

City of Newburyport Zoning Board of Appeals

Instructions for an Application for a SPECIAL PERMIT for NON-CONFORMITIES

In order to be scheduled for a public hearing before the Zoning Board of Appeals, the petitioner shall submit the following information. If materials are not included because they are not applicable then the applicant must request a waiver from the Office of Planning and Development in order to consider the application complete.

1. Two (2) hard copies of the following information.
- a. X Completed "Application for a Special Permit for Non-Conformities" form.
 - b. X Zoning Determination form from the Zoning Administrator indicating the need for a Special Permit for Non-Conformities.
 - c. X Assessor's Card available from the Assessor's Office or from <http://gis.vgsi.com/newburyportma/>
 - d. X A written memo addressing the following Special Permit for Non-Conformities criteria:
See attached Cover Letter.
 - 1) Please identify the particular use existing or proposed for the land or structure.
 - 2) Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning.
 - 3) Please identify whether the proposed use, extension, alteration, or addition would intensify the existing non-conformities or result in additional ones.
 - 4) Please identify the facts relied upon to support the Special Permit for Non-Conformities that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.
 - e. X Site plans or survey clearly showing existing and proposed conditions. Plans shall include the following:
 - North point;
 - Zoning district(s)
 - Names of streets
 - Wetlands (if applicable);
 - Dimensional control requirements;
 - Property boundaries; locations of buildings on adjacent properties and dimensional setbacks from property lines;
 - Indicate the proposed dimensional setbacks of the proposed structure with the existing structure(s) dimensional controls;
 - Deed restrictions, easements, and other restrictions that may affect the proposal;
 - Proposed features in solid lines; Features that are to be removed in dashed lines;
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Graphic scale;
 - Existing and proposed parking spaces
 - f. X Elevation plans showing all four sides of the existing building(s) and any proposed work to be highlighted. Plans shall include the following:
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Setbacks of any proposed dormers;
 - Height of ridge and median roof lines
 - g. X Any other supplemental information such as letters of support, photos, etc.
2. Pdf files of the above information via file transfer or email to planning@cityofnewburyport.com.
3. An administrative fee of \$200.00 per application is required at the time of application, plus a publication/abutters notification fee of \$350 per project. Checks may be combined and made payable to the "City of Newburyport."

FINNERAN & NICHOLSON, P.C.
ATTORNEYS AND COUNSELORS AT LAW

30 GREEN STREET
NEWBURYPORT, MA 01950
Tel. (978)462-1514 * Fax (978)465-2584

515 GROTON ROAD, SUITE 203
WESTFORD, MA 01886
Tel. (978)496-1177 * Fax (978)496-1146

June 15, 2021

Newburyport Zoning Board of Appeals
60 Pleasant Street
Newburyport, MA 01950

**RE: Special Permit for Nonconformities Application
Property: 86-88 Prospect Street.**

Dear Chairman Ciampitti and Members of the Board,

The undersigned represents Blake Wilcox, owner of the property at 86-88 Prospect Street. Our client would like to renovate and add an addition to the existing five-unit building. Additionally, he is proposing to add a new three car garage with driveway access off of Parsons Street, as well as additional permeable parking areas as shown on the Plan. Please accept this letter as my client's application for a Special Permit pursuant to Sections IX.B.2 and IX.B.3.c of the Newburyport Zoning Ordinances. Please note, this letter is also being provided as the required memorandum in support of the application.

The property is and will continue to be a five-unit multi-family residence, a pre-existing non-conforming use within the R-2 district which does not permit multi-family buildings.

The existing Lot is pre-existing, non-conforming as to Area (11,223 s.f. provided, 24,000 s.f. required), Front Setback (20' required, 1.2' provided) and as to the Rear Setback (10' required, 8.5' provided).

The proposed addition and garage will not add any new non-conformities, however, the additions and alterations will affect an area exceeding 500 s.f. and the non-conforming Front Setback is being extended by addition (infill) of the existing structure, requiring a Special Permit.

The proposed addition will not result in the completed structure being substantially more detrimental to the neighborhood. The addition and the garage are certainly in keeping with many of the surrounding homes, especially those recently re-developed or improved upon. Moreover, the proposed construction is to be conducted with top-quality, energy efficient materials and methods, minimizing environmental impacts and assuring the longevity of the structure.

Aesthetically, the proposed structure has been professionally designed and while beauty is in the eye of the beholder, is arguably an improvement on the existing structure. This will enhance the value of the building and that of neighboring homes. This improvement will also generate additional tax revenue for the City through increased property values which equates to a

benefit for other city residents. Lastly, the proposed project will provide an increase in available parking on site, reducing the need for on street parking, which will benefit the neighborhood.

Having obtained a Zoning Determination letter from the Newburyport Zoning Administrator (attached), please allow this letter and its attached documents to serve as the Applicant's formal application for a Special Permit under Sections IX.B.2 and IX.B.3.c of the Newburyport Zoning Ordinances, or any other relief the Zoning Board deems necessary, to allow for construction of the proposed Project.

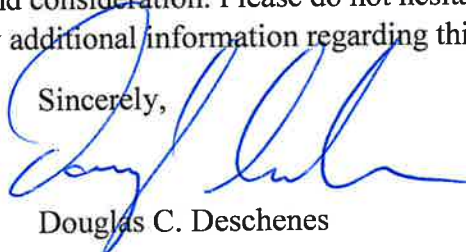
Enclosed please find the following:

1. Special permit application
2. Zoning Determination Letter
3. Owner Authorization Letter
4. Owner's Deed
5. Assessors Card and GIS Map
6. Written Memo (This letter)
7. Site Plan
8. Architectural Plans
9. Photos of Property
10. Filing Fee

Please Note, that electronic copies of all materials will be forwarded to the Board by email under separate cover. Additionally, copies are being filed with the City of Newburyport's Clerk's office.

Thank you for your time and consideration. Please do not hesitate to contact me should you have any question or need any additional information regarding this application.

Sincerely,



Douglas C. Deschenes

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

Petitioner: 86-88 Prospect Street, LLC - Blake Wilcox, Manager

Mailing Address: 10 Harrison Street, Newburyport, MA 01950

Phone: 978-504-1544 Email: blakewilcox81@gmail.com

Property Address: 86-88 Prospect Street, Newburyport

Map and Lot(s): Map 21, Parcel 45 Zoning District: R2

Book and Page(s): Book 39747, Page 192

Owner(s) Name: 86-88 Prospect Street, LLC - Blake Wilcox, Manager

Mailing Address (if different): same

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)

- * 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 s.f. increase (IX.B.3.c)
 - Plum Island Overlay District (XXI-G)
 - FAR
 - Footprint Expansion
 - Height Increase

Description of request:
Please see attached cover letter.

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

* and any an all other permit relief as may be required by the City of Newburyport's Zoning Ordinances to allow the proposed use/project.

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

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	20,000 s.f.	11,223 s.f.	11,223 s.f.
Frontage	120'	191.02'	191.02'
Height*	35'	23' 4.5"	23' 4.5"
Max. Lot Coverage (%)**	40%	23.4%	36.3%
Min. Open Space (%)***	40%	56.7%	48.9%
Primary Front Setback	20'	1.2'	1.2'
Side A Setback/Secondary Front Setback	_____	_____	_____
Side B Setback	10'	53.6'	10.1'
Rear Setback	20'	8.5'	8.5'
Parking Spaces	9	9	10
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).

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.

By checking this box and typing my name below, I am electronically signing this application.


 Petitioner: Douglas C. Deschenes, Attorney for Owner/Applicant

By checking this box and typing my name below, I am electronically signing this application.

Please see attached Authorization Letter

Owner (if different)

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

JTB 6/8/21
APR# 2021-052 REV 1

Name: 86-88 Prospect Street LLC c/o Mark Griffin

Address: 86-88 Prospect Street Zoning District(s): R2/DCOD

Request: Construct additions totalling greater than 500 to existing nonconforming multifamily structure extending (via infill) a non conforming front setback. Drawings presented represent <25% demo of exterior wall so no DCOD review. No roof demo proposed so no Demo Delay.

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

~~Minor~~
5 unit building

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Review for substantial improvement

The name typed below represents the intent to sign the foregoing document:

Jennifer T Blanchet 06/04/2021
Newburyport Zoning Administrator Date

June 15, 2021

City of Newburyport
Zoning Board of Appeals
60 Pleasant Street
Newburyport, MA 01950

City of Newburyport
Planning Board
60 Pleasant Street
Newburyport, MA 01950

City of Newburyport
Conservation Commission
60 Pleasant Street
Newburyport, MA 01950

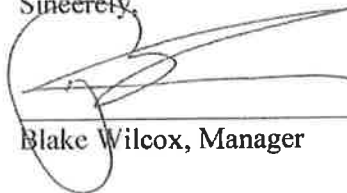
RE: 86-88 Prospect Street, Newburyport, MA

Dear Members of the Board,

Please be advised that the undersigned 86-88 Prospect Street, LLC, Blake Wilcox, Manager, does hereby authorize Attorneys Douglas C. Deschenes and/or related associates of the law firm of Finneran & Nicholson, P.C., with locations at 515 Groton Road, Suite 203, Westford, MA 01886 and 30 Green Street, Newburyport, MA 01950, to act (including but not limited to signing, filing and permitting) in regards to any filing, permit application, or other documents relating to proposed reconstruction and/or alteration of my property located at 86-88 Prospect Street, Newburyport, MA.

Thank you for your time and attention to this matter.

Sincerely,



Blake Wilcox, Manager



SO.ESSEX #390 Bk:39747 Pg:192
 04/08/2021 03:00 PM DEED Pg 1/3
 eRecorded

MASSACHUSETTS EXCISE TAX
 Southern Essex District ROD
 Date: 04/08/2021 03:00 PM
 ID: 1443719 Doc# 20210408003900
 Fee: \$5,928.00 Cons: \$1,300,000.00

QUITCLAIM DEED

I, **GARY M. KARELIS, AS TRUSTEE OF THE GMK REALTY TRUST**, under Declaration of Trust dated December 3, 1988 and recorded at Essex South District Registry of Deeds at Book 9985, Page 153, with a mailing address of 1369 Caminito Acento, La Jolla, California 92037

for consideration and in full consideration of **ONE MILLION THREE HUNDRED THOUSAND AND 00/100 (\$1,300,000.00) DOLLARS**,

grant to **86-88 PROSPECT STREET, LLC**, a Massachusetts limited liability company with a principal place of business at 10 Harrison Street, Newburyport, Massachusetts 01950,

with ***QUITCLAIM COVENANTS***,

the land in Newburyport, Essex County, Massachusetts, being known as and numbered 86-88 Prospect Street, and more particularly bounded and described as follows:

- NORTHEASTERLY by Prospect Street, sixty-three (63) feet;
- NORTHWESTERLY in part by land formerly of Woods, and in part by land formerly of Asa Merrill, sixty-six and 5/10 (66.5)feet;
- SOUTHWESTERLY by land formerly of Betsy Stanwood, fifteen (15) feet;
- NORTHWESTERLY in part by land formerly of James Young, and in part by land formerly of said Stanwood, eighty and 5/10 (80.5) feet;
- SOUTHWESTERLY by land of William Ilsley, forty-seven (47) feet;
- SOUTHEASTERLY by land of said Ilsley, three and 5/10 (3.5) feet;
- SOUTHWESTERLY again by land of said Ilsley, forty-seven (47) feet; and
- SOUTHEASTERLY by Parsons Street, one hundred thirty-two (132) feet.

The undersigned hereby releases all rights of homestead in the above referenced property and further states under the pains and penalties of perjury that there are no other persons entitled to the benefit of the Homestead Act.

For Grantor's title see Deed dated December 3, 1988 and recorded at Essex South District Registry of Deeds at Book 9985, Page 161.

PROPERTY ADDRESS: 86-88 Prospect Street, Newburyport, MA

WITNESS my hand and seal this 24th day of March, 2021.

GMK REALTY TRUST

By: Gary M Karelis
Name: Gary M. Karelis
Its: Trustee

STATE OF CALIFORNIA

On this _____ day of March, 2021, before me, the undersigned notary public, personally appeared Gary M. Karelis, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me he signed it voluntarily for its stated purpose as Trustee of the GMK Realty Trust.

— see attached —

Notary Public
My Commission Expires:

Quitclaim Deed.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego)

On 03/29/2021 before me, J. Conrad, Notary Public
(insert name and title of the officer)

personally appeared Gary M. Karelis-----
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



86-88 PROSPECT ST

Location 86-88 PROSPECT ST

MBLU 21/45///

Owner KARELIS GARY TRS

Assessment \$908,900

PID 970

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$495,800	\$413,100	\$908,900

Owner of Record

Owner KARELIS GARY TRS
Co-Owner GMK REALTY TRUST
Address PO BOX 3092
 LA JOLLA, CA 92037

Sale Price \$1
Certificate
Book & Page 09985/0161
Sale Date 05/03/1989
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KARELIS GARY TRS	\$1		09985/0161	1A	05/03/1989
KARELIS GARY	\$0		06753/0423		10/23/1980

Building Information

Building 1 : Section 1

Year Built: 1850
Living Area: 4,404

Building Attributes	
Field	Description
Style:	Family Conver.
Model	Residential
Grade:	Average
Stories:	2 Stories
Occupancy	5

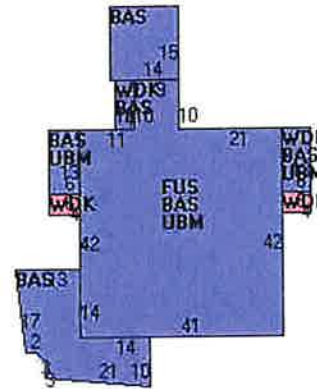
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	5 Bedrooms
Total Bthrms:	6
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	12 Rooms
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	06
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//010007701.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/970_103)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,592	2,592
FUS	Upper Story, Finished	1,812	1,812
UBM	Basement, Unfinished	1,968	0
WDK	Deck, Wood	166	0
		6,538	4,404

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code 1110
Description APT 4-8 UN

Size (Acres) 0.26
Depth 0
Assessed Value \$413,100

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$464,900	\$413,100	\$878,000

86-88 Prospect Street, Newburyport

6/15/2021



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.

Legend

- Municipal Boundary
- Roads
 - Interstate
 - Local Road
 - Major Road
- Railroad

Parcels (on aerial)

1:480







