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Attorneys at Law

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March 2, 2021

By Hand

Rob Ciampitti, Chair  
Zoning Board  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Request for Special Permit for two Family Use and Modification to pre-existing non-conforming structure; 27 Hancock Street, Newburyport, MA (the "27 Hancock"), Assessor's Map: 25 Lot 43

Special Permit for Use; 21-25 Hancock Street, Newburyport, MA (21 Hancock Street), Assessor's Map 25 Lot 42

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter and our last meeting regarding same. In that connection, this firm represents Caswell Development, LLC the purchaser of both 27 Hancock and 21 Hancock (the "Applicant"), which is proposing to remove an existing non-conforming industrial building and construct a two family structure meeting all dimensional requirements at 21-25 Hancock Street. Further, to modify a pre-existing single-family home at 27 Hancock Street and construct a two-family home thereon.

At the last hearing the Board heard from most all of the neighbors and received some letters all of whom were supportive of the proposed project in their neighborhood. That being said, the Board made some comments and requested the Applicant address a number of items, not the least of which was to provide a landscape plan of both parcels. The Applicant has met with the Chair of the Parks Commission, the Manager of the City Parks, the Project Manager of the Rail Trail, and the head of the Tree Commission in order to consolidate everyone's requests and comments into the plan. All of the foregoing have approved the proposed plan that we are providing with this submittal.

The Applicant has also shown the lighting on each of the proposed homes.

In addition, the Applicant has made the following changes to each lot:

**21 – 25 Hancock:** You will see the structure has been reduced in length along the rail-trail from 123 feet to 93 feet. As suggested by several members, the Applicant has separated a garage from the original proposed structure. I would be remiss if I did not point out to the Board that the current lot coverage with the

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non-conforming building is 22.3% and the proposed lot coverage is 22.5%. The required lot coverage is no more than 25%. The existing conditions includes a significant amount of pavement over a large portion of the lot. The current Open Space is 46.7% where a minimum of 40% is required. Given the removal of all of that pavement and conversion to lawn and plantings the Open Space goes up to 67%.

While the Applicant has worked to address the Board’s comments, I respectfully remind the Board that they are being requested to approve a two-family **use** under the Ordinance. The structure meets all of the dimensional requirements of the Ordinance and the Applicant is not modifying a pre-existing non-conforming structure as that structure is being removed in its entirety. As previously shown and as shown below, the Applicants proposed **use** consistent with the neighborhood and will not cause an overabundance of the use in the neighborhood. The Applicant is removing an intrusion into the neighborhood, a use the is not allowed, and replacing it with an allowed use.

**27 Hancock:** Again, the Applicant has made several revisions to the proposed structure at 27 Hancock Street<sup>1</sup>. As the Board is aware, the Applicant again seeks a special permit for a two-family use, and in this instance is seeking a modification to a pre-existing non-conforming structure. Here, this single-family home on this large lot is an aberration in the neighborhood. No other lot in the neighborhood is either as large or has such limited lot coverage (5%) as the existing condition at 27 Hancock Street. The proposed condition, while still well below the other density in the neighborhood, conforms to all of the dimensional requirements of the ordinance, but for the existing front yard setback, which as the Board is aware, will be improved.

Again, the Applicant has added landscaping to the plan, including on this lot. The Applicant has changed the roofline to provide more exposure to the existing structure. You will see, I have attached a line drawing which will better enable the Board to see how the original structure continues to be its own form as part of the two-family home. Again, the Applicant reduced slightly the length of this structure from 116 to 113 feet.

Overall, I bring to the board’s attention the comparison of surrounding lots and uses in the surrounding neighborhood. Based upon the information in the Assessor’s Data Base, the first-floor gross floor area as compared to the lot area the following is true:

Hancock Street Lot and Building Size Comparisons

Address	Use	Lot Size	First Floor Area (According to Nbpt. Assessor) <sup>2</sup>	Percent of Building to Lot Size
1-1.5 Hancock	1 is Single Family; 1.5 is Single Family In reality is one shared structure <b>with</b>	2,222+3,397=5,619	754+612=1,366	24.3%

<sup>1</sup> While there were some questions at the last meeting regarding the applicability of the DCOD ordinance, as of the filing of this letter no updates or counter conclusions have been provided to the Applicant from the City. The Applicant is proceeding based upon the original determination of the Zoning Code Enforcement Officer.

<sup>2</sup> Numbers are solely from first floor of main structures. Garages not included.

	<b>two different units.</b>			
2 Hancock	Single Family	2,835	648	22.9%
3 Hancock	Single Family	2,250	649	28.8%
5 Hancock	Single Family	5,210	1,112	21.3%
6 Hancock	<b>Two Unit Condo</b>	6,390	773	12.1%
7-9 Hancock	<b>Two Family</b>	2,970	1,192	40.1%
10 Hancock	<b>Two Unit Condo</b>	7,433	730	9.8%
11 Hancock (+11 Rear lot)	<b>Two Unit Condo</b>	4,624	949+1,144 (Rear lot)=2,093	45.3%
14 Hancock	Single Family	4,590	702	15.3%
15 Hancock	Single Family	1,600	744	46.5%
16 Hancock	Single Family	9,758 <sup>3</sup>	1,675	17.2%
17 Lunt St.(+17 Rear Lot)	Single Family (17); Rear is open land	1,620+2,827 (rear)=4,447	842	18.9%
15 Lunt	Single Family	5,940	1,103	18.6%
8 Lunt (8-10 Lunt)	<b>Two Unit Condo</b>	5,440	1,210	22.2%
13 Lunt	Single Family	5,720	1,128	19.7%
17 Hancock	Single Family	3,643	1,058	29%
22 Hancock	Single Family	4,620	912	19.7%
24 Hancock	Single Family	8,980	1,758	19.6%
26 Hancock	Single Family	5,183	657	12.7%
28 Hancock	<b>Two Unit Condo</b>	5,440	788 (Unit A)+765 (Unit B)=1,553	28.5%
29 Hancock	Single Family	5,880	856	14.6%
30 Hancock	Single Family	2,680	885	33%
31 Hancock	Single Family	5,920	1,148	19.4%
34 Hancock (Neptune Club)	Club (Fraternal Organization)	26,714	2,697	10.1%
36-42 Madison St.	<b>Multi-Family</b>	8,790	1,715	19.5%
35 Hancock	Single Family	9,162	1,036	11.3%
34 Madison	Single Family	3,550	900	25.4%
32 Madison	Single Family	8,423	1,580	18.8%
29 Madison	Single Family	4,600	868	18.9%
40 Marlboro St.	<b>Two Unit Condo</b>	11,380	1,180 (Unit A)+ 950 (Unit B)= 2,130	18.7%
36 Marlboro St.;	Single Family	18,332	2,204	12%
<b>Average Lot Area to First Floor Gross Foot Print</b>				<b>21.74</b>

<sup>3</sup> Combined with lot shown as 20 Hancock on Newburyport MiMaps.

21-25 Hancock	Two Family Proposed	16,228	3,036 <sup>4</sup>	<b>18.7%</b>
27 Hancock, as proposed	Two Family Proposed	16,400	3857 <sup>5</sup>	<b>23.5%</b>

As you can see, what is being proposed, meets the dimensional requirements for a two-family use under the Ordinance and is certainly in line with and below the lot area to foot print as compared to the neighborhood. The intensity of use on the lot is far below any other lot in the nearby vicinity, except of course the Neptune's which is a pre-existing non-conforming club use. As you can also see from the table above, the largest two family lot is 7,433 square feet and the multifamily is on a lot of 8,790 square feet, both under the required lot area. The proposed two family uses are located on lots that not only meet the lot area requirements but exceed them at over 16,000 square feet each.

As a result, the Applicant requests the Board approve the two-family use on both 21-25 and 27 Hancock Street and approve the modification to a pre-existing non-conforming structure at 27 Hancock Street.

Respectfully submitted,  
 Caswell Development, LLC  
 By It's Attorney



Lisa L. Mead

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<sup>4</sup> Numbers are from the first-floor square footage shown on floor plans.

<sup>5</sup> Numbers are from the first-floor square footage shown on floor plans.

project:

# 21-25 HANCOCK STREET

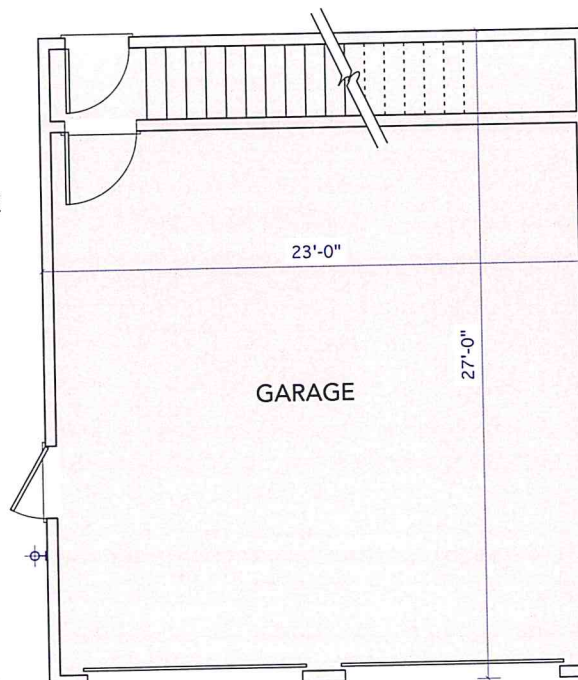
Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
T. 978.499.9442

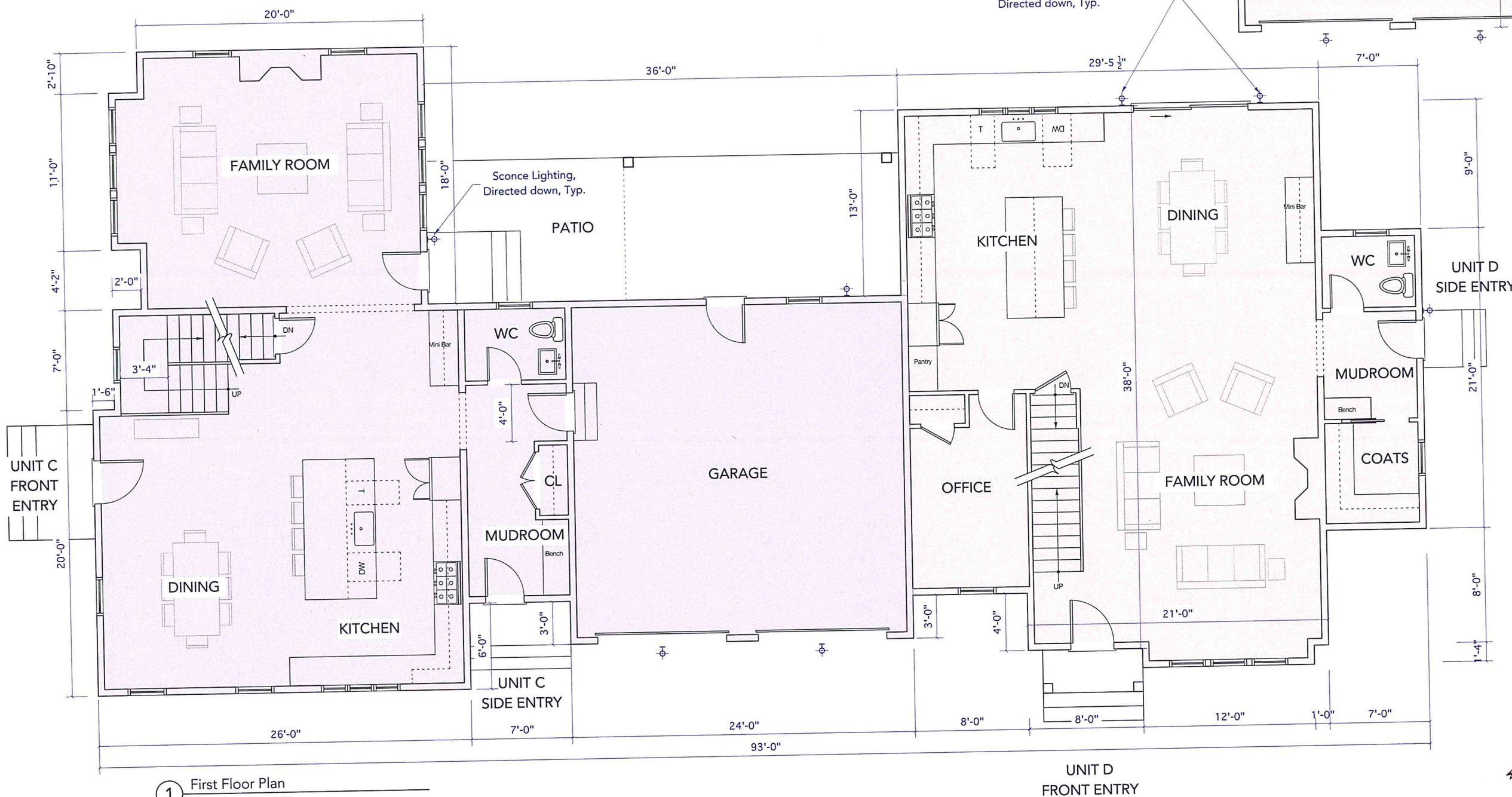
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NOTE: SEE SITE PLAN FOR GARAGE LOCATION

Sconce Lighting, Directed down, Typ.

PROPOSED SF CALCULATIONS			
UNIT C		UNIT D	
1ST FL	1,221 SF	1ST FL	1,239 SF
2ND FL	1,732 SF	2ND FL	1,242 SF
TOTAL SF	2,953 SF	3RD FL	781 SF
GARAGE	576 SF	TOTAL SF	3,262 SF
		GARAGE	621 SF



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

title:

## FIRST FLOOR PLANS - UNITS C+D

SCALE: 1/8" = 1'-0"  
29 february 2021

A05

project:

# 21-25 HANCOCK STREET

Newburyport, MA  
01950

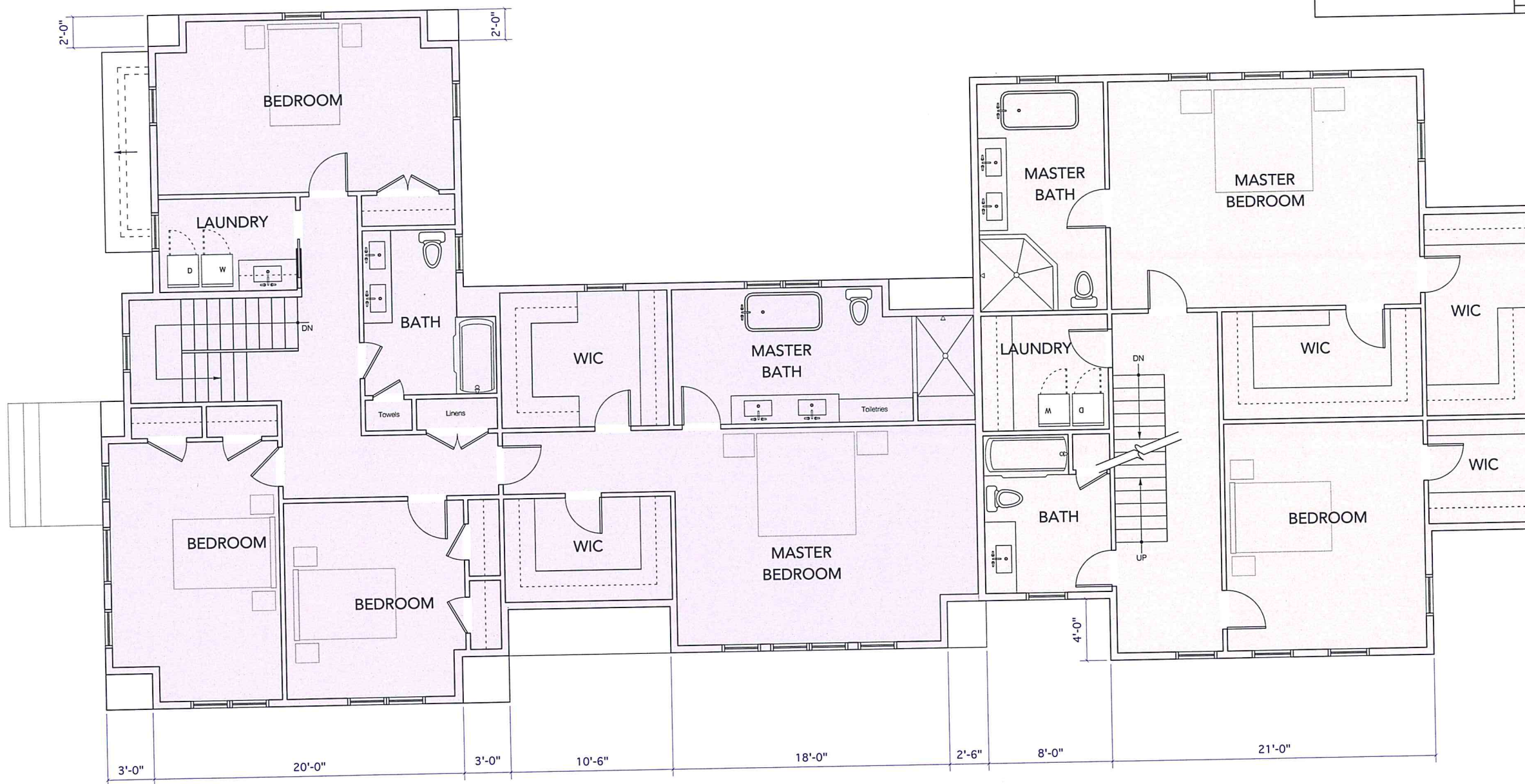
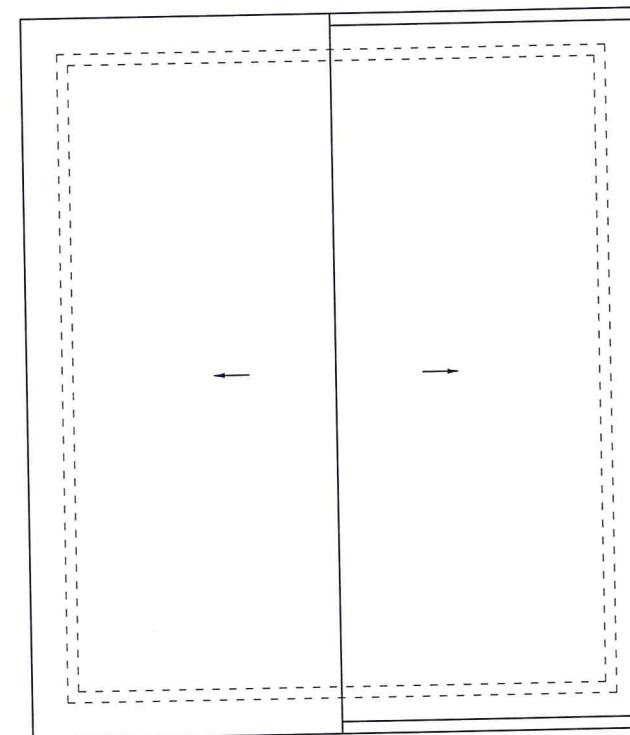
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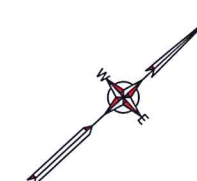
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## SECOND FLOOR PLANS - UNITS C+D

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

29 february 2021

A06



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

project:

# 21-25 HANCOCK STREET

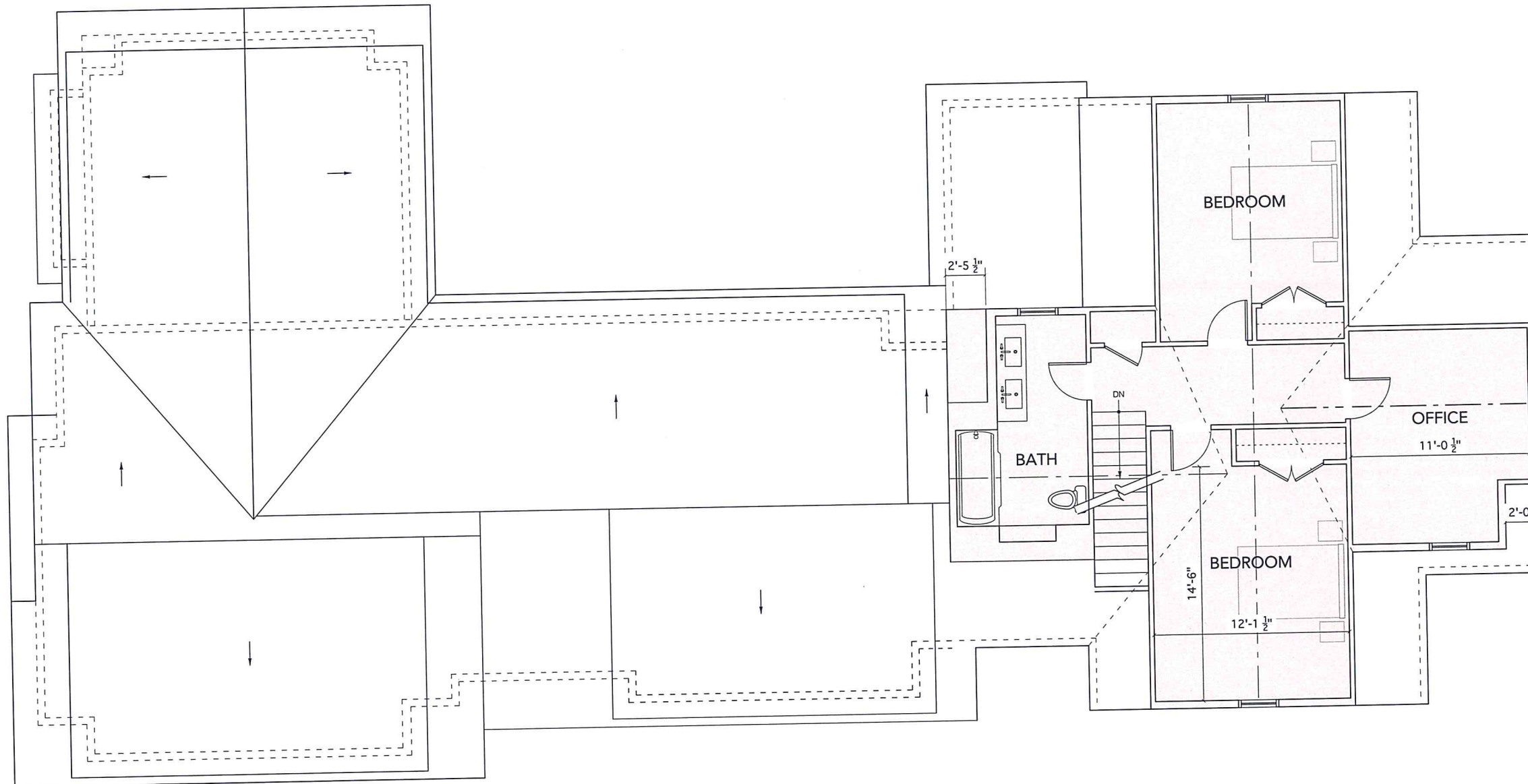
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architect:

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01950  
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title:

## THIRD FLOOR PLAN - UNIT D

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

29 february 2021

A07



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

project:

# 21-25 HANCOCK STREET

Newburyport, MA  
01950

architect:

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title:

## EXTERIOR ELEVATIONS UNITS C+D

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

29 february 2021

A08



① Exterior Elevation - UNIT C (HANCOCK ST)  
SCALE: 1/8" = 1'-0"



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

UNIT C    UNIT D



project:

# 21-25 HANCOCK STREET

Newburyport, MA  
01950

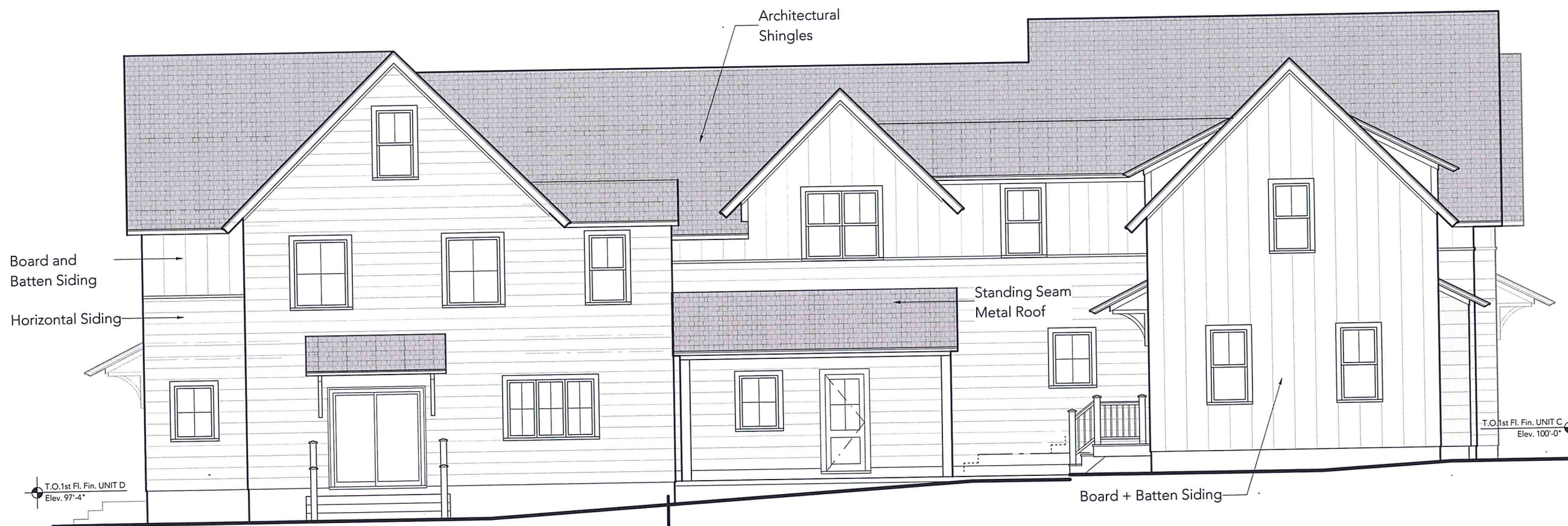
architect:

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



3 Exterior Elevation - RAIL TRAIL  
SCALE: 1/8" = 1'-0"

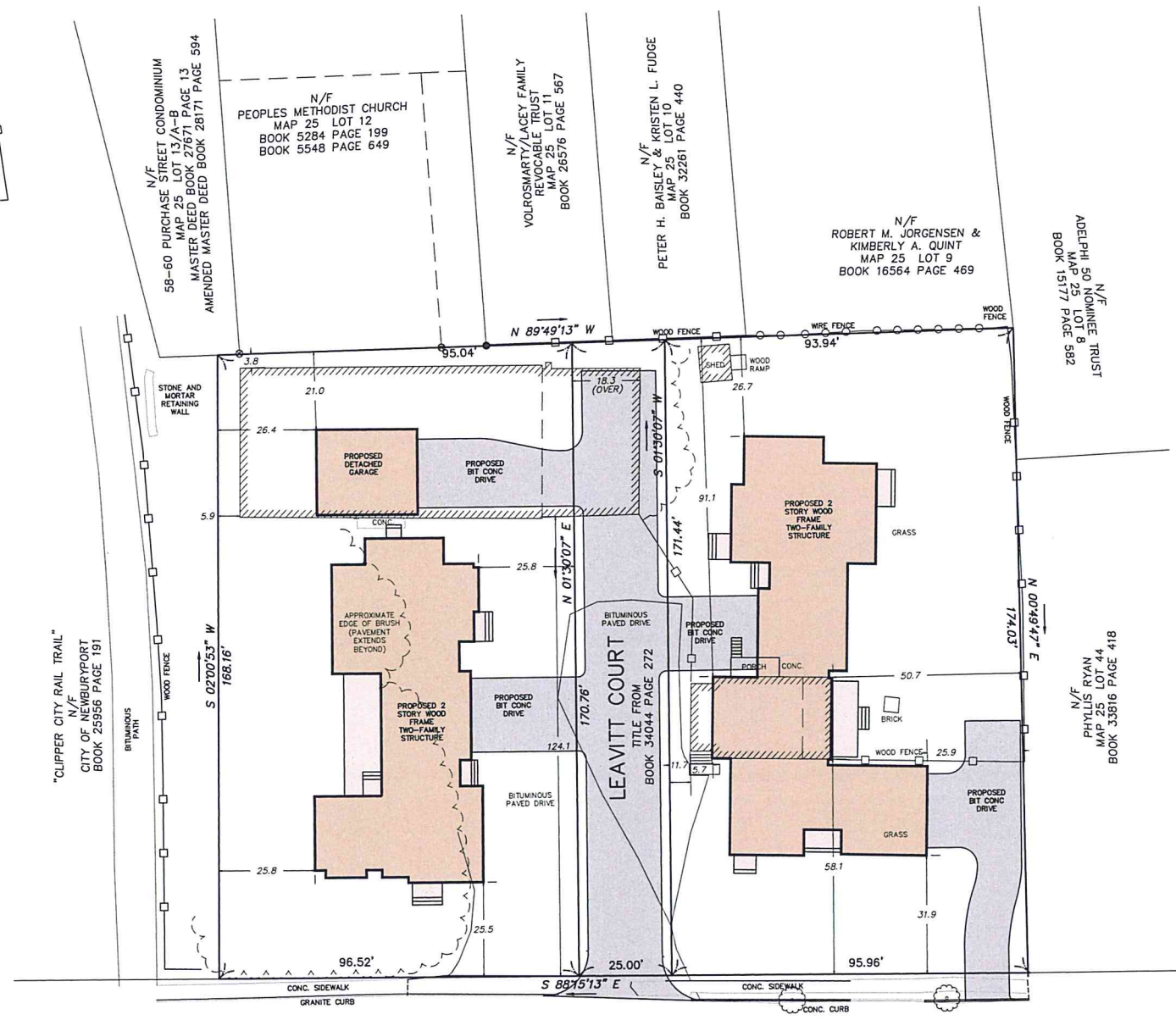
UNIT D UNIT C

title:

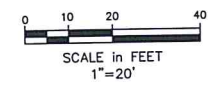
## EXTERIOR ELEVATIONS UNITS C+D

SCALE: 1/8" = 1'-0"  
29 february 2021

A09



HANCOCK STREET



**ZONING**

21 HANCOCK STREET	REQUIRED (INDUSTRIAL SERVICE - 607)	EXISTING (INDUSTRIAL SERVICE - 607)	REQUIRED (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	50,000 SQUARE FEET	16,228 SQUARE FEET	15,000 SQUARE FEET	16,228 SQUARE FEET
MINIMUM LOT FRONTAGE	200 FEET	96.52 FEET	120 FEET	267.28 FEET *
FRONT SETBACK	60 FEET	124.1 FEET	25 FEET	25.5 FEET
SIDE SETBACK (R)	50 FEET	18.3 FEET OVER	20 FEET	21.0 FEET
SIDE SETBACK (L)	50 FEET	5.9 FEET	20 FEET	25.8 FEET
REAR SETBACK	60 FEET	3.8 FEET	25 FEET	25.7 FEET
MAXIMUM LOT COVERAGE(%)	30.0%	22.3%	25.0%	22.5%
MAXIMUM HEIGHT	35 FEET	12 FEET	35 FEET	27 FEET
MINIMUM OPEN SPACE	N/A	46.7%	40.0%	67.0%
MINIMUM PARKING REQUIRED	?	4+	4	4+

\* FRONTAGE ON LEVITT COURT IS TO BE IMPROVED AND NOW INCLUDED TO SATISFY DIMENSIONAL REQUIREMENTS.

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.

**ZONING**

27 HANCOCK STREET	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	REQUIRED (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	10,000 SQUARE FEET	16,400 SQUARE FEET	15,000 SQUARE FEET	16,400 SQUARE FEET
MINIMUM LOT FRONTAGE	90 FEET	95.92 FEET	120 FEET	267.40 FEET *
FRONT SETBACK	25 FEET	58.1 FEET	25 FEET	11.7 FEET
SIDE SETBACK (R)	10 FEET	50.7 FEET	20 FEET	31.9 FEET
SIDE SETBACK (L)	10 FEET	5.7 FEET	20 FEET	26.7 FEET
REAR SETBACK	25 FEET	91.1 FEET	25 FEET	25.6 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	5.0%	25.0%	23.5%
MAXIMUM HEIGHT	35 FEET	22 FEET	35 FEET	25 FEET
MINIMUM OPEN SPACE	40.0%	90.7%	40.0%	64.3%
MINIMUM PARKING REQUIRED	2	0	4	4+

\* FRONTAGE ON LEVITT COURT IS TO BE IMPROVED AND NOW INCLUDED TO SATISFY DIMENSIONAL REQUIREMENTS.

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**NOTES**


THE PURPOSE OF THIS PLAN IS TO DEPICT PARCELS AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600. LEAVITT COURT IS AS SHOWN ON SAID PLAN. PHYSICAL FEATURES AND BOUNDARIES ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON OCTOBER 15 AND 20, 2020.

DESIGN FEATURES HAVE BEEN PROVIDED BY THE CLIENT'S ARCHITECT AND ENGINEER.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES AND SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS.

**LOCUS TITLE INFORMATION**

<b>21 HANCOCK STREET</b>	
OWNER:	G&S MASSACHUSETTS REALTY TRUST
DEED REFERENCE:	BOOK 34044 PAGE 272
ASSESSORS:	MAP 25 PARCEL 42
PLAN REF:	LOTS 1, 3, 5, 7 & LEAVITT COURT AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600
<b>27 HANCOCK STREET</b>	
OWNER:	WILLIAM F. & JOYCE E. COLBY
DEED REFERENCE:	BOOK 7229 PAGE 301
ASSESSORS:	MAP 25 PARCEL 43
PLAN REF:	LOTS 2, 4, 6 & 8 AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600

P.L.S.   
EVERETT J. CHANDLER, P.L.S.  
MASS. REGISTRATION NO. 41783

SCALE:	
HORIZ: 1"= 20'	
VERT: _____	

NO	DATE	BY	REVISIONS
1	3/1/21	EJC	UPDATED BUILDING FOOTPRINTS AND DRIVEWAY LOCATIONS

FIELD:	N/A
CALCS:	EC
CHECKED:	EJC
APPROVED:	EJC

ZONING PLAN  
21 & 27 HANCOCK STREET

PLAN OF LAND IN  
NEWBURYPORT, MA  
SURVEYED FOR  
CASWELL DEVELOPMENT, LLC

PROJECT NO.	2020-21-27HANCOCK
DATE:	JAN 20, 2021
SHEET NO.	1 OF 1

project:  
**27 HANCOCK STREET**  
 Newburyport, MA  
 01950

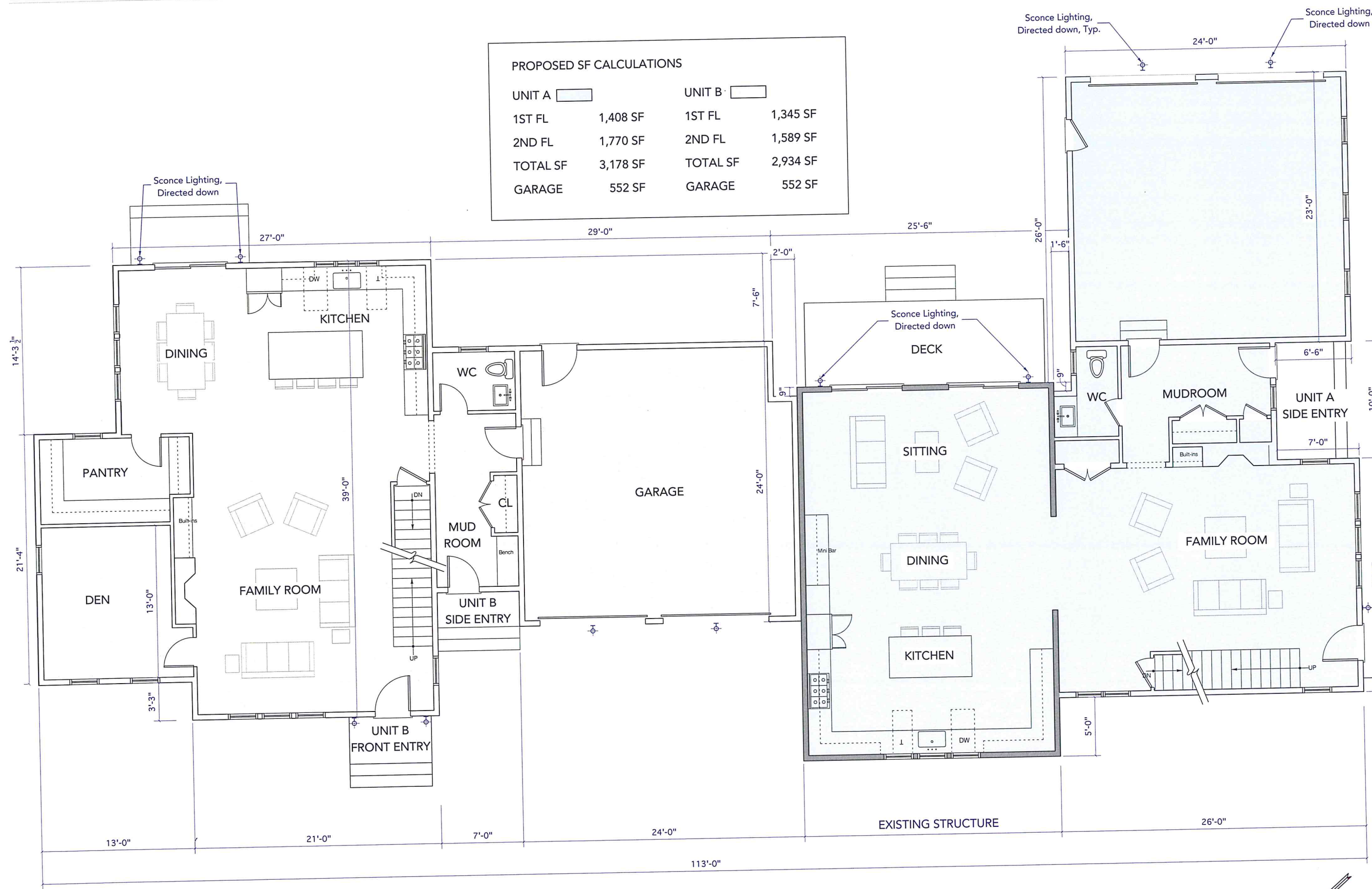
architect:  
**GRAF ARCHITECTS**  
 2 Liberty Street  
 Newburyport, MA  
 01950  
 T. 978.499.9442  
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title:  
**FIRST FLOOR PLANS - UNITS A+B**

SCALE: 1/8" = 1'-0"  
 29 february 2021

**A01**

PROPOSED SF CALCULATIONS			
UNIT A		UNIT B	
1ST FL	1,408 SF	1ST FL	1,345 SF
2ND FL	1,770 SF	2ND FL	1,589 SF
TOTAL SF	3,178 SF	TOTAL SF	2,934 SF
GARAGE	552 SF	GARAGE	552 SF



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

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

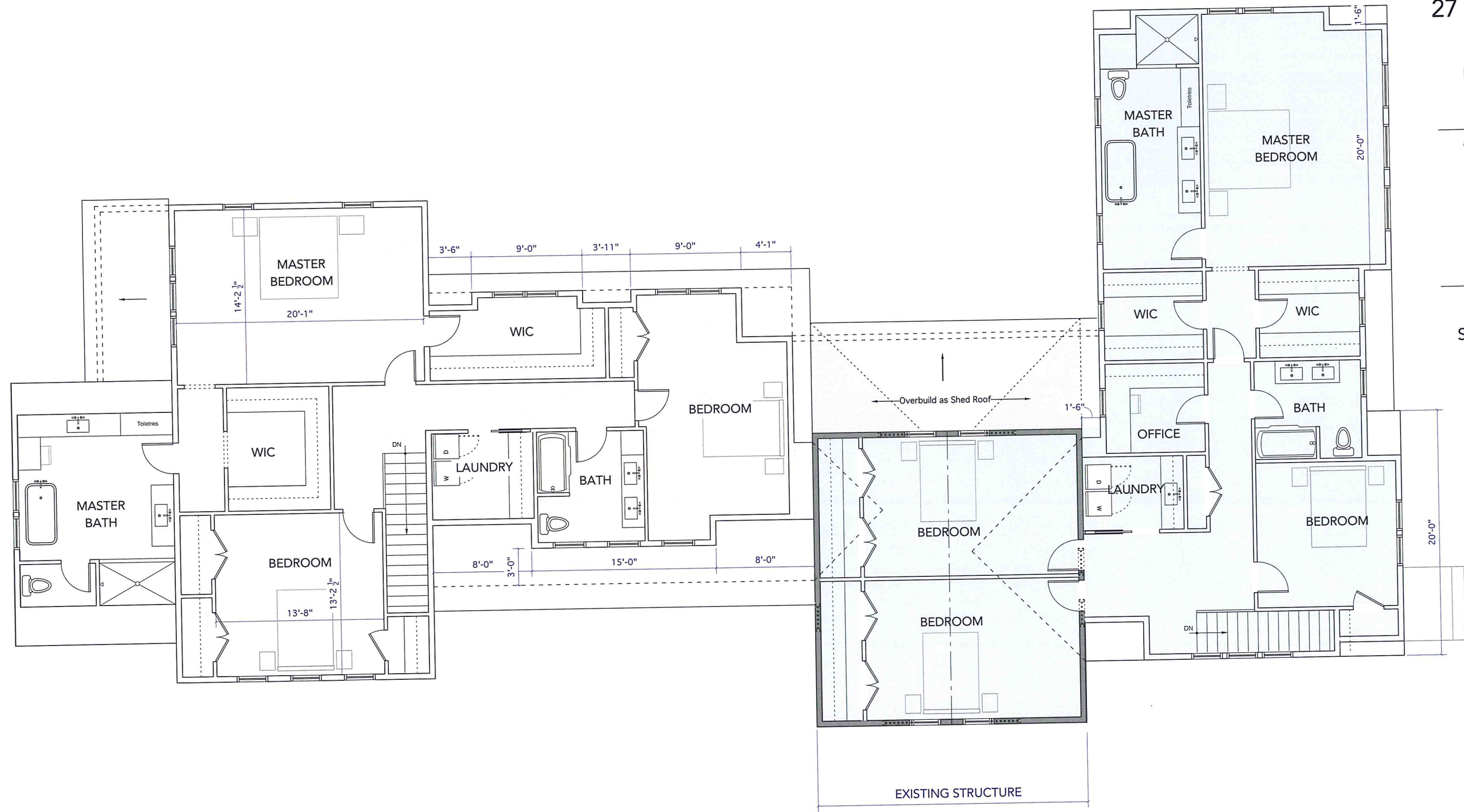
architect:

## GRAF ARCHITECTS

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01950  
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title:

### SECOND FLOOR PLANS - UNITS A+B



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

SCALE: 1/8" = 1'-0"  
29 february 2021

A02



project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

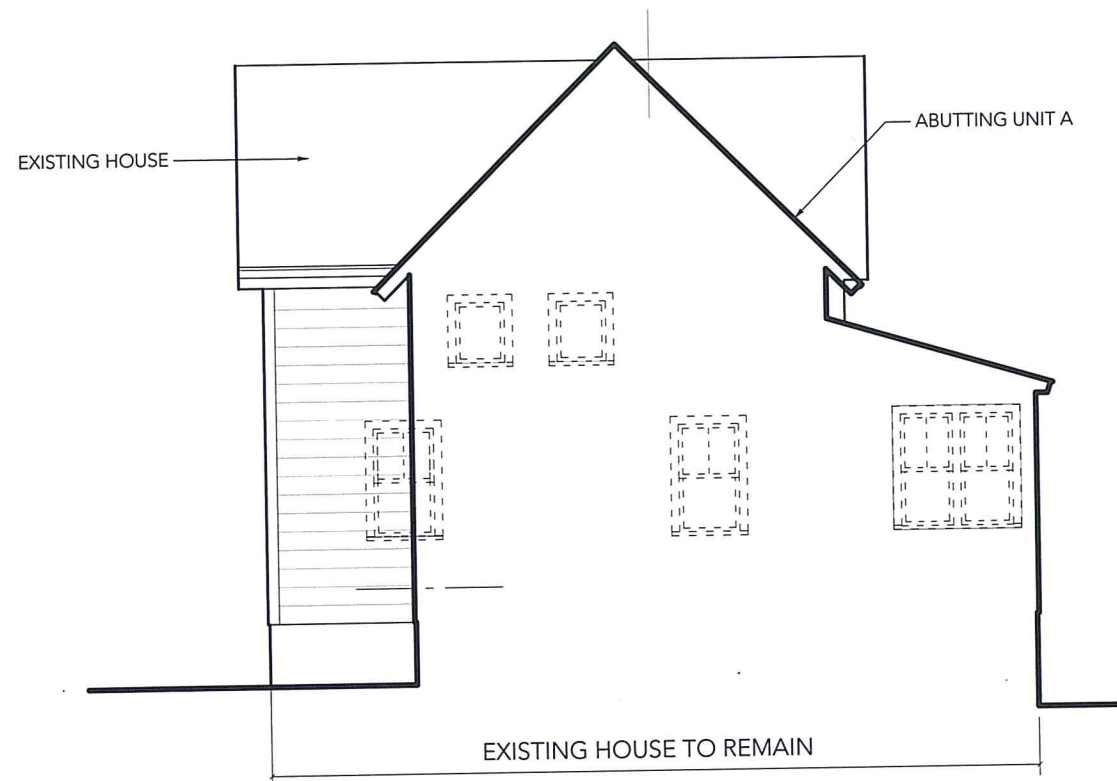
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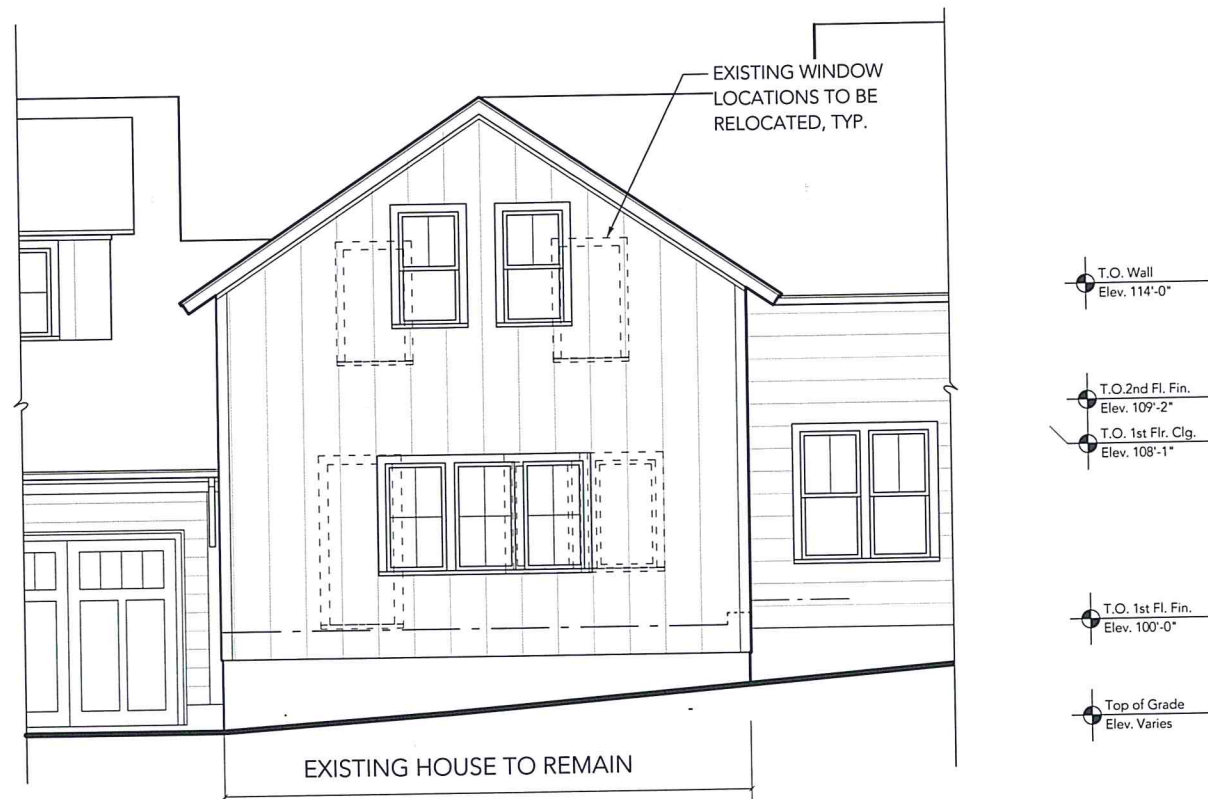
### EXTERIOR ELEVATIONS - PROPOSED

SCALE: 1/8" = 1'-0"  
28 february 2021

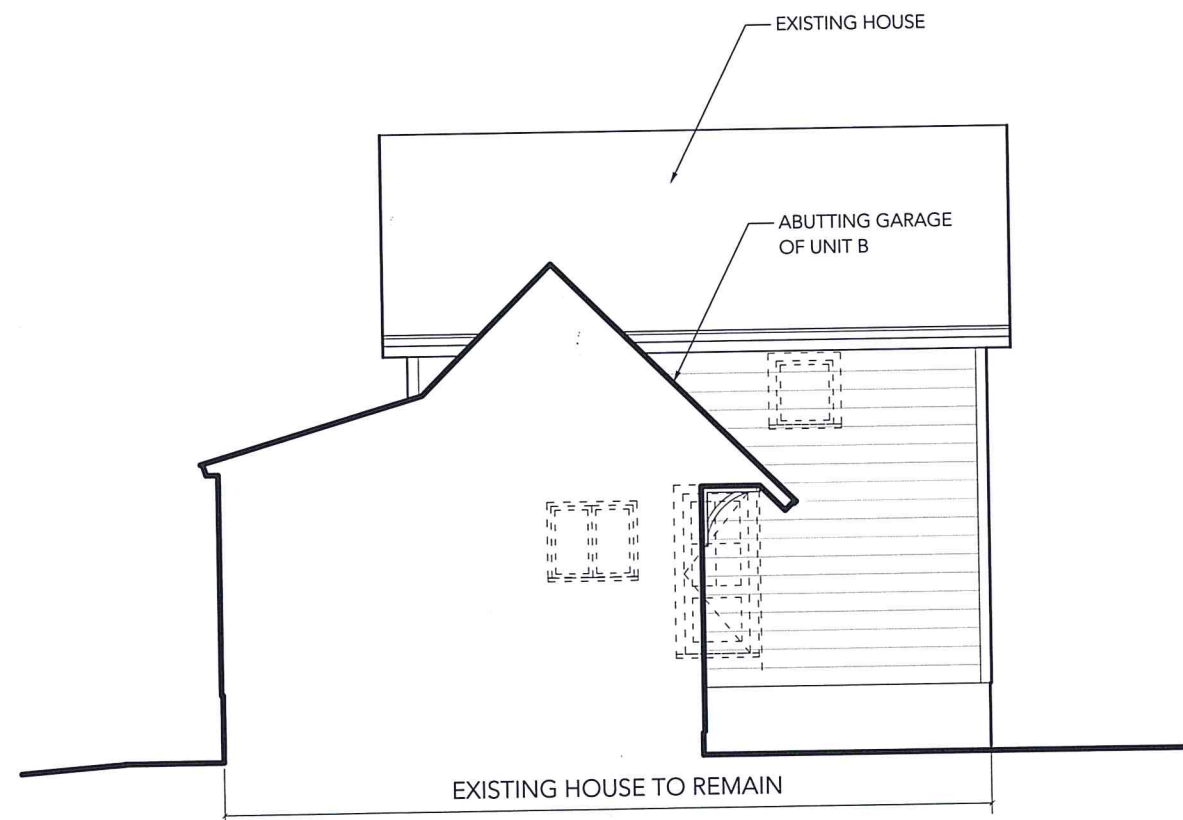
A03



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



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



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



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

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

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title:

### EXTERIOR ELEVATIONS UNITS A+B

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

29 february 2021



1 South Exterior Elevation - UNIT A (HANCOCK ST)  
SCALE: 1/8" = 1'-0"



2 West Exterior Elevation - UNIT A+B (LEAVITT COURT)  
SCALE: 1/8" = 1'-0"

UNIT B    UNIT A

A03

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

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Newburyport, MA  
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title:

**EXTERIOR  
ELEVATIONS  
UNITS A+B**

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

29 february 2021



① North Exterior Elevation - UNIT B  
SCALE: 1/8" = 1'-0"



② East Exterior Elevation - UNITS A+B  
SCALE: 1/8" = 1'-0"

EXISTING HOUSE TO REMAIN

UNIT A    UNIT B

A04

project:

# 21-27 HANCOCK STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

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Newburyport, MA  
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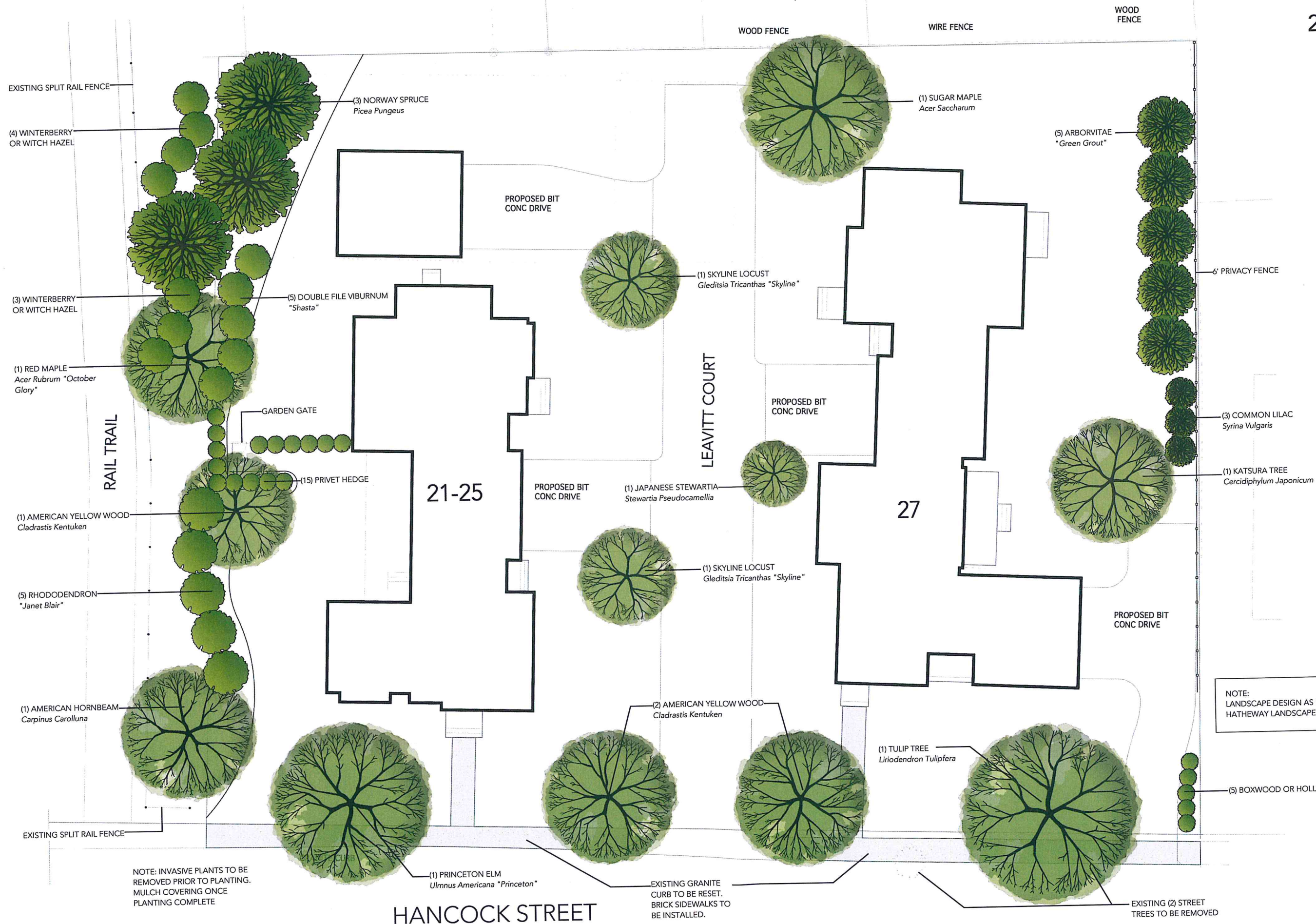
title:

## LANDSCAPE PLAN

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

2 march 2021

L01



NOTE: INVASIVE PLANTS TO BE REMOVED PRIOR TO PLANTING. MULCH COVERING ONCE PLANTING COMPLETE

EXISTING GRANITE CURB TO BE RESET. BRICK SIDEWALKS TO BE INSTALLED.

EXISTING (2) STREET TREES TO BE REMOVED

NOTE: LANDSCAPE DESIGN AS PER HATHEWAY LANDSCAPE CO.

# HANCOCK STREET