

10 Sylvester Street Newburyport

Newburyport
Zoning Board of Appeals
Meeting
July 13, 2021

Project Summary

10 Sylvester Street
Newburyport

- Proposed to raze the existing detached garage, removal of existing front entrance way and to construct an addition onto the existing home.
- Addition will include an attached garage, kitchen addition, third floor addition and farmer's porch.
- Proposed farmer's porch will result in extension of pre-existing, non-conforming front yard setback.
- Proposed addition is designed in keeping with many of the surrounding homes, especially those recently redeveloped or improved upon.
- Proposed addition will not have any substantial adverse impact on the surrounding neighborhood.

10 Sylvester Street Newburyport

Existing Conditions

- Lot is fully conforming as to lot size and frontage requirements.
- Existing Structure is non-conforming as to:
 - Front Set Back (25' required – 4.9' existing), as the current front entrance way extends to within 4.9' of front lot line.
- Property has been and will continue to be a single family residence, an allowed use in the applicable (R2) zoning district.

Proposed Addition

10 Sylvester Street
Newburyport

- Proposed addition will not create any new non-conformities but would extend the pre-existing, non-conforming front yard set back horizontally along the front lot line.
- Proposed work will pull the front entrance way wall of the home back to 9.5'.
- An open front Farmer's Porch is proposed along the entirety of the front of the existing structure, which will extend to within 4.9' of the front lot line (the current non-conforming setback).
- Proposed addition will raise height of structure from 18.3' +/- to 29.0'.

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	10,000'	12,800'	12,800'
Frontage	90'	160'	160'
Height*	35'	18.3' +/-	29'
Max. Lot Coverage (%)**	25%	11.83%	18.31%
Min. Open Space (%)***	40%	80.82%	74.25%
Primary Front Setback	25'	4.9'	4.9'
Side A Setback/Secondary Front Setback	10'	52.2'	16'
Side B Setback	10'	76.9'	76.9'
Rear Setback	25'	36.1	27.9
Parking Spaces	2	2+	2+
FAR****	N/A	N/A	N/A

*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).

10 Sylvester Street

7/12/2021



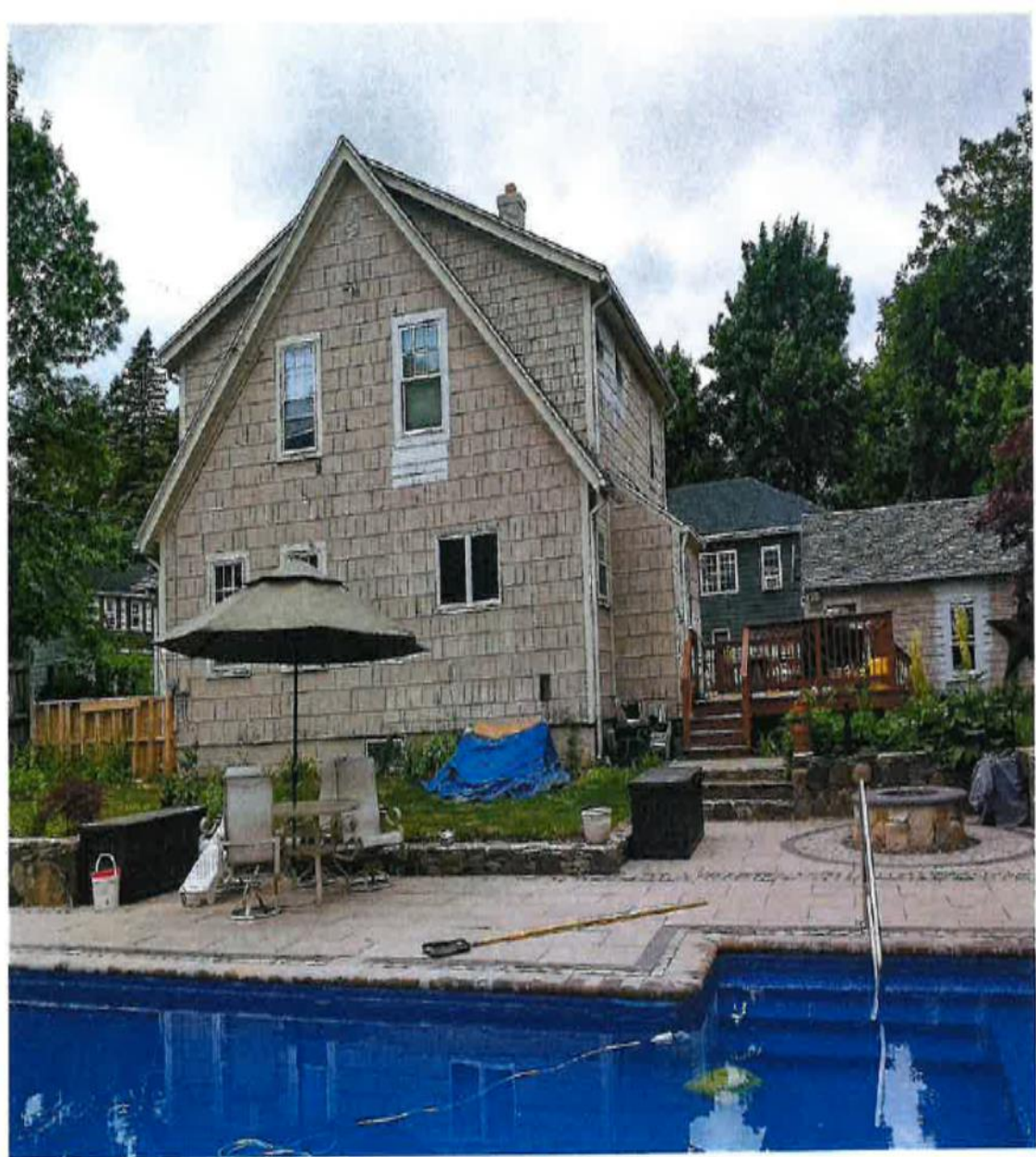
Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

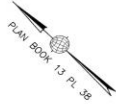
Municipal Boundary	Road Right of Way	Paved	Unpaved	Interstate	Major Road	Local Road	Railroad	Parcels (on aerial)
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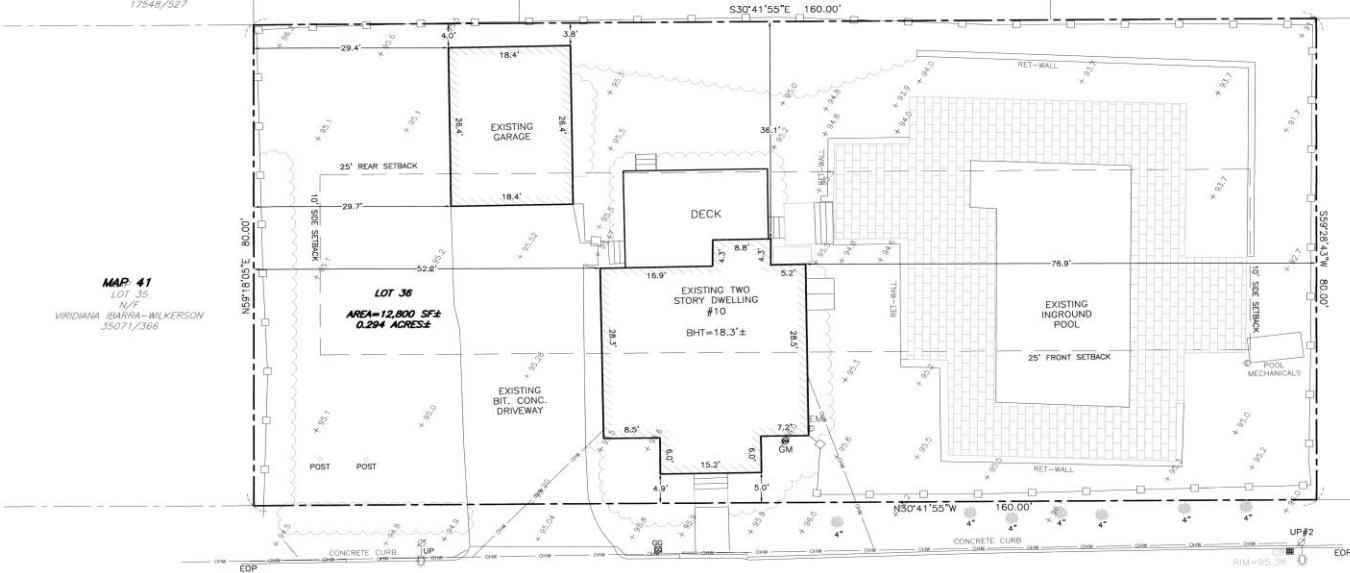
MAP 41
LOT 43
N/F
CHRISTOPHER ODDINELL
CARRIE LUSTRO
17548/927

MAP 41
LOT 42
N/F
ELIZABETH LAUZIERE
36815/200

MAP 41
LOT 41
N/F
BLAY MISRA
JANAKI MISHRA
31949/254

MAP 41
LOT 40
N/F
KOLEY &
PATRICIA BARBERA
27448/742

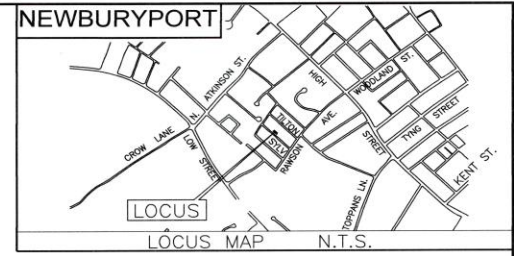
MAP 41
LOT 36
N/F
VIRIDIANA IBARRA-WILKERSON
35071/366



SYLVESTER STREET
PUBLIC-40' WIDE

ZONING:
RESIDENTIAL 2 (R2)

REQUIRED:	EXISTING:
LOT AREA=10,000 sf	12,800 SF±
FRONTAGE=90'	160'
MIN. FRONT SETBACK=25'	4.9'
MIN. SIDE SETBACK=10'	(L)52.2' / (R)76.9'
MIN. REAR SETBACK=25'	36.1'
BUILDING HEIGHT=35' MAX.	18.3'±
LOT COVERAGE=25% (BLDG ONLY)	11.7%
OPEN SPACE=40%	81.0%



- NOTES:**
- FIELD SURVEY PERFORMED: MAY 6, 2020.
 - THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE BY OTHERS WITHOUT THE WRITTEN CONSENT OF HANCOCK ASSOCIATES.
 - THE ENTIRETY OF THE PROPERTY LIES IN ZONE "X" AS DEPICTED ON FEMA MAP 25009C0109F WITH AN EFFECTIVE DATE OF JULY 3, 2012
 - OWNERSHIP OF ABUTTING LANDS ACCORDING TO CITY OF NEWBURYPORT ASSESSOR'S DEPARTMENT.

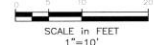
OWNER/APPLICANT:
ELEANORA, STEPHEN & JODI PACIULAN
DEED BOOK 35794 PAGE 126
ASSESSOR'S MAP 41 LOT 36

- REFERENCES:**
- ESSEX COUNTY REGISTRY OF DEEDS
BK 35794 PG 126 (DEED)
 - PLAN BK 13 PL 38
 - PLAN BK 373 PL 36
 - PLAN BK 418 PL 94

I HEREBY CERTIFY THAT:
THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

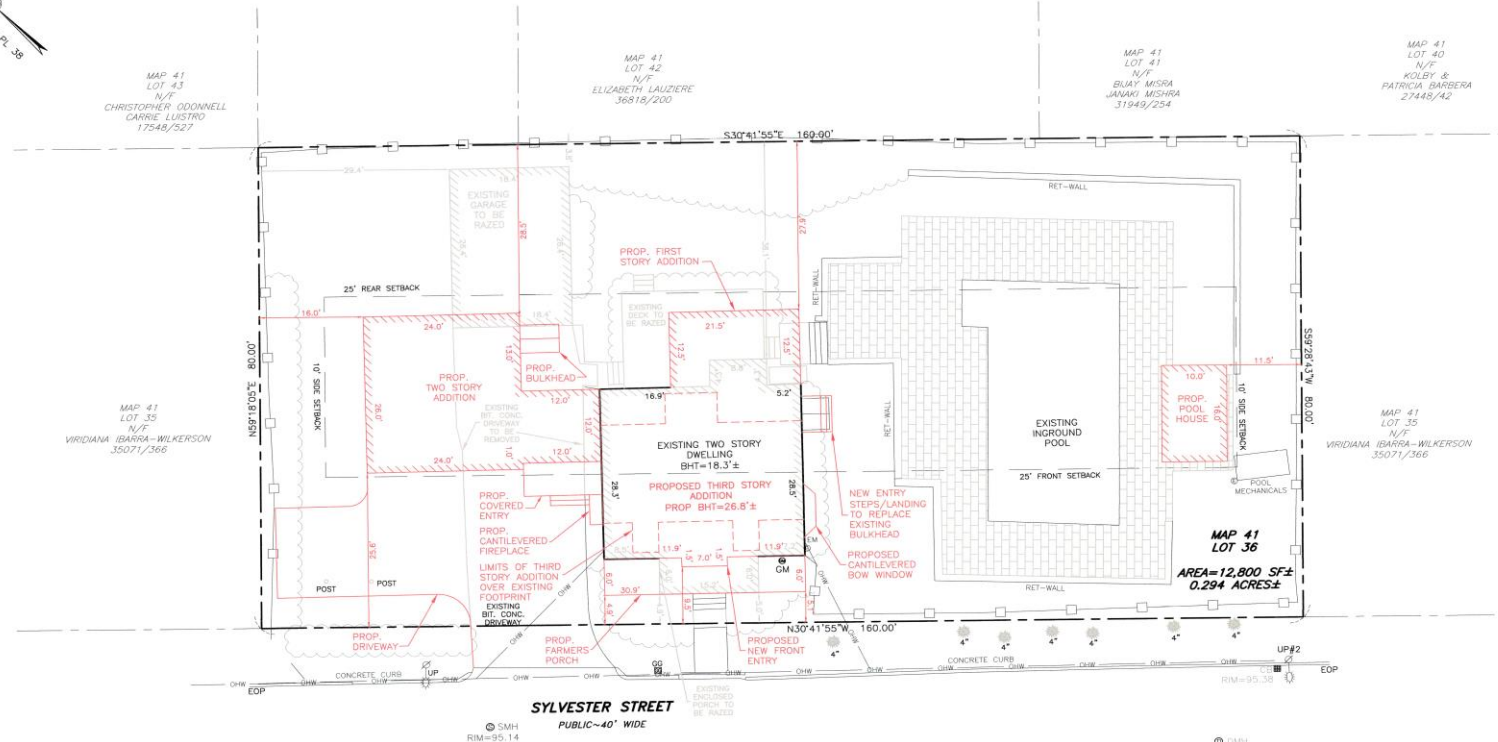
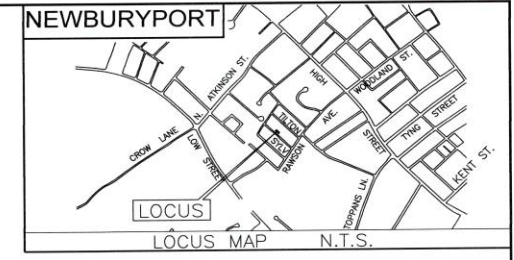
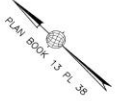
I FURTHER CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY.

[Signature]
EDWARD DIXON
34304
PROFESSIONAL LAND SURVEYOR
6-3-21



SCALE IN FEET
1"=10'

EXISTING CONDITIONS PLAN 10 SYLVESTER STREET IN NEWBURYPORT, MASSACHUSETTS ESSEX COUNTY	RESEARCH: EDX
	FIELD: CHA/AAM
PREPARED FOR: ELEANORA, STEPHEN & JODI PACIULAN	CALCULATION: EDX
	DRAFTING: AAM
PREPARED BY: HANCOCK ASSOCIATES Civil Engineers Land Surveyors Wetland Scientists	CHECK: EDX
	PROJ. MANAGER: EDX
ONE HARRIS STREET SUITE 3 NEWBURYPORT, MA 01950	DATE: JUNE 3, 2021
	JOB NO. 23502A
TEL: 978-465-9992 www.hancockassociates.com	CRD FILE 23502EC.CRD
	SHEET NO. 1 OF 2



- NOTES:**
1. FIELD SURVEY PERFORMED: MAY 6, 2020.
 2. THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE BY OTHERS WITHOUT THE WRITTEN CONSENT OF HANCOCK ASSOCIATES.
 3. THE ENTIRETY OF THE PROPERTY LIES IN ZONE "X" AS DEPICTED ON FEMA MAP 25009C0109F WITH AN EFFECTIVE DATE OF JULY 3, 2012
 4. OWNERSHIP OF ABUTTING LANDS ACCORDING TO CITY OF NEWBURYPORT ASSESSOR'S DEPARTMENT.
 5. ARCHITECTURAL DESIGN PROVIDED BY BRIAN A. LIBBY ARCHITECT.

OWNER/APPLICANT:
 ELEANORA, STEPHEN & JODI PACIULAN
 DEED BOOK 35794 PAGE 126
 ASSESSOR'S MAP 41 LOT 36

- REFERENCES:**
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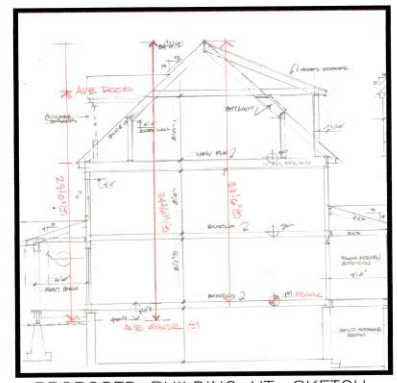
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[Signature]
 PROFESSIONAL LAND SURVEYOR

[Seal]
 EDWARD DICION
 No. 34304
 6-3-21

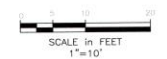
ZONING:
 RESIDENTIAL 2 (R2)

REQUIRED:	EXISTING:	PROPOSED:
LOT AREA=10,000 sf	12,800 SF ±	12,800 SF ± (NC)
FRONTAGE=90'	160'	160' (NC)
MIN. FRONT SETBACK=25'	4.9'	9.5'
MIN. SIDE SETBACK=10'	(L)39.2' / (R)76.9'	(L)116.0' / (R)76.9' (NC) (R)11.5' (POOL HOUSE)
MIN. REAR SETBACK=25'	36.1'	27.9' (DWELLING)
BUILDING HEIGHT=35' MAX	18.3' ±	29.0' ±
LOT COVERAGE=25% (BLDG ONLY)	11.83%	18.31%
OPEN SPACE=40%	80.82%	74.25%



PROPOSED BUILDING HT. SKETCH

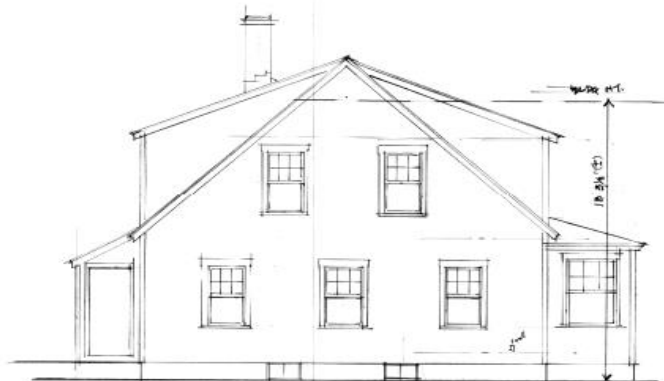
NOT TO SCALE



AMM | ADDED EC SHEET 5/27/2021 | REV. 0
 DRAWING NO. 23002 PRR R3 DWG

<p>PROPOSED PLOT PLAN 10 SYLVESTER STREET IN NEWBURYPORT, MASSACHUSETTS ESSEX COUNTY</p>		RESEARCH: EDX
		FIELD: CHA/AM
<p>PREPARED FOR: ELEANORA, STEPHEN & JODI PACIULAN</p>		CALCULATION: EDX
		DRAFTING: AMM
<p>PREPARED BY: HANCOCK ASSOCIATES Civil Engineers Land Surveyors Wetland Scientists</p>		CHECK: EDX
		PROJ. MANAGER: EDX
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		JOB NO. 23502A
<p>TEL: 978-465-9992 www.hancockassociates.com</p>		CRD FILE 23502EC.CRD
		SHEET NO. 2 OF 2

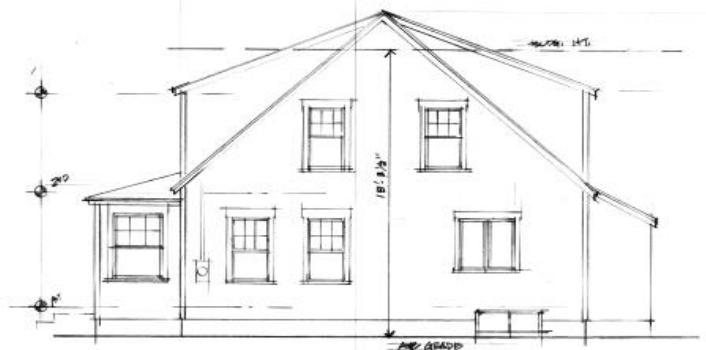
Existing Elevations with Heights



LEFT SIDE ELEVATION 1/4" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"



RIGHT SIDE ELEVATION 1/4" = 1'-0"



REAR ELEVATION 1/4" = 1'-0"

ADJACENT PROPERTY HT. 18' 3/4" (S)
HT. TO PEAK 26'-4" (S)

4/11/2021

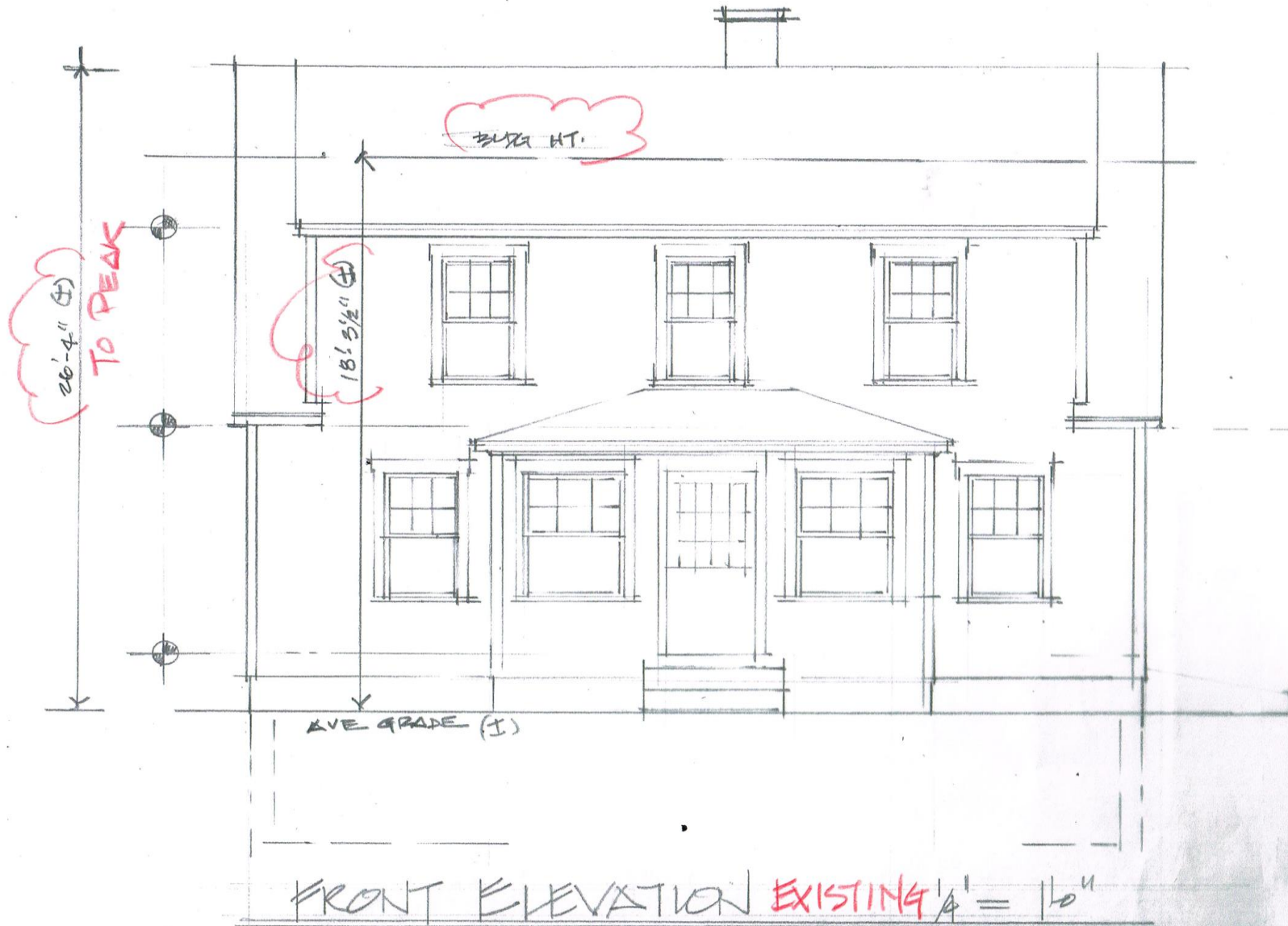
EXISTING ELEVATIONS

These drawings are prepared for the use of the client and are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings. The architect is not responsible for any construction or other work that may be done in reliance on these drawings. The architect is not responsible for any construction or other work that may be done in reliance on these drawings. The architect is not responsible for any construction or other work that may be done in reliance on these drawings.

Peculiar Residence 1015 State Street, Newburyport, MA
Rain A. Libby, Architect Northeast office
 225 Essex Street, Newburyport, MA
 01901-9001 AZ 85744-3001 (520) 482-3722 (781) 482-0475

EX-2

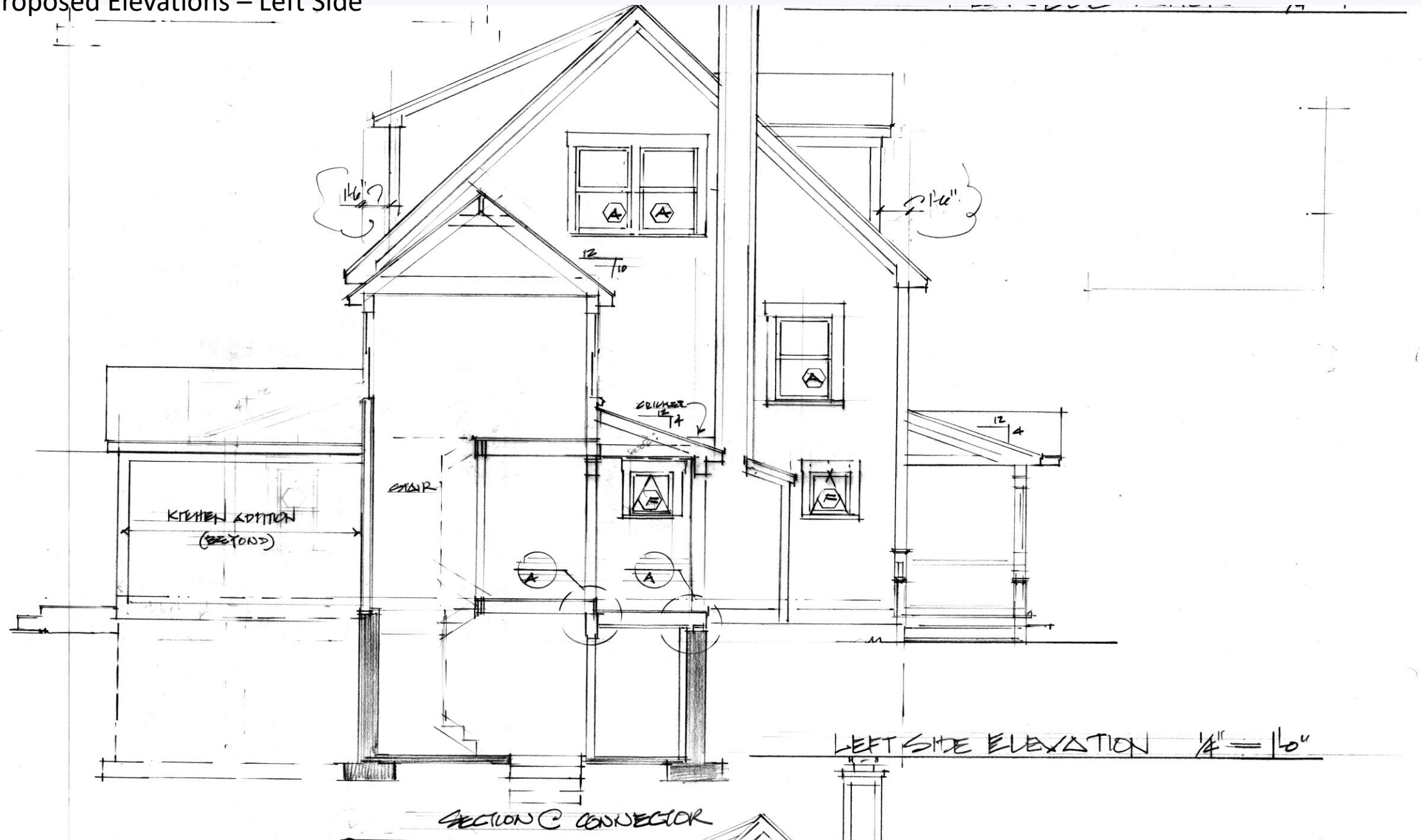
Existing Elevations Close up with Heights



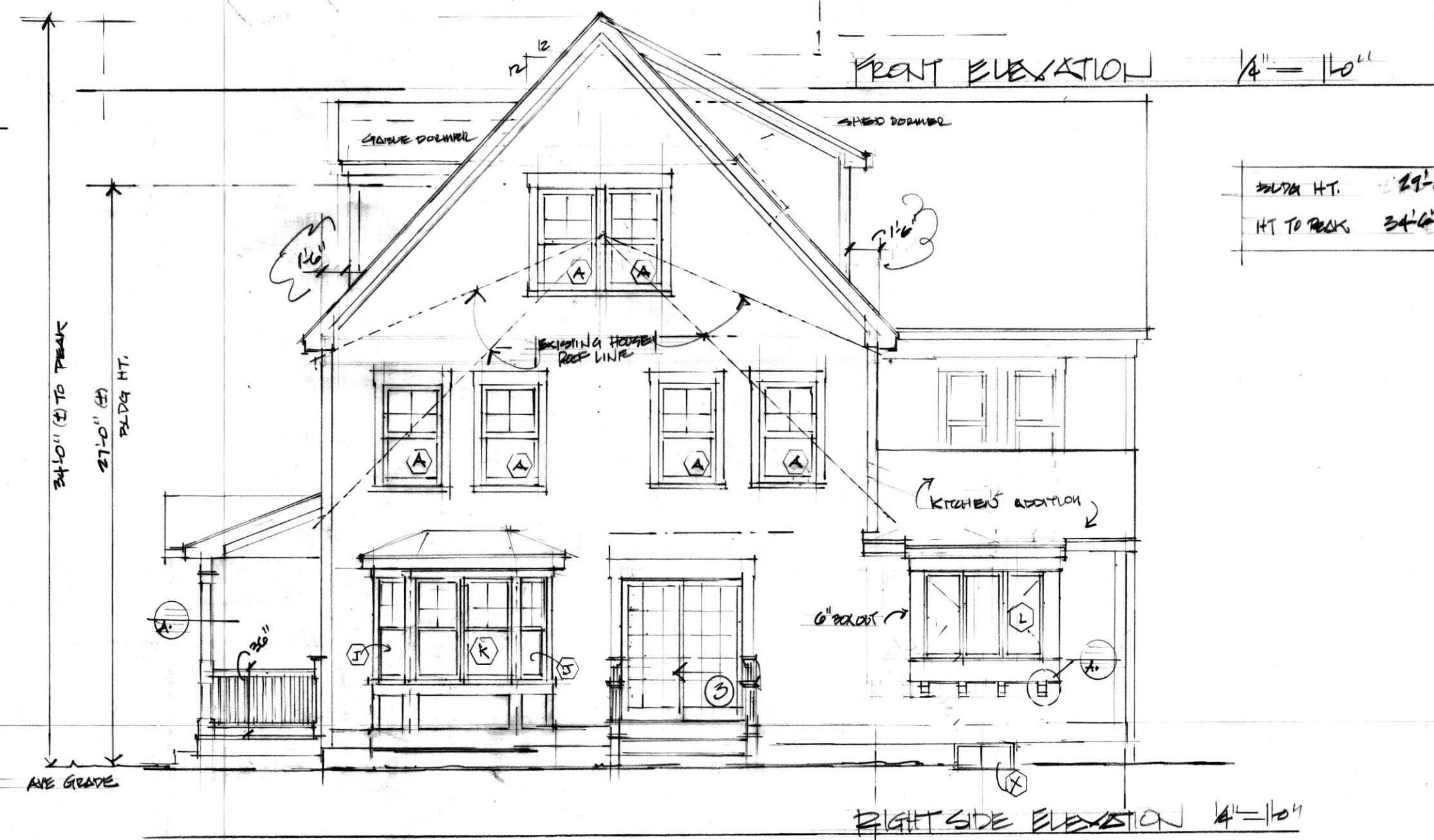
Proposed Elevations with Height - Front



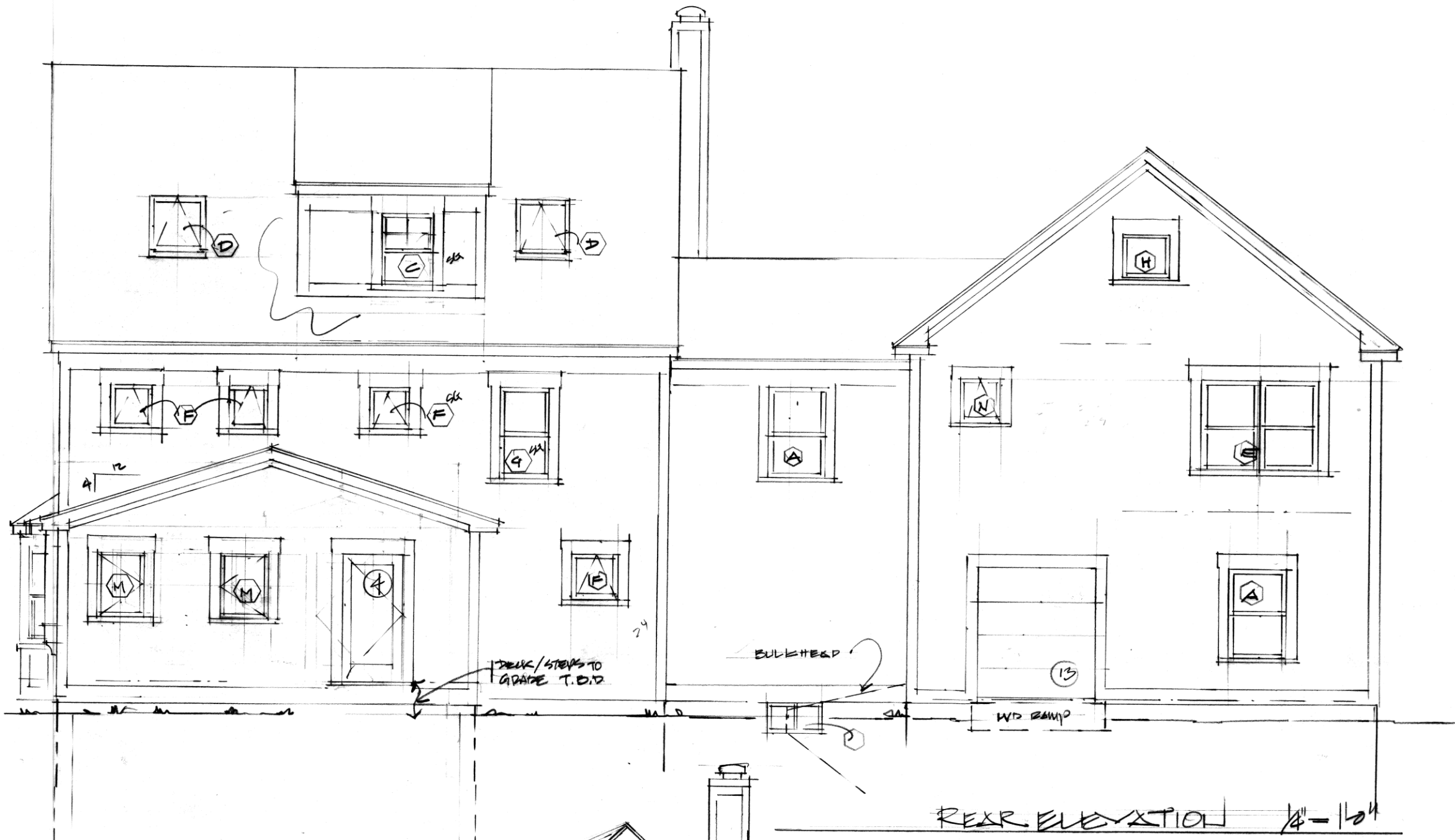
Proposed Elevations – Left Side



Proposed Elevations with Height – Right Side



Proposed Elevations - Rear



Newburyport Zoning Ordinances

Proposed addition is authorized under Newburyport Zoning Ordinances §IX.B.2.

§ IX Purpose and Intent:

“...to discourage the perpetuity of nonconforming uses except where such extension will be in the general welfare and not harmful to surrounding land uses. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued except as otherwise provided.”

Section B.2 Standard:

- The proposed change will not be substantially more detrimental to the neighborhood than pre-existing structure or use. Board may consider, among other relevant factors, the size, scale, massing, volume and location of the proposed structure, extension or alteration as compared to:
 - a) Existing structure and lot;
 - b) Other structure and lots in neighborhood;
 - c) Reasonable alternatives.

Application of Ordinance to Proposal

- Existing and Proposed Use are allowed in applicable (R2) Zoning District.
- Existing lot is fully conforming (area and frontage) and is one of the largest lots in neighborhood.
- There will be no new non-conformities created by proposed construction.
- Proposed house meets height, lot coverage and open space regulations, as well as side and rear setback requirements.
- Although increasing in size, home will not impose on surrounding homes.
- Increase (extension) of pre-existing, non-conforming front setback not significantly more detrimental to neighborhood.
 - Actual front wall of home and doorway being pushed back to 9.5'.
 - Proposed Farmer's Porch, although extending along pre-existing front setback, is open (no front wall) and so will decrease massing and scaling to street.
 - Neighbors most effected are across street.
- Existing structure in need of updated and modernization for owners multi-generational use.
- Proposed design in keeping with the architecture of existing home.
- Proposed structure is certainly in keeping with many of surrounding homes, especially those recently re-developed or improved upon.
- Proposed re-construction is an aesthetic improvement to structure and will add value not only to home, but to that of surrounding homes and neighborhood.
- Will have little or no impact to neighborhood, certainly not substantially more detrimental.
- Neighbor support.

Tree and Sidewalk Recommendations

- There are no sidewalks on either side of street.
- Applicant is agreeable to working with the City in considering the recommendations of the Tree Commission to replace the existing Juniper Trees with a species that fits the neighborhood and is acceptable to both the Commission and the Homeowner.