



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

January 2, 2018

By Hand

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

RECEIVED  
JAN 02 2018  
Newburyport Planning Dept.

Re: Request for Withdrawal of Special Permit for Non-conformities; 10 Ashland Street, Newburyport, MA ( the "Property"), Submission of revised drawings; Assessor's Map: 68 Lot 156

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Chris Horan, the owner of 10 Ashland Street (the "Petitioner"), relative to the Petitioner's request to convert the existing single-family home to a two-family use. As you are aware, previously, the Petitioner had proposed an upward extension of the front setback non-conformity off of Ashland Court, thereby triggering a need for a Special Permit for Non-Conformities. At this time, the Petitioner has redesigned its project and no longer requires relief for modification to a pre-existing non-conforming structure. (Please See Attached Revised Denial from the Building Inspector).

The Petitioner continues to request a Special Permit for use as a two family structure. As you are aware, the Petitioner meets all of the dimensional requirements for the use and through this letter I reiterate all of the criteria previously submitted to and presented to the Board. The Petitioner, however, has redesigned the modifications to the structure such that all of the modifications are internal only except several doors, garage doors and designated windows as shown on the attached plan. Additionally, a small deck is being added in the rear of the structure. Otherwise, no changes are being made to the structure and the location of the drive and existing garage will remain the same as the existing conditions.

I look forward to discussing this with you at the meeting on the 9<sup>th</sup> of January.

Should you require anything further, please let me know.

Respectfully submitted,  
Chris Horan  
By His Attorney

\_\_\_\_\_  
Lisa L. Mead

*Millis Office*

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

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

ZONING DENIAL

City APR#: 74

Name: Chris Hoban / Lise Mead

Address: 10 Ashland ST Zoning District: R-II

Request: MODIFY Zoning Denial #48 ELIMINATE FRONT YARD SPECIAL PERMIT. STILL REQUIRES SPECIAL PERMIT FOR USE

ZONING BOARD

Dimensional Variance

- Dimensional Controls (VI)
  - Lot Area
  - Lot Coverage
  - Lot Frontage
  - Open Space
  - Front Yard
  - Height
  - Side Yard
  - Lot Width
  - Rear Yard
- PIOD (XXI)
  - FAR
  - 2 1/2 stories
- Parking (VII)

Use Variance

- Not permitted use (V)
- Sign Location/Replacement (VIII)

Special Permit

- Special Permit for Use (V.D) (#102)
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus Provisions 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
  - Rear Yard
  - Upward Extension
  - Lot Coverage
  - Open Space
  - Side Yard
  - Height
  - Lot Frontage
  - Lot Area
  - Front Yard
- Over 500 s.f. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
  - FAR
  - Footprint Expansion
  - Height Increase

PLANNING BOARD

Special Permit

- One residential structure per lot (VI.C)
- Floodplain (XIII)
- 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)

Site Plan Review (XV)

- Major
- Minor

CITY COUNCIL

- GACM (X.H.9)
- Other: \_\_\_\_\_

CONSERVATION COMMISSION

HISTORICAL COMMISSION - Demolition Delay

10/19/17  
Date

[Signature]  
Building Commissioner/Zoning Code Enf. Officer



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

October 17, 2017

By Hand

Peter Binnette  
Building Commissioner  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Clarification and Revision of Permit Denial: 10 Ashland Street, Newburyport, MA ( the "Property"), Assessor's Map: 68 Lot 156


Dear Peter;

Reference is made to the above-captioned matter and your denial issued on July 10, 2017 attached. In that connection, since the original plan was submitted to the you and the Zoning Board of Appeals, the Applicant has revised its plans. Please note, originally, the Applicant was creating a full second floor over the garage which intensified the existing pre-existing non-conforming front setback. However, as you can see on the attached plans dated September 27, 2017 the Applicant is no longer constructing a full second floor over the garage. Rather, the Applicant is proposing to raise the roof ridge which does not affect the face of the garage wall – thereby eliminating the intensification of the non-conforming front setback.

I remind you that other than the front yard setback on Ashland Court, the structure and lot are fully conforming with the dimensional requirements of the Zoning Ordinance having 15,768 square feet of area and 249.50 feet of frontage for a single or two family use on the R-2 district. As a result, the Applicant is of the position that it no longer needs a special permit to modify a pre-existing non-conforming structure as supported by section IX-3(A) of the Zoning Ordinance. The Applicant continues to require a Special Permit for Use.

Should you have any questions or concerns, please contact me at (978) 463-7700.

Sincerely,

  
Lisa L. Mead

Attachment  
cc: Client

RECEIVED

OCT 17 2017

CITY OF NEWBURYPORT  
BUILDING DEPARTMENT

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

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

ZONING DENIAL

City APR#: 48

Name: Chris Moran / LISA MEAD

Address: 10 Ashland St.

Zoning District: R-II

Request: Construct Addition to go from single family to two family use w/ non-conformances

ZONING BOARD Front Yard Setback

Dimensional Variance

- Dimensional Controls (VI)
Lot Area, Open Space, Front Yard, Lot Frontage, Height, Side Yard, Lot Coverage, Lot Width, Rear Yard
PIOD (XXI) FAR, 2 1/2 stories
Parking (VII)

Use Variance

- Not permitted use (V)

Sign Variance

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

Special Permit

- Special Permit for Use (V.D) Use #: 102
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, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard
Over 500 s.f. increase (IX.B.3.c)
Plum Island Overlay District (XXI-G-3)
FAR, Height Increase, Footprint Expansion, # of bedrooms

PLANNING BOARD

Special Permit

- One residential structure per lot (VI.C)
Floodplain (XIII)
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)

Site Plan Review (XV)

- Major, Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION

- Demo. Delay, Advisory Review

CONSERVATION COMMISSION

CITY COUNCIL

- GACM (X.H.9)

7/10/17 Date

[Signature]

Building Commissioner/Zoning Code Enf. Officer



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

July 6, 2017

By Hand

Peter Binnette  
Building Commissioner  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Permit Denial; 10 Ashland Street, Newburyport, MA ( the "Property"), Assessor's Map: 68 Lot 156

Dear Peter;

Reference is made to the above-captioned matter. In that connection, this firm represents Chris Horan, the Buyer of 10 Ashland Street (the "Petitioner"), relative to the Petitioner's request to convert the existing single family home to a two family use, and modify a pre-existing non-conforming structure. As you are aware, the Property is located in the R-2 Zoning District of the Newburyport Zoning Ordinance ("NZO") where a 2 Family use is permitted by a Special Permit.

The Property consists of 15,768 square feet of land with 249.50 feet of frontage on Ashland Street and Ashland Court. There are two front yards given the corner lot, where one front yard is non-conforming at 24.1 where 25 is required. As a single family dwelling it is non-conforming due to front yard setback. As a 2-Family dwelling, the same non-conformity exists, otherwise, the property fully conforms to the dimensional requirements for a two-family dwelling in the R-2.

The Petitioner will be modifying the structure an adding more than 500 square feet of floor area. Currently the structure consists of 3,600 square feet of living space. The new structure will consist of 5,214 of total living space, Unit 1 will include 2,724 square feet and Unit 2 will consist of 2,490 square feet.

The Applicant will require a **Special Permit for use** as a two-family under section **X-H(7)** of the NZO, a **Special Permit to modify** a pre-existing Non-conforming structure under section **IX-B(2)** and **IX-B(3)(C)** of the NZO.

Should you have any questions or concerns, please contact me at (978) 463-7700.

Sincerely,

Lisa L. Mead

Attachment  
cc: Client

RECEIVED

JUL 06 2017

CITY OF NEWBURYPORT  
BUILDING DEPARTMENT

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

N/F  
GANTON LLC  
MAP 68 LOT 155  
E.S.D.R.D. BK. 22957 PG. 100



**ZONING**  
RESIDENTIAL  
(R-2)

	REQUIRED (USE 101) SINGLE FAMILY	EXISTING	PROPOSED (USE 102) 2-FAMILY	PROPOSED
MINIMUM LOT SIZE:	10,000 SF	15,768 SF	15,000 SF	15,768 SF
MINIMUM FRONTAGE:	90 FT	249.50 FT	120 FT	249.50 FT
MINIMUM FRONT SETBACK:	25 FT	24.1 FT	25 FT	24.1 FT
MINIMUM SIDE SETBACK (R):	25 FT*	28.0 FT	25 FT*	28.0 FT
MINIMUM SIDE SETBACK (L):	10 FT	57.2 FRT	20 FT	57.2 FT
MINIMUM REAR SETBACK:	25 FT	32.0 FT	25 FT	32.0 FT
MAX LOT COVERAGE:	25%	14.1%	25%	14.1%
MAX BUILDING HEIGHT:	35 FT	27.5 FT	35 FT	27.5 FT
MINIMUM OPEN SPACE:	40%	82.2%	40%	82.7%

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.  
\* RIGHT SETBACK IS TREATED AS A FRONT PER ZONING ORDINANCE.

**NOTES**

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT ALONG WITH THE PROPOSED ADDITION AND SITE IMPROVEMENTS. EXISTING INFORMATION IT IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON JUNE 23, 2017. PROPOSED INFORMATION IS AS PROVIDED BY THE CLIENT AND THE CLIENT'S ARCHITECT.

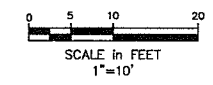
OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

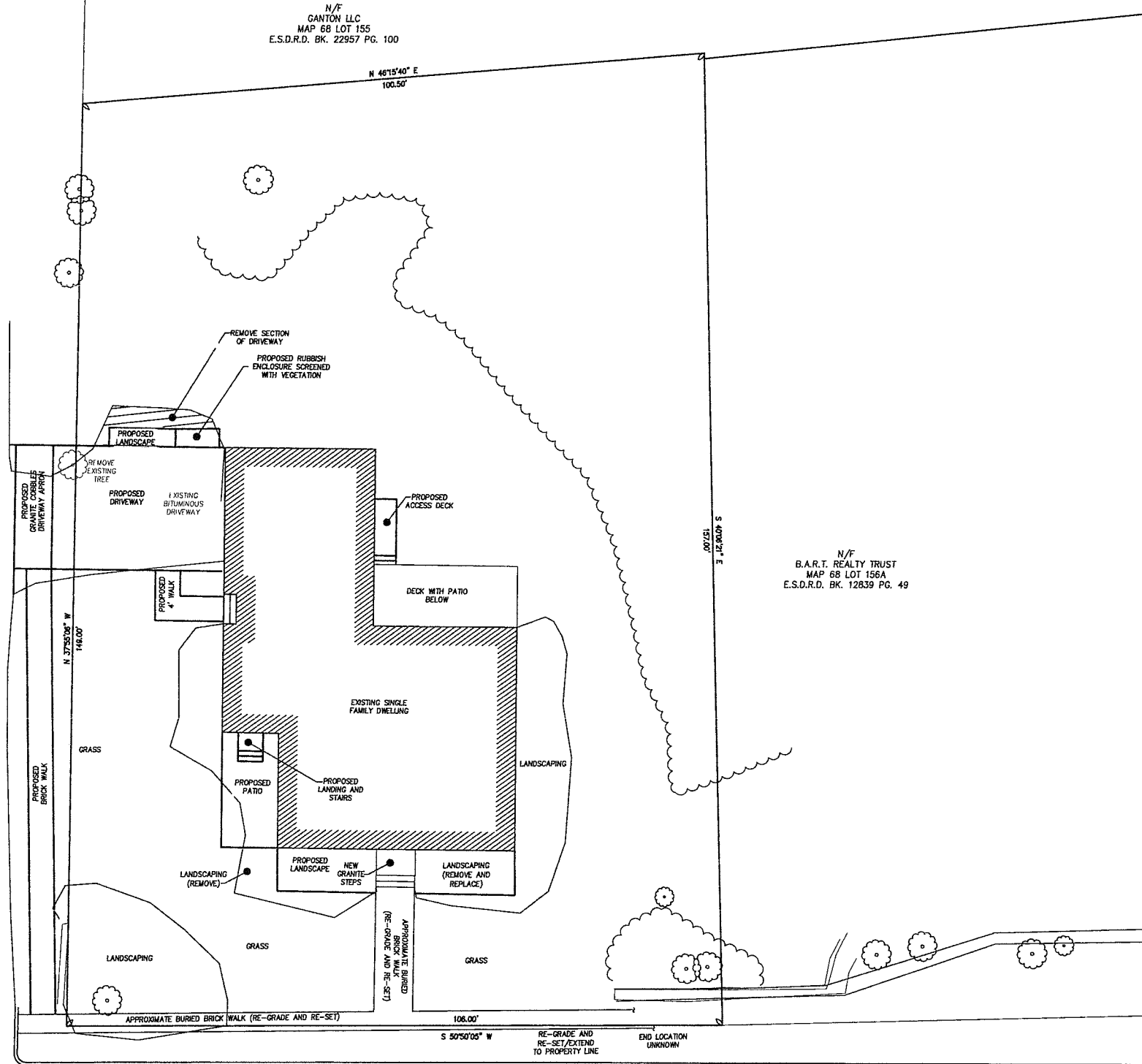
P.L.S. Everett J. Chandler  
EVERETT J. CHANDLER, P.L.S. MASS. REGISTRATION NO. 41783  
DATE 1/2/18

**LOCUS TITLE INFORMATION**

10 ASHLAND STREET  
OWNER: MADELINE INSALACO  
DEED REFERENCE: BOOK 12676 PAGE 464  
ASSESSORS: MAP 68 PARCEL 156



ASHLAND COURT



ASHLAND STREET

Copyright 2017 Winter GEC, LLC

Winter GEC, LLC

34 WINTER STREET  
NEWBURYPORT, MA 01950  
978-270-8828

NO.	DATE	BY	REVISIONS
4	1/2/18	EJC	ALTERED PATIOS/WALKWAYS/TRASH ENCLOSURE AREA
3	9/28/17	EJC	REMOVED DRIVEWAYS / ADDED LANDSCAPE DETAILS
2	9/5/17	EJC	UPDATED DRIVEWAYS / ADDED LANDSCAPE DETAILS
1	8/7/17	EJC	UPDATED DRIVEWAYS / CORRECTED SCALE NOTATION

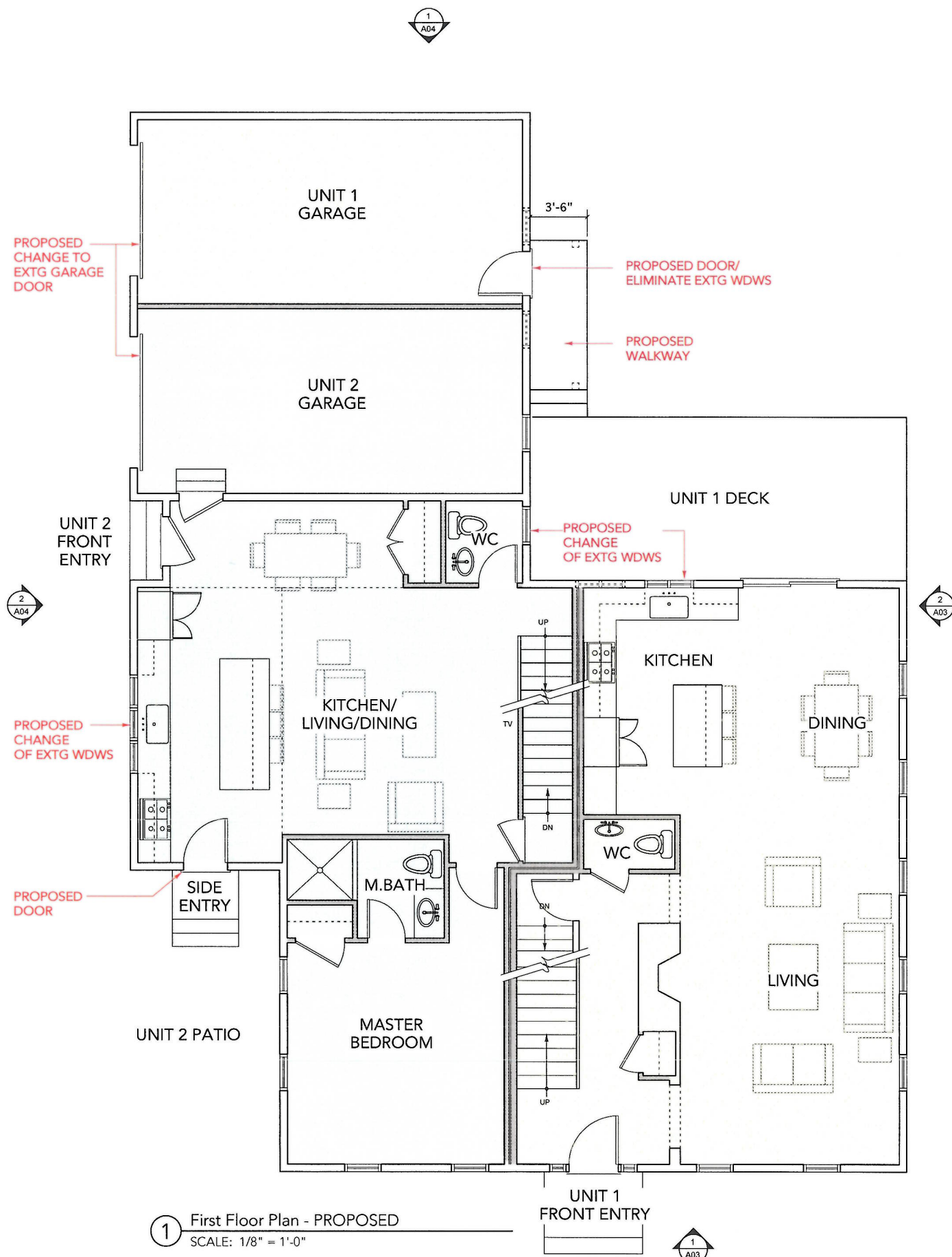
FIELD: T.P.T.  
CALCS: T.P.T.  
CHECKED: EJC  
APPROVED: EJC

ZONING BOARD OF APPEALS  
PLAN  
10 ASHLAND STREET

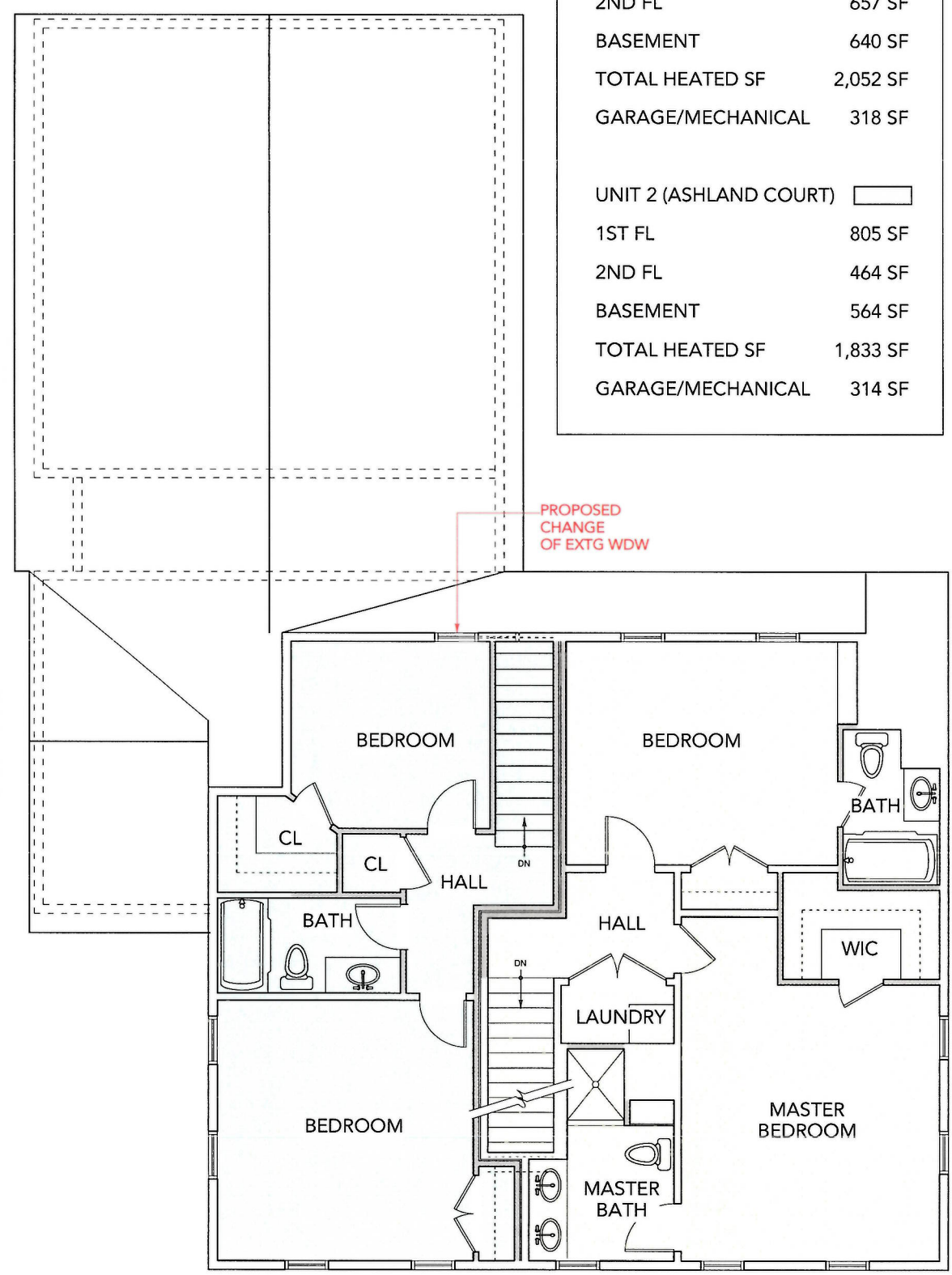
PLAN OF LAND IN  
NEWBURYPORT, MASSACHUSETTS  
SURVEYED FOR  
BALMORAL DEVELOPMENT, LLC

PROJECT NO.  
2017- 10ASHLAND  
DATE: JUNE 30, 2017  
SHEET NO.  
1 OF 1





1 First Floor Plan - PROPOSED  
SCALE: 1/8" = 1'-0"



2 Second Floor Plan - PROPOSED  
SCALE: 1/8" = 1'-0"

PROPOSED SF CALCULATIONS	
UNIT 1 (ASHLAND ST)	
1ST FL	755 SF
2ND FL	657 SF
BASEMENT	640 SF
TOTAL HEATED SF	2,052 SF
GARAGE/MECHANICAL	318 SF
UNIT 2 (ASHLAND COURT)	
1ST FL	805 SF
2ND FL	464 SF
BASEMENT	564 SF
TOTAL HEATED SF	1,833 SF
GARAGE/MECHANICAL	314 SF

project:  
**10 ASHLAND STREET**  
Newburyport, MA  
01950

architect:  
**GRAF ARCHITECTS**  
2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:  
**PROPOSED  
First + Second  
Floor Plans**

SCALE: 1/8" = 1'-0"  
4 december 2017

**A01**

project:

# 10 ASHLAND STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

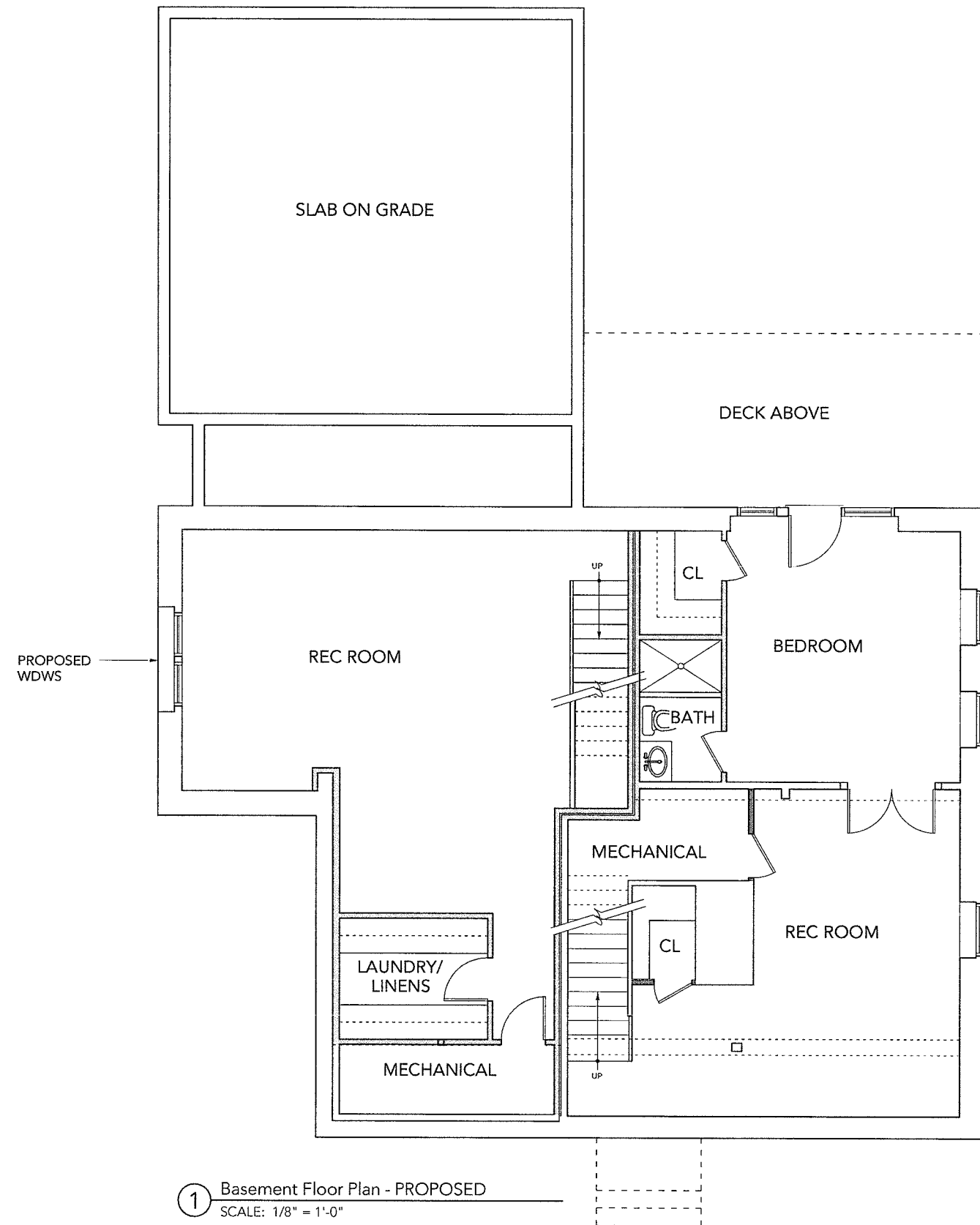
title:

## PROPOSED Basement Floor Plan

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

4 december 2017

A02



1 Basement Floor Plan - PROPOSED  
SCALE: 1/8" = 1'-0"



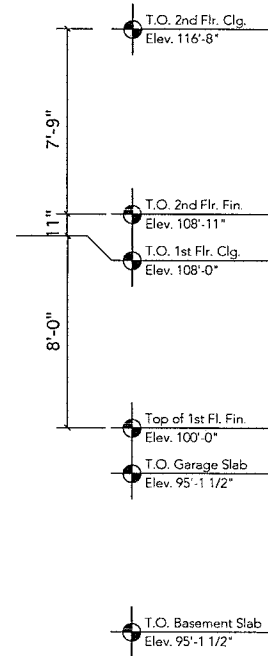
project:  
**10 ASHLAND STREET**  
 Newburyport, MA  
 01950

architect:  
**GRAF ARCHITECTS**  
 2 Liberty Street  
 Newburyport, MA  
 01950  
 T. 978 499 9442  
 www.grafarch.com

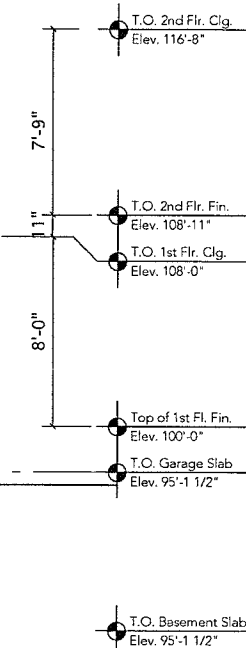
title:  
**PROPOSED Exterior Elevations**

SCALE: 1/8" = 1'-0"  
 4 december 2017

**A03**



① Front Exterior Elevation - PROPOSED  
 SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - PROPOSED  
 SCALE: 1/8" = 1'-0"

project:

# 10 ASHLAND STREET

Newburyport, MA  
01950

architect:

**GRAF**  
**ARCHITECTS**  
2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

## PROPOSED Exterior Elevations

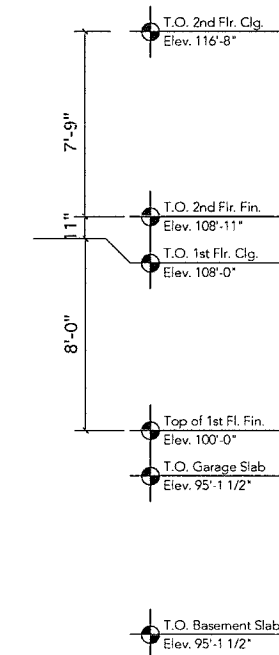
SCALE: 1/8" = 1'-0"

4 december 2017

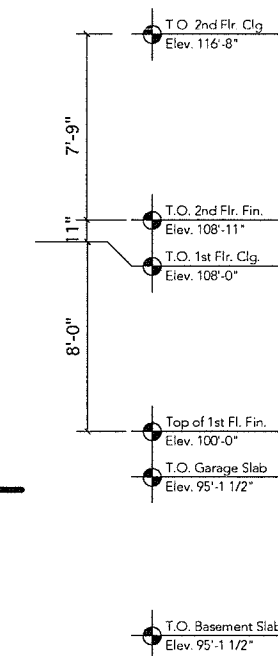
A04

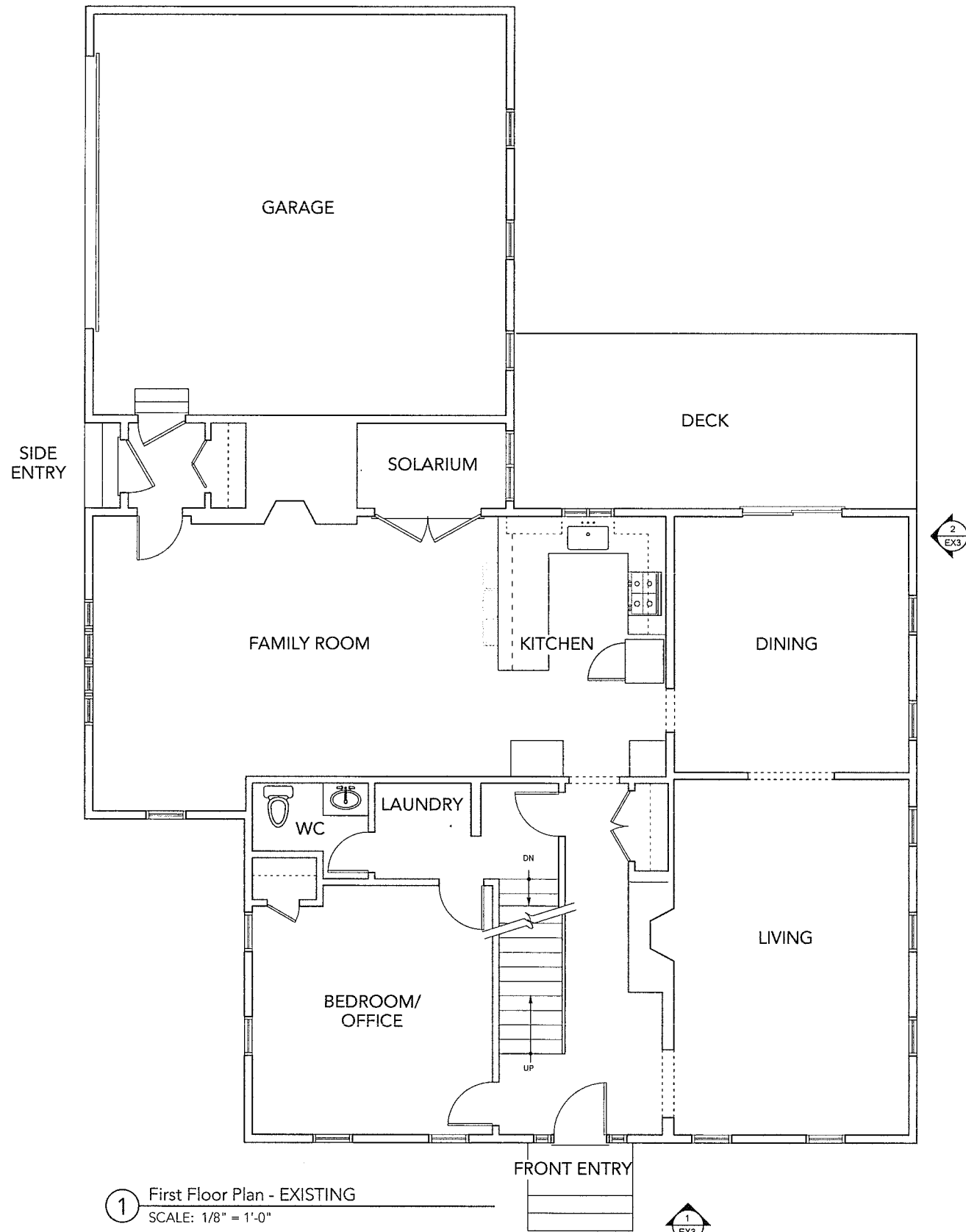


① Rear Exterior Elevation - PROPOSED  
SCALE: 1/8" = 1'-0"



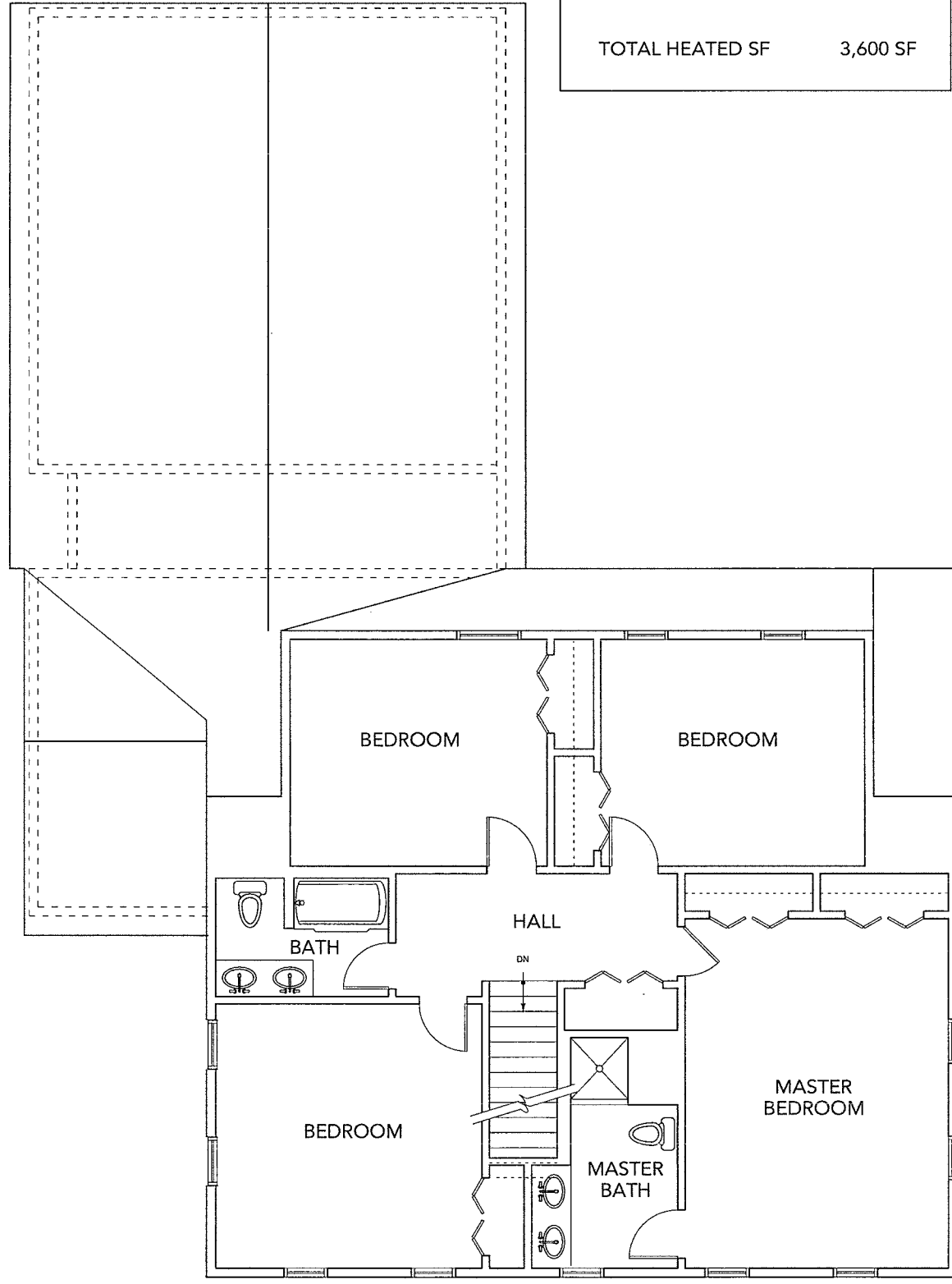
② Side Exterior Elevation - PROPOSED  
SCALE: 1/8" = 1'-0"





1 First Floor Plan - EXISTING  
SCALE: 1/8" = 1'-0"

EXISTING SF CALCULATIONS	
1ST FL	1,584 SF
2ND FL	1,169 SF
BASEMENT	847 SF
<b>TOTAL HEATED SF</b>	<b>3,600 SF</b>



2 Second Floor Plan - EXISTING  
SCALE: 1/8" = 1'-0"

project:

# 10 ASHLAND STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

### EXISTING First + Second Floor Plans

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

6 july 2017

EX1

project:

# 10 ASHLAND STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

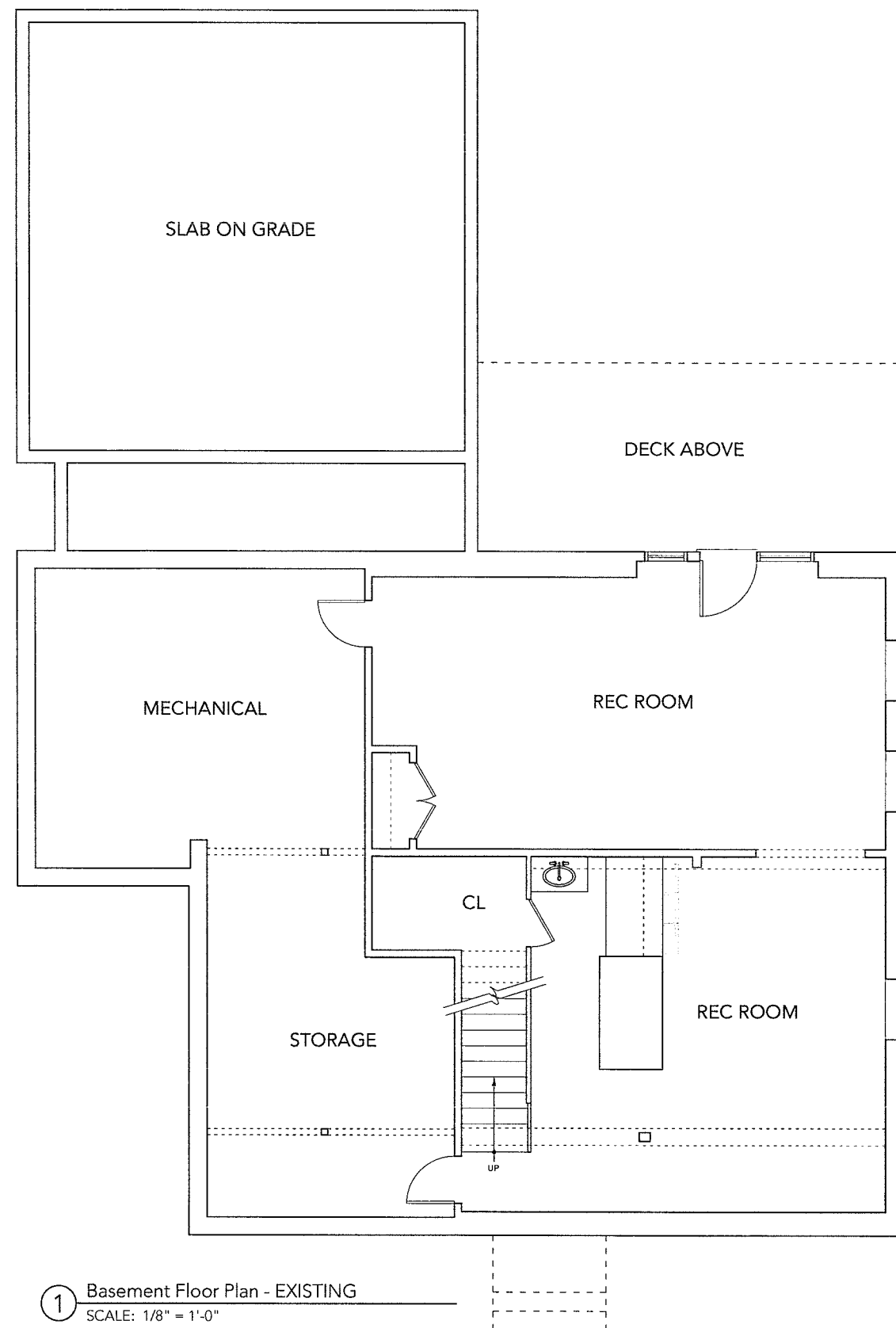
title:

### EXISTING Basement Floor Plan

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

6 July 2017

EX2



1 Basement Floor Plan - EXISTING  
SCALE: 1/8" = 1'-0"

project:

# 10 ASHLAND STREET

Newburyport, MA  
01950

architect:

**GRAF**  
**ARCHITECTS**  
2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

## EXISTING Exterior Elevations

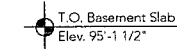
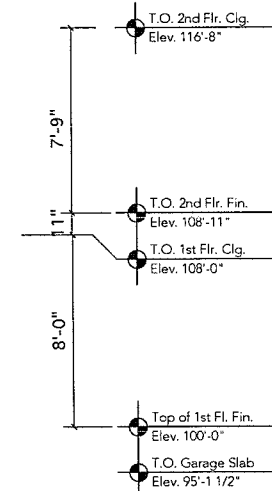
SCALE: 1/8" = 1'-0"

6 july 2017

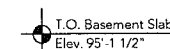
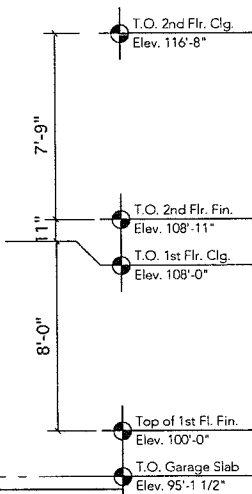
EX3



① Front Exterior Elevation - EXISTING  
SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - EXISTING  
SCALE: 1/8" = 1'-0"



27.2' +/-  
BUILDING HEIGHT

project:  
**10 ASHLAND STREET**  
 Newburyport, MA  
 01950

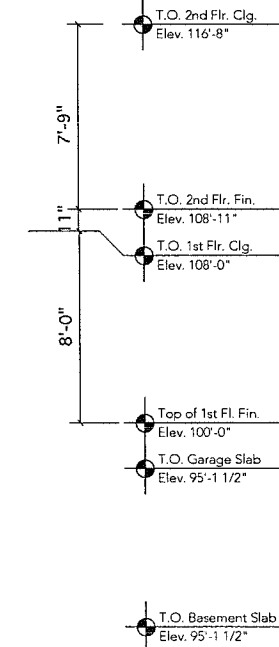
architect:  
**GRAF ARCHITECTS**  
 2 Liberty Street  
 Newburyport, MA  
 01950  
 T. 978.499.9442  
 www.grafarch.com

title:  
**EXISTING Exterior Elevations**

SCALE: 1/8" = 1'-0"  
 6 july 2017

**EX4**

① Rear Exterior Elevation - EXISTING  
 SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - EXISTING  
 SCALE: 1/8" = 1'-0"

