

**21-23 Walnut Street,  
Newburyport**

*Application for*  
**Special Permit for Non-Conformities  
and DCOD Special Permit**

**October 27, 2020**



Mead, Talerman & Costa, LLC  
Attorneys at Law

**21-23 Walnut Street,  
Newburyport  
Application  
Summary**

## **Application Summary**

- Convert structure from two-family to one-family.
- Located in R-2 and DCOD Districts.
- Property has existing nonconformities:
  - Frontage: 54.50 ft. where 90 ft. required.
  - Side yard setback: 4.6 ft. where 10 ft. required.
- Removing more than 25% of exterior walls (36% total) by demolishing rear addition built off original structure and construct new addition.

# 21-23 Walnut Street, Newburyport History and Condition

## History and Condition

- Original Structure built in 1850 according to District Date Sheets.
- Addition being demolished appears to have been built in multiple iterations later than what is shown on the 1914 Sanborn Map.
- Applicant engaged local structural engineer to review condition of addition.
- Engineer found “current rear section of the building is unsafe, unstable and is not capable of resisting expected loadings.”
  - The foundation, framing, joists and roof structure are in poor shape and of insufficient strength.
  - Grade around the rear of the building is too high and slopes toward the house resulting in rotting of sill and lower sections of the sheathing.
  - Perimeter foundation consists of several courses of brick masonry on “very loose rubble”.

**21-23 Walnut Street,  
Newburyport  
History and  
Condition Continued**

**History and Condition Continued**

- Additional Engineer Findings:
  - Several wood columns set on large stones acting as footings also seen in crawl space.
  - Second floor framing of existing addition consists of undersized joists and beams that have been cut off.
  - Roof structure is built with undersized rafters spaced at 20 inches with recent sistering of 2 x 10s and collar ties which are set too high to keep the rafters from spreading.
  - Many of the rafters are barely sitting on the tops of the walls and have minimum contact.



Rot of siding and sheathing at base of rear wall of addition due to grade too high.



Interior view of rot and deterioration of rear wall of addition.



In crawl space under addition: wood column set on unstable stone.



In crawl space: wood column set on unstable wood/brick footing.



Second-floor framing of addition: beams cut off, resulting in an unsafe condition.

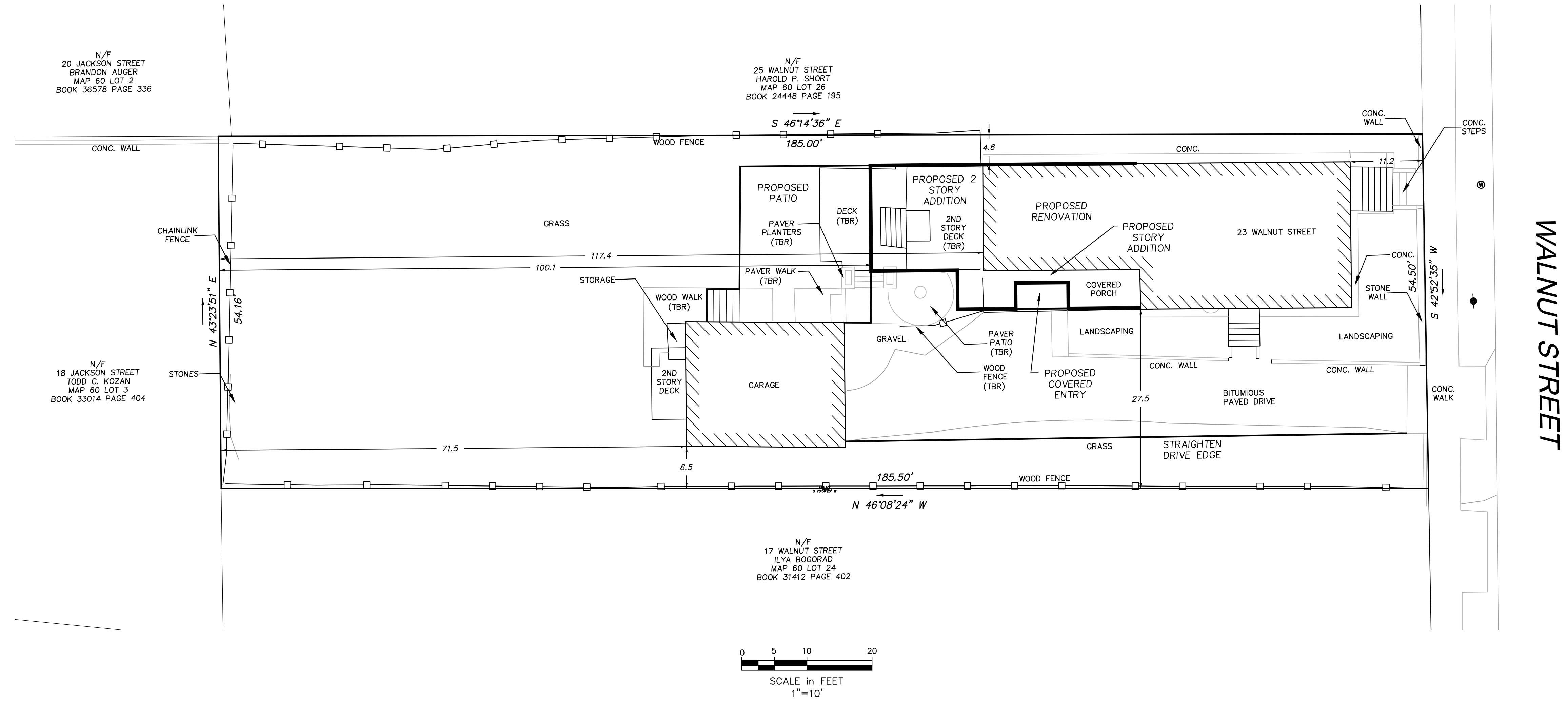
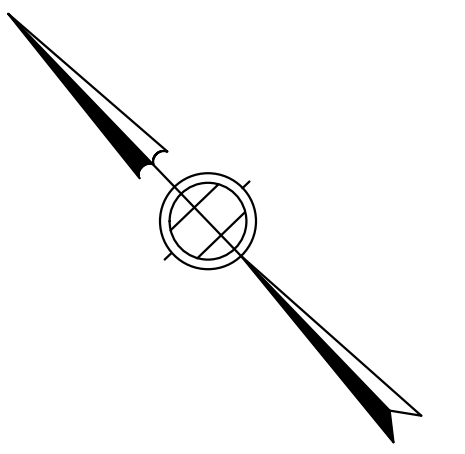


Second floor: Collar ties set too high, which induces too much stress in rafters. Also, the rafter seat cuts at the wall plate are too severe, resulting in overstress in shear.









**NOTES**

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED ADDITION TO THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED MAY 29, 2020 BY THIS FIRM.

ARCHITECTURAL PLANS HAVE BEEN UTILIZED FOR BUILDING ADDITION DETAILS.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

**ZONING**  
RESIDENTIAL (R-2)

	REQUIRED (TWO-FAMILY - 102)	EXISTING TWO-FAMILY - 102	REQUIRED (SINGLE-FAMILY - 101)	PROPOSED (SINGLE-FAMILY - 101)
<b>MINIMUM LOT AREA</b>	15,000 SQUARE FEET	10,064 SQUARE FEET	10,000 SQUARE FEET	10,064 SQUARE FEET
<b>MINIMUM LOT FRONTAGE</b>	120 FEET	54.50 FEET	90 FEET	54.50 FEET
<b>FRONT SETBACK</b>	25 FEET	11.2 FEET	25 FEET	11.2 FEET
<b>SIDE SETBACK (R)</b>	20 FEET	4.6 FEET	10 FEET	4.6 FEET
<b>SIDE SETBACK (L)</b>	20 FEET	27.5 FEET	10 FEET	27.5 FEET
<b>(ACCESSORY SIDE)</b>	6.0 FEET	6.5 FEET	6.0 FEET	6.5 FEET
<b>REAR SETBACK</b>	25 FEET	117.4 FEET	25 FEET	101.0 FEET
<b>(ACCESSORY REAR)</b>	6.0 FEET	71.5 FEET	6.0 FEET	71.5 FEET
<b>MAXIMUM LOT COVERAGE(%)</b>	25.0%	15.8%	25.0%	19.9%
<b>MAXIMUM HEIGHT</b>	35 FEET	23 FEET	35 FEET	23 FEET
<b>MINIMUM OPEN SPACE</b>	40.0%	66.8%	40.0%	67.0%
<b>MINIMUM PARKING REQUIRED</b>	3	3+	2	3+

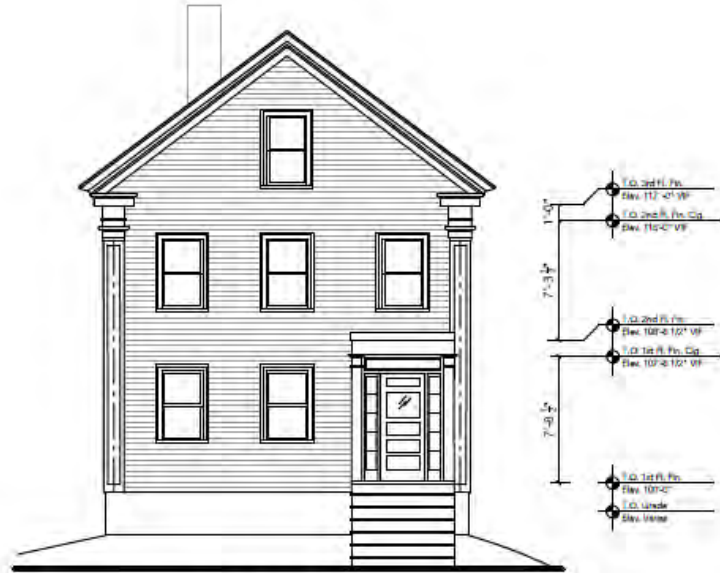
LOCUS TITLE INFORMATION

21-23 WALNUT STREET  
OWNER: GEOFFREY & NORA LOBOSCO DODGE  
DEED REFERENCE: BK. 38591 PG. 284 & 286  
ASSESSORS: MAP 60 LOT 25-A/B

ON-LINE ZONING ORDINANCES  
CITY OF NEWBURYPORT WEBSITE  
<http://www.cityofnewburyport.com/Planning/Index.html>  
PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.

Winter GEC, LLC 44 MERRIMAC STREET NEWBURYPORT, MA 01950 978-270-8626	SCALE: _____						FIELD: <u>CO</u> CALCS: <u>EC</u> CHECKED: <u>EJC</u> APPROVED: <u>EJC</u>	ZONING PLAN  21-23 WALNUT STREET	PLAN OF LAND IN NEWBURYPORT, MASSACHUSETTS SURVEYED FOR GEOFF DODGE	PROJECT NO. 2020-23WALNUT
	HORIZ: <u>1" = 10'</u>									DATE: <u>JUL 21, 2020</u>
	VERT: _____									SHEET NO. 1 OF 1
		NO.	DATE	BY	REVISIONS					



1 Exterior Elevation - FRONT  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"

project:

# DODGE RESIDENCE

21-23 Walnut Street  
Newburyport, MA

architect:

**GRAF**  
ARCHITECTS  
2 Liberty Street  
Newburyport, MA  
01950  
T. 978.499.9442  
www.grafarch.com

title:

EXISTING  
Exterior Elevations

SCALE: 1/8" = 1'-0"

10 september 2020

EX2

project:

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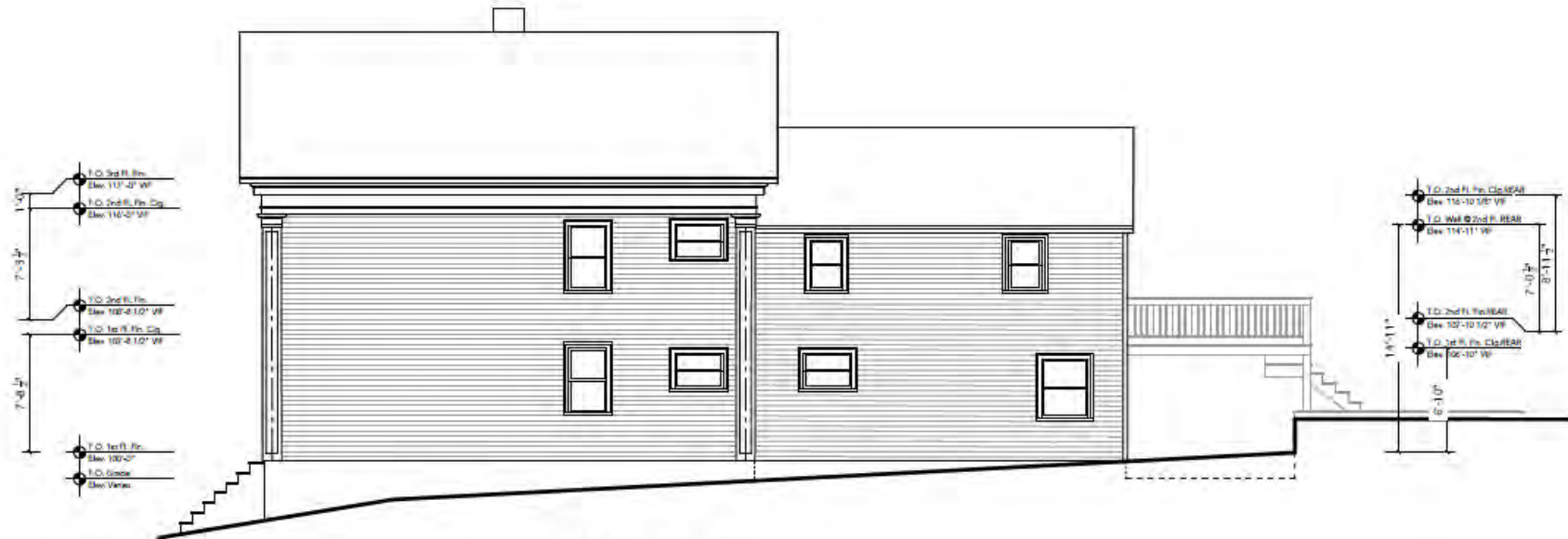
**EXISTING**  
Exterior Elevations

SCALE: 1/8" = 1'-0"  
10 september 2020

EX3



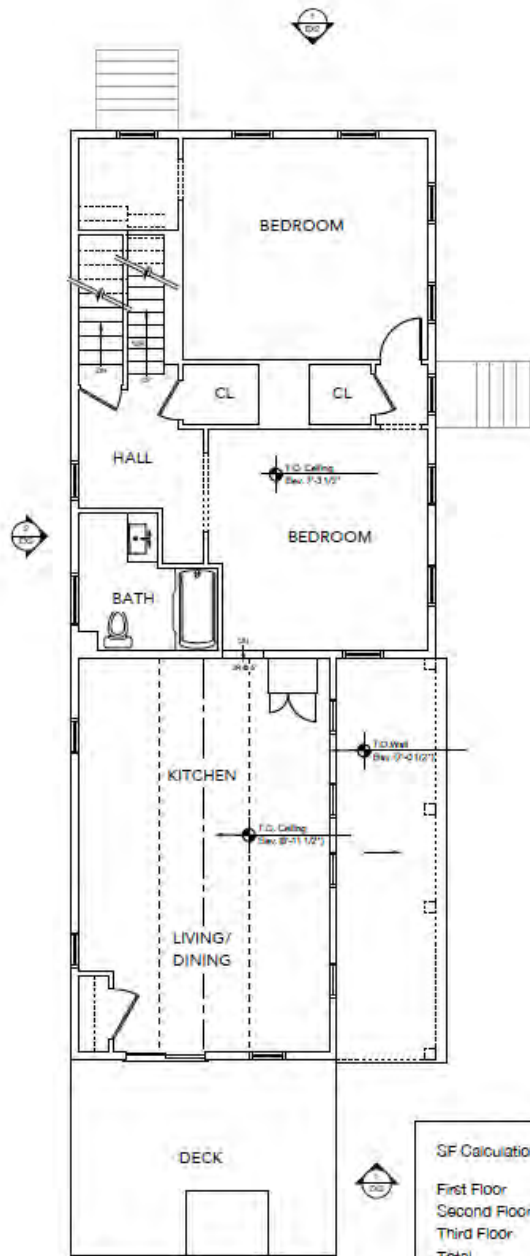
1 Exterior Elevation - REAR  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"

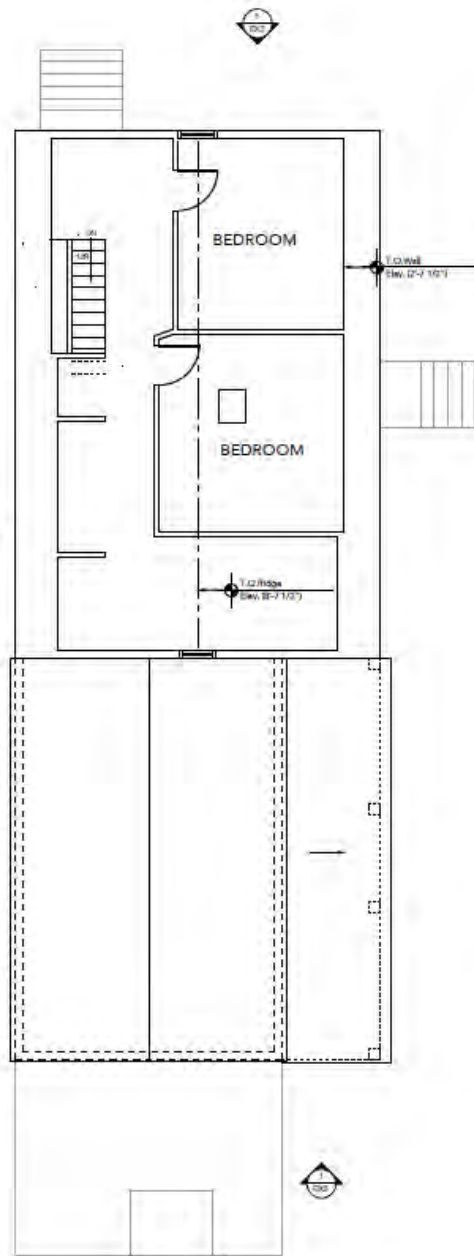


① First Floor Plan  
SCALE: 1/8" = 1'-0"



② Second Floor Plan  
SCALE: 1/8" = 1'-0"

SF Calculations	
First Floor	1,110 SF
Second Floor	1,110 SF
Third Floor	480 SF
<b>Total</b>	<b>2,700 SF</b>



③ Third Floor Plan  
SCALE: 1/8" = 1'-0"

project:

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## EXISTING Floor Plans

SCALE: 1/8" = 1'-0"  
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EX1

# 21-23 Walnut Street, Newburyport Proposed Project

## Proposed Project

- Demolish Existing Addition
- Construct New Addition
  - Extends non-conforming side setback
- Historical Commission had no issues with demolition of existing addition and proposed addition
- Changes to Original Structure
  - Building generally needs a lot of renovation
  - Proposed dormer which adds head space for a set of stairs to the third floor, was redesigned to address Historical Commission's feedback about dormer's previous design
  - Remove chimney
  - Architectural elements address original features being removed
    - Element in place of where door is located to provide similar visual effect
    - Circular window in place of original window above door has been enlarged to minimize change in accordance with Historic Commission recommendation











project:

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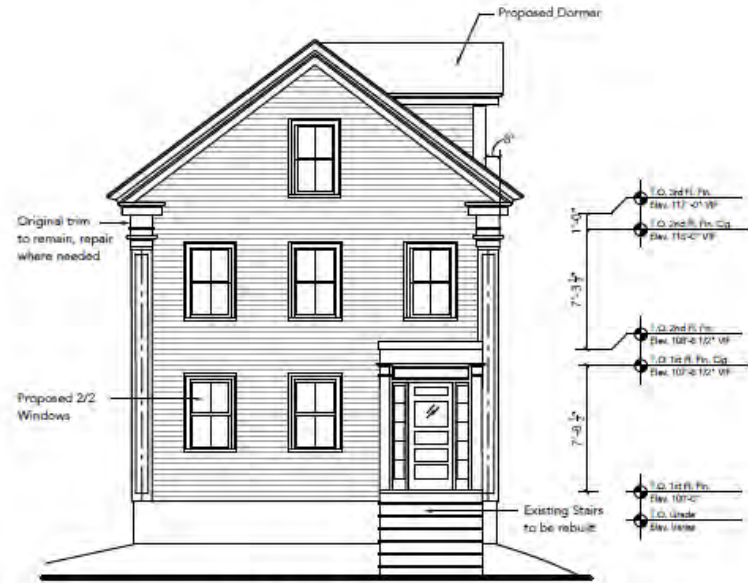
## PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"

10 september 2020

A02

design for the house study | 09/10/2020



1 Exterior Elevation - FRONT  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"

project:

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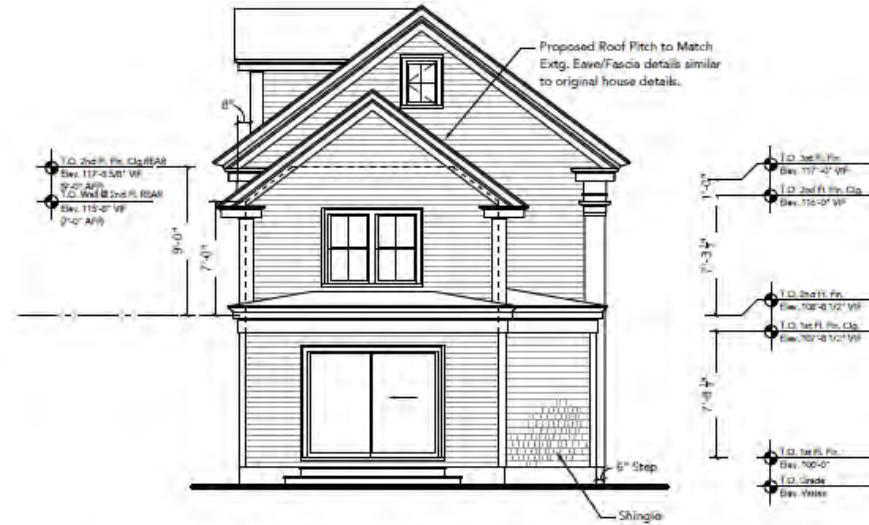
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**PROPOSED**  
Exterior Elevations

SCALE: 1/8" = 1'-0"

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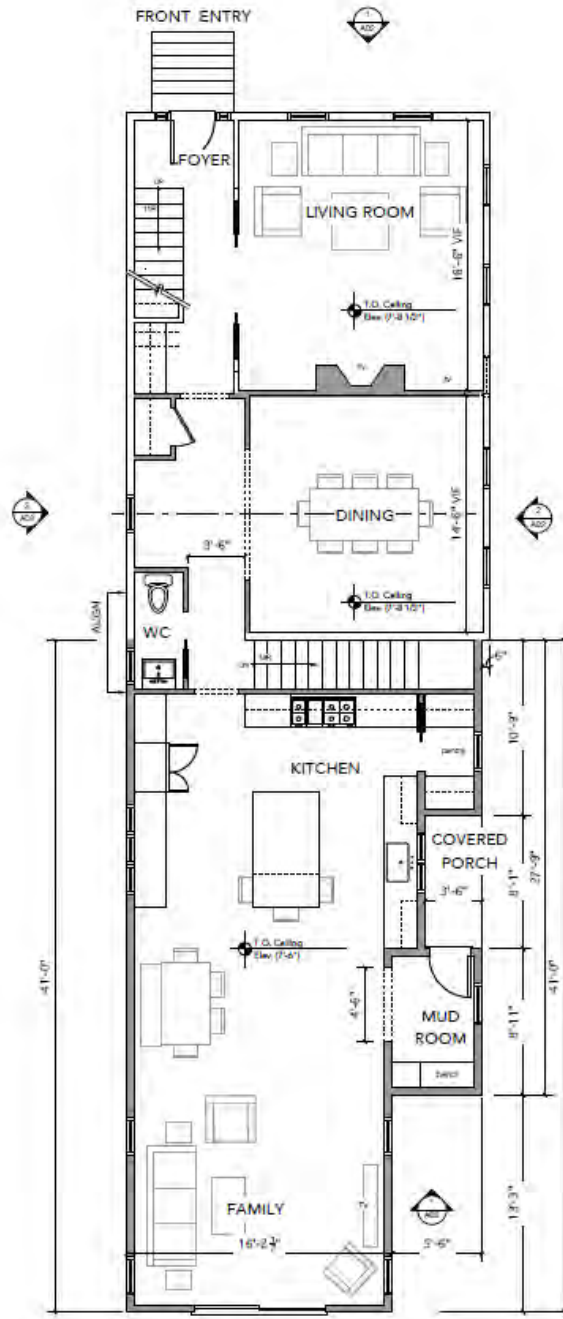
A03



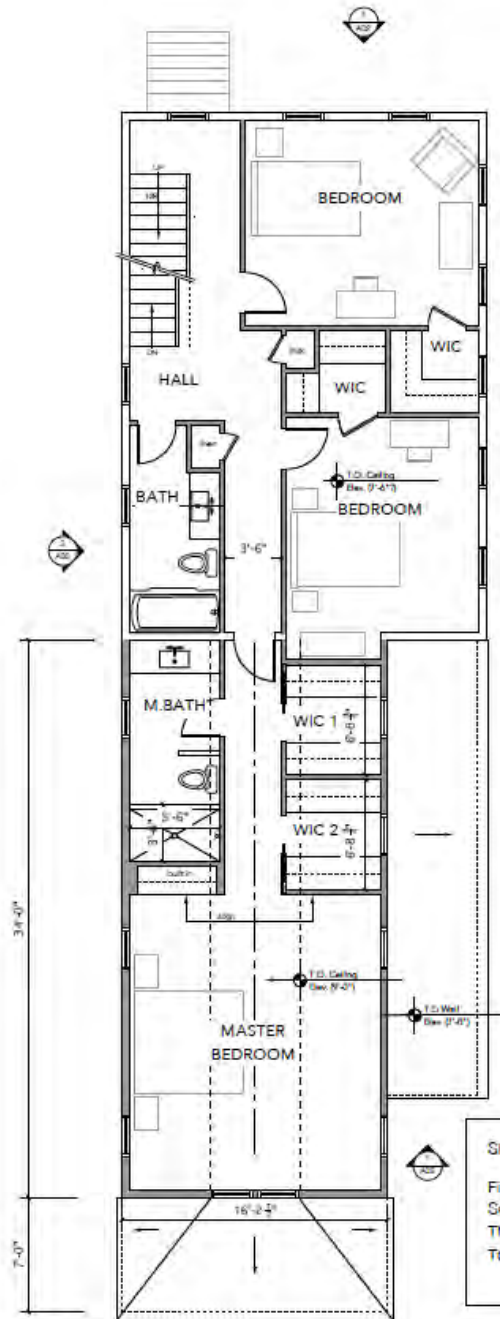
1 Exterior Elevation - REAR  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"



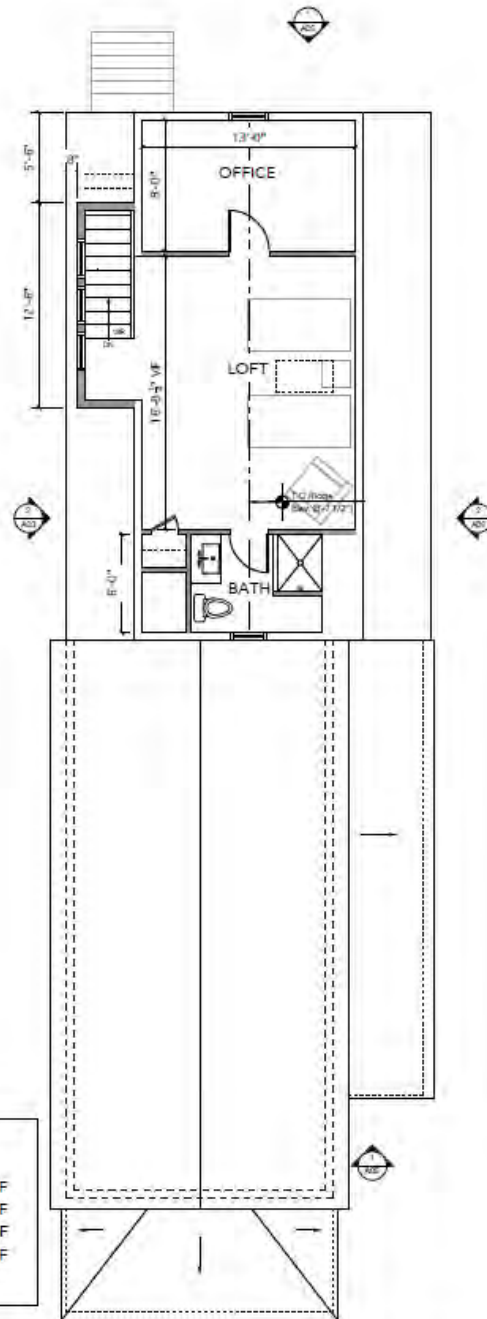
1 First Floor Plan  
SCALE: 1/8" = 1'-0"



2 Second Floor Plan  
SCALE: 1/8" = 1'-0"

SF Calculations

First Floor	1,504 SF
Second Floor	1,285 SF
Third Floor	465 SF
Total	3,234 SF



3 Third Floor Plan  
SCALE: 1/8" = 1'-0"

project:

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## PROPOSED Floor Plans

SCALE: 1/8" = 1'-0"  
10 september 2020

A01





## **Criteria for Special Permit for Nonconformities:**

- 1. There will be no intensification or extension of an existing nonconformity or the addition of a new nonconformity; and**
- 2. The proposed change will not be substantially more detrimental to the neighborhood than preexisting nonconforming structure or use.**



## **Application of Special Permit Criteria:**

- 1. There will be no intensification or extension of an existing nonconformity, nor any addition of a new non-conformity.**
  - The proposed addition on the right side will extend the non-conforming side setback of 4.6 feet but will not create a new one.**
  - The conversion to a single family use will eliminate the frontage and area non-conformities that exist with the current two family use and provide a less intense use.**

## **Application of Special Permit Criteria Continued:**

**2. The proposed changes will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure:**

- Applicant is removing an addition that clearly was not originally or recently constructed properly and is in significant disrepair.**
- Applicants' proposal to bring back the original single family use and repair the property to be an active and attractive improvement to the neighborhood.**

## **DCOD Special Permit:**

- **Proposed Demolition of existing addition constitutes removal of more than 25% of exterior walls requiring a DCOD Special Permit.**
- **Requires the ZBA to find that the portion of the Structure to be demolished “retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws.”**

## **DCOD Special Permit Continued:**

- **Newburyport Historical Commission Previously reviewed applicant's plans at two meetings and Chair made a site visit. Recommendation to Board "does not take issue with the applicant's claim that structural deficiencies justify the demolition, rather than restoration, of the rear addition... The ZBA may accept the report of the applicant's engineer..."**
- **The amount of rehabilitation required to harmonize the failing additions with the original Structure, and the associated cost, are not reasonably feasible.**