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NOV 14 2019

Newburyport Planning Dept.

City of Newburyport Planning Board
Application for a SPECIAL PERMIT

The undersigned hereby submits an application for:

- Special Permit
Special Permit amendment

Petitioner: Scott and Tina Devivo c/o Mark Griffin, Esq.

Address: 30 Green Street, Newburyport, MA 01950

Phone: 978-462-1514

Email: mark@finnic.com

Owner: Gateway Productions Realty, LLC

Address: 10 Mulliken Way, Newburyport, MA 01950

Phone: 978-836-4559

Site Address: 10 Mulliken Way

Assessor's Map and Lot(s): 79-7A Zoning District: I-1

Book and Page #: 35496/274 or Certificate of Title:

Ordinance section where relief is being requested:

- Table of Permitted Uses (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)
Other

Describe the Special Permit request:

Applicant seeks to run a Kennel/Animal Boarding facility at the locus.

Petitioner and Landowner signature(s):

Every application for a Special Permit shall be made on this form, which is the official form of the Planning Board. 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 Office of Planning and Development does not absolve the applicant from this responsibility. Failure to comply with application requirements as cited herein may result in the Planning Board dismissing the application as incomplete.

Signature of petitioner/owner: [Handwritten signatures]

Print name(s) here: Mark Griffin for Scott and Tina Devivo Alexis Sommerfeld, Manager/Owner

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2019-083

Name: Scott and Tina Devivo

Address: 10 Mulliken Way Zoning District(s): I1B

Request: Utilize portion of existing light industrial use building for a animal boarding/kennel facility including new outdoor fenced space for dog runs and play area. 12 Parking spaces allocated to new use.

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-3)
 - FAR
 - Lot Coverage
 - Height
 - Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # 424
- 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

* WITHIN 25' NO DISTURB OF WETLAND

Health Department Review

[Signature] 11/14/2019
 Newburyport Zoning Administrator Date

FINNERAN & NICHOLSON, P.C.
ATTORNEYS AND COUNSELORS AT LAW
30 GREEN STREET
NEWBURYPORT, MASSACHUSETTS 01950
(978) 462-1514
FACSIMILE (978) 465-2584
E-MAIL: CASES@FINNIC.COM
WEBSITE: WWW.FINNERANNICHOLSON.COM

November 5, 2019

Newburyport Planning Board
Attn: Bonnie Sontag, Chair
60 Pleasant Street
Newburyport, MA 01950

Re: 10 Mulliken Way; Memo in Support of Special Permit for Use #424
For Scott and Tina Devivo
Our File 19-302

Dear Ms. Sontag:

I represent Scott and Tina Devivo with respect to converting space within an existing building and yard area to an Animal Boarding/Kennel use; this use was recently adopted and added to the Newburyport Zoning Ordinance ("NZO"). This letter is provided in support of their application for a Special Permit. The applicant has submitted a site plan showing existing and proposed conditions; this plan contains a zoning table showing existing and proposed dimensions and requirements.

Existing Conditions

The Premises is located in the I-1 Zoning District with industrial uses in the vicinity. The existing building is approximately 32,000sf and contains Gateway Productions (light manufacturing #602) which occupies about 24,00sf of the building. The existing lot is 201,247sf and has some wetlands in the right rear corner. The lot and the building meets all dimensional requirements for the existing use and Gateway has sufficient parking for its operations at 24 spaces – even though there are potentially 36 spaces available on site.

Proposal

The applicant proposes to run a dog daycare and boarding business (Use #424) in approximately 8,000sf of the building. The applicant will do minor interior renovations to construct the interior boarding and day care areas along with the front office area. The only exterior work will be the dog play area, which will be fenced and landscaped/hardscaped for the play use. This area is @3,000sf. The interior will have some soundproofing to buffer the barking of the dogs indoors

so it will not disturb Gateway. There will be outdoor play and, of course, some barking during daytime hours. However, the businesses nearby are not likely to be bothered by it. Further, the property is not near a residential area and is much farther away from the nearest one on Hale Street than the 250' limit in the NZO. The MIMAP distance shows it to be well over 1,000 feet from Hale Street. Finally, the new use will comply with the NZO in all dimensional respect as well as parking – 12 spaces will be provided, including 4 visitor spaces as per the NZO.¹

Special Permit Criteria – Section XH7

1. The particular use proposed is Kennel/Animal Boarding use. The existing building will remain and it complies in all respects with the use in the district and the dimensional requirements. The proposal is to add the new use within the building which will conform to all dimensional requirements in the I-1 zoning district. The use code for the new use is Use 424.
2. The requested use is essential and desirable to the public convenience and welfare. Currently there are no animal boarding or kennel facilities in the City of Newburyport. The NZO was amended to accommodate that need, which is especially acute since residents are now owning more dogs than ever before.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety. Required parking will be provided as set forth above and no significant increase in traffic will occur from the establishment of the business. The trips to and from by customers usually will occur at the beginning and end of the work day along with employee shift changes. Customers will use the drop off spots on site and the employees will park in designated spots on site as well. The roads are in the industrial park and are not particularly heavily traveled, nor are they subject to consistent pedestrian use.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system. This use will not overuse municipal systems and is likely to use less municipal utilities than most other businesses in the industrial park.
5. There are no special regulations for the use set forth in the Special Permit Table, although there is a footnote that requires the use to be more than 250' from a residential district. As set forth above, the applicant will comply with this requirement.
6. The use will not impair the integrity or the character of the district or adjoining districts nor be detrimental to the health or welfare. Of all of the places to have such a use the industrial park is likely the place where the impact of noisy dogs will be minimized. The

¹ Note that there was a mistake in the final version of the zoning amendment establishing Use #424 where it provides for 2 parking spaces per employee. This should read 1 space per employee. It is expected this will be rectified, and when it is the applicant will be allowed up to 8 employees on site.

main concern during adoption of Use 424 was noise that disturbed residential properties. This will not be an issue.

7. The project will not cause an excess of that particular use that could be detrimental to the character of the neighborhood. This will be the only such use in the City if it is approved.
8. The proposed use is in harmony with the purpose and intent of the Zoning Ordinance as the I-1 now allows for Use #424 by special permit. It is a business and is in keeping with the plan to expand the constellation of business uses in the industrial park for more flexibility in finding and keeping businesses in the City.
9. The proposed home will not 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. The use will comply with all applicable public health and safety code requirements.

For the aforementioned reasons the Petitioners request that the Planning Board grant the application for a Special Permit for a Kennel/Animal Boarding facility.

Sincerely,



Mark Griffin
MG
Encl.

TOPO.	UTILITIES	STRT./ROAD	LOCATION	Description	Code	Appraised Value	Assessed Value
1 Level	1 Paved	5 Industrial	INDUSTR.	INDUSTR.	4022	1,427,700	1,427,700
			IND LAND	IND LAND	4022	624,200	624,200
			INDUSTR.	INDUSTR.	4022	8,100	8,100
SUPPLEMENTAL DATA							
Other ID:	79-7-A	CONDO CV;					
SUB-DIV		INLAW Y/N;					
PHOTO		LOT SPLIT;					
WARD	3	40B HSNG;					
TILE #:		ASSOC PID#					
ATT 1/2 HSE:		GIS ID: M_249898_950140					

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	w/	SALE PRICE	V.C.
GATEWAY PRODUCTIONS REALTY LLC	35496/0274		12/02/2016	Q	I	2,250,000	00
CASTAGNA RALPH C TRUSTEE	22930/0314		06/01/2004	Q	I	1,650,000	00
PITTMAN DONALD L JR	11041/0066		12/03/1991	Q	I	900,250	00
SIROIS HENRY P RICHARD R	06985/0256		10/05/1982			0	0
	6870/065		10/06/1981			0	0
Total:						2,060,000	Total:

EXEMPTIONS		Amount	Code	Description	Number	Amount	Comm. Int.
Total:						2,060,000	Total:

OTHER ASSESSMENTS		Amount	Code	Description	Number	Amount	Comm. Int.
Total:						1,978,800	Total:

ASSESSING NEIGHBORHOOD
 NBHD: SLR
 I/A
 Street Index Name
 Tracing
 Batch
NOTES
 2012= CI: EAN TECH CENTER
 Appraised Bldg. Value (Card) 1,348,200
 Appraised XF (B) Value (Bldg) 79,500
 Appraised OB (L) Value (Bldg) 8,100
 Appraised Land Value (Bldg) 624,200
 Special Land Value 0
 Total Appraised Parcel Value 2,060,000
 Valuation Method: C
 Adjustment: 0
 Net Total Appraised Parcel Value 2,060,000

BUILDING PERMIT RECORD		Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd	Purpose/Restit
439-10/00	Commercial	295,000	05/11/2001	100		INT REMODEL	02/14/2007	DG	00	00	00	Measur+Listed
332-8/00	Commercial	8,000	05/11/2001	100		DEMO INT WALLS	05/28/1998	RD	00	00	00	Measur+Listed
AR304-1291	Commercial	4,970		100		UPDATE/AL	07/22/1991	DR	45	00	00	Change Value Chan;
							05/16/1984	95	00	00	00	Measur+Listed

LAND LINE VALUATION SECTION		Units	Unit Price	ST. Idx	Notes-Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value
1	4022 IND BLDG	43,560 SF	6.95	C12	0.90		1.00	6.26	272,500
1	4022 IND BLDG	1.00 AC	302,700.00	C12	0.90	SITE	1.00	272,430.00	272,400
1	4022 IND BLDG	2.62 AC	302,700.00	0.10	0.00	EXCESS	1.00	30,270.00	79,300
Total Card Land Units: 4.62 AC; Parcel Total Land Area: 4.62 AC									Total Land Value: 624,200

VISION

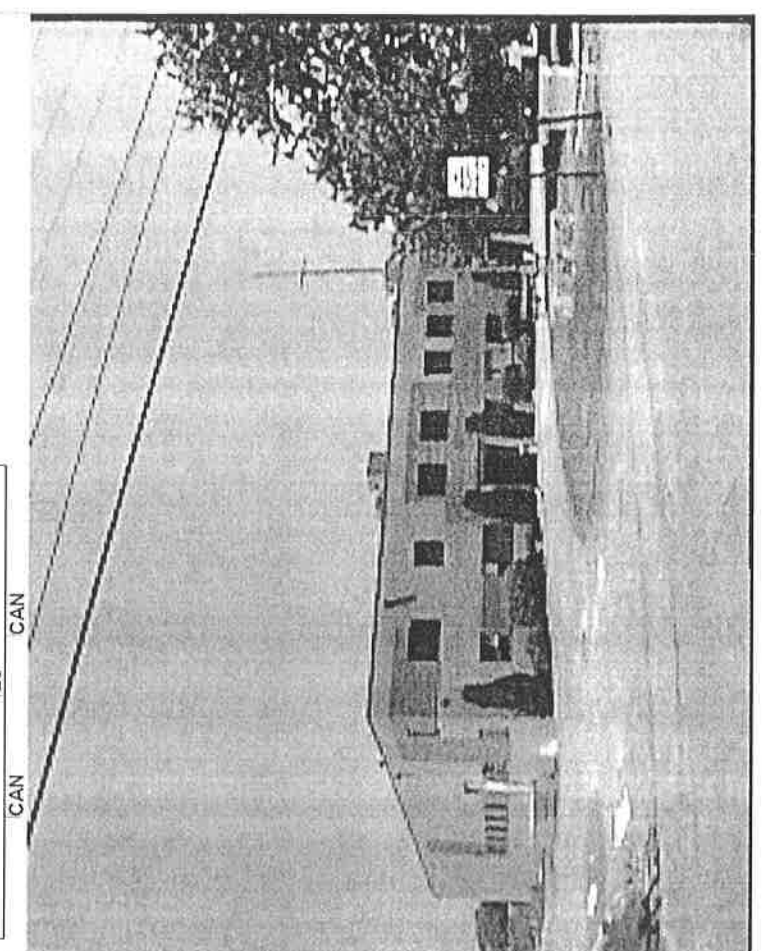
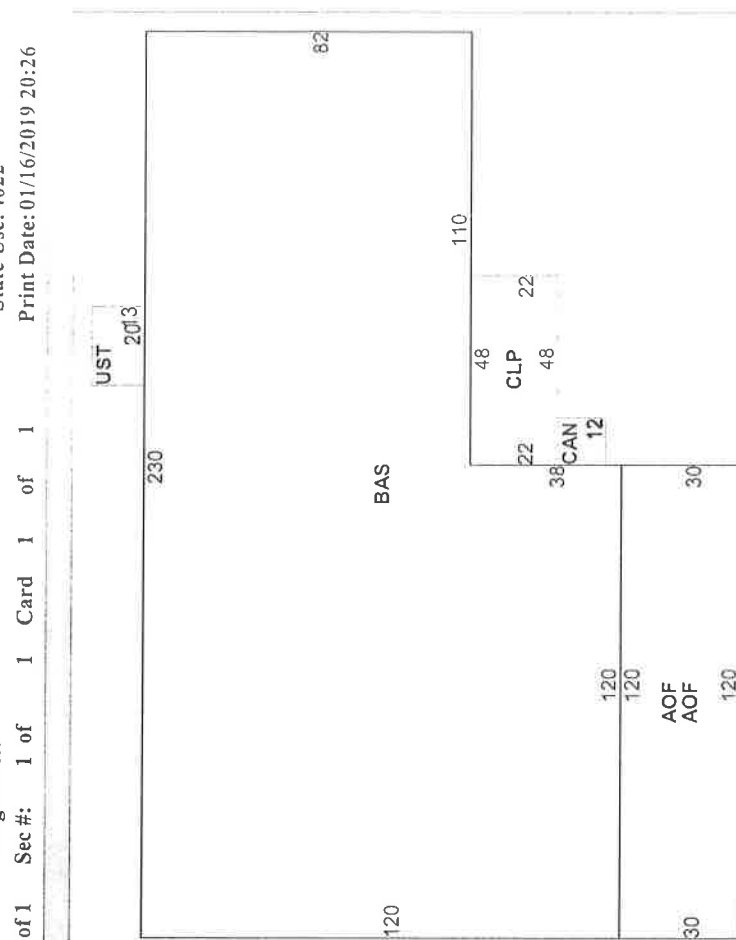
123
 NEWBURYPORT, MA

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
40	Light Industrial		
96	Industrial		
03	Average		
1	Stories		
1	Occupancy		
15	Exterior Wall 1		
	Exterior Wall 2		
	Roof Structure		
01	Flat		
04	Tar & Gravel		
05	Drywall/Sheet		
01	Interior Wall 1		
01	Interior Wall 2		
03	Interior Floor 1		
	Interior Floor 2		
03	Heating Fuel		
04	Heating Type		
01	AC Type		
4022	Bldg Use		
	Total Rooms		
	Total Bedrms		
	Total Baths		
	Kitchen Grd		
00	Heat/AC		
05	Frame Type		
02	Baths/Plumbing		
04	Ceiling Wall		
02	Rooms/Prtns		
20	Wall Height		
0	% Conn Wall		

MIXED USE		COST/MARKET VALUATION	
Code	Description	Percentage	
4022	IND BLDG	100	
Adj. Base Rate: 49.64			
	Replace Cost		1,773,885
	AYB		1982
	EYB		2006
	Dep Code		G
	Remodel Rating		
	Year Remodeled		
	Dep %		24
	Functional Obslnc		0
	External Obslnc		0
	Cost Trend Factor		1
	Condition		
	% Complete		76
	Overall % Cond		1,348,200
	Apprais Val		
	Dep % Ovr		0
	Dep Ovr Comment		
	Misc Imp Ovr		0
	Misc Imp Ovr Comment		
	Cost to Cure Ovr		0
	Cost to Cure Ovr Comment		

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)													
Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr	Gde	Lp	Rt	Cond	%Cnd	Apr Value
FGR1	CARAGE-AVE	L	504	28.00	1998		1				50	4,200	
SGN3	W/INT LIGHT	L	96	81.00	2007		0				50	3,900	
SPR1	SPRINKLERS	B	23,421	2.70	2006		2				100	48,100	
V/C	AIR CONDIT	B	7,200	1.50	2006		2				100	8,200	
L/DL2	W/IAN FLIP	B	2	1,568.00	2006		2				100	2,400	
SPR2	WET/CONCE	B	7,200	3.80	2006		2				100	20,800	

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value
AOF	Office	7,200	7,200	11,880	81.91	589,723
BAS	First Floor	23,420	23,420	23,420	49.64	1,162,569
CAN	Canopy	0	200	40	9.93	1,986
CLP	Loading Platform, Finished	0	1,056	317	14.90	15,736
UST	Utility, Storage, Unfinished	0	260	78	14.89	3,872
Tot. Gross Liv/Lease Area:		30,620	32,136	35,735		1,773,885



City of Newburyport

11/05/2019



1:2,400

Data Sources: Provided by the Massachusetts Planning Commission (MPC) and the City of Newburyport. This map is for informational purposes only. It is not intended to be used for legal or financial purposes. The City of Newburyport is not responsible for any errors or omissions on this map. For more information, please contact the City of Newburyport Planning Department at (978) 862-2200.



Legend	
Municipal Boundary	DCOD
Roads	DOD
Interstate	FSOD
Major Road	IB-ROD
Local Road	PIOD
Railroad	SGOD
Zone A	Zone B
Zone C	Zone I
Zone II	Zone III
Hydrographic Feat.	GACM
Stream	HSRA
Intermittent Str.	HSRB
Zoning	I1
A/C	I1B
WMD	I2
WMU	

City of Newburyport

11/05/2019



Data Sources: Provided by the City of Newburyport, Massachusetts
 The City of Newburyport, Massachusetts
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 AND THE USER OF THIS DATA ASSUME ALL LIABILITY ASSOCIATED WITH THE
 USE OF THIS DATA IN ANY MANNER.



- | | | |
|---|---|--|
| <ul style="list-style-type: none"> — Municipal Boundary — Roads <ul style="list-style-type: none"> — Interstate — Major Road — Local Road — Railroad | <ul style="list-style-type: none"> DCOD DOD FSOD IB-RCD PIDD SCGD | <ul style="list-style-type: none"> Zone A Zone B Zone C Zone I Zone II Road Right of Way |
|---|---|--|

- Legend
- | | | |
|------------------|------|-----|
| Streams | HSRA | WMU |
| Stream | HSRB | |
| Intermittent Sin | B1 | |
| Zoning | B2 | |
| A/C | B3 | |
| B1 | B4 | |