

OCT 16 2019

Rev. 10/2/19

City of Newburyport Zoning Board of Appeals
Application for a SPECIAL PERMIT

Newburyport Planning Dept.

Petitioner: Steven French c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 978 463 770 Email: Lisa@mtclawyers.com

Property Address: 164/166 Water Street

Map and Lot(s): Map 26 Lot 51 Zoning District: R2

Book and Page(s): 33715/144

Owner(s) Name: Steven French

Mailing Address (if different): 164 Water Street

The applicant is requesting a Special Permit under section(s):

- Special Permit for Use (V.D) – Use # 102
- Spacing (VI.D)
- In-Law Apartment (XIIA)*
- Bonus Provisions for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Wind Energy Conversion Facilities (XXVI)
- Other _____

*Include In-Law Apartment Attachment

Description of request:

Request to convert mixed use structure to two family use.

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. 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 City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, 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's and Owner's signature(s):

 _____

City of Newburyport Zoning Board of Appeals Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: Steven French, c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 978 463 00 Email: Lisa@mtclawyers.com

Property Address: 164-166 Water Street

Map and Lot(s): Map 26 Lot 51 Zoning District: R2

Book and Page(s): 33715/144

Owner(s) Name: Steven French

Mailing Address (if different): 164 Water Street

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. Increase (IX.B.3.c) |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| <input type="checkbox"/> Upward Extension | <input type="checkbox"/> FAR |
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Footprint Expansion |
| <input type="checkbox"/> Height | <input type="checkbox"/> Height Increase |
| <input type="checkbox"/> Lot Area | |
| <input checked="" type="checkbox"/> Use | |

Description of request:
Alter mixed use structure to convert to two family structure.

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

City of Newburyport Zoning Board of Appeals
Application for a SPECIAL PERMIT for NON-CONFORMITIES

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	4003.3	4003.3	15,000
Frontage	211.92	211.92	120
Height*	>35	>35	35
Lot Coverage (%)**	42.5	42	25
Open Space (%)***	38.9	39.5	40
Front Setback	0.8/3.0	0.8/5.8	25
Side A Setback	16.2/6.2	16.2/6.2	20
Side B Setback	NA	NA	NA
Rear Setback	17.9/6.1	17.9/6.1	25
Parking Spaces	4	4	4
FAR****	NA	NA	NA

*Height is measured to median roof line.

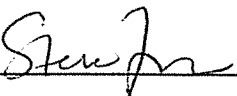
**Total building footprint divided by the lot area expressed as a percentage.

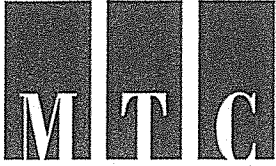
***Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

****FAR is only applicable in the Plum Island Overlay District (PIOD).

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Petitioner's and Owner's signature(s):





Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950

Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

October 15, 2017

By Hand

Rene Bourdeau, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Permit Denial;
164 Water Street, Newburyport, MA (the "Property");
Assessor's Map: 26 Lot 51.

Dear Chair and Member of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Steven French, the Owner of the Property (the "Petitioner"), relative to the conversion of the current pre-existing non-conforming mixed use pre-existing non-conforming structure¹ to a two family structure including a modification to the existing garage. The Property currently includes a massage and therapy practice as well as a residence. The proposed use will be a two family use which is permitted by the grant of a Special Permit by the Zoning Board of Appeals in the R-2 zoning District.

The Property fronts on both Water and Bromfield Streets. The Property is currently non-conforming for any use in the R-2 district and includes approximately 4003.3 +/- square feet of land with 211.92 feet of frontage on Water and Bromfield Street. The primary structure includes a setback from Bromfield Street of 0.8 feet, a rear setback of 17.9 feet, a setback from Water Street of 3 feet, and a side setback to the east of 16.2 feet. The garage currently meets the setback requirements for an accessory structure. The current lot coverage is non-conforming at 42.5% and will improve to 42%. The Open Space meets the required 40% at 39.5%.

¹ There exists in the file but not of record a 1964 variance for the construction of what appears to be the eastern addition on the structure. The variance discusses the then liquor store use, so it appears as though the mixed use existed at least as far back as 1964. The Applicant is not seeking to modify the dimensions of the structure in any manner. However, there appears to be some historic modifications to the easterly end addition which was originally to be a single story and to be used as a storage room for the liquor store. As you can see from the historic property survey, there appears to have been a second floor added and today (see Assessor's Record) there is no second story on the first floor easterly addition.

Millis Office

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

The Proposed work on the primary structure will include the removal of the later added porch and therefore the front setback will be improved to 5.8 feet. The Petitioner will also replace several of the current windows which are in need of replacement. There will also be renovations/alterations to the interior of the building, to allow for a two family use. The garage will be removed and a new larger garage will be built. The new garage is proposed to be 15 feet x 20.75 feet and will have a mean roof height of 15 feet.

The Applicant will require a Special Permit for the 2 family use from the Zoning Board of Appeals, and a Special Permit for non-conformities from the Zoning Board of Appeals for alteration of a pre-existing non-conforming structure to change the use. The Applicant will not be required to obtain a DCOD special permit as he is not removing more than 25% of the exterior walls of the primary structure. The work on the garage will not trigger either the DCOD or the Demolition Delay as the Building is neither more than 100 years old (see attached Assessors Map) nor listed as contributory on the Historic District Data sheets.

Special Permit to Modify Pre-existing Non-Conforming Structure

Section IX-B(2)(B)² allows for the modification or alteration of a pre-existing non-conforming structure where the Board finds that there will be no addition of a new non-conformity or an extension of an existing non-conformity and that the proposed changes will not be substantially more detrimental to the neighborhood.

As is shown on the plans, the Property is currently non-confirming for any use in the R-2 district and includes approximately 4003.3 +/- square feet of land where 15,000 square feet is required³. The primary structure includes a setback from Bromfield Street of 0.8 feet where 25 feet are required, a rear setback of 17.9 feet where 25 feet are required, a setback from Water Street of 3 feet where 25 feet are required, and a side setback to the east of 16.2 feet where 20 feet are required. The current lot coverage is non-conforming at 42.5% and will improve to 42%. The Open Space meets the required 40% at 39.5%.

The Petitioner is not undertaking any changes to the exterior of the structure that would create any new or intensify any existing non-conformities. Indeed, the Petitioner is removing the front porch which will improve the setback from Water Street to 5.8 feet from the existing 3 feet. Therefore, the Board can find that there will be no new or intensification of existing non-conformities and no new non-conformities will be created.

The next question for the Board is, will the modification to the pre-existing non-conforming structure be substantially more detrimental to the neighborhood than the existing structure. It is the Petitioner's position that the Board can find the change from a not allowed mixed use in the middle of the residential neighborhood, to a change to a use allowed by Special Permit will not be substantially more detrimental to the neighborhood. The lower Bromfield Street / Water Street neighborhood is a broad mixture of single, two and multifamily uses. Indeed, it appears as though, before the structure was converted to a mixed use it may have been a two family use.

Across the Street at 179 is a two family, 177 Water is a mixed use including two residential units. Further west on Water is a two family at 171-173 and then followed by a row house of 4 units at 163-169 Water. On Bromfield, 3 and 13 are two family properties, 21-23 is a two family and 25 is a multi-family. 26-24 Bromfield is a two family as is 20-22 Bromfield Street. This area of the city as you know has a quintessential mixture of housing types typical of the South End.

² In this instance the current use is not a single or two family use, therefore the analysis is under section IX-B(2)(B).

³ Of course there are no dimensional requirements for the mixed use that exists as the use is not allowed in the district.

Further, by converting from a business use to a two family use the traffic and parking will be more predictable and there will be less trips per day. The business use of therapy and massage have different vehicles visiting the building throughout the day from different sources. The residential use will include just those trips related to the residential use for which parking will be provided on site. The trips will be more predictable and largely centered around morning and evening trips.

Based upon the foregoing, the Board can find that the addition of one housing unit by the conversion of the mixed use structure to a two family structure will not be substantially more detrimental to the neighborhood than the existing mixed use.

Special Permit for Use

The existing use of the Property is currently a mixed use property. The Petitioner seeks to make convert the use to the historically consistent two-family use by altering the interior and removing the later added front porch. A two-family use is allowed in accordance with section V-D of the Ordinance with a Special Permit from the Board. Referencing Section X-H(7) of the NZO, I note the following, required “general conditions” for the issuance of a special permit for a two-family use together with an explanation of the Petitioner’s compliance with each such requirement:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

As noted above, the Property is located in an R-2 zoning distraction where a two-family use is allowed by special permit.

2. The requested use is essential and/or desirable to the public convenience or welfare.

Again, the use as a two family is allowed by special permit in the R-2 district and therefore, by its very nature, has been determined by the City to be desirable. The R-2 district once a more modestly dense district, now encompasses much of what was at one time the R-3 district which included this area of the city. The City includes the two-family use in the R-2 which recognizes that it is appropriate to allow the use in the appropriate situation. The proposed modification to a two family from mixed use certainly keeps with in the intent of the ordinance. Given that historically this home was a 2 family which was converted to mixed use and which is no longer allowed due to the change in the district, Therefore, it is appropriate and desirable, where there is sufficient area and frontage to allow a two-family use to provide a diversity of housing in the City and provide for consistency in the neighborhood.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The creation of a second unit on the Property will not create undue traffic congestion or unduly impair pedestrian safety. Parking will be provided on site for both units, which is an improvement over the current use. There is a sidewalk which runs along both Water and Bromfield. As a result, there will be no detrimental impact with regard to traffic or pedestrian safety as a result of the proposed two-family use on site. Indeed the current use is mixed use

which requires five (5) parking spaces: 2 for the apartment and 3 for the personal services (1 per 300 sq ft of gross floor area of which there is 950 in that unit). The new use will require 4 parking spaces. As a result the parking availability as compared to what is required will improve.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

The conversion from the mixed use to a two family will not have a detrimental impact on city services. There is no change to the stormwater by the proposal. While it is likely that a residential unit will use more water than the current business use, the change and impact will be nominal. The proposal will include a two bedroom unit which equates to 220 (gpd) impact to the water and sewer system. Given the overall size of the system this impact is negligible.⁴ As a result, the public systems will not be overloaded and nothing about the increased use on site will pose a hazard to the public health of safety.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for a two-family use exist in the Ordinance.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The creation of a two-family use is consistent with the zoning district and the integrity and character of the neighborhood as noted above. This area of Water Street and Bromfield Street is a broad mix of two and multi-family homes with some singles mixed in. The proposed two-family use is consistent with the neighborhood generally and it will not impair the integrity or character of the district or adjoining districts.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

As noted above, the two-family use is consistent in the varied housing types in neighborhood and in the vicinity generally. As noted in 6 above, the addition of a two family to the neighborhood will be entirely consistent with the surrounding uses in the area and will not cause an excess of this particular use or be detrimental to the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

Once again, the two-family use is allowed by special permit in the R-2 District. The R-2 district is the second most dense residential districts in the City and therefore allowing the two-family use is in harmony with the purpose and intent of the Ordinance.

⁴ Newburyport treats approximately 2.1 million gpd of water and treats 2.4 million gpd for sewer.


9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The construction and thereafter use of a two family will not itself create hazardous materials and transmissions. Proposed construction will be completed in a manner that is not dangerous, noxious or injurious, and it will not emit, noise, vibration, smoke, dust or odor or other form of environmental pollution.

Finally, under section X-H.7.B.10, the Board can find that it is not “appropriate” to add sidewalks in front of this home because they already exist in good condition and there is nowhere to locate trees.

As a result, the applicant requests the Board find that the proposed alterations to the existing structure are not substantially more detrimental than the existing structure to the neighborhood and, that the Board grant a special permit to allow the two-family use on the Property.

Respectfully submitted,
Steven French
By his attorney,


Lisa L. Mead

cc: Client

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2019-067

Name: Steven French and Lisa Mead, MTC LLC

Address: 164 Water Street Zoning District(s): R2/DCOD

Request: Convert existing mixed use property to 2 family use. Remove existing non historic porch, Demo existing garage structure replace with new accessory structure in a conforming manner. No net increase in lot coverage.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width
- Front Yard
- Side Yard
- Rear Yard

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
 - Size
 - Location

Other

Special Permit

- Table of Use Regulations (V.D) #: 102
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Over 500 sf. increase (IX.B.3.c)
 - Plum Island Overlay District (XXI-G-3)
 - FAR
 - Lot Coverage
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
 - Height
 - Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Over 500 sf. increase (IX.B.3.c)
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

4 PARKING SPACES
NEED TO BE SHOWN

CONSERVATION COMMISSION REVIEW REQUIRED

Newburyport Zoning Administrator Date 10/10/2019

164 WATER ST

Location 164 WATER ST

MBLU 26/ 51/ //

Owner FRENCH STEVEN

Assessment \$530,500

PID 1443

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$212,900	\$317,600	\$530,500

Owner of Record

Owner FRENCH STEVEN

Sale Price \$0

Co-Owner

Certificate

Address 1810 W KENNEDY BLVD
TAMPA, FL 33606

Book & Page 33715/0144

Sale Date 12/04/2014

Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
FRENCH STEVEN	\$0		33715/0144	1A	12/04/2014
FRENCH STEVEN E	\$485,900		23114/0307	00	07/12/2004
WYSER WENYON W & BARBARA J TRS	\$0		22544/0276	1F	03/22/2004
WYSER WENYON W	\$100,000		07362/0018	00	03/23/1984
MAKOS JOANNE R	\$20,000		07050/0341	1A	02/15/1983

Building Information

Building 1 : Section 1

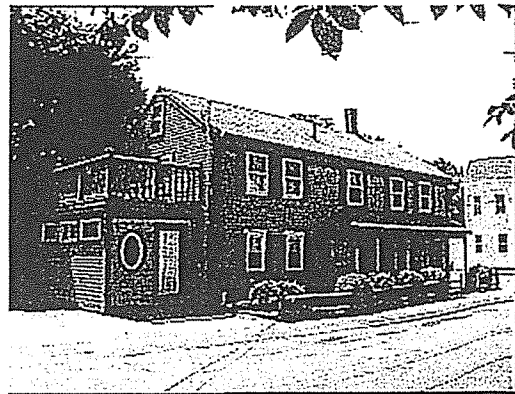
Year Built: 1850

Living Area: 2,412

Building Photo

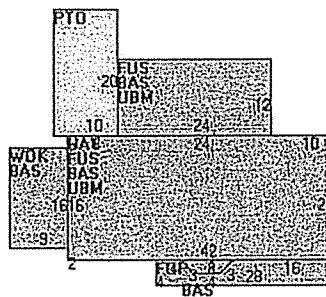
Building Attributes	
Field	Description
STYLE	Stores/Apt Com
MODEL	Commercial
Stories:	2
Occupancy	2
Exterior Wall 1	Wood Shingle
Exterior Wall 2	

Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	Pine/Soft Wood
Heating Fuel	Gas
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	0340
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Celling/Wall	CEIL & WALLS
Rooms/Prtns	ABOVE AVERAGE
Wall Height	8
% Comn Wall	0



(<http://images.vgsi.com/photos/NewburyportMAPPhotos/\01\00\09\95.jpg>)

Building Layout



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketcher>)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,284	1,284
FUS	Upper Story, Finished	1,128	1,128
FOP	Porch, Open	100	0
PTO	Patio	200	0
UAT	Attic	840	0
UBM	Basement, Unfinished	1,128	0
WDK	Deck, Wood	144	0
		4,824	2,412

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
A/C	AIR CONDITION	840 S.F	\$600	1

Land

Land Use

Land Line Valuation

Use Code 0340
 Description OFFICE BLD

Size (Acres) 0.09
 Depth 0
 Assessed Value \$317,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			198 S.F.	\$2,800	1

Valuation History

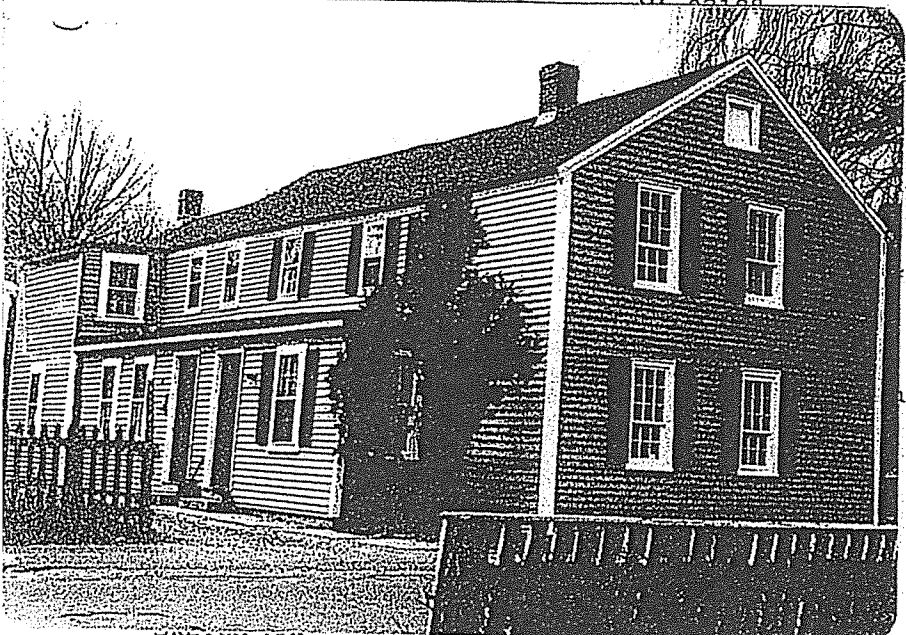
Assessment			
Valuation Year	Improvements	Land	Total
2018	\$204,800	\$302,500	\$507,300

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FORM B - BUILDING

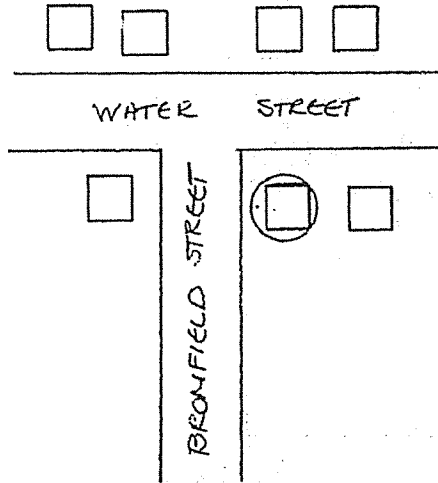
Area F	Form no. 187
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MASSACHUSETTS HISTORICAL COMMISSION



City Newburyport
 Address 164-166 Water Street
 Historic Name Cheever-Cheney House
 Original Residence
 Present Residence
 Ownership: Private individual
 Private organization _____
 Public _____
 Original owner Unknown

Draw map showing property's location in relation to nearest cross streets and other buildings or geographical features. Indicate north.



DESCRIPTION:

Date Eighteenth century
 Source _____
 Style Colonial
 Architect Unknown
 Exterior wall fabric Clapboards
 Outbuildings Garage
 Major alterations (with dates) several additions, front entrance altered (dates unknown)
 Moved _____ Date _____
 Approx. acreage 4,000 sq. ft.
 Setting in area of mixed residential and commercial uses along the banks of the Merrimack River

Recorded by Mary Jane Stirgwort
 Organization Office of Community Development
 Date 10-20-80

ARCHITECTURAL SIGNIFICANCE (describe important architectural features and evaluate in terms of other buildings within community)

Although this house has been altered extensively it retains several features typical of the eighteenth century. The two story, pitched roof form is typical of Newburyport's domestic architecture during the period. The double-hung window sash with nine over six lights are also characteristic of the period. The front entrance of this house has been altered and does not retain any of the original architectural detail.

HISTORICAL SIGNIFICANCE (explain the role owners played in local or state history and how the building relates to the development of the community)

The earliest owner and builder of this house have yet to be documented. It is very likely that the owner was one involved in the trade, ship-building, or allied crafts that prospered in this maritime settlement.

By 1851, this house had been acquired by Philip Cheever. Cheever was a cooper living in this house, at that time 114 Water Street.

In 1872, Captain John C. Cheney, master mariner, occupied this house. Clearly the association of the building are with the ocean going trades. Cheney and his heirs owned this property for several decades.

BIBLIOGRAPHY and/or REFERENCES

Assessor's Records 1890-1980
1851 Plan of Newburyport, Mass. H. McIntire
1872 Map of the City of Newburyport, Mass. D. G. Beers and Co.
1851, 1871 City Directory

NEWBURYPORT
DISTRICT DATA SHEET

Street Address	Map & Parcel	Historic Name	Date of Construction	Style	Status
92	19-73		ca 1870; ca 1900	mid-Victorian; storefront added	C
94-96-98 #40	19-72	apartment house & storefronts	ca 1895	Queen Anne	C
100	23-3	commercial bldg.	ca 1850-1870; 1970s	mid-Victorian; contemporary alter.	C
102-104-106	23-2		ca 1875; 1980s	sidehall Italianate; modern sash added	C
108	23-1		ca 1845	Greek Revival	C
150	22-78		ca 1875; 1960s	Victorian; alterations	MC
152	22-128		ca 1875	sidehall Victorian	C
✓ 156 #116	22-127		pre 1800	central-chimney timber frame	C
158	22-127A	commercial bldg. house	ca 1950-1970 pre 1800	contemporary timber frame vernacular	C
162	-----	see 2 Bromfield Street	-----	-----	-----
✓ 164-166	26-51		ca 1800; mid 20th c	timber frame; storefronts added	C
✓ 168-170	26-50	Mayo Gerrish House	1805	end-chimney gambrel timber frame	C



City of Newburyport, Mass.

BOARD OF APPEALS

CITY HALL

64-002
case #2

The Board of Appeals held a public hearing in City Hall on January 28, 1964, at 7.45 P.M. to act on the application of Arhoutoula C. Chargros, 164 Water Street, Newburyport, Mass.

Members of the Board of Appeals present were, John D. Aiken, chairman; Oscar Knight Jr., sect.; Leon Ananian, member and John Gove, associate member.

The hearing was opened by chairman Aiken and the application read. Mrs Chargros desired a variance to section V-A part 4 of the existing zoning ordinances as they pertained to her property at 164 Water Street. The petitioner wished to construct a 9 x 16 foot shed, attached to the side of her present building, to be used for the storage of packaged goods now sold in her store. The store in question is a non-conforming use under the zoning ordinance.

Mr Chris Chagros was present to represent his mother and explained to the Board what they had in mind. He stated that at the present time all of the empty bottles are now stored outdoors in the open and the full cases are store in the store, and because of the weight of the full cases something had to be done. It was pointed out to the Board that his mother had a Liquor License and had the license for a good many years. What they wished to do now, was to build a 9 x 16 ft. cement slab foundation, plywood construction, single story addition along the easterly side of their present building. This addition would be on the outside wall of their walkin chest and would not be apart of the store itself. There would be no windows in the addition, just a large door for delivery. Mr Chagros stated that he would make a hot top driveway beside the building for the trucks to back into for loading etc., this he said would relieve a very bad condition traffic wise on Water Street which is very narrow at this point. As far as side yard requirements were concerned, he had ample room to conform to zoning.

Mrs Anna Szymora, 1 Broomfield Street, an abutter said that she was glad to see something being done as to the empty bottles that Mr Chagros was now storing in the open. She told the Board that all the empties are stored in back of Mr Chagros garage and this makes the line her side yard fence and are right at her back door. In the summer the flies and odor are terrible from these bottles and the noise in bringing them out at night is something a person should not have to put up with she told the Board. She was in favor to the addition after learning just where it would be and how it was to be constructed. Mr Leon Bayko, Mrs Szymora father, owner of the property at #1 and #3 Broomfield Street was present and told the Board the same thing as did his daughter.

There was no one else to be heard and after accepting a plan of the proposed addition from Mr Chagros, the hearing was declared closed at 8.40 by the chairman.

John D. Aiken
Board of Appeals



City of Newburyport, Mass.

Case #2

BOARD OF APPEALS

CITY HALL

Decision

February 6, 1964

Chagros vs Board of Appeals

In making the following decision, the Board of Appeals has taken a number of things into consideration. First - the applicant has a non-conforming business in a residential zone and under the present zoning ordinances, any type of addition to such a business is not allowed. Second - was this actually increasing the size of the store. Third - was the applicant trying to overcome a condition that was a nuisance to an abutter. Fourth - would granting a variance under section VI-E part 3 of the existing zoning ordinances be justified in this case.

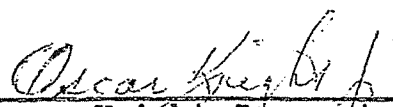
It is the opinion of the members of the Board of Appeals that the granting of a variance to section V-A part 4 of the existing zoning ordinances would not be a detriment to the public good and would in no way nullify or substantially derogate from the intent or purpose of zoning. The members of the Board feel that the size of the store itself will not be enlarged in area. However, the Board does feel that a serious health condition will be corrected as well as a noise condition that is most disturbing to the neighbors. Therefore, the Board of Appeals by unanimous vote of all members, do hereby grant a variance to section V-A pt 4, to Arhoutoula G. Chagros, 164 Water Street as follows.


An addition 9 x 16 ft. may be constructed on the easterly side of the present building and shall be as shown on the plan presented to the Board of Appeals. The building will be a single story structure with a cement slab foundation and of plywood construction or any type permitted by the City Building codes. The addition will not be used as a store for customer sales, but as a storage area. All empty bottles shall be stored in this addition as explained at the public hearing.

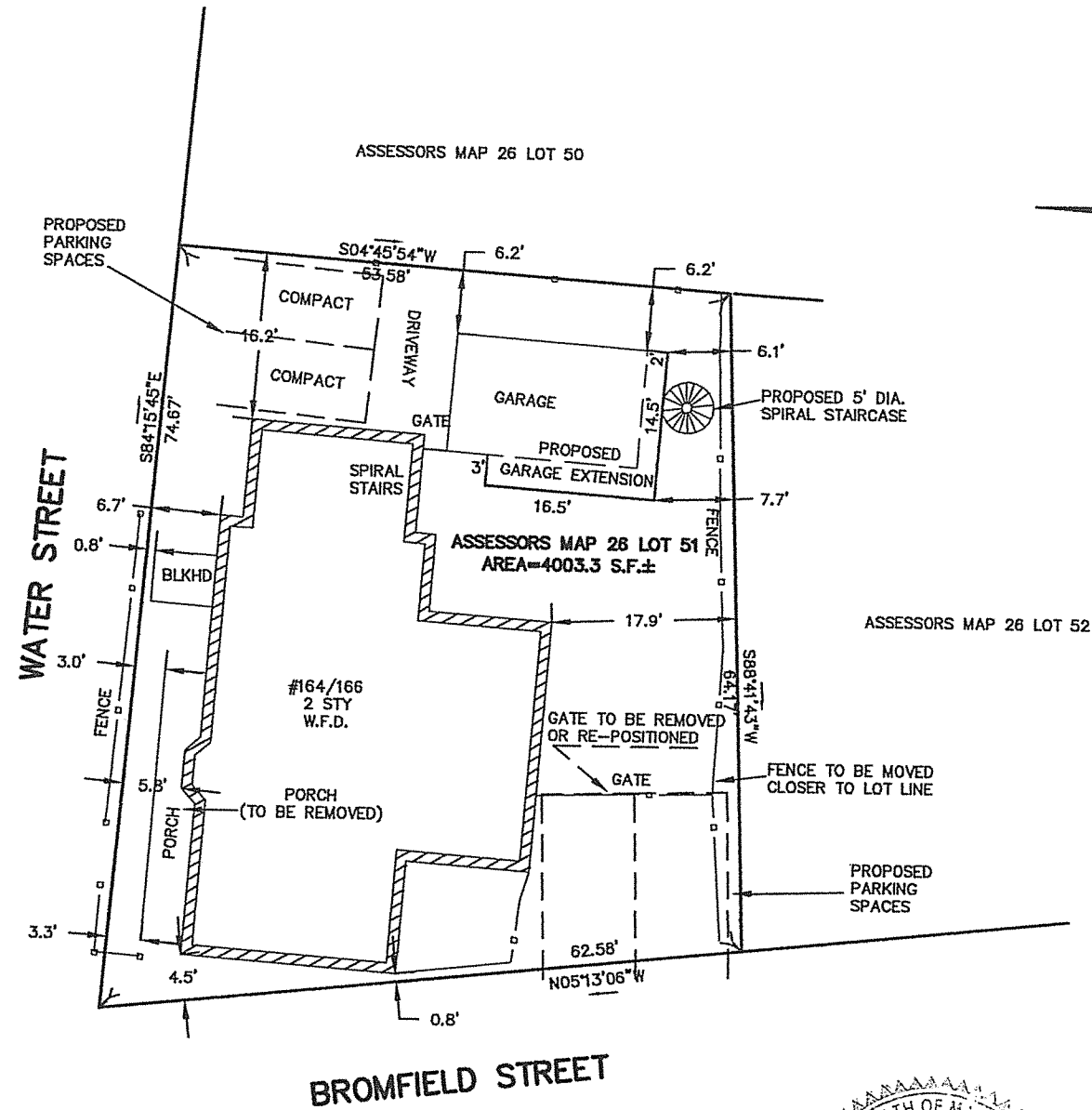
All members of the Board of Appeals voting YES.

Board of Appeals


John D. Aiken chairman


Oscar Knight Jr. sect.


Leon Ananian member



NOTES

1.) THIS PLAN IS THE RESULT OF AN ON GROUND INSTRUMENT SURVEY PERFORMED BY WAYPOINT SURVEYING SERVICES IN AUGUST OF 2019.

ZONING TABLE

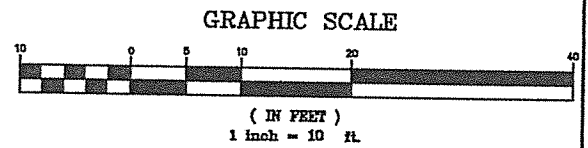
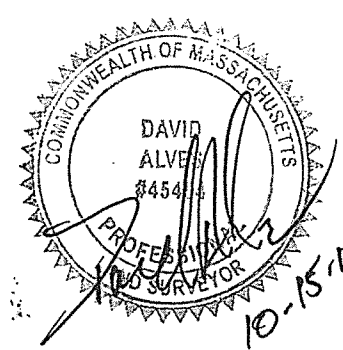
ZONING DISTRICT: R2

	REQUIRED
FRONT	25'
SIDE	10'
REAR	25'
MIN. LOT AREA	10,000 S.F
FRONTAGE	90'
MAX. LOT COVERAGE	25% (EXISTING LOT COVERAGE=39%)

ZONING TABLE

ZONING DISTRICT: R2 (TWO FAMILY)

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	15,000 S.F.	4003.3 S.F.±	
MIN. FRONTAGE	120'	74.67' (WATER ST) 63.58' (BROMFIELD ST)	
MIN. FRONT YD.	25'	0.8'	N/A
MIN. SIDE YD.	20'	6.2'	N/A
MIN. REAR YD.	25'	8.1'(GARAGE)	6.1'(GARAGE)
MAX. LOT COVERAGE	25%	42.5 S.F.	42%
MIN. OPEN SPACE	40%	38.9 S.F.	39.5%



PROPOSED PLOT PLAN
164/166 WATER STREET
NEWBURYPORT, MASSACHUSETTS
ASSESSORS MAP 26 LOT 51
PREPARED FOR
STEVEN FRENCH

SCALE: 1" = 10' OCTOBER 15, 2019

WAYPOINT SURVEYING SERVICES
141 BRIDGE ROAD, SUITE 202-5
SALISBURY, MASSACHUSETTS 01952
(978) 505-5261

DRAWN BY: D.A.	SHEET #: 1 of 1	CHECKED BY: D.A.
FILE #: 4370	DESIGN BY: D.A.	

REVISION

164-166 WATER

Front Elevation -
(NORTH)

Scale: 1/4" = 1 ft



3
A/B

existing quarry

remain exist. chimney (not orig.)

15'2" high
14' window high

↑
New windows

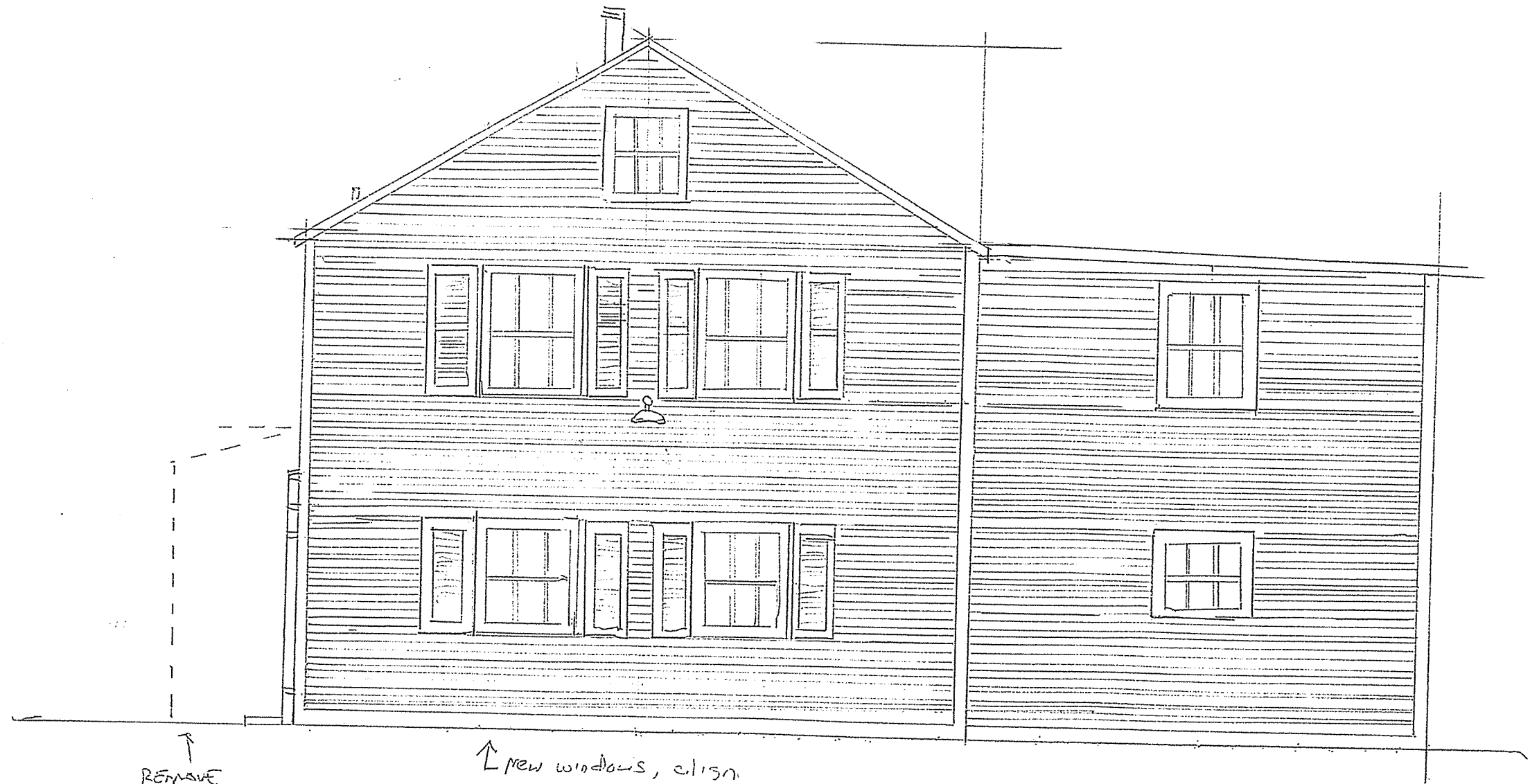
↑
existing basement bulkhead

↑
existing h/c unit

- Restore historic facade 1770's Georgian Colonial
- Remove existing porch addition

x

164-166 WATER ST
Proposed EAST Elevation
1/4" = 1ft



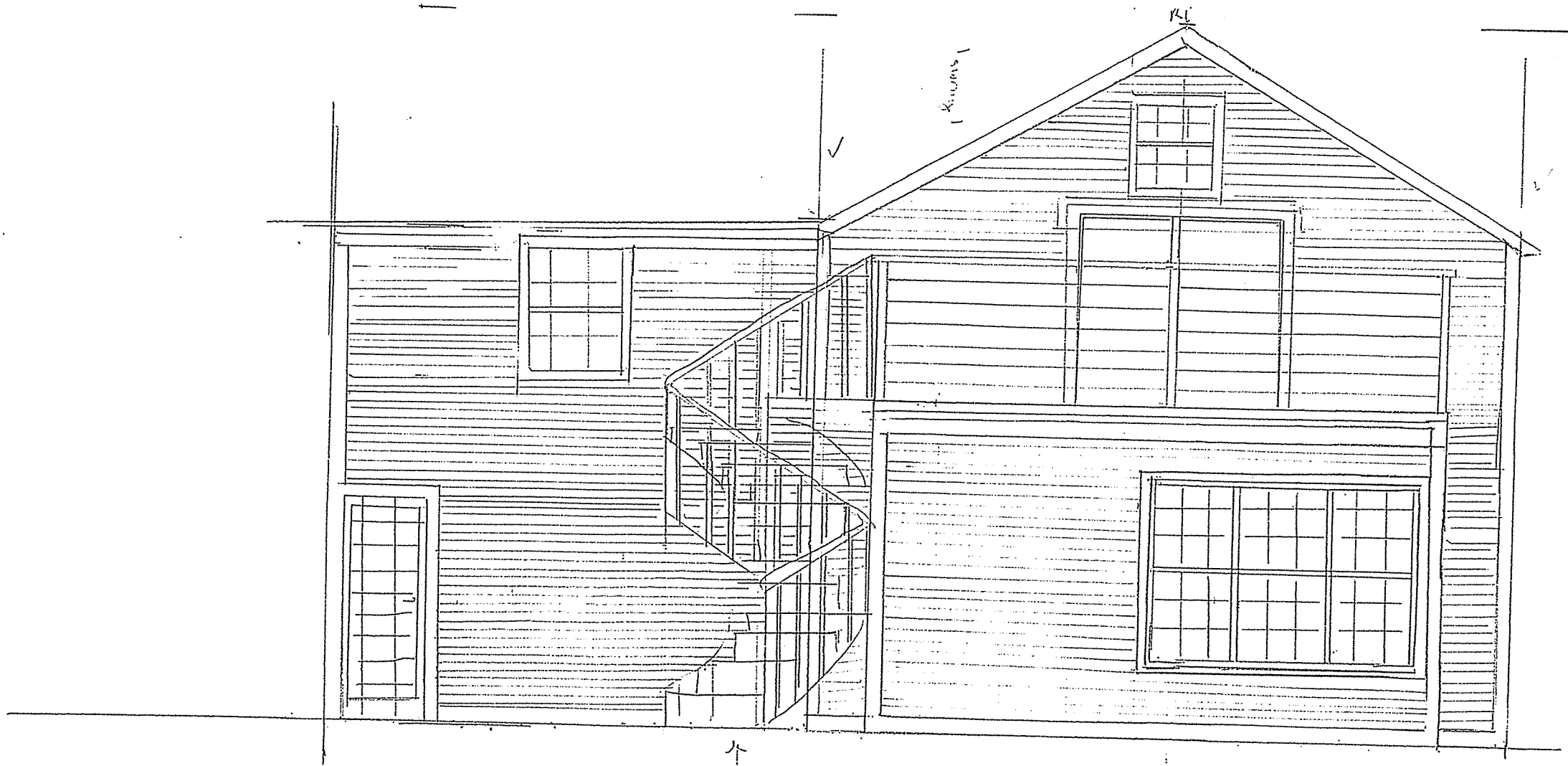
↑
REMOVE
EXISTING
FRONT PORCH &
ADDITION

↑ New windows, align
w/ existing 2nd floor.

(replace oversized
commercial space
windows)

x

167-168 WATER ST
EAST ELEVATION



↑
EXISTING
STAIR

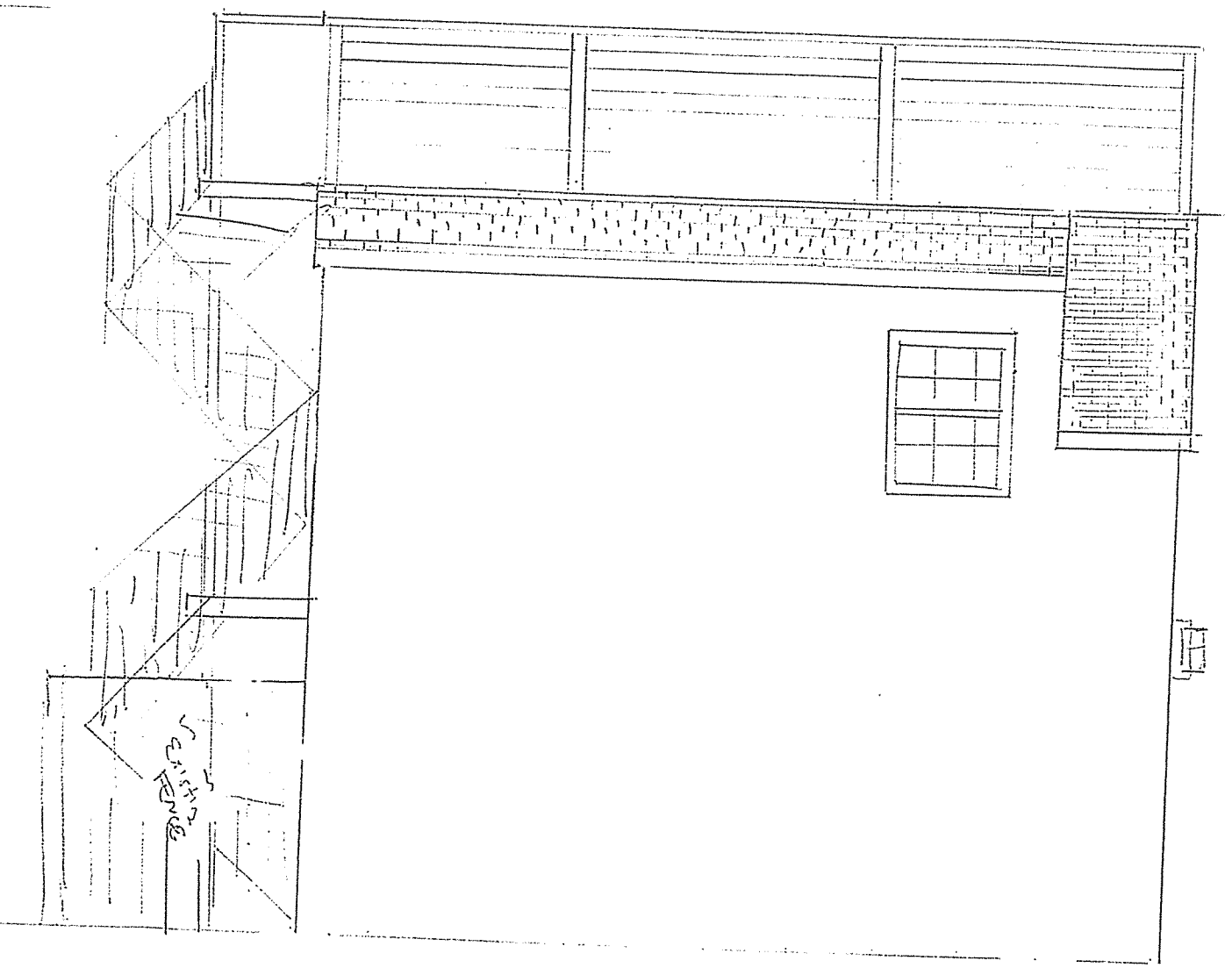
- NO change to ext. dimensions
- New windows on EAST WALL

164-166 WATER ST - GARAGE
1/4" = 1 FT

FRONT ELEVATION:
(NORTH)



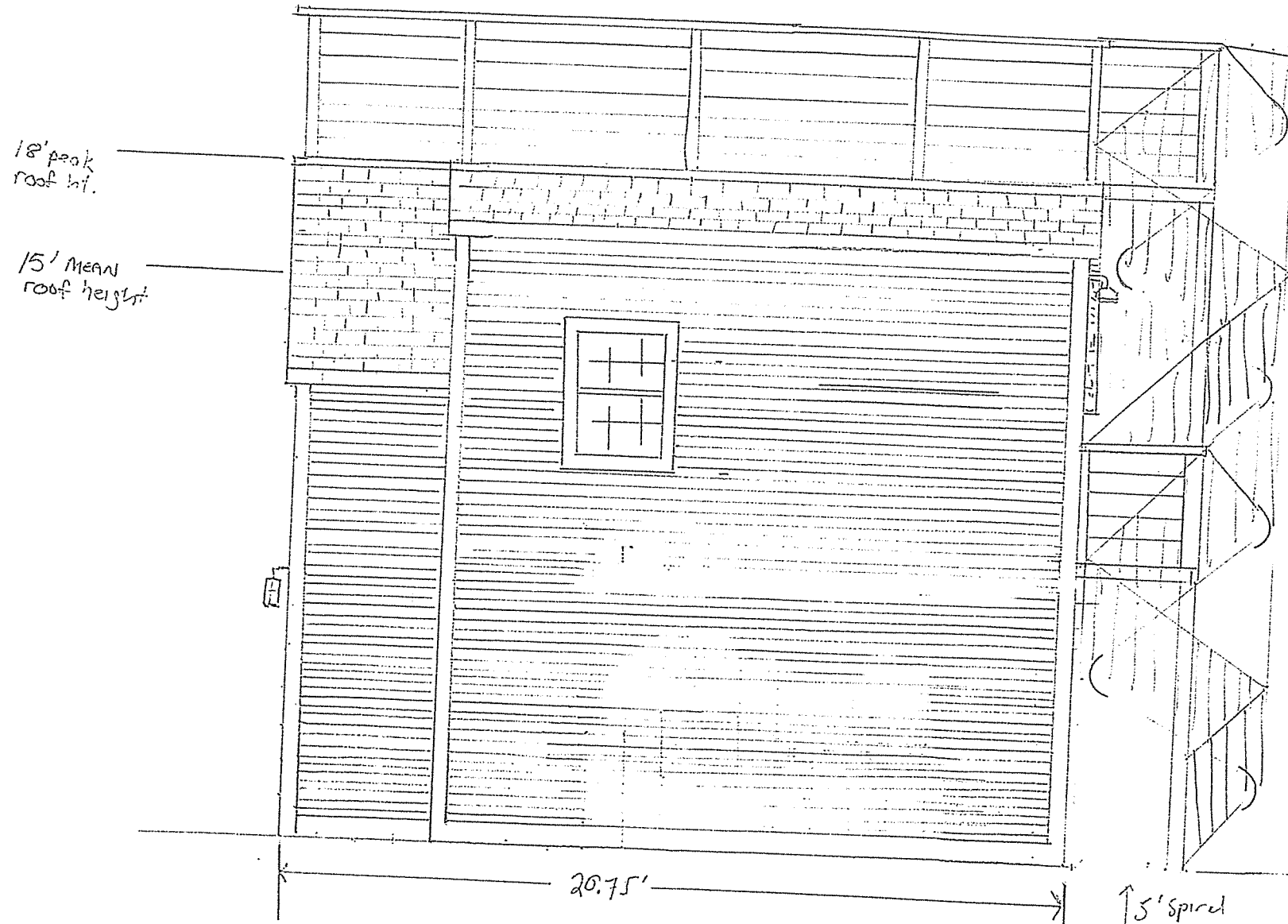
SIDE ELEVATION:
(EAST)



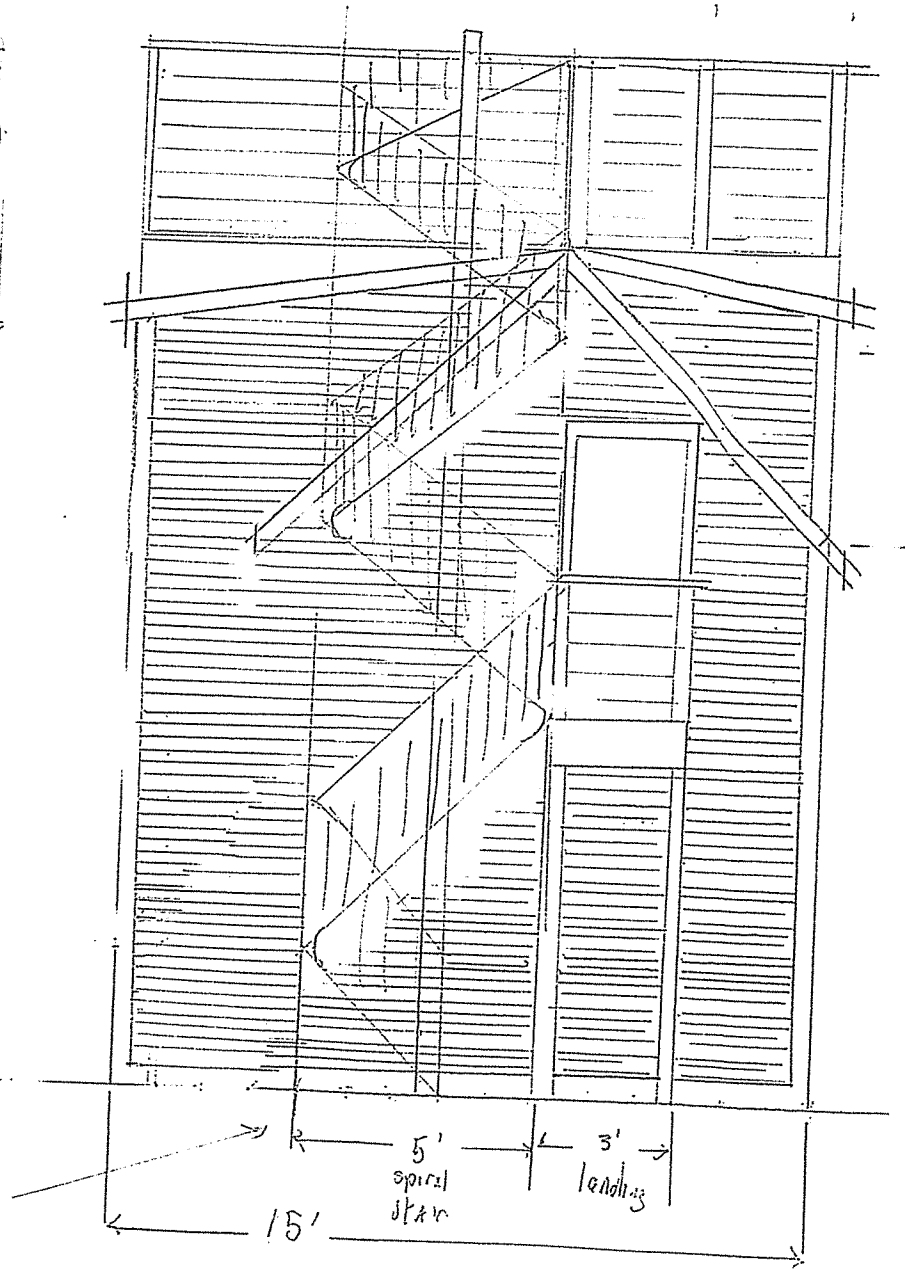
164-166 GARAGE

1/4" = 1 ft

SIDE ELEVATION
(WEST) FACES PATIO



REAR ELEVATION
(SOUTH)



5' spiral
w/ 2 landings
for roof +
attic access

5' spiral
stair 3' landing