

**City of Newburyport Zoning Board of Appeals**  
**Application for an APPEAL**

RECEIVED  
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NEWBURYPORT, MA

2021 MAR -3 PM 2:46

Petitioner: Hebbelinck Real Estate, LLC, c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 978-463-7700 Email: lisa@mtclawyers.com

Property Address: 195 High Street

Map and Lot(s): Map 37, Lot 8 Zoning District: HSR-B

Book and Page(s): Book 34244, Page 542

Owner(s) Name: Brin Stevens and Stephen DeLisle

Mailing Address (if different): 195 High Street

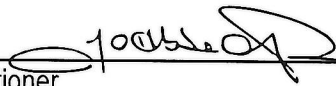
The petition for the Appeal is made under the Newburyport Zoning Ordinance section X.H-5 and M.G.L.s c.40A, s.8 & 15.

Brief description of Appeal:

Appeal of Building Inspector Issuance of a Bulding Permit for alteration and reconstruction of pre-existing non-conforming structure for a different use located at 195 High Street.

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. 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.

By checking this box and typing my name below, I am electronically signing this application.

  
Petitioner



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.mtclawyers.com

March 3, 2021

VIA HAND DELIVERY

Mr. Richard Jones, City Clerk  
Office of the City Clerk  
Newburyport Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Mr. Rob Ciampitti, Chair  
Newburyport Zoning Board of Appeals  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Mr. Gary Calderwood  
Interim Building Inspector  
60 Pleasant Street, Lower Level  
Newburyport, MA 01950

**RE: Administrative Appeal of Building Permit / 195 High Street**

Dear Chair Ciampitti and Members of the Newburyport Zoning Board of Appeals:

Reference is made to the above-captioned matter. In that connection, I represent Louis A. Hebbelinck in his capacity as the Manager of Hebbelinck Real Estate LLC, the owner of 193 High Street (the "Petitioner").

The Petitioner hereby respectfully submits, pursuant to G.L. c. 40A, § 8, and the Newburyport Zoning Ordinance, § X-H(5), an administrative appeal of the Building Inspector's issuance of a building permit (the "Building Permit") to Steven Delisle and Brin Stevens (the "Owners") for a "barn restoration" at 195 High Street (the "Property"). The Building Permit and approved plans are attached hereto as **Exhibit A**. The Petitioner is the owner/occupant of the abutting property at 193 High Street, directly next door.

The Building Inspector issued the Building Permit without the necessary prerequisite Special Permits from the Zoning Board of Appeals (the "Board"). First, the barn renovation is the alteration of a preexisting non-conforming structure, which requires a special permit pursuant to Newburyport Zoning Ordinance § IX-B. Second, the plans submitted for

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*Millis Office*

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

alleged restoration of the building show a change of the non-conforming structure's use from an unimproved garage to a garage with bathroom and shower on the first floor and with living space on the second floor. Each of these alterations requires a Special Permit from the Board pursuant to Newburyport Zoning Ordinance § IX-B.

For the reasons to follow, the Petitioner respectfully requests that the Board overturn the Building Inspector's issuance of the Building Permit and immediately order the Owners to cease and desist all activities at 195 High Street related thereto.

**I. The Building Permit is for Structural Alteration of a Pre-Existing Non-Conforming Structure, Requiring a Special Permit**

The barn at 195 High Street is a pre-existing non-conforming structure (on a pre-existing non-conforming lot).

According to the Owner's Application for Demolition with the Historical Commission, the barn was likely built concurrently with the house, which the Assessor's card indicates was constructed in or around 1790. As such, the barn pre-dates the adoption of zoning.

At present, the Property is located in the HSR-B Zoning District. The relevant dimensional requirements in the HSR-B District for the purpose of this appeal are the minimum frontage requirement, which is 75 feet, and minimum side-yard setback, which is 20 feet. The existing lot frontage, however, is only approximately 50 feet, and the existing side-yard setback for the barn is conservatively about 3 feet. As the barn fails to comply with applicable dimensional requirements today, but was lawful when constructed, it is a pre-existing non-conforming structure.

Newburyport Zoning Ordinance § IX-B applies to the extension or alteration of nonconforming structures. Specifically, § IX-B(2) provides that "Pre-existing nonconforming structures... may be extended or altered, upon the issuance of a special permit for nonconformities by the board of appeals."<sup>1</sup> The barn, therefore, can only be altered upon the issuance of a special permit for nonconformities by the Board.

The Newburyport Zoning Ordinance defines "alteration" as "any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure." See Newburyport Zoning Ordinance § II-B (3).

As shown by the plans affiliated with the Building Permit and by the plans submitted by the Owners for their Application for Demolition, the Owners seek to fully reconstruct the

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<sup>1</sup> The barn is neither a single nor a two-family structure and therefore does not fall under the provisions applicable thereto. See, e.g., Guraino v. Lynds, 2010 WL 547236 (Mass. Land Ct.) (Sands, J.) (Feb. 18, 2010) ("the [a]ddition is not an alteration of a single family residential structure, but the alteration of an accessory building to a single family structure..."); compare Gottfried v. Betron, 2017 WL 26862 (Mass. Land Ct.) (Piper, J.) (2017) (where the local bylaw expressly extended the protections afforded single and two family residential structures to "their accessory structures," thereby granting "greater indulgence than the minimum required under G.L. c. 40A, s. 6").

barn and replace several structural parts including (but not limited to) an entirely new foundation, a new undercarriage for the barn, an entirely new set of timbers and joists on the first floor, a number of structural parts of the barn and various flying purlins, vertical posts, and braces. Plans from the Demolition Application are attached hereto as **Exhibit B**. These extensive changes squarely fall under the Zoning Ordinance's definition of "alteration," and, again, such alteration of a pre-existing non-conforming structure requires a special permit under Newburyport Zoning Ordinance § IX-B.

Bolstering the City of Newburyport's requirement that alteration of a pre-existing non-conforming structure requires a Special Permit is the statute itself. G.L. c. 40A § 6 ¶ 1, mandates that any change to a nonconforming structure that amounts to reconstruction, extension, or structural change requires a finding or special permit. These changes cannot occur simply upon the issuance of a Building Permit.

## **II. The Building Permit Allows Change of Use of a Pre-Existing Non-Conforming Structure, Requiring a Special Permit**

Newburyport Zoning Ordinance § IX-B also requires a Special Permit for the change in use of a pre-existing non-conforming structure. Here, the Owner seek to change the use of the barn from an unimproved garage to a garage with bathroom and shower on the first floor and with living space on the second floor. The plans submitted to the Building Inspector and approved with the Building Permit show a second story "family room" and a ¾ first floor bathroom.<sup>2</sup>

As described above, § IX-B of the Zoning Ordinance applies to the extension or alteration of nonconforming structures. Specifically, § IX-B(1) applies to "any alteration of a structure... to provide for its use for a substantially different purpose or for the same purpose in substantially different manner or to a substantially greater extent...."

This language tracks the requirements of the second sentence of G.L. c. 40A, § 6, ¶ 1, which requires a finding or special permit for an any change to a nonconforming structure that amounts to "alteration... to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent."

Here, the barn, a non-conforming structure, will be altered not only structurally, but also altered to create an interior bathroom and living space. Massachusetts courts have determined that a structural alteration of a preexisting nonconforming structure, coupled with the change of use, requires a special permit.

The facts of *Nichols v. Board of Zoning of Appeal of Cambridge*, 26 Mass. App. Ct. 631 (1988) are strikingly similar to this case. In *Nichols*, the plaintiffs sought to renovate a pre-existing non-conforming garage and convert it to a home office with only a building permit. The existing footprint of the structure was not going to change, and like here, the outward appearance of the garage would be improved. Also like this instance, the Cambridge ordinance tracked the

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<sup>2</sup> While the plans refer to the first-floor bathroom as a "powder room," we note that the plans indicate a toilet, sink, and shower.

language of the state zoning statute. Ultimately, the court held that a special permit was required when “a nonconforming structure is altered to provide for a use different from the use prior to alteration...even if the new use is a permitted one.” *Id* at. 633-634.

Applied here, the proposed change of the barn’s use to accommodate a “family room” and bathroom, accompanying the structural alteration of a preexisting non-conforming structure, requires a special permit pursuant to G.L. c. 40A § 6 ¶ 1 and § IX-B of the Newburyport Zoning Ordinance.

For the reasons stated above, the Petitioner respectfully requests that the Board overturn the Building Inspector’s issuance of the Building Permit for the “barn restoration” and further, that the Board order the Owners to cease and desist all activities on the Property under said Building Permit. Renovation of the Barn is not permitted under the Zoning Ordinance absent Special Permits issued by this Board.

Respectfully Submitted,

Louis Hebbelinck, Manager,  
Hebbelinck Real Estate, LLC,  
By its attorneys,



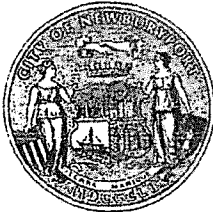
Adam J. Costa, Esq.  
Olympia Bowker, Esq.

Cc: Steven Delisle and Brin Stevens (via first class mail)  
Bill Sheehan, Esq. (via email only)  
Client (via email only)

**Attachments**

**Exhibit A**      Approved Building Permit and Plans  
**Exhibit B**      Plans from Demolition Application

# EXHIBIT A



**CITY OF NEWBURYPORT  
BUILDING DEPARTMENT**

P.O. Box 550  
NEWBURYPORT, MA 01950  
978-465-4405

Permit No: 17-0082  
Zoning District: \_\_\_\_\_  
Fee: \$3,130.00

Peter Binette  
Building Commissioner/Codes Administrator

**BUILDING PERMIT APPLICATION**

<b>MASS STATE BUILDING CODE: 9<sup>TH</sup> EDITION AMENDMENTS to the 2015 ICC ADOPTED CODES and 2015 IECC ENERGY CODE</b>			
PROPERTY ADDRESS: 195 High Street		MAP 37 LOT 8	
APPLICANT: Arron J. Sturgis		PHONE: 207-698-1695	
DESCRIPTION OF PROPOSED WORK: Barn restoration			
<b>BUILDING TYPE</b> <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> MIXED <b>OWNERSHIP</b> <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> CONDO <input type="checkbox"/> PUBLIC			
<b>PERMIT TYPE</b> <input checked="" type="checkbox"/> ALTERATION / REPAIR <input type="checkbox"/> NEW BUILDING <input type="checkbox"/> ACCESSORY BUILDING <input type="checkbox"/> ADDITION <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> MOVE BUILDING <input type="checkbox"/> TENTS (TEMORARY STRUCTURES) <input type="checkbox"/> DEMOLITION		<b>USE AND OCCUPANCY</b> <input type="checkbox"/> <b>CHANGE OF USE</b> <input checked="" type="checkbox"/> SINGLE FAMILY (R-3) <input type="checkbox"/> TWO FAMILY (R-3) <input type="checkbox"/> THREE FAMILY (R-2) <input type="checkbox"/> TOWNHOUSES # of units _____ <input type="checkbox"/> APARTMENTS # of units _____ (R-2) <input type="checkbox"/> HOTEL, MOTEL (R-1) <input type="checkbox"/> ASSISTED LIVING (R-4) <input type="checkbox"/> MIXED USE _____	
		<input type="checkbox"/> ASSEMBLY   A - ____ <input type="checkbox"/> BUSINESS <input type="checkbox"/> EDUCATION <input type="checkbox"/> FACTORY   F - ____ <input type="checkbox"/> HIGH HAZARD   H - ____ <input type="checkbox"/> INSTITUTIONAL   I - ____ <input type="checkbox"/> MERCANTILE <input type="checkbox"/> STORAGE   S - ____ <input type="checkbox"/> UTILITY / MISC <input type="checkbox"/> SPECIALTY USE _____	
<b>BUILDING OFFICIAL USE ONLY</b>			
ZONING DISTRICT: <u>R1C</u>	USE: <u>STR</u>	CODE: <u>1010</u>	
PLAN REVIEW: <u>2/12/21 Planning Office OK</u>			
PERMIT DESCRIPTION: <u>DISMANTLING OF BARN to be replaced on same location with structural integrity intact includes (3) BATHS</u>			

STAMP RECEIVED

APPROVED  
Date: 2/12/21  
CITY OF NEWBURYPORT  
STAMP APPROVED

Type:

Alteration/Repair

Number: A-2021-0082



# City of Newburyport Building Department

Building Commissioner/Codes Administrator

Date: 2/12/2021

Permission is hereby given to Owner: Steven Delisle & Brin Contractor: Aaron Sturgis  
Stevens

To: Barn Restoration

Address: 195 HIGH ST

Zoning District: R2

In accordance with an application on file in this office, and subject to the provisions of the ordinances and statutes in relation to the Inspector and Construction of buildings in the City of Newburyport.

Fee: \$3,130.00

Est. Cost: \$388,357.00

A handwritten signature in black ink, appearing to read "John W. [unclear]".

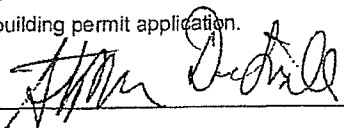
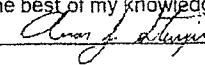
Building Commissioner



CITY OF NEWBURYPORT: BUILDING DEPARTMENT

<b>SITE INFORMATION 195 High Street</b>			
<input type="checkbox"/> FLOOD ZONE	<input type="checkbox"/> NO	<input type="checkbox"/> WETLANDS	<input type="checkbox"/> NO
<input type="checkbox"/> CITY SEWER	<input type="checkbox"/> NO	<input type="checkbox"/> CITY WATER	<input type="checkbox"/> NO
LOT AREA	S.F.	LOT COVERAGE	%
OPEN SPACE	%	<input type="checkbox"/> HISTORIC	<input type="checkbox"/> NO
<b>REQUIRED DOCUMENTS</b>			
<input type="checkbox"/> SITE PLAN: REQUIRED FOR ALL NEW BUILDINGS, ACCESSORY BUILDINGS, ADDITIONS, DECKS, TENTS, POOLS AND DEMOLITION.			
<input checked="" type="checkbox"/> BUILDING PLANS (2 SETS) <input checked="" type="checkbox"/> ATTACHED <input type="checkbox"/> ROLLED IN SUFFICIENT DETAIL TO SHOW WORK AREA AND CODE COMPLIANCE.			
<input type="checkbox"/> DEEP HOLE TEST: NEW CONSTRUCTION ONLY- VISIT HEALTH DEPARTMENT			
<input type="checkbox"/> BOARD / COMMISSION DECISIONS: FULL COPIES WITH BAR CODE STAMP INDICATING RECORDING AT THE REGISTRY OF DEEDS.			
<b>BUILDING INFORMATION</b>			
TYPE OF CONSTRUCTION (I - V) _____		<input type="checkbox"/> A	<input type="checkbox"/> B
NUMBER OF STORIES	MEDIAN HEIGHT	TOTAL HEIGHT	HEATING FUEL
TOTAL ROOMS	BATHROOMS	TOTAL FLOOR AREA	HEAT TYPE
BEDROOMS	BEDROOMS ADDED		AIR CONDITIONING <input type="checkbox"/>
<b>ENERGY CONSERVATION</b>			
NEW RESIDENTIAL: <input type="checkbox"/> PROJECTED <b>HERS</b> RATING REPORT (STRETCH ENERGY CODE / PERFORMANCE PATH REQUIRED)			
RESIDENTIAL ADDITIONS & RENOVATIONS: <input type="checkbox"/> ResCHECK REPORT (OR COMPLETE DETAILS ON PLANS)			
COMMERCIAL BUILDINGS ADDITIONS & RENOVATIONS: <input type="checkbox"/> ComCHECK REPORT (OR COMPLETE DETAILS ON PLANS)			
COMMERCIAL LARGE AREA/ HIGH ENERGY USE BUILDINGS: <input type="checkbox"/> PERFORMANCE PATH (ANSI/ASHRAE/IES STANDARD 90.1-2013)			
<input type="checkbox"/> DOORS & WINDOWS: MANUFACTURES "U" VALUE SPECIFICATIONS SHEET (U VALUE MINIMUM, LESS THAN OR EQUAL TO 0.30)			
<b>FIRE PROTECTION</b>			
EXISTING / PROPOSED WORK:			
<input type="checkbox"/> SMOKES/ CO'S	<input type="checkbox"/> FIRE ALARM	<input type="checkbox"/> SPRINKLERS	<input type="checkbox"/> ACCESS
<b>COST OF IMPROVEMENT</b>		<b>FOR OFFICE USE ONLY</b>	
BUILDING	_____	<b>PERMIT FEE</b>	
ELECTRICAL	_____	BASED ON TOTAL COST (ROUND UP TO NEAREST THOUSAND)	
PLUMBING / GAS	_____	BASE FEE \$50.00 (INCLUDES 1 <sup>ST</sup> \$1000) \$50.00	
MECHANICAL / HVAC	_____	\$10 / THOUSAND 10 X _____ = _____	
FIRE SUPPRESSION	_____	TOTAL PERMIT FEE \$ <u>3130.00</u>	
OTHER	_____		
TOTAL COST	<u>\$ 388,357</u>		

CITY OF NEWBURYPORT: BUILDING DEPARTMENT

PROPERTY ADDRESS: 195 High Street	
PROPERTY OWNER: Stephen Delisle & Brin Stevens	
STREET: 195 High Street	CITY: Newburyport STATE: MA ZIP: 01950
email: delisle.stephen@gmail.com	PHONE: 617-620-0251
OWNER AUTHORIZATION: I, Stephen DeLisle, authorize Preservation Timber Framing, Inc. to apply for and act on all matters relative to the work authorized by this building permit application. Note: Contract will be accepted as Owners authorization.	
Owners signature: 	Date: 1/28/2020
ATTACH ALL APPLICABLE DOCUMENTS:	
<input type="checkbox"/> (1) A SIGNED CONTRACT- in compliance with the HIC Program. Required for all residential work. <input type="checkbox"/> (2) CONDO OWNERS: Exterior work requires a letter of authorization from The Condo Association. <input type="checkbox"/> (3) HOME OWNER PERMITS: Complete CSL and HIC exemption supplement forms. (Owner occupied 1 & 2 family only)	
ARCHITECT/ ENGINEER: Scott M. Brown MA LICENSE _____	
STREET: 29 Water Street, Suite 209	CITY: Newburyport STATE: MA ZIP: 01950
email: scott@scottbrownarchitect.com	PHONE: 978-465-3535
<input type="checkbox"/> CONSTRUCTION CONTROL: RDP responsible for document submittals and affidavits.	
CONTRACTOR/ COMPANY NAME: Arron J. Sturgis, Preservation Timber Framing, Inc.	
STREET: P.O. Box 28	CITY: Berwick STATE: ME ZIP: 03901
email: arron@preservationtimberframing.com	PHONE: 207-698-1695
HOME IMPROVEMENT CONTRACTOR REGISTRATION: # 156702	Expires: 7/24/2021
PERSON IN CHARGE OF PROJECT: Arron J. Sturgis	PHONE: 603-781-5725
MASSACHUSETTS CONSTRUCTION SUPERVISOR LICENSEE: NAME: Arron J. Sturgis STREET: P.O. Box 28 CITY: Berwick STATE: ME ZIP: 03901 PHONE: 207-698-1695 email: arron@preservationtimberframing.com CSL# CS 076923 Expires 09/02/2021	CS - UNRESTRICTED (BLDGS < 35K CU.FT) CSFA - 1 & 2 FAMILY ONLY CSSL - SPECIALTY LICENSE 1 - DM - DEMOLITION 2 - IC - INSULATION 3 - MA - MASONRY 4 - RF - ROOFING 5 - SF - SOLID FUEL 6 - WS - WINDOWS & SIDING
<input checked="" type="checkbox"/> PHOTO COPIES OF CSL AND HIC LICENSES ATTACHED	
STATE REQUIRED BY ALL APPLICANTS: <input type="checkbox"/> WORKMANS COMP AFFIDAVIT <input type="checkbox"/> DEBRIS DISPOSAL AFFIDAVIT	
APPLICANTS SIGNATURE: By entering my name below, I hereby attest under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding. APPLICANT: Arron J. Sturgis SIGNATURE:  DATE: 1/28/2020 PRINT	

CITY OF NEWBURYPORT  
BUILDING DEPARTMENT  
60 Pleasant Street Newburyport, Ma 01950  
Main: 978-465-4405 Fax:978-465-4452

Peter Binette  
Building Commissioner/Codes Administrator

**DEBRIS DISPOSAL**

CONSTRUCTION SITE ADDRESS 195 High Street

M.G.L. c. 40, § 54

Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by M.G.L. c. 111, § 150A.

Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed of as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.

Dumpster:  
LOCATION OF DISPOSAL FACILITY Shipyard Waste  
434 Dow Highway Eliot, ME 03903  
Signature of Applicant *Chris J. Stump* Date 1/25/2020

For Office Use Only:

Permit No. \_\_\_\_\_ Date \_\_\_\_\_



**The Commonwealth of Massachusetts**  
**Department of Industrial Accidents**  
**Office of Investigations**  
**Lafayette City Center**  
**2 Avenue de Lafayette, Boston, MA 02111-1750**  
**www.mass.gov/dia**

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): Preservation Timber Framing, Inc.

Address: P.O. Box 28

City/State/Zip: Berwick, ME 03901

Phone #: 207-698-1695

**Are you an employer? Check the appropriate box:**

- |   |   |
|---|---|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>15</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---|---|

**Type of project (required):**

6.  New construction
7.  Remodeling
8.  Demolition
9.  Building addition
10.  Electrical repairs or additions
11.  Plumbing repairs or additions
12.  Roof repairs
13.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: Star Insurance Company

Policy # or Self-ins. Lic. #: WC 0391610 Expiration Date: 01/04/2022

Job Site Address: 195 High Street City/State/Zip: Newburyport, MA

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: *David J. Sturges* Date: 2/10/2021

Phone #: 207-698-1695

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (check one):

- 1  Board of Health 2  Building Department 3  City/Town Clerk 4  Electrical Inspector 5  Plumbing Inspector 6  Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_



INSURANCE  
COMPANY

26255 American Drive  
Southfield, MI 48034-6112

Workers Compensation and Employers Liability  
Insurance Policy

Policy Number	Policy Period From To
WC 0391610	01/04/2021 01/04/2022 12:01 A.M. Standard Time at the mailing address of the Insured as stated herein
Renewal Of	Transaction
	Policy Declaration

<b>1. Named Insured and Mailing Address</b>				<b>Agent</b>	
PRESERVATION TIMBER FRAMING, INC PO BOX 28 BERWICK ME 03901-0028				YORK INSURANCE AGENCY LLC 484 US ROUTE #1 YORK ME 03909	
UNEMPLOYMENT ID # 0182006009	CARRIER # 24562	FEIN # 010516533	Risk ID # 911065630	Entity of Insured CORPORATION	

Other Workplaces Not Shown Above: SEE ATTACHED SCHEDULE

2. The Policy Period is from 01/04/2021 to 01/04/2022 12:01 a.m. Standard Time at the Insured's mailing address.

3. A. Workers Compensation Insurance: Part ONE of the policy applies to the Workers Compensation Law of the states listed here: ME, MA, NH

B. Employers Liability Insurance: Part TWO of the policy applies to work in each state listed in Item 3A.  
The limits of our liability under Part TWO are:

Bodily Injury by Accident	\$	1,000,000	each accident
Bodily Injury by Disease	\$	1,000,000	policy limit
Bodily Injury by Disease	\$	1,000,000	each employee

C. Other States Insurance: Part THREE of the policy applies to the states, if any, listed here: All states except North Dakota, Ohio, Washington, Wyoming, and states designated in item 3.A. above.

D. This policy includes these endorsements and schedules: See attached schedule

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates, and Rating Plans.  
All information required below is subject to verification and change by audit.

Assessments and Taxes

SEE EXTENSION OF INFORMATION PAGE

MA \$450  
ME \$1,170

If the premium is paid on an installment basis, a \$5.00 per payment charge applies.

	Total Estimated Annual Premium	\$	69,388
	Expense Constant	\$	338
Minimum Premium \$ 750	Premium Discount	\$ -	7,020
	Deposit Premium	\$	71,008

Premium Adjustment Period:  Annual;  Semiannual;  Quarterly;  Monthly

Issued Date: 01/07/2021

Authorized Representative

Issuing Office

INSURED COPY

*The Commonwealth of Massachusetts*  
Office of Consumer Affairs & Business Regulation  
**HOME IMPROVEMENT CONTRACTOR**  
TYPE: Corporation  
Registration      Expiration  
156702              07/24/2021

PRESERVATION TIMBER FRAMING

ARRON STURGIS  
77 BERWICK RD  
BERWICK, ME 03901

*Edmund G. Palumbo*  
Undersecretary

Registration valid for individual use only  
before the expiration date. If found return to:  
Office of Consumer Affairs and Business Regulation  
1000 Washington Street - Suite 710  
Boston, MA 02118

*Arnon J. Sturgis*  
Not valid without signature

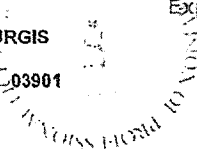


Commonwealth of Massachusetts  
Division of Professional Licensure  
Board of Building Regulations and Standards  
Construction Supervisor

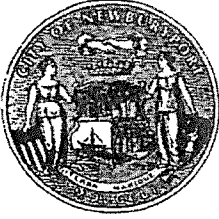
CS-076923

Expires: 09/02/2021

ARRON J STURGIS  
PO BOX 28  
BERWICK ME 03901



Commissioner



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

At a public hearing held on 02/27/20, the Newburyport Historical Commission (NHC) reviewed the following application pursuant to the City's Code of Ordinances Article X – Building Demolition:

Applicant: Preservation Timber Framing, Inc.

Property Address: **195 High Street**

Age of structure: 1792


Architectural style: garage/carriage barn

Description of request: disassemble, repair, and reassemble

After the public hearing, the NHC has determined that the structure shall be:

- Preferably Preserved. A demolition permit for this structure shall not be issued for a period of one year from the date of this report.
- Released for demolition.

Notes: Although legally this is termed a "demolition" the agreed plan  
is to dismantle the structure, and rebuild a new saw/feeding  
as per plans by Preservation Timber Framing.

  
 \_\_\_\_\_  
 Glenn Richards, Chair

02/27/20  
 \_\_\_\_\_  
 Date



**CITY OF NEWBURYPORT: BUILDING DEPARTMENT  
FOR INTERDEPARTMENT USE ONLY**

PROPERTY ADDRESS: 195 High Street	MAP 37 LOT 8
DESCRIPTION OF WORK: Barn restoration	

**DEPARTMENT APPROVALS:** As Directed by the Building Inspectors

TREASURER COLLECTORS-OFFICE <small>Main Level City Hall</small>		MUNICIPAL PAYMENTS ARE IN GOOD STANDING.	
	APPROVED BY	DATE	COMMENTS
<input checked="" type="checkbox"/> TAX PAYMENTS	<i>[Signature]</i>	1-30	
<input checked="" type="checkbox"/> SEWER PAYMENTS	<i>[Signature]</i>	1-30	
<input checked="" type="checkbox"/> WATER PAYMENTS	<i>[Signature]</i>	1-30	
<b>PLANNING DEPARTMENT</b> <small>Main Level City Hall</small>		<i>OK TO SIGN OFF PS</i>	
<input checked="" type="checkbox"/> ZONING/ HISTORIC REVIEW			<input type="checkbox"/> BY RIGHT <input type="checkbox"/> DEMO
PLANNING			
CONSERVATION			<input type="checkbox"/> P I
<b>FIRE PREVENTION</b> <small>0 Greenleaf St</small>			
<input checked="" type="checkbox"/> FIRE	<i>Dep 543</i>	<i>1/30/20</i>	<i>to code</i> <input type="checkbox"/> DEMO
<b>HEALTH DEPARTMENT</b> <small>Lower Level City Hall</small>			
HEALTH			<input type="checkbox"/> DEEP HOLE <input type="checkbox"/> POOL <input type="checkbox"/> OTHER <input type="checkbox"/> DEMO
<b>DEPARTMENT OF PUBLIC SERVICES</b> <small>DPS Building at 16A Perry Way</small>			
SEWER			<input type="checkbox"/> I/I <input type="checkbox"/> DEMO
WATER			<input type="checkbox"/> I/I <input type="checkbox"/> DEMO
SIDEWALK/ TREES			
ENGINEERING			
CURB CUTS			
Demo Electric National Grid Letter			<input type="checkbox"/> DEMO
Demo Gas National Grid Letter			<input type="checkbox"/> DEMO

**BOARD APPROVALS** *List and attach recorded decisions*

	APPROVED	DATE	COMMENTS
CITY COUNCIL			
CONSERVATION COMMISSION			
HISTORICAL COMMISSION			
PLANNING BOARD			
ZBA SPECIAL PERMIT			
ZBA VARIANCE			

## Permit Package for 195 High Street

Enclosed please find two copies of:

- Signed building permit application
- Approval signatures from the various town departments, including HDC
- Building plans

Please call or email Emilee Bolduc or Arron Sturgis with any questions:

Emilee Bolduc

Preservation Timber Framing, Inc.

[emilee@preservationtimberframing.com](mailto:emilee@preservationtimberframing.com)

603-781-4625

Arron Sturgis

Preservation Timber Framing, Inc.

[arron@preservationtimberframing.com](mailto:arron@preservationtimberframing.com)

603-781-5725

Thank you!



**Barbara Pulaski**

---

**From:** Emilee Bolduc <emilee@preservationtimberframing.com>  
**Sent:** Thursday, January 07, 2021 11:58 AM  
**To:** Barbara Pulaski  
**Subject:** [Ext]RE: [Ext]RE: [Ext]Building Permit - 195 High Street  
**Attachments:** Planning HDC Determination re Demolition 111345.pdf; 195 High St Building Permit approval signatures.pdf

*external e-mail use caution opening*

Barbara,

I do believe we have all the approvals. Per the attached, what approvals am I missing, if any?

Emilee

**From:** Barbara Pulaski [mailto:Bpulaski@CityofNewburyport.com]  
**Sent:** Thursday, January 7, 2021 11:54 AM  
**To:** Emilee Bolduc <emilee@preservationtimberframing.com>  
**Subject:** RE: [Ext]RE: [Ext]Building Permit - 195 High Street

Emilee, you need 2 copies of the plans but you need to submit all approvals from the Planning Office and if need to be recorded that has to be done before submitting to the Building Department.

Barbara

**From:** Emilee Bolduc [mailto:emilee@preservationtimberframing.com]  
**Sent:** Thursday, January 07, 2021 11:13 AM  
**To:** Dianne Boisvert  
**Cc:** Barbara Pulaski  
**Subject:** [Ext]RE: [Ext]Building Permit - 195 High Street

*external e-mail use caution opening*

Hi Dianne & Barbara,

Thank you both for your emails. We are applying for a building permit. We have all required signatures and approvals and so it sounds as though we should put the packet together put it in the drop box? Is this correct? Is just one copy needed?

Thank you!

Emilee

**From:** Dianne Boisvert [mailto:DBoisvert@CityofNewburyport.com]  
**Sent:** Thursday, January 7, 2021 10:28 AM  
**To:** Emilee Bolduc <emilee@preservationtimberframing.com>  
**Cc:** Barbara Pulaski <Bpulaski@CityofNewburyport.com>  
**Subject:** RE: [Ext]Building Permit - 195 High Street

Hi Emilee,

The building has been closed to the public but we've been open and operating the entire time. If you are applying for Demolition Delay, you file electronically here: <https://newburyportma.viewpointcloud.com/>. Please also note that Bob Armstrong is no longer with the City.

Dianne Boisvert  
Office Coordinator  
Office of Planning and Development

60 Pleasant Street  
Newburyport, MA 01950  
978-465-4400

**From:** Emilee Bolduc [<mailto:emilee@preservationtimberframing.com>]  
**Sent:** January 07, 2021 10:10 AM  
**To:** Dianne Boisvert  
**Cc:** Bob Armstrong; Barbara Pulaski  
**Subject:** [Ext]Building Permit - 195 High Street  
**Importance:** High

*external e-mail use caution opening*

Good morning, Dianne,

Hope this message finds you well.

I reach out today to pick up the proverbial ball on the Delisle building permit for the barn restorations at 195 High Street. When we last spoke in March, we had everything ready for submittal and then the town offices closed. Could you tell me on your end, where everything stands? Are the town offices open again so that we can drop the permit application package off or is submitting everything electronically preferred?

Thank you very much!

Emilee

Emilee Bolduc  
Preservation Timber Framing, Inc.  
Mailing Address:  
P.O. Box 28  
Berwick, ME 03901  
(207) 698-1695  
[emilee@preservationtimberframing.com](mailto:emilee@preservationtimberframing.com)

Visit our website at [www.preservationtimberframing.com](http://www.preservationtimberframing.com)

**From:** Dianne Boisvert [<mailto:DBoisvert@CityofNewburyport.com>]  
**Sent:** Wednesday, March 18, 2020 9:48 AM  
**To:** Emilee Bolduc <[emilee@preservationtimberframing.com](mailto:emilee@preservationtimberframing.com)>  
**Subject:** RE: [Ext]RE: [Ext]RE: 195 High Street

Hi Emilee,

Here's a link to the Building Department's current procedures: <https://www.cityofnewburyport.com/building-department/files/permit-application-drop-off-pickup-procedure-as-of-3182020>. If you have any questions, please contact Bob ([barmstrong@cityofnewburyport.com](mailto:barmstrong@cityofnewburyport.com)) or Barbara ([bpulaski@cityofnewburyport.com](mailto:bpulaski@cityofnewburyport.com)).

Dianne Boisvert  
Office Coordinator  
Office of Planning and Development  
60 Pleasant Street  
Newburyport, MA 01950  
978-465-4400  
[www.cityofnewburyport.com](http://www.cityofnewburyport.com)

---

**From:** Emilee Bolduc [mailto:emilee@preservationtimberframing.com]  
**Sent:** Wednesday, March 18, 2020 9:42 AM  
**To:** Dianne Boisvert  
**Subject:** [Ext]RE: [Ext]RE: 195 High Street

*external e-mail use caution opening*

Hi Dianne,

Thank you for the info. Given the current state of affairs, should we submit everything electronically?  
Emilee

**From:** Dianne Boisvert [mailto:DBoisvert@CityofNewburyport.com]  
**Sent:** Tuesday, March 17, 2020 1:07 PM  
**To:** Emilee Bolduc <emilee@preservationtimberframing.com>  
**Subject:** RE: [Ext]RE: 195 High Street

Hi Emilee,

You should have everything you need from us. You just need to submit your completed building application to the Building Department. You will need to attach the Historical Commission approval to the application form and then have Jennifer and the other required departments sign off on the form.

Dianne Boisvert  
Office Coordinator  
Office of Planning and Development  
60 Pleasant Street  
Newburyport, MA 01950  
978-465-4400

**From:** Emilee Bolduc [mailto:emilee@preservationtimberframing.com]  
**Sent:** March 17, 2020 1:03 PM  
**To:** Dianne Boisvert  
**Subject:** [Ext]RE: 195 High Street  
**Importance:** High

*external e-mail use caution opening*

Hi Dianne,

Question regarding the permit for 195 High Street: Since we have secured HDC approval, and all of the permit docs are with the Town, do we need to resubmit anything, or does Jennifer have everything she needs to send down to the building department to issue the permit?

Please let me know. Thank you!  
Emilee

Emilee Bolduc  
Preservation Timber Framing, Inc.  
P.O. Box 28  
Berwick, ME 03901  
(207) 698-1695  
mailto:emilee@preservationtimberframing.com

Visit our website at [www.preservationtimberframing.com](http://www.preservationtimberframing.com)

**From:** Dianne Boisvert [mailto:[DBoisvert@CityofNewburyport.com](mailto:DBoisvert@CityofNewburyport.com)]

**Sent:** Tuesday, March 3, 2020 12:56 PM

**To:** Emilee Bolduc <[emilee@preservationtimberframing.com](mailto:emilee@preservationtimberframing.com)>; 'Arron Sturgis' <[Arron@preservationtimberframing.com](mailto:Arron@preservationtimberframing.com)>

**Subject:** 195 High Street

Good afternoon,

Attached is the Historical Commission's decision for the repair of the barn at 195 High Street.

Dianne Boisvert  
Office Coordinator  
Office of Planning and Development  
60 Pleasant Street  
Newburyport, MA 01950  
978-465-4400







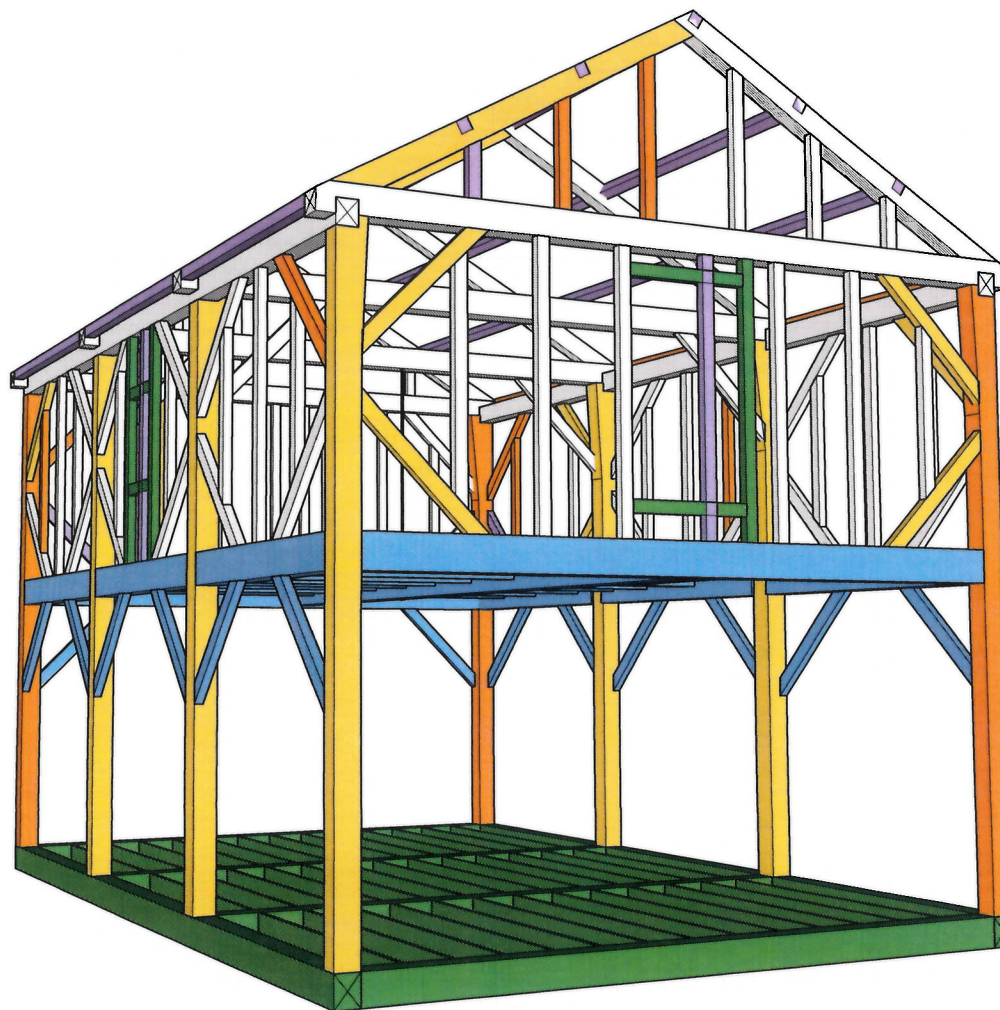
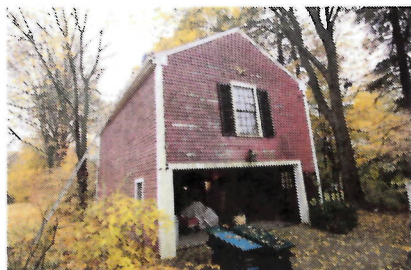




# EXHIBIT B

**Front Iso**

not to scale



**PTF**

**PRESERVATION TIMBER FRAMING**  
P.O. Box 28  
Berwick, ME 03901  
[www.preservationtimberframing.com](http://www.preservationtimberframing.com)

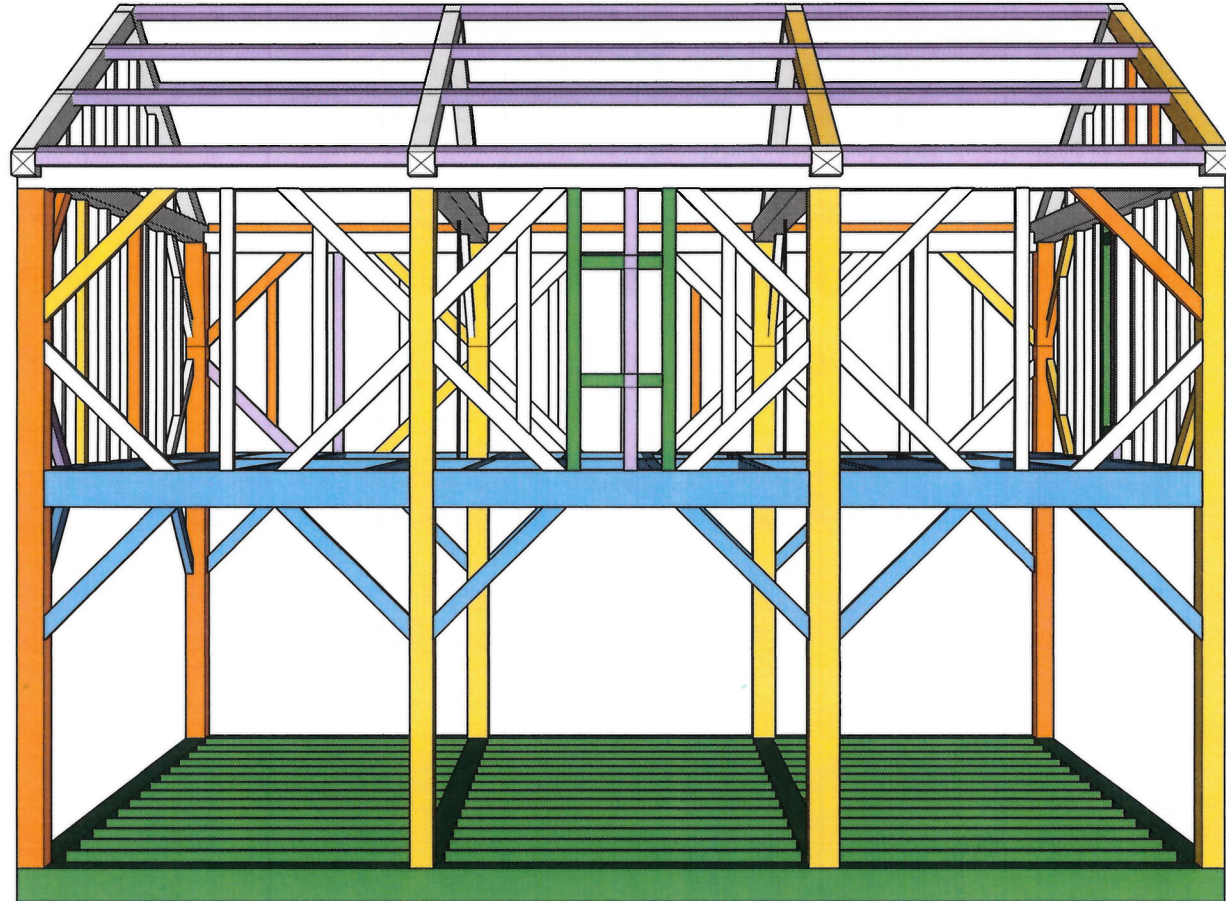
**ARRON STURGIS**  
Office - 207.698.1695  
Cell - 603.781.5725  
[arron@preservationtimberframing.com](mailto:arron@preservationtimberframing.com)

**Delisle Barn**  
Brin Stevens and Stephen Delisle  
195 High St  
Newburyport, MA

**02.1.2019**  
Issue 001  
Jessica MilNeil

**Left Iso**

not to scale



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing



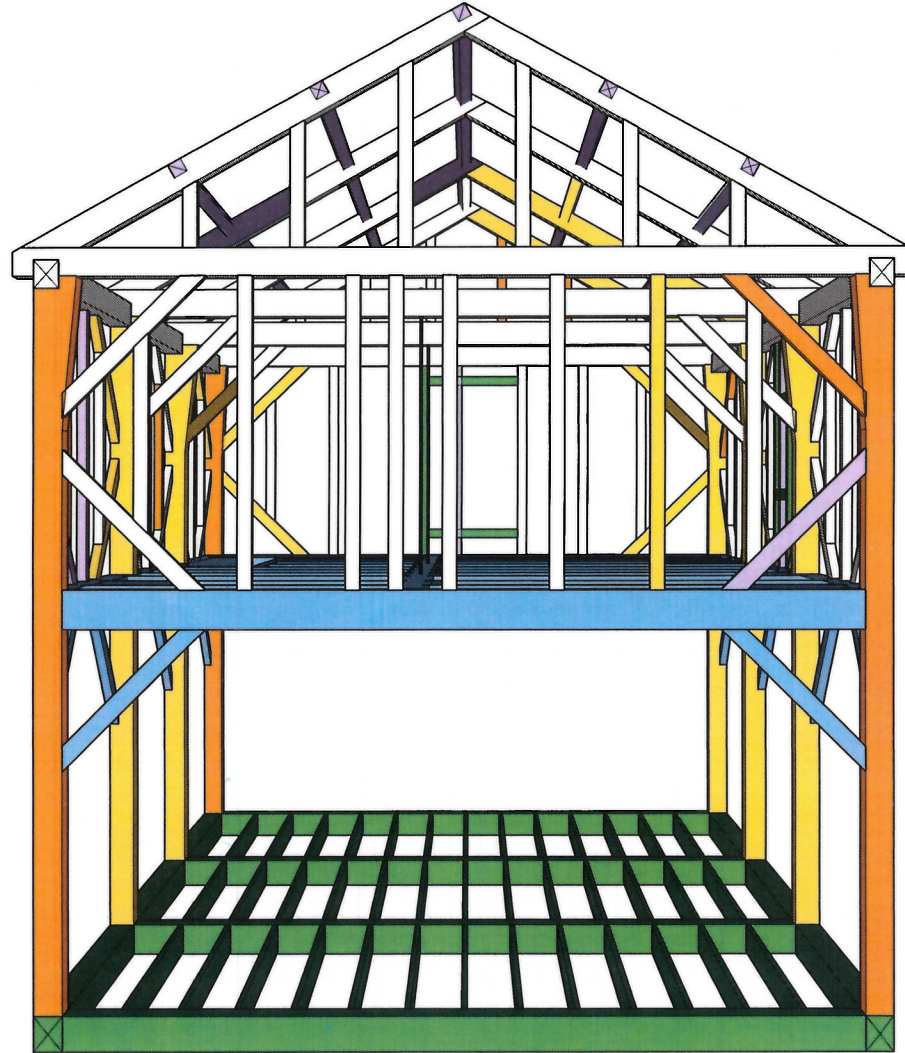
**Rear Iso**

not to scale



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing



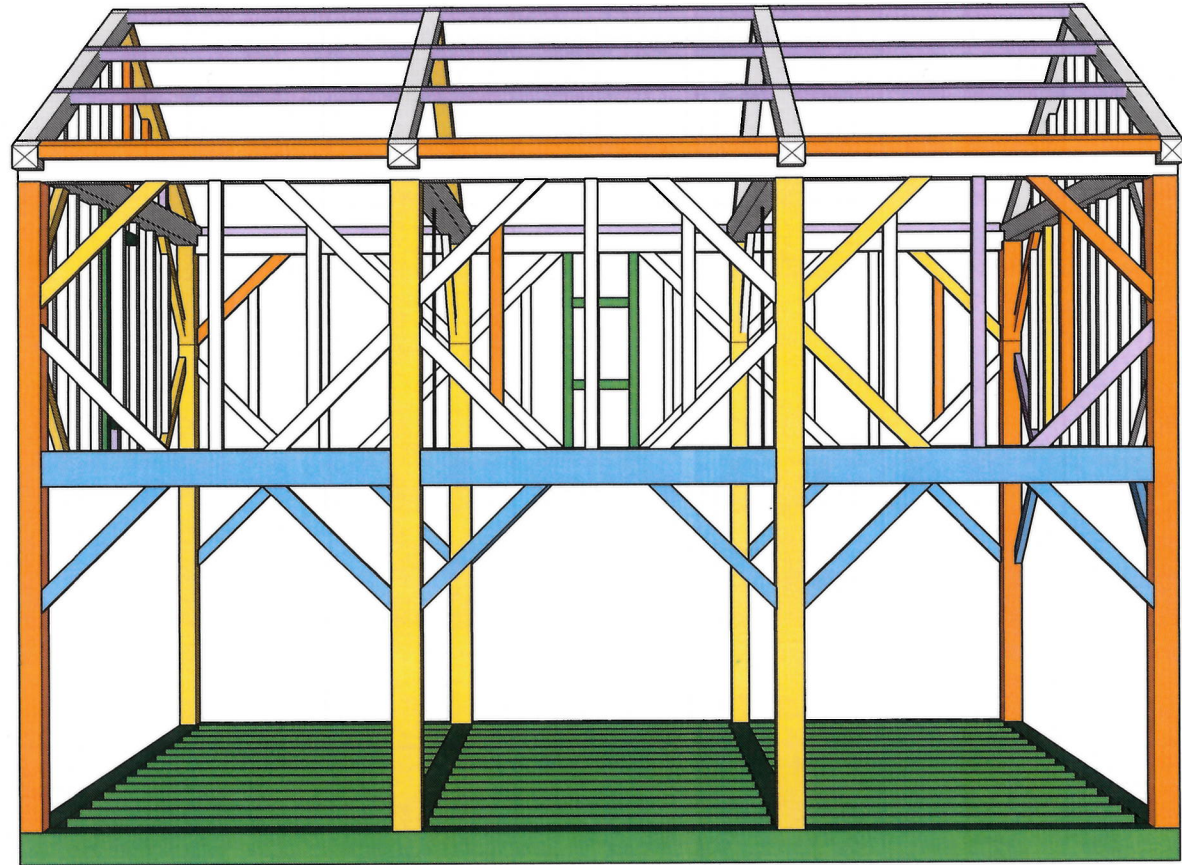
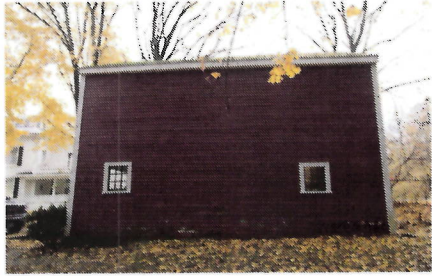
02.1.2019  
Draft 001  
Jessica MilNeil

**Delisle Barn**  
Brin Stevens and Stephen Delisle  
195 High St  
Newburyport, MA

**PRESERVATION TIMBER FRAMING**  
P.O. Box 28  
Berwick, ME 03901  
207 698 1695

**Right Iso**

not to scale



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing

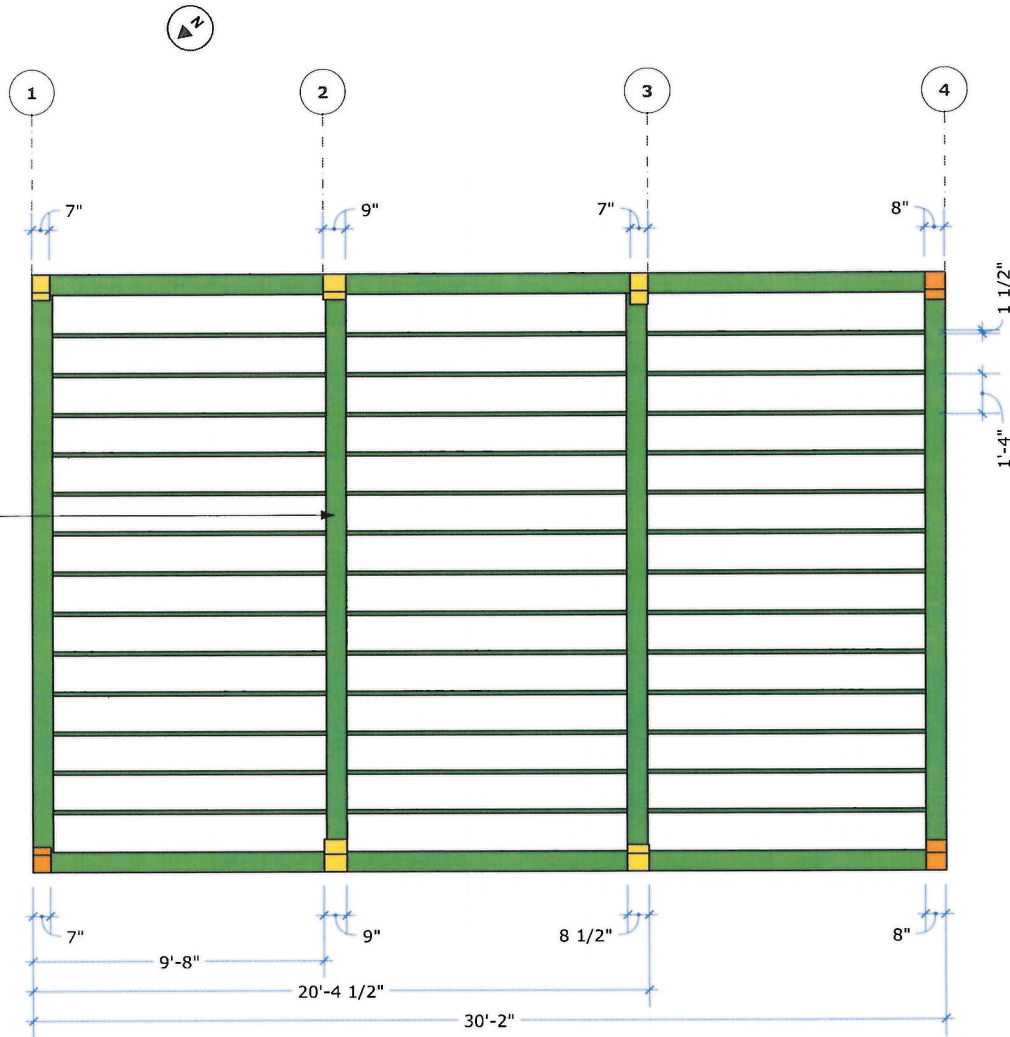
**Sill Level**

1/4" : 1'

Undercarriage will need to be replaced. New concrete slab is one option. A combination timber/conventional floor is modeled: timber sills, timber girts aligned with bents, and KD joists on hangers

**COLOR CODE**

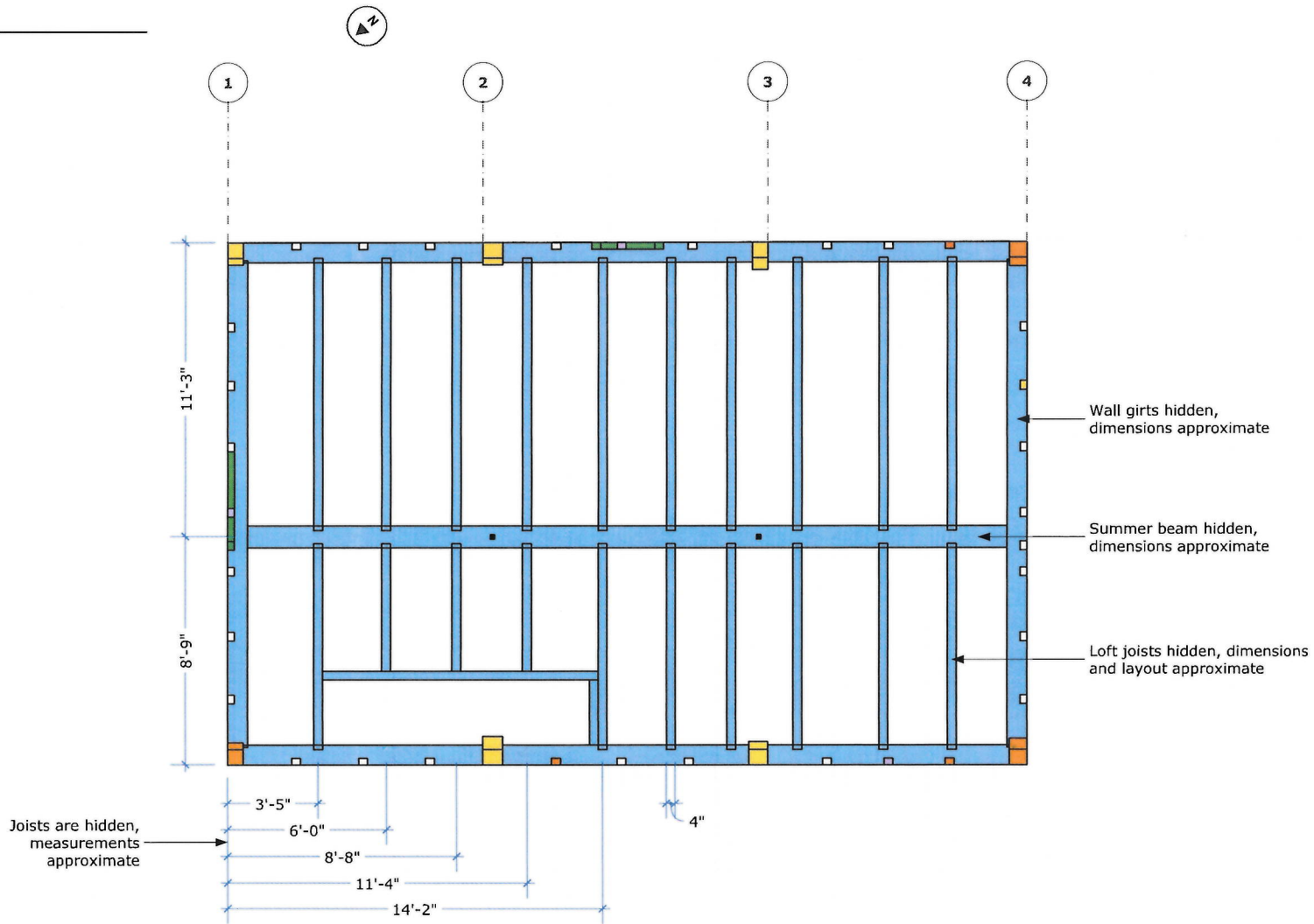
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**Loft Level**

1/4" = 1'

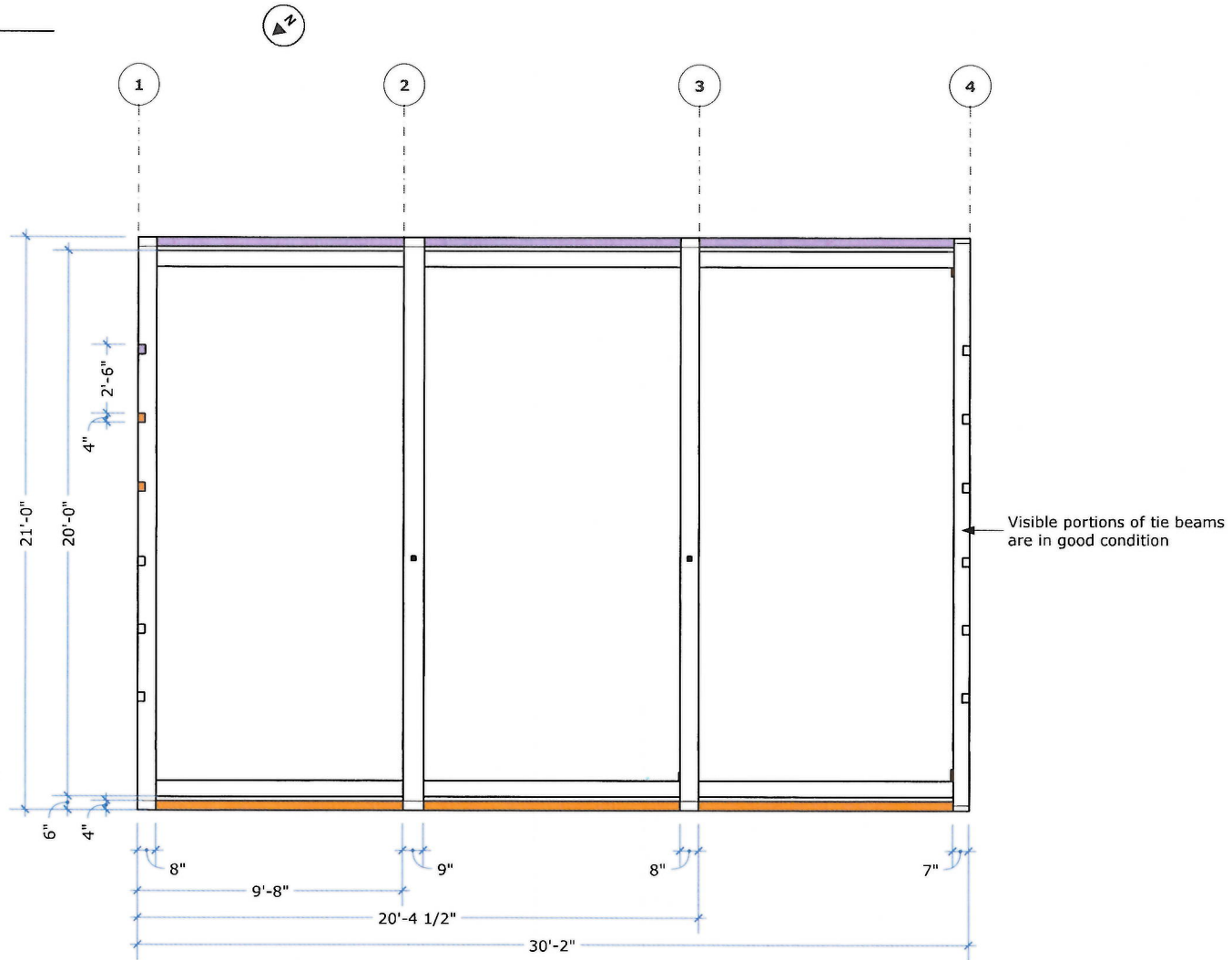


**COLOR CODE**

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- Repair
- New
- Hidden
- Missing

**Tie Level**

1/4" : 1'



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing

**PTF**

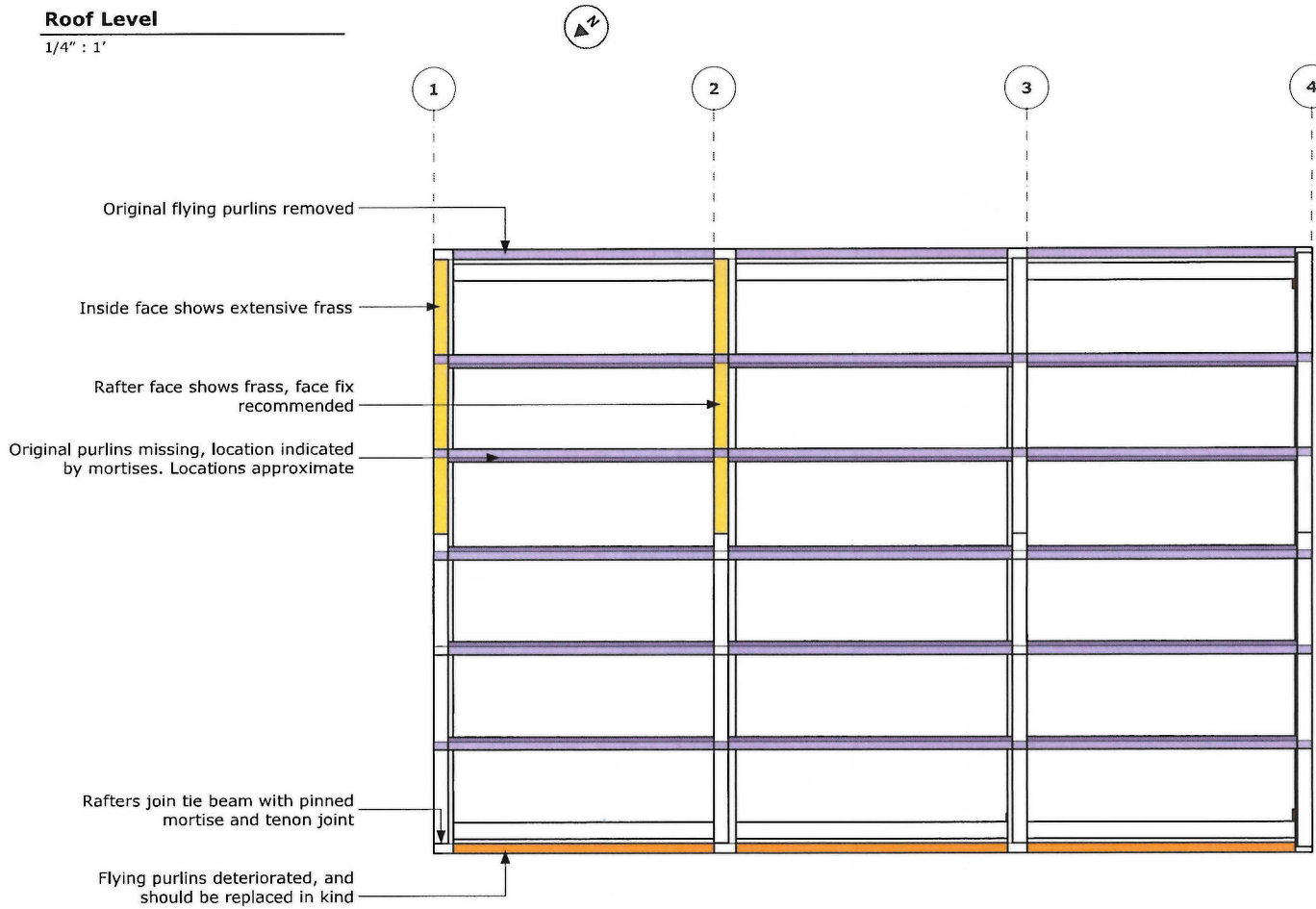
02.1.2019  
Draft 001  
Jessica MilNeil

Delisle Barn  
Brin Stevens and Stephen Delisle  
195 High St  
Newburyport, MA

PRESERVATION TIMBER FRAMING  
P.O. Box 28  
Berwick, ME 03901  
207 698 1695

**Roof Level**

1/4" : 1'



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing

**PTF**

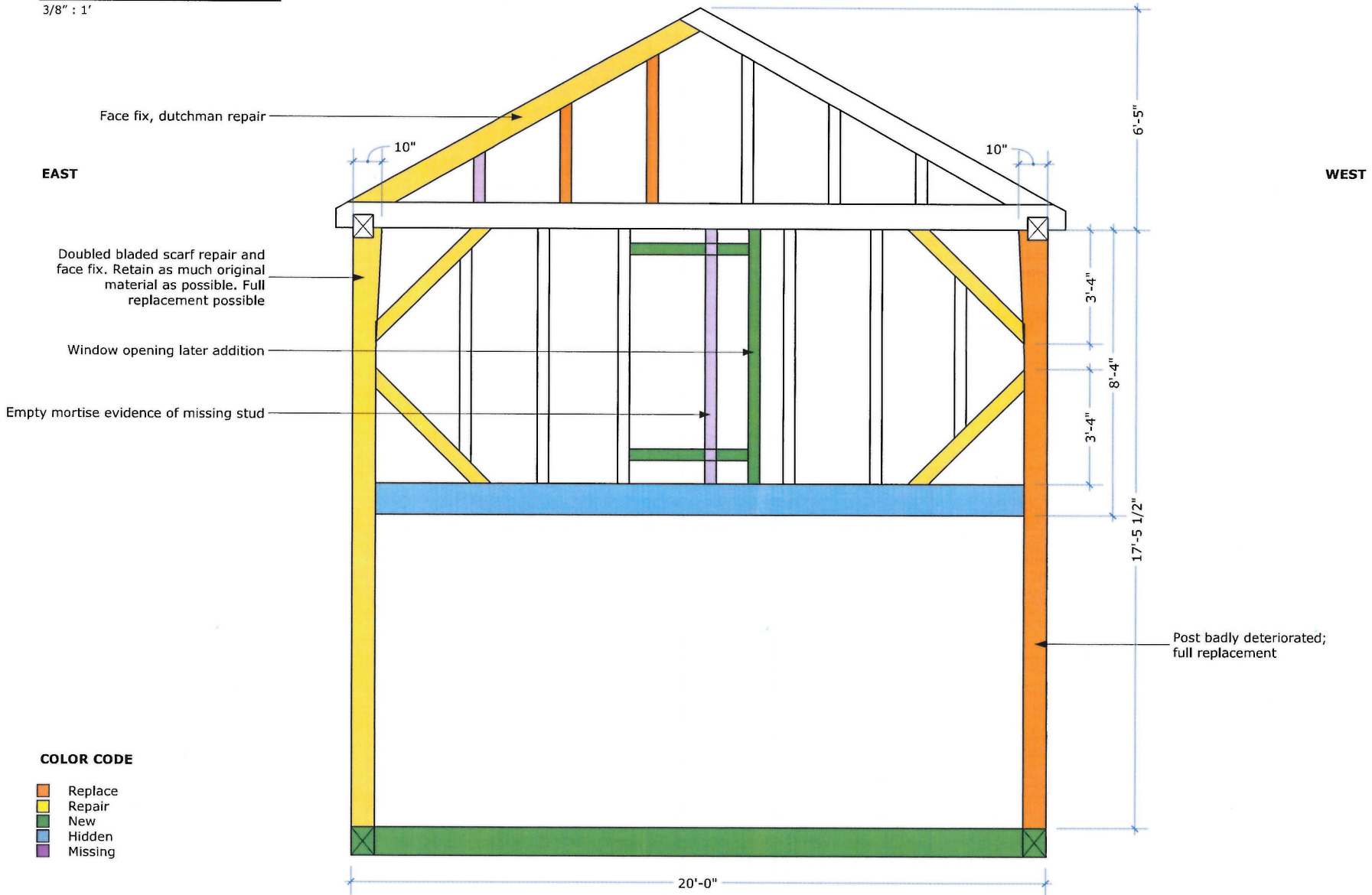
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Draft 001  
Jessica Milneil

**Delisle Barn**  
Brin Stevens and Stephen Delisle  
195 High St  
Newburyport, MA

**PRESERVATION TIMBER FRAMING**  
P.O. Box 28  
Berwick, ME 03901  
207 698 1695

**Bent 1**

3/8" : 1'



EAST

WEST

**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing

**PTF**

02.1.2019  
 Draft 001  
 Jessica MilNeil

Delisle Barr  
 Brin Stevens and Stephen Delisle  
 195 High St  
 Newburyport, MA

**PRESERVATION TIMBER FRAMING**  
 P.O. Box 28  
 Berwick, ME 03901  
 207 698 1695

**Bent 2**

3/8" : 1'

Reference face shown; bent 2 is referenced to front gable

**EAST**

Original flying purlin replaced with KD,  
tie beam ends bolstered with KD

Tie rod hangs from tie beam,  
supports summer beam

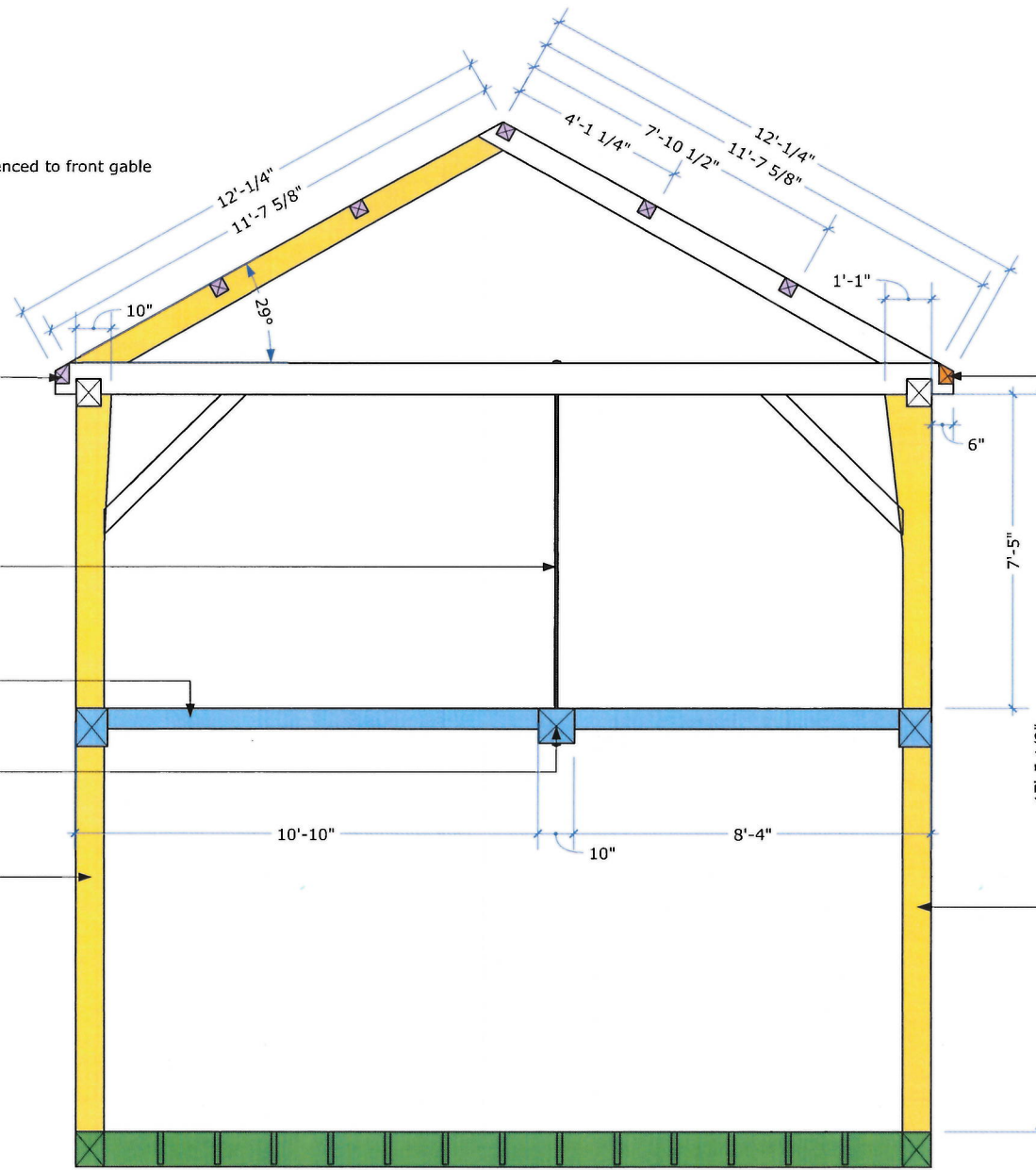
No girts or joists in line with bent.  
Joists run next to posts

Loft joists land on eave girt and central  
summer beam; dimensions approximate

Face fix, dutchman repair, possible scarf fix

**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing



**WEST**

Tie beams run by plate,  
joined by flying purlins

Face fix, dutchman repair,  
possible scarf repair





**Bent 4**

3/8" : 1'

WEST

EAST

Post severely deteriorated and will likely need to be replaced

Post badly deteriorated, much of the material has already been removed. Post will likely need full replacement

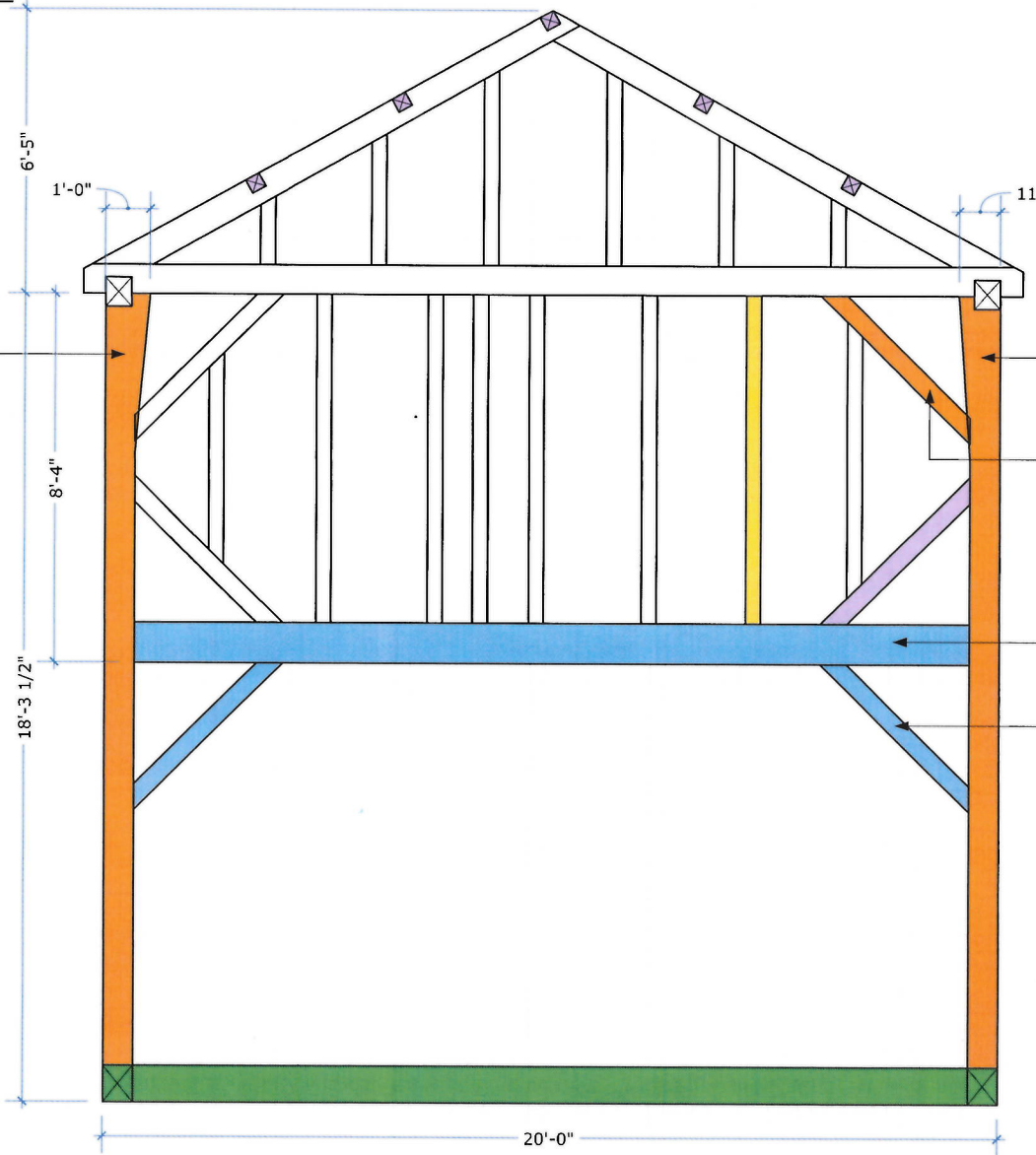
Brace badly deteriorated and will likely need to be replaced

Loft girts hidden

Lower wall braces hidden

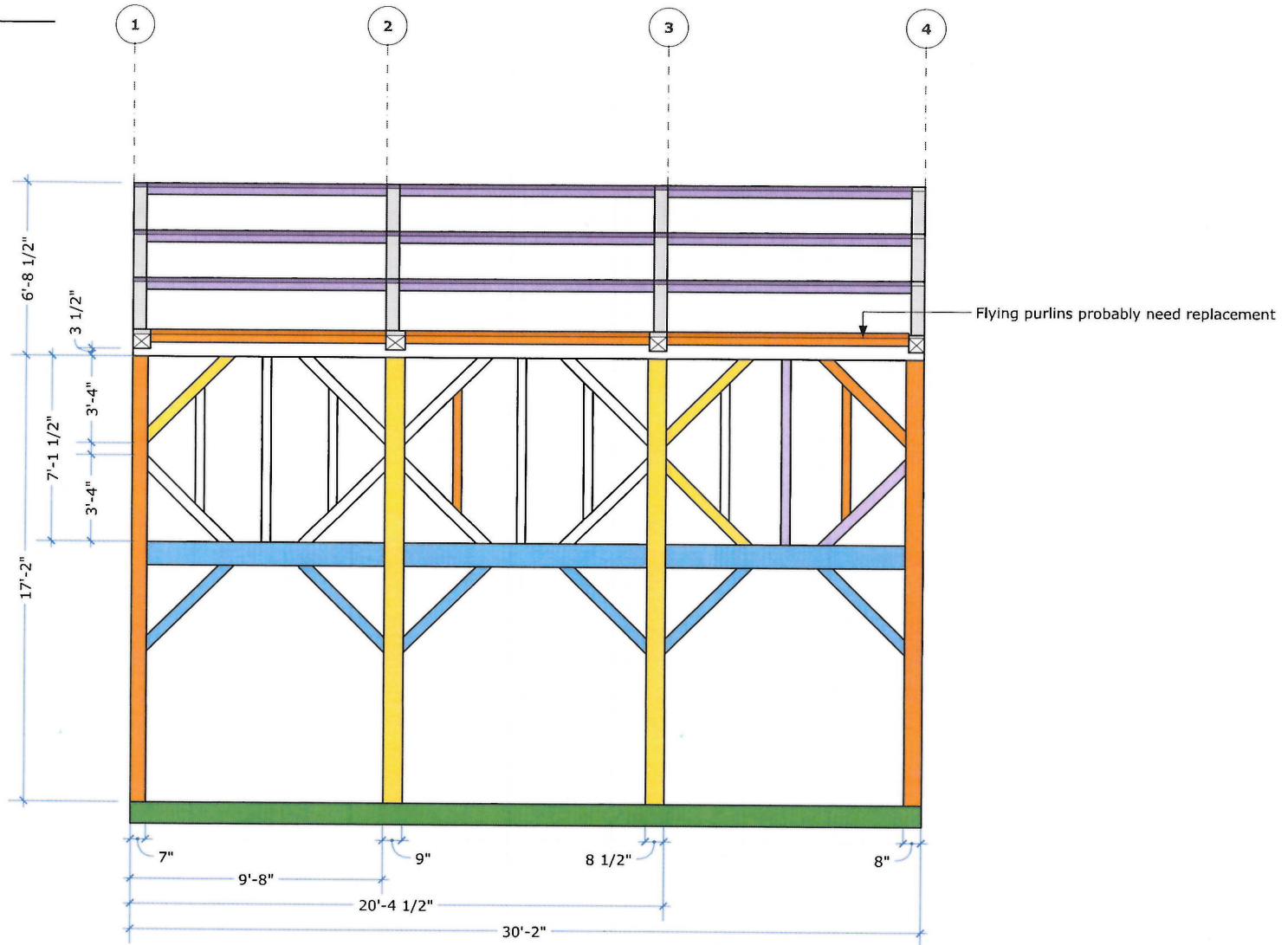
**COLOR CODE**

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- Repair
- New
- Hidden
- Missing



**East (Right) Eave**

1/4" : 1'



**PTF**

02.1.2019  
Draft 001  
Jessica MilNeil

Delisle Barn  
Brin Stevens and Stephen Delisle  
195 High St  
Newburyport, MA

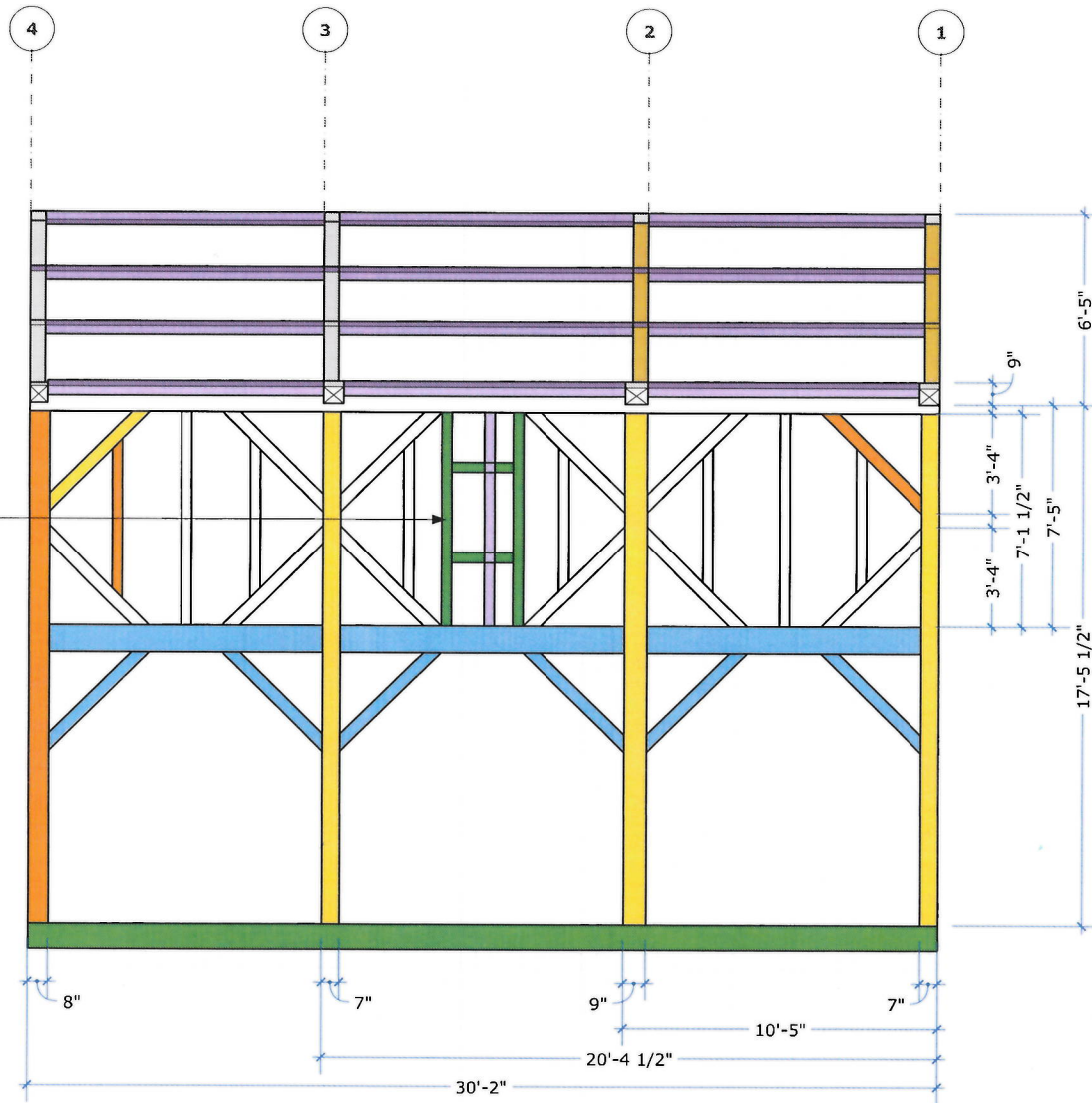
PRESERVATION TIMBER FRAMING  
P.O. Box 28  
Berwick, ME 03901  
207 698 1695



**West (Left) Eave**

1/4" : 1'

Later window addition; original stud location indicated by mortise



**COLOR CODE**

- Replace
- Repair
- New
- Hidden
- Missing