

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

Petitioner: Kathleen + William Kilmartin

Mailing Address: 18 Beechtree Circle Wakefield, MA 01880

Phone: 781-883-6059 Email: william.kilmartin@accenture.com

Property Address: 9 Basin Street Newburyport, MA

Map and Lot(s): 76 / 85 Zoning District: R3

Book and Page(s): 35614 / 68

Owner(s) Name: Kathleen + William Kilmartin

Mailing Address (if different): Same

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

- | | |
|--|---|
| <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 checked="" 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 Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request: The project involves putting a second floor on a section of the existing building that is currently single story. Additionally, we will be enclosing the ceiling of what is now a 2 story space and creating the 3rd bedroom out of that space.

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	8750		13%	18.9%	21.9	70	4	20	7	20.2	35
Proposed	8750		13%	24.9%	21.9	70	4	20	7	20.2	35
Required	12000		20%	25%	35	120	2	20	20	20	20

*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>1028</u>	<u>2</u>	<u>1476</u>	<u>101</u>
<u>84</u>	<u>1</u>	<u>84</u>	<u>shed</u>

Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1028</u>	<u>2</u>	<u>2179</u>	<u>101</u>
<u>84</u>	<u>1</u>	<u>84</u>	<u>shed</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):

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER
ZONING DENIAL

City APR#: 81

Name: Kathy + William Kilmarck / Bill Barrett

Address: 9 Basin St Zoning District: R7U (PIOD)

Request: CONSTRUCT 2ND STORY ADDITION INTENSIFYING

EXISTING NON-COMFORMANCE FOR SIDE SETBACK

ZONING BOARD

Dimensional Variance

<input type="checkbox"/> Dimensional Controls (VI)	<input type="checkbox"/> PIOD (XXI)	<input type="checkbox"/> Parking (VII)
___ Lot Area	___ FAR	
___ Open Space	___ 2 1/2 stories	
___ Front Yard		
___ Lot Frontage		
___ Height		
___ Side Yard		
___ Lot Coverage		
___ Lot Width		
___ Rear Yard		

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
 - ___ Upward Extension
 - ___ Open Space
 - ___ Height
 - ___ Lot Area
 - ___ Over 500 s.f. increase (IX.B.3.c)
 - ___ Plum Island Overlay District (XXI-G-3)
 - ___ FAR
 - ___ Footprint Expansion
 - ___ Rear Yard
 - ___ Lot Coverage
 - Side Yard
 - ___ Lot Frontage
 - ___ Front Yard
 - ___ Height Increase
 - ___ # of bedrooms

PLANNING BOARD

Special Permit

<input type="checkbox"/> One residential structure per lot (VI.C)	<input type="checkbox"/> Courts and Lanes (XXIII)
<input type="checkbox"/> Floodplain (XIII)	<input type="checkbox"/> Waterfront West Overlay District (XXIV)
<input type="checkbox"/> Open Space Residential Development (XIV)	<input type="checkbox"/> Towle Complex Redev. Overlay District (XXV)
<input type="checkbox"/> Water Resource Protection District (XIX)	<input type="checkbox"/> Downtown Overlay District (XXVII)
<input type="checkbox"/> Federal Street Overlay District (XXII)	

Site Plan Review (XV)

Major Minor

Smart Growth District (XXIX)

Plan Approval

HISTORICAL COMMISSION

Demo. Delay Advisory Review

CONSERVATION COMMISSION (completed)

CITY COUNCIL

GACM (X.H.9)

12/16/17
Date

[Signature]

Application To Newburyport Zoning Board of Appeals

9 Basin Street

Applicant: Kathleen and William Kilmartin – 18 Beechtree Circle Wakefield, MA 01880

Representing Applicant: William Barrett. 1 Jackson Way Newbury, MA 01951 Phone: 508-509-3040

Identify the particular use existing or proposed for the land or structure.

9 Basin Street is currently a single family, 2 story, 3 bedroom dwelling. The Applicant proposes to add a second floor to a portion of the building that is currently single story.

Identify the particular respect in which the existing structure or use does not conform to the requirements of present Zoning.

- The existing lot is non-conforming due to lot size, (less than 12000 sq. ft. required).
- The existing structure is non-conforming due to its lot frontage at 70'. (120' required).
- The existing Structure is non-conforming due to its south side yard setback at 7' (20' required).

Identify whether the proposed use, extension, alteration or addition would intensify the existing non-conformities or result in additional ones.

- No new non-conformities will result due to the proposed construction.
- Right side setback will stay the same
- The front setback will stay the same.
- The left setback will stay the same at 7'.
- The rear setback will stay the same
- The lot Coverage percentage shall stay the same.
- The new FAR shall be conforming at 24.9%

Identify the facts relied upon to support the petition that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.

The proposed construction shall not be more detrimental as all of the ground level setbacks will remain the same. The existing home already has a portion of the building that is 2 stories and we will not be exceeding that existing building height. Additionally, the proposed new home will be of similar design and stature as most others in the immediate area and will also be far under the allowed building height limitations at 21.9'.

We respectfully ask that the Board issue a finding in favor of a Special Permit for Non-Conformities.

9 BASIN RD

Location 9 BASIN RD

Mblu 76/ 85/ / /

Owner KILMARTIN WILLIAM W

Assessment \$730,100

PID 5272

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$304,600	\$425,500	\$730,100

Owner of Record

Owner KILMARTIN WILLIAM W
Co-Owner KATHLEEN A T/E
Address 18 BEECHTREE CIRCLE
WAKEFIELD, MA 01880

Sale Price \$750,000
Certificate
Book & Page 32997/0287
Sale Date 12/05/2013
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KILMARTIN WILLIAM W	\$750,000		32997/0287	00	12/05/2013
MILLER JAMES A TRS	\$0		28946/0153	1F	09/24/2009
DIGREZIO NANCY T	\$265,000		14301/0336	00	09/03/1997
WITHAM DAVID J.	\$246,000		12207 0367	1A	10/29/1993
ENDSLOW ANNE	\$0		11838 0022	1A	04/22/1993

Building Information

Building 1 : Section 1

Year Built: 1987

Living Area: 1,476

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

Land Use

Use Code 1013
Description SFR WATER
Zone R3

Land Line Valuation

Size (Acres) 0.20
Depth 0
Assessed Value \$425,500

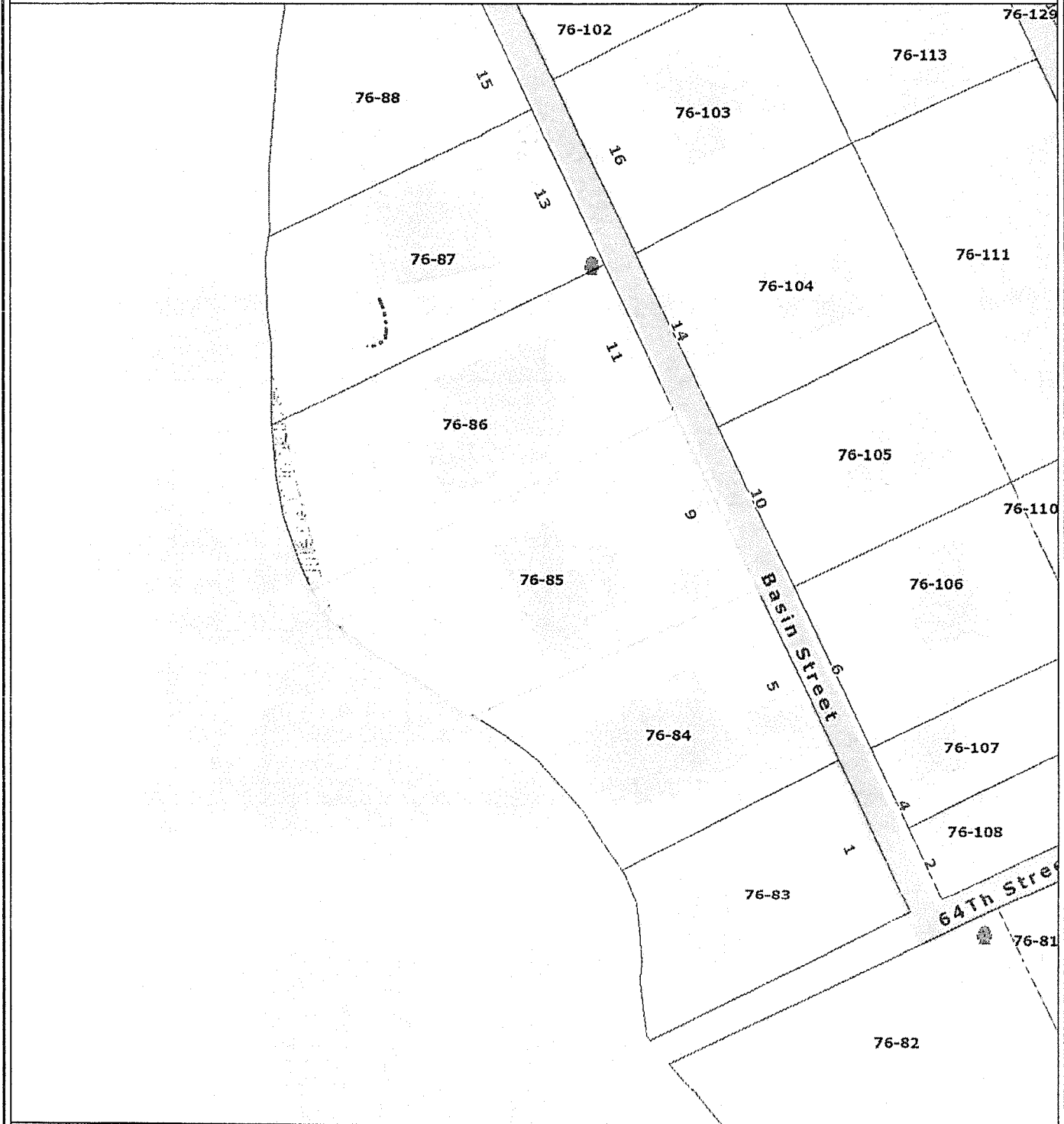
Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
WDK	WOOD DECK			81 S.F.	\$800	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$301,300	\$395,100	\$696,400

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- MVPC Bo
 - Newburyport Boundary
 - Trees
 - Immediate Action Needed
 - No Action Needed
 - Unknown
 - Railroad
 - Parcels
 - Sidewalks
 - Water System
 - ⊕ Hydrant
 - Trails
 - Building Footprints
 - Driveways
 - Easements
- Road Right of Way
 - Paved
 - Unpaved
 - Hydrographic Features
 - Streams
 - Stream
 - Intermittent Stream
 - Wetlands
 - City
 - City and State
 - State
 - Exempt Lands
 - Recreation Areas
- 1" = 51 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

EXISTING LIVING AREA

EXISTING LAYOUT TO
REMAIN THIS AREA

14'

20'

EXISTING
BATHRM

ENTRY

EXISTING
ENTRY
PORCH AND
STAIR

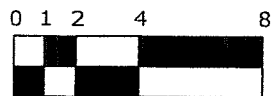
EXISTING
BEDROOM

EXISTING
BEDROOM

10'

22'

9'-8 $\frac{1}{2}$ '

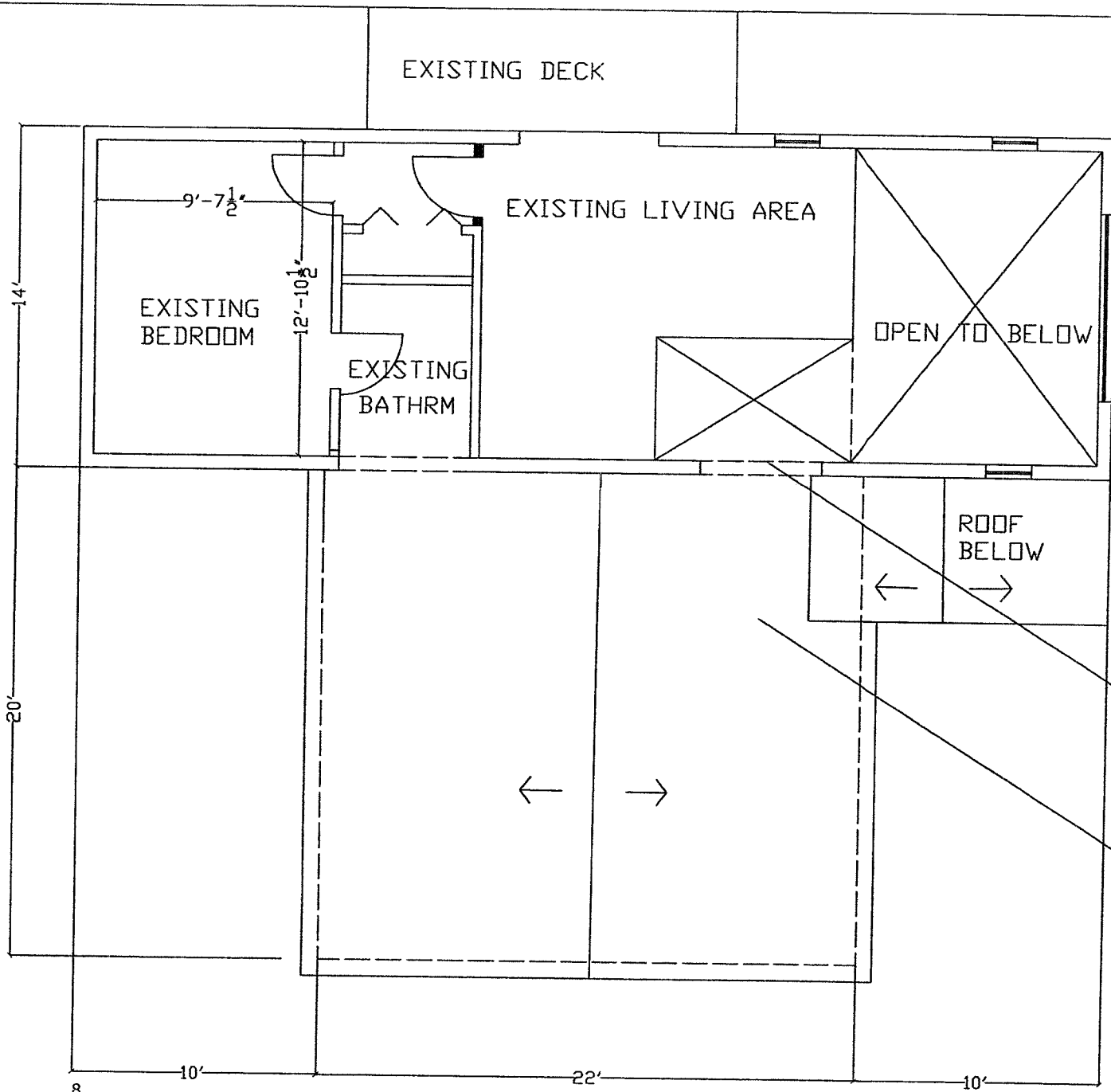


9 BASIN ST
NEWBURYPORT, MA

ALL DIMS TO BE
VERIFIED IN THE
FIELD. BASED ON
ACCESSORS PLAN
DOCUMENTATION AND
FIELD DOCUMENTATION

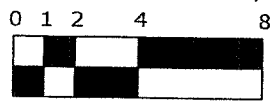


EXISTING
FIRST LEVEL
NOVEMBER 27, 2017



DEMO WALL AT CONNECTION TO SECOND FLOOR ADDITION

EXISTING ROOF BELOW



9 BASIN ST
NEWBURYPORT, MA

EXISTING
SECOND LEVEL
NOVEMBER 27, 2017

EXISTING LIVING AREA

EXISTING LAYOUT TO REMAIN, SPIRAL STAIR REMOVED AND NEW FLOORING AT ENTRY

EXISTING

14'

20'

EXISTING BATHRM

ENTRY

ENTRY PORCH

RELOCATED EXISTING HEATING UNITS IN ENTRY

STAIR DN TO EXISTING BSMNT

COORDINATE RUN START WITH EXISTING SEWER PIPES IN BASEMENT IN THIS APRX LOCATION

UP

DN

OFFICE/DEN

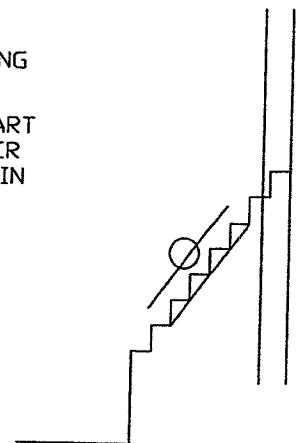
CLOSET

SHELVING AND FILE ALCOVE

NEW CEILING THIS ROOM

NEW INFILL AND SIDING AT EXISTING WINDOWS

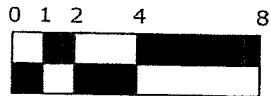
NEW PARTITIONS THIS AREA



SCHEMATIC SECTION AT BASEMENT STAIR AND PLUMBING



PROPOSED FIRST LEVEL
DECEMBER 15, 2017

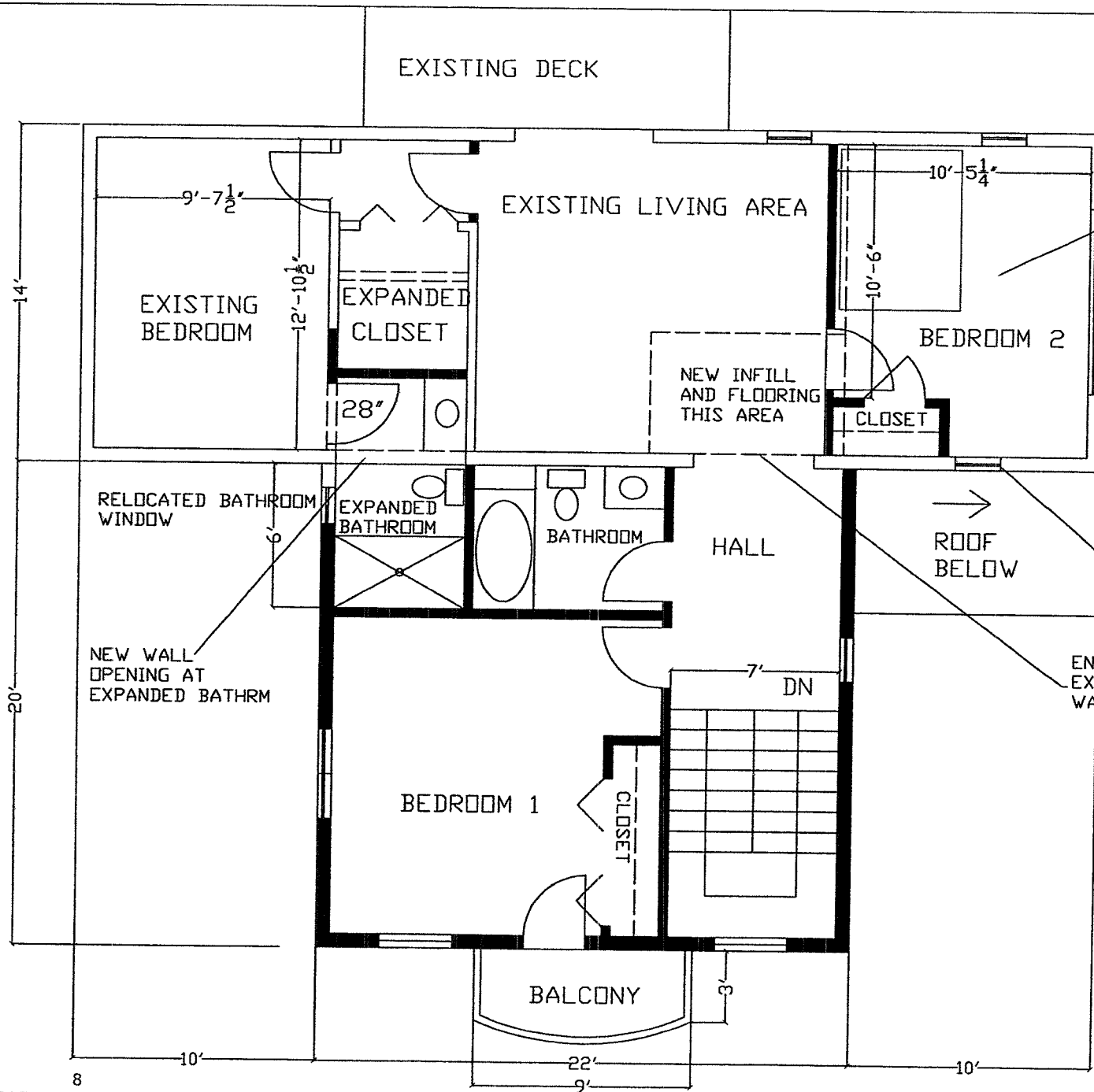


10'

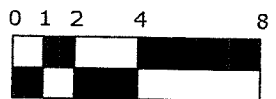
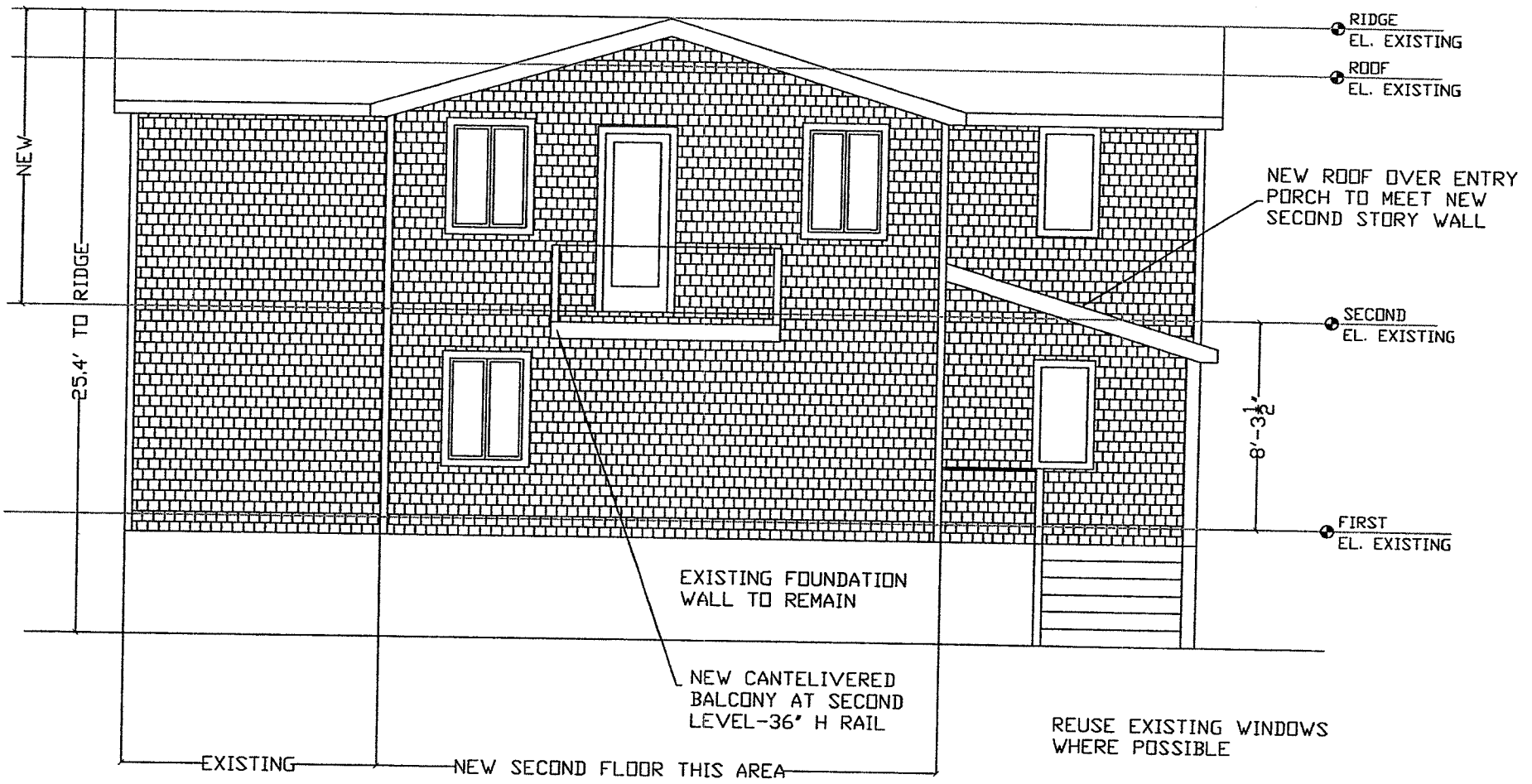
22'

10'

9 BASIN ST
NEWBURYPORT, MA

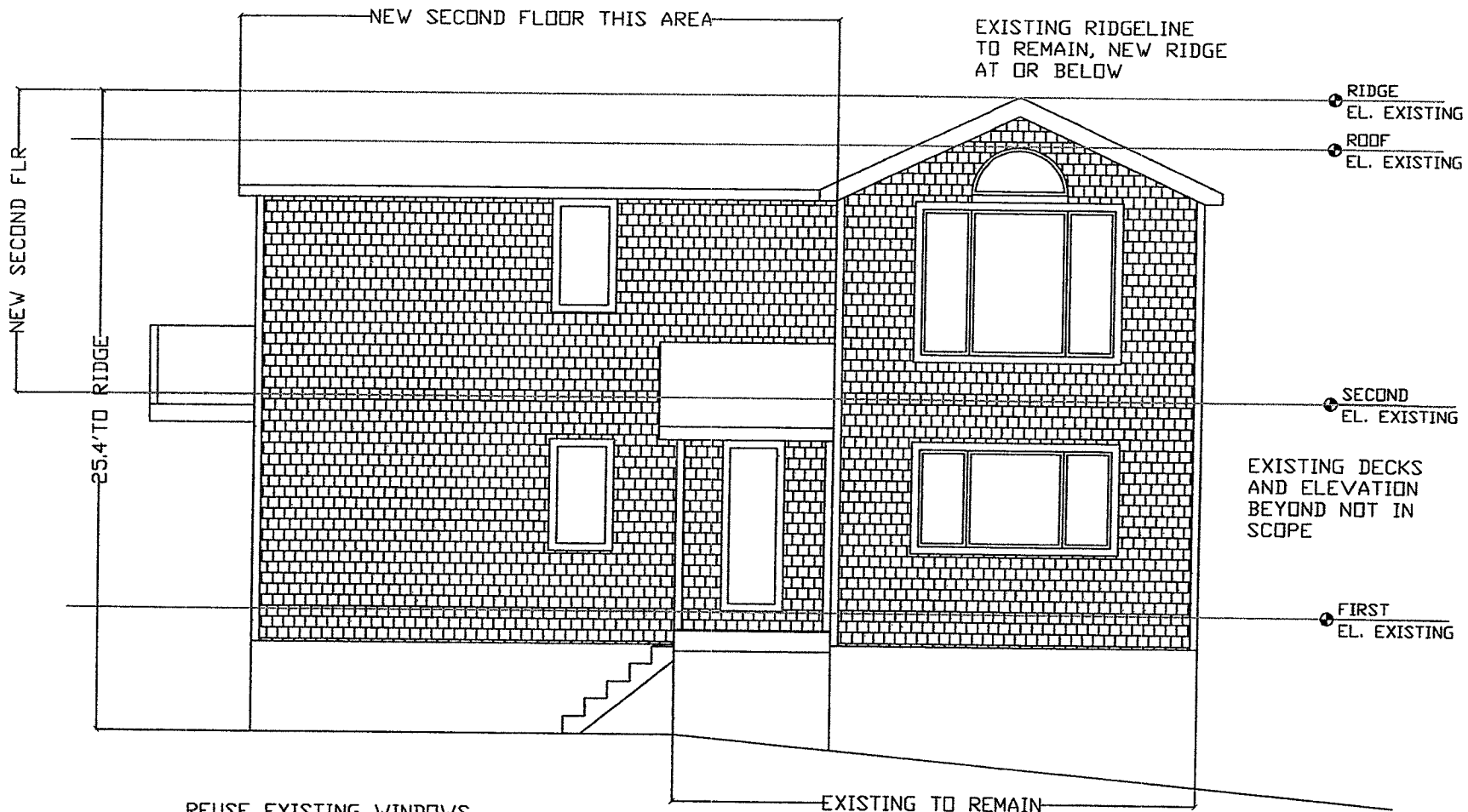


EXISTING RIDGELINE TO
REMAIN



9 BASIN ST
NEWBURYPORT, MA

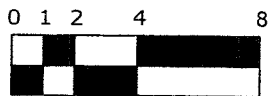
PROPOSED
EAST ELEVATION
DECEMBER 20, 2017



REUSE EXISTING WINDOWS WHERE POSSIBLE

ALL PROPOSED WORK TO BE BELOW EXISTING ROOF RIDGE

MATCH EXISTING FAUX SHINGLE SIDING AT NEW WALLS AND RELOCATED WINDOWS



9 BASIN ST
NEWBURYPORT, MA

PROPOSED
NORTH ELEVATION
DECEMBER 20, 2017

EXISTING RIDGELINE
TO REMAIN, NEW RIDGE
AT OR BELOW

NEW SECOND FLOOR THIS AREA

RIDGE
EL. EXISTING
ROOF
EL. EXISTING

EXISTING
WINDOWS AND
SIDING TO
REMAIN

NEW SECOND FLOOR

SECOND
EL. EXISTING

25.4' TO RIDGE

EXISTING DECKS
AND ELEVATION
BEYOND NOT IN
SCOPE

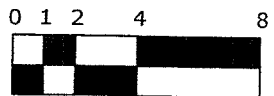
FIRST
EL. EXISTING

EXISTING

REUSE EXISTING WINDOWS
WHERE POSSIBLE

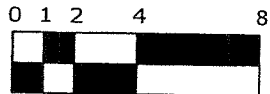
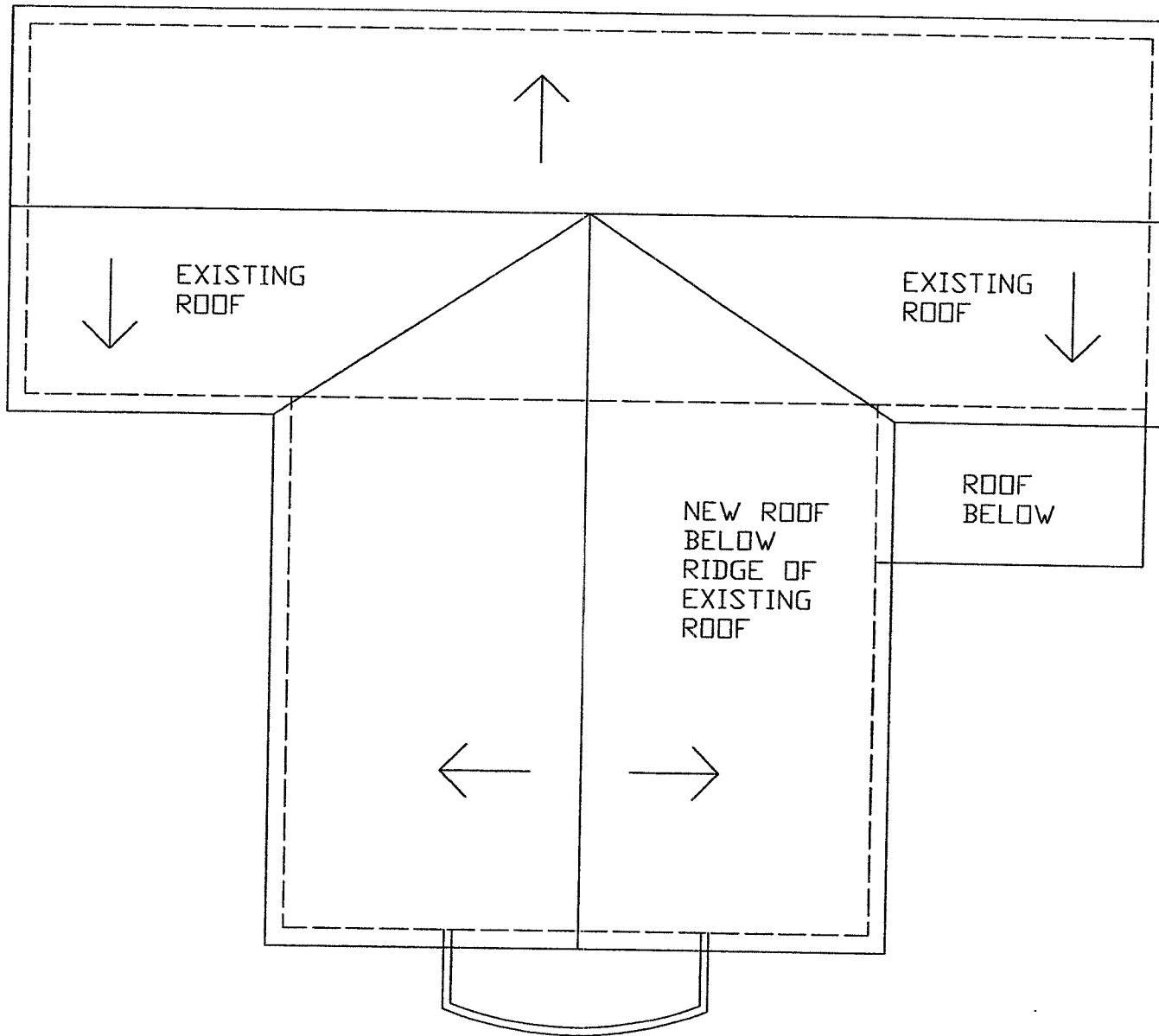
ALL PROPOSED WORK TO
BE BELOW EXISTING ROOF
RIDGE

MATCH EXISTING FAUX SHINGLE
SIDING AT NEW WALLS AND
RELOCATED WINDOWS

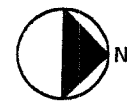


9 BASIN ST
NEWBURYPORT, MA

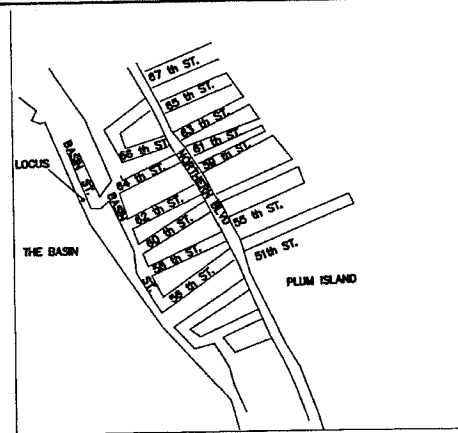
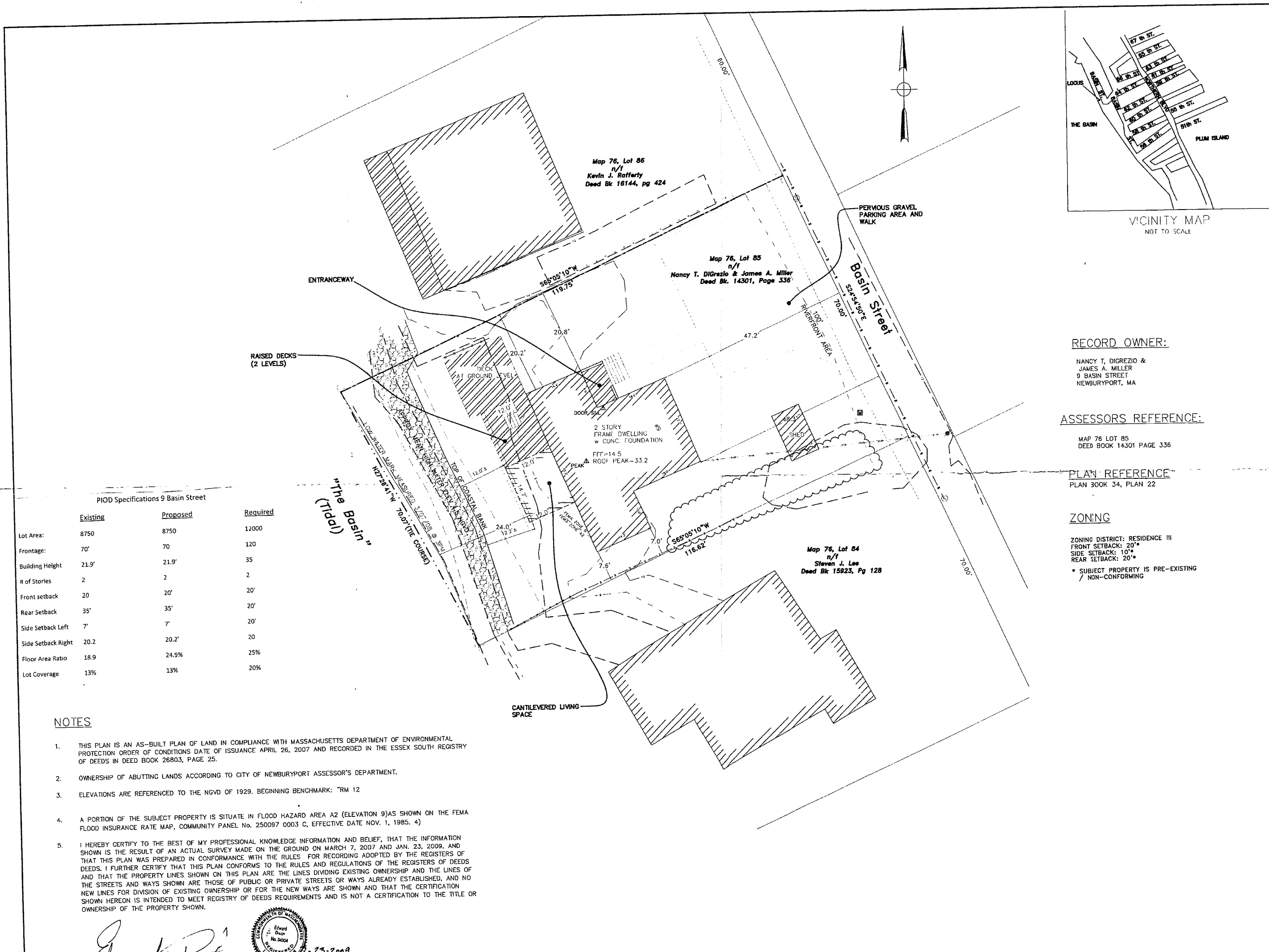
PROPOSED
SOUTH ELEVATION
DECEMBER 20, 2017



9 BASIN ST
NEWBURYPORT, MA



PROPOSED
ROOF LEVEL
NOVEMBER 27, 2017



FOR REGISTRY OF DEEDS USE

Site:
9 Basin Street
Newburyport, MA

Prepared for:
**THE HOUSE DOCTOR
OF STRATHAM, NH**

RECORD OWNER:

NANCY T. DIGREZIO &
JAMES A. MILLER
9 BASIN STREET
NEWBURYPORT, MA

ASSESSORS REFERENCE:

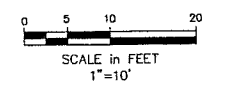
MAP 76 LOT 85
DEED BOOK 14301 PAGE 336

PLAN REFERENCE:

PLAN BOOK 34, PLAN 22

ZONING

ZONING DISTRICT: RESIDENCE III
FRONT SETBACK: 20'
SIDE SETBACK: 10'
REAR SETBACK: 20'
* SUBJECT PROPERTY IS PRE-EXISTING / NON-CONFORMING



OAK ENGINEERS
Brown's Wharf
Newburyport, MA 01950
Tel. (978) 465-9877
Fax (978) 465-2986
www.oakengineers.com

AS-BUILT PLAN OF LAND

No.	Revision/Issue	Date

Design by:	EDX	Checked by:	EJC
Drawn by:	EDX	Approved by:	EDX
Project:	074017	Date:	03/09/07

Sheet: **S1**

PIOD Specifications 9 Basin Street

	Existing	Proposed	Required
Lot Area:	8750	8750	12000
Frontage:	70'	70	120
Building Height	21.9'	21.9'	35
# of Stories	2	2	2
Front setback	20	20'	20'
Rear Setback	35'	35'	20'
Side Setback Left	7'	7'	20'
Side Setback Right	20.2	20.2'	20
Floor Area Ratio	18.9	24.9%	25%
Lot Coverage	13%	13%	20%

NOTES

- THIS PLAN IS AN AS-BUILT PLAN OF LAND IN COMPLIANCE WITH MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION ORDER OF CONDITIONS DATE OF ISSUANCE APRIL 26, 2007 AND RECORDED IN THE ESSEX SOUTH REGISTRY OF DEEDS IN DEED BOOK 26803, PAGE 25.
- OWNERSHIP OF ABUTTING LANDS ACCORDING TO CITY OF NEWBURYPORT ASSESSOR'S DEPARTMENT.
- ELEVATIONS ARE REFERENCED TO THE NGVD OF 1929. BEGINNING BENCHMARK: "RM 12
- A PORTION OF THE SUBJECT PROPERTY IS SITUATE IN FLOOD HAZARD AREA A2 (ELEVATION 9) AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 250097 0003 C, EFFECTIVE DATE NOV. 1, 1985. 4)
- I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE INFORMATION AND BELIEF, THAT THE INFORMATION SHOWN IS THE RESULT OF AN ACTUAL SURVEY MADE ON THE GROUND ON MARCH 7, 2007 AND JAN. 23, 2009, AND THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES FOR RECORDING ADOPTED BY THE REGISTERS OF DEEDS. I FURTHER CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS AND 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 THAT THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

Edward Deon
REGISTERED PROFESSIONAL LAND SURVEYOR
DATE: 2-23-2009

