

# **SPECIAL PERMIT APPLICATION**



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

**SUBMITTED BY: Steven J. Lewis, 11 Windward Drive, Newburyport**

**SUBMITTED TO: NEWBURYPORT ZONING BOARD OF APPEALS**

**October 18, 2019**

# **APPLICATION FOR SPECIAL PERMIT**

- 1. SPECIAL PERMIT FORM**
- 2. ZONING DETERMINATION**
- 3. PROJECT NARRATIVE**
- 4. ASSESSOR'S CARD INFORMATION**
- 5. SITE PLANS**

# 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, 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

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)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

**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

**Sale Price** \$0

**Co-Owner** 6 MARKET ST REALTY TRUST

**Certificate**

**Address** 69 COUNTRY CLUB WAY  
IPSWICH, MA 01938

**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

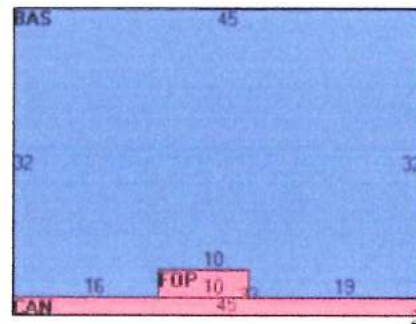
Exterior Wall 1	FRG T&B WOOD
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	
Heating Fuel	Electric
Heating Type	Electr Basebrd
AC Type	Central
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	00
Total Baths	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
% Corn Wall	0

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//\01\00\0>;

### Building Layout



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

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

### Land Line Valuation

**Description** OFFICE BLD

**Depth**

0

**Assessed Value** \$335,400

**Outbuildings**

Outbuildings						<u>Legend</u>
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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# SPECIAL PERMIT APPLICATION – ZONING BOARD OF APPEALS



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

**11-12-19**

**AN ILLUSTRATIVE PROJECT NARRATIVE & SPECIAL PERMIT APPLICATION**

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





October 16, 2019

To: Robert Ciampetti, Zoning Board Chair

Re: Special Permit for a Mixed-Use (#405) Project at 2-6 Market Street, Newburyport, MA

Dear Chairperson Ciampetti,

We are submitting a request to the Zoning Board of Appeals (ZBA) for a special permit needed to support our mixed-use revitalization project in downtown Newburyport. Included in our application is a conceptual 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 using a stacked parking system. 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) and requires a special permit for use from the ZBA.

Consistent with the recent capital improvements for the Titcomb Street Parking Garage the streetscape and sidewalk along this gateway section of Merrimac Street is proposed to be enhanced 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. The use of stacked parking allows each of the residential units to have two spaces per unit.

In an effort for your Board to fully appreciate the thoughtful design of the building we have included several context-related images of the existing conditions as well as scaled elevations of the building and site. Pending approval from the ZBA we will file for Site Plan Review with the PB.

Respectfully,

Steven Lewis, Developer

11 Windward Drive, Newburyport, MA

Cc: Andy Port, Planning Director



**Neighborhood Context in Downtown Newburyport**



Downtown Newburyport – Existing Conditions



Downtown Newburyport – Existing Zoning Districts

**Neighborhood Context & Zoning District**

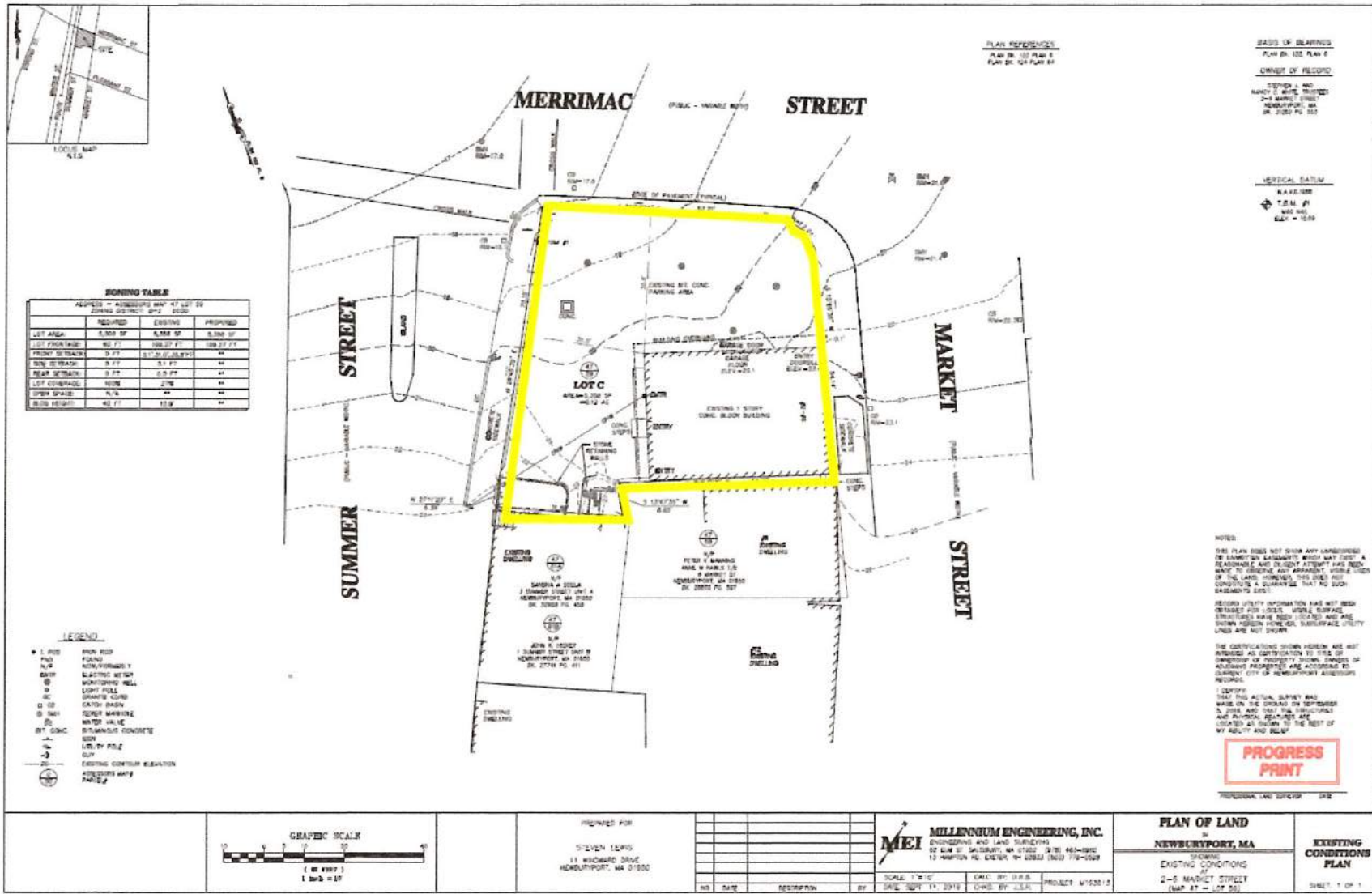


2-6 Market Street – Existing Building Footprints



2-6 Market Street – Existing Conditions

**Building Footprints and Existing Site Conditions**



## Property Survey Plan showing Existing Conditions

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



## Existing Streetscape along Merrimac Street



**Existing Building and Surface Parking on Merrimac Street**





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



**Proposed Market Street Façade showing Building Materials**



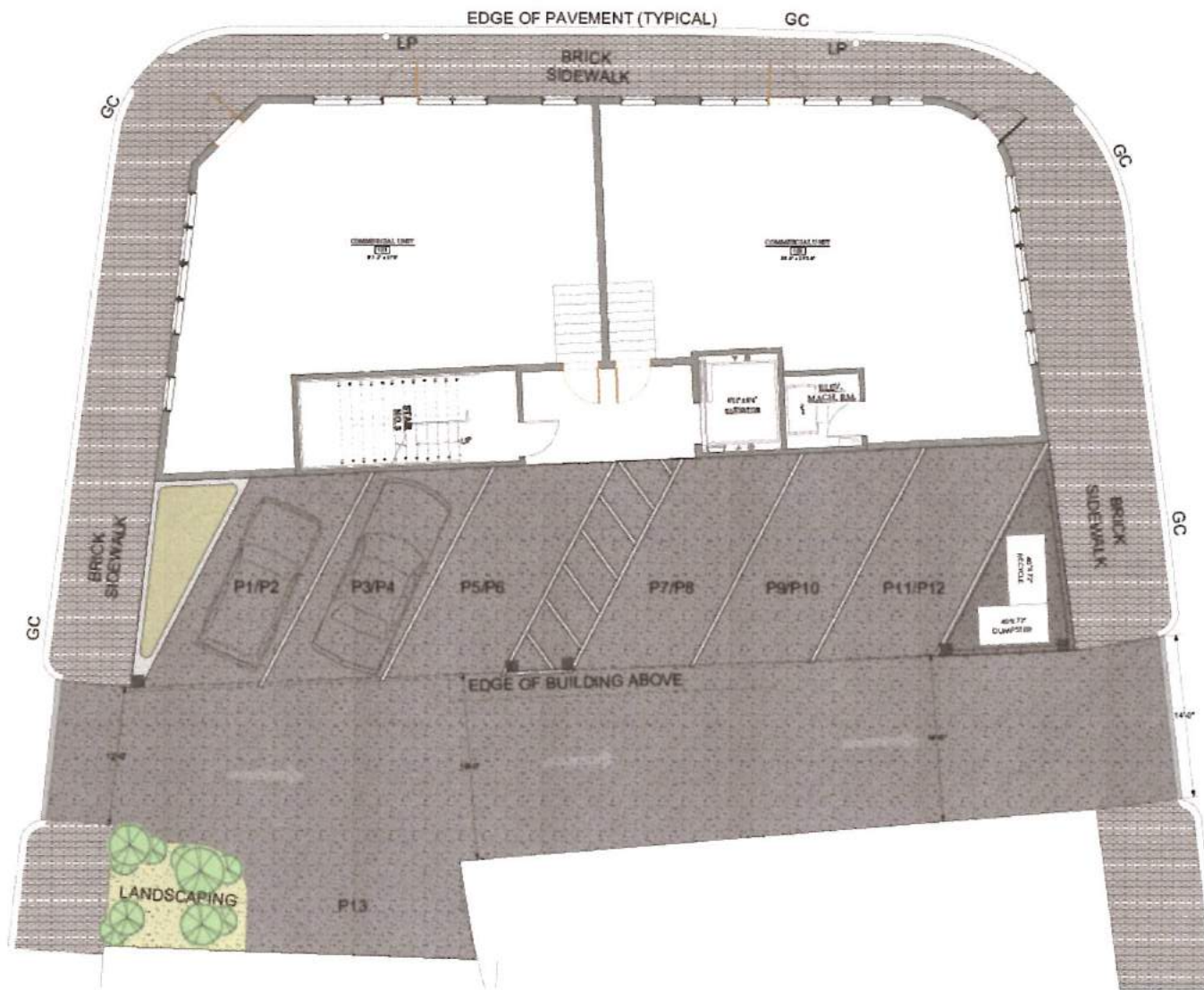
**Proposed Summer Street Façade showing Building Materials**



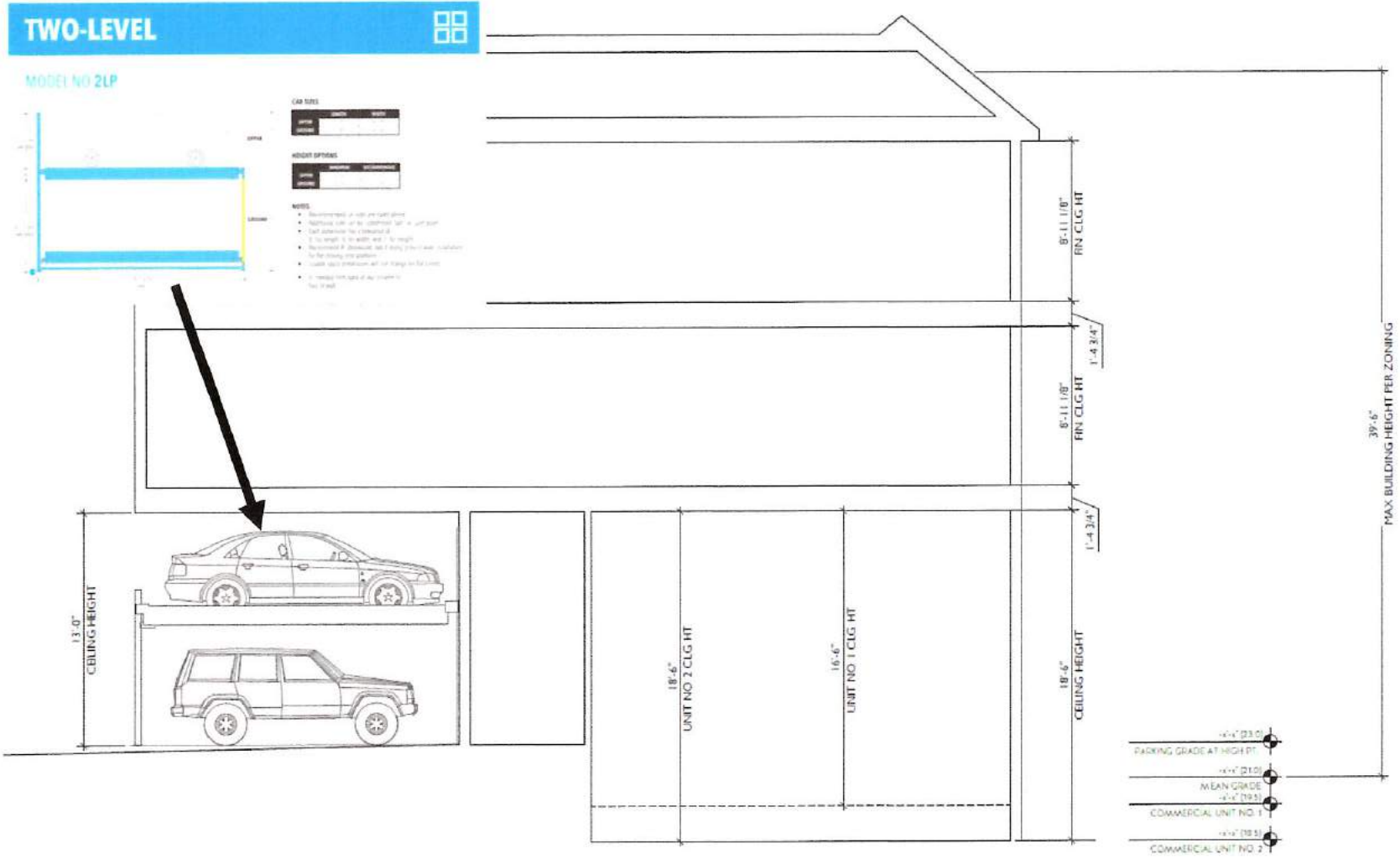
**Proposed Rear Elevation showing Stacked Parking, Balconies, and Building Materials**



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



**Proposed Ground-Floor Commercial Use showing Off-Street Parking**



**Proposed 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 Compliance Table showing Existing & Proposed Conditions**



### Special Permit Findings:

We believe that the proposed project meets the following findings required for approval of the Special Permit to allow a Mixed-Use (#405):

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.
2. The requested use is essential or desirable as it's needed in order to redevelop the site and re-establish and re-activate the street edge along Merrimac, Summer and Market Streets. Additionally, the project includes significant off-site improvements to the 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. 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 some 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 and 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

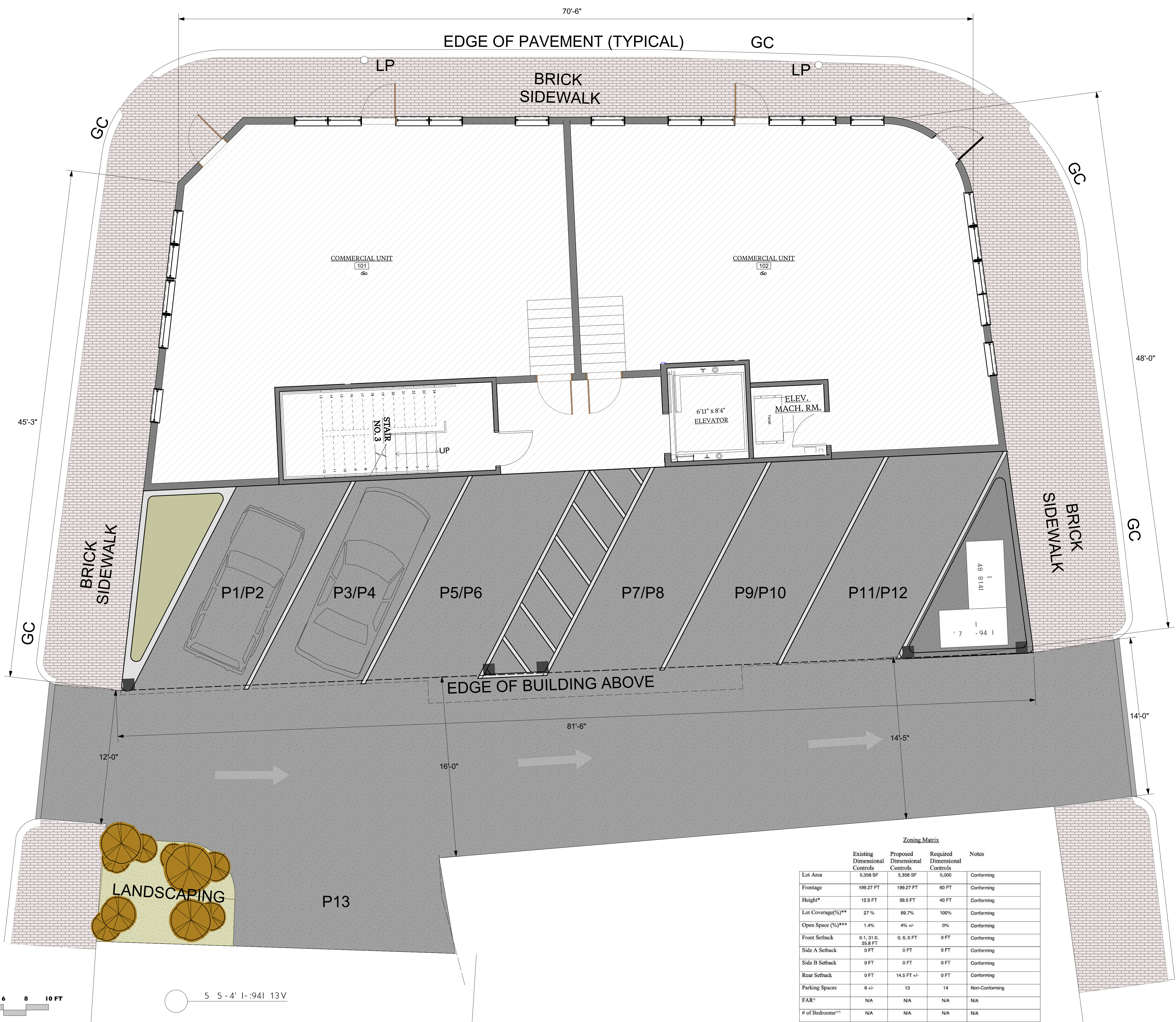
A primary purpose of the Zoning Ordinance is to protect the property values and surrounding community character. The existing building and land use is an inappropriate use of the property. The former gas station building is located more than 20 feet from Merrimac Street and only occupies about 27% of the lot. The remaining land area is used as bituminous pavement for parking; both formal and informal. Approval of this application will allow for a mixed-use building to be added to the property. This proposal would not only significantly reduce the width of the current curbs but it would also enhance pedestrian safety with construction of a brick sidewalk around the perimeter of the building. Lastly, approval of this application will also allow for construction of a 3 story, traditionally designed building project to further the goals of the City's Master Plan and significantly increase property values within the immediate neighborhood.

MARKET STREET CONDOS  
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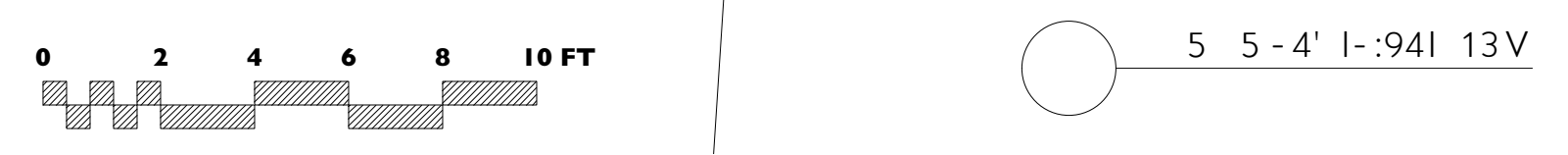
SITE PLAN

A1.0



Zoning Matrix

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls	Notes
Lot Area	5,368 SF	5,368 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



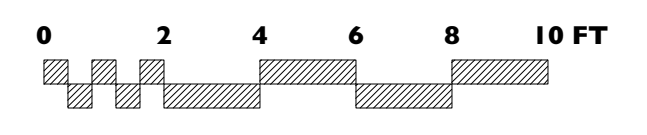
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MARKET STREET CONDOS  
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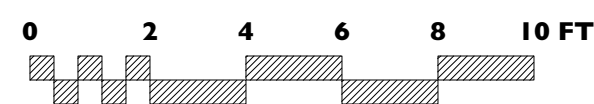
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FRONT ELEVATION

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MARKET STREET CONDOS

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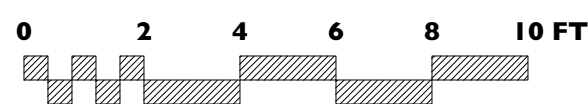
RIGHT ELEVATION

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MARKET STREET CONDOS  
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LEFT ELEVATION  
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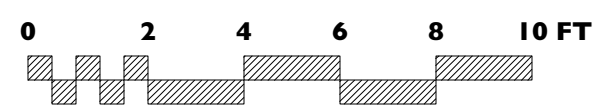
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REAR ELEVATION

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MARKET STREET CONDOS

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NORTHWEST VIEW RENDERING

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