



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

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By Hand

Rob Ciampitti, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Special Permit for Nonconformities;
143 Crow Lane, Newburyport, MA (the "Property")
Assessor's Map: 93 Lot: 4

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Joseph O'Donnell and Kellye Van Liere-O'Donnell (collectively the "Applicant"), the owners of the Property, relative to a proposed addition to the western side and rear of the existing single family structure on the Property which includes an attached garage. The Applicant seeks a Special Permit for Nonconformities.

The Property is located in the R1 Zoning District under the Newburyport Zoning Ordinance (the "Ordinance") and is a one story ranch style single-family home. The structure was constructed in 1966 and is not historic.

The Property has existing non-conformities for lot size, frontage, front yard setback, and one side yard setback on the eastern side of the Property. The R1 District requires a minimum lot area of 20,000 square feet where this lot has 16,500 square feet, 125 feet of frontage where this lot has 100 feet, a front yard setback of 30 feet where the front yard setback measures 27.1 feet, and 20 foot side yard setbacks where the east side setback is 11.2 feet.

The Applicant proposes to construct an addition to the western side and rear of the Property that includes a two car garage and additional rooms. The proposed addition itself will not exacerbate these existing nonconformities nor create any new nonconformities. The proposed addition itself will have a front yard setback of 34 feet, a side yard setback of 22 feet on the western side of the lot while being greater than 20 feet from the eastern side yard setback, will have a 45 foot setback from the rear yard where 30 feet is required, and will have a mean height of 22 feet where 30 feet is the maximum allowed. Additionally, the lot coverage will be increased from 7.01% to 16.1%, which is still under the maximum 20% allowed and Open Space will decrease from 83.1% to 73.9%, which is still much greater than the minimum 50% required.

However, because the addition is adding a total of 1,508 square feet onto a non-conforming one or two family structure, it requires a Special Permit per Section IX-

Millis Office

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

B(3)(C) of the Newburyport Zoning Ordinance as this is more than 500 square feet and the Property has insufficient lot area and frontage.

Section IX-B(3)(C) of the Ordinance allows construction of more than 500 square feet on single and two-family structures on lots with insufficient lot area or frontage where the criteria of Section IX-B(2) are met. These criteria are:

- A. there will be no addition of a new non-conformity; and**
- B. the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

As to the first requirement, there is no new non-conformity being created. As aforementioned, the proposed addition itself is entirely conforming and will not alter, extend, or exacerbate any of the existing nonconformities on the Property.

The next finding the board can make is that the proposed addition will not be substantially more detrimental to the neighborhood than the existing structure. By constructing the addition to the rear and westerly sides of the Property in a way that is entirely conforming with the dimensional requirements, the proposed addition is mindful to minimize its impact on the surrounding neighborhood by not creating any new nonconformities, nor extending any existing nonconformities. The Architect has been able to utilize the topography of the lot as the middle and western portions of the lot are elevated and the eastern side drops off. The proposed addition is to be built partially into the ground on the western side of the Property, helping to minimize height disparities between the existing house and proposed addition while also allowing the Applicants to add space in a way that does not radically change the appearance of the structure. While the portion of the addition with the garage will be slightly taller than the existing ranch house, it will be constructed towards the rear of Property partially behind and to the side of the existing structure and have minimal effect on the streetscape. Lastly, it bears mentioning that the use is remaining as single family, the least intense use possible in a primarily single family residential neighborhood.

Also, while Crow Lane is a street that contains a number of ranch style houses, Crow Lane, and the nearby streets of Goldsmith Drive, Bartlett Drive, Knights Lane, Virginia Lane, and Storeybrooke Road show many examples of larger single family structures than what is being proposed. The structure with the proposed addition will be neither the smallest nor the largest structure in the neighborhood. As shown in the neighborhood photographs included in with the application, there are many examples of ranch or split level style houses that have added large additions including building entire floors onto single story structures and/or attached garages to the sides of the structures. The neighborhood is evolving where many houses are becoming larger by way of additions.

In summary, there is ample reason to find that the Applicant's proposed addition will not be substantially more detrimental to the neighborhood than the existing structure. Please do not hesitate to contact me at 978-463-7700 if you have any questions.

Respectfully submitted
Joseph O'Donnell and Kellye Van Liere-O'Donnell

By their Attorney


Lisa L. Mead

Attachment

cc: client