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June 30, 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 Residence and Property are nonconforming as noted below and will require a special permit for nonconformities from the Zoning Board of Appeals ("ZBA").

The Applicant has also simultaneously filed a request for a Demolition Delay Permit from the Historic Commission for removal of the earlier addition related to a roof line change.

The proposed demolition does not trigger review by the ZBA under the DCOD as 24.72% of the exterior walls will be removed and/or covered as part of the project.

Special Permit for Non-Conformities and Variance

The Applicant requires a special permit for nonconformities from the ZBA pursuant to Section IX.B.2.A of the Ordinance. The Property is located in the R2 zoning district and is a pre-existing nonconforming lot for lot area, secondary front setback, and rear setback. The R2 for a two family requires 15,000 square feet of area and the Property includes 10,758, secondary front setback of 25 feet and the Property includes 10.6 feet and a rear 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

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removes some of the intensity of the existing non-conformities. The proposed addition is more than 500 square feet.

1. Special Permit for Non-Conformities

The Applicant requires a special permit for nonconformities pursuant to Section IX.B.3(C) of the Ordinance. The Property is located in the R2 zoning district and is a pre-existing nonconforming. For a two family, the R2 requires 15,000 square feet of area and the Property includes 10,758, secondary front setback of 25 feet and the Property includes 10.6 feet and a rear setback of 25 feet and the Property includes 16.5 feet.

The proposed addition does not exacerbate, intensify or add any new non-conformities. Indeed the proposed addition meets all of the required setbacks and other dimensional requirements. Due to the non-conforming lot area and a proposed addition of more than 500 square feet, the Applicant requires a Special Permit.

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 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. While, it is true that the Applicant is removing portion of the existing walls, by the removal of the addition, the Applicant is likewise exposing portions of the original historic exterior rear wall which had been previously covered by the more recent additions.

The proposed modifications to the structure are appropriate for the scale and massing and architectural style of the existing home. The Applicant will be removing an existing accessory building which is fully heated and currently serves as a workshop which is adjacent to and only five (5) feet from the northerly property line, thereby diminishing the impact of that side yard setback. The proposal removes all of the out-buildings and structures and proposes a compact building which exceeds the side yard setback to the northerly neighbor on Russia Street to a distance of 29.9 feet.

From Olive Street, the addition will barely be noticeable if at all. The proposed addition is smaller and setback, as noted above, from the edges of the main home on Olive Street. The streetscape of Olive Street will remain unchanged. Additionally, as to the streetscape on Russia Street, the addition is setback more than the required front yard setback of 25 feet and as a result to not impose upon the street.

Finally, the Applicant is increasing the number of off street parking spaces to five (5) which in this tight neighborhood, will be beneficial.

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

A handwritten signature in black ink, appearing to read 'L. Mead', written in a cursive style.

Lisa L. Mead

Attachment
cc: client