

**City of Newburyport Planning Board
Application for a SPECIAL PERMIT**

The undersigned hereby submits an application for: Special Permit
 Special Permit amendment

Petitioner: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

Address: 30 Greet Street, Newburyport, MA 01950

Phone: 9784637700

Email: Lisa@mtclawyers.com

Owner: Robert Doughty and Sharon Doughty, Trustees, G&S Massachusetts RT

Address: 3 Merrimac Street, Merrimac, MA 01860

Phone: _____

Site Address: 21-25 Hancock Street

Assessor's Map and Lot(s): 25/42 Zoning District: R2-DCOD

Book and Page #: 34044/272 or Certificate of Title: _____

Ordinance section where relief is being requested:

- | | |
|---|--|
| <input type="checkbox"/> Table of Permitted Uses (V-D) | <input checked="" type="checkbox"/> Courts and Lanes (XXIII) |
| <input type="checkbox"/> One residential structure per lot (VI.C) | <input type="checkbox"/> Waterfront West Overlay District (XXIV) |
| <input type="checkbox"/> Open Space Residential Development (XIV) | <input type="checkbox"/> Towle Complex Redev. Overlay District (XXV) |
| <input type="checkbox"/> Water Resource Protection District (XIX) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Federal Street Overlay District (XXII) | (For XXVII, see DOD Special Permit Application) |

Brief description of request:

Formalize existing Leavitt Court as a Court/Lane.

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

Jay Caswell
Petitioner

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

Robert Doughty
Owner (if different)

**City of Newburyport Planning Board
Application for a SPECIAL PERMIT**

The undersigned hereby submits an application for: Special Permit
 Special Permit amendment

Petitioner: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700

Email: Lisa@mtclawyers.com

Owner: William Colby

Address: 27 Hancock Street

Phone: _____

Site Address: 27 Hancock Street

Assessor's Map and Lot(s): 25/43 Zoning District: R2/DCOD

Book and Page #: 7229/301 or Certificate of Title: _____

Ordinance section where relief is being requested:

- | | |
|---|--|
| <input type="checkbox"/> Table of Permitted Uses (V-D) | <input checked="" type="checkbox"/> Courts and Lanes (XXIII) |
| <input type="checkbox"/> One residential structure per lot (VI.C) | <input type="checkbox"/> Waterfront West Overlay District (XXIV) |
| <input type="checkbox"/> Open Space Residential Development (XIV) | <input type="checkbox"/> Towle Complex Redev. Overlay District (XXV) |
| <input type="checkbox"/> Water Resource Protection District (XIX) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Federal Street Overlay District (XXII) | (For XXVII, see DOD Special Permit Application) |

Brief description of request:

Formalize Leavitt Court to be court/lane.

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

Jay Caswell
Petitioner

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

William Colby
Owner (if different)

**City of Newburyport Planning Board
FORM C – DEFINITIVE SUBDIVISION APPROVAL Application**

The undersigned hereby submits an application for:

- Definitive Subdivision approval
- Definitive Subdivision modification

Applicant: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street
Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Site Address: 21-25 Hancock Street and 27 Hancock Street

Name of Subdivision: Leavitt Court

Map and Lot(s): 25/43 25/42 Zoning District R2/DCOD

Book and Page: 7229/301 34044/272 or Certificate of Title: _____

Easements and restrictions of record (describe and include deed references):

See attached deeded right to Leavitt Court for 27 Hancock Street

Preliminary Plan Submitted: Yes No If yes, plan approved on: _____

Engineer: Steve Sawyer, Design Consultants, Inc

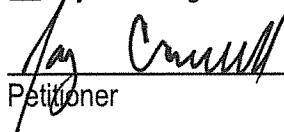
Phone: 9788846850 Email: SSawyer@dci-ma.com

Owner's Name: R Doughty & S Doughty, Trtees, G&S Massachusetts RT & William Colby

Address: 3 Merrimac Street, Merrimac, MA 01860 and
27 Hancock Street, Newburyport MA 01950

Petitioner and land owner's signatures:

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



Petitioner

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



Owner (if different)

**City of Newburyport Planning Board
FORM C – DEFINITIVE SUBDIVISION APPROVAL Application**

The undersigned hereby submits an application for:

- Definitive Subdivision approval
- Definitive Subdivision modification

Applicant: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street
Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Site Address: 21-25 Hancock Street and 27 Hancock Street

Name of Subdivision: Leavitt Court

Map and Lot(s): 25/43 25/42 Zoning District R2/DCOD

Book and Page: 7229/301 34044/272 or Certificate of Title: _____

Easements and restrictions of record (describe and include deed references):

See attached deeded right to Leavitt Court for 27 Hancock Street

Preliminary Plan Submitted: Yes No If yes, plan approved on: _____

Engineer: Steve Sawyer, Design Consultants, Inc

Phone: 9788846850 Email: SSawyer@dci-ma.com

Owner's Name: R Doughty & S Doughty, Trtees, G&S Massachusetts RT & William Colby

Address: 3 Merrimac Street, Merrimac, MA 01860 and
27 Hancock Street, Newburyport MA 01950

Petitioner and land owner's signatures:

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

Jay Caswell
Petitioner

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

Robert Doughty
Owner (if different)



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

February 17, 2021

By Hand

Bonnie Sontag, Chair
Planning Board
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Special Permit for Court or Lane and Subdivision Approval:
27 Hancock Street, Newburyport, MA (the "27 Hancock"), Assessor's Map: 25
Lot 43

Special Permit Court or Lane: 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. In that connection, this firm represents Caswell Development, LLC the purchaser of both 27 Hancock and 21 Hancock (the "Applicant"), which is proposing to construct a Lane which is currently laid out as a right of way by deed and which will serve both properties. On 27 Hancock the Applicant proposes to renovate and convert the existing home non-conforming single family home into a two family structure. On 21 Hancock the Applicant proposes to remove the existing non-conforming industrial services use and structure and construct a two family home on the lot. The Applicant proposes to construct a Court which is now a private paper street to which 27 Hancock has deeded rights of access over. The property is located in the R-2 Zoning District and the DCOD overlay district.

21 Hancock: The existing conditions includes a pre-existing non-conforming use and structure which is used for industrial services. The structure was constructed in or around 1929 and is listed as an intrusion on the District Data Sheets (Exhibit A). 21 Hancock abuts the city rail trail system in the south end, is overgrown and worn beyond its years and certainly out of place for this residential area. The Applicant will be removing that structure in its entirety and in place thereof construct a two family home which meets all of the dimensional requirements of the Newburyport Zoning Ordinance ("NZO")¹.

21 Hancock includes 16,228 Square feet of area with 267.28 feet of frontage on Hancock Street and Leavitt Court. All dimensional requirements of the NZO are met.

¹ The Applicant has applied for a Special Permit for the 2-Family use for both properties from the Zoning Board of Appeals.

Millis Office

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

27 Hancock: The existing conditions include a single family home. The residential structure is listed on the District Data Sheets as Contributory to the district and dates the home around 1870-1880. The Assessor's Records, however, date the house at 1916. A review of the Sanborn Maps from 1900-1914 show no structure on this property. (Exhibit B) Indeed, the first reference to a structure on the property in the deeds of record appears in the deed from Alvah Leavitt to J. Alphonse Thibault dated August 24, 1917 and located at Book 2376 Page 293 in the Essex South Registry of Deeds. This would confirm the date in the Assessor's records.

27 Hancock is non-conforming for sideline setback on the left side at 5.7 feet². The Applicant proposes to renovate the existing structure and include an addition resulting in a two family structure on the lot³. The orientation of the home changes and the left side becomes the front.

27 Hancock includes 16,400 square feet of area with 267.40 feet of frontage on Hancock and Leavitt Court. As noted, there is an existing non-conforming setback of 5.7 off of Leavitt Court which will remain but be improved to 11.7. All other dimensional requirements of the NZO are met.

The Applicant will require a Special Permit for Court or Lane and approval of a subdivision such that Leavitt Court may be used for frontage in accordance with XXIII of the NZO.

Special Permit For Court and Lane

Section XXIII of the NZO permits the granting of a Special Permit upon review by the Planning Board and upon satisfaction of the following specific criteria:

a. A court or lane shall not be used to satisfy zoning frontage requirements except as provided by an approved definitive subdivision plan.

The Applicant is applying simultaneously for subdivision approval to create this Lane.

b. A Court shall serve no more than two (2) dwelling units/lots. A lane shall serve no more than four (4) dwelling units/lots.

The Applicant is creating a Lane. Leavitt Court will service three (3) of the four (4) dwelling units.

c. The court or lane shall access the property over the frontage of at least one of the lots being served by the driveway.

² It should be noted that under the definition of "Lot Line, Front" the NZO provides, in part: "The property line dividing a lot from the adjacent a single street right-of-way. In the case of a corner lot the front lot line of greater length shall be known as the primary front lot line." (emphasis added) While Leavitt Court did not previously receive subdivision approval it has existed since at least 1917 as a right of way. Given the use of primary and secondary frontage dimensional requirements. The lot lines and structure locating are not changing. The current non-conformity is improving with regard to the dimension off of Leavitt Court.

³ The Applicant has applied to the Zoning Board for a Special Permit for non-conformities for 27 Hancock.

The access is provided over the frontage of 21-25 Hancock Street.

d. The owners of the properties to be accessed by the court or lane must provide evidence to the zoning administrator that they have rights, either by deed or easement, to the court or lane. If access is by easement, the easement shall be recorded by the Essex County Registry of Deeds within ninety (90) days of endorsement by the planning board or within seven (7) days prior to commencement of construction. The recorded easement shall include the following:

1. That unless approved within a definitive subdivision plan, the court or lane shall not be used to satisfy frontage requirements under the zoning ordinance; ***A subdivision has been requested.***

2. That the City of Newburyport shall not assume any responsibility for the court or lane, nor bear any liability for same; ***The Applicant will maintain Leavitt Court as part of joint condominium association responsibilities.***

3. That a lot and/or unit owner provided access by the court or lane and having an exclusive right of access or usage of any portion thereof, such as a spur accessing one lot and/or unit alone, shall be individually responsible for repair, maintenance and upkeep of such portion; ***The Applicant will maintain Leavitt Court as part of joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1916.***

4. That all lot and/or unit owners provided access by the court or lane shall be jointly and severally responsible and liable for the repair, maintenance and upkeep of all shared portions of the court or lane. ***The Applicant will maintain Leavitt Court as part of joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1916. This will be continued through the easement and the condominium documents.***

e. The court or lane shall not become a public or private way maintained by the city. Further, the City of Newburyport shall not be required to provide city services including but not limited to: construction, reconstruction, maintenance, snowplowing, school bus pickup, trash collection or police patrols along a court or lane. ***The owners will have control and responsibility for Leavitt Court.***

f. A covenant shall be entered into between the owner or developer and the city in a form acceptable to the planning board prohibiting the issuance of an occupancy permit until such time as the court or lane has been constructed in accordance with the approved plan. ***The Applicant will comply with this requirement.***

In addition to the specific Special Permit Criteria of section XXIII, the general Special Permit criteria of Section X-H(7) of the NZO apply. I note the following, required “general conditions” for the issuance of a special permit for a Court and Lane together with an explanation of the Applicant’s compliance with each such requirement:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which application is made or is

similar in character to permitted uses in a particular district but is not specifically mentioned.

As noted above, the Property is located in an R-2 zoning distraction where a court or lane may be created by Special Permit.

2. The requested use is essential and/or desirable to the public convenience or welfare.

Again, the Ordinance provides that a court or lane may be allowed by special permit in the R-2 district and therefore, by its very nature, has been determined by the City to be desirable. This portion of the R-2 district is a more dense district in the city, having once been the R-3 district. Currently the property includes an industrial/commercial use together with a single family home use both with rights to be services off of Leavitt Court. Indeed, 27 Hancock Street uses Leavitt Court currently to access the house. This condition will not change as one of the units at 27 Hancock will be accessed off of Hancock Street.

Given the location of 21-25 Hancock the removal of this non-conforming use is desirable and further, given that the court already exists, it is desirable to improve it to provide proper access to these two lots. Further, it is desirable and in the best welfare of the City to improve this property which abuts the Clipper City Rail Trail. This property stands out as a less than desirable abutter to the rail trail and is over grown and unkempt. The improvement is consistent with the density of the neighborhood⁴ and will not be an outlier any longer.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The formalization of Leavitt Court will actually improve the traffic and pedestrian situation. The property at 21-25 Hancock is currently used by service vehicles and other commercial trucks which is entirely inconsistent with the residential fabric of the neighborhood. Formalizing Leavitt Court and creating 2 two family homes will be consistent with the surrounding uses and improve the current traffic situation. No undue traffic congestion will be created and pedestrian safety will be improved by having all residential traffic in the residential neighborhood. There is a sidewalk which runs along Hancock Street. Additionally, the rail trail is less than 150 feet away from the property.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

The proper construction of Leavitt Court will actually improve the storm water runoff in the area. The lot topography descends from Hancock Street to the rear of the lot. Similarly, the lots are lower than the rail trail. With the improvements proposed, the stormwater will be properly drained and treated.

As a result, the public systems will not be overloaded and nothing about the increased use on site will pose a hazard to the public health of safety.

⁴ Actually, given the size of the lots, this proposal will be significantly less dense than the remainder of the neighborhood once the two family use is permitted.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for a court and lane, to the extent there are the Applicant is complying with them.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The formalization of Leavitt Court and the removal of the non-conforming industrial use and reclamation of the property at 21-25 Hancock is consistent with the zoning district and the integrity and character of the neighborhood. Hancock Street currently includes a mixture of single and two family homes. 1-1.5 Hancock, 11 Hancock, 6 Hancock, 10 Hancock and 28 Hancock (directly across the street) are all two family homes. Otherwise there are single family homes and a “club” use at the easterly end of the street. Indeed, this will be one of the least dense lots in the neighborhood even with a two family use.

Further, the density of the proposed lots are less than that of the surrounding neighborhood. Indeed, after reviewing eleven surrounding lots, not a single one even meet the dimensional requirements for a single family use. The lot areas range from 1,600 at 15 Hancock to 8,980 across the street at 24 Hancock, but that is for a two family use. The removal of a dilapidated structure and intrusion into the district, replacing it with the proposed use of Leavitt Court to formalize the two family use on each lot is entirely consistent with the surrounding neighborhood and certainly will not impair the integrity or character of the district not will it be detrimental to the health or welfare of the district.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

As noted above, the formalization of Leavitt Court and the creation of a two-family use is consistent in the varied housing types in neighborhood and in the vicinity generally. As noted in 6 above, the addition of a two family to the neighborhood will be entirely consistent with the surrounding uses in the area and will not cause an excess of this particular use or be detrimental to the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

Allowing the formalization of Leavitt Court is allowed by special permit in the R-2 District. The R-2 district is the second most dense residential districts in the City. Creating Leavitt Court to permit 2, two family structures on conforming lots. But for the various waivers being requested, the use of a court and/lane is consistent with the purpose and intent of the Ordinance namely:

- It will enhance public safety by reducing the number of curb cuts into Hancock Street, by 2, thereby improving public safety.
- The proposal will remove old discarded boats, storage of industrial supplies and replace it with a properly drained and maintained stormwater system including lawn areas and vegetation appropriate for a use adjacent to the rail trail.

- Improve the existing conditions adjacent to the public recreational trail by removing a undesirable use and structure and improve the view from the Clipper City rail trail consistent with the experience one should have while enjoying a public pathway. In this way it is a preservation of the landscaped and improved rail trail and open space area within it.
9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The construction of Leavitt Court and thereafter use of a two family will not itself create hazardous materials and transmissions. Proposed construction will be completed in a manner that is not dangerous, noxious or injurious, and it will not emit, noise, vibration, smoke, dust or odor or other form of environmental pollution

Subdivision Approval for Leavitt Court

As noted previously, Leavitt Court was actually created on a plan (Exhibit) in 1916. The “road” has been used to service both 21-25 Hancock Street and 27 Hancock Street for over 100 years. However, the road itself, was never formally “laid out” nor accepted by the City, and therefore not actually constructed under the subdivision control law. As a result, while the creation of the road by a recorded plan in 1916 would be sufficient for ANR purposes, the Applicant would be required to construct same. To that end, the Applicant seeks to construct the road using the Court/Lane Special Permit and construct same as a Lane under the Subdivision Rules and Regulations.

Please note, I have also attached an email from Deputy Chief Bradbury assenting to the proposed plan. Exhibit B.

Filed herewith is a definitive plan by Design Consultants, Inc., dated February 16, 2021. I have attached the deeds as Exhibit C. Attached as Exhibit A are the requested waivers. Finally, the Applicant would request that the continued use of the name “Leavitt Court” given the historic use of the name and the fact that the deeds include the use of this name as part of the meets and bounds description.

We look forward to discussing this application with the Board.

Respectfully submitted,
Caswell Development, LLC
By Its Attorney



Lisa L. Mead

EXHIBIT A WAIVERS

6.8.1 - (TABLES) MINIMUM RIGHT OF WAY WIDTH OF 40' REQUIRED. LEVITT COURT IS AN EXISTING 25' PRIVATE WAY TO BE IMPROVED.

6.8.1- (TABLES) PROVIDE CUL-DE-SAC OR T / Y TURNAROUND. NO CUL-DE-SAC OR TURNAROUND PROPOSED. ALL BUILDINGS TO INCLUDE FIRE SUPPRESSION SPRINKLER SYSTEM AND TOTAL ROAD LENGTH ONLY 150'. TURN AROUND PROVIDED FOR BACKING OF CARS OUT OF TWO DRIVEWAYS AT AND OF LEAVITT COURT.

6.8.1- (TABLES) CURB RADIUS OF 25 FEET AT INTERSECTION. 12 FEET IS PROPOSED AT INTERSECTION WITH HANCOCK STREET .

6.9 CURBING - 6" VERTICAL GRANITE REQUIRED, GRANITE CURBING ONLY PROVIDED AT THE INTERSECTION WITH HANCOCK STREET.

6.11.1 SIDEWALKS - SIDEWALK REQUIRED ON ONE SIDE OF ROAD - NO SIDEWALKS PROPOSED.

EXHIBIT B
FIRE DEPARTMENT LETTER/EMAIL

Lisa Mead

From: Jay Caswell <jay@caswelldevelopment.com>
Sent: Tuesday, January 19, 2021 2:40 PM
To: Lisa Mead; Aileen Graf
Subject: Fwd: [Ext]Fwd: 21-27 Hancock Street

Jay Caswell
Caswell Development
24 Graf Rd.
Newburyport, MA 01950
(978) 358-8039 office
(978) 358-8037 fax

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

----- Forwarded message -----

From: Steve Bradbury <SBradbury@cityofnewburyport.com>
Date: Tue, Jan 19, 2021 at 1:44 PM
Subject: RE: [Ext]Fwd: 21-27 Hancock Street
To: Jay Caswell <jay@caswelldevelopment.com>

Hi Jay:

With both buildings having a sprinkler system, the fire department does not have any issues with this project moving forward.

Thanks,

Deputy Chief Bradbury

From: Jay Caswell [jay@caswelldevelopment.com]
Sent: Thursday, January 14, 2021 7:23 AM
To: Steve Bradbury
Subject: [Ext]Fwd: 21-27 Hancock Street

external e-mail use caution opening

Jay Caswell
Caswell Development
24 Graf Rd.
Newburyport, MA 01950
(978) 358-8039 office
(978) 358-8037 fax

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

----- Forwarded message -----

From: Jay Caswell <jay@caswelldevelopment.com>
Date: Thu, Jan 14, 2021 at 7:19 AM
Subject: 21-27 Hancock Street
To: <sbradbury@cityofneburyport.com>

Hi Steve,

Here is the site plan for the project at Hancock street. There is an old paper road in the deed called Leavitt ct. I am looking to get the planning board to accept it. I am going to Sprinkle each unit since the road is not as wide as what is required. Hoping you can take a look and OK what we have planned.

Thanks You

Jay Caswell
Caswell Development
24 Graf Rd.
Newburyport, MA 01950

EXHIBIT C
DEEDS

82

I, WILLIAM F. COLBY, EXECUTOR under the WILL of ~~MARGARET E. COLBY~~ MARGARET E. COLBY, late of Newburyport, Massachusetts (see Essex Probate No. 359983), by power conferred by License To Sell Real Estate dated September 20, 1983

and every other power, for Forty Thousand and no/100 (\$40,000.00) ----- Dollar paid, grant to WILLIAM F. COLBY and JOYCE E. COLBY, husband and wife, as joint tenants of 27 Hancock Street, Newburyport, Massachusetts

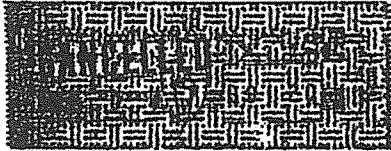
The land in said Newburyport with the buildings thereon, bounded and described as follows, vis: Beginning at the Easterly corner thereof on Hancock Street, thence running Westerly by said Hancock Street ninety-six and 52/100 feet to a court twenty-five feet wide called Leavitts's Court; thence Northerly by said Court one hundred seventy-two feet, more or less to land formerly of Robinson; thence Easterly by the last mentioned land in part and in part by land now or formerly of Little, ninety-three and 94/100 feet to land now or formerly of Hathaway; and thence Southerly by land of Hathaway et, als, one hundred seventy-five feet more or less to the point begun at.

All of said measurements being more or less.

Together with the right in common with others to pass and repass over the whole width of said Court to and from said Hancock Street; subject to the rights of others to pass and repass thereon.

Subject to the provisions of the Newburyport Zoning Laws insofar as the same are legally in force and applicable.

For title see Estate of Arthur M. Colby, Sr. (Probate No. 360003); and Estate of Margaret E. Colby (Probate No. 359983).



Witness my hand and seal this 29th day of September 1983.

[Handwritten signature]

[Handwritten signature]
William F. Colby, Exec

The Commonwealth of Massachusetts

Essex, ss. September 29, 19 83

Then personally appeared the above named William F. Colby, Executor under the Estate of Margaret E. Colby, and acknowledged the foregoing instrument to be his free act and deed, before me

[Handwritten signature]
Ceryl L. McGraff Notary Public

My commission expires July 13, 19 84

25-

BOOK 94710516

MASSACHUSETTS QUIPCLAIM DEED SHORT FORM (INDIVIDUAL) 201

We, William F. Colby and Joyce E. Colby, both
of Newburyport, Essex

County, Massachusetts,

being married, for consideration paid, and in full consideration of Less than One Hundred and 00/100
(\$100.00) Dollars
grant to Richard Baker

of 10th Street, Plum Island, Newbury, Massachusetts
the land in Newburyport, Essex County, Massachusetts

with quitclaim covenants

[Description and encumbrances, if any]

All of our right to pass and repass over that portion of Leavitt's Court, which
is presently occupied by the grantee's building. That portion which is currently
located within said Court measures approximately 15' X 40' and contains roughly 600 sq. ft.
For the grantors title, see deed of William F. Colby, Executor, dated September 29,
1983 and recorded in Essex South District Registry of Deeds in Book 7229, Page 301.

1988 APR 14 PM 1:43

000287

Witness our hands and seal this 21 day of January, 1988.

[Signature]
.....
to have

[Signature]
William F. Colby

[Signature]
Joyce E. Colby



The Commonwealth of Massachusetts

ESSEX, ss.

Then personally appeared the above named William F. Colby and Joyce E. Colby
and acknowledged the foregoing instrument to be their free act and deed before me

JOHN B. RICE JR.
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 1988

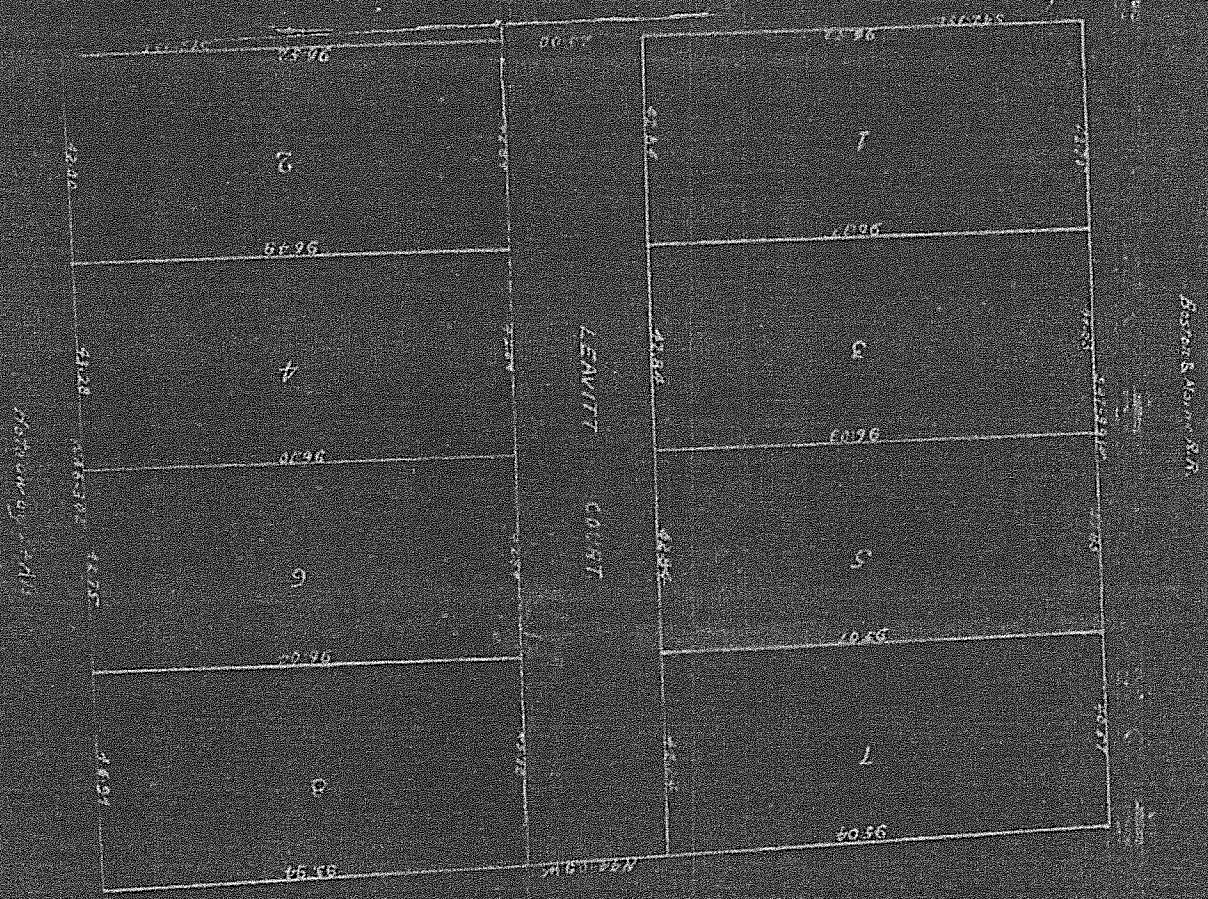
[Signature]
Notary Public - Justice of the Peace
My commission expires April 22 1988

(*Individual - Joint Tenants - Tenants in Common.)

CHAPTER 183 SEC 6 AS AMENDED BY CHAPTER 497 OF 1969
Every deed presented for record shall contain or have endorsed upon it the full name, address and post office address of the grantee
and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered
for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or
encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed.
Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless
it is in compliance with the requirements of this section.

PLANO DE LAND
 A.M. LEAVITT
 ATTORNEY AT LAW
 107 N. 10th St.
 HANCOCK, ME.

HANCOCK STREET



HENRY FRAS

2342/600

Quitclaim Deed

We, Robert E. Doughty and Sharon L. Doughty, a married couple, of Merrimac, Essex County, Massachusetts

for nominal consideration

grant to Robert E. Doughty and Sharon L. Doughty, Trustees of the G&S Massachusetts Realty Trust, created u/d/t dated May 5, 2015, and recorded herewith of 3 Merrimac Street, Merrimac, Massachusetts 01860,

with quitclaim covenants

The land with the buildings thereon situate in Newburyport, Essex County, Massachusetts being Lots# 1, 3, 5 and 7 as shown on plan entitled "Plan of Land belonging to A. W. Leavitt, Newburyport, Mass." Walter E. Tilton, surveyor, May 15, 1916, recorded with Essex South District Registry of Deeds, Book 2342, Page 600, and including Leavitt Court, so-called, bounded and described as follows:

Commencing at the Westerly corner thereof on Hancock Street by land now or formerly of the Boston & Maine Railroad; thence by said Street, South 42°35' East one hundred twenty-one and 52/100 (121.52) feet to the Southerly corner of said Court; thence by the Southeasterly side of said Court North 46°30' East one hundred seventy-one and 88/100 (171.88) feet to land now or formerly of Mary E. Robinson; thence North 44°09' West in part by said land of Robinson and in part by land now or formerly of Mary T. Read, and part by land now or formerly of Adelaide Greenwood one hundred twenty and 4/100 (120.4) feet to said land of said Railroad; thence South 47° 39' West by said Railroad one hundred seventy (170) feet to the point of beginning.

Subject to whatever rights of way or otherwise the grantees of said Leavitt or others may have in and to said Leavitt Court either by express grants therein, or by implication, said Court being of the width of twenty-five (25) feet, and extending Northeasterly from said Hancock Street to said land now or formerly of Robinson and said land now or formerly of Read.

FILE NO

PLEASE RETURN TO:
CONNOLLY & CONNOLLY
REGISTRY BOX 55

Property Address: 21-25 Hancock Street, Newburyport

2

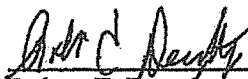
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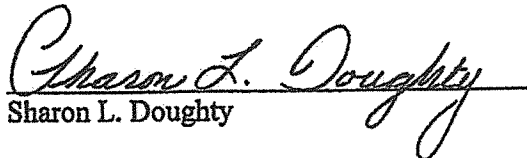
2

Being the same premises conveyed to the grantors by deed of Richard Baker dated April 14, 1988 and recorded with the Essex South District Registry of Deeds in Book 9471, Page 518.

NO TITLE SEARCH REQUESTED OR PERFORMED.

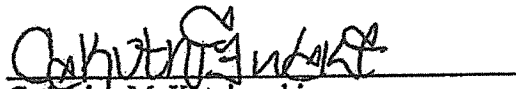
Executed as a sealed instrument this 5th day of May, 2015.


Robert E. Doughty


Sharon L. Doughty

COMMONWEALTH OF MASSACHUSETTS

On this 5th day of May, 2015, before me, the undersigned notary public, personally appeared Robert E. Doughty and Sharon L. Doughty who are personally known to me or proved to me through satisfactory evidence of identification, which were their drivers' licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Catherine M. Kutniewski
Notary Public
My Commission Expires: 4/2/2021



CATHERINE M. KUTNIEWSKI
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 2, 2021

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2021-006

Name: Caswell Development, LLC c/o Lisa Mead, MTC LLC

Address: 21 Hancock Street

Zoning District(s): R2/DCOD

Request: Seperate an existing court from the parcel it exists as part of in order to create 2 seperate conforming lots and a Lane. Definitive subdivision plan approval required to satisfy frontage requirements. Includes demolition of existing nonconforming historically intrusive structure.

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) #: _____
- 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)
 - 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 _____

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

Definitive Subdivision Approval Required

The name typed below represents the intent to sign the foregoing document:

Jennifer T Blanchet

01/26/21

Newburyport Zoning Administrator

Date

21-25 HANCOCK ST

Location 21-25 HANCOCK ST

MBLU 25/ 42/ / /

Owner DOUGHTY ROBERT E &
SHARON L TRS

Assessment \$292,500

PID 1352

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$59,200	\$233,300	\$292,500

Owner of Record

Owner DOUGHTY ROBERT E & SHARON L TRS
Co-Owner G & S MASSACHUSETTS REALTY TRUST
Address 3 MERRIMAC ST
 MERRIMAC, MA 01860

Sale Price \$0
Certificate
Book & Page 34044/0272
Sale Date 05/11/2015
Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DOUGHTY ROBERT E & SHARON L TRS	\$0		34044/0272	1F	05/11/2015
DOUGHTY ROBERT E	\$148,750		09471/0518	1B	04/14/1988
BAKER RICHARD	\$33,050		07166/0372	1A	07/20/1983
HUDSON CRAIG C SR	\$0		6126/0692		02/05/1975

Building Information

Building 1 : Section 1

Year Built: 1929

Living Area: 4,253

Building Attributes	
Field	Description
Style:	Comml whse

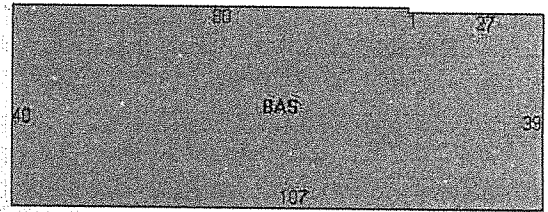
Model	Commercial
Grade	Average
Stories:	1
Occupancy	1.00
Exterior Wall 1	Stucco/Masonry
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	Concr Abv Grad
Heating Fuel	Coal or Wood
Heating Type	None
AC Type	None
Struct Class	
Bldg Use	COMM WHSE
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
1st Floor Use:	3160
Heat/AC	NONE
Frame Type	MASONRY
Baths/Plumbing	LIGHT
Ceiling/Wall	CEILING ONLY
Rooms/Prtns	LIGHT
Wall Height	12.00
% Comn Wall	0.00

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//01\00\08\17.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/1352_14)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	4,253	4,253
		4,253	4,253

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 3160
Description COMM WHSE

Land Line Valuation

Size (Acres) 0.49
Depth 0

Assessed Value \$233,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			10000.00 S.F.	\$5,800	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$59,200	\$233,300	\$292,500

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27 HANCOCK ST

Location 27 HANCOCK ST

MBLU 25/43/11

Owner COLBY WILLIAM F

Assessment \$450,100

PID 1353

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$167,500	\$282,600	\$450,100

Owner of Record

Owner COLBY WILLIAM F
Co-Owner JOYCE E J/T
Address 27 HANCOCK STREET
NEWBURYPORT, MA 01950

Sale Price \$40,000
Certificate
Book & Page 07229/0301
Sale Date 09/29/1983
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
COLBY WILLIAM F	\$40,000		07229/0301	1A	09/29/1983
COLBY ARTHUR M	\$0		3313/0163		

Building Information

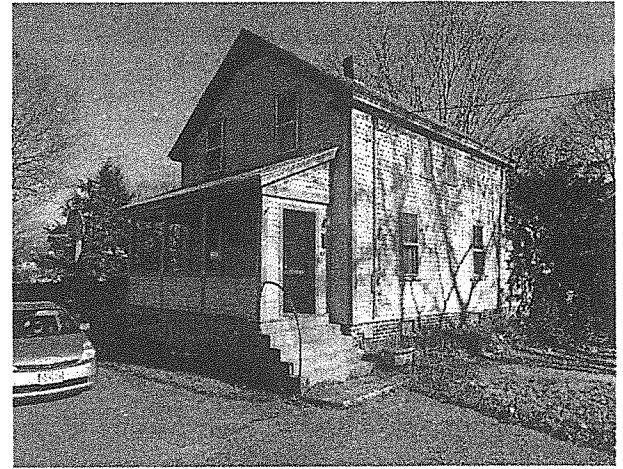
Building 1 : Section 1

Year Built: 1916
Living Area: 1,100

Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	Average
Stories:	1 1/2 Stories
Occupancy	1

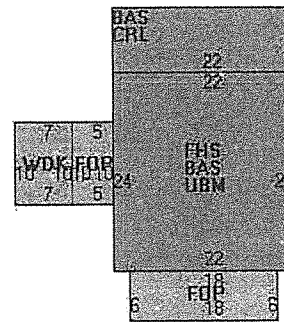
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/A01101118175.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/1353_14)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	704	704	
TQS	Three Quarter Story	528	396	
CRL	Crawl Space	176	0	
FOP	Porch, Open	158	0	
UBM	Basement, Unfinished	528	0	
		2,094	1,100	

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.39
Depth 0
Assessed Value \$282,600

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$145,300	\$282,600	\$427,900