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September 14, 2020

By Hand Delivery and Email

Newburyport Zoning Board of Appeals
Attn: Robert Ciampitti, Chairman
60 Pleasant Street
Newburyport, MA 01950

Re: 12-14 Harrison Street

Dear Chairman Ciampitti:

I represent Michael and Tracy Gray, who own the property located at 12-14 Harrison Street (the "Property"). The Property is located in the Demolition Control Overlay District (DCOD) and is listed on Newburyport District Data Sheet as contributing to the National Historic District. The Property is not on the National or State Registers of Historic Properties.

On May 26, 2020, following a review by the Newburyport Historical Commission ("NHC"), the Zoning Board of Appeals issued a Special Permit for Nonconformities for the Property. For ease of reference, a copy of the Special Permit is attached to this letter as Exhibit A and the NHC's memo recommending approval of the project is attached as Exhibit B. The Special Permit was requested primarily because the project proposed an upward extension of the roof above the nonconforming rear and front setbacks. Although the Grays expected a major remodeling of the Property, they did not anticipate needing to take down any of the four exterior walls.

Construction commenced in early August, and it soon became clear that the structure was in substantially worse condition than they Grays had believed. Attached as Exhibit C is a report from Daniel Webb, the structural engineer on the project, explaining the structural deficiencies of the framing of the existing walls and opining that "the structural deficiencies of the framing rendered the sections [of the exterior walls] that are intended to remain, unsuitable to be used as a component of the renovated structure." As a result, a decision was made that the framing for three of the exterior walls could not be preserved and had to be removed. Also attached as Exhibit D is a letter from the project

architect, Barry Ganek, concurring with Mr. Webb's assessment. Mr. Ganek opined that "leaving or attempting to patch/reinforce the damaged structural framing would not be the appropriate or practical solution, nor would it be compliant with current building code requirements." Attached as Exhibit E is a collection of photographs showing the interior side of the exterior walls during construction.

The decision to reframe three of the exterior walls was made in the field, based on the honest belief that it was consistent with the permits that had been approved. The plans shown to and approved by the NHC assumed that the framing of the existing walls would support the window and framing design. The structural engineering plans reviewed by the Building Department similarly assumed that the original walls remained and would support the anticipated framing design. When the interior wallboard was removed, however, Mr. Gray discovered that prior owners had patched substantial portions of the exterior walls (see pictures at Exhibit E), and what remained of the existing walls had deteriorated to such a degree that they were not structurally sufficient to support the framing reflected in the approved engineering drawings. Mr. Gray believed that reframing three of the walls was consistent with his approved plans. He did not appreciate that the removal of the existing framing, regardless of its condition and notwithstanding that it was not part of the original walls, triggered a different section of the ordinance and required a different permit than the he had obtained. In hindsight, Mr. Gray recognizes that they should have consulted with the Building Department and/or the Planning Department prior to removing the exterior walls.

On August 11, 2020, the Office and Planning and Development issued a Notice of Violation (the "Notice") stating that Mr. Gray had demolished more than 25% of the building walls without first obtaining a Demolition Special Permit. The Notice required the Grays to cease work immediately and schedule a meeting "...to discuss the next steps."

Mr. Gray of course immediately complied and ceased construction. He and his counsel, Mark Griffin (who represented him at the ZBA but due to scheduling conflicts is unavailable to represent Mr. Gray presently), subsequently met with Planning Director Andrew Port and Zoning Code Administrator Jennifer Blanchet. As a result of those meetings, we are requesting an opportunity to meet with the Board at its next scheduled meeting in order to provide more details about the circumstances leading up to the Notice and to request permission to resume construction immediately.

We appreciate that the particular section of the Zoning Ordinance under which the Notice was issued, Section XXVIII-E-8 (the "Ordinance"), provides a three-year moratorium on the issuance of a building permit where an owner intentionally demolishes a structure without a DCOD special permit. We also acknowledge that the overarching purpose of the DCOD overlay district and the Ordinance specifically is well-intentioned. Respectfully, however, we believe strict application of this penalty in these circumstances would be unduly harsh and disproportional to the nature of the alleged violation. The

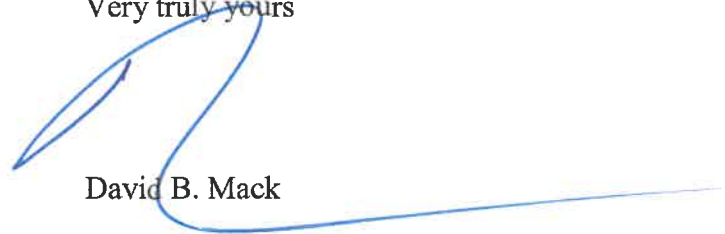
walls that were removed were not outward-facing walls of historical or architectural significance, and clearly would have met the criteria for a DCOD special permit had their condition been known prior to construction.

Additionally, imposition of the maximum penalty would effect a lengthy delay of a project that will, in the end, be entirely consistent with what the NHC endorsed, as well as the approved construction plans on file with the Building Department. Most importantly, the project upon completion will dramatically improve the Property and, as the NHC memo states, restore some of historical features that prior construction had eliminated. Among the historical improvements are the return of the Property from a two-family to a one-family residence, the replacement of vinyl siding with wooden clapboard siding and installation of a slate roof.

We look forward to an opportunity to meet with the Board as soon as possible. To facilitate our discussion, Mr. Gray has prepared a letter, attached as Exhibit F, which contains a detailed explanation of the Property's history and which, respectfully, provides important context to the Board's consideration.

For the reasons stated in this letter and the materials attached hereto, Mr. Gray respectfully requests that the Board determine, in light of all the circumstances, the imposition of the three-year building permit moratorium would be unfair and unduly burdensome, and therefore should be waived.

Very truly yours

A handwritten signature in blue ink, appearing to read "David B. Mack", with a long horizontal flourish extending to the right.

David B. Mack

cc: Jennifer Blanchet, Zoning Enforcement Officer (by email)
Andrew Port, Director of Planning & Development (by email)

EXHIBIT A

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



SO.ESSEX #329 Bk:38772 Pg:597
07/31/2020 11:51 AM PERMIT Pg 1/5
eRecorded



2020 JUN 22 PM 12:56

CITY OF NEWBURYPORT
ZONING BOARD OF APPEALS
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

**RECORD OF PROCEEDINGS AND
SPECIAL PERMIT FOR NON-CONFORMITIES DECISION**

APPLICANT: Michael J. Gray
12 Harrison Street
Newburyport, MA 01950

PROPERTY OWNER: Michael and Tracy Gray

FILE NO.: 2020-037

PROPERTY ADDRESS: 12 Harrison Street

DECISION DATE: 05/26/20

MAP/PARCEL(S): 26-35 and 26-37

BOOK/PAGE: 15062-0203

ZONING DISTRICT: R2

PROCEDURAL HISTORY

An application for a Special Permit for Non-Conformities pursuant to Section IX.B.2 Extension or Alteration of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on 03/20/20 for the following request: *renovations and alterations to include reverting pre-existing non-conforming two-family to single-family and replacing the gambrel roof line and ell at rear at a higher elevation*

Notice of the public hearing was published on 04/27/20 and 05/04/20 in the Newburyport Daily News. A public hearing on the application was held at Newburyport City Hall on 05/12/20 and continued to 5/26/20.

Upon a motion to approve, made by Ed Cameron and seconded by Mark Moore, the Board voted as follows:

Robert Clampitti, Chair	<u>Yes</u>	Edward Cameron	<u>Yes</u>	Mark Moore	<u>Yes</u>
Stephen DeLisle	<u>Yes</u>	Rachel Webb	<u>Yes</u>	Ken Swanton, Assoc.	<u>Not Voting</u>
Walter Chagnon, Assoc.	<u>Not Voting</u>				

Having received the necessary two-thirds super majority vote of the Zoning Board of Appeals, in accordance with M.G.L. Chapter 40A Section 9, as amended, the petition was therefore **APPROVED**.

PLANS AND DOCUMENTS

This Special Permit for Non-Conformities application was accompanied and augmented by the following plans, drawings, documents, and submittals, which are hereby incorporated into this decision:

- “Proposed Site Plan, 12-14 Harrison Street, Newburyport, MA” prepared by GA Consultants, Inc. and dated March 6, 2020; and
- “12 Harrison Street, Newburyport, MA” prepared by Ganek Architects, Inc. dated May 6, 2020 and consisting of pages A.01- A.02, A1.1-A1.7 and S-0, S-2, S-3 and S-4 all dated April 28, 2020.

Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, as made at the public hearing.

FINDINGS

In order to grant a Special Permit for Non-Conformities, the Board must first determine that the applicant’s project meets specific criteria, as provided in Section IX-B of the NZO. These criteria and the Board’s project specific findings for each are enumerated here:

1. There will be no addition of a new nonconformity. The applicant proposes renovations and alterations to include reverting pre-existing non-conforming two-family to a single-family structure and replacing the gambrel roof line and ell at rear at a higher elevation.
2. The proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use. This structure is an important contributor to the overall impression on a visitor to Newburyport’s South End. The proposal will result in improvements to the existing condition and not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure or use.

STANDARD CONDITIONS

In view of the foregoing findings, the Zoning Board of Appeals hereby grants a Special Permit for Non-Conformities subject to the terms and conditions stated below:

1. Recording of Decision and Approved Plans: The applicant shall file this decision with the Southern Essex County Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be included with the application for any related Building Permits. To ensure compliance with this decision, site/construction plans issued to any contractors shall make clear reference to this written decision and conditions of approval contained herein.
2. Permit Lapse: This permit will lapse after two years from the date of granting and shall no longer be valid 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, within this period. 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.
3. Provision of Construction Documents: The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Water, Sewer, and Engineering Divisions of the City’s Department of Public Services (DPS).

4. **Curb Cuts:** Any new driveway curb cuts that have egress to the public right of way must be approved by the Director of Public Services or Designee in advance of construction.
5. **Fire Department Review and Approval:** The applicant, owner, successors, or assigns shall be responsible for designing the utilities to meet City standards and ensuring compliance with fire codes prior to commencing work under this approval. The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Newburyport Fire Department (NFD).
6. **Stormwater Management Permit:** If the project involves more than 10,000 square feet of land disturbance, the applicant, owner, his successors or assigns, shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services prior to beginning any site work, including tree clearing and/or regrading. The applicant shall provide a copy of said permit to the Building Commissioner and Zoning Administrator with the application for any related Building Permits.
7. **Modifications to Approved Plans:** The applicant, property owner, and their successors or assigns, shall adhere to the above referenced and approved plans which are incorporated herein by reference. Should the applicant and/or property owner determine that a plan(s) needs to be modified, they shall notify the ZBA and Office of Planning and Development (OPD) of the proposed modifications in writing and obtain approval from the ZBA (or OPD as specified herein) for such modifications prior to making any changes in the field. The OPD shall determine whether such modifications are minor or major (material) in nature. The ZBA shall schedule a public hearing for review and approval of any changes deemed major or material in nature to the permit originally issued. Any major or material alterations or changes to the above referenced plans shall require prior approval by the ZBA. Minor changes may be approved in writing by the OPD without further review by the ZBA. The determination as to whether an alteration or change in plans is material and therefore subject to ZBA review shall be made at the discretion of the OPD.
8. **Site Lighting:** All lighting fixtures, including but not limited to, signage, building, parking lot, site, decorative, and security, shall feature cut off fixtures so that the lights are pointed downward reducing light pollution and glare onto abutting properties.
9. **Hours of Construction:** The developer shall take reasonable care not to disturb surrounding properties and property owners during construction. Construction work shall be limited to the hours between 7 a.m. and 5 p.m. Monday through Friday and 8 a.m. and 4 p.m. on Saturday.
10. **Permit Compliance Contact Form:** No site work or construction related to this permit shall begin until a Permit Compliance Contact Form is completed and submitted to the Office of Planning and Development.
11. **Trees and Sidewalks:** The applicant shall be responsible for compliance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance. If the cost of the project exceeds more than 50% of the physical value of the entire property, the applicant shall obtain the written approval from the Newburyport Tree Warden and Department of Public Services with respect to plans and specifications for (1) the reconstruction, repair, and/or replacement, where appropriate, of all city-owned sidewalks actually adjoining the project Property, in accordance with Sections 12-54 and 12-55 of the Newburyport Code of Ordinances; and (2) the planting, preservation, and/or replacement, where appropriate, of

street trees along all public rights-of-ways actually adjoining the project Property, in accordance with article VI of chapter 12 of the Newburyport Code of Ordinances. Said improvements shall be completed prior to project closeout and final signoff from the Zoning Administrator for related building permits.

12. **Submission of As-Built Plans:** One hard copy and one .pdf copy of foundation as-built plan shall be provided to the Office of Planning and Development and Building Department upon foundation completion. One hard copy and one .pdf copy of as-built site plan stamped by a professional engineer shall be submitted to the Office of Planning and Development at the completion of the construction.

SPECIAL CONDITIONS

In addition to the foregoing standard conditions, the Zoning Board of Appeals hereby grants approval subject to the special conditions stated below:

1. The applicant shall submit to the Planning Office prior to the issuance of a building permit, revised plans that show the side roof deck has been omitted from the structure.

CONCLUSION AND DECISION

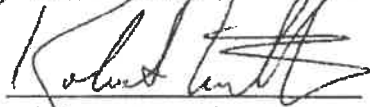
For all of the reasons stated herein, the petition for a Special Permit for Non-Conformities is therefore **APPROVED**.

APPEALS

Appeals shall be made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

SIGNATURE OF THE BOARD

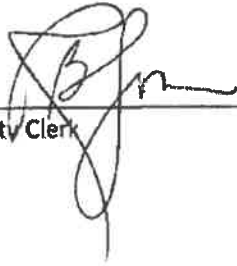
Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.


Rob Ciampitti, Jr. Chair

June 22nd, 2020
Date

CITY CLERK CERTIFICATION

I, Richard B. Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the Special Permit for Non-Conformities decision for the property known as 12 Harrison Street was filed in the Office of the City Clerk on 6/22/2020.
Twenty (20) days have elapsed since the decision was filed and no appeal has been filed.


City Clerk

7/27/20
Date

EXHIBIT B



CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

Demo Plan Review

Meeting Date 14 May, 2020

Property Address 12 Harrison

Applicant: Michael J. Gray

Project description:

Demolish existing rear section(s) and build a new addition on the same footprint. Part of the original gambrel gable elevation will be restored, and the rear elevation will be adjusted accommodate a proposed roof deck.

Plan(s) of Record:

Demolition Application dated 10 December, 2019 (nhc_demo_application.pdf); revised plans as shown in "12_harrison_street_progress_set_200506.pdf" dated 6 May 2020; and photographs in the file "12_harrison_street_photos_04-22-20.pdf" of 22 April, 2020.

Significance of the historic building/structure proposed for (partial) demolition:

This property is listed on the Newburyport District Data Sheet as contributing to the National Historic District, and is described in an accompanying "Form B" compiled by the Massachusetts Historical Commission. In 1980, when that survey was done, the house still maintained much of its characteristic 18th Century appearance.

The relative importance of such historic building/structure to its setting within the District:

This structure is an important contributor to the overall impression on a visitor to Newburyport's South End. This area contains many older structures, but few this old and, until relatively recently, as well preserved. The house is also quite visible from the Newburyport Rail Trail, which directly abuts it to the Northwest.

Recommendation to SPGA:

While the NHC voted to allow the project, it was not a unanimous decision and we had several reservations. The two main justifications for allowing the project are:

- Since the time of the historic survey (1980-81), several poorly designed and executed additions and alterations were made which have seriously degraded the historic

qualities which are seen in the 1980 photograph. The commission agreed that the changes proposed by the applicant would, to some degree, have the effect of reversing some of those changes in a favorable way. The aspect as seen from the Rail Trail in particular would be improved.

- Throughout the review process, the applicant has shown a willingness to work with the commission and has made several modifications which are significant improvements to his original plan. These can be seen on the “progress set” plans.

During the review, the applicant, their legal counsel and their architect agreed to two further changes:

- The vertical corner boards will be reduced in width from 8” to between 5 and 6 inches.
- The applicant agreed to consider, for the old, original part of the structure, using window sash in a 12 over 8 configuration, which is clearly shown in the Form B photograph, with full divided lights. This style is available in the specific Anderson model that the applicant has chosen.

Not discussed during the hearing, but nonetheless recommended by the commission, is that shutters NOT be placed on the old structure as they are not historically appropriate. Also, several members of the commission were opposed to the addition of ANY roof decks, but especially those that are highly visible from public ways.

The Building Commissioner and SPGA (Zoning Board of Appeals) should require that all the agreed-to changes shall be mandatory and enforced.

The NHC does not take a position regarding other zoning decisions for this project, such as the conversion from 2-family to single-family occupancy, but it should be noted that the property, as it looked in 1980, presents the aspect of a single-family dwelling. It is very likely that the unfortunate changes made since 1980 were done to enable a conversion to a 2-family dwelling.

Glenn Richards, Chair
Newburyport Historical Commission
25 May, 2020
Corrected & Revised 27 May 2020.

EXHIBIT C

August 24, 2020

Jennifer Blanchet
Zoning Administrator & Enforcement Officer
Office of Planning & Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: 12 Harrison – Structural Evaluation

Dear Jennifer,

Webb Structural Services, Inc (WSS) has been retained as the engineer of record for the 12 Harrison Street project.

It was WSS's understanding that the original intention of the project was to leave, as much as practical, portions of the original building's exterior walls and reinforce or replace the framing as needed. This strategy was defined before the interior finishes were removed, exposing the existing framing for structural evaluation.

WSS visited the site to review the exposed structure on July 24, 2020 and found the existing framing to be in far worse condition than anticipated.

As in most historical buildings, the structural system is not appropriate to support the present building code-prescribed loading required for current use. The exposed original timber framing was undersized and of poor construction quality. Age and poor maintenance have left sections of framing compromised. Significant sections of the framing were also compromised by rot and insect damage. The conditions were further compromised by poorly executed modifications to the building's framing as part of past renovations. These conditions were widespread throughout the building and would require major reinforcement, if not complete replacement of the larger sections of framing.

It is WSS's opinion that the structural deficiencies of the framing rendered the sections that are intended to remain, unsuitable to be used as a component of the renovated structure. The appropriate approach to achieve the proposed scope of work is to completely remove the existing framing and replace them with a completely new structure.

I hope this answers your questions relating to the structural aspects of the building at the 12 Harrison Street project. Please contact me with any further questions.

Regards,



Daniel Webb, P.E.
Webb Structural Services, Inc.

EXHIBIT D

August 24, 2020

Office of Planning & Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Attention: Jennifer Blanchet
Zoning Administrator & Enforcement Officer

Re: 12 Harrison Street

ganek architects
I n c o r p o r a t e d

Dear Ms. Blanchet,

As Architect of Record, working with Michael Gray on the renovation design of his 12 Harrison St. home, it was Mr. Gray's and our intention to retain as much of the existing structure as would be possible while making the house structurally and functionally sound. While the submitted drawings included the necessary installation of new floor and roof structure, we had hoped to retain as much of the existing exterior walls as possible.

Early in construction, the interior finishes of the exterior walls were removed exposing existing structural elements. What was found was compromised wood framing including poorly executed patched areas of wood studs and sheathing due to rot, insect and previous fire damage.

It is our opinion that leaving or attempting to patch/reinforce the damaged structural framing would not be the appropriate or practical solution, nor would it be compliant with current building code requirements. Due to the extent of the compromised framing, we recommend full replacement of the exterior wall structure.

Please contact me with any questions you may have concerning this project.

Respectfully,
Ganek Architects, Inc.

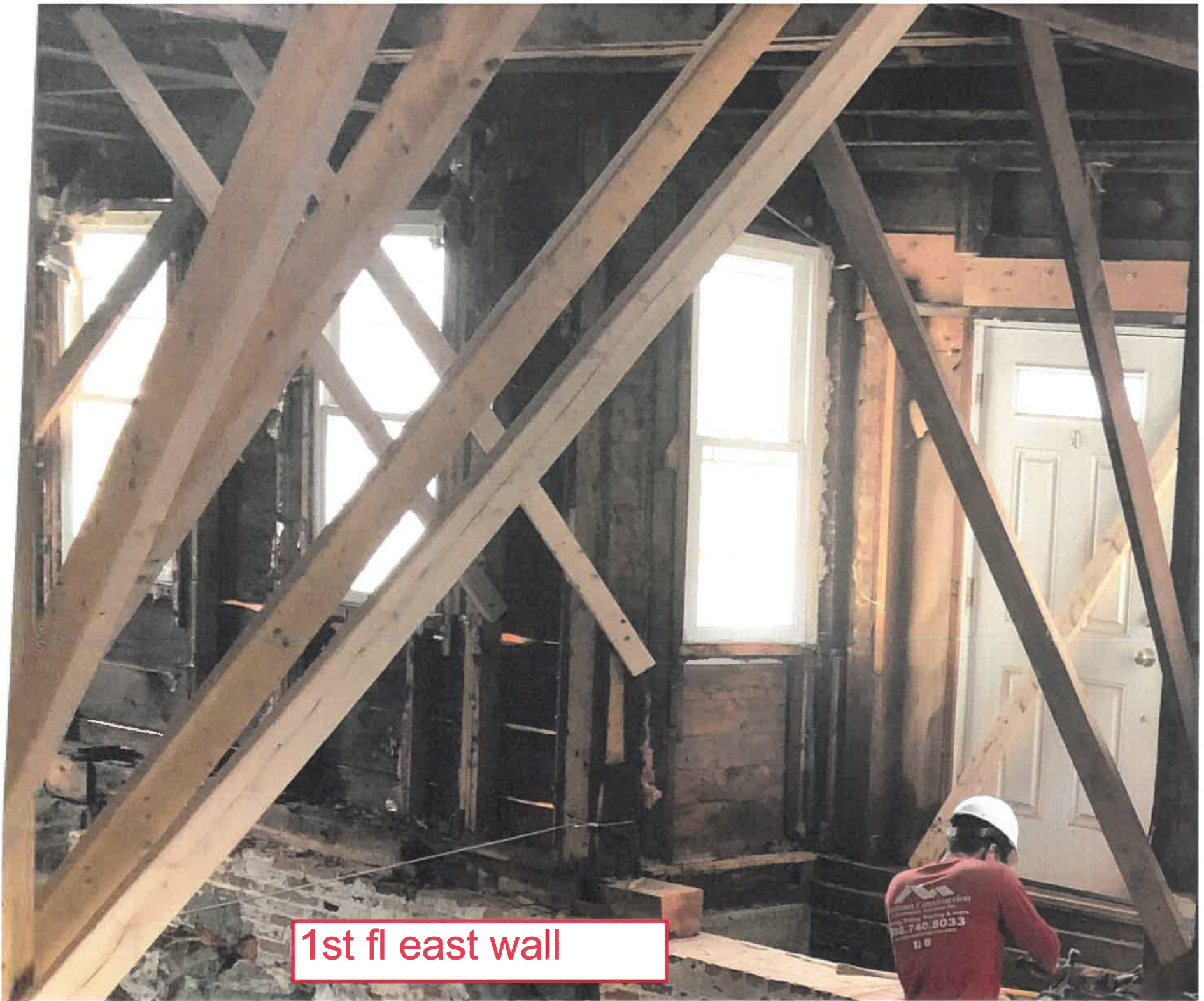


Barry Ganek AIA LEED AP
President

One River Road
Carlisle, MA 01741

t 978.371.9001
f 978.371.9005
www.ganekarchitects.com

EXHIBIT E



1st fl east wall



1s fl north wall



1st fl northwest corner



1st fl South Wall



1st fl west wall



2nd fl north wall
top view



2nd fl northwest corner

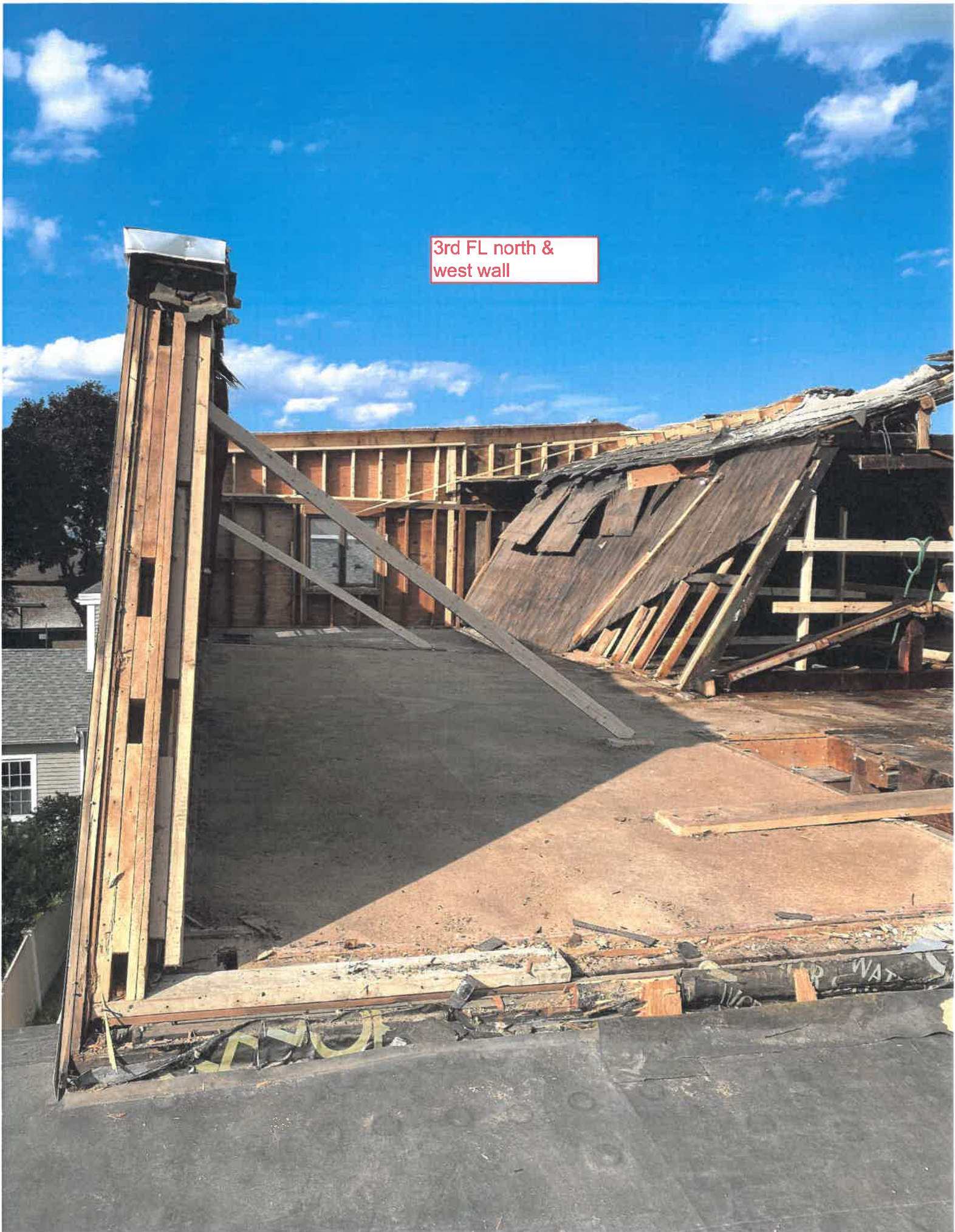


2nd fl south and west walls in background



2nd fl west wall

3rd FL north & west wall



3rd Fl south Gable wall



EXHIBIT F

September 14, 2020

Robert Ciampitti, Chairman
Zoning Board of Appeals
60 Pleasant Street
Newburyport, MA 01950

Dear Chairman Ciampitti and Members of the Board:

I'd like to take the opportunity, however late it may seem, to explain the course of actions that led to the notice of violation and stop work order I received.

As explained in more detail below, I approached this project hoping to preserve as much of the original structure as I could. I did not take down the exterior walls out of preference, nor did I do so believing that the walls had historical significance. I removed the framing of three of the exterior walls only after I realized that they clearly were not the original walls and only after concluding that they were not structurally sound to support the framing reflected in the engineering drawings approved by the Building Department. Moreover, when and if this project goes forward, the framing of the exterior walls, which are not visible from the outside, will reflect what was approved by the Newburyport Historical Commission and the Building Department.

After my brief conversation Jennifer Blanchet on 8/12, I now realize that I needed a different permit than the permit I had obtained in order to take down the framing of the walls. I obviously regret that decision and would not have made it had I realized that removal of those walls – which were not structurally sound and needed to be reframed to support the proposed framing layout – required a different permit.

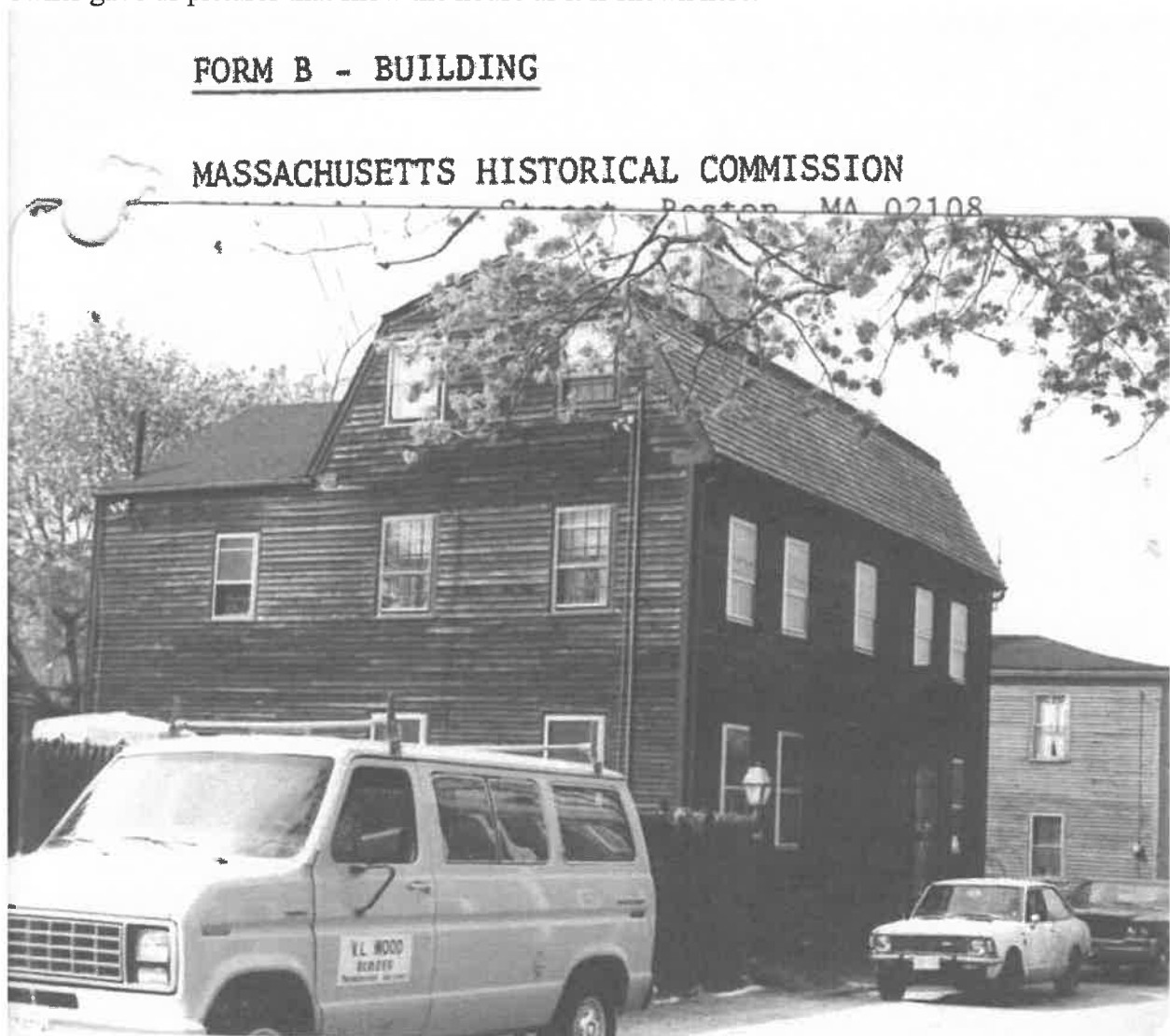
I hope the Board will take this letter into account in making further decisions regarding this project. I also wish to offer more detail about the existing conditions of property, which I hope the Board will consider.

My wife Tracy and I were one of 60 potential buyers for 12 Harrison St. Only 2 offers, including ours, were made, even at a modest price point for a house that size and in that location. The house went under agreement with the other potential buyers before we were able to make our offer. The original buyers, however, backed out due to the enormous amount of work involved to renovate. When the house came back on the market at a reduced price we decided to move forward. We waived the home inspection knowing we'd be completely renovating the entire home.

The existing home had been severely neglected over time, to the point where its shabby appearance detracts from the neighborhood. The neglect led to structural deficiencies, rendering the house unsafe and uninhabitable. As noted in the project photos, the post-1980 additions to the home appeared unstable. The front entry floor and wall were reframed at some point, but were not properly framed. The entire structure is sagging and leaning into the front of the house.

Moreover, upon inspection a structural engineer found the home to be unsound. As noted in the structural engineer's report the foundation has failed in several areas. Many of the brick and mortar joints on top of the granite, which support the first floor framing, have disintegrated over time and needed to be re-pointed. Much of the wood beams also supporting the framing are bowing or rotted. The engineer – Dan Webb, a registered professional engineer – also found a broken floor joist and many other conditions which made him draw a conclusion that the home is structurally unsound, which led to the proposed and approved structural drawings.

This house has gone through many modifications throughout its history. Below is the Form B document which shows the existing house as it was built in the 1800s. The previous owner gave us pictures that show the house as it is shown here.



Below is a picture of the same elevation from several months ago, prior to construction.



There used to be an in-ground pool with a concrete patio along this side of the home. The existing patio was used as the foundation for the first floor screen room and second floor living area. Unfortunately there was no foundation or footing under this addition so we had to take it down. There is also the third story addition which altered the West (rear) elevation and completely changed the North, West, and South roof line elevations. Along with the third floor addition was a basement, first, and second floor addition in the Northwest corner of the house. A poured concrete foundation was provided for this, so thankfully we were able to rebuild from there.





Along with the exterior renovations there were many interior renovations. The kitchen renovation involved reframing and patching the first floor rear exterior wall. Due to several years of water damage the entire northeast second floor walls were reframed and sheathed with barn boards or plywood. Unfortunately the beams in this area were also rotted from weather or infestation from powder post beetles or termites.

When we first purchased the house we had intentions of demoing the interior plaster walls in hopes of finding viable wood beams and a fireplace that, with some help, could be restored to its original state, or at least working order. We started with the walls around the chimney and reached out to a company in Vermont called Chimney Savers which specializes in older chimney repairs. We exposed every part of the chimney from the basement right up through the roof. After the inspection we were disappointed to find that even with a tremendous amount of money they couldn't guarantee the chimney condition and advised against reconditioning. Embedded below is Chimney Savers' findings:

Hi Michael,

Really nice to meet you yesterday and we appreciate the opportunity to look at your project. I'm excited for you as the new house is in such a great spot and I'm sure will be really nice.

I reviewed the photos further with my Father gene, who has done masonry and chimney restoration for a very long time. The more we discussed the chimney condition and your situation the more we came to the conclusion that restoring the chimney is just not a good idea. Which seems to line with what you were thinking as well. It is taking a big risk and with code enforcement as strict as it is in your area I would be concerned that you make an investment in the chimney and then later find out that it cannot be used per current codes. Because you had the chimney exposed it really cut down on the time we needed to spend on site so I have reduced our fee to \$400.00 for the visit.

It was great meeting you and I wish you best of luck with the project. If you meet anyone in your area looking for Historic chimney restoration please let them know we would love to visit Newburyport again!

Please let me know if you have any additional questions.

Paul Bianco
Co-Owner Chimney Savers Inc.
C.S.I.A. Certified Chimney Sweep Cert. #7441
N.F.I. Wood Burning Specialist #179132
F.I.R.E. Certified Inspector #FCI-317
Paul@chimneysaversvt.com
802-728-3900

Another thing we discovered during the project was evidence of a fire, most likely due to the chimney, which burned through first floor and second floor vertical posts and horizontal beams. I realize this isn't directly relevant because I had permission to take these down, but it does help to paint a picture of the condition of the house and is an example of our efforts to preserve as much of the original structure as possible while making the structure safe under existing building standards.

While we understand that this house is listed as "contributing" to a historic district, there are few, if any, remaining historical features. The original 12 over 8 wooden sashes have been replaced with 6/6 (six over six) vinyl sashes. The addition at the rear as well as the sides of the property were poorly constructed and not built in the style of the original dwelling.

Apparently in 2011 the house was stripped of its original wood siding and windows. Yellow vinyl siding and vinyl replacement windows were installed. The engineering plans reviewed and approved by the Building Department assumed that the existing walls would be structurally sound and sufficient to support the anticipated framing layout. Once we demoed the wall board on the inside of the exterior walls, however, it became obvious that various sections of the original walls had been patched and what remained was rotted and structurally deficient to support the framing layout.

Aside from its age, the property lacks any of the qualifying attributes needed for placement on the National and State Registers of Historic Properties. To the best of my knowledge, the property is not associated with the lives of important people, it is not associated with significant architectural history, landscape history, or engineering achievements, and the property does not have potential to yield information through archeological investigation about our past

I recently visited the Building Department to gather all Building, Plumbing, and Electrical Permits for the property, to try to put dates and approval of the past work performed. Other than the siding permit from 2011, there were none, which means a lot of work had been done by prior owners, and none of it had been approved. We currently have the existing beams worth saving for placement as a faux beam running the length of the first floor as a center beam and saved the exterior boards that could be salvaged. We're going to have these milled down and build custom built in cabinets next to the new center fireplace.

Nothing in this letter changes the fact that once demoed I should have stopped progress and reached out to the proper authority regarding further demo. Once again I thought with the approved plans and structural drawing that I was in accordance with my Permit.

I appreciate the Board's time and attention and look forward to working with the Board, the Planning Department and the Historical Commission to move this project forward as soon as possible.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael + Tracy". The signature is written in dark ink and is positioned below the typed name "Michael + Tracy".