



Mead, Talerman & Costa, LLC  
Attorneys at Law

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30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtcattorneys.com

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By Hand and Electronic Mail

Rob Ciampitti, Chair  
Newburyport Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Special Permit;  
161 Water Street, Newburyport, MA (the "Property")  
Assessor's Map: 23 Lot:13

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents David and Patrice Antczak the owners of the Property (the "Petitioner"). The Petitioner requests a determination of the relief required for the project.

The Property is located in the WMD zoning district and Demolition Control Overlay District ("DCOD") of the Newburyport Zoning Ordinance (the "Ordinance").

The Property is located near the Merrimac River in the WMD Zone and is subject to the overlapping regulations applicable to that zone. The Property is improved with a single-family residence (the "Structure"), on which the Petitioner proposes to construct an addition to the rear. The Structure is listed as contributory on the Newburyport Historic District Data Sheet for Water Street, which states that the Structure was built circa 1875. There is no Form B for the Property.

The Property and Structure are pre-existing, nonconforming as shown on the site plan. The WMD district requires a minimum lot size of 10,000 square feet; the Property is 4,026 square feet. The minimum required frontage is 90 feet; the Property has 36.28 feet of frontage on Water Street. The side setback requirement is 10 and the front and rear setback is 25 feet where the Property has a 5.1 west side setback, and 3.5 front yard setback. The Structure is pre-existing nonconforming. The Structure's height is 26 feet, which is non-conforming as well given the maximum 25 feet allowed in the WMD district.

A portion of the property is in the AE flood zone with an elevation of 12 as shown on the plan. According to the engineer and architect, the first floor of the existing home has a finished floor elevation of 15.8' and the finished floor elevation of the addition is also proposed to be at that same level. Therefore all living space is above flood. There is no mechanical equipment in the new addition basement, and it will be used solely for access to the main basement, and for outdoor furniture storage. Further, flood vents are shown in the addition.

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*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

The Petitioner proposes to remove a portion of the rear wall for the purpose of adding a single addition. As a result, no DCOD Special Permit will be required.

The addition will extend the non-conformity of the westerly sideline setback. Pursuant to Section IX(B)(2) of the Ordinance the Petitioner must show that there is no new non-conformity and that the proposed modification is not substantially more detrimental to the neighborhood. In that regard:

1. The Project does not add any new nonconformities. The Project does extend the west side non-conforming setback, and therefore intensifies same. However, no new non-conformity is created.
2. The Petitioner can show that the proposed modification, extension, alteration or addition is more detrimental than the existing non-conforming structure.

The Petitioner's proposal shall not be more detrimental to the neighborhood than the existing structure for the following reasons:

The Petitioner proposes to add a one story addition to the rear of the structure. The Petitioner's renovation is barely visible from the street. Indeed, the only impact will be on the neighbor to the west who has provided a letter of support. Further, the back yard of the Petitioner abuts the City of Newburyport Waste Water Treatment Plant, and respectfully, the addition will have no impact thereon. The addition is modest in size and has been designed to match the architectural style of the existing historic structure.

The Petitioner and their architect have been mindful of the flood zone requirements and flood vents will also be installed in the new addition. All living space in the existing and proposed structure is above the 12 foot flood elevation.

Based on the foregoing, the Project is not more detrimental than the existing structure to the neighborhood due to the unchanging front visage, continuity of a single family home on the lot, modest one story extension to the rear and compliance with FEMA structural requirements.

As a result of the foregoing, we respectfully request this Board to find that the Applicant's proposal satisfies the criteria for a Special Permit for Non-Conformities.

Please do not hesitate to contact me at 978-463-7700 if you have any questions.

Respectfully submitted  
David and Patrice Antczak  
By their Attorney



Lisa L. Mead

Attachment  
cc: client