



November 1, 2021

By Hand

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

Re: Request for Special Permit for Non-conformities;
22-24 Olive Street, Newburyport, MA (the "Property")
Assessor's Map: 52 Lot: 37

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the 22-24 Olive Street, LLC the owner of the Property (the "Applicant"). The Property is located in the R-2 and DCOD zoning districts of the Newburyport Zoning Ordinance (the "Ordinance") and is used as a two-family residence (the "Residence"). The structure is listed as Contributory on the District Data Sheets. The Applicant proposes to remove a later added rear addition as well as an earlier rear addition and construct an addition in their place.

The Applicant has received approval from the Historic Commission to remove the demolition delay and move forward. The plans which have been approved by the Commission are attached. They are significantly different from the plans originally proposed by the Applicant.

Notably, as you can see on the attached annotated plan, the proposed addition meets the Secretary of Interior Standards for additions on residential structures as follows:

- The addition is subordinate. The addition is not the same height as the original structure and is also more narrow and smaller in square footage.
- The addition may be removed in the future and not impair the essential form and integrity of the original structure. Indeed, the removal of later added shed style additions on the current building covered up not only original brick wall area, but also original window openings. The new hyphen and addition could certainly be removed in the future without damaging the critical elements of the original structure as required in this standard.
- The removal of those later added additions will expose more of the original brick rear wall as well as original windows.
- The new addition is visually separate from the original structure.
- The addition size rhythm and alignment of the addition windows and door openings reflect the original.

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While it is true this Board's purview involves a different review and set of criteria, the foregoing criteria are important when analyzing the project under the second provision of the Special Permit Criteria, namely, are the proposed renovations and additions substantially more detrimental to the neighborhood than the existing non-conforming structure.

I will review the special permit criteria and dimensional controls again as the dimensions and impact of the project have changed from what was originally submitted. The Property is located in the R2 zoning district, is a two family use and is a pre-existing nonconforming lot for lot area, secondary front setback, and rear setback. The R2 District for a two family requires 15,000 square feet of area and the Property includes 10,758, secondary (Olive Street) front setback of 25 feet and the Property includes 10.6 feet and a rear (opposite Russia Street) setback of 25 feet and the Property includes 16.5 feet. The remaining dimensional controls are met.

Under the proposed project, the proposed addition meets all of the dimensional requirements and does not intensify any of the pre-existing non-conformities but indeed removes some of the intensity of the existing non-conformities. The proposed addition is more than 500 square feet. Specifically, from existing conditions, the primary front setback off of Russia Street is improved to 25.9', the lot coverage is improved to 24.5% and the parking is improved going from existing 2 spaces for a two family use to 5 spaces where 4 are required. Importantly, all of the dimensional requirements, except the existing historic house setback off of Olive Street and the Lot Area, are met or exceeded.

Section IX-B(2)(A) allows for the modification of a pre-existing nonconforming single-family structure where the Board finds that:

- A. there will be no addition of a new non-conformity**
- B. the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

- A. There will be no new nonconformity created by the project.
- B. The Board can also find that the proposal is not substantially more detrimental to the neighborhood.

As you can see from the attached plans, the proposed addition is smaller in footprint, overall square footage and in height than the existing structure. Additionally, the proposed addition steps back and apart from the existing structure. As you can see from the attached Assessor's Map, the Property has sufficient size as compared to its surrounding neighbors to accommodate the proposed addition.

Further, the proposal is to remove two additions which were not appropriate for the home. Further a ~~garage~~ heated workshop is being removed which is only five feet from the side lot line and 7.8 feet from the front lot line. While, it is true that the Applicant is removing a portion of the existing later wood framed walls, by the removal of the addition, the Applicant is likewise exposing portions of the original historic brick exterior rear wall which had been previously covered by the more recent additions.

The total square footage of new construction is 1,984 SF (new space created after the demolition), but given that the Applicant is demolishing 493 square feet of existing floor area, the net square feet added to the project is total of 1,491 square feet on a lot which is 10, 758 square feet.

The proposed modifications to the structure are appropriate for the scale and massing and architectural style of the existing home. Further, the proposal is appropriate for neighborhood as well. For a specific

comparison using a number of density and size related criteria, I have attached a spreadsheet showing the surrounding neighborhood as compared to the Property. You will see that the proposed renovations and addition do not render this proposal as substantially more detrimental to the neighborhood. When you compare this Property as proposed with the surrounding area by footprint, finished area, density per 10,000 square feet or finished area per 10,000 square feet, the proposal is in the middle or on the less dense side of all other properties in the neighborhood.

Of note, no other corner lot on Olive Street includes a 25 foot setback on the primary front yard or even the secondary front yard. (See attached MiMaps). This condition is unique to the Property. Given that condition and the fact that the proposal is located fully within all of the dimensional requirements, gives a much more open feel to the Property and proposed addition. Certainly, the proposal is much less dense than most all other properties in the neighborhood. Of particular note, the proposed structure is commensurate with the existing large lot upon which it is proposed. The combination of low lot coverage and compliant setbacks gives a much more open feel to the Property than most in the neighborhood. The difference here is that much of the open space, while not all, is in the front and side yards on Russia Street.

Additionally, as to the architectural style, size and design, the proposed renovated property, is appropriate for the neighborhood and certainly, not substantially more detrimental which is the standard by which it must be judged. Further, and appropriately so, the proposed addition is historically correct and meets the United State Secretary of the Interior Standards.

Based upon the foregoing, the Board can find that the proposed addition is not substantially more detrimental to the neighborhood than the existing structure.

Respectfully submitted
22-24 Olive Street LLC
By Its Attorney



Lisa L. Mead

Attachment
cc: client