

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

Petitioner: Nathaniel Norton c/o Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 8 Cushing Ave

Map and Lot(s): 69/50 Zoning District: R-2

Book and Page(s): 36962/83

Owner(s) Name: 8 Cushing Avenue LLC

Mailing Address (if different): 8 New Street, Newburyport MA 01950

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 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 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"/> Use | |

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

Description of request:

Renovate existing structure by removing part of the structure and adding new second floor and attic space.

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

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	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	10,767	70	20.8	NA	>35	111	2	15.4	7.8	33.9	35.4
Proposed	10,767	70	21.3	NA	>35	111	2	15.4	7.8	33.9	31.4
Required	10,000	40	25	NA	35	90	2	25	25	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**
1,144	1 1/2	1,144	101

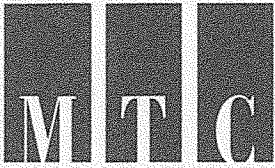
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1,324	2 1/2	3,448	101

**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):



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950

Phone 978.463.7700

Fax 978.463.7747

www.mtclawyers.com

August 28, 2018

By Hand

Ed Ramsdell, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for a Special Permit;
8 Cushing Ave., Newburyport, MA (the "Property");
Assessor's Map: 69 Lot 50

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the Nathaniel Norton, the contractor for the owners of 8 Cushing Avenue (the "Petitioner"), relative to renovation and addition to be constructed at the Property. The Property is located in the R-2 zoning district and consists of 10,767 square feet of land with 111.0 feet of frontage on Cushing Avenue. There is currently a non-conforming front yard setbacks on Moulton Street and Cushing Avenue of 7.8" and 15.4 feet respectively. Otherwise, the Property complies with the Newburyport Zoning Ordinance.

The Petitioner proposes to remove a portion of the structure and construct a second and one half story addition along with a small addition to the rear. There will be an upward extension of the current non-conformities, but otherwise no new non-conformities will be created.

The Applicant has received a release of the demolition delay from the Historic Commission and is permitted to move forward with the construction pending this Board's approval.

To proceed with the Project, Petitioners will require a special permit to modify the pre-existing non-conforming structure on a lot with insufficient front yard setbacks in accordance with section IXB(2)(A) and IXB(3)(c) of the NZO where the addition is more than 500 square feet.

Section IX-B(2)(A) and (3)(C) allows for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that:

1. There will be no addition of a new non-conformity, and
2. That the proposed changes will not be substantially more detrimental to the neighborhood.

a. Further section IX-B(3)(C) of the NZO provides that any extension or alteration of the principal structure on a lot with insufficient area or frontage would

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Millis, MA 02054

Phone 508.376.8400

increase the floor area of a dwelling unit by more than 500 square feet requires a special permit under section IX(B)(2).

To address the first inquiry, as is shown on the plans, there will be no new non-conformities.

Next the Board must find that the proposed change is not substantially more detrimental to the neighborhood than the existing structure. Importantly, the Petitioner is proposing no new nonconformities. The upward extension and creation of a second and additional ½ story is consistent with the recent work in this neighborhood. As you can see from the Assessor's Card the current home has a very modest 1,144 square feet one floor living space. The lot more than complies with the area requirements of the Ordinance and a home with two stories is appropriate for the neighborhood. Indeed, as you can see from the renderings provided, the new home is entirely consistent with other surrounding homes. Across the street on Cushing is a two story home and diagonally across the intersection on Moulton is a 2 ½ story home. Importantly, this home is on the opposite side of the lot closer to Moulton Street than the single story home further down on Cushing. With Moulton Street frontage, the home is in line with the other homes on Moulton Street. All of the homes on Cushing are 2 or 2 plus stories but for the Property and 10 Cushing Ave. Given the location of the home on the lot and the size of the lot the new height of the home will not impact the surrounding properties.

The renovated home will be in keeping with the neighborhood and provide an appropriate transition for the Moulton Street / Cushing Avenue corner in the neighborhood.

The Petitioner respectfully requests you grant a Special Permit to modify the existing non-conforming structure.

Respectfully submitted
Nathaniel Norton
By his Attorney



Lisa L. Mead

Attachment
cc: Client

CITY OF NEWBURYPORT, MA
ZONING REVIEW (BUILDING PERMIT DENIAL)

APR# 2018-052

Name: Nat Norton

Address: 8 Cushing Ave Zoning District(s): R2

Request: Construct a second story addition above existing nonconforming single family house.
Existing home is nonconforming for front yard setbacks on a corner lot.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

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 ___ 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
 ___ Lot Coverage ___ 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 ___ 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)

Site Plan Review (XV)

- Major Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- ^{PROFILE} Demo. Delay *Advisory Review

NHC DETERMINED 7/11 THAT STRUCTURE WAS NOT CONSIDERED FOR

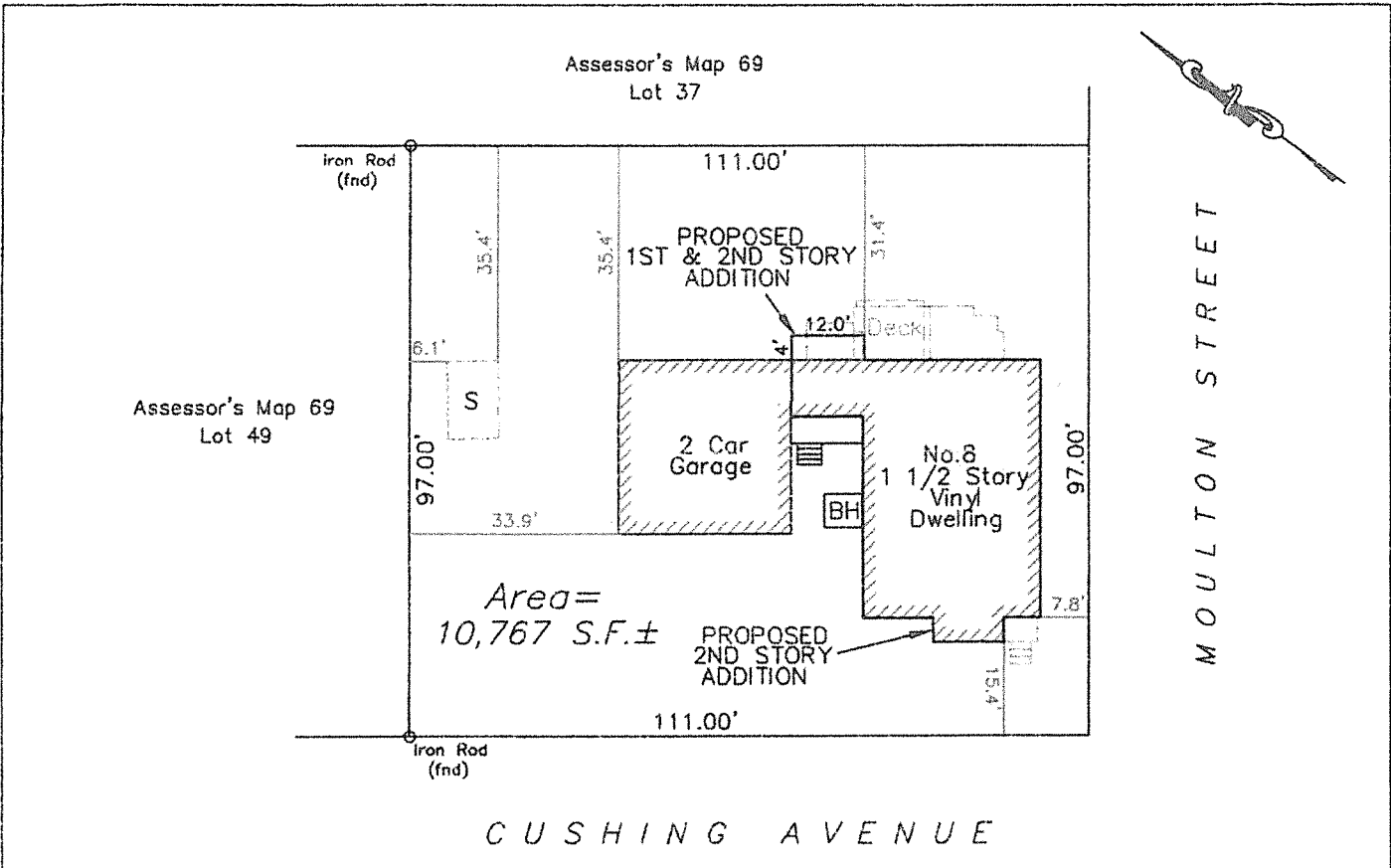
CONSERVATION COMMISSION REVIEW REQUIRED

PRESERVATION

CITY COUNCIL REVIEW REQUIRED (X.H.9)

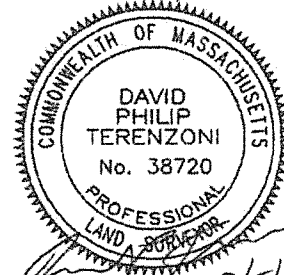

Newburyport Zoning Administrator

7/17/2018
Date



ZONING DISTRICT
RESIDENCE R2 – One Family

ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 SF	10,767 SF	10,767 SF
LOT FRONTAGE	90 FT	111.0 FT	111.0 FT
FRONT YARD A	25 FT	15.4 FT	15.4 FT
FRONT YARD B	25 FT	7.8 FT	7.8 FT
SIDE YARD A	10 FT	33.9 FT	33.9 FT
REAR YARD	25 FT	35.4 FT	31.4 FT
LOT COVERAGE	25%	20.8%	21.3%
OPEN SPACE	40%	70%	70%



PLOT PLAN OF LAND NEWBURYPORT, MA.

PREPARED FOR:
NATHANIEL C. NORTON
8 CUSHING AVENUE

SCALE: 1"=30' DATE: AUGUST 5, 2018

DAVID P. TEREZONI, P.L.S.
4 ALLEN ROAD, PEABODY, MA. 01960

Zoning District: R-2
Deed Reference: Book 30847, Page 42
Assessor's Map 69, Lot 50

8 CUSHING AVE

Location 8 CUSHING AVE

Mblu 69/ 50/ / /

Owner JEFFERS JANE A

Assessment \$403,000

PID 4651

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$141,300	\$261,700	\$403,000

Owner of Record

Owner JEFFERS JANE A
Co-Owner STEVEN J HAGER J/T
Address 460 E BROADWAY
 HAVERHILL, MA 01830

Sale Price \$230,000
Certificate
Book & Page 30847/0042
Sale Date 11/18/2011
Instrument 1L

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
JEFFERS JANE A	\$230,000		30847/0042	1L	11/18/2011
FOURNIER JOHN P	\$130,000		14130/0201	00	05/29/1997
WOODSUM EDNA F LI & GEORGE E	\$1		10110/0564	1A	08/14/1989
WOODSUM EDNA F	\$0		5077/ 368		

Building Information

Building 1 : Section 1

Year Built: 1940
Living Area: 1,144

Building Photo

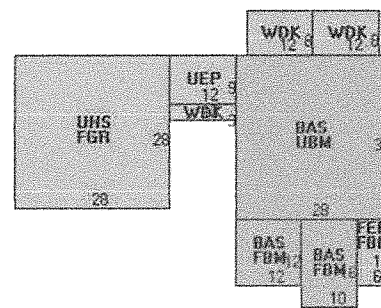
Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Aluminum Sidng
Exterior Wall 2	Vinyl Siding
Roof Structure:	Gable/Hip

Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//01\00\56\96.jpg>)

Building Layout



Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,144	1,144
FBM	Basement, Finished	376	0
FEP	Porch, Enclosed	72	0
FGR	Garage, Attached	784	0
UBM	Basement, Unfinished	840	0
UEP	Porch, Enclosed, Unfinished	108	0
UHS	Half Story, Unfinished	784	0
WDK	Deck, Wood	228	0
		4,336	1,144

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code	1010	Size (Acres)	0.24
Description	SINGLE FAM	Depth	0
Zone	R2	Assessed Value	\$261,700

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$141,300	\$249,300	\$390,600

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