

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

Petitioner: 12-14 Tyng Street LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 229-231 Merrimac Street

Map and Lot(s): Map 57 Lot 12 Zoning District: R-2

Book and Page(s): 35744/0560

Owner(s) Name: Merrimac Broad Street LLC

Mailing Address (if different): 229-231 Merrimac Street

This request for a Special Permit for Non-Conformities is made under section(s):

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

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

Alter pre-existing non-conforming multifamily structure by removing a portion and reconstructing in same footprint.

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

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	9765	14.8	43.2	NA	27	194.18	10+/-	7.4	33.9	0.1	4.0
Proposed	9765	21	42.3	NA	27	194.18	9+	7.4	38.4	0.1	5.2
Required	24000	40	40	NA	35	120	9	20	10	20*	20

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

Existing Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
3428	2.5	5528	103

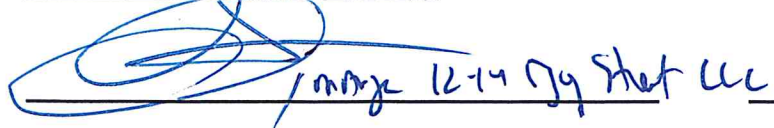
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
3775	2.5	6811	103

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. – 101 = single family, etc.)

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. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. 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):

 / mrye 12-14 09 Strat LLC



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

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

April 26, 2018

By Hand

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

Re: Special Permit for Non-Conformities; 229-231 Merrimac Street,
Newburyport, MA (the "Property"), Assessor's Map: 57 Lot 12

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the buyer of the property, 12-14 Tyng Street, LLC ("Petitioner"). The Petitioner seeks to renovate the existing five (5) unit multi-family structure by removing a 24.4 % portion of the exterior walls¹ of the later added addition as shown on the plans, reconstruct the addition in the same foot-print and add a roof deck over the single-story addition. It should be noted that the roof deck will also serve as a second means of egress for the second floor units. There will be 9 parking spaces provided on the Property with a possible 10th, while not required, on the Broad Street side.

The Property is located in a R-2 zoning district and is a pre-existing non-conforming structure with a pre-existing non-conforming use. The Property includes 9,765 sq. ft. of area where 24,000 are required. It includes 194.18 feet of frontage where 120 are required. There is a non-conforming setback on Broad Street of 0.1 feet where 20 feet are required and a setback on Merrimac Street of 7.4 feet where 20 feet are required and a 4 foot rear yard setback where 20 feet are required. The lot coverage is 43.2% where 40% is required. The Petitioner does not seek to increase or extend or intensify any of the existing non-conformities. Additionally, it should be noted that the parking shown on the plan is existing, the Petitioner is merely striping the spaces.

To proceed with the project and alter the structure, the Petitioner requires a Special Permit from the Zoning Board of Appeals for Non-Conformities in

¹ Given that only 24.4% of the exterior walls will be removed the Demolition Control Overlay District requirements are not triggered.

accordance with section IX-B of the Newburyport Zoning Ordinance.

Section IX-B(2)(B) allows for the alteration of a pre-existing non-conforming commercial structure where the Board finds that there will:

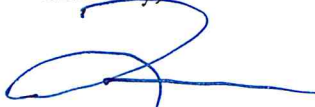
1. **be no intensification or extension of an existing non-conformity or the addition of a new nonconformity; and**
2. **that the proposed changes will not be substantially more detrimental to the neighborhood than the existing non-conforming structure.**

As noted on the plans, there is no extension or intensification of an existing non-conformity nor is there an addition of a new non-conformity. Therefore, the Board can find that the proposed alteration meets this criterion.

Next the Board must find that the alteration is not substantially more detrimental to the neighborhood than the existing structure. Here, the alteration will improve the later added addition by removing it and replacing it with something more architecturally in line with the rest of the structure and neighborhood. The remainder of the structure will be renovated and rejuvenated. The existing two over two windows will be replaced with six over six, the siding will be replaced with all new hardy plank clapboard siding and as you can see the doors on Board Street will be relocated to be a center door entrance with appropriate pediment work. Proper parking will be laid out on the Property and landscaping will be added. The use will be no more intense than the existing use and therefore there will be no substantial detriment to the neighborhood in that regard. Given the foregoing, the Board can find that the proposed alteration will not be substantially more detrimental to the neighborhood than the existing structure.

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

Sincerely,



Lisa L. Mead

Attachment
cc: Client

CITY OF NEWBURYPORT, MA
ZONING REVIEW/BUILDING PERMIT DENIAL

APR# 2018-029

Name: 12-14 TYNG STREET LLC, / LISA MEAD

Address: 229-231 MERRIMAC ST. Zoning District(s): R2/DCOD

Request: RECONSTRUCT EXISTING 1980'S ADDITION ON EXIST. FOOTPRINT, NEW
ROOFDECK ABOVE SIDE WING, NEW DORMERS + WINDOW TYPED-OUT.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

Special Permit

- Special Permit for Use (V.D) Use #: _____
- 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 IX.B.2.B - ALT. OF NON CONF
STRUCTURE AND USE

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 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - ___ FAR ___ Height
 - ___ Lot Coverage ___ Setbacks
 - ___ Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Permitted Uses (V-D)
- Marijuana Overlay District (V-G)
- 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 ___ Rear Yard
 - ___ Upward Extension ___ Lot Coverage
 - ___ Open Space ___ Side Yard
 - ___ Height ___ Lot Frontage
 - ___ Lot Area ___ 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

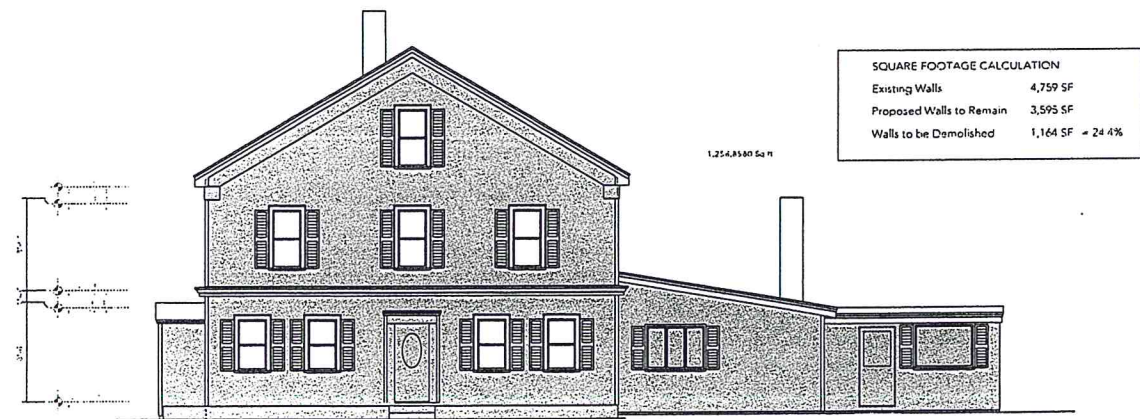
- Demo. Delay *Advisory Review

< 25% DEMO OF EXIST WALLS PER
DWGS SUBMITTED W/ DENIAL

CONSERVATION COMMISSION REVIEW REQUIRED

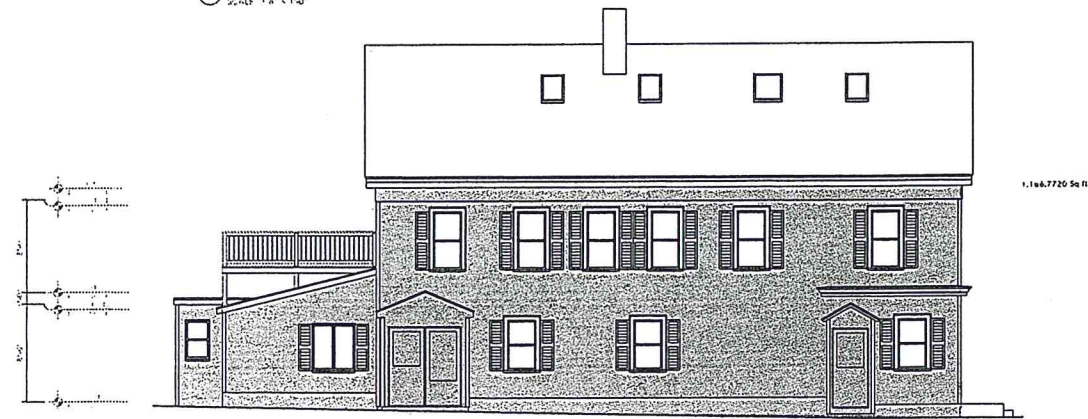
CITY COUNCIL REVIEW REQUIRED (X.H.9)

Janet Blawie 4/26/18
Newburyport Zoning Administrator Date



SQUARE FOOTAGE CALCULATION	
Existing Walls	4,759 SF
Proposed Walls to Remain	3,595 SF
Walls to be Demolished	1,164 SF = 24.4%

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



1,164.7720 Sq Ft

2 Side Elevation - BROAD STREET
SCALE: 1/8" = 1'-0"

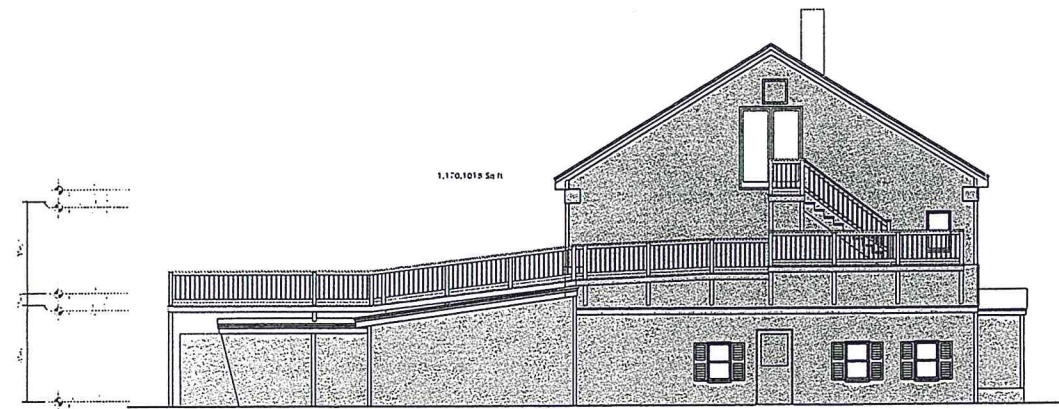
project:
229-231
MERRIMAC
STREET
Newburyport, MA

architect:
GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T 978.499.0442
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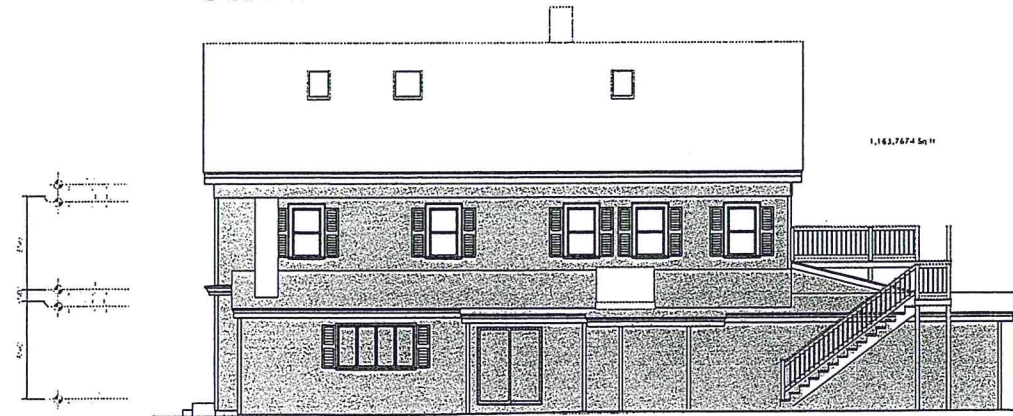
title:
EXISTING
Exterior Elevations

SCALE: 1/8" = 1'-0"
24 APRIL 2018

EX1



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



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

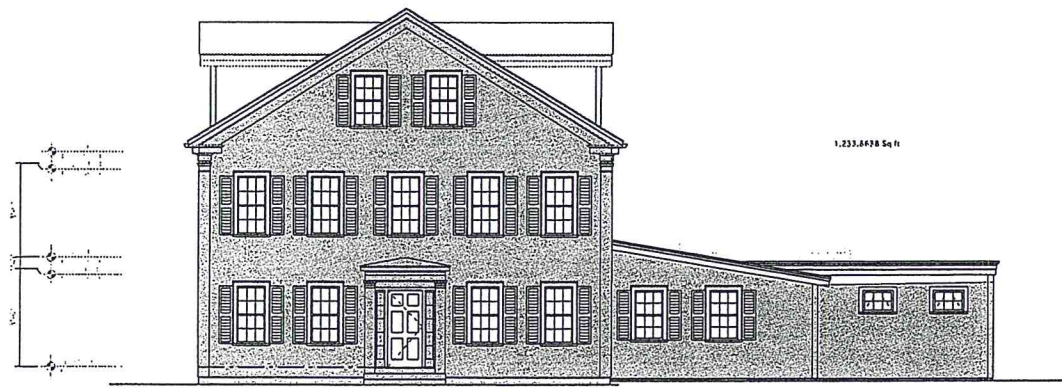
PROJECT
229-231
MERRIMAC
STREET
Newburyport, MA

ARCHITECT
GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
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TITLE
EXISTING
Exterior Elevations

SCALE: 1/8" = 1'-0"
24 April 2018

EX2



1,233.4478 Sq ft

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



1,604.8460 Sq ft

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

project
229-231
MERRIMAC
STREET
Newburyport, MA

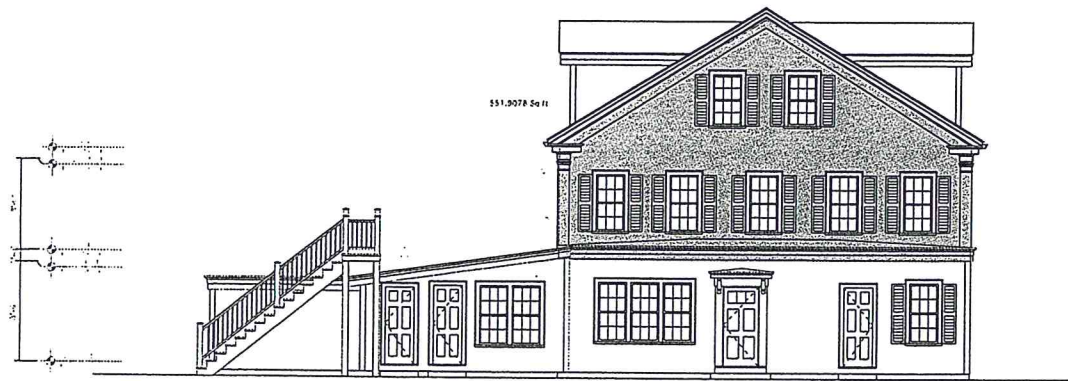
architect
GRAF
ARCHITECTS
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T 978.499.9442
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title
PROPOSED
Exterior Elevations

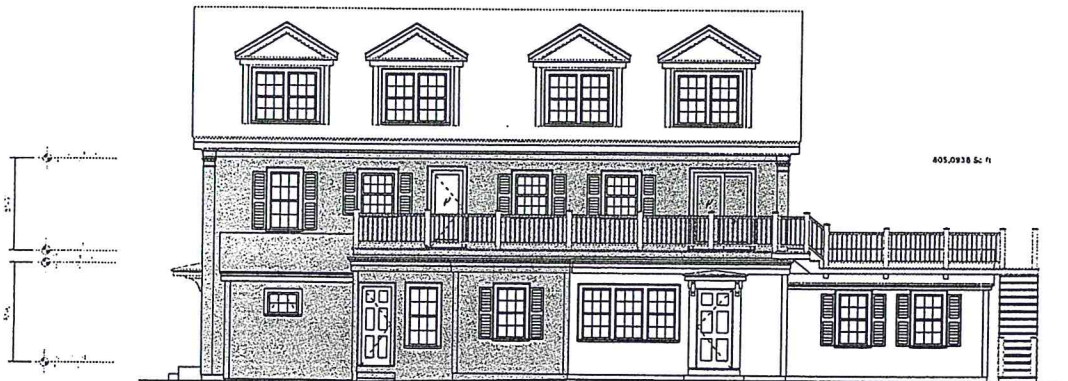
SCALE: 1/8" = 1'-0"
24 April 2018

A04

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



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

project:
229-231
MERRIMAC
STREET
Newburyport, MA

architect:
GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
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title:
PROPOSED
Exterior Elevations

SCALE: 1/8" = 1'-0"
24 April 2018

A05

229-231 MERRIMAC ST

Location 229-231 MERRIMAC ST **Mblu** 57/ 12/ //

Owner MERRIMAC BROAD STREET LLC **Assessment** \$777,000

PID 3906

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$438,100	\$338,900	\$777,000

Owner of Record

Owner MERRIMAC BROAD STREET LLC **Sale Price** \$0
Co-Owner **Certificate**
Address 229 MERRIMAC ST **Book & Page** 35744/0560
NEWBURYPORT, MA 01950 **Sale Date** 03/20/2017
 Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MERRIMAC BROAD STREET LLC	\$0		35744/0560	1F	03/20/2017
MERRIMAC BROAD STREET LLC	\$0		35744/0558	1F	03/20/2017
REARDON MARILYN J TRS	\$100		11289/0328	1A	05/13/1992
REARDON EDWARD L-MARILYN J TE	\$0		5268/ 156		

Building Information

Building 1 : Section 1

Year Built: 1800
Living Area: 5,528

Building Photo

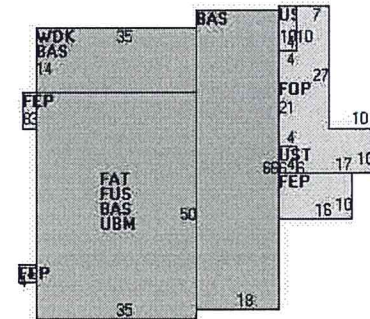
Building Attributes	
Field	Description
Style	Family Conver.
Model	Residential
Stories:	2 Stories
Occupancy	6
Exterior Wall 1	Vinyl Siding

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	Carpet
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	6 Bedrooms
Total Bthrms:	6
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	18 Rooms
Bath Style:	Average
Kitchen Style:	Average



(<http://images.vgsi.com/photos/NewburyportMAPotos/\00\00\01\09.jpg>)

Building Layout



Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	3,428	3,428
FUS	Upper Story, Finished	1,750	1,750
FAT	Attic	1,750	350
FEP	Porch, Enclosed	200	0
FOP	Porch, Open	443	0
UBM	Basement, Unfinished	1,750	0
UST	Utility, Storage, Unfinished	64	0
WDK	Deck, Wood	490	0
		9,875	5,528

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation

Use Code 1110
Description APT 4-8 UN
Zone R3

Size (Acres) 0.22
Depth 0
Assessed Value \$338,900

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT1	PATIO-AVG			160 S.F.	\$700	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$377,400	\$322,700	\$700,100

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UP/11



ZONING

RESIDENTIAL (R-2)
MULTI-FAMILY (103)

	REQUIRED EXISTING (5 UNITS)	EXISTING	PROPOSED
MINIMUM LOT SIZE:	24,000 SF	9,765 SF	9,765 SF
MINIMUM FRONTAGE:	120 FT	194.18 FT	194.18 FT
MINIMUM FRONT SETBACK:	20 FT	7.4 FT	7.4 FT
MINIMUM SIDE SETBACK:(R)	10 FT	33.9 FT*	38.4 FT
MINIMUM SIDE SETBACK:(L)	20 FT **	0.1 FT	0.1 FT
MINIMUM REAR SETBACK:	20 FT	4.0 FT*	5.2 FT
MAX LOT COVERAGE:	40%	43.2%	42.3%
MINIMUM OPEN SPACE:	40%	14.8%	21.0%
MAX BUILDING HEIGHT:	35 FT	27 FT	27 FT
PARKING:	9	9	9

* INCLUDES OVERHANG OF BUILDING GREATER THAN 2'.
** STREET SETBACK MUST BE OBSERVED TO ALL STREET LINES.


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.

NOTES

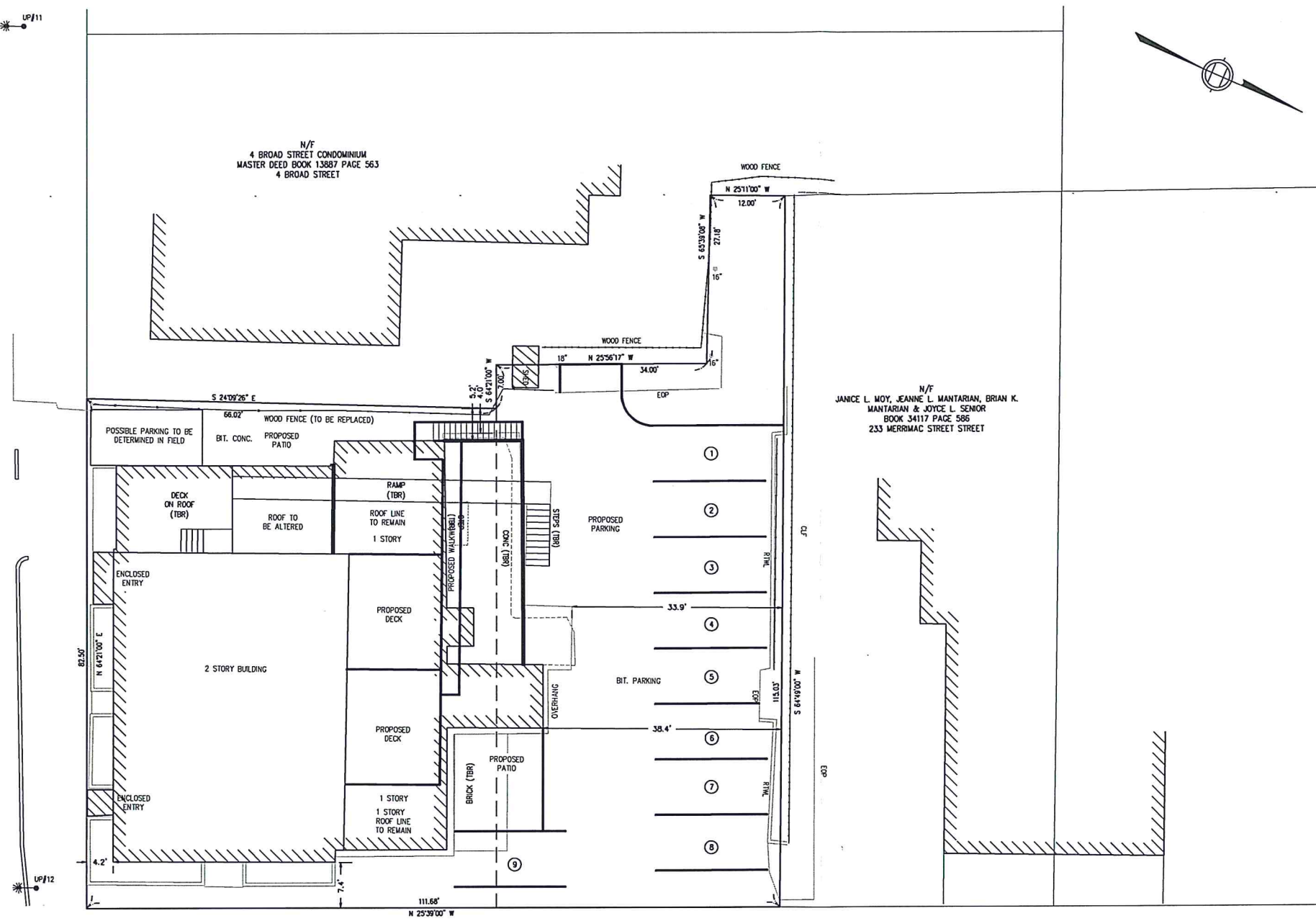
THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AND IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON APRIL 20, 2018.

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, P.L.S.
 MASS. REGISTRATION NO. 41763

BROAD STREET
(PUBLIC - VARIABLE WIDTH)



MERRIMAC STREET
(PUBLIC - VARIABLE WIDTH)

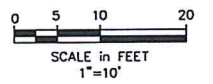
LOCUS TITLE INFORMATION

229-231 MERRIMAC STREET

OWNER: MERRIMAC BROAD STREET LLC

DEED REFERENCE: BOOK 35744 PAGE 558 & 560

ASSESSORS: MAP 57 PARCEL 12



Copyright 2018 Winter GEC, LLC

Winter GEC, LLC

34 WINTER STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1" = 10'
VERT: N.A.

NO.	DATE	BY	REVISIONS

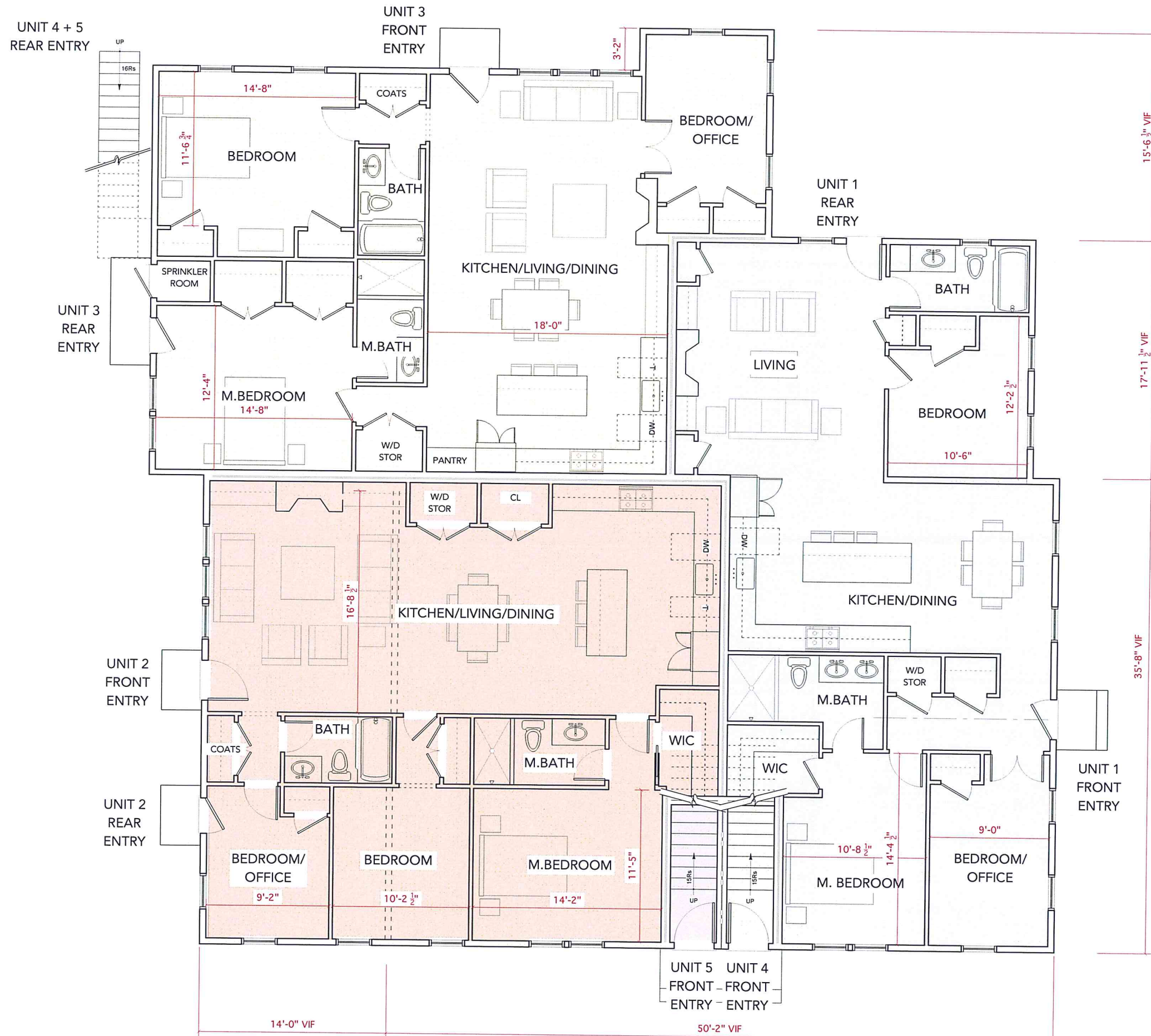
FIELD: C.P.
CALCS: C.P./E.C.
CHECKED: EJC
APPROVED: EJC

EXISTING CONDITIONS PLAN

229-231 MERRIMAC STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
12-14 TYNG STREET LLC

PROJECT NO.
201-229MERRIMAC
DATE: APRIL 22, 2018
SHEET NO.
1 OF 1



project:
**229-231
 MERRIMAC
 STREET**
 Newburyport, MA

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

SF CALCULATIONS		
UNIT 1		1,267 SF
UNIT 2		1,268 SF
UNIT 3		1,240 SF
UNIT 4		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF
UNIT 5		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF

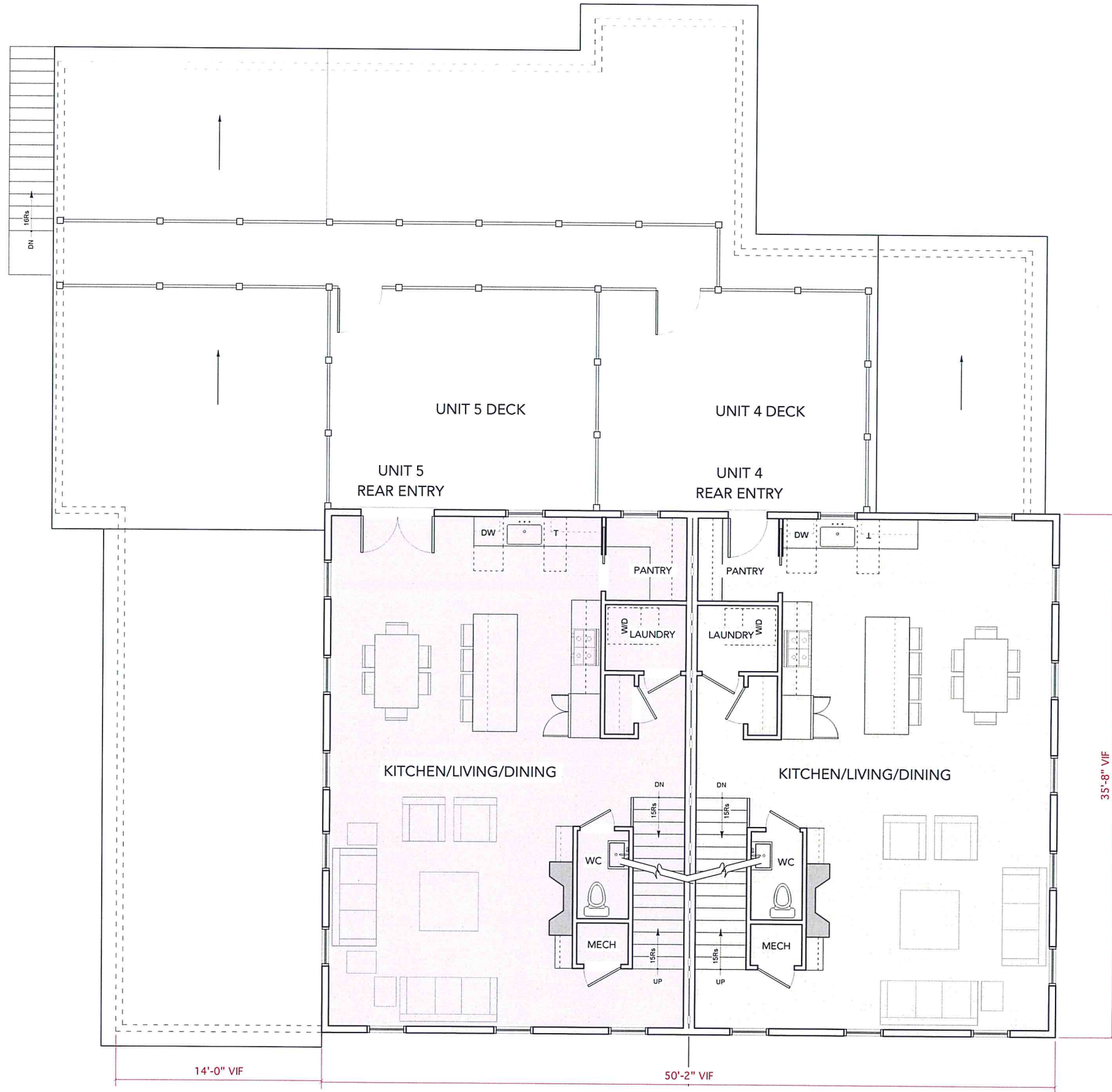
title:
**Proposed
 First Floor Plan**

SCALE: 1/8" = 1'-0"
 24 april 2018

A01

1 First Floor Plan

UNIT 4 + 5
REAR ENTRY



SF CALCULATIONS		
UNIT 1		1,267 SF
UNIT 2		1,268 SF
UNIT 3		1,240 SF
UNIT 4		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF
UNIT 5		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF

project:

**229-231
MERRIMAC
STREET**
Newburyport, MA

architect:

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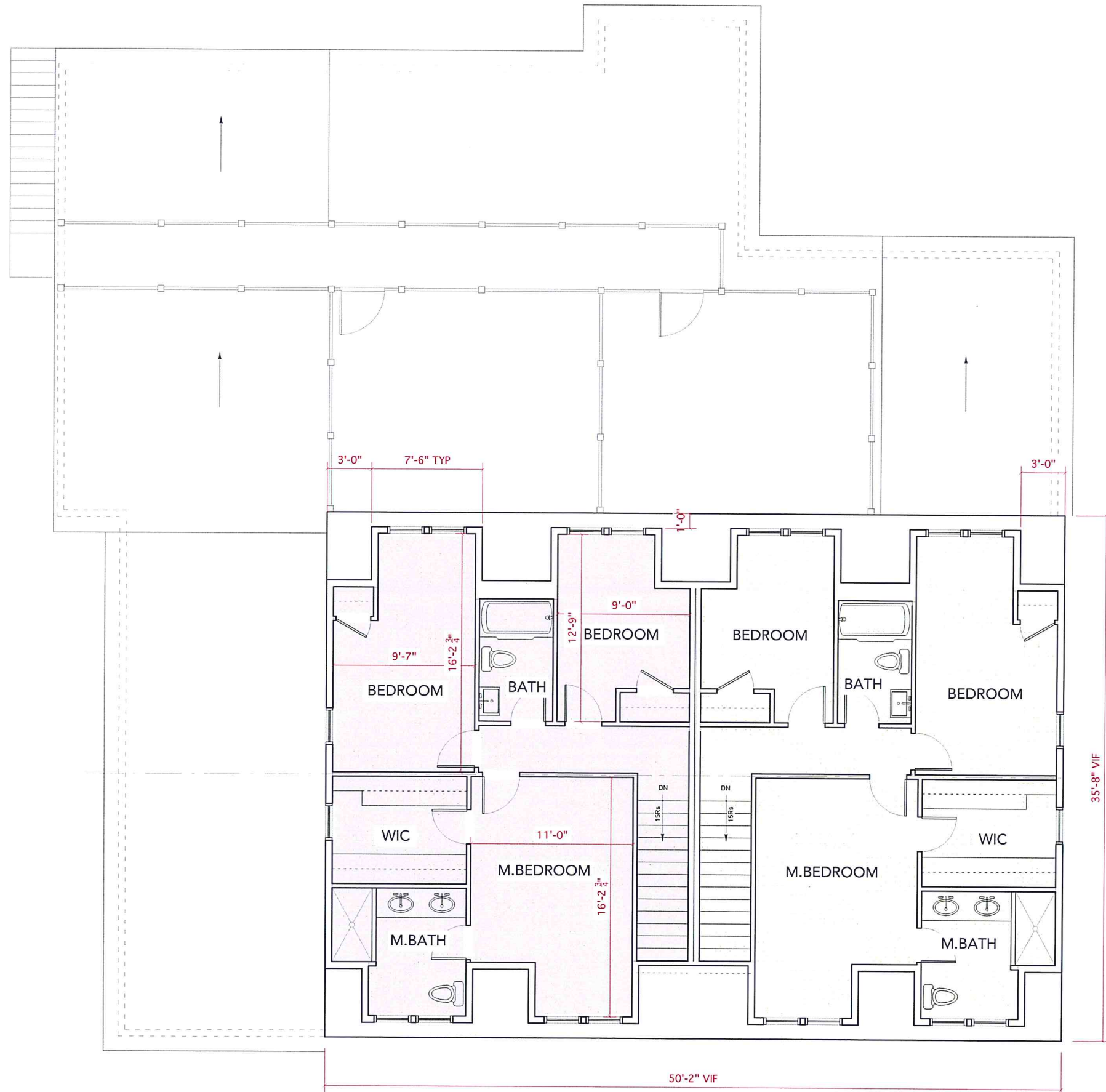
title:

**Proposed
Second Floor Plan**

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

24 april 2018

A02



project:
**229-231
 MERRIMAC
 STREET**
 Newburyport, MA

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

SF CALCULATIONS		
UNIT 1		1,267 SF
UNIT 2		1,268 SF
UNIT 3		1,240 SF
UNIT 4		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF
UNIT 5		
1ST FL		36 SF
2ND FL		838 SF
3RD FL		680 SF
TOTAL		1,554 SF

title:
**Proposed
 Third Floor Plan**

SCALE: 1/8" = 1'-0"
 24 april 2018

A03

project:

229-231
MERRIMAC
STREET
Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
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www.grafarch.com

title:

PROPOSED
Exterior Elevations

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

24 april 2018

A04



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



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

project:

229-231
MERRIMAC
STREET

Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
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title:

PROPOSED
Exterior Elevations

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

24 april 2018

A05



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



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

project:

229-231
MERRIMAC
STREET
Newburyport, MA

architect:

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title:

EXISTING
Exterior Elevations

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

24 april 2018

EX1



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



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

project:

229-231
MERRIMAC
STREET
Newburyport, MA

architect:

GRAF
ARCHITECTS
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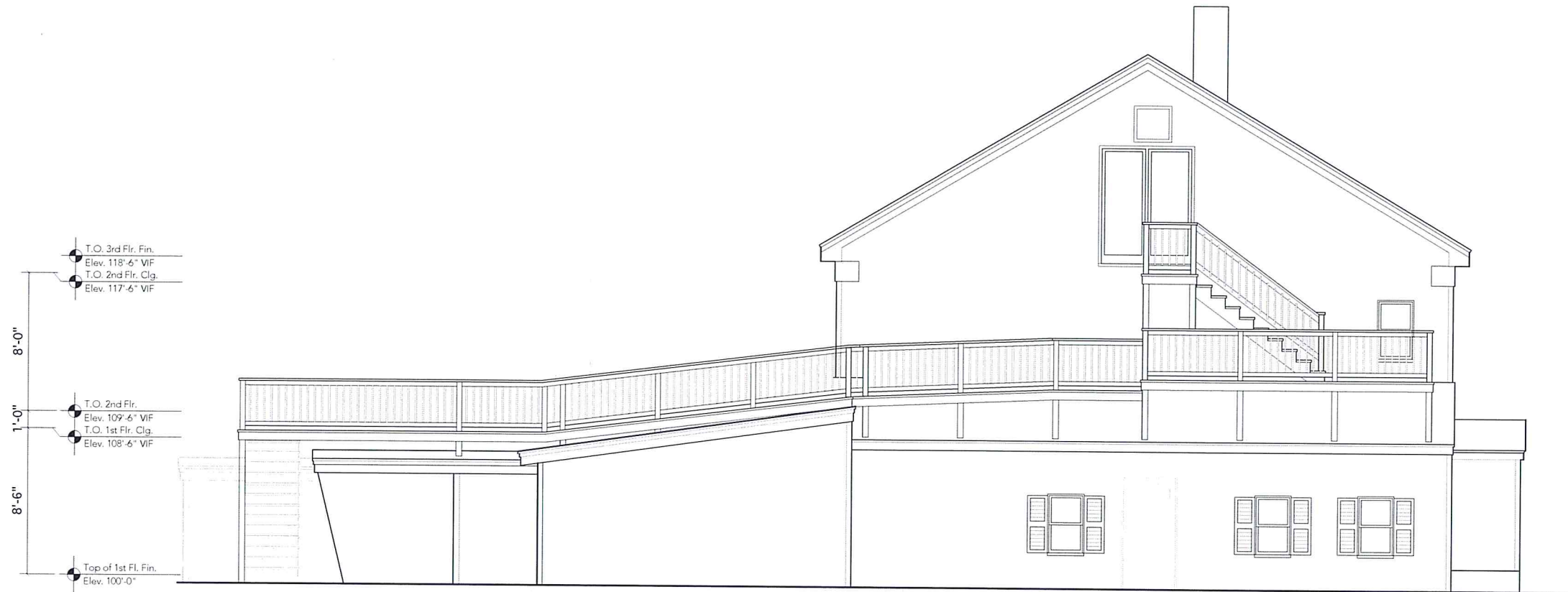
title:

EXISTING
Exterior Elevations

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

24 april 2018

EX2



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



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