Decision of the Newbury Zoning Board of Appeals
Under the Zoning Bylaw
Upon petition of Joseph Novak
5 Withington Street, Assessors Map U06-0-63

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, November 19, 2020, at 7:30 p.m. at public meeting held via Zoom video conference/Municipal Town Offices, 12 Kent Way, Byfield, MA 01922 on the petition of Joseph Novak, 5 Withington Street, Newbury in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40 A, as amended, and the Zoning Bylaws of the Town of Newbury, MA 01951. ZBA members present were Chairman Howard Traister, Eric Svahn and Mario Carnovale.

The applicant petitioned the ZBA for a FINDING for relief from Section 97-6(b) of the Newbury Zoning Bylaws to extend their front entry porch and create a farmers porch along the length of the front of the house, in which construction will intensify an existing non-conforming front setback on 5 Withington Street, Newbury, MA (Assessors Map U06-0-63).

The hearing opened on October 15, 2020 and the applicant Joseph Novak and his wife Elizabeth presented an overview of the project, sharing that they are proposing the removal of the existing deck and side steps and the construction of a 6'x30' front farmers porch. Member Eric Svahn noted that the application submitted was for a Variance, so the paperwork is not applicable and they will need to submit an application for a Special Permit/Finding, along with a drawing of the existing and proposed construction with dimensions and what the change in setback would be. A motion was made by Eric Svahn to continue the hearing to the November 19, 2020 meeting date and seconded by Mario Carnovale, all in favor.

On Thursday, November 19th the hearing was opened and members present were Chairman Howard Traister, Eric Svahn and Mario Carnovale. The Special Permit/Finding application, existing and proposed conditions drawing and and outline of facts was provided by the applicant and given to the board prior to the meeting for review. It was identified that the existing non-conforming front setback is currently six-feet and the proposed construction of the front porch improves the front setback by 1-foot, to about five-feet, making the front setback slightly more conforming. There were no further questions from the ZBA members.

In favor of the applicant were Joseph & Elizabeth Novak. There was no one appearing in opposition of the applicant.

After due deliberation and consideration, the Board of Appeals voted unanimously on a motion by Eric Svahn, to GRANT the FINDING under section 97-6(b) for the addition, as the proposed front porch is improving the front setback and is deemed not to be more substantially detrimental to the neighborhood. The motion was seconded by Mario Carnovale and voted unanimously. The plans and associated documents bearing the Zoning Board of Appeals stamp dated 11/19/20 are part of this record.

This Finding is granted with the understanding that this decision will be recorded at the Registry of Deeds in Salem, MA and that the Board of Appeals and the Building Inspector shall receive copies of the recorded document showing Book and Page of the recording prior to issuance of a building permit.

This Finding is not to be construed as a sanction of the Town of any encroachments nor does it relieve the burden of the owner to obtain proper permits and approvals from all pertinent boards.

Notification is hereby given that appeals, if any, shall be made pursuant to G.L. Chapter 40A §17, as amended by Chapter 808 of the Acts of 1975, within twenty days after which this decision is filed with the Newbury Town Clerk.

NEWbury ZONING BOARD OF APPEALS

Howard Traister, Chairman
Eric Svahn, Member
Mario Carnovale, Member
Existing Front Set-back Magnified

Proposed Front-Setback Magnified

*No alterations to side porch or side yard.*
*Permit disrega.*
**Town of Newbury Zoning Board of Appeals**

**Application Form for a Special Permit/Finding for Non-Conformities**

**Existing Lot:**

<table>
<thead>
<tr>
<th>Lot/Proposed</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>s/f Coverage</td>
<td></td>
<td></td>
<td></td>
<td>Feet</td>
<td>Front A Side B Rear</td>
</tr>
<tr>
<td>1,000</td>
<td>15.4%</td>
<td>2.8</td>
<td>1 30</td>
<td>90</td>
<td>5' 6' 30' 43'</td>
</tr>
</tbody>
</table>

**Proposed lot(s):**

<table>
<thead>
<tr>
<th>Lot</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>s/f Coverage</td>
<td></td>
<td></td>
<td></td>
<td>Feet</td>
<td>Front A Side B Rear</td>
</tr>
<tr>
<td>1,000</td>
<td>15.9%</td>
<td>3.4</td>
<td>1 30</td>
<td>90</td>
<td>5' 6' 30' 43'</td>
</tr>
</tbody>
</table>

**Zoning Ordinance Requirements for Lot:**

<table>
<thead>
<tr>
<th>Lot</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>s/f Coverage</td>
<td></td>
<td></td>
<td></td>
<td>Feet</td>
<td>Front A Side B Rear</td>
</tr>
<tr>
<td>410,000</td>
<td>14.9%</td>
<td>3.75</td>
<td>1 35</td>
<td>125</td>
<td>40 10 10 10</td>
</tr>
</tbody>
</table>

**Existing Building(s):**

<table>
<thead>
<tr>
<th>Ground Floor Ground Floor</th>
<th>Number of Number of</th>
<th>Total</th>
<th>Use of Total</th>
<th>Use of</th>
</tr>
</thead>
<tbody>
<tr>
<td>sq./ft.</td>
<td>Floors</td>
<td>s/f</td>
<td>Building</td>
<td>Building</td>
</tr>
<tr>
<td>1,080</td>
<td>2</td>
<td>1,080</td>
<td>Residential</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Every application for a Special Permit/Finding for Non-Conformities shall 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 Town Clerk does not absolve the petitioners from this responsibility. The petitioner shall be responsible for all expenses of the filing 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 and Landowner signature(s):**

Signature: [Signature]
Print name: [Joseph Novak]

Signature: [Signature]
Print name: [Elizabeth Novak]
Decision of the Newbury Zoning Board of Appeals

Under the Zoning Bylaw

Upon petition of Valerie & Edward Wentzel
4 Riverfront, Assessors Map R11-0-62

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, November 19, 2020, at 7:30 p.m. at a public meeting held via Zoom video conference/Municipal Town Offices, 12 Kent Way, Byfield, MA 01922 on the petition of Valerie & Edward Wentzel, 4 Riverfront, Newbury in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40A, as amended, and the Zoning Bylaws of the Town of Newbury, MA 01951. ZBA members present were Chairman Howard Traister, Eric Svahn and Mario Carnovale.

The applicant petitioned the ZBA for a VARIANCE for relief from Section 97-6 of the Newbury Zoning Bylaws to build an attached garage (25'x25') as the construction does not meet the required setbacks on 4 Riverfront, Newbury, MA (Assessors Map R11-0-62).

The hearing opened on October 15, 2020 and the applicant Edward & Valerie Wentzel presented an overview of the project, sharing that they are on a private road with a 20-foot right of way and a 30-foot well easement, as do many of the houses on Riverfront. On the west side of their property there is a steep hill that leads to the river landing and their south side yard is their septic/leach field. They would like to erect a garage on the east/front side of the home, which is essentially the only viable location for it. The ZBA members felt that there was a necessity for more information, specifically the septic plan, photo of the west side of house depicting the slope and the well easement plan referred to showing the easement for the street, or at least immediate neighbors. A motion was made by Eric Svahn to continue the hearing to the November 19, 2020 meeting date and seconded by Mario Carnovale, all in favor.

On Thursday, November 19th the hearing was opened and members present were Chairman Howard Traister, Eric Svahn and Mario Carnovale. The material requested was provided to the ZBA members prior to the hearing which included the Well Easement Plan dated September 7, 2001, photos of the slope, the Sewer/Septic Plan dated January 1997, an update of Page 2A of the application and the statement that their hardship is that their septic system is located in their only other open space. Member Eric Svahn did a drive by the property to understand the road layout. There were no further questions from the ZBA members.

In favor of the applicant were Valerie & Edward Wentzel and Charles Pappalardo of 6 Riverfront via a letter to the ZBA. There was no one appearing in opposition of the applicant.

After due deliberation and consideration, the Board of Appeals voted unanimously on a motion by Eric Svahn, to GRANT the VARIANCE under section 97-6 as the proposed attached garage addition will be established within existing property lines and though closer to the street setback, the applicants current conditions limit their modifications in any other location and is deemed not to be more substantially detrimental to the neighborhood. The motion was seconded by Mario Carnovale and voted unanimously. The plans and associated documents bearing the Zoning Board of Appeals stamp dated 11/19/20 are part of this record.

This VARIANCE is granted with the understanding that this decision will be recorded at the Registry of Deeds in Salem, MA and that the Board of Appeals and the Building Inspector shall receive copies of the recorded document showing Book and Page of the recording prior to issuance of a building permit.

This VARIANCE is not to be construed as a sanction of the Town of any encroachments nor does it relieve the burden of the owner to obtain proper permits and approvals from all pertinent boards.

Notification is hereby given that appeals, if any, shall be made pursuant to G.L. Chapter 40A §17, as amended by Chapter 808 of the Acts of 1975, within twenty days after which this decision is filed with the Newbury Town Clerk.

NEWbury ZONING BOARD OF APPEALS

Howard Traister, Chairman
Eric Svahn, Member
Mario Carnovale, Member

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