

City of Newburyport Zoning Board of Appeals

Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: _____

Mailing Address: _____

Phone: _____ Email: _____

Property Address: _____

Map and Lot(s): _____ Zoning District: _____

Book and Page(s): _____

Owner(s) Name: _____

Mailing Address (if different): _____

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|---|---|
| <input type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| ___ Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G) |
| ___ Upward Extension | ___ FAR |
| ___ Open Space | ___ Footprint Expansion |
| ___ Height | ___ Height Increase |
| ___ Lot Area | |
| ___ Use | |

Description of request:

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

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

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area			
Frontage			
Height*			
Lot Coverage (%)**			
Open Space (%)***			
Front Setback			
Side A Setback			
Side B Setback			
Rear Setback			
Parking Spaces			
FAR****			

*Height is measured to median roof line.

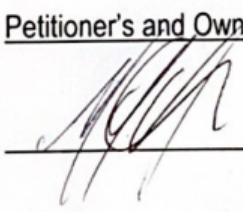
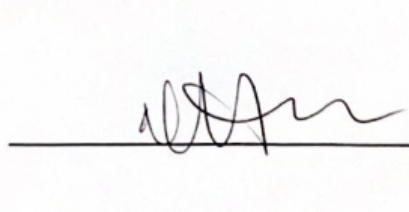
**Total building footprint divided by the lot area expressed as a percentage.

***Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

****FAR is only applicable in the Plum Island Overlay District (PIOD).

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.

Petitioner's and Owner's signature(s):

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-029

Name: Mike and Denisa Traister

Address: 30 Howard Street Zoning District(s): R2/DCOD

Request: Demolish 1952 non conforming single family structure and reconstruct new single family structure that extends upward a non conforming front yard setback and adds greater than 500sf of living area to a non conforming property.

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)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Review tree and sidewalk for substantial rehab _____ 03/09/2020
Newburyport Zoning Administrator Date

30 HOWARD ST EXTENSION

Location 30 HOWARD ST EXTENSION

MBLU 64/ 13/ //

Owner TRAISTER RICHARD GRAD

Assessment \$373,400

PID 4270

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$135,100	\$238,300	\$373,400

Owner of Record

Owner TRAISTER RICHARD GRAD
Co-Owner KATHLEEN A T/E
Address 325 MERRIMAC ST
 NEWBURYPORT, MA 01950

Sale Price \$400,000
Certificate
Book & Page 37914/0393
Sale Date 10/08/2019
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
TRAISTER RICHARD GRAD	\$400,000		37914/0393	00	10/08/2019
BELL FREDERIC C JR TRS	\$0		28410/0280	1A	03/17/2009
BELL FREDERIC C SR	\$0		20461/0027	1A	03/27/2003
BELL FREDERIC C SR	\$0		5144/ 212		

Building Information

Building 1 : Section 1

Year Built: 1952
Living Area: 1,088

Building Photo

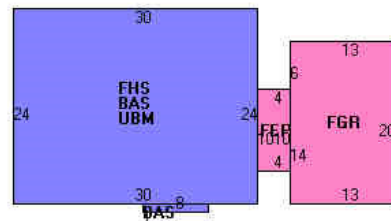
Building Attributes	
Field	Description
Style	Cape Cod
Model	Residential
Stories:	1 1/2 Stories
Occupancy	1
Exterior Wall 1	Vinyl Siding

Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Average



(http://images.vgsi.com/photos/NewburyportMAPhotos/00000004/15.jpg)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/4270_)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	728	728
FHS	Half Story, Finished	720	360
FEP	Porch, Enclosed	40	0
FGR	Garage, Attached	260	0
UBM	Basement, Unfinished	720	0
		2,468	1,088

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.23
Depth 0
Assessed Value \$238,300

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$124,800	\$238,300	\$363,100

VANCEarchitects

254 Bay Road
South Hamilton, MA 01982
617-302-7315
www.vancearch.com

March 27th, 2020

Renee Bourdeau, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, MA 01950

**Re: Request for a Special Permit for Non-Conformities;
30 Howard Street, Newburyport, MA 01950
Assessor's Map: 64 Lot 13**

Dear Chair and Members of the Board,

The following memorandum is in reference to the above matter. The Petitioner's, Michael and Denisa Traister, propose to demolish a pre-existing nonconforming single-family dwelling and reconstruct a new non-conforming single-family dwelling. The Petitioner's seek a Special Permit for Non-Conformities for the project.

Project description:

The Petitioner's propose to demolish the existing 1952, one and half story single-family dwelling and construct a new two story single-family dwelling. The new dwelling will increase the current livable square footage more than 500 SF and extend upward a non-conforming front yard setback.

Current conditions and non-conformities:

Use-

The property is located in the R-2 (Residential/One-family) zoning district. The proposed use will remain the same as a Residential/One-family.

Lot size -

The lot is 9,743 SF, the Code of Ordinances requires 10,000 SF

Dimensional Setbacks -

- Front Yard is 19.1', proposed is 20.1' (utilizing established front yard setback), the Code of Ordinances requires 25 feet.
- Side yard is 10.8' and 9.4', proposed is 10.0' and 10.0', the Code of Ordinances requires 10 feet.
- Rear Yard is 88.4', proposed is 56.5, the Code of Ordinances requires 25 feet.
- Height is 24.21', proposed is 32'-7", the Code of Ordinances requires 35'-0" maximum based on average grade for the site.
- Lot coverage is 11.6%, proposed is 24.88%, the Code of Ordinances requires 25%.

The Petitioner will require a Special Permit for non-conformities under Section IX-B.2.A and Section IX-B.3.C.

- The proposed new dwelling will not create any additional non-conformities. The new dwelling will be sited on the existing non-conforming "established front yard setback". The remaining setbacks will be compliant under the Code of Ordinances. This will eliminate one of the side yard non-conformities.
- The new dwelling will not be substantially more detrimental to the neighborhood than the existing non-conforming dwelling. The proposed massing and scale of the project fits into the neighborhood texture, which is predominantly two-story single-family dwellings.

The Petitioner requests that the Board finds the proposed project to not be substantially more detrimental to the neighborhood than the existing non-conforming dwelling.

Sincerely,



Christopher Vance, AIA, NCARB LEED AP
Principal

Cc: Michael and Denisa Traister

NOTES:

1.) THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY PERFORMED ON SEPTEMBER 19, 2019.

2.) SUBSURFACE AND ABOVE GROUND UTILITIES WERE NOT INCLUDED AS PART OF THIS SURVEY, ONLY THE LOCATION OF VISIBLE SURFACE STRUCTURES WAS LOCATED. THE LOCATION OF SUBSURFACE UTILITIES ARE NOT WARRANTED TO BE CORRECT, NOR DOES THE SURVEYOR GUARANTEE THAT ALL UTILITIES ARE SHOWN. THE CONTRACTOR SHALL VERIFY ALL UTILITIES AND CONTACT "DIG SAFE" (1-800-DIG-SAFE) PRIOR TO THE COMMENCEMENT OF WORK.

3.) A TITLE EXAMINATION WAS NOT PROVIDED FOR THIS SURVEY. AS SUCH OTHER MATTERS OF RECORD MAY EXIST AND NOT BE SHOWN HEREON.

LEGEND:

BIT	BITUMINOUS
CONC	CONCRETE
FD	FOUND
IP	IRON PIPE
IR	IRON ROD
(M)	MEASURED
(R)	RECORD
VF	VINYL FENCE
VGC	VERTICAL GRANITE CURB
WDFE	WOOD FENCE
W/F	WOOD FRAME
WV	WATER VALVE

RECORD OWNERS:

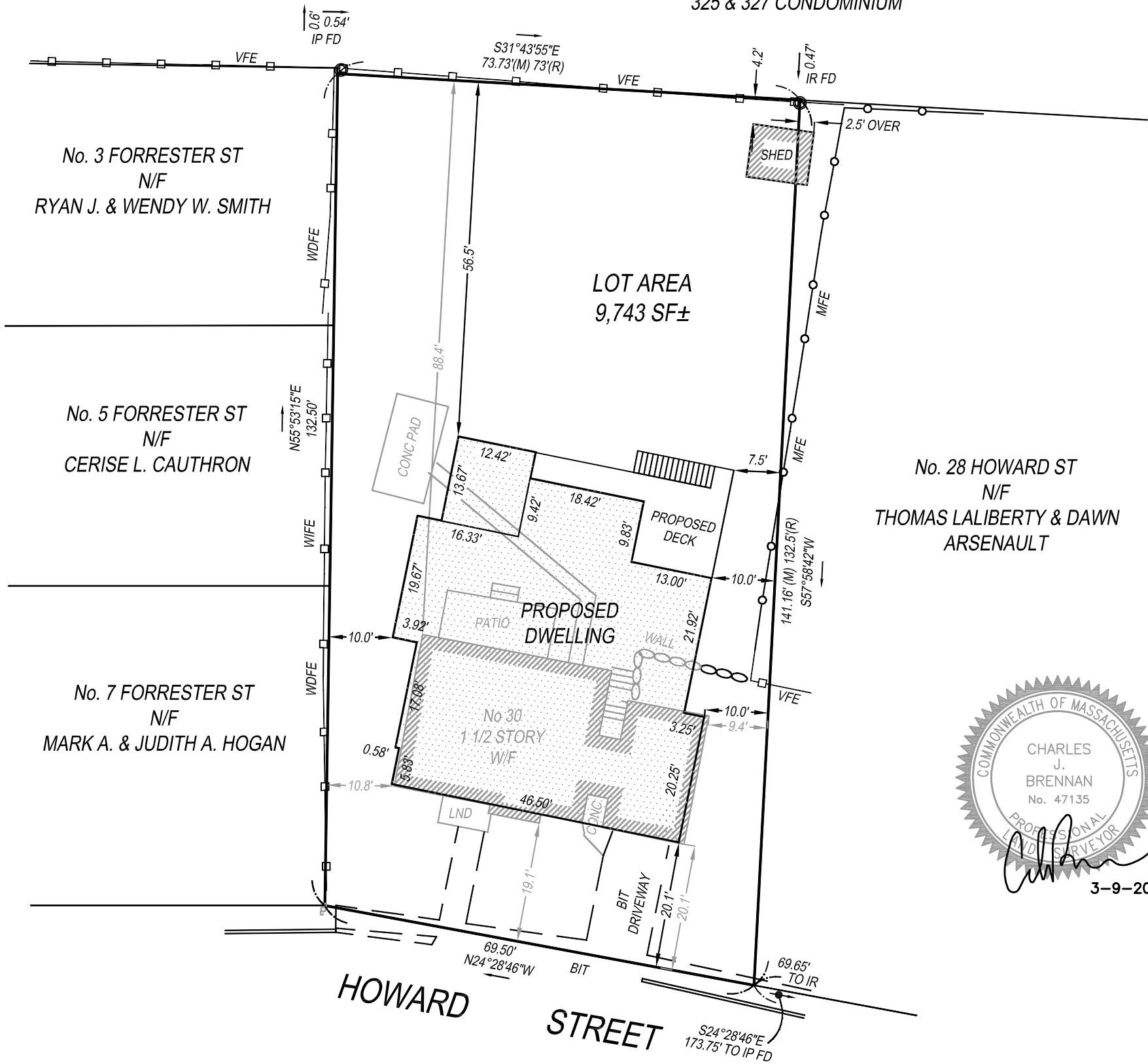
MICHAEL B. TRAISTER & DENISA Q. TRAISTER
30 HOWARD STREET
NEWBURYPORT, MA 01950

REFERENCES:

DEED BOOK 38278 PAGE 249

PLAN IN BOOK 2494 PAGE 455
PLAN 367 OF 1948
PLAN 152 OF 1986

No. 325 & 327 MERRIMAC ST
N/F
325 & 327 CONDOMINIUM



No. 3 FORRESTER ST
N/F
RYAN J. & WENDY W. SMITH

No. 5 FORRESTER ST
N/F
CERISE L. CAUTHRON

No. 7 FORRESTER ST
N/F
MARK A. & JUDITH A. HOGAN

No. 28 HOWARD ST
N/F
THOMAS LALIBERTY & DAWN ARSENAULT



ZONING:

R2 (SINGLE FAMILY)
(DCOD OVERLAY)

(REQUIRED)	(EXISTING)	(PROPOSED)
LOT AREA: 10,000 SF	LOT AREA: 9,743 SF	LOT AREA: 9,743 SF
FRONTAGE: 90'	FRONTAGE: 69.50'	FRONTAGE: 69.50'
FRONT OFFSET: 25'	FRONT OFFSET: 20.1'	FRONT OFFSET: 20.1'
SIDE OFFSET: 10'	SIDE OFFSET: 9.4'	SIDE OFFSET: 10.0'
REAR OFFSET: 25'	REAR OFFSET: 88.4'	REAR OFFSET: 56.5'
LOT COVERAGE: 25%	LOT COVERAGE: 11.6%	LOT COVERAGE: 25.0%
OPEN SPACE: 40%	OPEN SPACE: 86.3%	OPEN SPACE: 72.5%

PLOT PLAN
IN
NEWBURYPORT, MA

AT 30 HOWARD STREET
PREPARED FOR

KATHY & RICHARD TRAISTER

BY
SUMMIT SURVEYING INC.

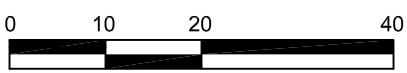
4 S. POND STREET, NEWBURYPORT, MA 01950

TEL. 978-692-7109

WWW.SUMMITSURVEYINGINC.COM

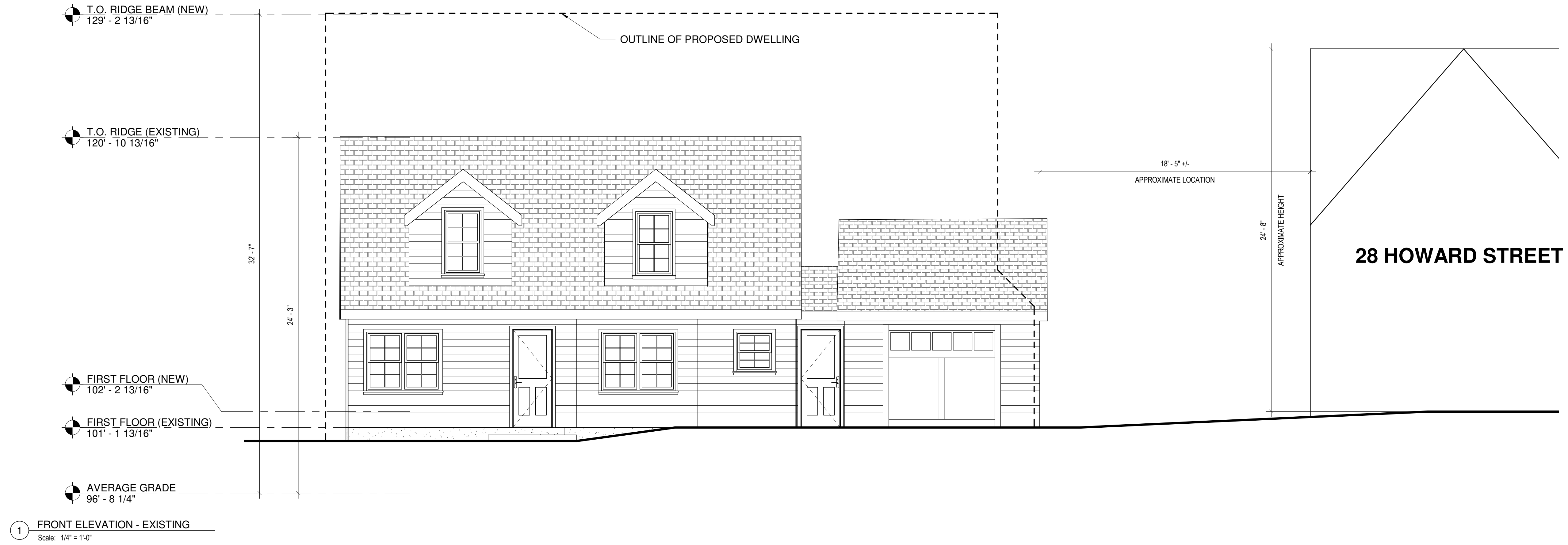
MARCH 9, 2020

19-0149



SCALE: 1" = 20'

EXISTING VS. PROPOSED ELEVATION



1 FRONT ELEVATION - EXISTING
Scale: 1/4" = 1'-0"

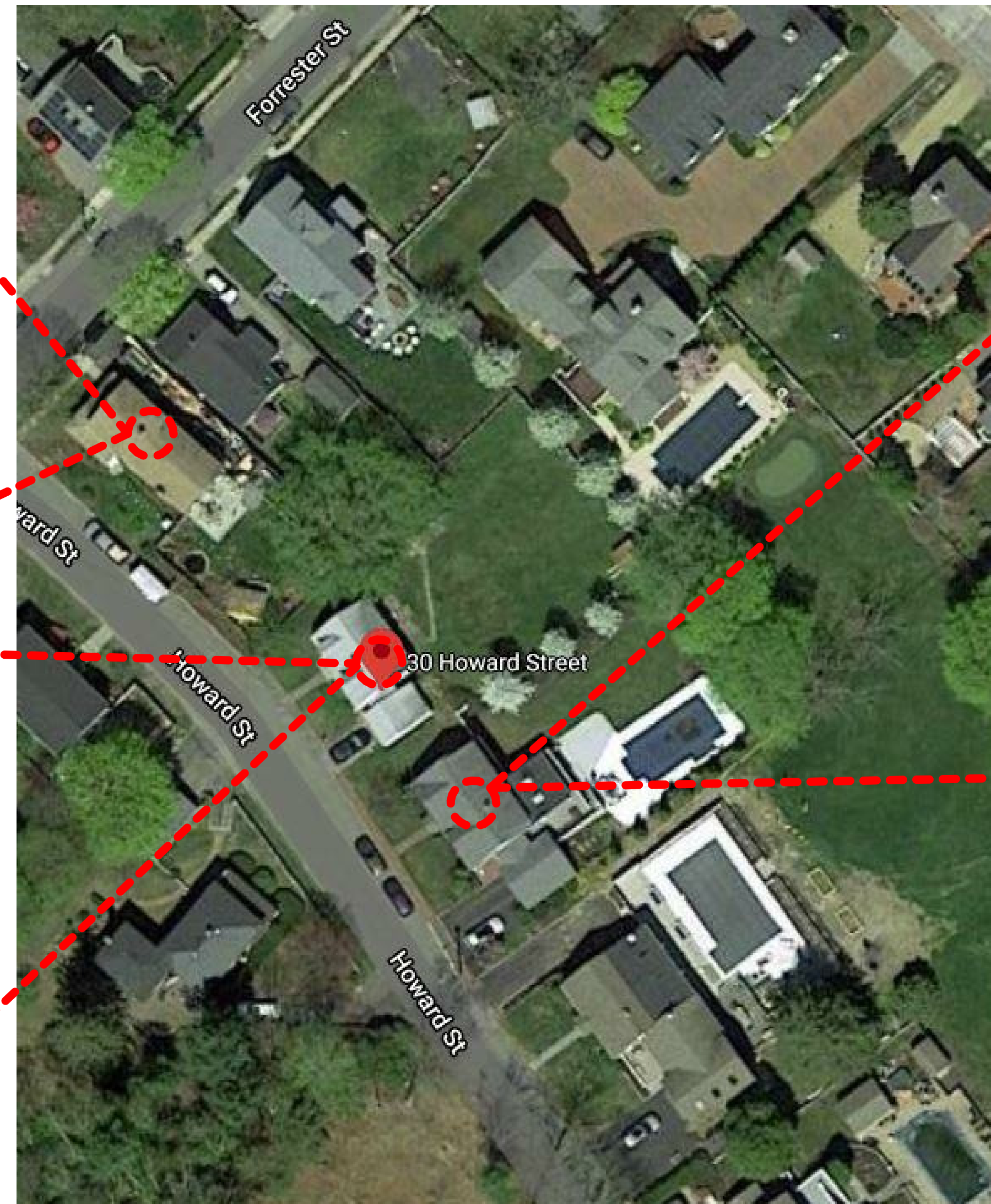
SITE CONTEXT



7 FORRESTER STREET



30 HOWARD STREET



28 HOWARD STREET

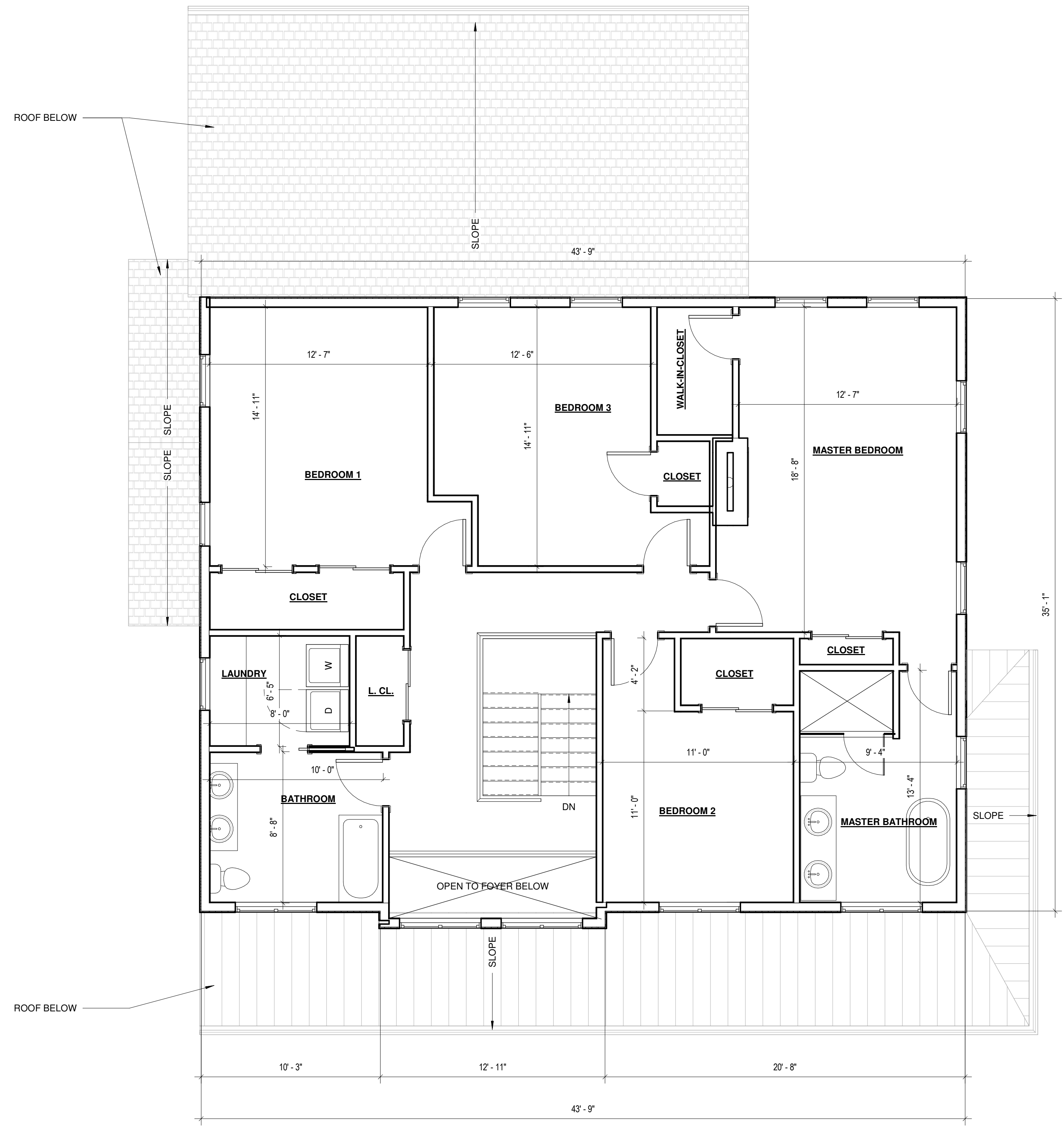


REVISIONS NO.	DATE	REMARKS

ZBA SUBMISSION
April 3rd, 2020

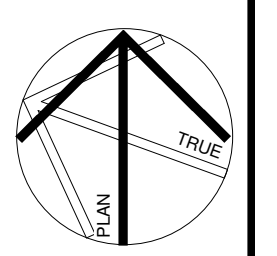
Trister Residence
30 Howard Street, Newburyport, MA 01950
EXISTING CONDITIONS
SCALE: 1/4" = 1'-0"

DRAWING NUMBER
A01
JOB NUMBER R133



SECOND FLOOR LIVING SPACE: 1,400 SF

1 SECOND FLOOR PLAN
Scale: 1/4" = 1'-0"

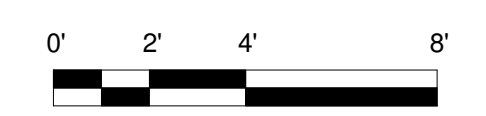


REVISIONS NO.	DATE	REMARKS

ZBA SUBMISSION
April 3rd, 2020

Traister Residence
30 Howard Street, Newburyport, MA 01950
SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

DRAWING NUMBER
A03
JOB NUMBER R133



REVISIONS NO.	DATE	REMARKS

ZBA SUBMISSION
April 3rd, 2020

Trailster Residence
 80 Howard Street, Newburyport, MA 01950
ELEVATIONS
 SCALE: 1/4" = 1'-0"



1 SIDE ELEVATION (EAST)
Scale: 1/4" = 1'-0"



2 SIDE ELEVATION (WEST)
Scale: 1/4" = 1'-0"



REVISIONS NO.	DATE	REMARKS

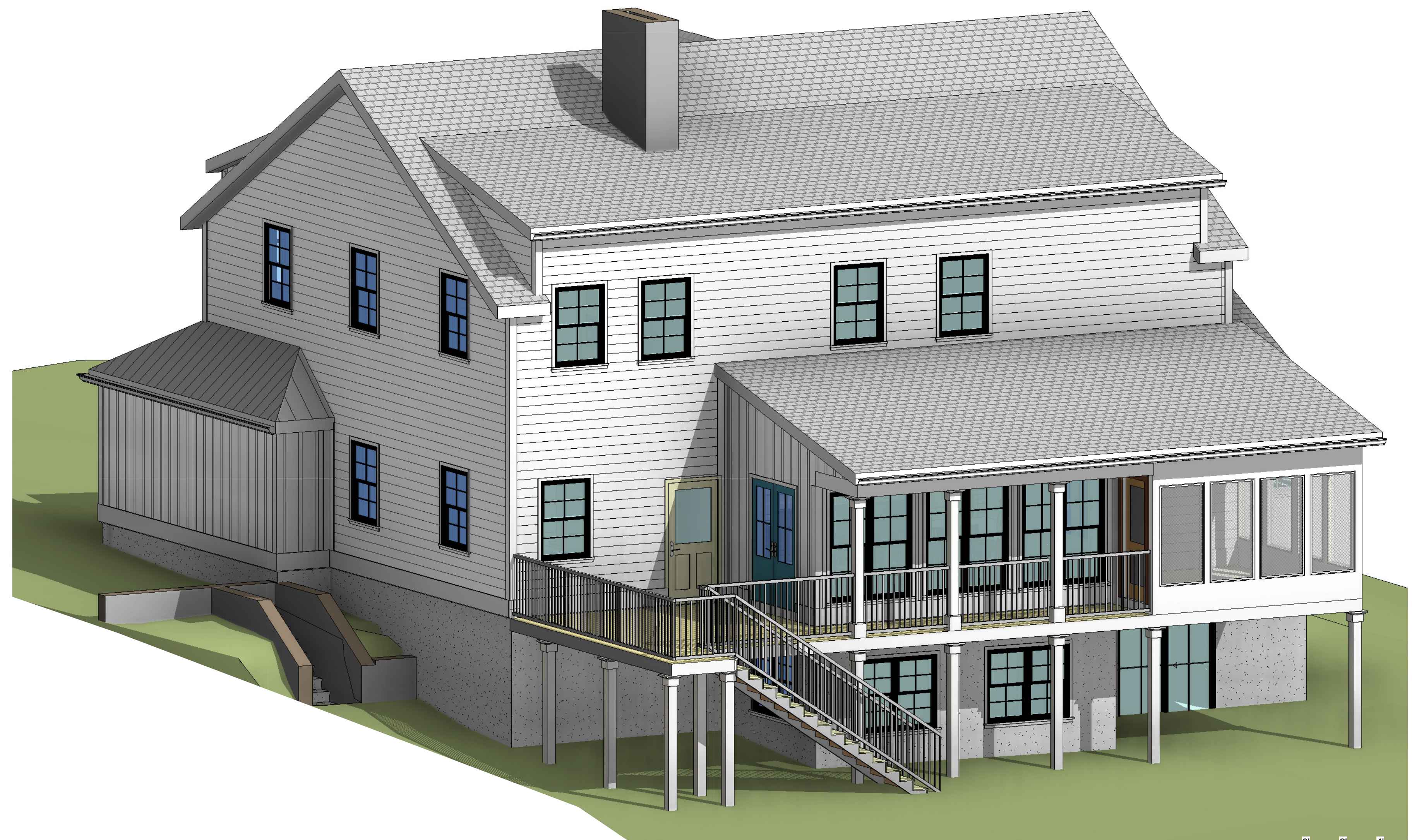
ZBA SUBMISSION
April 3rd, 2020

Trister Residence
30 Howard Street, Newburyport, MA 01950
ELEVATIONS
SCALE: 1/4" = 1'-0"

DRAWING NUMBER
A05
JOB NUMBER R133



1 Axon 01 - Front
Scale:



2 Axon 02 - Back
Scale:



REVISIONS NO.	DATE	REMARKS

ZBA SUBMISSION
April 3rd, 2020

Traister Residence
80 Howard Street, Newburyport, MA 01950
AXONOMETRICS
SCALE:

DRAWING NUMBER
A06
JOB NUMBER R133