BOARD OF APPEALS
DECISION ON PETITION FOR SPECIAL PERMIT/FINDING OF B2W, LLC

PETITIONERS: B2W, LLC

RELIEF SOUGHT: Special Permit/Finding under Section 97-4(D)(5)(d)

LOCATION: 1 Plum Bush Downs

PARCEL ID: R51-15

OWNER OF SUBJECT PARCEL: Plum Bush Condominium Trust

DATE OF HEARING: February 20, 2020 - (COVID-19) - June 18, 2020

I. Petition and Relief Sought

On January 23, 2020, petitioners B2W, LLC filed an application seeking a special permit under Section 97-4(D)(5)(d) of the Zoning Bylaws to allow the alteration, reconstruction, extension of, or change to the existing single family home known and numbered as 1 Plum Bush Downs (the “Dwelling”). The Dwelling is a detached condominium unit located on an approximately 29 acre parcel (the “Property”). Specifically, the petitioners wish to raze and reconstruct the existing Dwelling as to footprint, height and living space as set forth in the attached plan sets which are incorporated herein and made part of this decision.

II. Proceedings and Public Hearing

The petition was received by the Town Clerk on January 23, 2020. Notice of the Public Hearing was published on February 5, 2020 and February 12, 2020 in the Daily News of Newburyport. The public hearing was opened February 20, 2020 and continued to March 19,

Members Howard Traister, Eric P. Svahn, Elaine Baker, and alternates Mario Carnovale and John DeMartino heard this matter on behalf of the Board.

III. **Findings of Fact**

1. The Property is located in the Town’s R-AG Zoning District and in the Plum Island Overlay District (“PIOD”).

2. The Dwelling owned by the petitioners is a detached condominium unit with the Plum Bush Condominium (the “Condominium”).

3. The Property on which the Condominium is located is shown on the Assessors’ records as Lot R51-15.

4. The Property contains approximately 27.9 square feet of area and has approximately 549.45 feet of frontage. The existing lot coverage is 0.70% and the existing FAR is .008%. All other dimensional requirements are conforming as outlined in the Plan of Land for Plum Bush Condominium dated January 27, 1988 and recorded at Essex South District of Registry of Deeds Plan Book 263, Plan 72.

5. The Condominium is a nonconforming use within the PIOD and R-AG Zoning District in that multifamily uses are currently not allowed.

6. The applicant proposes certain improvements to the Dwelling as to footprint, height and living space which are detailed in the attached plans.

7. As proposed, the Dwelling alterations would result in a lot coverage of 0.70% and an FAR of .010%. The front setback will improve from 16.6’ to 18.2’ and the building height would change from 14.25’ to 33.4’ and other general dimensional requirements would not be affected.

8. Although the petitioners are not the landowner, the petitioners have provided proof of the landowners consent to their application.

IV. **Determinations as to the Petition**
Based upon the above findings, and subject to and contingent upon the below conditions, the Board finds as follows:

1. Section 97-4(D)(5)(d) allows the Board to permit the alteration, reconstruction, extension of, or change of an existing nonconforming use or structure upon a finding; meaning, to grant relief, the Board must find that the proposed alteration to a nonconforming structure or use shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood or the PIOD. See Section 97-11(D)(2). The Board must also find that such structure would not be located less than ten (10) feet from the side lot line or less than twenty (20) feet from the street unless a nearer building line is already established by existing buildings or would add bedrooms in excess of the provisions of § 97-4D(5)(b).

2. Here the Board finds that, based upon these particular and unique facts and circumstances, the petitioners have met their burden to show the existing use of Property is lawfully nonconforming and that that nonconforming use has not lapsed. There is no dispute that the existing dwellings comprising the condominium have existed and have been in continuous use at all times relevant hereto. Additionally, no evidence has been submitted to contradict the petitioners’ assertion.

3. The Board also finds that the proposed alterations would not be be substantially more detrimental than the existing nonconforming structure and use to the neighborhood or the PIOD. Specifically, the proposed alterations will have minimal impact and will not be more detrimental dimensionally. The use is not being changed. Additionally, while the proposed project is to raze and reconstruct the single-family dwelling, those dimensional changes result in only de minimus increases/alterations considering the size of the Property. Accordingly, the proposed work creates no new dimensional nonconformities and only minor increases to the existing Dwelling compared to the Property on which it is located and in accordance with the plans bearing the ZBA stamp dated 6/18/20 that are considered part of this record.

4. The Board finds that the proposed project would not be located less than ten (10) feet from the side lot line of the Property or less than twenty (20) feet from the street unless a nearer building line is already established by existing buildings nor would it add bedrooms in excess of the provisions of § 97-4D(5)(b).

5. Lastly, the Board notes that some of the issues that arose at the public hearing concerned the relationship between the Dwelling to the other dwellings within the condominium. As the Board’s authority is limited to zoning matters as set forth in the Town’s Zoning Bylaw, the Board makes no finding and gives no opinion as to the
impact this project may or may not have as to the condominium itself. Those matters are properly left to the trustees of the Condominium and/or the condominium owners and, as noted above, the trustees have provided written consent to this petition. The Board notes, however, that as to any future petitioners from the Condominium, the Board is required to make determinations as to impact on a case by case basis and will therefore be required to consider the cumulative impact of each such alteration, reconstruction, extension or change as to both the neighborhood and the district.

V. Decision

On motion of Eric Svahn, second by Elaine Baker, the Board voted to approve the petition of B2W, LLC for 1 Plum Bush Downs, Plum Island/Newbury.

NEWBURY BOARD OF APPEALS

DATED: July 16, 2020

Howard Traister, Chairman

Eric P. Svahn, Member

Elaine Baker, Member

Filed with the Town Clerk:
Petitioner: Name, address, and telephone number: B2W, LLC, c/o Mark Gordon, Esq.

Owners of Land: Name, address, and telephone number, and number of years under this ownership: B2W, LLC, c/o Mark Gordon, Esq. Years owned land: 1

Location of Property:
Street: Plum Bush Downs
Assessors: Map number: R51
Registry of Deeds: Book number: 276.56

Zoning District: P-AG, P10D
Lot number: 015
Page number: 103

Section under which the petition for the special permit/finding for non-conformities is made: 97-4D(5)(d)

Refer to permit denial and Zoning Bylaws

The description as provided below shall be used for the purpose of the legal notice and decision. A more detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 2A of this application.

The description of the request for the special permit/finding for non-conformities:
Raze and reconstruct a single family dwelling, with two proposed homes on the existing footprint and height.

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

Any advice, opinion or information given by any board member or any other official or employee of the Town of Newbury shall not be binding on the Board.
Town of Newbury Zoning Board of Appeals

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

Existing Lot:

<table>
<thead>
<tr>
<th>Lot s/f Coverage</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>279.00</td>
<td>7.00</td>
<td>208</td>
<td>33.45</td>
<td>549.45</td>
<td>18.00  9.00  13.00  4.11</td>
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Proposed lot(s):

<table>
<thead>
<tr>
<th>Lot s/f Coverage</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>101.00</td>
<td>20.00</td>
<td>135</td>
<td>35</td>
<td>125</td>
<td>20.00  10.00  10.00  10.00</td>
</tr>
</tbody>
</table>

Zoning Ordinance Requirements for Lot:

<table>
<thead>
<tr>
<th>Lot s/f Coverage</th>
<th>Percent Lot</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>401.00</td>
<td>20.00</td>
<td>135</td>
<td>35</td>
<td>125</td>
<td>20.00  10.00  10.00  10.00</td>
</tr>
</tbody>
</table>

Existing Building(s):

<table>
<thead>
<tr>
<th>Ground Floor sq./ft</th>
<th>Number of Floors</th>
<th>Total s/f</th>
<th>Use of Building</th>
</tr>
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<tbody>
<tr>
<td>1011.47</td>
<td>1</td>
<td>1011.47</td>
<td>Residential One Family Dwelling</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 petitioner 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: [Print name]

Signature: [Signature]
Print name: [Print name]
FAR CHECKLIST: Please fill in all blanks below
(mark NA where not applicable)

Property Address: 1 Plum Bush Downs, Newbury, MA

Owners Name: B2W, LLC

FAR CALCULATION

Lot Size = \( \frac{1,215,324}{27.9} \text{ sq. ft.} \)
Total Floor Area = \( \frac{1,992.93}{\text{sq. ft}} \)

Floor Area Ratio = \( \frac{\text{Total Floor Area}}{\text{Lot Size}} \times 100 = 0.164 \% \)

*Total square footage shall include all wall thicknesses.*

<table>
<thead>
<tr>
<th>Room Name</th>
<th>Existing Square Footage</th>
<th>Proposed Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedroom #1</td>
<td>122.95</td>
<td>147.22</td>
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<tr>
<td>Bedroom #2</td>
<td>111.97</td>
<td>172.16</td>
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<tr>
<td>Bedroom #3</td>
<td>22.13</td>
<td></td>
</tr>
<tr>
<td>Bathroom #1</td>
<td>95.91</td>
<td>33.53</td>
</tr>
<tr>
<td>Bathroom #2</td>
<td></td>
<td>52.99 + 75.04</td>
</tr>
<tr>
<td>Kitchen</td>
<td>156.57</td>
<td>215.89</td>
</tr>
<tr>
<td>Family Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dining Room</td>
<td></td>
<td>199.34</td>
</tr>
<tr>
<td>Living Room</td>
<td>243.69</td>
<td>240.8</td>
</tr>
<tr>
<td>Hallways / Foyers</td>
<td>106.23</td>
<td>63.35 + 22.11</td>
</tr>
<tr>
<td>Den / Study / Office</td>
<td></td>
<td>74.96</td>
</tr>
<tr>
<td>Laundry Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical Room</td>
<td></td>
<td>66.63</td>
</tr>
<tr>
<td>Storage Closets</td>
<td>20.35</td>
<td>12.21 + 63.69 + 5.17</td>
</tr>
<tr>
<td>Covered Decks / Porches / Sunrooms</td>
<td>153.8</td>
<td>229.08</td>
</tr>
<tr>
<td>Stairways (See Definition Above)</td>
<td></td>
<td>64.9</td>
</tr>
<tr>
<td>Garage / Carport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Unit or Guest House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (please list)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (please list)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals for Existing and Proposed:</td>
<td>Existing sf.: 1,011.47</td>
<td>Proposed sf.: 1,992.93</td>
</tr>
</tbody>
</table>

Total Gross Floor Area Including Wall Thicknesses

Total 1st Floor: 1,082.94
Total 2nd Floor: 909.99
Total Other: 1992.93
Total All Floor Area: 1,992.93
QUITCLAIM DEED

I, Melody Emanuel, an unmarried man of 1 Plum Bush Downs, Newbury, Massachusetts, for consideration paid, and in full consideration TWO HUNDRED THIRTY THOUSAND DOLLARS AND NO/00/100 ($230,000.00) hereby grants to B2W, LLC, a Massachusetts Limited Liability Company, with a mailing address of 6 Arrowhead Lane, Carver, Plymouth County, Massachusetts, as Sole Owner

With QUITCLAIM COVENANTS,

The dwelling Unit (the "Unit") known as Unit 1 in the Condominium known as Plum Bush Condominium (the "Condominium") situated at Plum Bush Downs, Plum Island Turnpike, Newbury, Essex County, Massachusetts, created pursuant to Master Deed dated February 24, 1988 and recorded with Essex South District Registry of Deeds at Book 9414, Page 282.

The Unit is conveyed together with an undivided 9.39 percentage interest in the common areas and facilities described in said Master Deed and in the By-Laws of the Plum Bush Condominium Association, the organization of unit owners through which the Condominium is managed and regulated.

The Unit is conveyed subject to and with the benefit of the provisions of said Chapter 183A of the General Laws; the provisions, easements, agreements, restrictions and covenants of the Condominium, as set forth in said Master Deed and floor plans; and the By-Laws of the Plum Bush Condominium Association recorded with said Master Deed.

The Unit is intended for residential purposes.

The Post Office address of the Unit is Unit 1, Plum Bush Downs, Plum Island Turnpike, Newbury, Massachusetts 01951.

Property address for reference purposes only:
1 Plum Bush Downs, Newbury, MA

The Grantor named herein does voluntarily release all of their rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and state that there is no other person or persons entitled to any homestead rights other than those executing this deed.
IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this 11th day of July, 2019

Melody Emanuel

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF

In New Bedford, Massachusetts, on the 11th day of July, 2019 before me, the undersigned Notary Public, personally appeared Melody Emanuel proved to me through satisfactory evidence of identification, which was (containing her signature(s) to be the person whose name(s) is signed on the attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

FRANK TASSONI
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
July 25, 2025
Decision of the Newbury Zoning Board of Appeals
Under the Zoning Bylaw
Upon petition of Brian & Helen Buia
for 16 Plum Island Blvd, Newbury (Plum Island), MA 01951

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, June 18, 2020 at 7:30 p.m. at a session held via ZOOM/Newbury Municipal Offices, 12 Kent Way, Byfield, MA on the petition of Brian & Helen Buia, 420 Middle Street, West Newbury, MA 01985, in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40A, as amended, and the Zoning Bylaws of the Town of Newbury. ZBA members present were Chairman Howard Traister, Eric Svahn and Elaine Baker.

Applicant petitioned the ZBA for a FINDING for relief from Section 97-4.D of the Newbury Zoning Bylaws as the proposed construction will increase the lot coverage, height and the floor area ratio for the structure on the property located at 16 Plum Island Blvd, Plum Island/Newbury (Assessors Map U02-0-124).

The hearing was opened on December 19, 2019 and the petitioner’s Brian & Helen Buia addressed the ZBA and shared their proposal to raze & reconstruct a 3-bedroom single-family dwelling, improving the rear setback and maintaining the front and side setbacks to at least the required or better. The proposed dwelling has an increase the mean building height from 16-feet to 34.7-feet, Floor Area Ratio (FAR) increase from 14% to 25% and a increase in lot coverage from 14.4% to 16.2%; it was noted that the application documents needed to be corrected to reflect these properly. The petitioner also indicated that they are proposing a 28’X28’ roof deck with access through a 70-square foot access room with a roof hatch. ZBA member Eric Svahn was able to verify the lot coverage and FAR calculations, but will need to verify the height and mean grade. Further, abutter Heather Sinton of 18 & 18R Plum Island Blvd expressed concern over whether the roof height and access conformed to Zoning. Due to the need to update the application and verify calculations, Mr. Svahn made a motion to continue to the February 20, 2020 meeting date and was seconded by member Elaine Baker.

The hearing was opened on January 16th, during this meeting, Eric Svahn verified the petitioner had submitted the corrected application documents on 12/31/2020, however the ZBA had some concerns over the roof line. Chairman Traister asked if there were any abutters or anyone else who wished to speak; Heather Sinton of 18 & 18R Plum Island Blvd asked whether the proposed roof deck as designed should be considered a story. The ZBA did not believe so, but would ask Town Counsel for their opinion. Chairman Traister asked if there was anyone else who wished to speak, there was no one. Mr. Svahn made a motion to continue the hearing until March 19, 2020.

Due to the COVID-19 pandemic and pursuant to Chapter 53 of the Acts of 2020, the hearings of March 19, April 16 and May 14 were held only to continue without discussion. The ZBA meeting of June 18, 2020 was held via video-conference, whereby the applicant provided a summary of the project, the updated application documents were verified, and the ZBA stated that they received confirmation from Town Counsel that the roof deck did not meet the Chapter 97 definition of a story. As everything seemed to be in order; Chairman Traister asked if anyone wished to speak in favor of or in opposition of this project; appearing in favor of the applicant was Brian & Helen Buia, there was no one in opposition.

After due deliberation and consideration, Chairman Traister closed the public hearing and asked for a motion; Eric Svahn made a motion to GRANT the FINDING under section 97-4.D as the proposed construction conforms to all setback, height, floor area ratio (FAR) and lot coverage requirements of the PLZD and is deemed not to be more substantially detrimental to the neighborhood. The motion was seconded by Elaine Baker and voted unanimously. The plans and associated documents bearing the Zoning Board of Appeals stamp dated 6/18/20 are to be are considered a 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 Zoning Board of Appeals and the Building Inspector shall receive copies of the recorded documents 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. A Special Permit/Finding will lapse after two years, unless a shorter time period is specified in the zoning bylaw or ordinance, if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

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

Elaine Baker, Member

ZBA Decision-Buia/16 Plum Island Blvd 6-18-2020 Page 2
Town of Newbury Zoning Board of Appeals
Application Form for a Special Permit/Finding for Non-Conformities

Town Clerk
Date & Time
Stamp Here

Petitioner: Name, address, and telephone number
HELEN R. AND BRIAN J. 7420
MIDDLE STREET, WEST NEWBURY, MA 01985; 978-278-7906

Owners of Land: Name, address, and telephone number, and number of years under this ownership:
JAMES W. LUCAS AND ANNE URBANZEWIKI, TRUSTEES OF THE MARY
ANN LUCAS IRREVOCABLE TRUST; Years owned land: 5
30 ARBOR WAY, ROLLING, MA 01969 5 BRYNN LOMAN ED. 603-623-1234

Location of Property:
Street: 16 PLUM ISLAND BLVD. Zoning District: PID
Assessors: Map number: 00Z Lot number: 0-129
Registry of Deeds: Book number: 2208 Page number: 3-41

Section under which the petition for the special permit/finding for non-conformities is made:
97-4 D2 (b)(1)
97-4 D2 (b)(3)
97-4 D2 (b)(4)

Refer to permit denial and Zoning Bylaws

The description as provided below shall be used for the purpose of the legal notice and decision. A more
detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 2A of this
application.

The description of the request for the special permit/finding for non-conformities:
THE APPLICANT IS REQUESTING A FINDING FOR RELIEF FROM SECTION
97-4 D2 THE PROPOSED CONSTRUCTION WILL INCREASE THE LOT COVERED
HEIGHT, AND FLOOR AREA RATIO ON THE LOT LOCATED AT 16 PLUM
ISLAND BLVD. (ASSESSORS MAP 00Z-0-129), AS THE PROPOSED IS
A CHANGE TO AN EXISTING NON-FORMING STRUCTURE.

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

Any advice, opinion or information given by any board member or any other official or employee of the Town
of Newbury shall not be binding on the Board.
LOT COVERAGE

Lot Coverage is the size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel, expressed as a decimal number. The lot coverage is used in calculations to determine the size of a parcel for development project. For example, a footprint of 1000 sf on a 5000 sf lot results in lot coverage of .20 or 20% (1000sf / 5000sf = .20).

1. Lot coverage is basically the total square footage of all structures covering a lot from view.

2. The following areas are to be included for the purpose of computing Lot Coverage:
   - All buildings including single, two or multi family dwellings.
   - All buildings of a nonconforming use.
   - Accessory structures including sheds, garages, pools, carports, decks, roof over hangs exceeding 20", platform walkways and similar structures.

3. The following areas are to be excluded for the purpose of computing Lot Coverage
   - Existing grade level walkways and driveways.
   - Retaining walls and fences.

Note: Although the Zoning By-law only uses the total of “all building footprints” to determine the 20% allowed lot coverage restrictions, the Wetlands By-law includes the above mentioned accessory structures in the 20% coverage. The ZBA will strongly encourage the applicant to submit an application that is in compliance with the lot coverage requirements of the Wetlands By-Law to eliminate issuing a decision potentially in conflict with the Conservation Commission.

LOT COVERAGE CHECKLIST: Please fill in all blanks below (mark NA where not applicable)

LOT COVERAGE CALCULATION (PROPOSED)

Lot Size = 6,166 sq. ft. Total Lot Coverage = 1,002 sq. ft

Lot Coverage % = (Total Lot Coverage / Lot Size) x 100 = 16.2 %

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<thead>
<tr>
<th>Structure</th>
<th>Sq. Footage Existing Footprint</th>
<th>Sq. Footage Proposed Footprint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Dwelling</td>
<td>855</td>
<td>784</td>
</tr>
<tr>
<td>Secondary Dwelling</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Decks</td>
<td>33</td>
<td>218</td>
</tr>
<tr>
<td>Garage / Carport</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Shed</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Other Structures</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Roof Overhangs &gt; 20&quot;</td>
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<td>NA</td>
</tr>
<tr>
<td>Totals</td>
<td>888</td>
<td>1,002</td>
</tr>
</tbody>
</table>
**Application Form for a Special Permit/Finding for Non-Conformities**

### Existing 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>
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<td>.14</td>
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<td>51</td>
<td>78.3 3.3 16.4 3.2</td>
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### 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>
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<td>.25</td>
<td>34.7</td>
<td>51</td>
<td>49.9 11.5 11.5 18.7</td>
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</table>

### Zoning Ordinance Requirements for Lot:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Percent Lot</th>
<th>FAR</th>
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<tbody>
<tr>
<td>6,186</td>
<td>20.0</td>
<td>.25</td>
<td>35</td>
<td>51</td>
<td>20 10 10 10</td>
</tr>
</tbody>
</table>

### Existing Building(s):

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>Number of Floors</th>
<th>Total s/f</th>
<th>Use of Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>055</td>
<td>1</td>
<td>055</td>
<td>Residential - Single Family</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 petitioner 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:** Anne Urbaczewski

**Print name:** Anne Urbaczewski

**Signature:** HELEN R. BUÍA AND BRIAN J. BUÍA

**Print name:** HELEN R. BUÍA AND BRIAN J. BUÍA
FAR CHECKLIST: Please fill in all blanks below
(mark NA where not applicable)

Property Address: 16 PLUM ISLAND BLVD.

 Owners Name: JAMES W. LUCAS AND ANNE URBACZEWSKI, TRUSTEES OF THE MARY ANN LUCAS IRREVOCABLE TRUST

FAR CALCULATION

Lot Size = 6,186 sq. ft.  Total Floor Area = 1,543 sq. ft

Floor Area Ratio = (Total Floor Area / Lot Size) x 100 = 25%

Total square footage shall include all wall thicknesses.

<table>
<thead>
<tr>
<th>Room Name</th>
<th>Existing Square Footage</th>
<th>Proposed Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedroom #1 (MASTER)</td>
<td>95</td>
<td>206</td>
</tr>
<tr>
<td>Bedroom #2</td>
<td>85</td>
<td>161</td>
</tr>
<tr>
<td>Bedroom #3</td>
<td>NA</td>
<td>155</td>
</tr>
<tr>
<td>Bathroom #1 (MASTER)</td>
<td>40</td>
<td>82</td>
</tr>
<tr>
<td>Bathroom #2</td>
<td>NA</td>
<td>60</td>
</tr>
<tr>
<td>Kitchen</td>
<td>120</td>
<td>168</td>
</tr>
<tr>
<td>Family Room</td>
<td>160</td>
<td>NA</td>
</tr>
<tr>
<td>Dining Room</td>
<td>NA</td>
<td>72</td>
</tr>
<tr>
<td>Living Room</td>
<td>NA</td>
<td>277</td>
</tr>
<tr>
<td>Hallways / Foyers</td>
<td>140</td>
<td>73</td>
</tr>
<tr>
<td>Den / Study / Office</td>
<td>NA</td>
<td>NA</td>
</tr>
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<td>18</td>
</tr>
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<td>Mechanical Room</td>
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<td>Storage Closets</td>
<td>54</td>
<td>67</td>
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<td>Covered Decks / Porches / Sunrooms</td>
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<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Second Unit or Guest House</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Other (please list) Roof</td>
<td>67</td>
<td>67</td>
</tr>
<tr>
<td>Other (please list) 1/2 Bath</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Totals for Existing and Proposed: Existing sf.: 855  Proposed sf.: 1,543

Total Gross Floor Area Including Wall Thicknesses (PROPOSED)
Total 1st Floor: 784  Total 2nd Floor: 692
Total Other: 67 (Roof Landing) Total All Floor Area: 1,543
Newbury, MA 01951

Location: 16 Plum Island Blvd.

Cross Section of Proposed Dwelling and Driveway

Members to finish grade.
Lowest point structural min. Open space below.

Proposed g. is to be constructed.

Proposed (1st R.) - NOTE: The

Egressing

Floor FL. 132' F.P.

Proposed (2nd R.)

10x4 Deck

Overhang Open Below

Family Ensuite

Proposed

Front Line

Proposed Property Line

Driveway

Plum Island

Construction

Plan & Section

Scale 1" = 20'
Decision of the Newbury Zoning Board of Appeals
Under the Zoning Bylaw
Upon petition of Brian & Helen Buia
for 16 Plum Island Blvd, Newbury (Plum Island), MA 01951

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, June 18, 2020 at 7:30 p.m. at a session held via ZOOM/Newbury Municipal Offices, 12 Kent Way, Byfield, MA on the petition of Brian & Helen Buia, 420 Middle Street, West Newbury, MA 01985, in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40A, as amended, and the Zoning Bylaws of the Town of Newbury. ZBA members present were Chairman Howard Traister, Eric Svahn and Elaine Baker.

Applicant petitioned the ZBA for a FINDING for relief from Section 97-4.D of the Newbury Zoning Bylaws as the proposed construction will increase the lot coverage, height and the floor area ratio for the structure on the property located at 16 Plum Island Blvd, Plum Island/Newbury (Assessors Map U02-0-124).

The hearing was opened on December 19, 2019 and the petitioner’s Brian & Helen Buia addressed the ZBA and shared their proposal to raze & reconstruct a 3-bedroom single-family dwelling, improving the rear setback and maintaining the front and side setbacks to at least the required or better. The proposed dwelling has an increase the mean building height from 16-feet to 34.7-feet, Floor Area Ratio (FAR) increase from 14% to 25% and a increase in lot coverage from 14.4% to 16.2%; it was noted that the application documents needed to be corrected to reflect these property. The petitioner also indicated that they are proposing a 28'X28' roof deck with access through a 70-square foot access room with a roof hatch. ZBA member Eric Svahn was able to verify the lot coverage and FAR calculation, but will need to verify the height and mean grade. Further, abutter Heather Sinton of 18 & 18R Plum Island Blvd expressed concern over whether the roof height and access conformed to Zoning. Due to the need to update the application and verify calculations, Mr. Svahn made a motion to continue to the February 20, 2020 meeting date and was seconded by member Elaine Baker.

The hearing was opened on January 16th, during this meeting, Eric Svahn verified the petitioner had submitted the corrected application documents on 12/31/2020, however the ZBA had some concerns over the roof line. Chairman Traister asked if there were any abutters or anyone else who wished to speak; Heather Sinton of 18 & 18R Plum Island Blvd asked whether the proposed roof deck as designed should be considered a story. The ZBA did not believe so, but would ask Town Counsel for their opinion. Chairman Traister asked if there was anyone else who wished to speak, there was no one. Mr. Svahn made a motion to continue the hearing until March 19, 2020.

Due to the COVID-19 pandemic and pursuant to Chapter 53 of the Acts of 2020, the hearings of March 19, April 16 and May 14 were held only to continue without discussion. The ZBA meeting of June 18, 2020 was held via video-conference, whereby the applicant provided a summary of the project, the updated application documents were verified, and the ZBA stated that they received confirmation from Town Counsel that the roof deck did not meet the Chapter 97 definition of a story. As everything seemed to be in order; Chairman Traister asked if anyone wished to speak in favor of or in opposition of this project; appearing in favor of the applicant was Brian & Helen Buia, there was no one in opposition.

After due deliberation and consideration, Chairman Traister closed the public hearing and asked for a motion; Eric Svahn made a motion to GRANT the FINDING under section 97-4.D as the proposed construction conforms to all setback, height, floor area ratio (FAR) and lot coverage requirements of the PIZD and is deemed not to be more substantially detrimental to the neighborhood. The motion was seconded by Elaine Baker and voted unanimously. The plans and associated documents bearing the Zoning Board of Appeals stamp dated 6/18/20 are to be are considered a 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 Zoning Board of Appeals and the Building Inspector shall receive copies of the recorded documents 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. A Special Permit/Finding will lapse after two years, unless a shorter time period is specified in the zoning bylaw or ordinance, if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

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

Elaine Baker, Member

20 JUL 15
9:40

RECEIVED

NEWBURY TOWN CLERK
Town of Newbury Zoning Board of Appeals
Application Form for a Special Permit/Finding for Non-Conformities

Petitioner: HELEN R. AND BRIAN MIDDLE STREET, WEST NEWBURY, MA 01985; 978-276-7966

Owners of Land: Name, address, and telephone number, and number of years under this ownership:
JAMES W. LUCAS AND ANNE URBANZZEWSKI, TRUSTEES OF THE ANN LUCAS IRREVOCABLE TRUST; Years owned land: 5
2 ARBOR WAY, ROWLEY, MA 01969; BYAN LOMAN ESQ. 603-623-1254

Location of Property:
Street: 16 PLUM ISLAND BLVD. Zoning District: P10
Assessors: Map number: U02 Lot number: D-124
Registry of Deeds: Book number: 3220 Page number: 341

Section under which the petition for the special permit/finding for non-conformities is made:
97-4 D 2 (b)(1)
97-4 D 2 (b)(3)
97-4 D 2 (b)(4)

Refer to permit denial and Zoning Bylaws

The description as provided below shall be used for the purpose of the legal notice and decision. A more detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 2A of this application.

The description of the request for the special permit/finding for non-conformities:
The applicant is requesting a finding for relief from Section 97-4, as the proposed construction will increase the lot coverage, height, and floor area ratio on the lot located at 16 PLUM ISLAND BLVD. (Assessors Map U02-0-124), as the proposed is a change to an existing non-conforming structure.

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

Any advice, opinion or information given by any board member or any other official or employee of the Town of Newbury shall not be binding on the Board.
LOT COVERAGE

Lot Coverage is the size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by size of the parcel, expressed as a decimal number. The lot coverage is used in calculating the density of use of a parcel for development project. For example, a footprint of 1000 sf. on a 5000 sf. lot results in lot coverage of .20 or 20% (1000sf / 5000sf = .20).

1. Lot coverage is basically the total square footage of all structures covering a lot from view.

2. The following areas are to be included for the purpose of computing Lot Coverage:
   - All buildings including single, two or multi family dwellings.
   - All buildings of a nonconforming use.
   - Accessory structures including sheds, garages, pools, carports, decks, roof over hangs exceeding 20", platform walkways and similar structures.

3. The following areas are to be excluded for the purpose of computing Lot Coverage:
   - Existing grade level walkways and driveways.
   - Retaining walls and fences.

Note: Although the Zoning By-law only uses the total of “all building footprints” to determine the 20% allowed lot coverage restrictions, the Wetlands By-law includes the above mentioned accessory structures in the 20% coverage. The ZBA will strongly encourage the applicant to submit an application that is in compliance with the lot coverage requirements of the Wetlands By-Law to eliminate issuing a decision potentially in conflict with the Conservation Commission.

LOT COVERAGE CHECKLIST: Please fill in all blanks below (mark NA where not applicable)

LOT COVERAGE CALCULATION (PROPOSED)

Lot Size = 6,186 sq. ft.  Total Lot Coverage = 1,002 sq. ft

Lot Coverage % = (Total Lot Coverage / Lot Size) x 100 = 16.2 %

<table>
<thead>
<tr>
<th>Structure</th>
<th>Sq. Footage Existing Footprint</th>
<th>Sq. Footage Proposed Footprint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Dwelling</td>
<td>855</td>
<td>784</td>
</tr>
<tr>
<td>Secondary Dwelling</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Decks</td>
<td>33</td>
<td>216</td>
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<tr>
<td>Garage / Carport</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Shed</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Other Structures</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Roof Overhangs &gt; 20&quot;</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Totals</td>
<td>888</td>
<td>1,002</td>
</tr>
</tbody>
</table>
Town of Newbury Zoning Board of Appeals  
Application Form for a Special Permit/Finding for Non-Conformities

<table>
<thead>
<tr>
<th>Existing Lot:</th>
<th></th>
<th></th>
<th></th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot</td>
<td>s/f Coverage</td>
<td>FAR</td>
<td>Height</td>
<td>Feet</td>
<td>Front</td>
</tr>
<tr>
<td>6,186</td>
<td>14.4</td>
<td>.14</td>
<td>16</td>
<td>51</td>
<td>78.3</td>
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</table>

<table>
<thead>
<tr>
<th>Proposed lot(s):</th>
<th></th>
<th></th>
<th></th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Height</td>
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<td>Front</td>
</tr>
<tr>
<td>6,186</td>
<td>16.2</td>
<td>.25</td>
<td>34.7</td>
<td>51</td>
<td>49.9</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning Ordinance Requirements for Lot:</th>
<th></th>
<th></th>
<th></th>
<th>Frontage</th>
<th>Minimum Lot Setbacks</th>
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<tbody>
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<tr>
<td>6,186</td>
<td>20.0</td>
<td>.25</td>
<td>35.0</td>
<td>51</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Building(s):</th>
<th></th>
<th></th>
<th></th>
<th>Use of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>Number of Floors</td>
<td>Total s/f</td>
<td>Building</td>
<td></td>
</tr>
<tr>
<td>855</td>
<td>1</td>
<td>855</td>
<td>RESIDENTIAL - SINGLE FAMILY</td>
<td></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 petitioner 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: [Anne Urbaczewski]  
Print name: Anne Urbaczewski

Signature: [Helen R. Buia]  
Print name: Helen R. Buia

Signature: [LANDOWNER]  
Print name: LANDOWNER

Date: 10/31/19

Publication date: 10/31/2019
FAR CHECKLIST: Please fill in all blanks below (mark NA where not applicable)

Property Address: 16 PLUM ISLAND BLVD.

Owners Name: JAMES W. LUCAS AND ANNE URBACZEWSKI, TRUSTEES OF THE MARY ANN LUCAS IRREVOCABLE TRUST

FAR CALCULATION

Lot Size = 6,186 sq. ft. Total Floor Area = 1,543 sq. ft

Floor Area Ratio = (Total Floor Area / Lot Size) x 100 = 25%

Total square footage shall include all wall thicknesses.

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<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Other (please list)</td>
<td>Roof Landing NA</td>
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</tr>
<tr>
<td>Other (please list)</td>
<td>1/2 Bath NA</td>
<td>30</td>
</tr>
<tr>
<td>Totals for Existing and Proposed:</td>
<td></td>
<td>Existing sf.: 855 Proposed sf.: 1,543</td>
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Total Gross Floor Area Including Wall Thicknesses (PROPOSED)

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Decision of the Newbury Zoning Board of Appeals
Under the Zoning Bylaw
Upon petition of Stephen & Lorelee Scipione
for 4 Fourth Street, Newbury (Plum Island), MA 01951

The Zoning Board of Appeals (ZBA) held a public hearing Thursday, June 18, 2020 at 7:30 p.m. at a session held via ZOOM/Newbury Municipal Offices, 12 Kent Way, Byfield, MA on the petition of Stephen & Lorelee Scipione of 2 Walnut Street, Newbury, MA 01950, in conformity with the provisions of the Massachusetts Zoning Act, Chapter 40A, as amended, and the Zoning Bylaws of the Town of Newbury. ZBA members present were Chairman Howard Traister, Eric Svahn, Elaine Baker, and alternate members Mario Carnovale and John DeMartino.

Applicant petitioned the ZBA for a FINDING for relief from Section 97-4.D of the Newbury Zoning Bylaws as the proposed construction will increase both the height and lot coverage for the structure on the property located at 4 Fourth Street Plum Island/Newbury (Assessors Map U02-0-215).

The hearing was opened the petitioner Lorelee Scipione outline their proposed project to add 327 square feet of Floor Area Ratio (FAR) living space not lot coverage; which will include modifying the 2nd floor living space to accommodate a bedroom, adding a 3rd bedroom, modest bathroom and performing remediation due to extensive water damage and mold. The lot coverage will remain unchanged. The height of the structure would increase to 24'5" from 21'10" and their FAR would increase from 1234 sf to 1561 sf. The petitioner also indicated that they are proposing a new above roof deck with exterior access from the second level deck placing the higher deck a 9'9" above the second level deck. ZBA member Eric Svahn was able to verify the proposed dimensions and though the FAR was slightly over the applicants but felt it wasn't unreasonable, as the building footprint did not increase, reasoning was to allow for headspace on the 2nd floor.

Chairman Traister asked the Board member if they had any questions, there were none; he then asked if there were any abutters or anyone else who wished to speak; Jerrard Whitten of 15 Northern Blvd, a direct abuser, and shared that he's lived there for 20+ years and though he's not opposed to improvements, the proposed roof deck would be adjacent to his house and would not only be about 22 feet from his bedroom window, but also would block his day light totally. The Scipione's stated that they would be willing to remove the roof deck if the board found it to be more palatable. As everything seemed to be in order; Chairman Traister asked if anyone wished to speak in favor of or in opposition of this project; appearing in favor of the applicant was Stephen & Lorelee Scipione, Jerrard Whitten was in support of the project without the roof deck and there was no one in opposition.

After due deliberation and consideration, Chairman Traister closed the public hearing and asked for a motion; Eric Svahn made a motion to GRANT the FINDING under section 97-4.D with the removal of the roof deck, furthering that the proposed construction conforms to all setback, height, floor area ratio (FAR) and lot coverage requirements of the PIOD and is deemed not to be more substantially detrimental to the neighborhood. The motion was seconded by Elaine Baker and voted unanimously. The plans and associated documents bearing the Zoning Board of Appeals stamp dated 6/18/20 are to be are considered a 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 Zoning Board of Appeals and the Building Inspector shall receive copies of the recorded documents 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. A Special Permit/Finding will lapse after two years, unless a shorter time period is specified in the zoning bylaw or ordinance, if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.
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
Elaine Baker, Member
Petitioner: Name, address, and telephone number
Stephen and Lorelee Scipione 2 Walnut Street Newburyport, MA 01950 978-201-8311 or 978-358-8682

Owners of Land: Name, address, and telephone number, and number of years under this ownership:
Stephen and Lorelee Scipione 2 Walnut Street Newburyport, MA 01950 978-201-8311

Location of Property:
Street: 4th Street

Assessors: Map number: U02 Zoning District: AR4
Registry of Deeds: Book number: 38135 Lot number: 215
Page number: 035

Years owned land: 4 months

Section under which the petition for the special permit/finding for non-conformities is made:
97-4D

Refer to permit denial and Zoning Bylaws

The description as provided below shall be used for the purpose of the legal notice and decision. A more detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 2A of this application.

The description of the request for the special permit/finding for non-conformities:
Our original application was denied for "increase to lot coverage and height of the structure on lot". Our lot coverage is NOT increasing. Our height is increasing by 3’. We are hoping to add 327 sf of livable space so our family of 3 (plus 2 older children that visit occasionally) can comfortably make this our full-time home. We also need to remediate the 2nd floor due to extensive water damage and mold. We do not want to move our family in without this remediation. I have also attached a narrative with explanation and pictures to better show what we want to do. Thank you.

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

Any advice, opinion or information given by any board member or any other official of the Town of Newbury shall not be binding on the Board.
Town of Newbury Zoning Board of Appeals  
Application Form for a Special Permit/Finding for Non-Conformities

**Existing Lot:**

<table>
<thead>
<tr>
<th>Lot s/f</th>
<th>Percent Lot Coverage</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks Front</th>
<th>Side A</th>
<th>Side B</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>4640</td>
<td>20.8</td>
<td>26.6</td>
<td>21'54&quot;</td>
<td>70'59&quot;</td>
<td>8'4&quot; 21'4&quot; 9'6&quot; 27'1&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proposed lot(s):**

<table>
<thead>
<tr>
<th>Lot s/f</th>
<th>Percent Lot Coverage</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks Front</th>
<th>Side A</th>
<th>Side B</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>4640</td>
<td>20.8</td>
<td>33.6</td>
<td>24'5&quot;</td>
<td>70'59&quot;</td>
<td>8'4&quot; 21'4&quot; 9'6&quot; 27'1&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Zoning Ordinance Requirements for Lot:**

<table>
<thead>
<tr>
<th>Lot s/f</th>
<th>Percent Lot Coverage</th>
<th>FAR</th>
<th>Height</th>
<th>Frontage Feet</th>
<th>Minimum Lot Setbacks Front</th>
<th>Side A</th>
<th>Side B</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,000</td>
<td>20%</td>
<td>25</td>
<td>35'</td>
<td>120'</td>
<td>20' 10' 10' 10'</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Existing Building(s):**

- **Ground Floor:**
  - **Ground Floor sq./ft.** 846.5
  - **Number of Floors** 2
  - **Total s/f** 1234.5
  - **Use of Building** Family Residence

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 petitioner 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: Stephen A. Scipione

Signature: [Signature]
Print name: Lorelee M. Scipione
LOT COVERAGE

Lot Coverage is the size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel, expressed as a decimal number. The lot coverage is used in calculating the intensity of use of a parcel for development project. For example, a footprint of 1000 sf. on a 5000 sf. lot results in lot coverage of .20 or 20% (1000sf / 5000sf = .20).

1. Lot coverage is basically the total square footage of all structures covering a lot from a birds eye view.

2. The following areas are to be included for the purpose of computing Lot Coverage:
   - All buildings including single, two or multi family dwellings.
   - All buildings of a nonconforming use.
   - Accessory structures including sheds, garages, pools, carports, decks, roof over hangs exceeding 20”, platform walkways and similar structures.

3. The following areas are to be excluded for the purpose of computing Lot Coverage
   - Existing grade level walkways and driveways.
   - Retaining walls and fences.

Note: Although the Zoning By-law only uses the total of “all building footprints” to determine the 20% allowed lot coverage restrictions, the Wetlands By-law includes the above mentioned accessory structures in the 20% coverage. The ZBA will strongly encourage the applicant to submit an application that is in compliance with the lot coverage requirements of the Wetlands By-Law to eliminate issuing a decision potentially in conflict with the Conservation Commission.

LOT COVERAGE CHECKLIST: Please fill in all blanks below (mark NA where not applicable)

LOT COVERAGE CALCULATION

Lot Size = 4640 sq. ft.  Total Lot Coverage = 967 sq. ft

Lot Coverage % = (Total Lot Coverage / Lot Size) x 100 = 20.8 %

<table>
<thead>
<tr>
<th>Structure</th>
<th>Sq. Footage Existing Footprint</th>
<th>Sq. Footage Proposed Footprint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Dwelling</td>
<td>967</td>
<td>967</td>
</tr>
<tr>
<td>Secondary Dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage / Carport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roof Overhangs &gt; 20&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>967</td>
<td>967</td>
</tr>
</tbody>
</table>
FAR CHECKLIST: Please fill in all blanks below (mark NA where not applicable)

Property Address: 44th Street Newbury, MA 01951

Owners Name: Stephen A Scipione and Lorelee M Scipione

FAR CALCULATION

Lot Size = 4640 sq. ft.  
Total Floor Area = 1234.5 sq

Floor Area Ratio = (Total Floor Area / Lot Size) x 100 = 26.6 %

Total square footage shall include all wall thicknesses.

<table>
<thead>
<tr>
<th>Room Name</th>
<th>Existing Square Footage</th>
<th>Proposed Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedroom #1</td>
<td>172</td>
<td>124</td>
</tr>
<tr>
<td>Bedroom #2</td>
<td>165</td>
<td>124</td>
</tr>
<tr>
<td>Bedroom #3</td>
<td>0</td>
<td>136</td>
</tr>
<tr>
<td>Bathroom #1</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Bathroom #2</td>
<td>0</td>
<td>71</td>
</tr>
<tr>
<td>Kitchen</td>
<td>194</td>
<td>194</td>
</tr>
<tr>
<td>Family Room</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dining Room</td>
<td>97</td>
<td>97</td>
</tr>
<tr>
<td>Living Room</td>
<td>148</td>
<td>148</td>
</tr>
<tr>
<td>Hallways / Foyers</td>
<td>138 (114 on 1st fl + 24 on 2nd fl)</td>
<td>238 (114 on 1st fl + 124 on 2nd fl)</td>
</tr>
<tr>
<td>Den / Study / Office</td>
<td>0</td>
<td>103</td>
</tr>
<tr>
<td>Laundry Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage Closets</td>
<td>11 (1st fl)</td>
<td>17 (11 on 1st fl + 6 in den)</td>
</tr>
<tr>
<td>Covered Decks / Porches / Sunrooms</td>
<td>131.5</td>
<td>131.5</td>
</tr>
<tr>
<td>Stairways (See Definition Above)</td>
<td>54 (27x2)</td>
<td>54</td>
</tr>
<tr>
<td>Garage / Carport</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Second Unit or Guest House</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other (please list) (Pantry)</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>Other (please list)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals for Existing and Proposed:</strong></td>
<td>Existing sf.: 1,234.5</td>
<td>Proposed sf.: 1,561.5</td>
</tr>
</tbody>
</table>

Total Gross Floor Area Including Wall Thicknesses

Total 1st Floor: Exist 845.5; Proposed: 846.5
Total 2nd Floor Exist: 388; Proposed: 715
Total Other: Total All Floor Area: Exist: 1,234.5 Proposed: 1,561.5
SCIPIONE

4 4TH STREET, NEWBURY MA

SECOND FLOOR RENOVATION
New Second Floor Plan
3/16" = 1'-0"

GENERAL NOTES:
1. Second floor ceilings to be vaulted in all three bedrooms and flat everywhere else, at approx. 7'-6" (Builder to verify)
2. First floor ceilings to remain in tact
3. Bedroom egress windows are annotated, with a suggested size of 3'-3.5" wide x 4'-11.5" high, to allow for a minimum of 20" wide by 24" high clear space/minimum 5.7 square foot opening
4. All other new windows should match existing (Builder to verify)
5. New exterior siding to match existing

Designer is not liable for structural integrity of new design. Existing conditions are based upon field measurements. Prior to construction, Contractor/Builder will field verify and approve all existing conditions and applicability of new design solutions with coordination from structural engineering.

SCIPIONE
Second Floor Renovation
4 4th Street, Newbury, MA

New Level 2
Date: June 27, 2020
Permit Drawings
Builder to verify prior to construction

Scale 3/16" = 1'-0"
New North Elevation
3/16" = 1'-0"

GENERAL NOTES:
1. Second floor ceilings to be vaulted in all three bedrooms and flat everywhere else, at approx. 7'-6" (Builder to verify)
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SCIPIONE
Second Floor Renovation
4 4th Street, Newbury, MA

New North Elevation
Date: June 27, 2020
Permit Drawings
Builder to verify prior to construction
Scale 3/16" = 1'-0"
2"x12" Rafters w/ 1/2" CDX Ply
R-49 Insulation (Cellulose)
2"x12" Ceiling Joists w/ min. R-49
Roofing: Standard Asphalt Shingles
2"x6" Walls w/ R-21 Batts-Insulation
7/16" Zip Sheathing

Egress Window
(3'-3.5" wide x 4'-11.5" high)

New East Elevation
3/16" = 1'-0"

GENERAL NOTES:
1. Second floor ceilings to be vaulted in all three bedrooms and flat everywhere else, at approx. 7'-6" (Builder to verify)
2. First floor ceilings to remain in tact
3. Bedroom egress windows are annotated, with a suggested size of 3'-3.5" wide x 4'-11.5" high, to allow for a minimum of 20" wide by 24" high clear space/ minimum 5.7 square foot opening
4. All other new windows should match existing (Builder to verify)
5. New exterior siding to match existing

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SCIPIONE
Second Floor Renovation
4 4th Street, Newbury, MA

New East Elevation
Date: June 27, 2020
Builder to verify prior to construction
Scale 3/16" = 1'-0"
GENERAL NOTES:
1. Second floor ceilings to be vaulted in all three bedrooms and flat everywhere else, at approx. 7'-6" (Builder to verify)
2. First floor ceilings to remain in tact
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Sarah Perry, NCIDQ
Licensed Interior Designer
Sarah Beth Design Company
sarahbethdesignco@gmail.com
603-828-5222

Note: Builder to assume responsibility for all structural design decisions. Designer is not liable.
GENERAL NOTES:
1. Second floor ceilings to be vaulted in all three bedrooms and flat everywhere else, at approx. 7'-6" (Builder to verify)
2. First floor ceilings to remain in tact
3. Bedroom egress windows are annotated, with a suggested size of 3'-3.5" wide x 4'-11.5" high, to allow for a minimum of 20" wide by 24" high clear space/ minimum 5.7 square foot opening
4. All other new windows should match existing (Builder to verify)
5. New exterior siding to match existing

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SCIPIONE
Second Floor Renovation
44th Street, Newbury, MA

New West Elevation

Date: June 27, 2020
Permit Drawings
Builder to verify prior to construction

Scale: 3/16" = 1'-0"
Second Floor Ceiling Plan
3/16" = 1'-0"

SCIPIONE
Second Floor Renovation
4 4th Street, Newbury, MA

Level 2 Ceiling Plan
Date: June 27, 2020
Builder to verify prior to construction
Scale 3/16" = 1'-0"