

PROPOSED EXPANSION OF 56 MIDDLE STREET PARKING AREA
Submittal by Sheri and Joseph Jammallo
56 Middle Street
Newburyport, MA

The parking area for our property [56 Middle Street; Book 37908, Page 579 (deed attached)] was design for two vehicles to be parked side-by-side. While two vehicles can indeed fit side-by-side under the current configuration it is very difficult to open the vehicles' doors without hitting the other vehicle or the stone wall. In addition, when one vehicle is already parked, entering the other available parking space with a second vehicle. Further, backing out of the parking area is an issue when two vehicles parked side-by-side since there is neither enough radius for turning out into Middle Street (you would either hit the other vehicle or one of the two stone walls) nor enough space to back up before turning into the street.

Currently, we only park one vehicle in the allotted space and park the second vehicle on the street.

We understand that the row of shrubs and mulch located between the parking area and the sidewalk is essentially a barrier to prevent our vehicles from parking on the sidewalk, this area is displayed on an approved "Record of Proceedings and Decision for a Dimensional Variance" which was applied for by George Haseltine, Trustee, 58 Middle Street Realty Trust on June 20, 2017 (attached). However, we would like to widen the parking area to allow us to more easily park two vehicles side-by-side and maneuver in and out of the parking spaces while maintaining a barrier between the parking spaces and the sidewalk. Accomplishing this effort would remove one vehicle from Middle Street and the abutting streets where parking space is at a premium. Therefore, we proposed the following:

- Removing the 5-ft. row of shrubs and mulch,
- Replacing the row of shrubs and mulch with the equivalent red brick that currently occupies the balance of the parking area/driveway and sidewalk; and
- Installing a fence at the intersection of the extended parking area abutting the sidewalk.

See attached figure showing current dimensions.



58 Middle St.

56 Middle St.

58 Middle St. Parking

Current 56 Middle St. Parking



56 Middle Street

17 ft.

In

5 ft.

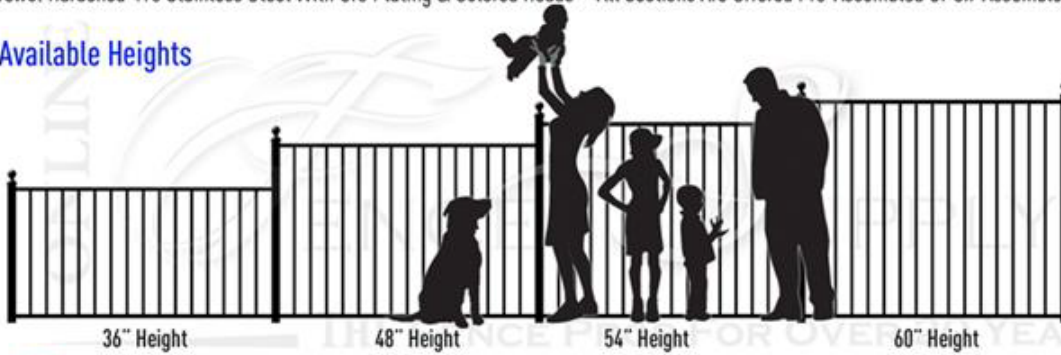
Out

Example of Metal Rail Fence

Style E Residential Aluminum Fencing - 2 Rail Smooth Top

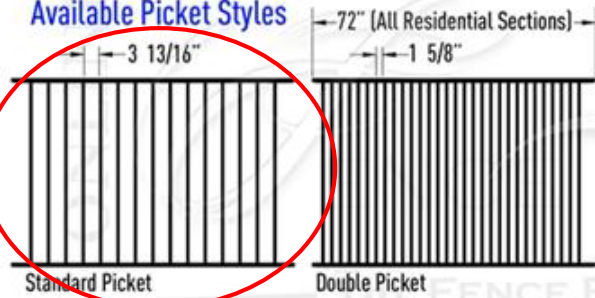
Material: 6063-T5 Aluminum • 72" Section Length • Pickets: 5/8" sq. x .050" Wall • Rails: 1" sq. x .055" Wall • PPG® TGIC Polyester Powder Coating
Screws: Hardened 410 Stainless Steel With Cr6 Plating & Colored Heads • All Sections Are Offered Pre-Assembled Or Un-Assembled • Posts Sold Separately

Available Heights

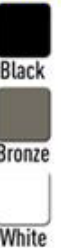


Style E Pool Code Approved Heights: Standard Picket Design - 48", 54" & 60" • Double Picket Design - 48", 54" & 60"
Please Note That 36" Height & Any Puppy Picket Design Fence Sections Do Not Meet Pool Code

Available Picket Styles



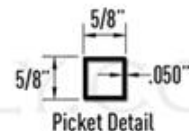
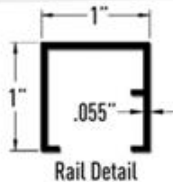
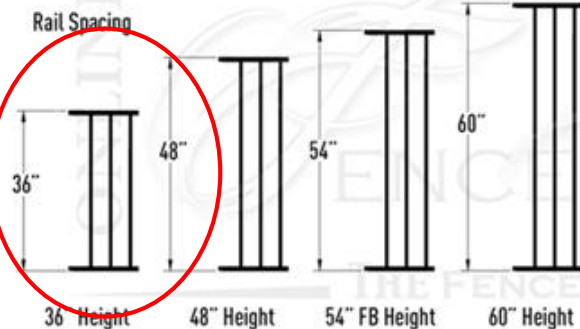
Available Colors



Optional Product Upgrades



Additional Specifications



Sections can rack 30° to accommodate hilly terrain.

2 Box 69



SO. ESSEX #516 Bk: 37908 Pg: 579

10/04/2019 04:03 DEED Pg 1/2

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 10/04/2019 04:03 PM
ID: 1320060 Doc# 20191004005160
Fee: \$4,788.00
Cons: \$1,050,000.00

QUITCLAIM DEED

George A. Haseltine, Trustee of 58 Middle Street Realty Trust, u/d/t dated January 17, 2017, as evidenced by a Trustee's Certificate Pursuant to M.G.L. c. 184, § 35 recorded herewith, having a mailing address of 4 Carleton Street, Newburyport, Massachusetts, for consideration paid and in full consideration of One Million Fifty Thousand and 00/100 Dollars (\$1,050,000.00)

grant to

Sheri Jammallo, individually, of 56 Middle Street, Newburyport, Massachusetts

With QUITCLAIM COVENANTS

The land with the buildings thereon, situated in said Newburyport, Essex County, Massachusetts, being shown as Lot A on a plan entitled "Plan of Land In Newburyport, MA Showing Approval Not Required Plan at 50-58 Middle Street" prepared for 58 Middle Street Realty Trust, George A. Haseltine, Trustee, prepared by Millennium Engineering, Inc., dated July 24, 2017 and recorded in Plan Book 465, Plan 21.

The premises is conveyed together with the benefit of an Access Easement over Lot B as shown as "Proposed Access Easement to Benefit Lot A" as shown on said Plan and as set forth in Access Easement Agreement dated October 3, 2019 recorded herewith.

Subject to Preservation Restriction Agreement dated October 12, 2018 and recorded in Book 37083, Page 161, insofar as the same is applicable to this premises.

Subject to an Exclusive Use Easement Agreement dated October 31, 2018 recorded in Book 37123, Page 101, of "Proposed 4 foot Easement to Benefit Lot B, Area 109.21 square feet, more or less as shown on plan attached to said Agreement.

This is not a homestead property and the grantor states that there is no person entitled to an estate of homestead therein.

Property Address: 56 Middle Street, Newburyport

Being a portion of the premises conveyed to the grantor by deed of Wojcicki Development Corp. dated January 17, 2017 and recorded in Book 35617, Page 183.

WITNESS my hand and seal this 3rd day of October, 2019.

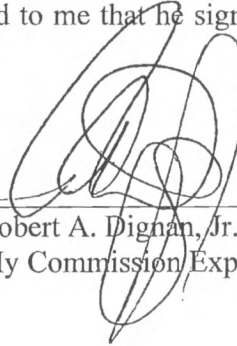


George A. Haseltine, Trustee of
58 Middle Street Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 3rd day of October, 2019, before me, the undersigned notary public, personally appeared George Haseltine, trustee aforesaid, proved to me through satisfactory evidence of identification, which was a valid Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Robert A. Dignan, Jr., Notary Public
My Commission Expires: October 8, 2021





OWNER OF RECORD
 58 MIDDLE STREET REALTY TRUST
 BK. 35617 PG. 183

ZONING DISTRICT
 RESIDENCE 3
 SINGLE FAMILY

PLAN BOOK 465 PLAN 21
 ESSEX REGISTER OF DEEDS, 50 WEST SPRING WHEEL
 Recorded APRIL 26 2018
 HMA
 Rec'd
 Attest *John B. Bunker*
 Register of Deeds

FOR REGISTRY USE

LEGEND

- I. ROD IRON ROD
- FND FOUND
- (D&H) DEED & HELD
- (MEAS.) MEASURED
- W.F. WOOD FRAMED
- N/F NOW OR FORMERLY
- (0/00) ASSESSORS MAP# PARCEL#

PLAN REFERENCES

- PLAN 448 OF 1948
- PLAN 844 OF 1954
- PLAN RECORDED AT BK. 26924 PG. 452
- PLAN BK. 204 PLAN 7
- 1924 CITY OF NEWBURYPORT ASSESSORS MAP 7
- PROPOSED SITE PLAN BY MILLENNIUM ENGINEERING, INC., DATED MAY 9, 2017

DEED REFERENCES

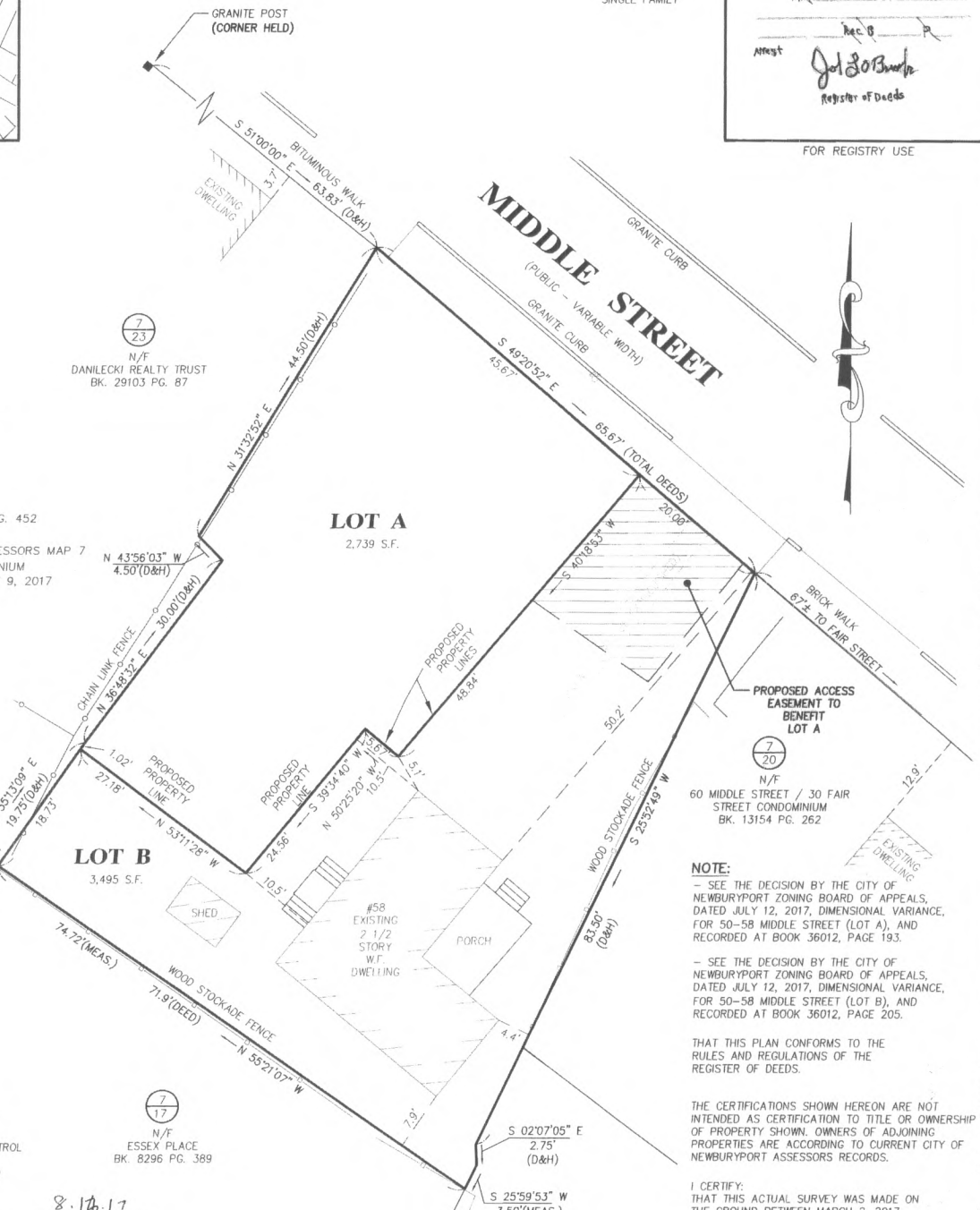
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- BK. 3435 PG. 485
- BK. 3370 PG. 73
- BK. 2423 PG. 240

ESSEX STREET
 (PUBLIC - VARIABLE WIDTH)

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
 CITY OF NEWBURYPORT PLANNING BOARD

[Signatures]
 8.18.17
 DATE

THE PLANNING BOARD'S ENDORSEMENT OF THE PLAN AS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW DOES NOT GIVE LOTS OR PARCELS ANY STANDING UNDER THE CITY OF NEWBURYPORT ZONING ORDINANCE.

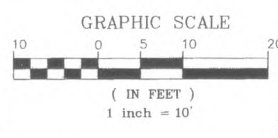


NOTE:
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THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

THE CERTIFICATIONS SHOWN HEREON ARE NOT INTENDED AS CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT CITY OF NEWBURYPORT ASSESSORS RECORDS.

I CERTIFY:
 THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND BETWEEN MARCH 2, 2017, AND MARCH 29, 2017, AND THAT THE STRUCTURES AND PHYSICAL FEATURES ARE LOCATED AS SHOWN TO THE BEST OF MY ABILITY AND BELIEF.



PREPARED FOR
 58 MIDDLE STREET REALTY TRUST
 GEORGE A. HASELTINE, TRUSTEE
 66 GILCREAST ROAD
 LONDONDERRY, NH 03053

PLAN OF LAND
 IN
NEWBURYPORT, MA
 SHOWING
APPROVAL NOT REQUIRED PLAN
 AT
50-58 MIDDLE STREET
 (MAP 7 - LOT 21)

MILLENNIUM ENGINEERING, INC.
 ENGINEERING AND LAND SURVEYING
 62 ELM ST. SALISBURY, MA 01952 (978) 463-8980
 13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

SCALE: 1"=10'	CALC. BY: S.F.R.	PROJECT: M173100
DATE: JULY 24, 2017	CHKD. BY: J.S.H.	SHEET: 1 OF 1



CITY OF NEWBURYPORT
 ZONING BOARD OF APPEALS
 60 PLEASANT STREET • P.O. Box 550
 NEWBURYPORT, MA 01950
 (978) 465-4400
 WWW.CITYOFNEWBURYPORT.COM

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2017 JUN 20 AM 11:22

RECORD OF PROCEEDINGS AND DECISION
 FOR A DIMENSIONAL VARIANCE

An application for a Dimensional Variance was filed by:

George Haseltine, Trustee, 58 Middle Street Realty Trust, c/o Lisa L. Mead
 Mead, Talerman & Costa, LLC, 30 Green Street
 Newburyport, MA 01950

for property owned by **George Haseltine, Trustee, 58 Middle Street Realty Trust** for the following request:

split lot and construct new residential structure

The application was filed at the City Clerk's Office on **5/10/17** under the Zoning Ordinance Section X-H.3 Powers of the Board and Section **VI.A Dimensional Controls**.

The application is for the premises at **50-58 Middle Street (Lot A)** in the **PIOD/R3** Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel **7-21** and recorded in the Essex South District Registry of Deeds as Book and Page **35617-183**. The newspaper notices for the public hearing were posted on **05/29/17** and **06/05/17** in the Newburyport Daily News.

A public hearing was held for the above application on **6/13/17** at 7:15 p.m. at which time the Board heard the petition for a Dimensional Variance. After the close of the hearing on **6/13/17**, upon motion made by Member **Renee Bourdeau** and duly seconded by Member **Maureen Pomeroy**, the Board voted to **APPROVE** the petition for the Dimensional Variance.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Absent</u>	Richard Goulet	<u>Yes</u>
Renee Bourdeau	Yes	Maureen Pomeroy, Associate	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>		

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 10, as adopted, the petition for the Dimensional Variance was therefore **APPROVED**.

FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section X-H-6 Dimensional Variances, the Newburyport Zoning Board of Appeals made the following findings:

1. The applicant is proposing to split the lot, construct a single family home on proposed Lot A, and retain the existing single-family home (c. 1860) on Proposed Lot B. The applicant is seeking the following relief: Lot Area of 2,379 sq. ft. where 8,000 sq. ft. is required, Frontage of 45.67 ft. where 80 ft. is required, Front Setback of 8 ft. where 20 ft. is required, Right Side Setback of 5.3 ft. where 10 ft. is required, and Left Side Setback of 10.2 ft. where 10 ft. is required.
2. Conditions and circumstances are related to the soil conditions, shape, topography of such land especially affecting the property for which the Dimensional Variances are sought, and generally do not affect the Zoning District in which the property is located.
3. The applicant states that at one time this parcel was two distinct properties and featured three dwelling units in two buildings – a duplex and a single-family. The applicant presented mapping from 1851 and 1914 showing the prior configuration.
4. Representatives of the Newburyport Preservation Trust provided additional material as to the earlier configuration and also spoke positively as to the appropriateness of re-creating lots and a structure of this size as part of this streetscape. Numerous letters of support were also submitted by the applicant.
5. The applicant is proposing a modest sized home, approximately 1,300 square feet, for the currently vacant side of the property and locating it closer to the public way to promote continuity with the existing streetscape.
6. This property (Lot A) will also have the benefit of an access easement over Lot B to allow vehicles to travel over the abutting property to access Lot A's parking area. The existing home on Lot B will remain in its same footprint with the applicant stating that it will be renovated.
7. Hardship to support the requested relief is found through the unique lot shape and size plus the location of the existing structure.
8. There is a substantial hardship, financial or otherwise which results from the literal enforcement of the applicable zoning restrictions with respect to the land and structure for which the variance is sought. Literal enforcement imposes a significant hardship upon the property.
9. The ZBA discussed at some length the appropriateness of the lot split and construction potentially returning the streetscape to its earlier form. There was also some discussion as whether the project was better suited to Section VI-C relief from the Planning Board.
10. The relief sought is desirable and without substantial detriment to the public good.
11. Strict application of the Ordinance would deprive the applicant of reasonable use of the lot in a manner

equivalent to the use permitted to be made by other owners of their neighboring lands, structure, or structures in the same district.

12. Relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Ordinance.

13. Relief will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the District. There are other properties where relief has been granted for various reasons within this zoning district.

14. In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found, upon recommendation of the DPS, that a new brick sidewalk should be installed to replace the damaged bituminous concrete sidewalk. No trees are recommended at this location due to the narrow sidewalk

PLAN REFERENCES

This variance is approved based on the following plans and/or documents:

"Plan of Land in Newburyport, MA showing proposed site plan at 50-58 Middle Street" by Millennium Engineering, Inc. dated 5/9/17; and

"New Residence at 58 Middle Street Newburyport, MA" by Scott M. Brown Architect dated 5/9/17 consisting of pages A1 through A7

Any alterations to these plans shall require subsequent approval by the Zoning Board of Appeals.

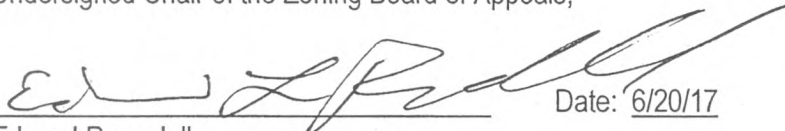
CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Variance shall not take effect until a copy of the decision bearing the certification of the City Clerk of Newburyport is recorded in the Essex County South Registry of Deeds under the name of the owner of record or is recorded and noted on the owner's certification of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This Variance will lapse if not exercised within one year from the date of granting.
3. The Petitioner will replace the existing privet hedge with a new one to provide ongoing privacy for the lots.
4. Boston City Brick Pavers will be used for the driveway for Lot A.
5. The proposed chimney on the new structure at Lot A will be constructed of real masonry.

This decision was filed with the Newburyport City Clerk on **6/20/17** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

Undersigned Chair of the Zoning Board of Appeals,



Edward Ramsdell

Date: 6/20/17

CERTIFICATION OF CITY CLERK

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **50-58 Middle Street (Lot A)** was filed in the Office of the City Clerk on **6/20/17**.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **6/20/17**.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

Newburyport City Clerk

Date: _____



LOCUS MAP
N.T.S.

2/14/15

- LEGEND**
- 1 ROD IRON ROD
 - FND. FOUND
 - (D&H) DEED & HELD
 - (MEAS.) MEASURED
 - W.F. WOOD FRAMED
 - N/F NOW OR FORMERLY
 - 0 ASSESSORS MAP#
 - 00 PARCEL#

- PLAN REFERENCES**
- PLAN 448 OF 1948
 - PLAN 844 OF 1954
 - PLAN RECORDED AT BK. 26924 PG. 452
 - PLAN BK. 204 PLAN 7
 - 1924 CITY OF NEWBURYPORT ASSESSORS MAP 7
 - PROPOSED SITE PLAN BY MILLENNIUM ENGINEERING, INC., DATED MAY 9, 2017

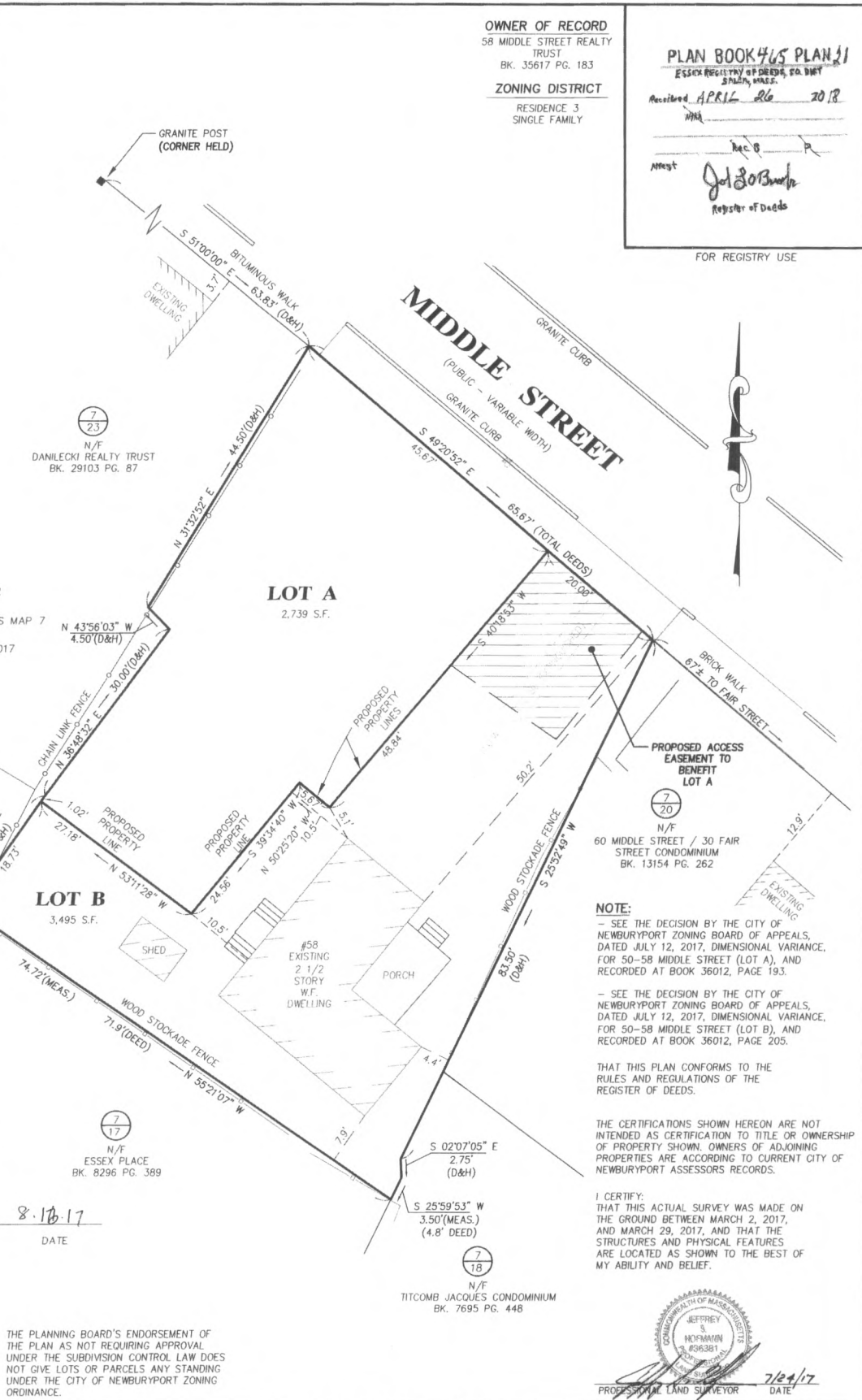
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 - BK. 3370 PG. 73
 - BK. 2423 PG. 240

19 ESSEX STREET CONDOMINIUM BK. 15098 PG. 523

ESSEX STREET (PUBLIC - VARIABLE WIDTH)

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
CITY OF NEWBURYPORT PLANNING BOARD

[Signatures]
DATE: 8.18.17



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OWNER OF RECORD
58 MIDDLE STREET REALTY TRUST
BK. 35617 PG. 183
ZONING DISTRICT
RESIDENCE 3
SINGLE FAMILY

PLAN BOOK 465 PLAN 11
ESSEX REGISTER OF DEEDS, 20 DEPT
2 PLAZA, MA
Received APRIL 26 2018
MMA
Rec'd
Amst
[Signature]
Register of Deeds

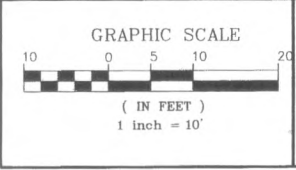
FOR REGISTRY USE

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[Professional Seal]
PROFESSIONAL LAND SURVEYOR
7/24/17
DATE



PREPARED FOR
58 MIDDLE STREET REALTY TRUST
GEORGE A. HASELTINE, TRUSTEE
66 GILCREAST ROAD
LONDONDERRY, NH 03053

PLAN OF LAND
IN
NEWBURYPORT, MA
SHOWING
APPROVAL NOT REQUIRED PLAN
AT
50-58 MIDDLE STREET
(MAP 7 - LOT 21)

MILLENNIUM ENGINEERING, INC.
ENGINEERING AND LAND SURVEYING
62 ELM ST. SALISBURY, MA 01952 (978) 463-8980
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

SCALE: 1"=10'	CALC. BY: S.F.R.	PROJECT: M173100
DATE: JULY 24, 2017	CHKD. BY: J.S.H.	SHEET: 1 OF 1



ZONING TABLE

50-58 MIDDLE STREET - ASSESSORS MAP 7 LOT 21
ZONING DISTRICT R-3 - SINGLE FAMILY

	REQUIRED	EXISTING	PROPOSED LOT A	PROPOSED LOT B
LOT AREA:	8,000 S.F.	6,234 S.F.	2,379 S.F.	3,495 FT.
LOT FRONTAGE:	80'	65.67'	45.67'	20.00'
FRONT SETBACK:	20'	50.2'	8.0'	50.2'
SIDE SETBACK:	10'	4.4'	5.3'	4.4'
REAR SETBACK:	20'	7.9'	22.3'	7.9'
LOT COVERAGE:	30% MAX.	11.9%	29.6%	21.2%
OPEN SPACE:	35% MIN.	72.2%	58.4%	49.7%
BLDG HEIGHT:	35' MAX.	24.6'	23.5'	24.6'

LOCUS MAP
N.T.S.

LEGEND

- 23 - - - ELEVATION CONTOUR
- F.F. FIRST FLOOR
- o DMTR ELECTRIC METER
- WATER SHUT-OFF
- ☐ TREE
- ☐ MB MAIL BOX
- OHW OVERHEAD WIRES
- I ROD IRON ROD
- FND FOUND
- (D&H) DEED & HOLD MEASUREMENT
- W.F. WOOD FRAMED
- N/F NOW OR FORMERLY
- ASSESSORS MAP #
- PARCEL #

VERTICAL DATUM
1988 N.A.V.D.

BENCHMARKS
TBM 1 - MAG. NAIL SET
ELEV.=22.46
TBM 2 - MAG. NAIL SET
ELEV.=20.75

7
16
N/F
19 ESSEX STREET
CONDOMINIUM
BK. 15098 PG. 523

I ROD FND (HELD)
S 57°49'14" E
122.56'
(DEEDS HELD)

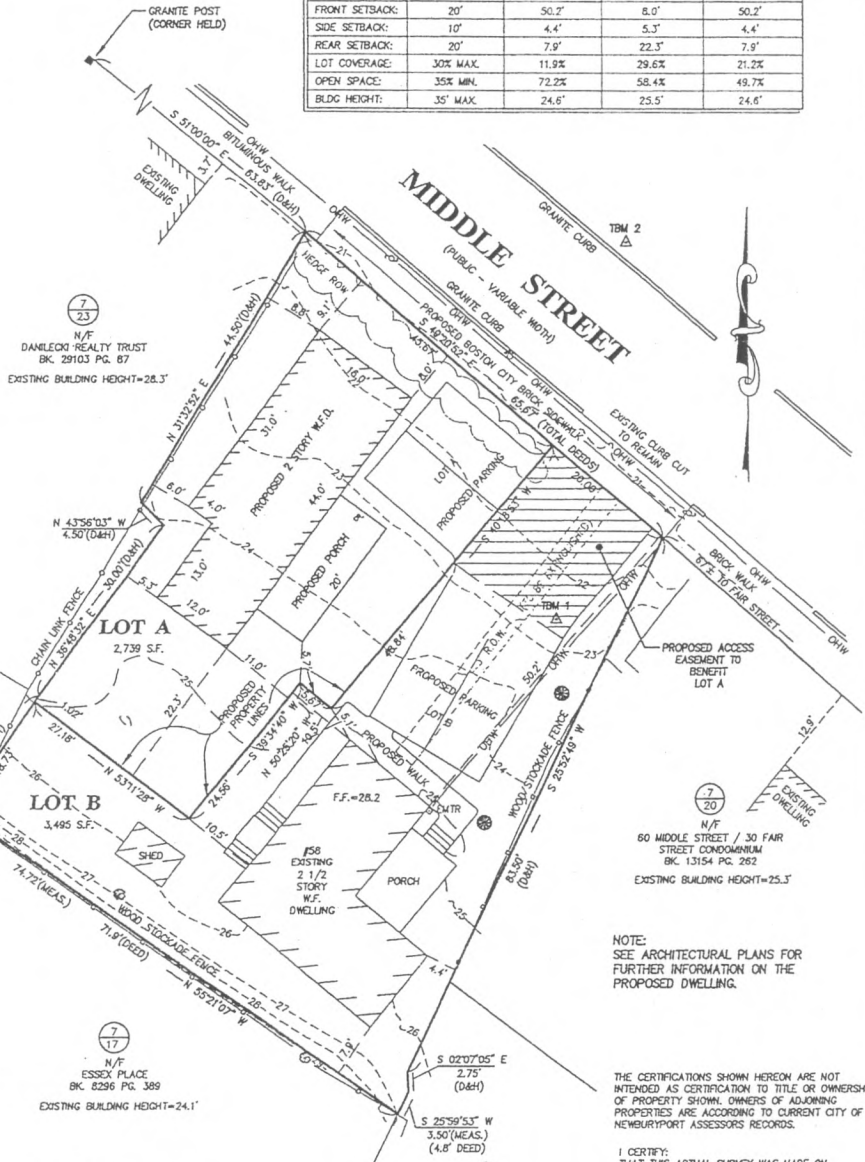
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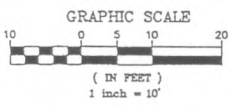


NOTE:
SEE ARCHITECTURAL PLANS FOR
FURTHER INFORMATION ON THE
PROPOSED DWELLING.

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ARE LOCATED AS SHOWN TO THE BEST OF
MY ABILITY AND BELIEF IN ACCORDANCE
WITH THE PROFESSIONAL STANDARDS OF
PRACTICE.

JEFFREY L. MOYNIHAN
ESSEX
5/9/17
PROFESSIONAL LAND SURVEYOR DATE



PREPARED FOR
58 MIDDLE STREET REALTY
TRUST
GEORGE A. HASELTINE,
TRUSTEE
66 GILCREAST ROAD
LONDONDERRY, NH 03053

PLAN OF LAND
IN
NEWBURYPORT, MA
SHOWING
PROPOSED SITE PLAN
AT
50-58 MIDDLE STREET
(MAP 7 - LOT 21)

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ENGINEERING AND LAND SURVEYING
62 ELM ST. SALESBURY, MA 01952 (978) 463-8980
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

SCALE: 1"=10'
DATE: MAY 9, 2017
CALC. BY: P.D.B.
CHKD. BY: J.S.H.
PROJECT: M173100
SHEET: 1 OF 1

SCOTT M. BROWN
ARCHITECT

29 WATER STREET,
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New Residence
at 58 Middle Street
Newburyport, MA

Revision and Reissue Notes:

No. Date Issue Notes

No.	Date	Issue	Notes

Project No. 2017-02
Project Manager: 2017-02
Date: 05.09.17

Street Elevation
Elevations

Scale:
AS NOTED



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Proposed New Residence

Existing Renovated Residence

1 Street Elevation
Scale: 3/16" = 1'-0"

**SCOTT M. BROWN
ARCHITECT**

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at 58 Middle Street
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Revision and Reissue Notes

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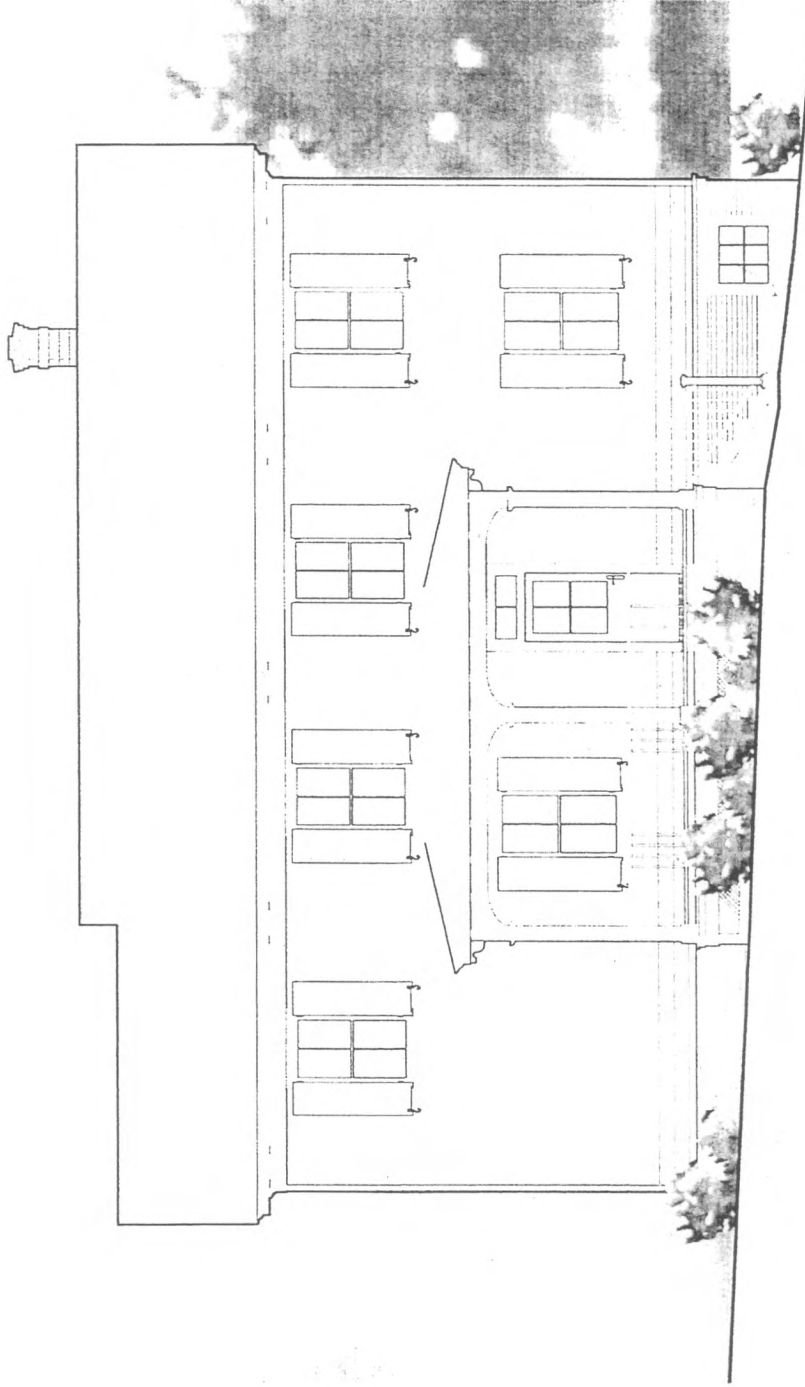
Project No. 2017.02
Project manager: 05.09.17
Date:

Left Elevation

Scale:
AS NOTED



LAYOUT BY SCOTT M. BROWN ARCHITECT



1 Left Elevation (Driveway)

Scale: 3/16" = 1'-0"

