8' (nc)
Parking Spaces	2	5+	5+ (nc)
FAR****	.25	.36	.39

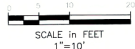
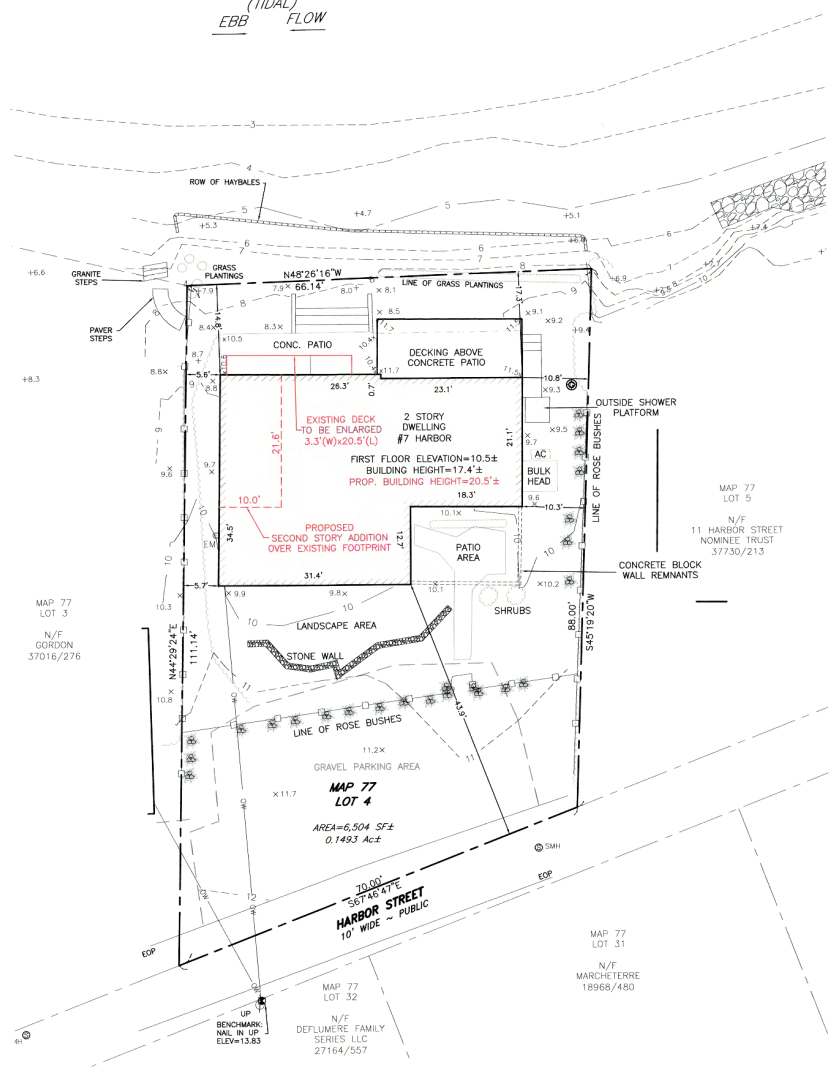
*Height is measured to median roof line.

**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).

THE BASIN
(TIDAL)
EBB FLOW



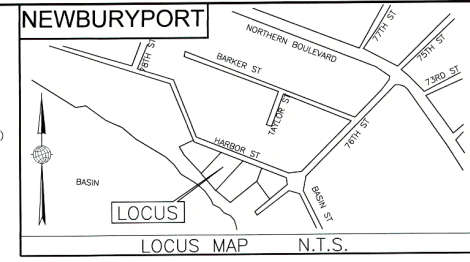
PLAN BOOK 34 PLAN 7

ZONING:

REQUIRED:	EXISTING:	PROPOSED:
LOT AREA=12,000 sf	6,504 SF±	6,504 SF±(NC)
FRONTAGE=120'	70.0'	70.0'(NC)
MIN. FRONT SETBACK=20'	43.9'	43.9'(NC)
MIN. SIDE SETBACK=20'	(L)35.6' / (R)10.3'	(L)35.6'(NC)/(R)10.3'(NC)
MIN. REAR SETBACK=20'	14.8'	14.8'(NC)
BUILDING HEIGHT=35' MAX	17.4'±	20.5'±
LOT COVERAGE=20% (BLDG ONLY)	22.8%	22.8% (NC)
MAX. F.A.R.=0.25	0.36**	0.39**

RESIDENTIAL 3 (R3)
SINGLE FAMILY
PLUM ISLAND OVERLAY DISTRICT

**SEE NOTE 5



OWNER/APPLICANT:

7 HARBOR STREET NOMINEE TRUST
DEED BOOK 37533 PAGE 346
ASSESSOR'S MAP 77 LOT 4

REFERENCES:

- ESSEX COUNTY REGISTRY OF DEEDS
DEED BOOK 37533 PAGE 346
DEED BOOK 37018 PAGE 276
DEED BOOK 27164 PAGE 559

PLAN BOOK 34 PLAN 7

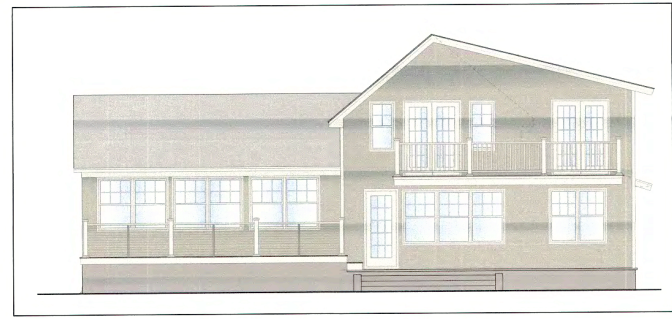
NOTES:

- FIELD SURVEY PERFORMED: JUNE 27, 2019.
- VERTICAL DATUM AS DEPICTED HEREON IS NAVD88 BY MEANS OF GPS OBSERVATIONS
- THE ENTIRETY OF THE SUBJECT PROPERTY LIES WITHIN ZONE "VE" BASE FLOOD ELEVATION 17 AS DEPICTED ON FEMA MAP 25009C0129F WITH AN EFFECTIVE DATE OF JULY 3, 2012.
- ARCHITECTURAL DRAWINGS PROVIDED BY SCOTT M. BROWN ARCHITECTS. PLAN ENTITLED "ADDITION OPTION 2 - BENNETT RESIDENCE" DATED 10-1-2020
- F.A.R. (FLOOR AREA RATIO) CALCULATIONS PROVIDED BY SCOTT M. BROWN ARCHITECTS

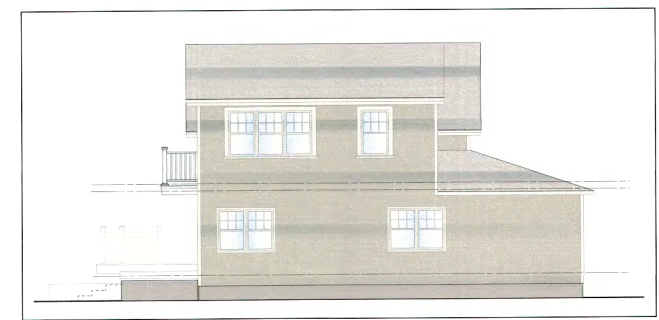
I HEREBY CERTIFY THAT:

THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
I FURTHER CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND IS NOT A CONTRIBUTION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

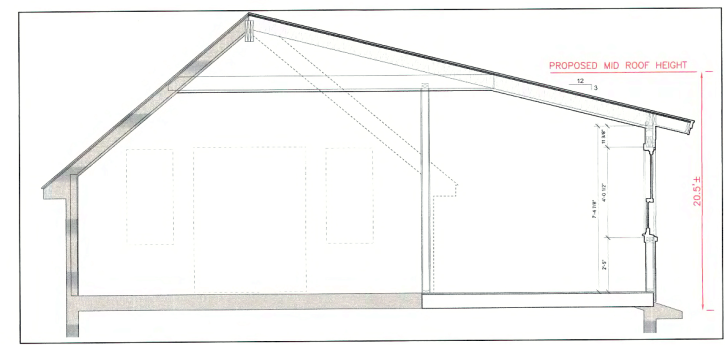
[Signature]
DIAMOND DIXON
PROFESSIONAL LAND SURVEYOR
4-13-21
DATE



PROPOSED REAR ELEVATION (BASIN)
NOT TO SCALE



PROPOSED LEFT ELEVATION (BASIN)
NOT TO SCALE



PROPOSED REAR ELEVATION (BASIN)
NOT TO SCALE

PROPOSED PLOT PLAN
7 HARBOR STREET
IN
NEWBURYPORT, MASSACHUSETTS
ESSEX COUNTY

PREPARED FOR:
7 HARBOR STREET NOMINEE TRUST

PREPARED BY:
HANCOCK ASSOCIATES
Civil Engineers
Land Surveyors
Wetland Scientists

ONE HARRIS STREET SUITE 3
NEWBURYPORT, MA 01950
TEL: 978-465-9992
www.hancockassociates.com

RESEARCH: EDX
FIELD: CHA/AAM
CALCULATION: EDX
DRAFTING: AAM
CHECK: EDX
PROJ. MANAGER: EDX
DATE: APRIL 13, 2021
JOB NO. 22631A
CRD FILE 22631EX.CRD
SHEET NO. 1 OF 1

FENCE ADDED	DATE:	REV: 0
BY:	DATE:	REV: 0
DRAWING NO.:	22631 2BA.dwg	

City of Newburyport

6/9/2021



Data Source: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

- Municipal Boundary
- Roads
- Interstate
- Major Road
- Local Road
- Railroad
- Legend
- Parcel (in white)

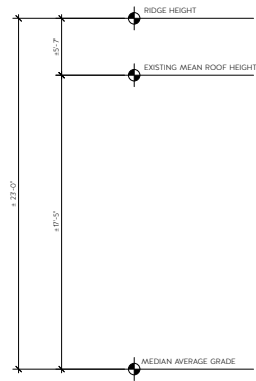
Projection: NAD 1983 StatePlane Massachusetts Mainland FIPS 2001



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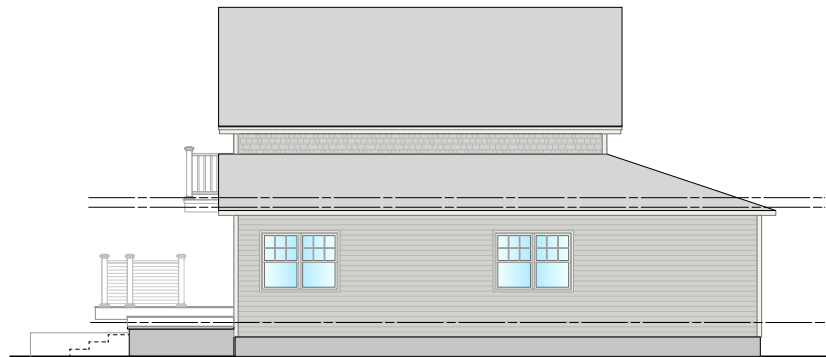
ORIGINAL EXISTING CONDITIONS



3 EXISTING FRONT ELEVATION (HARBOR ST.)
Scale: 1/4" = 1'-0"



2 EXISTING REAR ELEVATION (BASIN)
Scale: 1/4" = 1'-0"



1 EXISTING LEFT ELEVATION
Scale: 1/4" = 1'-0"

SCOTT BROWN
ESTD ARCHITECTS 2007
48 MARKET STREET,
NEWBURYPORT, MA 01950
T. 978.465.3535
WWW.SCOTTBROWNARCHITECT.COM

ADDITIONS/ALTERATIONS TO THE:
THE BENNETT RESIDENCE
7 HARBOR STREET
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES		
No.	Date	Notes
1	4/16/21	ZBA SUBMISSION

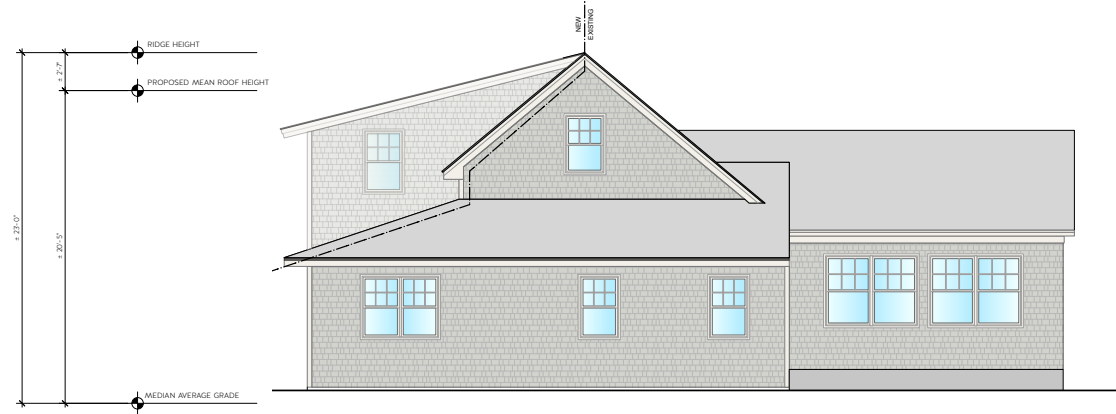
Project # 2019-19	Project Manager X.X.	Date 4/16/21
Scale: AS NOTED		

**EXISTING
CONDITIONS**

EC-1

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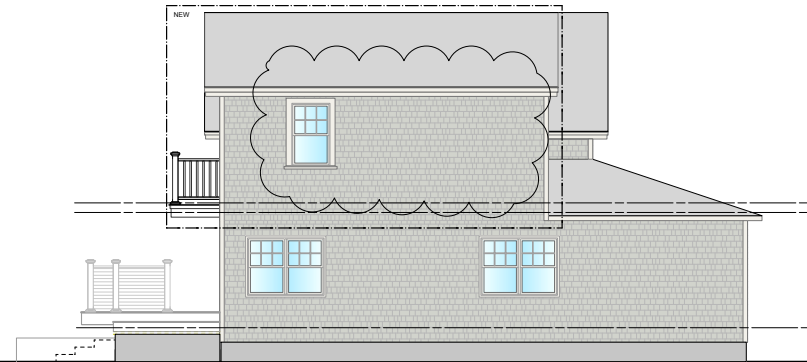
REVISED WINDOW PLAN



3 PROPOSED FRONT ELEVATION (HARBOR ST)
Scale: 1/4" = 1'-0"



2 PROPOSED REAR ELEVATION (BASIN)
Scale: 1/4" = 1'-0"



1 PROPOSED LEFT ELEVATION
Scale: 1/4" = 1'-0"

7 Harbor, DO vvx

SCOTT M BROWN
ESTD ARCHITECTS 2007
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ADDITIONS/ALTERATIONS TO THE:
THE BENNETT RESIDENCE
7 HARBOR STREET
NEWBURYPORT, MA 01950

REVISION & REISSUE NOTES		
No.	Date	Notes
1	4/16/21	ZBA SUBMISSION
2	6-16-21	WINDOW REVISIONS

Project #	Project Manager	Date
2019-19	X.X.	6-16-21

Scale: AS NOTED

PROPOSED
ADDITION

A1

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Newburyport Zoning Ordinances

Proposed addition is authorized under Newburyport Zoning Ordinances §IX.B.2.

§ IX Purpose and Intent:

“...to discourage the perpetuity of nonconforming uses except where such extension will be in the general welfare and not harmful to surrounding land uses. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued except as otherwise provided.”

Standard:

- There will be no new nonconformity created by the addition.

- The proposed change will not be substantially more detrimental to the neighborhood than preexisting structure.
 - The proposed addition is relatively modest in size (216 sq. ft.) and is being built over the existing first floor. As such will not add significantly to massing and scaling of building.
 - Will not result in an increase to the footprint of the house or increase lot coverage.
 - Will add to mean roof height but does not increase peak height of structure
 - Will visually impact very few neighbors, if any.
 - Will be built in accordance with local and state building and conservation regulations and so will be protective of the environment
 - Design is in keeping with the existing architecture of home so addition “blends” in well.
 - Addition arguably is an aesthetic improvement to structure and will add to value of home and to that of the surrounding homes.
 - Proposed addition will not adversely impact use and enjoyment of neighboring structures by their owners,
 - Will have diminimus impact to neighborhood.
 - Addition will allow for master bedroom closet where none exists now and will provide small desk area for owner to work

Newburyport Zoning Ordinances

Proposed addition is authorized under Newburyport Zoning Ordinances §IX.B.2 and §XXI-G (PIOD)

§ XXI Purpose and Intent:

“.... to reduce damage to public and private property resulting from flood waters.....limit the expansion of non-conforming single and two-family structures so as to prevent the exacerbation of existing problems with density and intensity of use.”

Standard:

- There will be no decrease in the flood storage capacity of the lot nor will the addition in anyway increase impacts from flooding on the lot or neighborhood.
- The proposed addition will not add to the intensity of the use of the home. The proposed addition is relatively modest in size (216 sq. ft.) and is being built over the existing first floor. There will be no increase to footprint of home or lot coverage. As such, will not add significantly to massing and scaling of building, and the slight increase in the FAR will not significantly add to the density of the neighborhood.
- The proposed addition will not cause an intensity of the use (not adding bedroom or additional rooms). Only adding closet and small sitting area in existing Master bedroom.

- Neighbor support.