

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

Petitioner: Steven J. Lewis

Mailing Address: 11 Windward Drive

Phone: 781 820 2130 Email: steven\_j\_lewis@yahoo.com

Property Address: 2-6 Market Street, Newburyport, MA 01950

Map and Lot(s): 47/59 Zoning District: B2

Book and Page(s): 31262/0553

Owner(s) Name: Stephen White & Nancy C Trs

Mailing Address (if different): 6 Market Square Realty Trust, 69 Country Club Way, Ipswich, MA 01938

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

- Special Permit for Use (V.D) – Use # 103
- 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:  
See Project Narrative

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):

x 

x 

**City of Newburyport Planning Board  
Application for SITE PLAN REVIEW**

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Applicant: Stephen J. Lewis  
Address: 11 Windward Drive, Newburyport, MA 01950  
  
Phone: 781 820 2130  
Email: steven\_j\_lewis@yahoo.com

Property Address: 2-6 Market Street, Newburyport, MA 01950  
Assessor's Map and Lot(s): 47/59 Zoning District: B2  
Book and Page(s) or Cert.#: 31262/0553

Type of Project:  Major  Minor  Amendment (attach previous decision)

Project Description: A mixed-use building with ground floor commercial and upper floor residential (5 dwelling units). 13 off-street parking spaces provided.

Engineer: Eric Botterman, P.E. Millenium Engineering  
Address: 62 Elm Street, Salsbury, MA 01952  
  
Phone: 978 463 8980  
Email: ebotterman@mei-ma.com

Owner: Stephen White & Nancy C Trs.  
Address: 6 Market Square Realty Trust, 69 Country Club Way, Ipswich, MA 01938  
  
Phone: 978 948 2198

Owner's Signature: X X 

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2019-069-Rev1

Name: Steven J. Lewis

Address: 2-6 Market Street Zoning District(s): B2/DCOD

Request: Demolish existing commercial structure and construct new Mixed Use structure (405) including 5 residential units and ground floor office/retail use. 8.5 Spaces required for residential units, 6 spaces for up to 1800sf ground floor Prof. Office or Retail Trade/Service

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) #: 405
- 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
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
  - FAR
  - Lot Coverage
  - 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 ITIF review for unmet parking \_\_\_\_\_

Special Permit for Non-Conformities

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

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

\_\_\_\_\_  
Newburyport Zoning Administrator



10/15/2019  
Date

## 2-6 MARKET ST

**Location** 2-6 MARKET ST

**MBLU** 47/ 59/ / /

**Owner** WHITE STEPHEN J & NANCY  
C TRS

**Assessment** \$390,100

**PID** 3060

**Building Count** 1

### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$54,700	\$335,400	\$390,100

### Owner of Record

**Owner** WHITE STEPHEN J & NANCY C TRS  
**Co-Owner** 6 MARKET ST REALTY TRUST  
**Address** 69 COUNTRY CLUB WAY  
 IPSWICH, MA 01938

**Sale Price** \$0  
**Certificate**  
**Book & Page** 31262/0553  
**Sale Date** 04/18/2012  
**Instrument** 1F

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WHITE STEPHEN J & NANCY C TRS	\$0		31262/0553	1F	04/18/2012
WHITE STEPHEN J & WHITE NANCY C TRS	\$1		22975/0462	00	06/10/2004
WHITE STEPHEN J	\$65,000		06668/0085		01/03/1980

### Building Information

#### Building 1 : Section 1

**Year Built:** 1950  
**Living Area:** 1,410

Building Attributes	
Field	Description
STYLE	Office Bldg

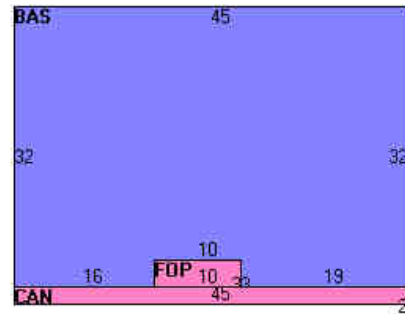
MODEL	Commercial
Stories:	1
Occupancy	1
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	
Heating Fuel	Electric
Heating Type	Electr Basebrd
AC Type	Central
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	00
Total Baths	1
1st Floor Use:	3220
Heat/AC	HEAT/AC PKGS
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	SUS-CEIL & WL
Rooms/Prtns	AVERAGE
Wall Height	12
% Comn Wall	0

**Building Photo**



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\01\00>)

**Building Layout**



(<http://images.vgsi.com/photos/NewburyportMAPhotos//Sketch>)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,410	1,410
CAN	Canopy	90	0
FOP	Porch, Open	30	0
		1,530	1,410

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 3400  
**Description** OFFICE BLD

**Land Line Valuation**

**Size (Acres)** 0.12  
**Depth** 0  
**Assessed Value** \$335,400

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			1500 S.F.	\$1,700	1

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$62,700	\$319,400	\$382,100

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# SITE PLAN REVIEW /SPECIAL PERMIT APPLICATION NEWBURYPORT PLANNING BOARD



**2-6 Market Street, Newburyport, MA**

**11-20-19**

**AN ILLUSTRATIVE PROJECT NARRATIVE**

**- A TRADITIONAL MIXED-USE DEVELOPMENT IN DOWNTOWN NEWBURYPORT -**





October 23, 2019

To: Bonnie Sonntag, Planning Board Chair

Re: Special Permit for Off-Street Parking (Section VII.A) and Site Plan Review (Section XV) for 2-6 Market Street, Newburyport, MA

Dear Chairperson Sonntag,

We are submitting a request to the Planning board for a special permit and a major site plan approval needed to support our mixed-use revitalization project in downtown Newburyport. Included in our application is a building and site plan for the property located at 2-6 Market Street. This illustrative informational packet provides maps, images, and renderings of the existing and proposed building and the site design. The property is 5,358 square feet in land area with nearly 200 feet of frontage along three public streets (Market, Merrimac, and Summer Streets). The property is located in the B-2 Zoning District and was formerly a gas and service station and has recently contained several retail service and personal service businesses. The B-2 district permits commercial and mixed-uses including, but not limited to, retail stores, restaurants, offices, inns, and residential uses. Under the ordinance, the ground-floor use of a mixed-use building determines the dimensional requirements for the property and off-street parking is required for all uses within the building. Given this proposed project has less than the required off-street parking requirements, the use of a municipal lot or parking structure is permitted, however, it requires a special permit from the Planning Board and a payment into the Intermodal Transportation Improvement Fund.

As shown in this information packet, we are proposing an 8,000 +/- SF, 3-story, mixed-use building with a majority of the required off-street parking provided at the rear of the ground-floor. We are proposing to either use an automated stacked parking system with a taller first floor height or surface parking with a lower building height. Using parking stackers will generate 12 off-street spaces and surface parking 7. The zoning requirement is 14 spaces, thus, a special permit and payment into the ITIF is required. The ground-floor use is proposed as either office or a retail use in order to activate the sidewalk and strengthen the edge of Merrimac Street. The upper floors are proposed to contain five (5) residential dwellings. Thus, under the Zoning Ordinance the building is considered "mixed-use" (#405).

Consistent with the recent capital improvements for the Titcomb Street Parking Garage the project proposes to be enhance the streetscape with brick sidewalks, planters, and period lighting on all three sides of the building. In activating and enhancing the pedestrian experience at the street level the building will be designed as a commercial storefront with at least 70% window glazing on the ground-floor with publically-accessible entryways spaced tightly along the sidewalk. The building design is intended to integrate into the surrounding historic character using traditional forms and building materials with limited but notable contemporary design elements on the entryways and the wall finish on the upper floors.

In an effort for your Board to fully appreciate the design of the building we have included several context-related images of the existing conditions on the property as well as scaled elevations of the building showing the materials and grading across the property.

Respectfully,

Steven Lewis, Developer

11 Windward Drive, Newburyport, MA

Cc: Andy Port, Planning Director



**Neighborhood Context within Downtown Newburyport**



Downtown Newburyport – Existing Conditions



Downtown Newburyport – Existing Zoning Districts

**Neighborhood Context & Downtown Zoning Districts**

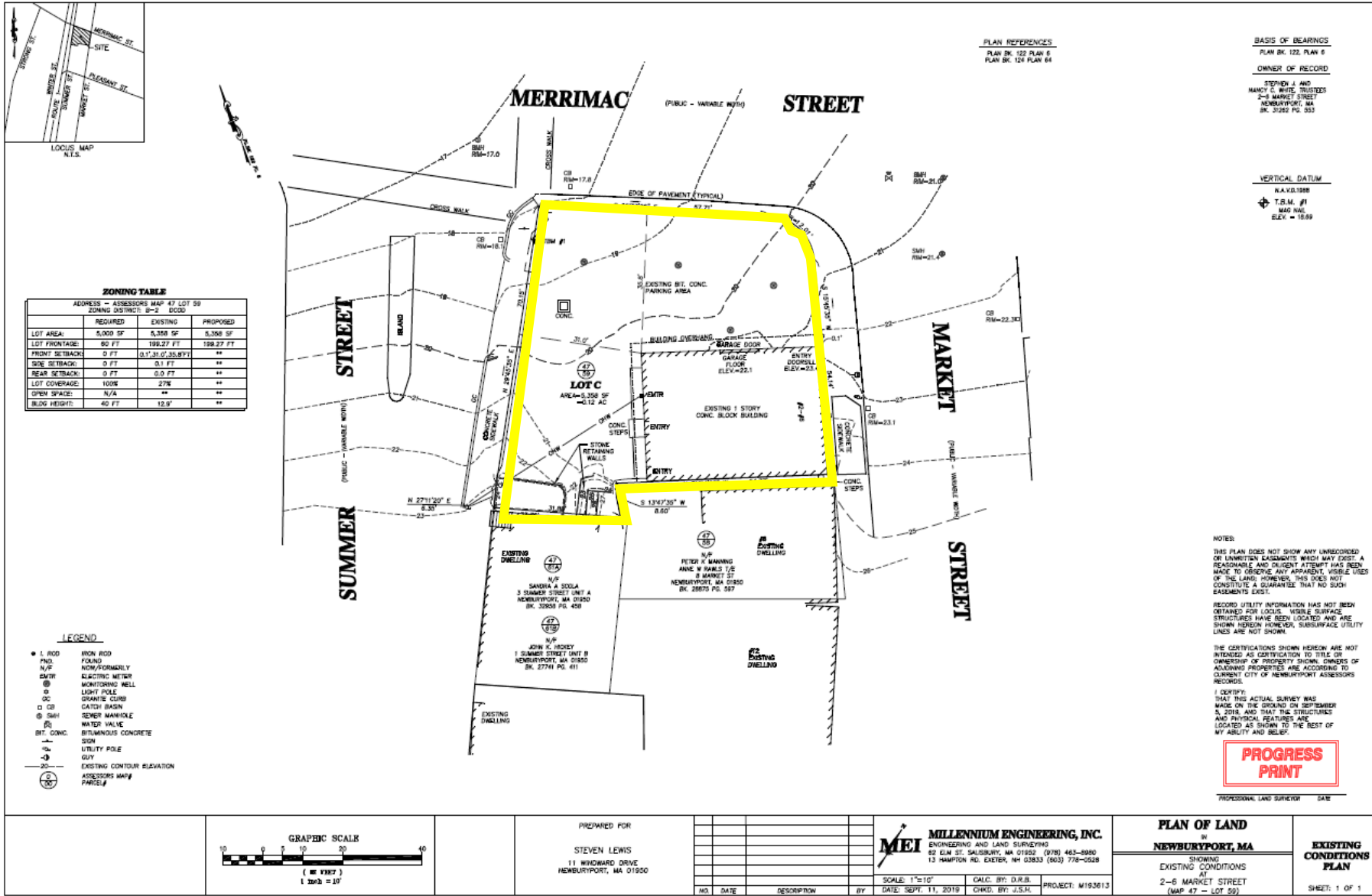


2-6 Market Street – Existing Building Footprints



2-6 Market Street – Existing Conditions

**Neighborhood Building Footprints and Existing Site Conditions**



# Existing Conditions Plan

2-6 MARKET STREET: A MIXED-USE REVITALIZATION PROJECT IN DOWNTOWN NEWBURYPORT



**Existing Streetscape along Merrimac Street at 2-6 Market Street**



**Existing Building and Surface Parking Lot at 2-6 Market Street**



**Proposed Merrimac Street Façade showing Building Height and Building Materials**





**Proposed Market Street Façade showing Building Materials**



**Proposed Summer Street Façade showing Building Materials**

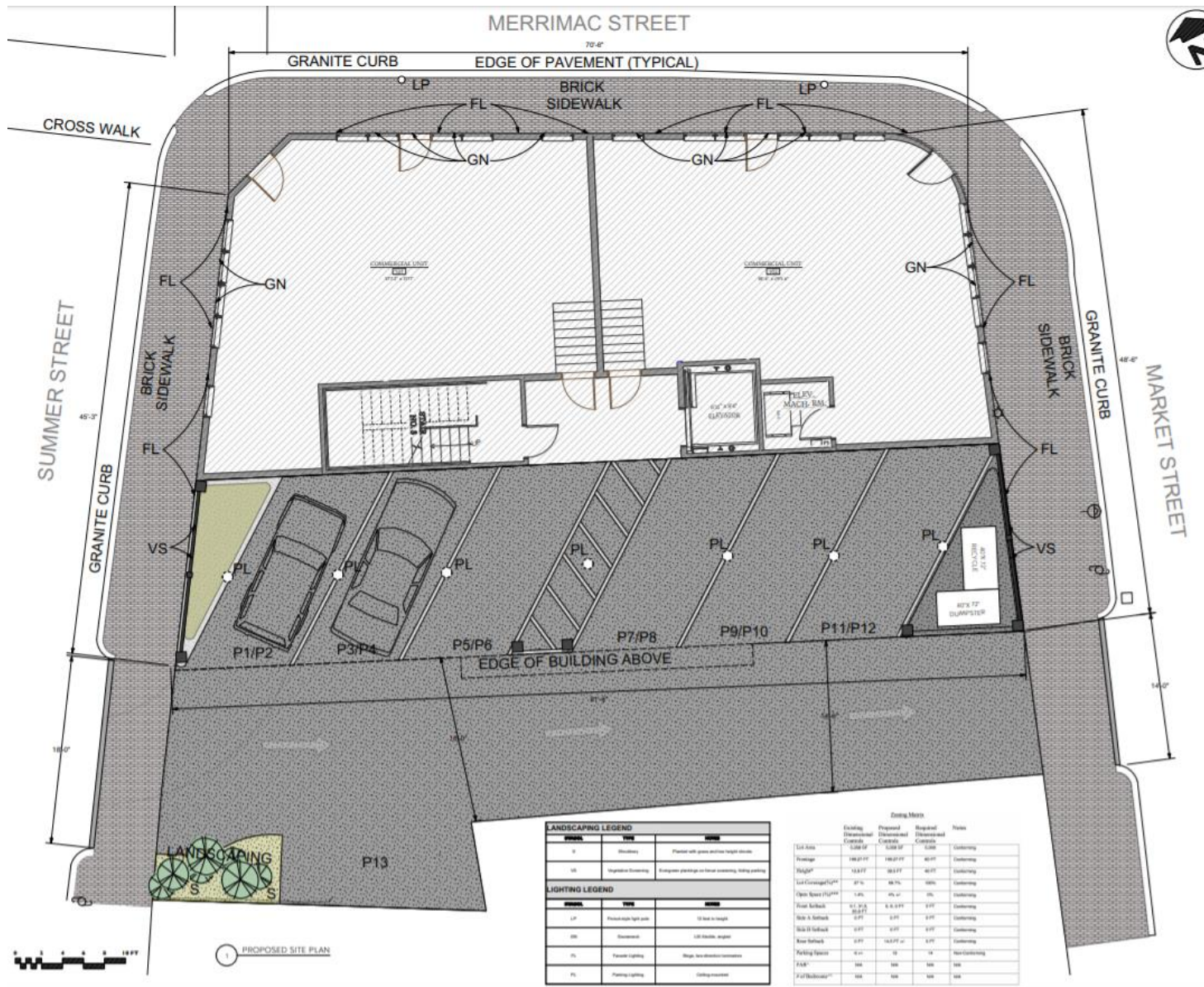


**Proposed Rear Elevation showing Stacked Parking System, Balconies, and Building Materials**



Thursday, October

**View of Proposed Building Looking East from the Intersection of Merrimac and Summer Streets**

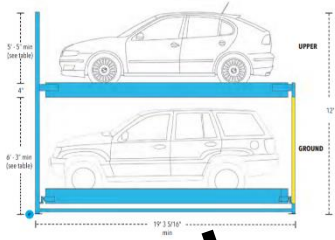


**Proposed Site Plan showing Access and Off-Street Parking**

# TWO-LEVEL



## MODEL NO 2LP



### CAR SIZES

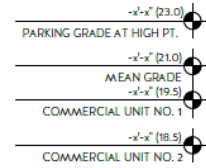
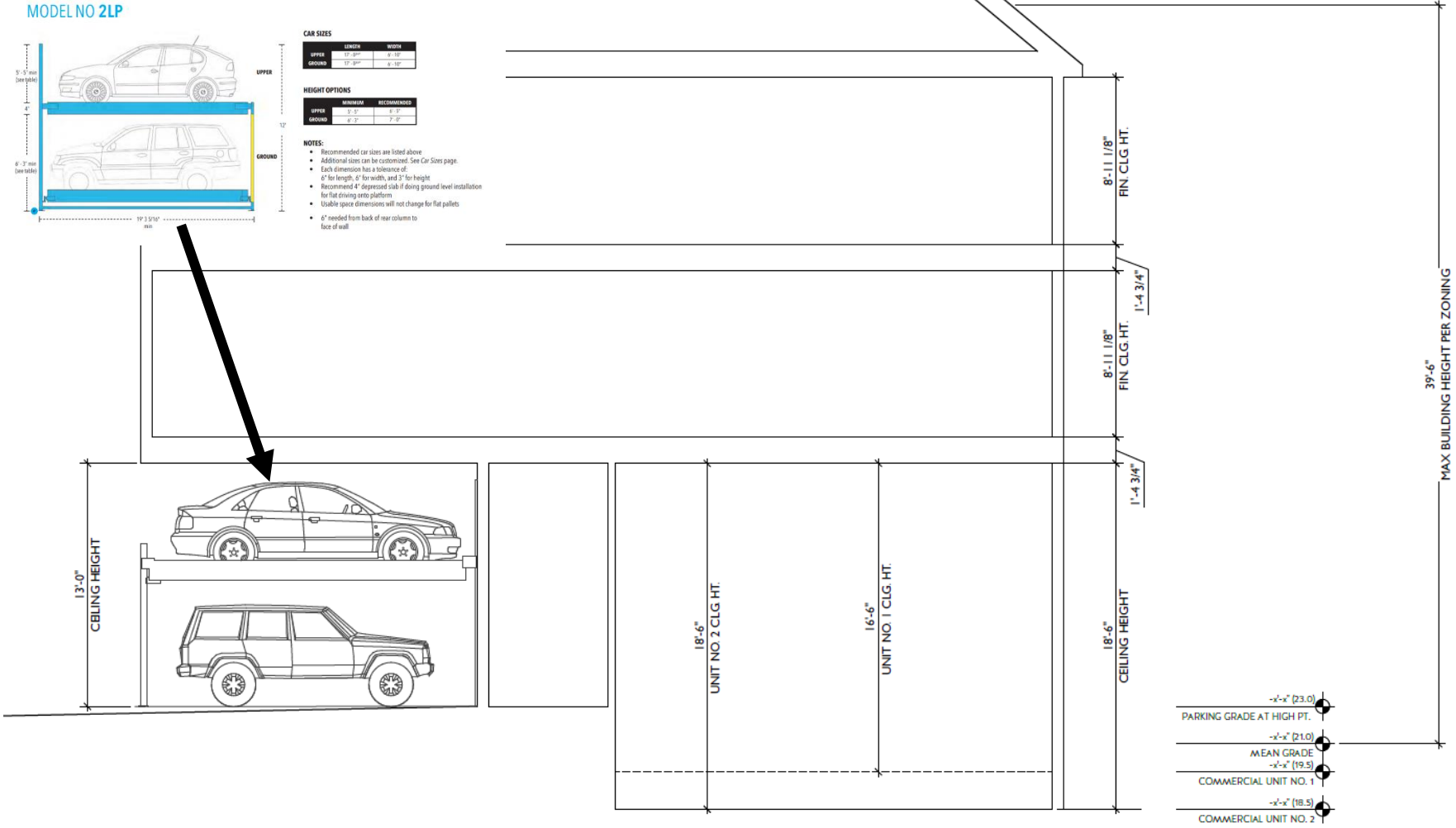
	LENGTH	WIDTH
UPPER	17'-0"	8'-0"
GROUND	17'-0"	8'-0"

### HEIGHT OPTIONS

	MINIMUM	RECOMMENDED
UPPER	5'-0"	8'-0"
GROUND	6'-0"	7'-0"

### NOTES:

- Recommended car sizes are listed above
- Additional sizes can be customized. See Car Sizes page.
- Each dimension has a tolerance of:
  - 6" for length, 4" for width, and 3" for height
- Recommended 4" depressed slab if doing ground level installation for flat driving onto platform
- Usable space dimensions will not change for flat pallets
- 6" needed from back of rear column to face of wall



**Building Cross-Section showing Stacked Parking and Ceiling-to-Floor Heights**

## ZONING TABLE

ADDRESS – ASSESSORS MAP 47 LOT 59 ZONING DISTRICT: B-2 DCOD			
	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 SF	5,358 SF	5,358 SF
LOT FRONTAGE:	60 FT	199.27 FT	199.27 FT
FRONT SETBACK:	0 FT	0.1',31.0',35.8'FT	0 FT
SIDE SETBACK:	0 FT	0.1 FT	0 FT
REAR SETBACK:	0 FT	0.0 FT	10 FT
LOT COVERAGE:	100%	27%	75%
OPEN SPACE:	N/A	N/A	N/A
BLDG HEIGHT:	40 FT	13 FT	39.5 FT

**Zoning Table showing Required, Existing, and Proposed Conditions**

## Site Plan Review Narrative (§XV)

The Zoning Ordinance requires site plan review for this project due to the nature and scale of the proposed building. Given the proposed building involves greater than 1,000 SF of new floor area the project is considered a *Major* project. In an effort to streamline the public review process, the Board held a Pre-Application Conference on October 16<sup>th</sup> and provided feedback on the preliminary building and site design. Issues focused on the off-street parking layout. In particular, several Board members expressed a concern that the parking areas adjacent the Summer Street sidewalk and travel lanes be further studied in order to minimize any pedestrian safety concerns associated with the backing of vehicles in order to either exit the site or to retrieve a vehicle from the upper level of the stacking device. Other issues related to sidewalk widths and ensuring adequate space for pedestrian activity and maintenance of the sidewalk. The following narrative is a summary response to each of the development and performance standards and other design elements considered by the Board under Site Plan Review.

### Submission Requirements (§XV.E.a):

- §XV.E.a.1: Site Location and Boundaries – The proposed Site Plan shows the required lot and building dimensions, zoning requirements, adjacent streets, and the owners' names of all adjacent properties.
- §XV.E.a.2: Structures / Building Elevations – Detailed and scaled building elevations have been provided to show a three-story, 8,000 SF +/- mixed use building that has ground-floor commercial uses and upper floor residential uses. The building elevations also list the proposed materials and the building height is also identified.
- §XV.E.a.3: Signage – The building elevations show a sign band where signage will be added by the future tenant. All future signage will comply with the zoning requirements of Section VIII.
- §XV.E.a.4: Landscaping – The proposed landscaping consists of a small planting area next to 3 Summer Street as well as planter boxes below the windows along the commercial uses or the street level of the building.
- §XV.E.a.5: Traffic – The traffic generation and impacts of the proposed project are subject to the proposed commercial tenant(s) but they are projected to be less than the existing commercial uses. The existing property has a 150 foot curb cut from the former gas/ service station use and the concrete sidewalk has been paved over along most of the street frontage.
- §XV.E.a.6: Parking – The proposed site plan proposes between 7 and 12 off-street parking spaces. 12 spaces will be provided if the automated lifts are used and 7 if without. On-Street parking is also available on both Summer and Market Streets. All parking is serviced by a 14-16 foot one-way driveway leading from Summer to Market Street. Additionally an audible/visual device will be installed adjacent the sidewalk to warn pedestrian of any vehicles backing into the sidewalk when leaving the parking spaces. A bike rack will be provided at the rear of the building for the tenants.



- §XV.E.a.7: Public Access – A 200 foot brick sidewalk is proposed from Summer Street to Market Street. The brick sidewalk varies from 6-9 feet in width and is proposed to extend across the driveway as a traffic calming measure to improve pedestrian safety.
- §XV.E.a.8: Lighting – The primary lighting for the building will be located on the building façade and period street lighting will be added along the sidewalk (subject to DPS approval).
- §XV.E.a.9: Topography – The topography on the property drops about 6 feet from Market Street to the intersection of Summer and Merrimac Street. Thus, in moving the proposed building to the edge of the sidewalk and using an automated parking stacker results in relatively high floor-to-ceiling height of the ground floor commercial space.
- §XV.E.a.10: Water Supply and Waste Disposal – Public water and sewer will be used in the proposed building and solid waste will be located within the building adjacent the proposed parking areas. Stormwater on the site currently drains to the public stormwater system along Merrimac Street. The proposed building and site plan proposes to maintain existing conditions.

**Narrative Submittals and Discretionary Reports for Major Projects (§XV.E.b):**

- §XV.E.b.1: Surface and Groundwater Pollution – The existing site is nearly 100% impervious and the existing drainage uses the city catch-basins and drainage system along Merrimac Street. No changes in stormwater management are anticipated. No additional impact is projected on downstream water bodies.
- §XV.E.b.2: Soils: In the 1970s a gas station last operated on the property. After 10 years of inactivity the Underground Storage Tanks (UST) were tested and removed from the property. Additionally soil sample testing was performed from beneath the UST as well as the vicinity of the fill pipe. Licensed Site Professionals, Subsurface Remediation Technologies, Inc., performed additional testing in 2018 and SRT determined that no conditions at the property associated with the prior gas station use required further action in order to be in full compliance with the Massachusetts Contingency Plan.
- §XV.E.b.3: Environmental and Community Impact Analysis – This project has no significant impact to wetlands, floodplains, or other sensitive resources.
- §XV.E.b.4: Traffic Impacts – A traffic report detailing the access, circulation and parking program and design will be submitted as an addendum to this application. In preparation of the proposed site plan Jeffrey Dirks, P.E. from Vanasse and Associates, Inc. has reviewed and assisted in the proposed layout. In particular, Mr. Dirks recommends we construct the sidewalk across the proposed driveway aprons as a traffic calming measure and use an audible/ visual device for any vehicles backing out of the garage parking within the vicinity of the sidewalk. If necessary, Mr. Dirks will also perform a Traffic Impact Assessment as needed. We respectfully request that the Board not require a detailed traffic impact and impact study for this project given the existing conditions, proposed uses, and the small-scale nature of the project.

- §XV.E.b.5: Architecture Design Review – Detailed architectural building elevations have been submitted to show the dimensions, massing, materials, and design details for the proposed three-story, mixed-use building. Additionally, a cross-section has been added showing how the building relates to the topography of the site and the abutting buildings.
- §XV.E.b.6: Other Permits - On November 12<sup>th</sup> a public hearing will be held at the Zoning Board of Appeals to request approval of a three-story, mixed-use building at this location. The proposed uses are commercial on the ground-floor and residential (5 units) on the upper floor. We are also seeking a special permit from the Planning Board to make an in-lieu payment to the city for any unmet parking requirements.

#### **Waivers (§XV.F):**

- §XV.E.b.7: Waiver Requests – We are requesting relief from the need to prepare detailed Drainage Report or a full Traffic Impact Study.

#### **Site Plan Review Criteria (§XV.G):**

- §XV.G.a: Community Character – The proposed project has no impact on scenic public views. It minimizes impacts to natural resources and enhances abutting historic resources. It screens off-street parking and solid waste from the public and abutting properties. The proposed building design is in harmony with the adjacent buildings and is consistent with the architectural style, scale, massing and setbacks within the district. The building design also promotes a design and architectural consistency with the value of the site and the surrounding neighborhood context. The dimensions of the building are appropriate for the location, shape and size of the property and the surrounding neighborhood buildings and structures.
- §XV.G.b: Traffic, Parking and Public Access – The proposed project minimizes the vehicular traffic and safety impacts on the surrounding streets. All off-street parking is located to maximize pedestrian and vehicular circulation within the site and neighborhood. The use of automated parking lifts and the one-way driveway alley in the rear of the structure minimizes any adverse impacts to the abutting properties.
- §XV.G.c: Public Health – The proposed building and parking design minimizes any adverse air-quality impacts associated with the project. All public commercial parking will be located on-street or at the municipal parking garage. There is no hazardous material storage planned for the proposed use.
- §XV.G.d: Public Services and Utilities – The site is currently serviced with adequate public water, sewer, and stormwater connections. The proposed use will not overburden the city’s capacity to provide such services. Any prior contamination on this site associated with the gas station use has been remediated and addressed. Stormwater management will continue to use the city’s drainage system on Merrimac Street.

- §XV.G.e: Land Use Planning – The project as design and proposed is consistent with the City’s goal for expanded housing opportunities and mixed-use developments within the downtown business districts. The proposed land use will also require a payment of \$15,000 into the Affordable Housing Trust as part of the Inclusionary Housing Ordinance (§XXX).
- §XV.G.f: Open Space and Environmental Protection –The proposed site plan minimize any environmental impacts as existing grades are maintained and any fill removed from the site associated with excavation will be disposed of in compliance with all local or state requirements. The proposed landscape plan will avoid the use of invasive plants and will use drought-resistant plant material.

**Development and Performance Standards: (§XV.H):**

- §XV.H.a: Pedestrian and Vehicular Access and Traffic Impacts – The project minimizes pedestrian and vehicular safety on the surrounding streets by significantly reducing the width of the curb-cuts, locating all off-street parking on the rear elevation of the building and including an audible/ visual warning system for cars backing into the crosswalk/ sidewalk area along Summer Street. Additionally, if an automated stacking system is used, a loading space will be included to allow for temporary parking while vehicles are removed from the upper parking level.
  - §XV.H.a.1: Access Driveways – A shared access driveway is proposed leading from Summer Street to Market Street along the rear of the building.
  - §XV.H.a.2: Curb Cuts – Two curb-cuts are required due to the fact the property fronts along three public streets. The proposed curb cuts range from 14-16 feet in width for one-way traffic.
  - §XV.H.a.3: Pedestrian Safety – Safe sight distances are achieved through the use of an audible/visual warning system and a semi-transparent screen wall along the edge of the parking garage at the rear of the building.
  - §XV.H.a.4: Circulation – A pedestrian walkway has been provided within the off-street parking area that provides for pedestrian safety to access and egress the building.
  - §XV.H.a.5: Roadway and Sidewalk Construction – The proposed brick sidewalk will comply with city design and construction standards.
  - §XV.H.a.6: Sidewalks and Pedestrian Access – The existing sidewalks will be raised and bricked to provide safe pedestrian access along the public ways. Additionally, the brick sidewalk will be extended across the entrance and exit driveways in order to provide an additional pedestrian safety element and traffic calming between pedestrian and vehicular traffic.
  - §XV.H.a.7: Bikeways – The property does not abut a bikeway or other pedestrian trail.
  - §XV.H.a.8: Off-Street Parking and Loading - The proposed project requires 14 off-street parking spaces. If automated parking lifts are used the project will have up to 12 spaces on site and require a special permit from the Board to pay

into the ITIF for the unmet parking demand of 2 spaces (or \$15,000). If the automated parking lifts are not utilized, then 7 off-street parking spaces will be provided on-site and the unmet parking demand will be 7 spaces (or \$52,500).

- §XV.H.a.9: Location of Parking Areas – The parking spaces are located behind the building as required.
- §XV.H.a.10: Frontyard Setback – No parking or loading is located within the frontyard setback (which is zero).
- §XV.H.a.11: Traffic Calming – The brick sidewalks are being extended over the proposed driveways to act as a traffic calming measure and better protect pedestrian safety along the sidewalk. An audible/visual warning system will also be used and additional traffic calming measures will be considered.
- §XV.H.a.12: Off-Site Roadway Construction – All off-site roadway construction (i.e. utility trenches) will conform to all local or state standards, specifications or special conditions.

### **Site Plan and Architectural Design (§XV.H.b):**

- §XV.H.b.1: Height – The proposed height of the building is appropriate given the existing topography on the site, the use of the stacked parking system and the fact that it complies with the maximum height of the zoning district.
- §XV.H.b.2: Massing – The proposed building massing is appropriate as it is consistent with many federal-style or historic buildings in the downtown commercial districts.
- §XV.H.b.3: Façade Composition – The façade composition is appropriate for the site as it is consistent with many federal-style or historic buildings in the downtown commercial districts.
- §XV.H.b.4: Openings – The proposed openings (windows and doors) are appropriate for the building as they are consistent with many federal-style or historic buildings in the downtown commercial districts.
- §XV.H.b.5: Roof Design – The proposed roof design is appropriate for the building as it is consistent with many federal-style or historic buildings in the downtown commercial districts.
- §XV.H.b.6: Materials and Details - The proposed building materials are appropriate for the building as they are generally consistent with some historic buildings in the downtown commercial districts. The use of stucco on the upper floors and composite slate shingles on the roofing are innovative or more contemporary design elements to subtly differentiate this building from other federal-style historic buildings in the downtown.
- §XV.H.b.7: Architectural Character – The proposed building design is consistent and compatible with other traditionally-designed mixed-use buildings in the downtown. The quality and character is appropriate as is the scale and massing of the building. Similar to other federal-style buildings the emphasis is on the horizontal lines of the building and the use of banding, signage and a well-defined cornice. The building placement is also consistent with the surrounding context.

### **Lighting (§XV.H.c):**

- §XV.H.c.1: Safe and Identity – The proposed lighting will provide adequate pedestrian safety along the sidewalk and accent lighting will be used on the building.
- §XV.H.c.2: Poles and Structures – Other than the installation of period lighting within the sidewalk, no on-site light poles are proposed.

### **Landscaping (§XV.H.d):**

- §XV.H.d.1: Buffer Strips – A buffer strip is not required for this district as the frontyard setback is 0.
- §XV.H.d.2: Retaining Walls – All retaining walls along the rear of the site will be less than 6 feet in height.
- §XV.H.d.3: Residential Screening – A wood fence is proposed to be located between the parking driveway and the abutting property. The height and final design will be determined after conferring with the direct abutters.
- §XV.H.d.4: Large Surface Parking Lots – The off-street parking area will be between 7 and 12 parking spaces so no additional landscaping is required.
- §XV.H.d.5: Storage Areas – Any exposed or outdoor storage areas will be screened from view from the public way.
- §XV.H.d.6: Maintenance – All landscaping will be drought-resistant and replaced within one growing season if needed.

### **Stormwater Management (§XV.H.e):**

- §XV.H.e.1: MA Stormwater Management Policy – The site is nearly 100% impervious today. The proposed building and site plan is similar and no proposed changes are proposed to the site drainage.
- §XV.H.e.2: Off-Site Impacts – No adverse impacts to abutting properties will be caused by the proposed development as all abutting properties are uphill from the property.
- §XV.H.e.3: Detailed Stormwater Management Plan – Roof runoff will be controlled with gutters and downspouts and be directed to the city's subsurface stormwater drainage system. No further improvements are proposed.

### **Water Quality (§XV.H.f):**

- §XV.H.f.1: Wetlands – No wetlands resources are located within 100 feet of the property.
- §XV.H.f.2: Erosion Control – During construction, a silt-sock or hay bales will be used to control any erosion or run-off from the site. There are no steep slopes on the property. Dust will be controlled during construction.
- §XV.H.f.3: Environmental Performance Standards – No hazardous materials are present on the site nor proposed with the building or site improvements.

- §XV.H.f.4: Utilities – All proposed utilities to the building are existing public utilities and will be located underground.
- §XV.H.f.5: Waterfront Marine Districts – This property is not located within a waterfront marine district.

**Final Action of Site Plan Review (§XV.I)**

Given the proposed project meets or exceeds the development and performance standards of the Site Plan Review Ordinance, we expect the Board to either approve the application as submitted or approve the project with special conditions as required during the public review process.

**Special Permit Findings (VII.A):**

We believe that the proposed project meets the following findings required for approval of the Special Permit to allow use of the Titcomb Street Parking Garage and payment into the ITIF for the unmet parking demand related to the commercial use of the proposed building:

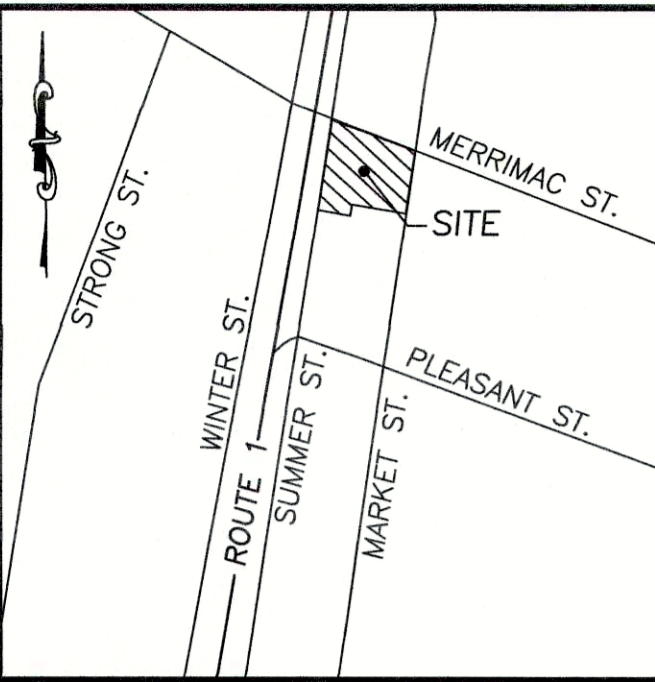
1. The proposed use (mixed-use #405) is an allowed use under the Table of Use Regulations. The proposed density is reasonable given the size of the property and the availability of off-street parking within the rear of the structure for the upper floor residential use.
2. The requested use is essential or desirable as it’s needed in order to redevelop the site and re-establish the street edge along Merrimac, Summer, and Market Streets. Additionally, the project includes significant off-site improvements to the public sidewalk.
3. The proposed use will not create undue traffic congestion or impair pedestrian safety as the final parking plan will insure that vehicles are not backing into a travel lane or causing undue congestion on Summer St. If needed, the surface parking space along the Summer St. entrance will be used as loading area to allow for temporarily parking while retrieving vehicles parked on the upper level of the stacking system.
4. The requested use will not impair the city infrastructure or service. In fact, it will improve them with replacement of the asphalt and concrete sidewalk with brick. Pending approval by the Department of Public Services, period lights will also be added along Merrimac St.
5. Any special conditions associated with the off-street parking requirements will be addressed by the Planning Board under Site Plan Review.

6. The proposed use and structure will not impair the integrity or character of the district or the surrounding neighborhood. In contrast, the proposed project will improve the quality and character of the surrounding neighborhood.
7. The proposed use will not cause an excess of the use within the surrounding neighborhood. Merrimac Street is currently a commercial district with many mixed-use buildings with upper-floor residential uses. This project adds to that character and a multi-story, mixed-use building at this location is consistent with both the historic land use pattern but future development along Merrimac Street.
8. The proposed use is in harmony with the purpose and intent of the zoning ordinance.
9. The proposed use will cause any environmental hazard or nuisance. The site has been fully characterized, assessed, and remediated under the supervision and direction of a Licensed Site Professional (MGL 21E). The site has no known environmental contamination and is appropriate for redevelopment with a mixed-use building.

### **Summary**

A primary purpose of the Zoning Ordinance is to protect the property values and community character of the adjacent properties and to a lesser extent, the larger surrounding neighborhood. In this case, the existing building and land use is clearly an inappropriate use of the property. The former gas station building is located more than 20 feet from Merrimac Street and only occupies about 27% of the lot. The remaining land area has been paved for parking - both formal and informal – and the abutting concrete sidewalks have been paved over to support a continuous curb cut from Summer to Market Street.

In contrast to the haphazard nature of the existing conditions, approval of this application will allow for replacement of an inappropriate building with a traditionally-designed, mixed-use building located directly along the sidewalk at the gateway to the downtown commercial district. The site plan proposed to construct between 7 and 12 off-street parking spaces behind the building. Significant off-site improvements in the form of brick sidewalks (over 200 feet) and period lights are also included in the proposed building and site plan. This proposal would not only improve pedestrian and vehicular safety but it would re-activate the street edge with commercial storefronts. Pedestrian safety would be improved with a variety of traffic calming measures. In summary, approval of the Site Plan and the Special Permit needed for this project represents a unique opportunity for the Board to support the replacement of a blighted, antiquated, and incongruent building and parking area with a new three-story, mixed-use, federal-style structure that is well-designed and consistent with the quality and character of other existing historic buildings in downtown Newburyport.



**BASIS OF BEARINGS**  
PLAN BK. 122, PLAN 6

**OWNER OF RECORD**  
STEPHEN J. AND  
NANCY C. WHITE, TRUSTEES  
2-6 MARKET STREET  
NEWBURYPORT, MA  
BK. 31262 PG. 553

**PLAN REFERENCES**  
PLAN BK. 122 PLAN 6  
PLAN BK. 124 PLAN 64

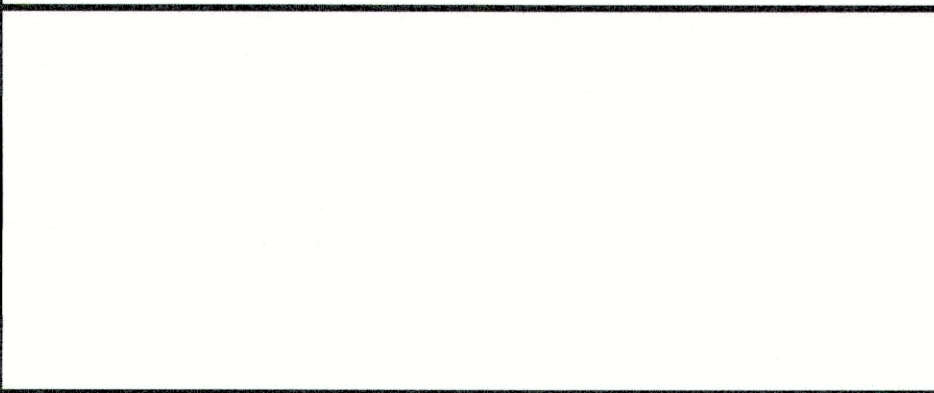
**VERTICAL DATUM**  
N.A.V.D. 1988  
T.B.M. #1  
MAG NAIL  
ELEV. = 18.69

**ZONING TABLE**

ADDRESS - ASSESSORS MAP 47 LOT 59 ZONING DISTRICT: B-2 DC0D			
	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 SF	5,358 SF	5,358 SF
LOT FRONTAGE:	60 FT	199.27 FT	199.27 FT
FRONT SETBACK:	0 FT	0.1', 31.0', 35.8' FT	**
SIDE SETBACK:	0 FT	0.1 FT	**
REAR SETBACK:	0 FT	0.0 FT	**
LOT COVERAGE:	100%	27%	**
OPEN SPACE:	N/A	1.4%	**
BLDG HEIGHT:	40 FT	12.9'	**

**LEGEND**

● I. ROD	IRON ROD
FND.	FOUND
N/F	NOW/FORMERLY
EMTR	ELECTRIC METER
⊙	MONITORING WELL
☆	LIGHT POLE
GC	GRANITE CURB
□ CB	CATCH BASIN
⊙ SMH	SEWER MANHOLE
⊙	WATER VALVE
BIT. CONC.	BITUMINOUS CONCRETE
+	SIGN
⊙	UTILITY POLE
⊙	GUY
--- 20 ---	EXISTING CONTOUR ELEVATION
⊙	ASSESSORS MAP#
⊙	PARCEL#



PREPARED FOR  
**STEVEN LEWIS**  
11 WINDWARD DRIVE  
NEWBURYPORT, MA 01950

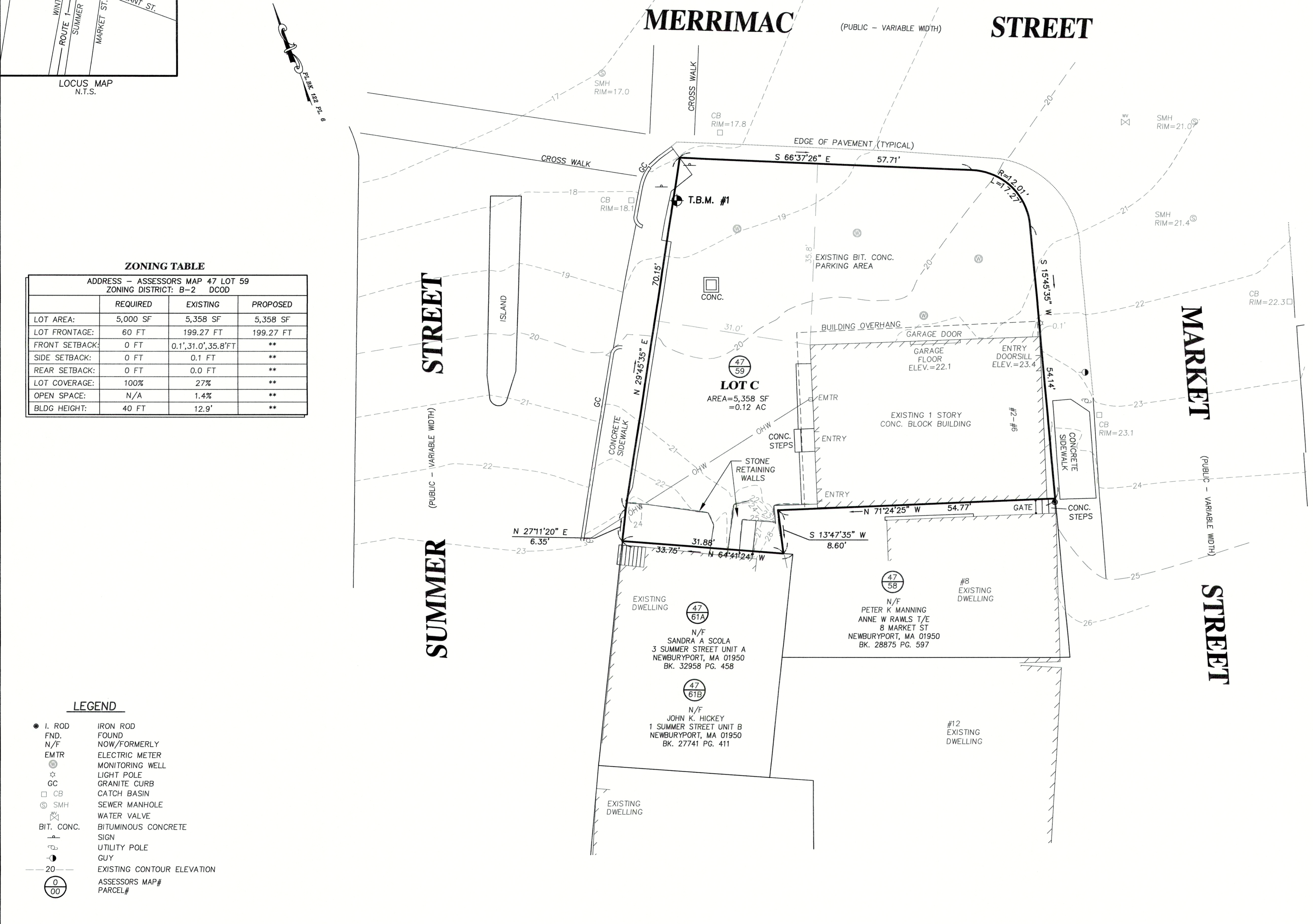
NO.	DATE	DESCRIPTION	BY

**MILLENNIUM ENGINEERING, INC.**  
ENGINEERING AND LAND SURVEYING  
62 ELM ST. SALISBURY, MA 01952 (978) 463-8980  
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

SCALE: 1"=10'  
DATE: OCT. 23, 2019  
CALC. BY: D.R.B.  
CHKD. BY: J.S.H.  
PROJECT: M193613

**PLAN OF LAND**  
IN  
**NEWBURYPORT, MA**  
SHOWING  
**EXISTING CONDITIONS**  
AT  
**2-6 MARKET STREET**  
(MAP 47 - LOT 59)

**EXISTING CONDITIONS PLAN**  
SHEET: 1 OF 1



**NOTES:**  
THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.

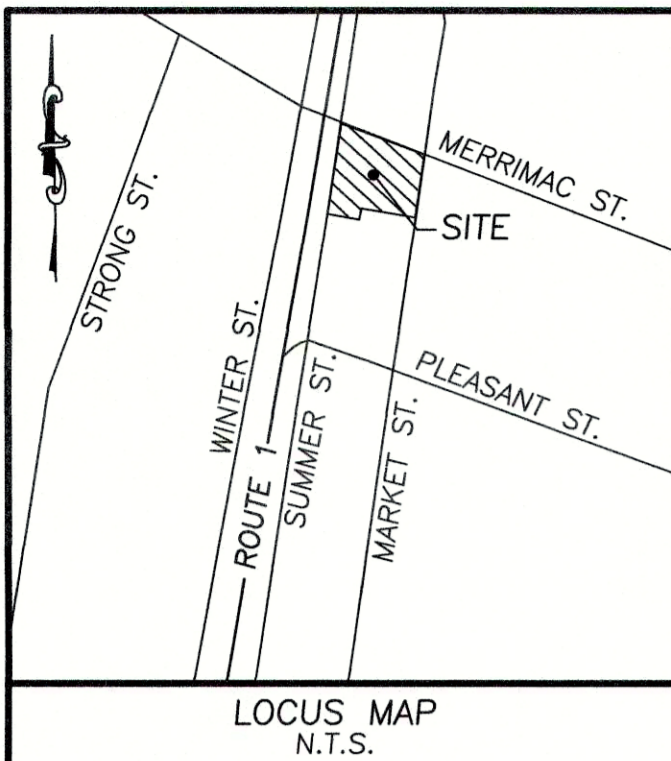
RECORD UTILITY INFORMATION HAS NOT BEEN OBTAINED FOR LOCUS. VISIBLE SURFACE STRUCTURES HAVE BEEN LOCATED AND ARE SHOWN HEREON HOWEVER, SUBSURFACE UTILITY LINES ARE NOT SHOWN.

THE CERTIFICATIONS SHOWN HEREON ARE NOT INTENDED AS CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT CITY OF NEWBURYPORT ASSESSORS RECORDS.

I CERTIFY: THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND ON SEPTEMBER 5, 2019, AND THAT THE STRUCTURES AND PHYSICAL FEATURES ARE LOCATED AS SHOWN TO THE BEST OF MY ABILITY AND BELIEF.

JEFFREY S. HOFMANN  
PROFESSIONAL LAND SURVEYOR  
DATE: 10/23/19





**BASIS OF BEARINGS**

PLAN BK. 122, PLAN 6

**OWNER OF RECORD**

STEPHEN J. AND  
NANCY C. WHITE, TRUSTEES  
2-6 MARKET STREET  
NEWBURYPORT, MA  
BK. 31262 PG. 553

**PLAN REFERENCES**

PLAN BK. 122 PLAN 6  
PLAN BK. 124 PLAN 64

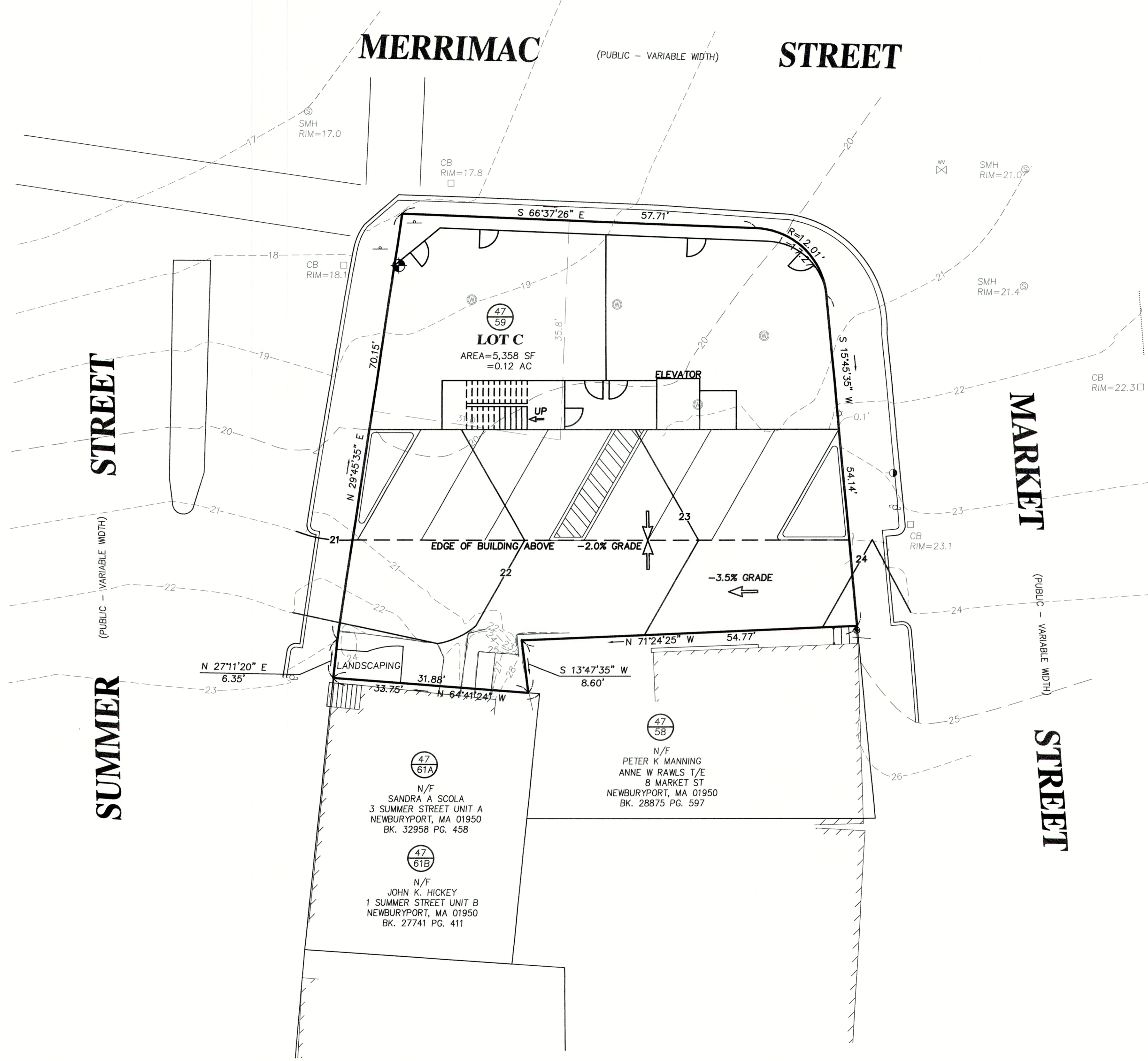
**VERTICAL DATUM**

N.A.V.D.1988  
T.B.M. #1  
MAG NAIL  
ELEV. = 18.69

**ZONING TABLE**

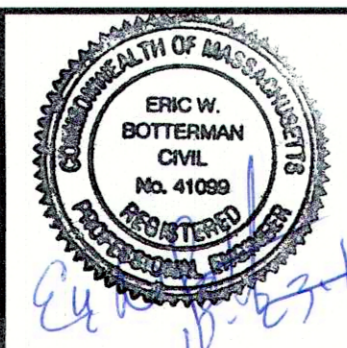
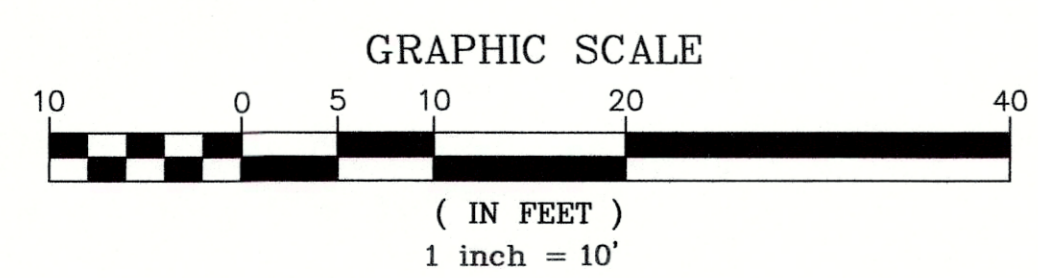
ADDRESS - ASSESSORS MAP 47 LOT 59  
ZONING DISTRICT: B-2 DCOD

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 SF	5,358 SF	5,358 SF
LOT FRONTAGE:	60 FT	199.27 FT	199.27 FT
FRONT SETBACK:	0 FT	0.1', 31.0', 35.8'	0.0', 0.0', 2.1'
SIDE SETBACK:	0 FT	0.1 FT	14.0'
REAR SETBACK:	0 FT	NA	NA
LOT COVERAGE:	100%	27%	69.7%
OPEN SPACE:	N/A	1.4%	4% +/-
BLDG HEIGHT:	40 FT	12.9'	39.5'



**LEGEND**

- I. ROD IRON ROD
- FND. FOUND
- N/F NOW/FORMERLY
- EMTR ELECTRIC METER
- ⊙ MONITORING WELL
- ☆ LIGHT POLE
- GC GRANITE CURB
- CB CATCH BASIN
- ⊙ SMH SEWER MANHOLE
- ⊗ WATER VALVE
- BIT. CONC. BITUMINOUS CONCRETE
- SIGN
- UTILITY POLE
- GUY
- 20- EXISTING CONTOUR ELEVATION
- /○○ ASSESSORS MAP#
- /○○ PARCEL#



PREPARED FOR  
**STEVEN LEWIS**  
11 WINDWARD DRIVE  
NEWBURYPORT, MA 01950

**MEI MILLENNIUM ENGINEERING, INC.**  
ENGINEERING AND LAND SURVEYING  
62 ELM ST. SALISBURY, MA 01952 (978) 463-8980  
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

**PLAN OF LAND**  
IN  
**NEWBURYPORT, MA**  
SHOWING  
**PROPOSED CONDITIONS**  
AT  
**2-6 MARKET STREET**  
(MAP 47 - LOT 59)

**SITE PLAN**

SHEET: 1 OF 1

MERRIMAC STREET

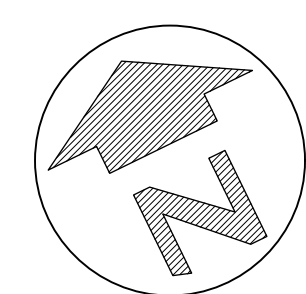
70'-6"

GRANITE CURB

EDGE OF PAVEMENT (TYPICAL)

BRICK  
SIDEWALK

CROSS WALK



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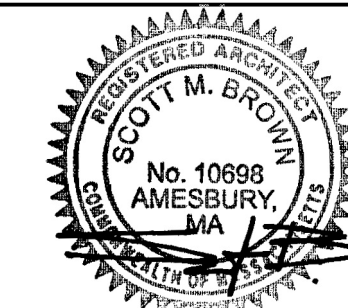
29 WATER STREET,

SUITE 209

NEWBURYPORT, MA 01950

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MARKET STREET CONDOS

2-6 MARKET STREET, NEWBURYPORT, MA

REVISION & REISSUE NOTES

No.	Date	Notes

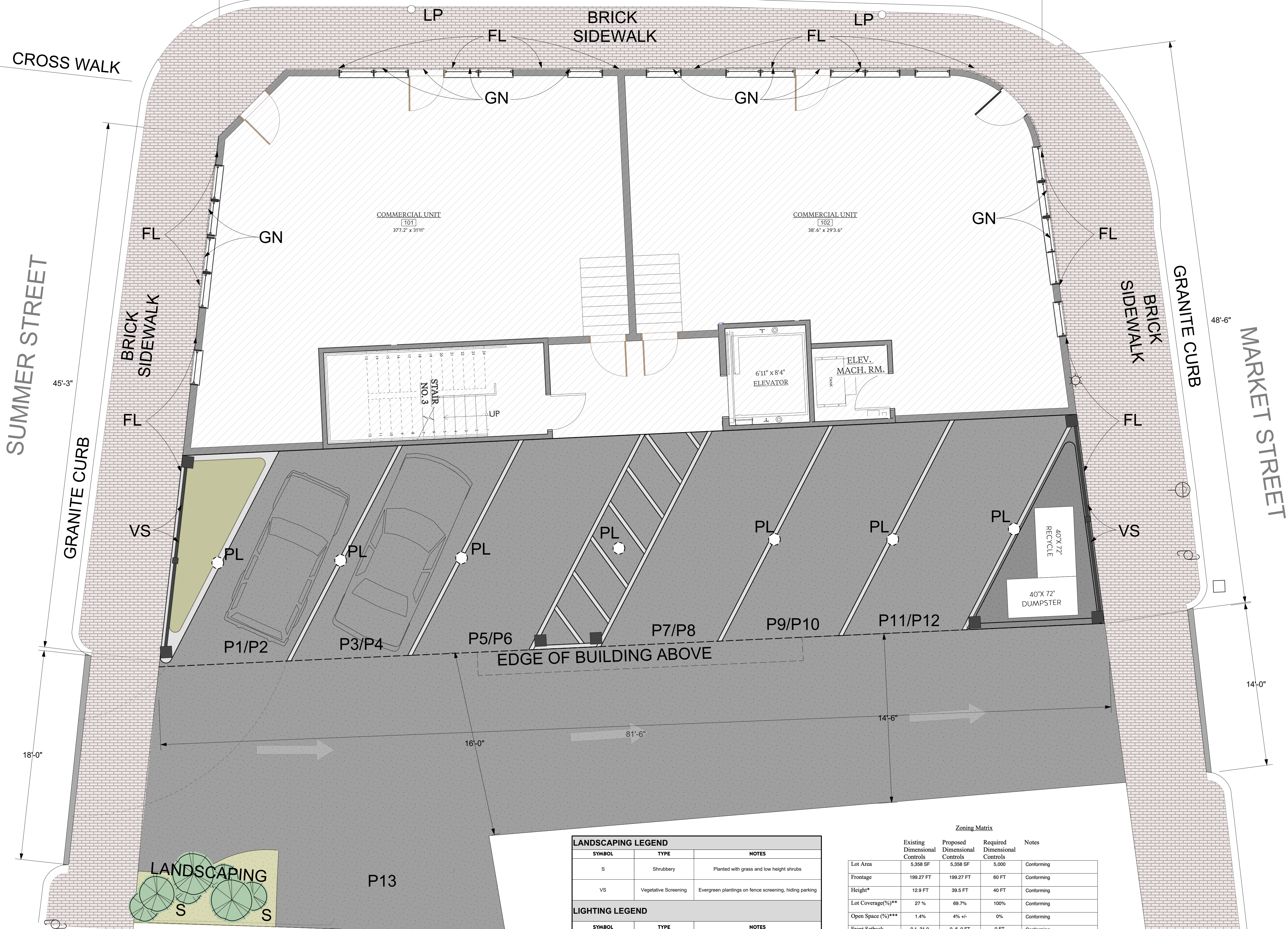
Project #	Project Manager	Date
2019-33	M.L.	10.23.19

Scale: AS NOTED

SITE PLAN

A1.0

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COMMERCIAL UNIT  
[101]  
377.2' x 311"

COMMERCIAL UNIT  
[102]  
38.6' x 293.6'

STAIR  
NO. 3  
UP

6'11" x 8'4"  
ELEVATOR

ELEV.  
MACH. RM.

40' X 72'  
RECYCLE

40' X 72'  
DUMPSTER

EDGE OF BUILDING ABOVE

LANDSCAPING

P13

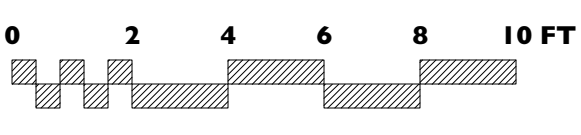
LANDSCAPING LEGEND		
SYMBOL	TYPE	NOTES
S	Shrubbery	Planted with grass and low height shrubs
VS	Vegetative Screening	Evergreen plantings on fence screening, hiding parking

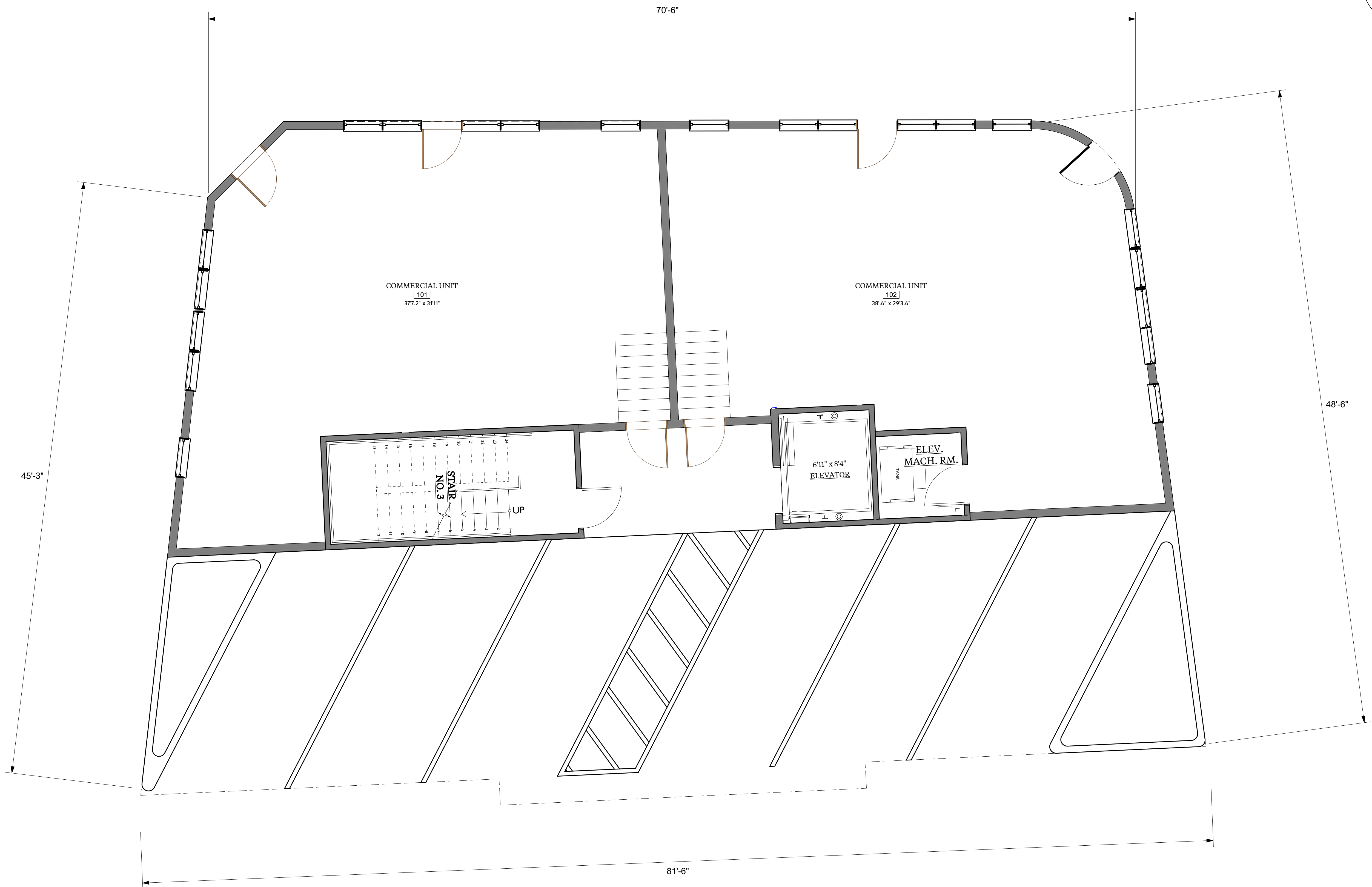
LIGHTING LEGEND		
SYMBOL	TYPE	NOTES
LP	Period-style light pole	12 feet in height
GN	Gooseneck	LSI Abolite, angled
FL	Facade Lighting	Bega, two-direction luminaires
PL	Parking Lighting	Ceiling-mounted

	Zoning Matrix			Notes
	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls	
Lot Area	5,358 SF	5,358 SF	5,000	Conforming
Frontage	199.27 FT	199.27 FT	60 FT	Conforming
Height*	12.9 FT	39.5 FT	40 FT	Conforming
Lot Coverage(%)**	27 %	69.7%	100%	Conforming
Open Space (%)***	1.4%	4% +/-	0%	Conforming
Front Setback	0, 1, 31.0, 35.8 FT	0, 6, 0 FT	0 FT	Conforming
Side A Setback	0 FT	0 FT	0 FT	Conforming
Side B Setback	0 FT	0 FT	0 FT	Conforming
Rear Setback	0 FT	14.5 FT +/-	0 FT	Conforming
Parking Spaces	6 +/-	13	14	Non-Conforming
FAR^	N/A	N/A	N/A	N/A
# of Bedrooms^^	N/A	N/A	N/A	N/A

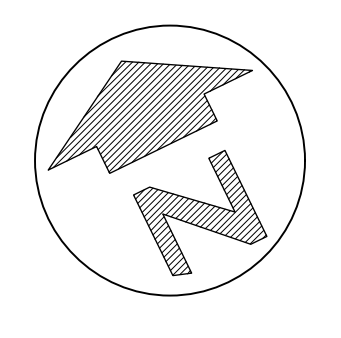
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1 PROPOSED SITE PLAN



1 PROPOSED FIRST FLOOR PLAN



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**MARKET STREET CONDOS**  
 2-6 MARKET STREET, NEWBURYPORT, MA

REVISION & REISSUE NOTES

No.	Date	Notes

Project # 2019-33	Project Manager M.L.	Date 10.23.19
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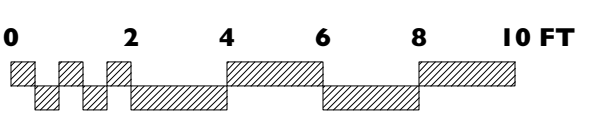
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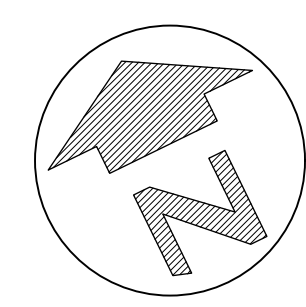
FIRST FLOOR PLAN

**A1.1**

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FLOOR	UNIT NUMBER	RESIDENTIAL/COMMERCIAL	BED / BATH	SQ. FOOTAGE
FIRST FLOOR	101	COMMERCIAL	N/A / 1 BATH	866 SF
	102	COMMERCIAL	N/A / 1 BATH	853 SF
SECOND FLOOR	201	RESIDENTIAL	2 BR / 2 BATH	1,168 SF
	202	RESIDENTIAL	2 BR / 2 BATH	1,153 SF
	203	RESIDENTIAL	2 BR / 2 BATH	936 SF
THIRD FLOOR	301	RESIDENTIAL	3 BR / 3 BATH	1,626 SF
	302	RESIDENTIAL	3 BR / 3 BATH	1,569 SF





**MARKET STREET CONDOS**  
2-6 MARKET STREET, NEWBURYPORT, MA



1 PROPOSED SECOND FLOOR PLAN

REVISION & REISSUE NOTES

No.	Date	Notes

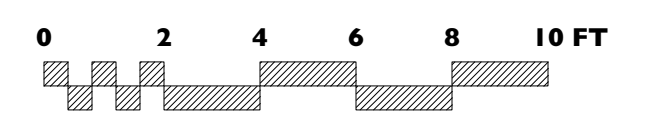
Project #	Project Manager	Date
2019-33	M.L.	10.23.19

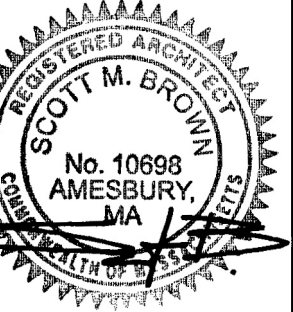
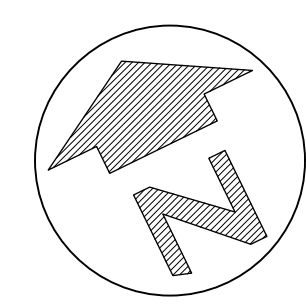
Scale: AS NOTED

**SECOND FLOOR PLAN**

**A1.2**

FLOOR	UNIT NUMBER	RESIDENTIAL/COMMERCIAL	BED / BATH	SQ. FOOTAGE
FIRST FLOOR	101	COMMERCIAL	N/A / 1 BATH	866 SF
	102	COMMERCIAL	N/A / 1 BATH	853 SF
SECOND FLOOR	201	RESIDENTIAL	2 BR / 2 BATH	1,168 SF
	202	RESIDENTIAL	2 BR / 2 BATH	1,153 SF
	203	RESIDENTIAL	2 BR / 2 BATH	936 SF
THIRD FLOOR	301	RESIDENTIAL	3 BR / 3 BATH	1,626 SF
	302	RESIDENTIAL	3 BR / 3 BATH	1,569 SF





**MARKET STREET CONDOS**  
 2-6 MARKET STREET, NEWBURYPORT, MA



1 PROPOSED THIRD FLOOR PLAN

REVISION & REISSUE NOTES

No.	Date	Notes

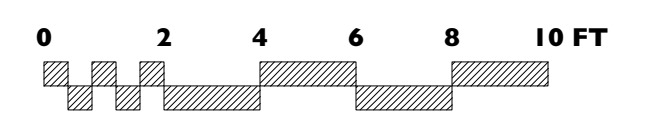
Project #	Project Manager	Date
2019-33	M.L.	10.23.19

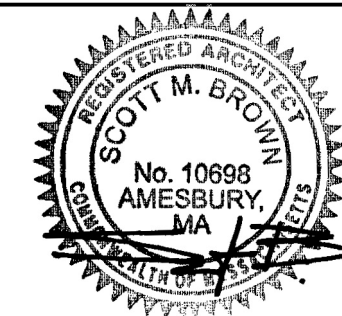
Scale: AS NOTED

THIRD FLOOR PLAN

**A1.3**

FLOOR	UNIT NUMBER	RESIDENTIAL/COMMERCIAL	BED / BATH	SQ. FOOTAGE
FIRST FLOOR	101	COMMERCIAL	N/A / 1 BATH	866 SF
	102	COMMERCIAL	N/A / 1 BATH	853 SF
SECOND FLOOR	201	RESIDENTIAL	2 BR / 2 BATH	1,168 SF
	202	RESIDENTIAL	2 BR / 2 BATH	1,153 SF
	203	RESIDENTIAL	2 BR / 2 BATH	936 SF
THIRD FLOOR	301	RESIDENTIAL	3 BR / 3 BATH	1,626 SF
	302	RESIDENTIAL	3 BR / 3 BATH	1,569 SF





**MARKET STREET CONDOS**  
2-6 MARKET STREET, NEWBURYPORT, MA



REVISION & REISSUE NOTES

No.	Date	Notes

Project #	Project Manager	Date
2019-33	M.L.	10.23.19

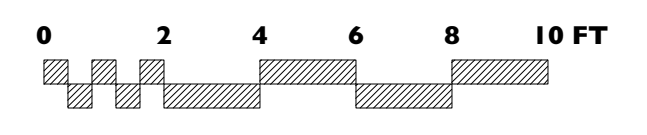
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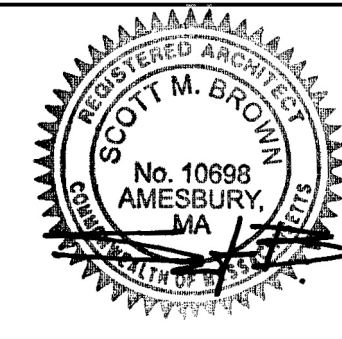
**FRONT ELEVATION**

**A2.1**

1 PROPOSED FRONT ELEVATION

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MARKET STREET CONDOS  
 2-6 MARKET STREET, NEWBURYPORT, MA



1 PROPOSED RIGHT ELEVATION

REVISION & REISSUE NOTES

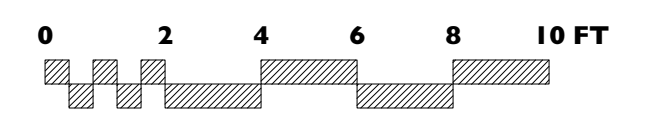
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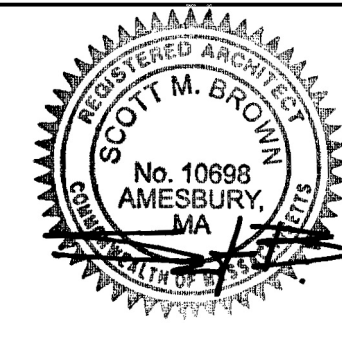
Project #	Project Manager	Date
2019-33	M.L.	10.23.19

Scale: AS NOTED

RIGHT ELEVATION

A2.2





**MARKET STREET CONDOS**  
 2-6 MARKET STREET, NEWBURYPORT, MA



1 PROPOSED LEFT ELEVATION

REVISION & REISSUE NOTES

No.	Date	Notes

Project # 2019-33	Project Manager M.L.	Date 10.23.19
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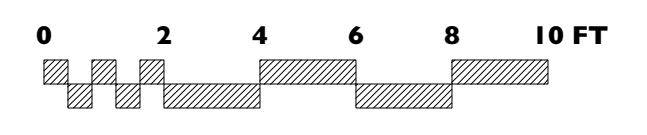
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**LEFT ELEVATION**

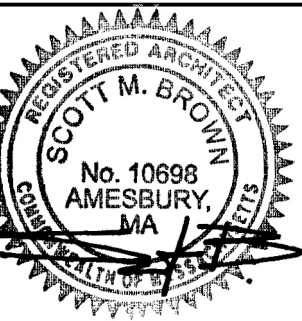
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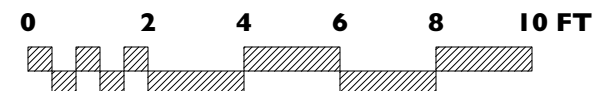




MARKET STREET CONDOS  
2-6 MARKET STREET, NEWBURYPORT, MA



1 PROPOSED REAR ELEVATION



2-6 Market Street\_SD\_FloorPlans&Elevations.vwx

REVISION & REISSUE NOTES

No.	Date	Notes

Project #	Project Manager	Date
2019-33	M.L.	10.23.19

Scale: AS NOTED

REAR ELEVATION  
**A2.4**



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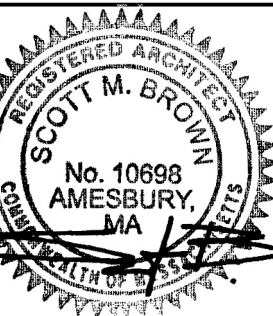
29 WATER STREET,

SUITE 209

NEWBURYPORT, MA 01950

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**MARKET STREET CONDOS**

2-6 MARKET STREET, NEWBURYPORT, MA

REVISION & REISSUE NOTES

No.	Date	Notes

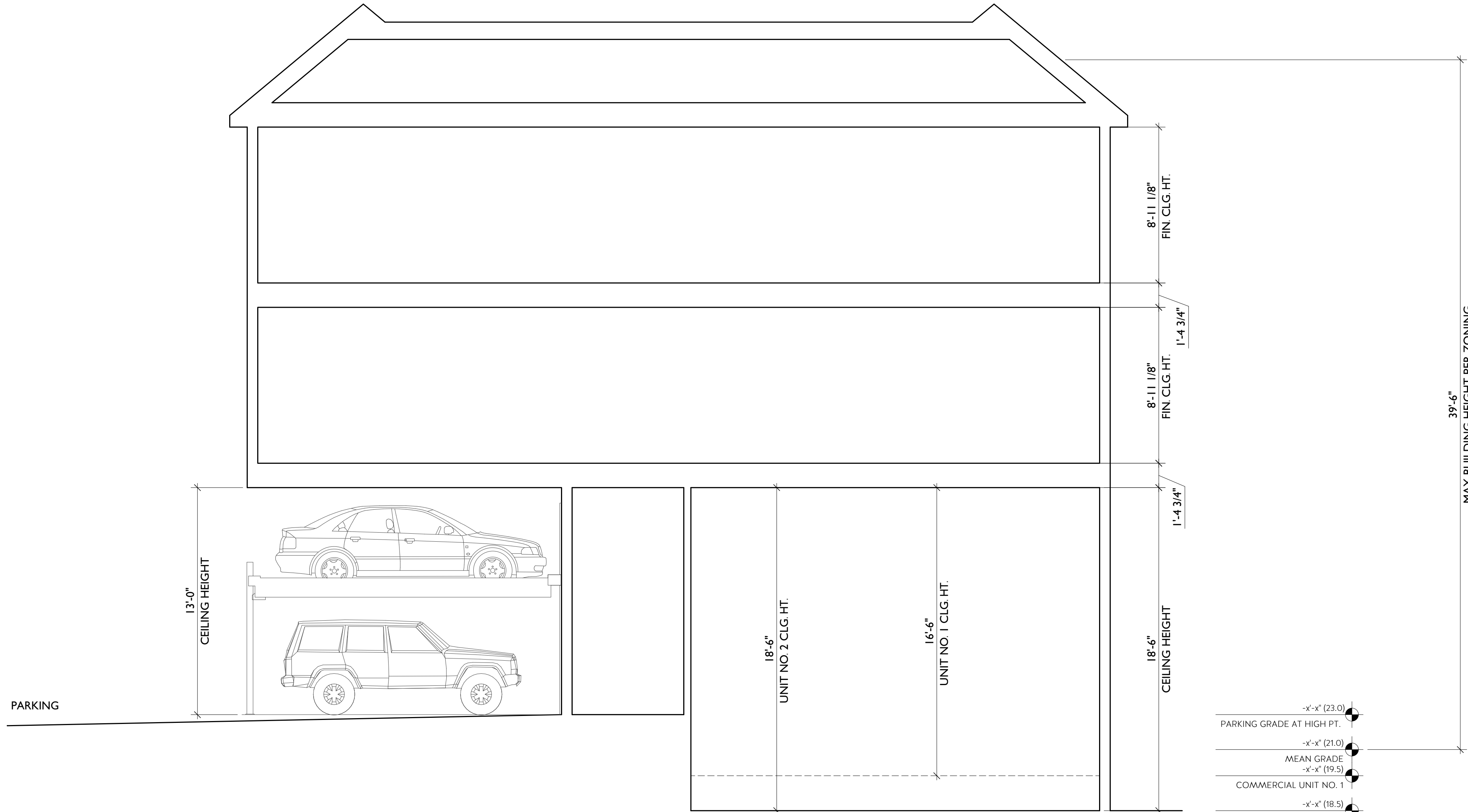
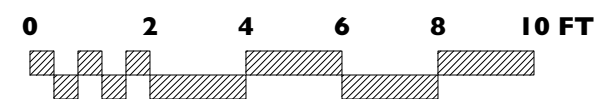
Project #	Project Manager	Date
2019-33	M.L.	10.23.19

Scale: AS NOTED

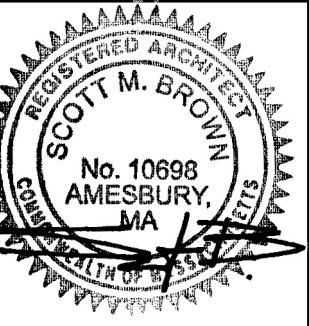
**NORTHWEST VIEW  
RENDERING**

**A2.5**

C:\0\_Files\New\2-6\_MarketStreet\_SD\_FloorPlans&Elevations.vwx



1 PROPOSED SECTION



**MARKET STREET CONDOS**  
2-6 MARKET STREET, NEWBURYPORT, MA

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Scale: AS NOTED

**SECTION**

**A3.1**