

**City of Newburyport Zoning Board of Appeals  
Application for a SPECIAL PERMIT**

Petitioner: Joel and Marybeth Martens

Mailing Address: 50 Bayberry Road Newburyport, MA 01950

Phone: 978-255-2840 Email: mjmartens2010@gmail.com

Property Address: 50 Bayberry Road Newburyport, MA 01950

Map and Lot(s): \_\_\_\_\_ Zoning District: R1

Book and Page(s): \_\_\_\_\_

Owner(s) Name: Joel and Marybeth Martens

Mailing Address (if different): \_\_\_\_\_

The applicant is requesting a Special Permit under section(s):

- |   |  |
|---|--|
| <input type="checkbox"/> Special Permit for Use (V.D) – Use # _____                                 | <input type="checkbox"/> Personal Wireless Communication Services (XX) |
| <input type="checkbox"/> Spacing (VI.D)   | <input type="checkbox"/> Wind Energy Conversion Facilities (XXVI)      |
| <input checked="" type="checkbox"/> In-Law Apartment (XIIA)<br>*Include In-Law Apartment Attachment | <input type="checkbox"/> Other _____                                   |
| <input type="checkbox"/> Bonus Provisions for Multifamily Developments (XVI)                        |  |

Brief description of request:

**Requesting in-law apartment special permit to allow disabled parent to move in and be taken care of.**

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. 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.

By checking this box and typing my name below, I am electronically signing this application.

Joel Martens    Marybeth Martens  
Petitioner

By checking this box and typing my name below, I am electronically signing this application.

\_\_\_\_\_  
Owner (if different)

**City of Newburyport Zoning Board of Appeals  
IN-LAW APARTMENT Attachment**

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Please attach this completed form to the application for Special Permit.

Petitioner: Marybeth and Joel Martens

Property Address: 50 Bayberry Road Newburyport, MA 01950

I hereby certify that the in-law apartment will be occupied by:  Parents  Grandparents  
 Children  Grandchildren

Please choose one:  Dimensional requirements will be met for any new construction  
 Additional permits are being sought for new construction  
 There will be no new construction. Any alterations will be within the existing structure.

The gross floor area of the in-law apartment will be: 690 square feet

The gross floor area of all *new* construction for the in-law apartment will be: 420 square feet

Total number of parking spaces proposed: 1

I understand that in the eleventh and twenty-third months following the grant of a special permit, the homeowner shall certify, under the pains and penalties of perjury that the in-law apartment is in compliance and occupied by parents, grandparents, children, or grandchildren. I also understand that at the expiration of three (3) years from its granting, the special permit shall expire unless renewed by the ZBA upon application.

By checking this box and typing my name below, I am electronically signing this application.

Joel Martens Marybeth Martens

Petitioner

By checking this box and typing my name below, I am electronically signing this application.

\_\_\_\_\_  
Owner (if different)

ZONING DETERMINATION

Name: Marybeth nd Joel Martens

Address: 50 Bayberry Road, Newburyport MA

Zoning District(s): R1

Request: Construct an in-law suite attached to a single family property. The addition will project in to the required front yard setback at the non primary front yard on a corner lot.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

Other

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

- Demo. Delay
\*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

The name typed below represents the intent to sign the foregoing document:

Jennifer T. Blanchet

6/16/2020

Newburyport Zoning Administrator

Date

July 20, 2020

To the Attention of the City of Newburyport Zoning Board of Appeals:

This is a request for a Special Permit for 50 Bayberry Road, a corner lot. The requested use as listed in the table of use regulations is for an Accessory Unit, previously In-Law Apartment, for the purpose of a Newburyport involved family to provide close care to their mother, who possesses multiple physical disabilities, and father. The addition of the unit will project into the required front yard setback at the non primary front yard. If this was not a corner lot the addition of the unit would not have impeded on a regulatory side set-back.

The requested addition of an in-law apartment will not inconvenience the neighborhood as it will not impede on the neighborhood in neither physical nor aesthetic nature. To ensure the continuation of family style homes we would be open to recommended use of structures if the committee does not feel our plans possess a well-pleasing home for our neighborhood.

The in-law apartment will not create any undue traffic congestion or impair pedestrian safety, as the corner of Bayberry Road and Turkey Hill Road will not be impeded upon by any structure that would prevent a pedestrian or driver from viewing their surroundings. The in-law apartment will be occupied by the parents of Marybeth Martens, home owner. The addition of only two people to the neighborhood will not overload any public water, drainage, or sewer system. This small addition will have no negative impact on any other municipal system in the immediate area or in any other area of the great City of Newburyport. The addition of the in-law apartment will also be constructed on a pre-existing pavement pad so no new or additional drainage issues would be expected.

The Special Permit would meet the special regulations set forth in the special permit table. The in-law apartment will not impair the integrity or character of the district or adjoining districts as it will consist of only the above stated family members and will not be used as any other type of residence or business. As a family friendly neighborhood our parents are well known by the neighborhood and will be a welcomed addition as stated in the attached letters. The addition of our parents and their living space will not cause an excess that could be detrimental to the character of the neighborhood and is in harmony with the purpose and intent of this ordinance.

The proposed use shall not be conducted in a manner as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, or other form of environmental pollution. All construction and development if the unit is approved will be in compliance with state and federal safety regulations.

We thank you for your time and consideration in this matter. The addition of the in-law apartment will provide a safe and accessible home for our disabled mother and the ability to assist in her care.

With Gratitude,

Marybeth and Joel Martens  
50 Bayberry Road

**50 BAYBERRY RD**

**Location** 50 BAYBERRY RD

**MBLU** 101/69///

**Owner** MARTENS JOEL D & MARYBETH  
A T/E

**Assessment** \$385,400

**PID** 6578

**Building Count** 1

**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$146,000	\$239,400	\$385,400

**Owner of Record**

**Owner** MARTENS JOEL D & MARYBETH A T/E

**Sale Price** \$370,000

**Co-Owner**

**Certificate**

**Address** 50 BAYBERRY RD  
NEWBURYPORT, MA 01950

**Book & Page** 34949/0071

**Sale Date** 05/25/2016

**Instrument** 00

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MARTENS JOEL D & MARYBETH A T/E	\$370,000		34949/0071	00	05/25/2016
MATHAY MARIA B P	\$325,000		32475/0460	00	05/17/2013
KAPFERER JEROME H	\$280,000		30326/0245	00	04/01/2011
DEZENZO FRANK	\$171,000		15321/0139	00	12/14/1998
BELKIN EILEEN W.	\$160,000		13387/0518	00	01/31/1996

**Building Information**

**Building 1 : Section 1**

**Year Built:** 1979

**Living Area:** 1,231

Building Attributes	
Field	Description

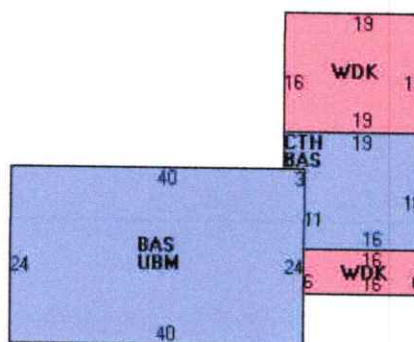
Style	Ranch
Model	Residential
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Fir 1	Carpet
Interior Fir 2	Hardwood
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Average

**Building Photo**



(<http://images.vgsi.com/photos/NewburyportMAPhotos/\01\00\81\16.jpg>;

**Building Layout**



([http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/6578\\_6](http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/6578_6)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,231	1,231	
CTH	Cathedral Ceiling	271	0	
UBM	Basement, Unfinished	960	0	
WDK	Deck, Wood	400	0	
		2,862	1,231	

**Extra Features**

Extra Features		Legend
No Data for Extra Features		

**Land**

**Land Use**

**Land Line Valuation**

**Use Code** 1010  
**Description** SINGLE FAM

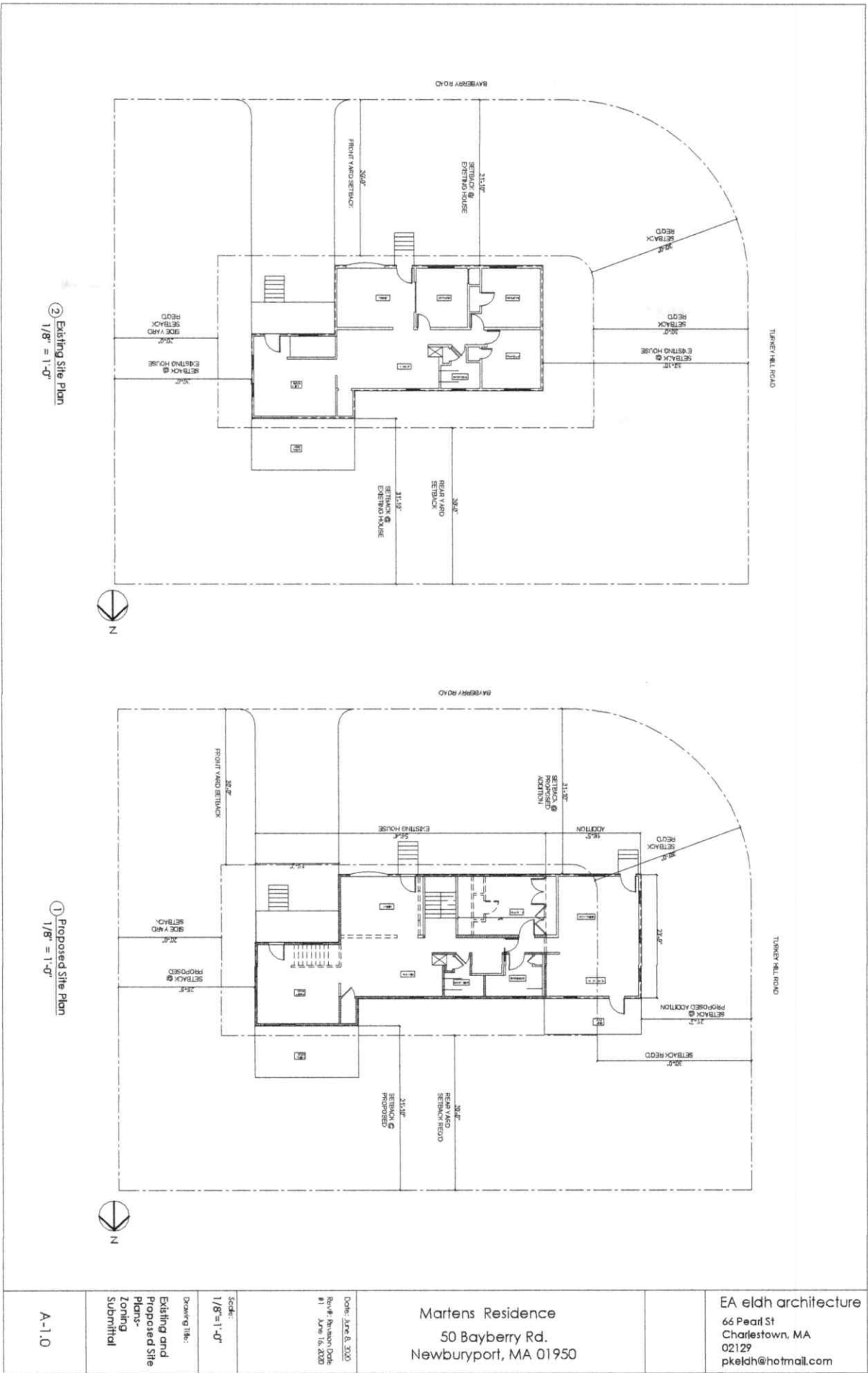
**Size (Acres)** 0.26  
**Depth** 0  
**Assessed Value** \$239,400

**Outbuildings**

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

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$128,800	\$239,400	\$368,200



EA eldh architecture  
 66 Pearl St  
 Charlestown, MA  
 02129  
 pkeldh@hotmail.com

Martens Residence  
 50 Bayberry Rd.  
 Newburyport, MA 01950

Date: June 8, 2020  
 Rev# - Revision Date  
 #1 June 16, 2020

Scale:  
 1/8" = 1'-0"

Drafter's Title:  
 Existing and  
 Proposed Site  
 Plans -  
 Zoning  
 Submittal

A-1.0



**NEW ENGLAND LAND SURVEY**  
**Professional Land Surveyors**

710 MAIN STREET  
N.Oxford, MA 01537  
PHONE: (508) 987-0025  
FAX: (508) 234-7723

REGISTRY SOUTHERN ESSEX

**MORTGAGE INSPECTION PLAN**

NAME JOEL D AND MARYBETH A MARTENS

LOCATION 50 BAYBERRY ROAD  
NEWBURYPORT, MA

SCALE 1"=40' DATE 4/18/2016

16MIP3678

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



CERTIFY TO: DREW MORTGAGE ASSOCIATES INC

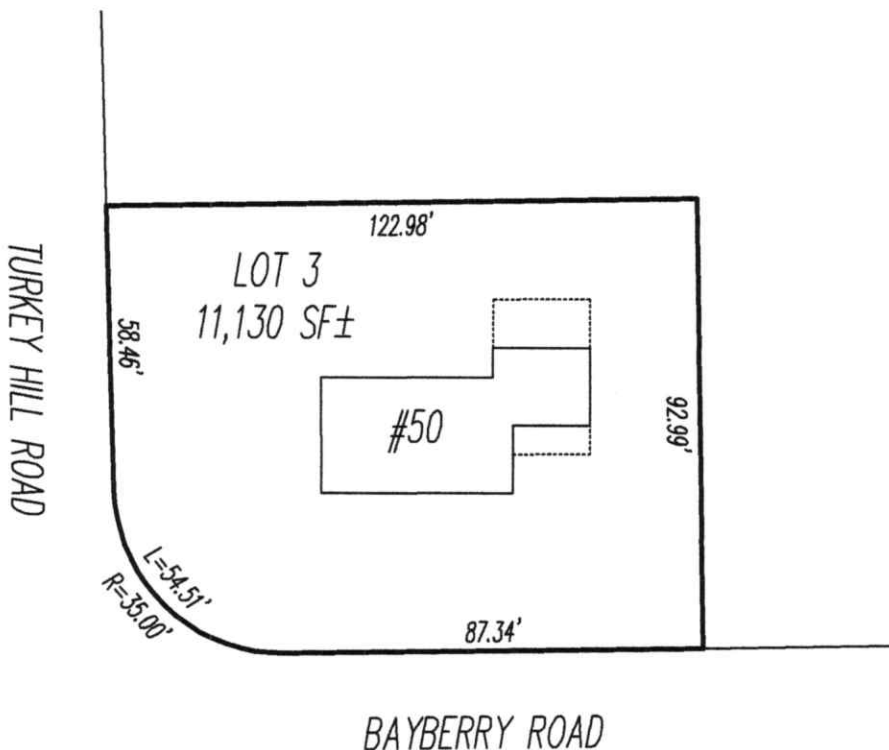
DEED REFERENCE: 32475/460

PLAN REFERENCE: 154/24

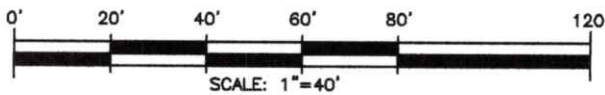
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

25009C0116F dtd: 7/3/12

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTED BY: FALLON LAW PC  
DRAWN BY: CBC  
CHECKED BY: GES  
FILE: 16MIP3678

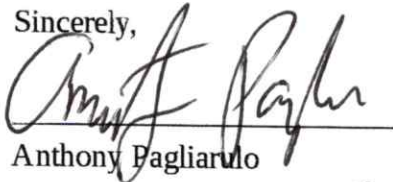


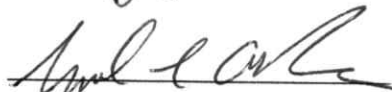
Anthony Pagliarulo and April O'Brien  
4 Bayberry Road  
Newburyport, MA 01950  
July 12, 2020

To Whom It May Concern:

We, the residents and owners of 4 Bayberry Road, would like to express our support and approval for the construction of the home addition at 50 Bayberry Road. After discussing their construction plans, we have no issues or concerns with their plans. We are excited for our neighbors to start building the addition to their home and we hope their project is approved soon.

Sincerely,

  
Anthony Pagliarulo

  
April O'Brien

Colin and Nancy Bell  
2 Bayberry Rd  
Newburyport, MA 01950  
July 15, 2020

To Whom It May Concern

We are the owners and residents of 2 Bayberry Road and would like to express our support for Joel and Marybeth Martens' home construction project. They have shared their plans with us, and we have no concerns with the variance that they are requesting to complete the project.

Thank You

  
\_\_\_\_\_  
Colin Bell

  
\_\_\_\_\_  
Nancy Bell

07/15/2020

Joel and Marybeth Martens  
Bayberry Road  
Newburyport, MA. 01950

Re: Construction Project

Dear Joe and Marybeth,

Per our discussion today, I am documenting my support for you to build the addition needed for your family. I am in support for the city to disregard any variance issue pertaining to the frontage of your property.

If you need anything further or if someone needs to contact me they may do so at 781-439-1003.

Sincerely,

**Robert Nardella**

Digitally signed by Robert Nardella  
DN: cn=Robert Nardella, o=Automation Solutions, Inc.,  
ou=Automation Solutions, Inc.,  
email=rdella@automationsolutionsinc.com, c=US  
Date: 2020.07.15 16:20:13 -0400

Robert Nardella  
27 Turkey Hill Road, Newburyport, MA. 01950

July 22,2020

Office of Planning and Development  
Attn: Zoning  
**CITY OF NEWBURYPORT**  
60 Pleasant Street  
Newburyport, MA 01950

**Re: Variance and Construction: 50 Bayberry Road (Joel and Marybeth Martens)**

Please be advised that I have reviewed the plans for construction at 50 Bayberry Road, Newburyport, MA. I understand there will be a second level added along with an addition of an in-law suite off the side at the corner of Turkey Hill Road and Bayberry Road.

I have no concerns and think these plans would be a wonderful addition to the property and neighborhood. I fully support the Martens' plans for this project and the variance to see this to fruition.

Sincerely,



Gail Derrivan  
48 Bayberry Road  
Newburyport, MA 01950