

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

Petitioner: CLAVIN, MARY GENE & JOHN C.

Mailing Address: 8 HARRISON ST NEWBURYPORT

Phone: 978 621 4638 Email: MGCLAVIN@GMAIL.COM
JCCCLAVIN@COMCAST.NET

Property Address: 8 HARRISON ST

Map and Lot(s): MAP 26 PARCEL 38 Zoning District: R2

Book and Page(s): BOOK 35047 PAGE 259

Owner(s) Name: CLAVIN, MARY GENE & JOHN C.

Mailing Address (if different): _____

This request for a Special Permit for Non-Conformities is made under section(s):

- | | |
|---|---|
| <input type="checkbox"/> Extension or Alteration (IX.B.2) | <input checked="" 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"/> Rear Yard | |
| <input type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

SPECIAL PERMIT TO CONSTRUCT AN ADDITION OF
847 SQUARE FEET OF LIVING AREA

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

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	9220	51.2%	20.8%	/	31.3	92	4 ⁺	1.2	23	25.2	66.6
Proposed	9220	55.7%	24.8%	/	31.3	92	4 ⁺	1.2	23	25	53.6
Required	15,000	40%	25%	/	35'	120	4	25	10	10	25

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

Existing Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1211</u>	<u>3</u>	<u>3633</u>	<u>1040 2 FAMILY</u>
<u>81</u>	<u>1</u>	<u>81</u>	<u>1040 2 FAMILY</u>

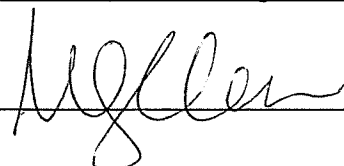
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>187</u>	<u>3</u>	<u>561</u>	<u>1040 2 FAMILY</u>
<u>74</u>	<u>1</u>	<u>74</u>	
<u>212</u>		<u>212</u>	<u>1040 2 FAMILY</u>
		<u>847</u>	

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. - 101 = single family, etc.)

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. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. 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):

x 

x _____

CITY OF NEWBURYPORT, MA

BUILDING PERMIT DENIAL

City BPD#: 2018-007

Name: MARY GENE + JOHN CALVIN

Address: 8 HARRISON ST. Zoning District(s): R2/DCOD

Map and Lot: MAP 26 - LOT 38

ZONING BOARD REVIEW REQUIRED

Dimensional Variance

Dimensional Controls (VI)

___ Lot Area ___ Open Space ___ Front Yard
___ Lot Frontage ___ Height ___ Side Yard
___ Lot Coverage ___ Lot Width ___ Rear Yard

PIOD (XXI)

___ 2 story limit

Parking (VII)

Use Variance

Not permitted use (V)

Sign Variance

Signs (VIII)

___ Type ___ Size
___ Lighting ___ Location

Special Permit

- Special Permit for Use (V.D) Use #: _____
- 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)
- _____

Special Permit for Non-Conformities

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

PLANNING BOARD REVIEW REQUIRED

Special Permit

- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Medical/Recreational Marijuana
- _____

- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Special Permit for Non-Conformities (DOD)

Site Plan Review (XV)

Major Minor

Smart Growth District (XXIX)

Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

Demo. Delay *Advisory Review

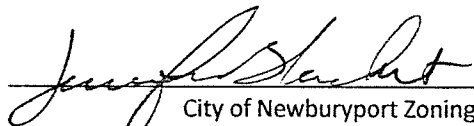
*** EXEMPT FROM DEMO DELAY PER 2010 DELAY IMPOSED.**

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQ.

GACM (X.H.9)

REVISED 2/5/18
2/2/18 A.P.
Date DENIAL


City of Newburyport Zoning Administrator

39 Liberty Street
Newburyport MA 01950
978 828 6566
michael@grafbuilders.com

01 February 2018

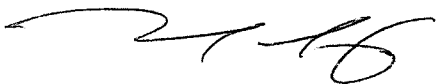
Planning Department
City of Newburyport
60 Pleasant Street
Newburyport, MA01950

RE: Special Permit Application Memorandum for 8 Harrison Street

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

- A. The existing and proposed use of the property is a 2-family residence. There is no change in use proposed.
- B. The land area does not conform to the present requirements in respect to lot area and lot frontage.
- C. The proposed use does not intensify the existing non-conformities, and does not result in additional non-conformities.
- D. While the proposed use increases the lot coverage percentage and decreases the open space percentage, the proposed use remains within the values for lot coverage and open space percentages required in the Zoning Code.

Sincerely,



Michael Graf, RA

8 HARRISON ST

Location 8 HARRISON ST

Mblu 26/ 38/ //

Owner CLAVIN MARY G & JOHN C
T/E

Assessment \$712,900

PID 1425

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$351,600	\$361,300	\$712,900

Owner of Record

Owner CLAVIN MARY G & JOHN C T/E
Co-Owner
Address 8 HARRISON ST
NEWBURYPORT, MA 01950

Sale Price \$875,000
Certificate
Book & Page 35047/0259
Sale Date 06/30/2016
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CLAVIN MARY G & JOHN C T/E	\$875,000		35047/0259	00	06/30/2016
GIUNTA PHILIP	\$645,000		28702/0560	00	06/18/2009
BECKER HENRY C	\$535,000		28081/0152	1R	10/06/2008
HOWES KURT J	\$30,000		18724/0486	1A	05/21/2002
DALEY THOMAS F SR	\$1		06952/0711	1A	07/02/1982

Building Information

Building 1 : Section 1

Year Built: 1850
Living Area: 3,136

Building Attributes	
Field	Description
Style	Family Conver.
Model	Residential

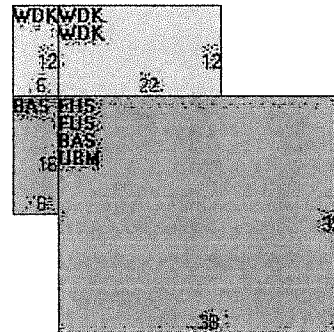
Stories:	2 1/2 Stories
Occupancy	2
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gambrel
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Carpet
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	5 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	12
Bath Style:	Old Style
Kitchen Style:	Average

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\01\00\!>)

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,312	1,312
FUS	Upper Story, Finished	1,216	1,216
FHS	Half Story, Finished	1,216	608
UBM	Basement, Unfinished	1,216	0
WDK	Deck, Wood	600	0
		5,560	3,136

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code 1040
Description TWO FAMILY
Zone R3

Size (Acres) 0.21
Depth 0
Assessed Value \$361,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR4	GAR W/LFT AVE			528 S.F	\$16,200	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$304,900	\$344,100	\$649,000

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ZONING

RESIDENTIAL (R-2)
TWO-FAMILY

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	15,000 SF	9,220 SF	9,220 SF
MINIMUM FRONTAGE:	120 FT	92 FT	92 FT
MINIMUM FRONT SETBACK:	25 FT	1.2 FT	1.2 FT
MINIMUM SIDE SETBACK:(R)	10 FT	23.0 FT	23.0 FT
MINIMUM SIDE SETBACK:(L)	10 FT	25.2 FT	25.0 FT
MINIMUM REAR SETBACK:	25 FT	66.6 FT	53.6 FT
MAX LOT COVERAGE:	25%	20.8%	24.8%
MINIMUM OPEN SPACE:	40%	55.7%	51.2%
MAX BUILDING HEIGHT:	35 FT	31.3 FT	31.3 FT

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 CONDITIONS ON THE LOT AND PROPOSED ADDITION AS PROVIDED BY THE CLIENT'S BUILDER. EXISTING CONDITIONS ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BY OAK ENGINEERS ON OCTOBER 14, 2008 AS VISUALLY UPDATED JANUARY 2018 BY THIS FIRM.

DESIGN ELEMENTS HAVE BEEN PROVIDED BY THE CLIENT'S ARCHITECT.

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

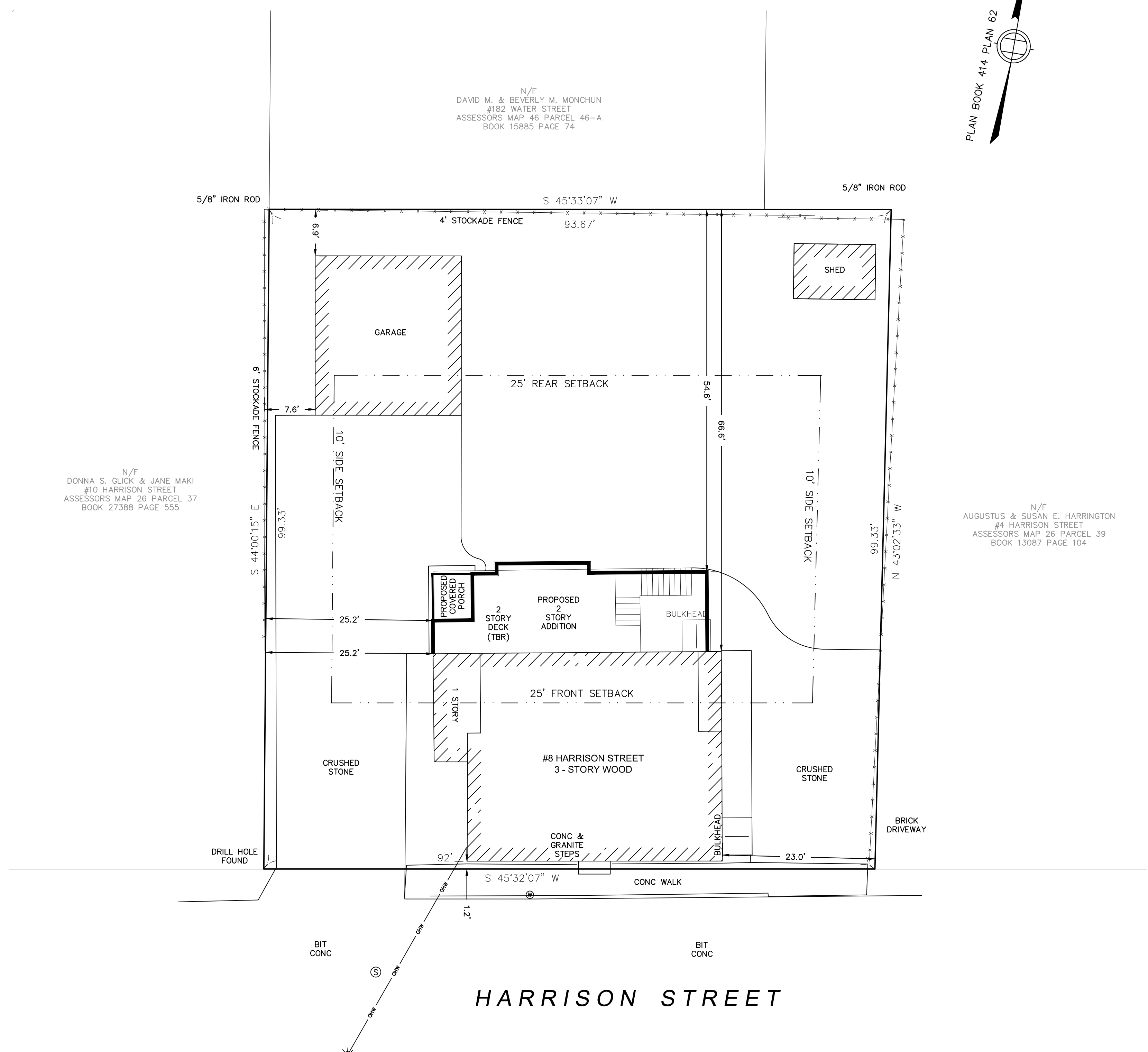
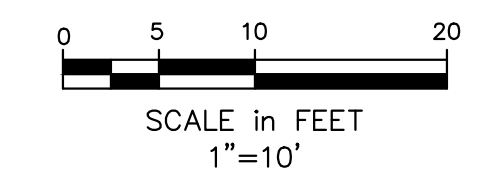
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

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

DATE 2/1/18

LOCUS TITLE INFORMATION

8 HARRISON STREET
OWNER: JOHN C. & MARY G. CLAVIN
DEED REFERENCE: BOOK 35047 PAGE 259
ASSESSORS: MAP 26 PARCEL 38



N/F
DAVID M. & BEVERLY M. MONCHUN
#182 WATER STREET
ASSESSORS MAP 46 PARCEL 46-A
BOOK 15885 PAGE 74

N/F
DONNA S. GLICK & JANE MAKI
#10 HARRISON STREET
ASSESSORS MAP 26 PARCEL 37
BOOK 27388 PAGE 555

N/F
AUGUSTUS & SUSAN E. HARRINGTON
#4 HARRISON STREET
ASSESSORS MAP 26 PARCEL 39
BOOK 13087 PAGE 104

HARRISON STREET

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Winter GEC, LLC

34 WINTER STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1" = 10'
VERT: N.A.

NO.	DATE	BY	REVISIONS

FIELD: EC
CALCS: EC
CHECKED: EJC
APPROVED: EJC

ZONING BOARD OF APPEALS
PLAN

8 HARRISON STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS

SURVEYED FOR
JOHN C. & MARY G. CLAVIN

PROJECT NO.
2018-8HARRISON
DATE: FEB 1, 2018
SHEET NO.
1 OF 1

NOT FOR CONSTRUCTION



AREA FOOTPRINT OF EXISTING LIVING = 1292 SQUARE FEET
 AREA FOOTPRINT OF EXISTING GARAGE = 528 SQUARE FEET
 AREA FOOTPRINT OF ADDITIONAL LIVING = 474 SQUARE FEET
 TOTAL LOT COVERAGE = 2294 SQUARE FEET
 ALLOWABLE LOT COVERAGE = 2305 SQUARE FEET
 PERCENTAGE LOT COVERAGE = 24.8 %
 PROPOSED 1st FLOOR ADDITIONAL LIVING AREA = 261 SQUARE FEET
 PROPOSED 2nd FLOOR ADDITIONAL LIVING AREA = 399 SQUARE FEET
 PROPOSED 3rd FLOOR ADDITIONAL LIVING AREA = 187 SQUARE FEET
 TOTAL PROPOSED ADDITIONAL LIVING AREA = 847 SQUARE FEET

ZBA SPECIAL PERMIT APPLICATION SET

02 February 2018

PROPERTY OWNER
Mary Gene + John Clavin

8 Harrison Street
Newburyport, MA 01950
T 978 621 4638
E mgclavin@gmail.com
E joclavin@comcast.net

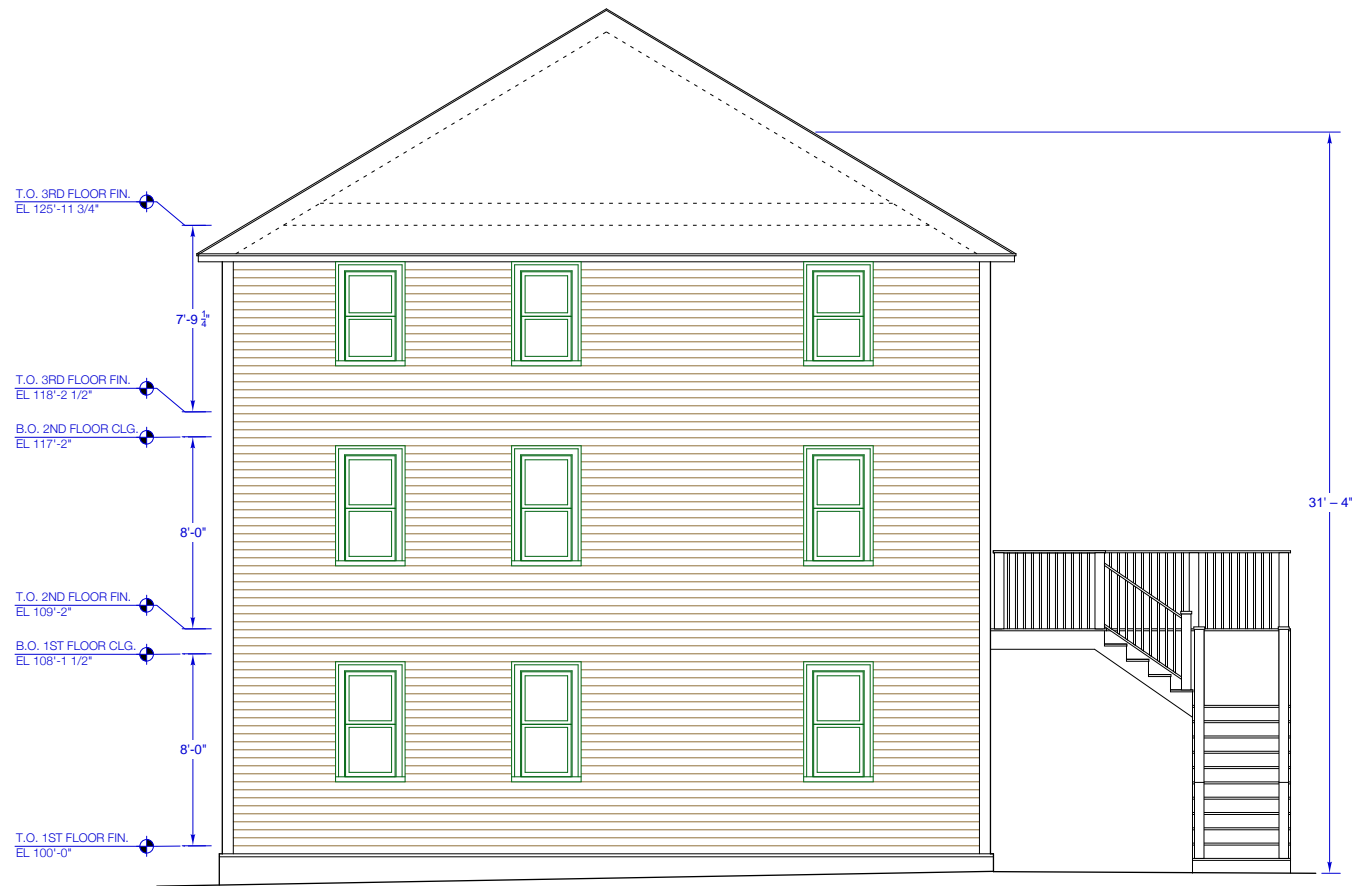
ARCHITECT
Michael Graf, RA

39 Liberty Street
Newburyport, MA 01950
T 978 828 6666
E michael@grafbuilders.com
WEB grafbuilders.com

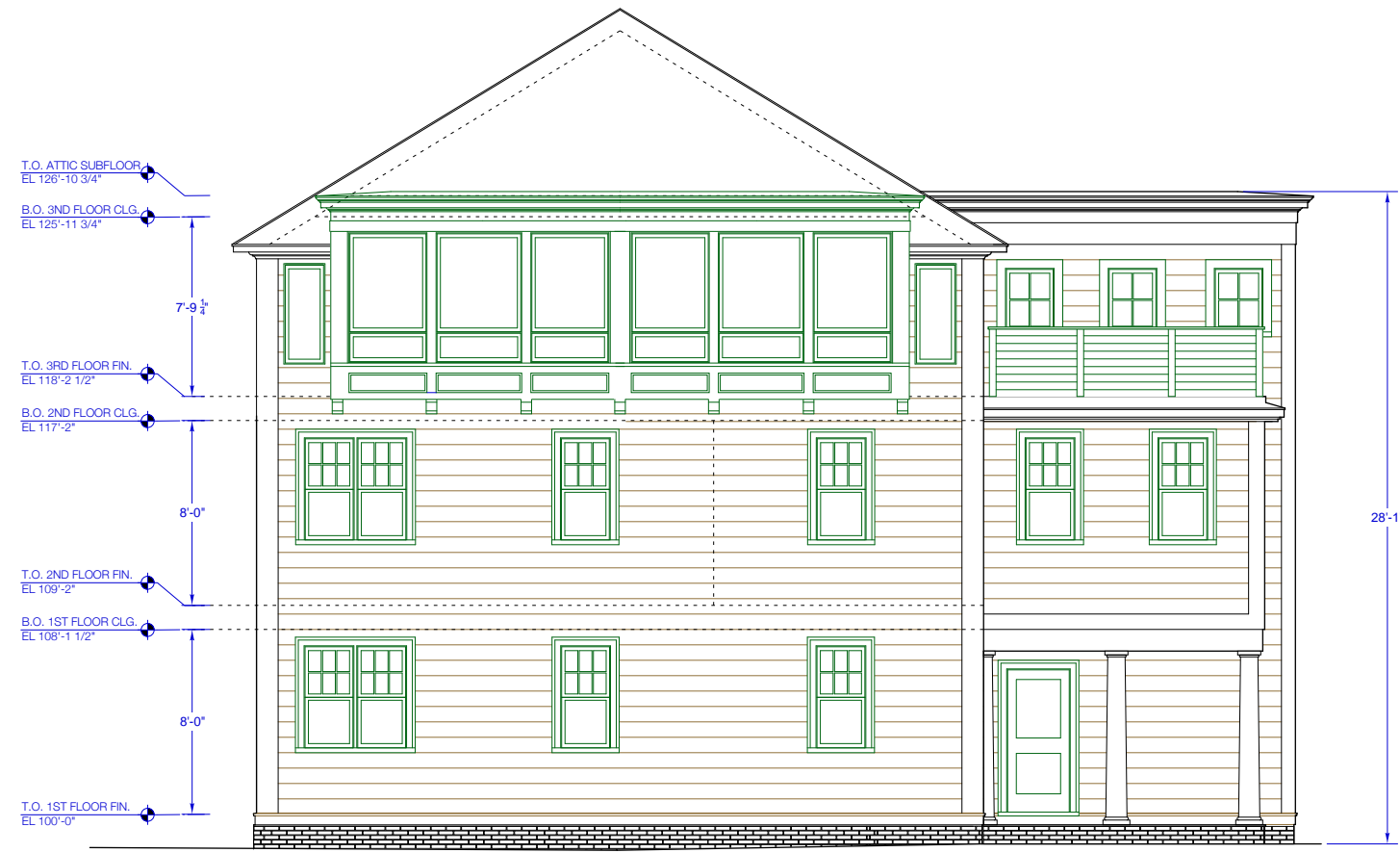
ENGINEER
Joe Fix Engineering

2 Silver Ledge Road
Newbury, MA 01951
Tel 978 462 4331
Mobile 978 973 2366

REVISIONS



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



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

Existing + Proposed North Elevations

02 February 2018

Scale: As Noted

Project No.: 2532

A06

NOT FOR CONSTRUCTION



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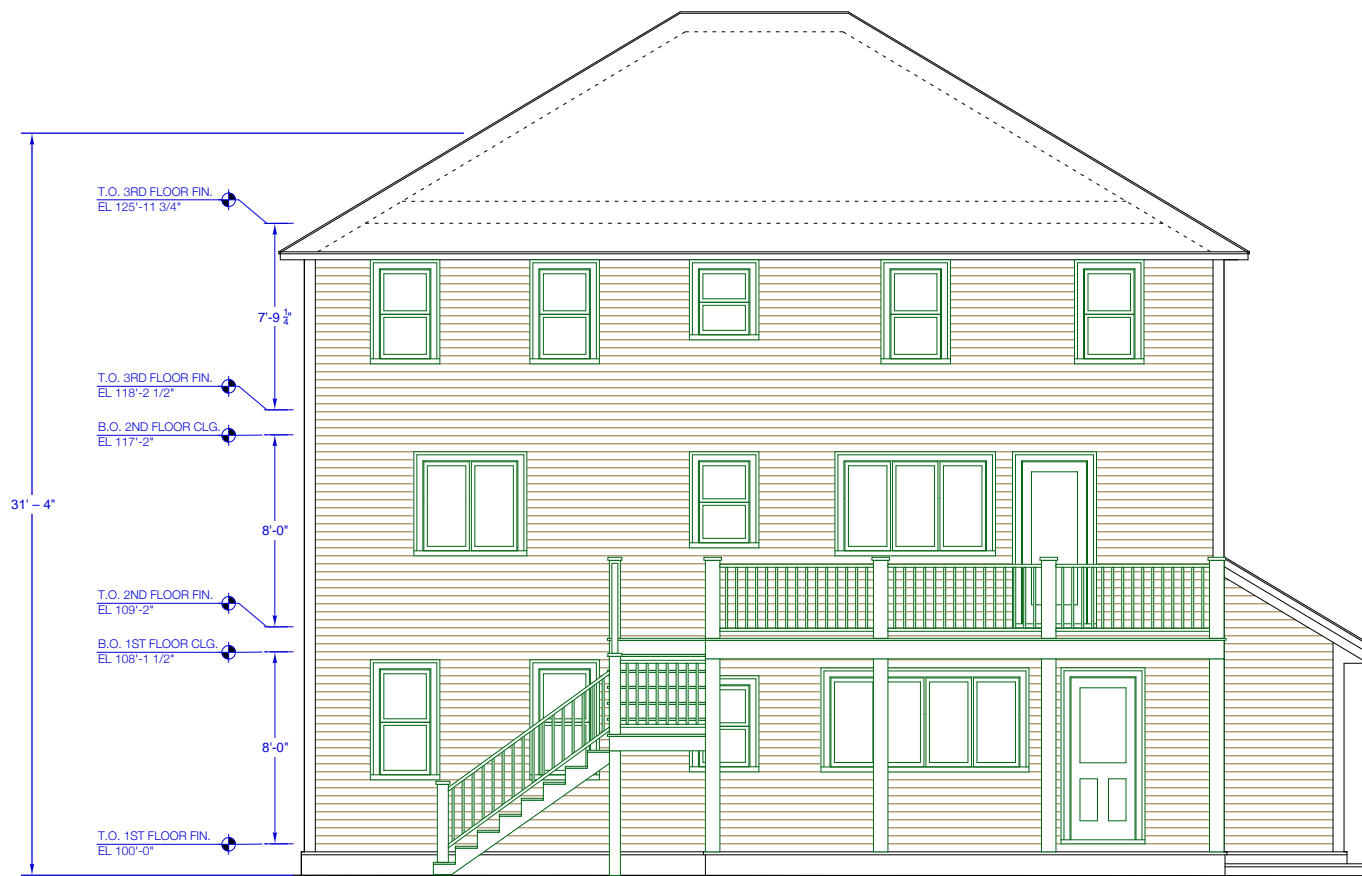
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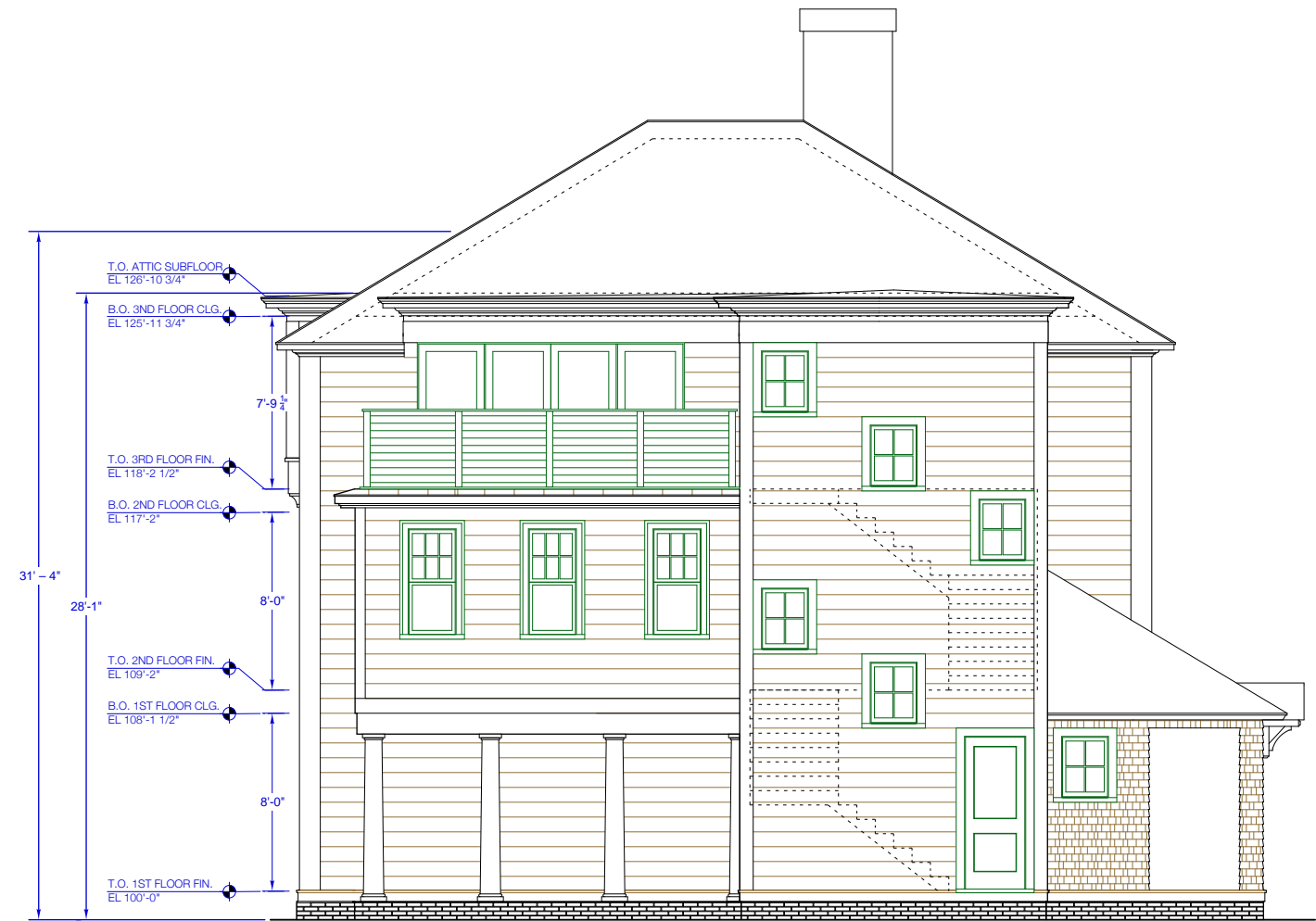
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REVISIONS



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



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

Existing + Proposed West Elevations

02 February 2018

Scale: As Noted

Project No.: 2532

A07

