

**3 Marsh Street,
Newburyport**

Application for
**Special Permit for
Non-Conformities**



Mead, Talerman & Costa, LLC
Attorneys at Law

**3 Marsh Street,
Newburyport**
Project Summary

Application: *Special Permit for Non-Conformities*

- Construction of a single-story addition (on pilings) on pre-existing non-conforming home.
- Addition is 420 sf.
- Addition will be street-side.
- Addition will provide a bedroom on the lower story of the home, bringing the total number of bedrooms to 3.

3 Marsh Street– Existing Conditions

- 7,153 sf lot with 58.5 feet of frontage.
- Property contains a single-family home, constructed prior to applicable zoning.
- House now sits in AG-C and PIOD.
- As Property is AG-C district, all dimensions are non-conforming except height.
- PIOD FAR requirement applies, which is currently .375 where .25 is required.
- Existing structure elevated on combination of concrete columns and concrete block foundation.

	AG-C	Existing	Proposed
Lot Area	400,000 SF	7,153 sf	7,153 sf
Frontage	300'	58.8'	58.8'
Height	30'	27.24	27.24
Lot Coverage (%)	3%	22%	27.9
Open Space (%)	N/A	N/A	N/A
Front Setback	50'	41	25.1
Side A Setback	50'	17.2'	17.2'
Side B Setback	50'	11.7'	11.7'
Rear Setback	50'	18.9'	18.9'
FAR (PIOD)	.25	.37.8%	43.7%



CONTRACTOR TO USE CAUTION WHEN EXCAVATING AS THIS PROPERTY IS SERVICED BY UNDERGROUND UTILITIES. LOCATIONS SHOWN HEREON COME DIRECTLY FROM UTILITY COMPANY PLANS AND, WHERE POSSIBLE, FROM MEASUREMENTS TAKEN IN THE FIELD. CONTRACTOR RESPONSIBLE FOR CONTACTING DIGSAFE AT LEAST 72 HOURS PRIOR TO EXCAVATION AND SHALL MAINTAIN ALL DIGSAFE MARKINGS DURING CONSTRUCTION.

WPA RESOURCE AREA DELINEATION BY:
MISSION WETLAND & ECOLOGICAL SERVICES, LLC
PO BOX 4028
PORTSMOUTH, NH 03802
(603) 361-3204
(DELINEATED ON: MARCH 11, 2021)

ZONING TABLE

3 MARSH STREET - ASSESSORS MAP 75 LOT 72 ZONING DISTRICT A/C & P/OID OVERLAY				
	A/C REQUIREMENT	P/OID REQUIREMENT	EXISTING	PROPOSED
LOT AREA:	400,000 S.F. (MIN.)	12,000 S.F. (MIN.)	* 7,153 S.F.	UNCHANGED
LOT FRONTAGE:	300 FT. (MIN.)	120 FT. (MIN.)	* 58.8'	UNCHANGED
FRONT SETBACK:	50 FT. (MIN.)	20 FT. (MIN.)	* 41.0'	25.1'
RIGHT SIDE SETBACK:	50 FT. (MIN.)	20 FT. (MIN.)	* 17.2'	UNCHANGED
LEFT SIDE SETBACK:	50 FT. (MIN.)	20 FT. (MIN.)	* 11.7'	UNCHANGED
REAR SETBACK:	50 FT. (MIN.)	20 FT. (MIN.)	* 18.9'	UNCHANGED
LOT COVERAGE:	3% (MAX.)	20% (MAX.)	* 22.0%	27.9%
BLDG. HEIGHT:	30-FT (MAX.)	35-FT (MAX.)	27.24'	UNCHANGED
NO. OF STORIES:	2 (MAX.)	2 (MAX.)	* 3	UNCHANGED
FLOOR AREA RATIO:	---	25% (MAX.)	37.8%	43.7%

* REPRESENTS AN EXISTING NON-CONFORMITY
*** FOR ADDITIONAL INFORMATION ON PROPOSED STRUCTURE SEE ARCHITECTURAL PLANS SUBMITTED WITH BUILDING APPLICATION.

EXISTING FLOOR AREA RATIO (FAR) CALCULATION

MAIN STRUCTURE FIRST FLOOR = 763 S.F.
MAIN STRUCTURE SECOND FLOOR = 918 S.F.
MAIN STRUCTURE THIRD FLOOR = 832 S.F.
SHED = 189 S.F.
TOTAL = 2,702 S.F. RATIO = 37.8%

PROPOSED FLOOR AREA RATIO (FAR) CALCULATION

EXISTING STRUCTURES = 2,702 S.F.
PROPOSED SECOND FLOOR ADDITION = 421 S.F.
TOTAL = 3,123 S.F. RATIO = 43.7%

RECORD OWNERSHIP

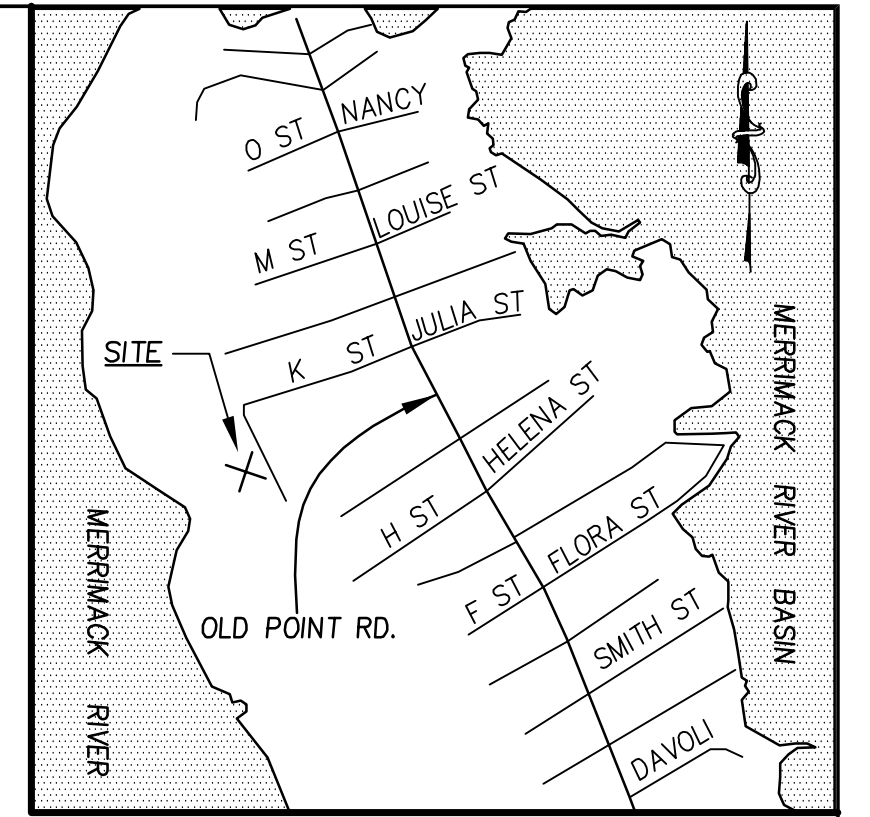
JOHN P. MURPHY, TRUSTEE
BEVERLY A. MURPHY, TRUSTEE
PLUM ISLAND REALTY TRUST

DEED REFERENCE

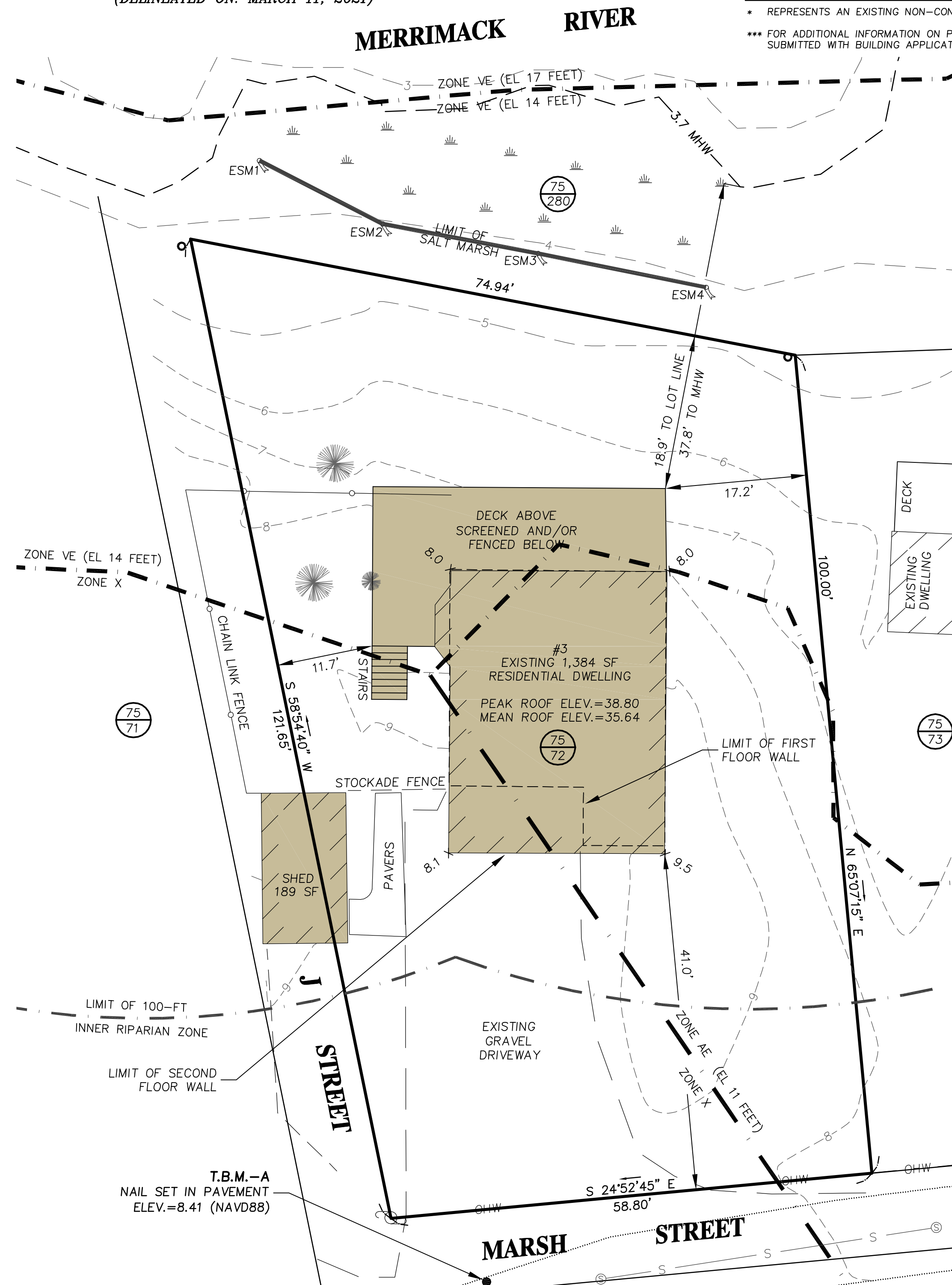
ESSEX SOUTH REGISTRY OF DEEDS
BOOK 8655 PAGE 404

PLAN REFERENCE

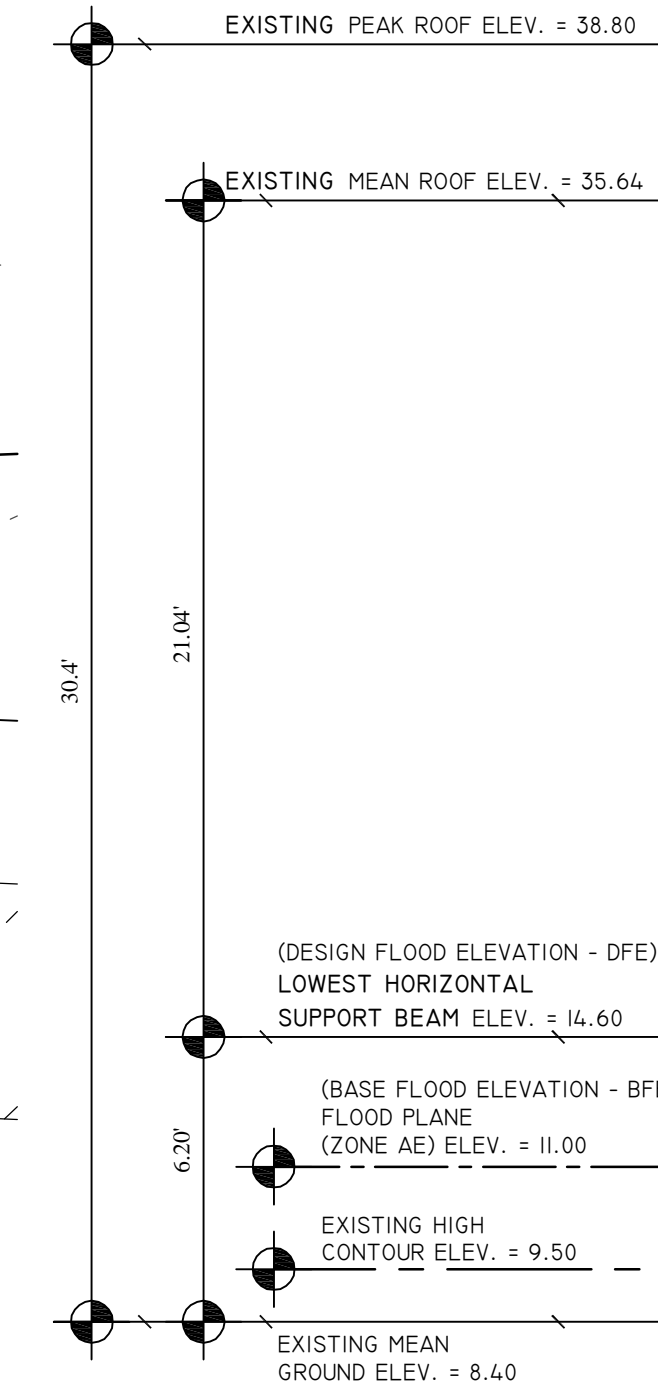
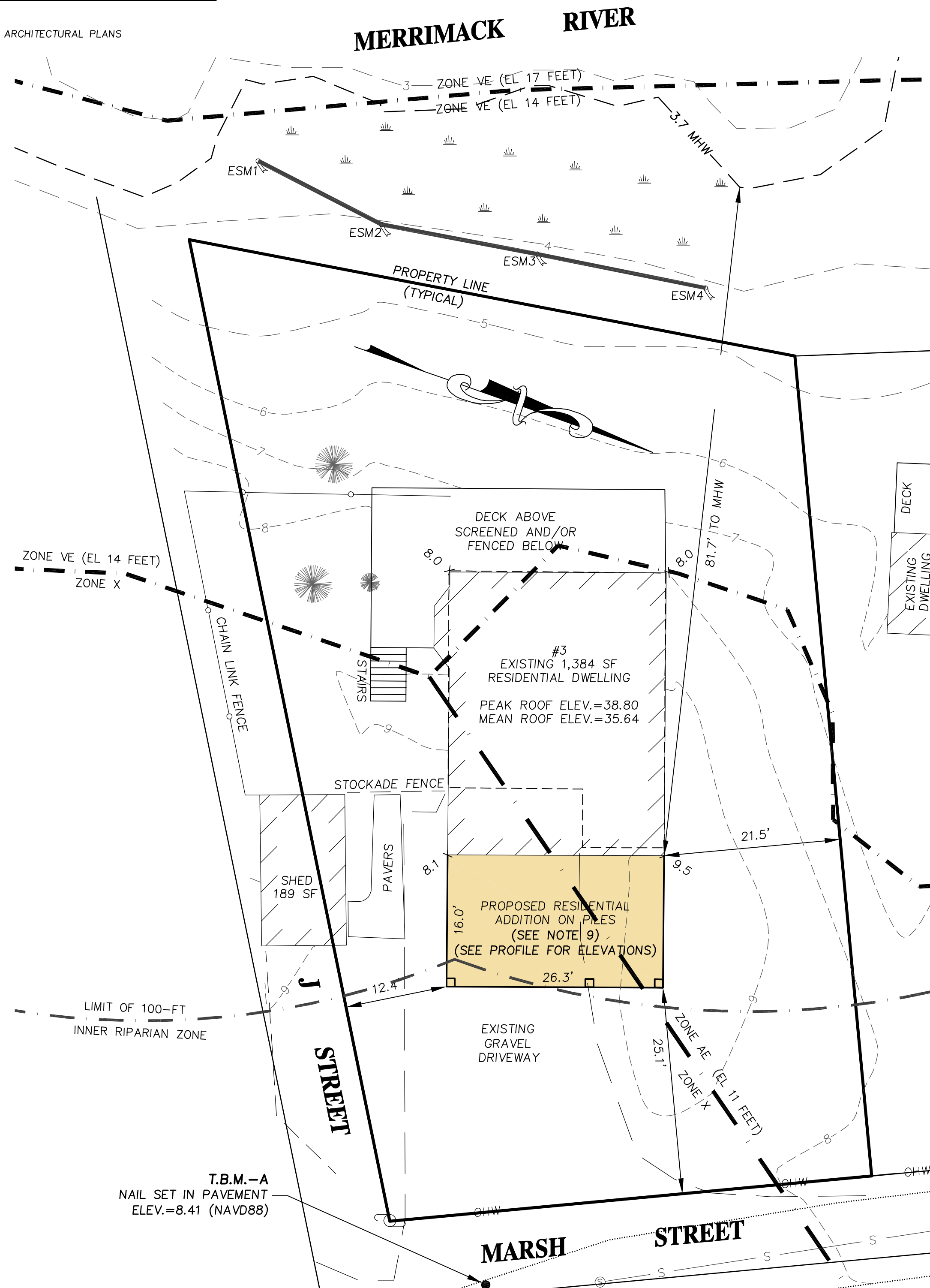
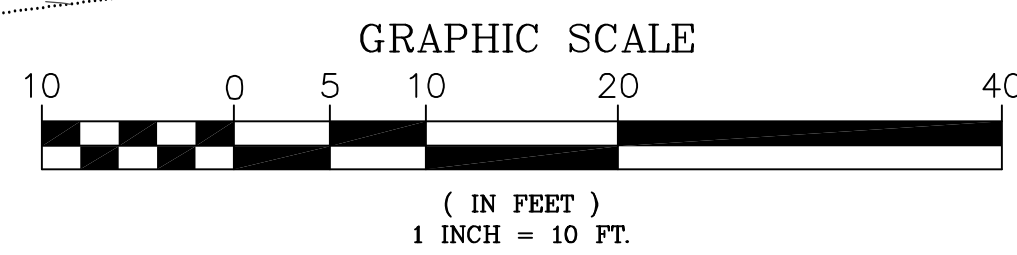
ESSEX SOUTH REGISTRY OF DEEDS
PLAN BOOK 34 PLAN 22 (BLOCK 1 LOT 111)



LOCUS MAP
SCALE: 1"=250'



EXISTING CONDITIONS
PROPOSED SITE IMPROVEMENTS

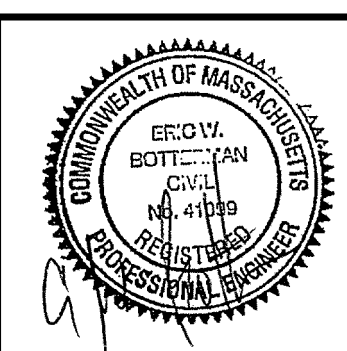


ARCHITECTURAL PROFILE VIEW
SCALE: N.T.S.

NOTES:

- PLEASE BE ADVISED THAT THESE PLANS SHOULD BE CONSIDERED TO BE A PROGRESS PRINT UNLESS STAMPED BY THE LOCAL ZONING BOARD AS APPROVED. THE CONTRACTOR SHOULD OBTAIN AN APPROVED COPY TO USE DURING CONSTRUCTION.
- LANDOWNER SHALL BE RESPONSIBLE FOR CONTACTING THE LOCAL ZONING BOARD TO DETERMINE THE LENGTH OF TIME THE APPROVAL IS VALID. EXTENSIONS TO THE APPROVAL EXPIRATION DATE MAY BE GRANTED BY THE COMMISSION, AT THEIR DISCRETION, IF REQUESTED IN WRITING PRIOR TO THE DATE OF EXPIRATION.
- THIS PLAN SHOWS ALL KNOWN UNRECORDED OR UNWRITTEN EASEMENTS WHICH EXIST ON THE SUBJECT PARCEL. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT ADDITIONAL EASEMENTS DO NOT EXIST.
- AN ON GROUND SURVEY AND/OR EVALUATION HAS DETERMINED THAT THE SUBJECT PARCEL IS LOCATED WITHIN, OR ADJACENT TO, THE FOLLOWING MAPPED OR UNMAPPED RESOURCE AREAS:
A) COASTAL DUNES (310 CMR 10.28)
B) BARRIER BEACHES (310 CMR 10.29)
C) SALT MARSHES (310 CMR 10.32)
D) RIVERFRONT AREA (310 CMR 10.58)
E) LAND SUBJECT TO COASTAL STORM FLOWAGE
F) FEMA FLOOD ZONE AE (ELEV.=11) & ZONE VE (ELEV.=14) AS SHOWN ON FEMA MAP 25009001376, DATED JULY 16, 2014.
- THE CERTIFICATIONS SHOWN HEREON ARE NOT INTENDED AS CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSOR RECORDS.
- ALL WORK SHALL COMPLY WITH THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS AND ALL LOCAL REGULATIONS.
- PROPOSED CONSTRUCTION ACTIVITIES ARE LOCATED WITHIN AN AREA SUBJECT TO THE WETLANDS PROTECTION ACT. IT IS STRONGLY RECOMMENDED BY THE DESIGN ENGINEER THAT NO DEMOLITION OR BUILDING PERMITS BE ISSUED PRIOR TO THE REVIEW AND APPROVAL OF ALL APPROPRIATE ENVIRONMENTAL PERMITTING AUTHORITIES. EROSION CONTROL MEASURES AND/OR CONSTRUCTION FENCING, AS REQUIRED, SHALL BE INSTALLED PRIOR TO THE START OF ANY WORK AND SHALL BE INSPECTED DAILY AND MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE PROJECT.
- ANY AND ALL CONSTRUCTION OR DEMOLITION DEBRIS RESULTING FROM APPROVED CONSTRUCTION ACTIVITIES SHALL BE REMOVED AND PROPERLY DISPOSED OF IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.
- PILE LOCATIONS AND QUANTITY SHOWN ARE APPROXIMATE. ACTUAL LOCATION AND NUMBER OF PILES SHALL BE DETERMINED BY A STRUCTURAL ENGINEER OR OTHER QUALIFIED PROFESSIONAL.

NO.	DATE	DESCRIPTION	BY



MEI MILLENNIUM ENGINEERING, INC.
ENGINEERING AND LAND SURVEYING
62 ELM ST. SALISBURY, MA 01952 (978) 463-8980
13 HAMPTON RD., P.O. BOX 745 EXETER, NH 03833 (603) 778-0528

**PLAN TO ACCOMPANY A
ZBA APPLICATION**
IN
NEWBURYPORT, MA

PREPARED FOR
JACK & BEVERLY MURPHY
P.O. BOX 1510
NEWBURYPORT, MA. 01950
PHONE: (978) 815-1041
EMAIL: JAXBOAT@VERIZON.NET

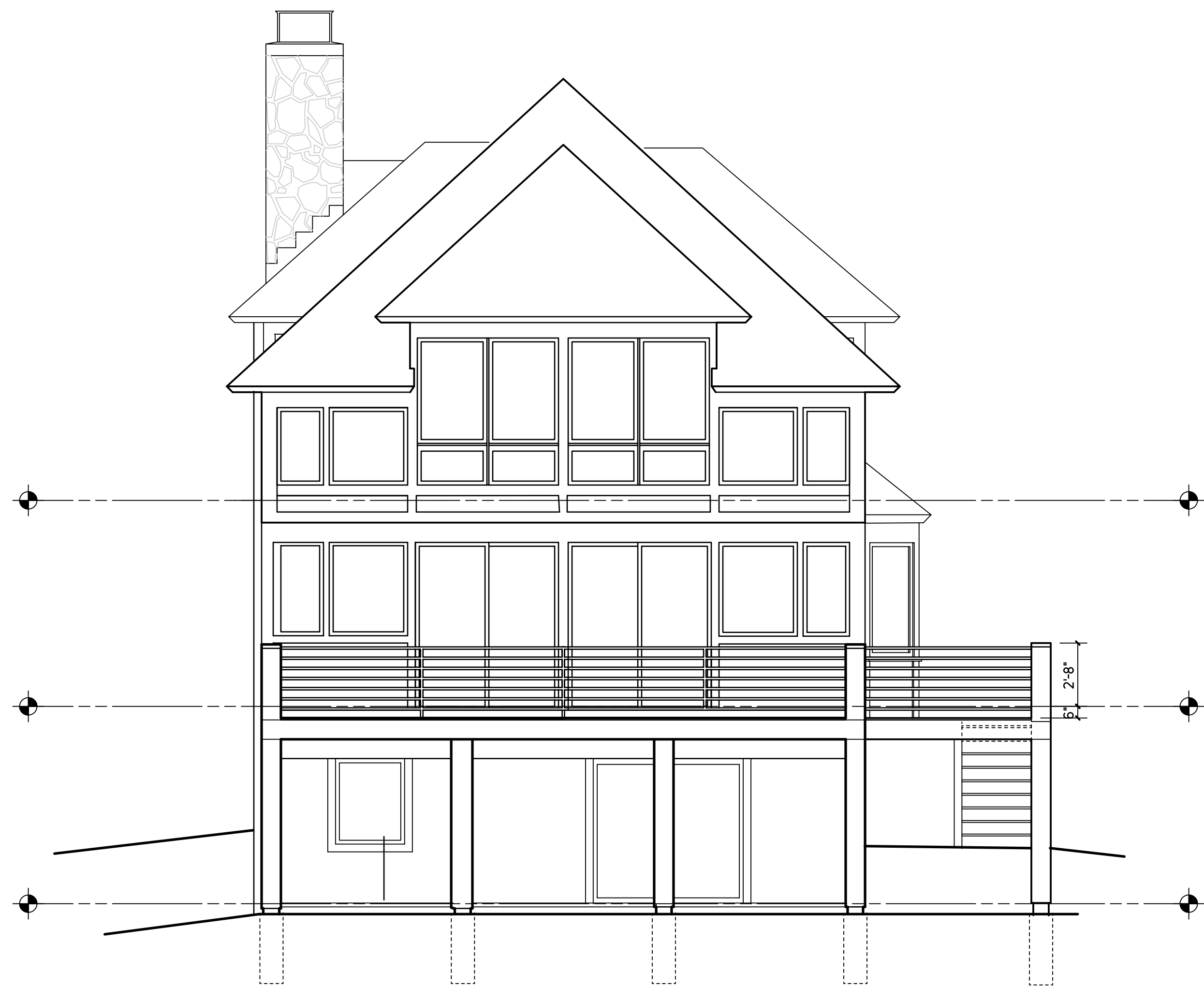
SHOWING
EXISTING CONDITIONS & PROPOSED SITE IMPROVEMENTS
3 MARSH STREET
(MAP 75, LOT 72)

SCALE: AS NOTED	CALC. BY: M.A.S.	PROJECT: M213910
DATE: APR. 26, 2021	CHKD. BY: E.W.B.	SHEET: 1 OF 1



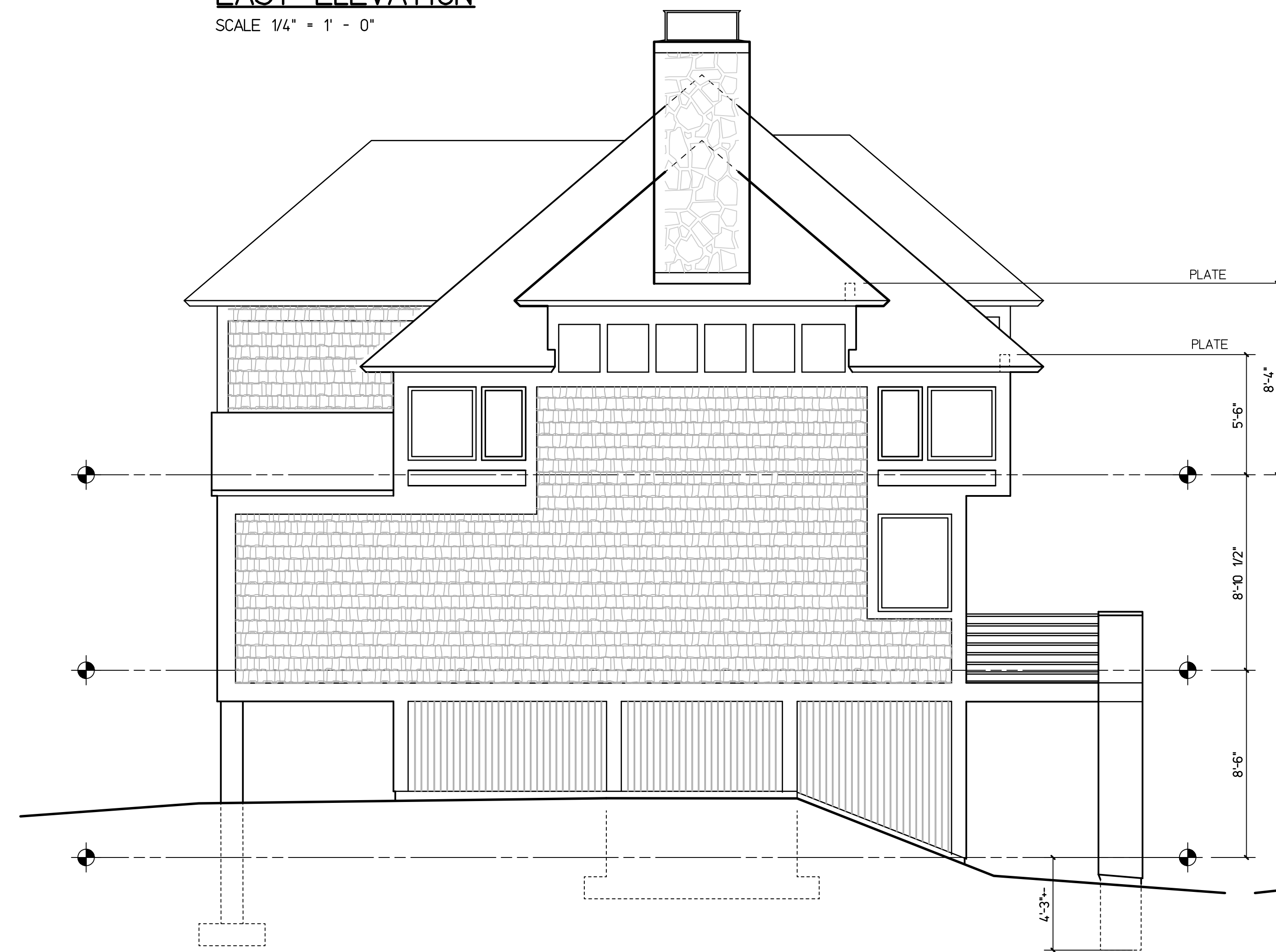
EAST ELEVATION

SCALE 1/4" = 1' - 0"



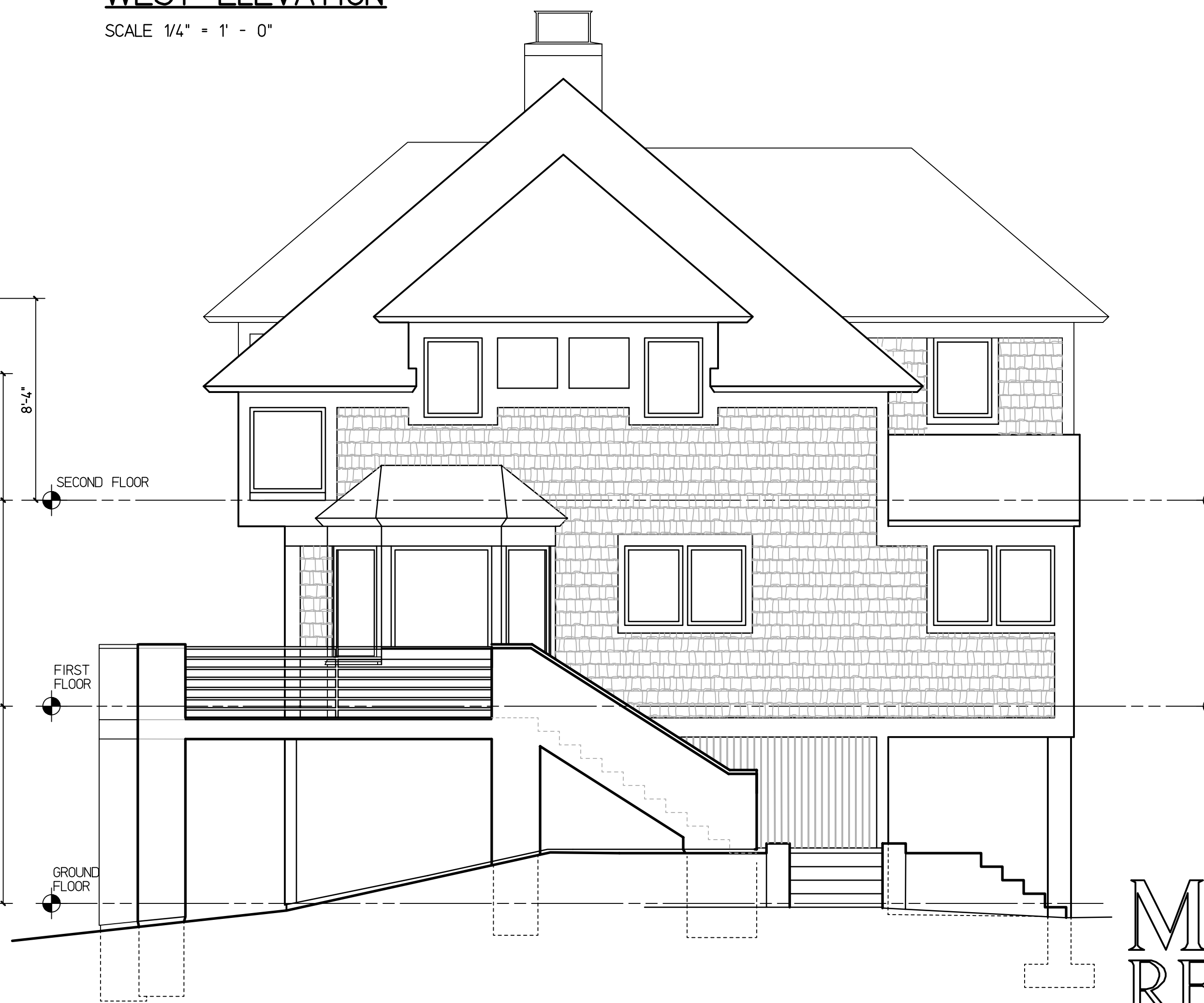
WEST ELEVATION

SCALE 1/4" = 1' - 0"



NORTH ELEVATION

SCALE 1/4" = 1' - 0"



SOUTH ELEVATION

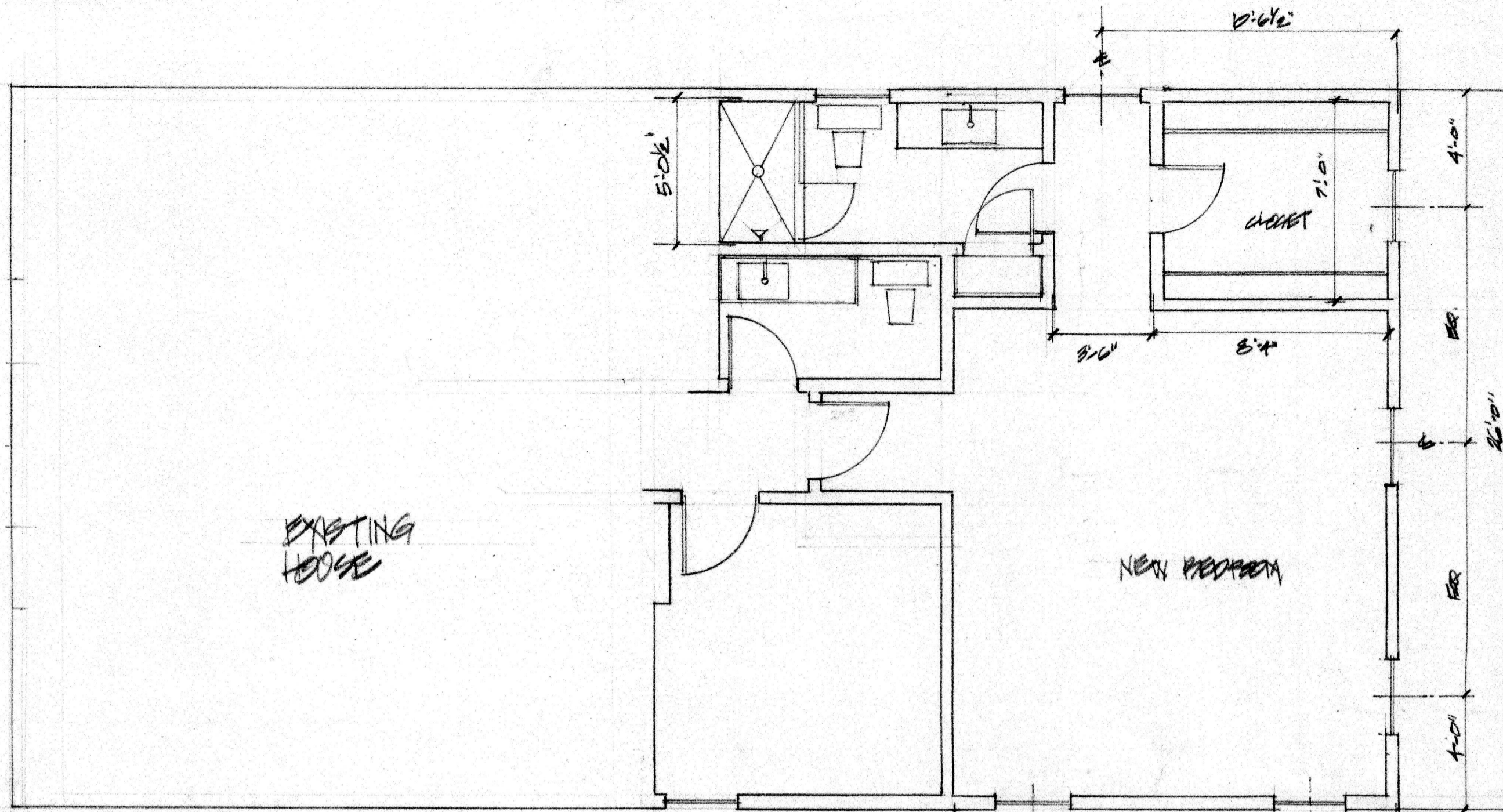
SCALE 1/4" = 1' - 0"



TMS
 ARCHITECTS
 30 PENHALLOW ST
 PORTSMOUTH, NH
 (603) 436-4274

**MURPHY
 RESIDENCE**

3 MARSH STREET
 PLUM ISLAND, NEWBURYPORT, MASS.



PLAN
1/4"

FACE OF EXISTING BUILDING

ADDITION

Existing Peak Roof Elev. 30.40

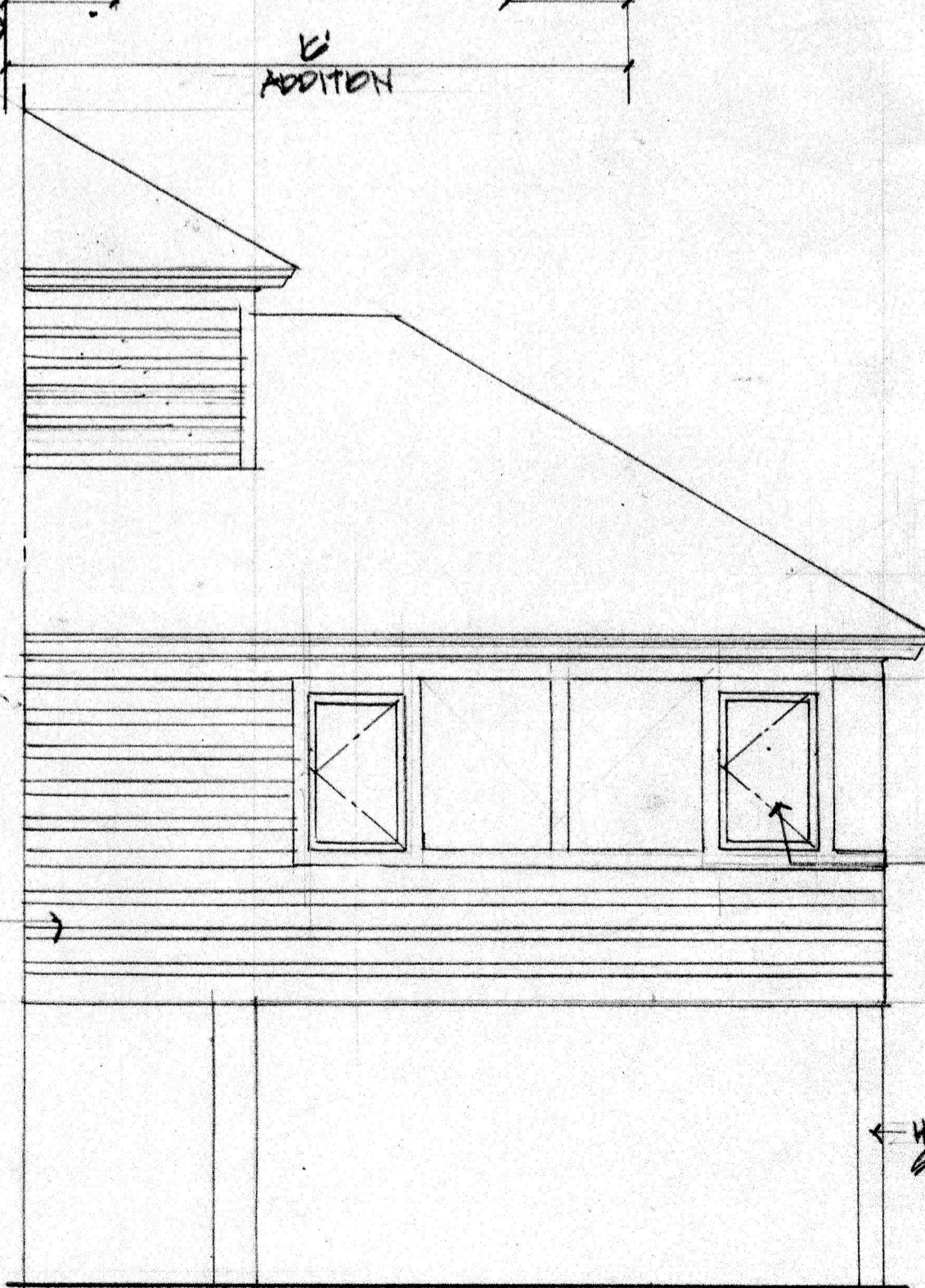
Existing Mean Roof Elev. 27.24

Proposed Addition Peak Roof Elev. 24.58

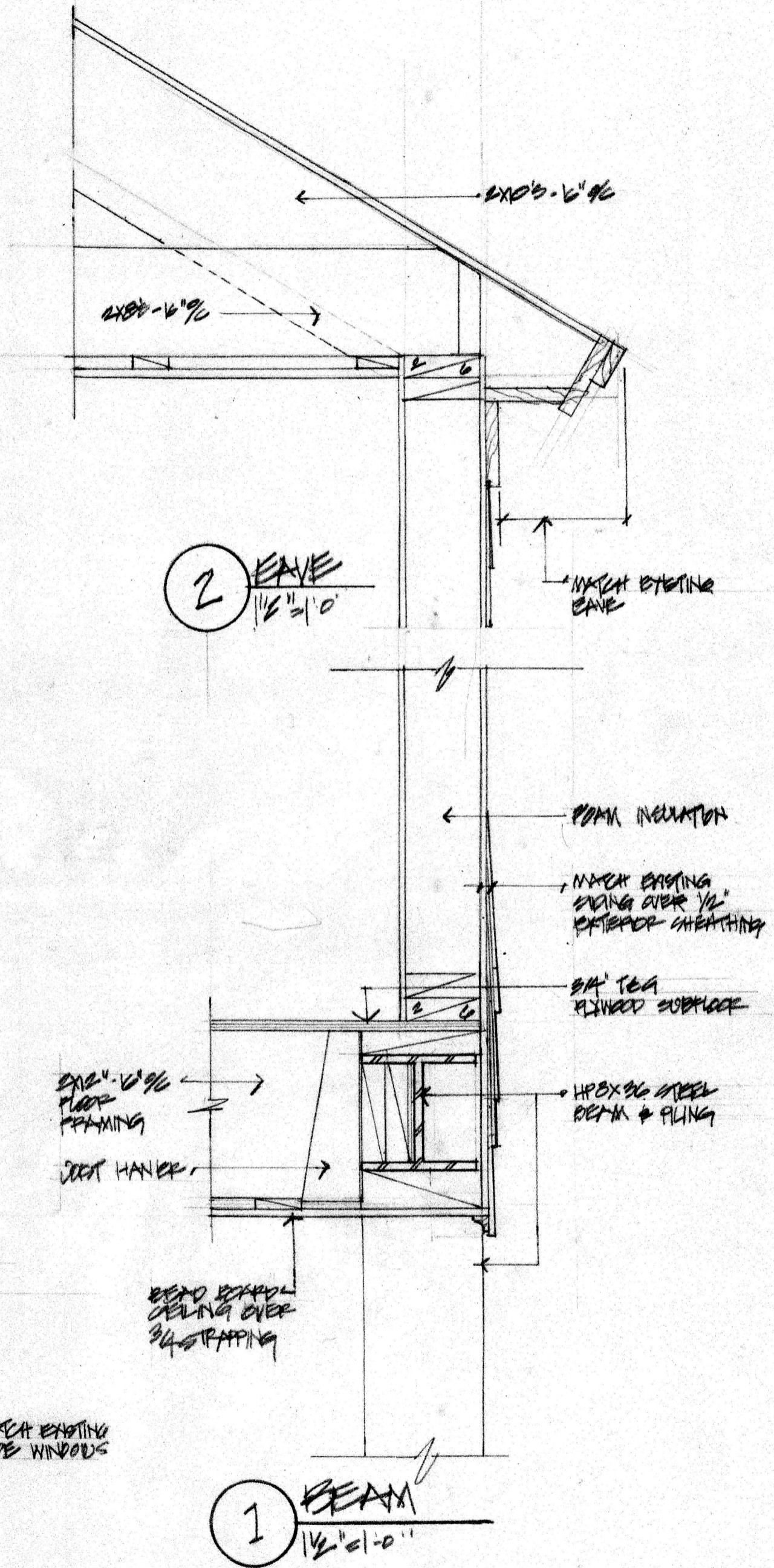
Proposed Addition Mean Roof Elev. 20.33



REAR ELEVATION
1/4"



SIDE ELEVATION
1/4"



MURPHY Residence
3 MARSH STREET

Newburyport Zoning Ordinance, § XXI-G(2):

Allows addition of one bedroom when structures already contain two bedrooms.

Newburyport Zoning Ordinance, § XXI-G(4)(a):

Special permit for nonconformities. The alteration, reconstruction, extension of, or change to such structures...shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood or the PIOD.

Newburyport Zoning Ordinance, § XXI-G(4)(b):

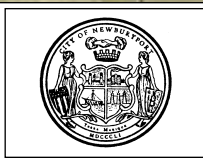
Alteration, reconstruction, extension of, or change to...floor area ratio... may be allowed upon the grant of a special permit by the board of appeals....

City of Newburyport

06/06/2021



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassIT/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.



Legend

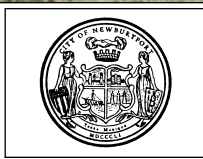
Municipal Boundary	Roads	Interstate	Major Road	Local Road	Railroad
Parcels (on aerial)					

City of Newburyport

06/06/2021



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassIT/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.



Legend

- Municipal Boundary
- Roads
 - Interstate
 - Major Road
 - Local Road
 - Railroad
- Parcels (on aerial)

Application:

- Additional bedroom allowed pursuant to § XXI-G(2).
- Addition is first floor only, no increase in structure height, and does not get closer to side lot lines, all in line with § XXI-G(4)(a).
- Allow long-time owners to have first-floor bedroom for less stairs.
- Addition to be placed in current driveway, tucked between existing house and existing shed.
- New setback of 25.1 still exceeds PIOD requirement of 20 feet.
- Structure will be built in compliance with Wetlands and Flood Zone requirements.
- Letters of Support from Neighbors.