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May 19, 2020

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

Re:12-14 Harrison Street; Letter in Support of Special Permit for
Nonconformities

Dear Mr. Ciampitti:

I represent Michael Gray, ("Petitioner") with respect to the above-referenced matter. This letter is provided in support of Petitioner's application for a Special Permit for Nonconformities.

EXISTING CONDITIONS (Two Family Use)

The existing two family (2 unit) home is located at 12-14 Harrison Street and is within the DCOD and the R-2 Zoning District. The home is in poor condition. The home was built in or about 1750-1800 and is listed as contributing to the Newburyport Historic District. It is located on a pre-existing legally nonconforming lot. It is situated on a lot which has 7906sf in lot area where 15,000sf is required for the existing two family use. It has 138 feet of frontage which is more than is needed for the two family use where 120 ft is required. The structure is legally nonconforming with respect to its setbacks; Front is 3' where 25' is required. Rear is 6.8' where 25' is required. The northeasterly side setback 12.7' where 20' is required. The property conforms in all other dimensional respects.

PROPOSAL (One Family Use)

The Petitioner proposes to convert the interior of the home to single family use and to remain largely within the existing footprint but he will raise the roofline by 1.5' and expand upward over what exists. This roofline change required a demolition permit application to the Historical Commission ("NHC"). The NHC approved the Petitioner's plans with changes from what was originally filed with ZBA which was a 3' roof height increase, plus several exterior changes which do not affect dimensional requirements.

The amended plans approved by NHC are on file with the ZBA. An additional component to the proposal is the removal of the existing shed/garage and the construction of a new 22x24 garage. This construction complies with dimensional zoning. The Petitioner's proposal will not trigger the requirements for a DCOD Special Permit the demolition threshold was not reached as no exterior building walls are being demolished. The Zoning Administrator did find that the upward expansion – within the height limitations – over the nonconforming rear and front setbacks required a Special Permit for Nonconformities.

SPECIAL PERMIT CRITERIA

The Zoning Administrator determined that due to the proposed upward expansion the Petitioner required a Special Permit for Nonconformities pursuant to Section IXB2A of the Zoning Ordinance. The criteria are:

- (1) That there will be no addition of a new nonconformity; and
- (2) That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use.

No new nonconformities are being created. As for #2, the proposed home will not be substantially more detrimental to the neighborhood than the existing structure. The proposed construction will not intensify any existing nonconformities is only an upward expansion of space to provide more room on the upper floor. The conversion from two family use (102) to one family use (101) will provide less impact on the neighborhood with regard to traffic and potentially on street parking. In addition, this conversion makes the property more conforming from a dimensional perspective. The lot area requirements for single family use are reduced from 15,000 to 10,000 square feet. The side setbacks are reduced from 20 to 10 which brings the northeasterly setback into conformity. The construction will be premium quality and will improve the appearance and functionality of the home. This addition will not affect the light, air or views of neighboring landowners. This lack of significant impact can be grounds for a finding that the structure is not substantially more detrimental. – See Britton v. Zoning Board of Appeals of Gloucester, 59 Mass. App. Ct. 68 (2003) (board decision upheld where it found project would be substantially more detrimental where addition would have significant impact on light, views, breezes, noises, odors, etc.)

CONCLUSION

Based upon the foregoing the Petitioner submits that the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure and respectfully requests that this Board grant his application for a special permit.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark W. Griffin', with a long horizontal flourish extending to the right.

Mark W. Griffin