

**22-24 Olive Street,  
Newburyport**

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

**November 23, 2021**



Mead, Talerman & Costa, LLC  
Attorneys at Law

**22-24 Olive Street,  
Newburyport**  
**Existing Conditions**

**Existing Conditions**

- Located in R2 and DCOD Districts.
- Currently used as two-family home.
- Corner lot located on Russia and Olive Street.
- Property contains the following non-conformities:
  - Lot Area: Requires 15,000 s.f. where lot has 10,758 s.f.
  - Secondary Front Yard Setback (Olive Street Side): Requires 25 feet where setback is 10.6 feet.
  - Rear Yard Setback (opposite Russia Street): Requires 25 feet where setback is 16.5 feet.
  - Parking: 4 spaces required and currently has 2.
- DCOD not triggered because removing less than 25% of existing walls.

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**3 Existing South Elevation (Russia Street)**  
EX-2.0 Scale: 1/4"=1'-0"



**1 Existing East Elevation (Olive Street)**  
EX-2.0 Scale: 1/4"=1'-0"



**4 Existing North Elevation**  
EX-2.0 Scale: 1/4"=1'-0"



**2 Existing West Elevation**  
EX-2.0 Scale: 1/4"=1'-0"

**Tektoniks**  
Architects  
17 Larchmont Road  
Salem, Massachusetts 01970  
tel. 617.816.3555  
www.tektoniksarchitects.com

CONSULTANTS

PROJECT

**Condominium  
Conversion/  
Renovations  
+ Additions to  
Private Residence**

22-24 Olive Street  
Newburyport, Massachusetts  
01950

DWG. TITLE

**Zoning Board of  
Appeals Submission**

**Existing Building  
Elevations**

REVISIONS

NO.	DESCRIPTION

SEAL

SIGNATURE

PROJECT No.

SCALE **1/4" = 1'-0"**

DATE OF ISSUE 25 June 2021

DRAWING No.

**EX-2.0**













5SM 689





G. MELLO  
Disposal Corp.  
www.mellodisposal.com









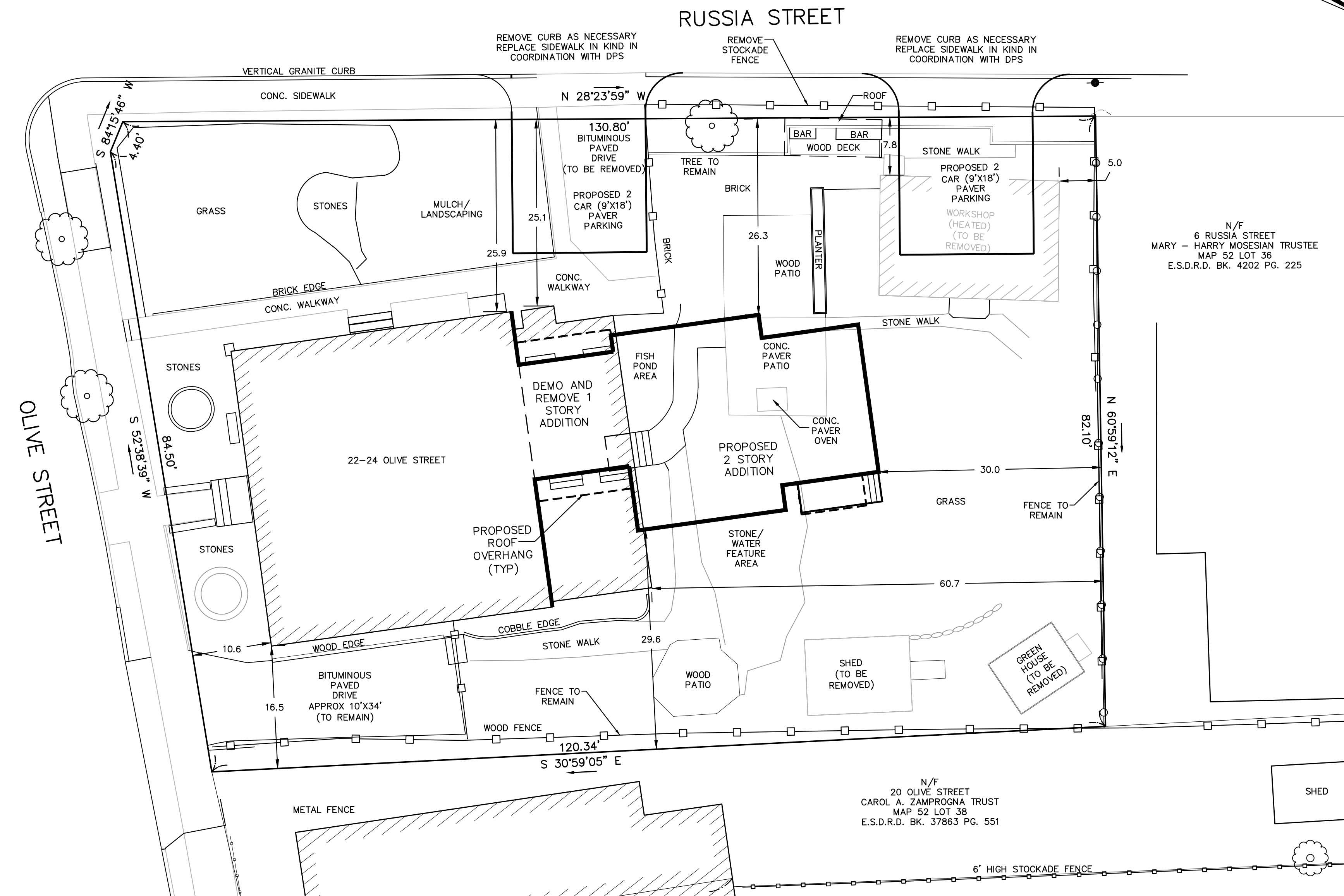


**22-24 Olive Street,  
Newburyport  
Proposed Project**

**Proposed Project**

- Remove later added rear addition and earlier addition and construct new addition in their place.
- Applicant worked extensively with Historical Commission including conducting a neighborhood site walk and undergoing several redesigns of the plans. Commission released demolition delay at October 28 meeting.
- Proposed addition creates no new nonconformities nor extends or exacerbates any existing nonconformities.
- Addition is more than 500 square feet requiring Special Permit.
- Improves current site conditions:
  - As proposed, site will have 5 parking spaces where 4 are required (currently has 2).
  - Primary Front Setback off Russia Street improved.
  - Lot Coverage decreased from 24.7% to 24.5%.





**ZONING**

	REQUIRED (TWO-FAMILY - 102)	EXISTING (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	15,000 SQUARE FEET	10,758 SQUARE FEET	10,758 SQUARE FEET
MINIMUM LOT FRONTAGE	120 FEET	219.70 FEET	219.70 FEET
FRONT SETBACK	25 FEET	25.1 FEET	25.9 FEET
SIDE (FRONT) SETBACK (R)	25 FEET	10.6 FEET	10.6 FEET
SIDE SETBACK (L)	20 FEET	60.7 FEET	29.0 FEET
REAR SETBACK	25 FEET	16.5 FEET	16.5 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	24.7%	24.5%
MAXIMUM HEIGHT	35 FEET	24.7 FEET	24.6 FEET
MINIMUM OPEN SPACE	40.0%	67.8%	65.3%
MINIMUM PARKING REQUIRED	4	2	5

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.

**LOCUS TITLE INFORMATION**

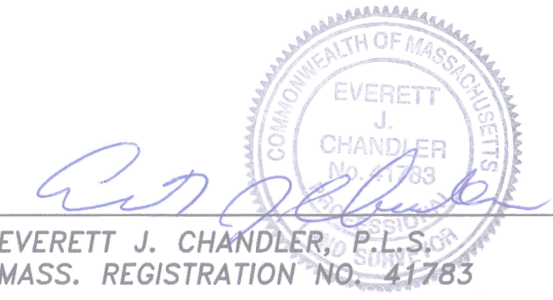
22-24 OLIVE STREET  
OWNER: 22-24 OLIVE STREET LLC  
DEED REFERENCE: BK. 39775 PG. 380  
ASSESSORS: MAP 52 LOT 37

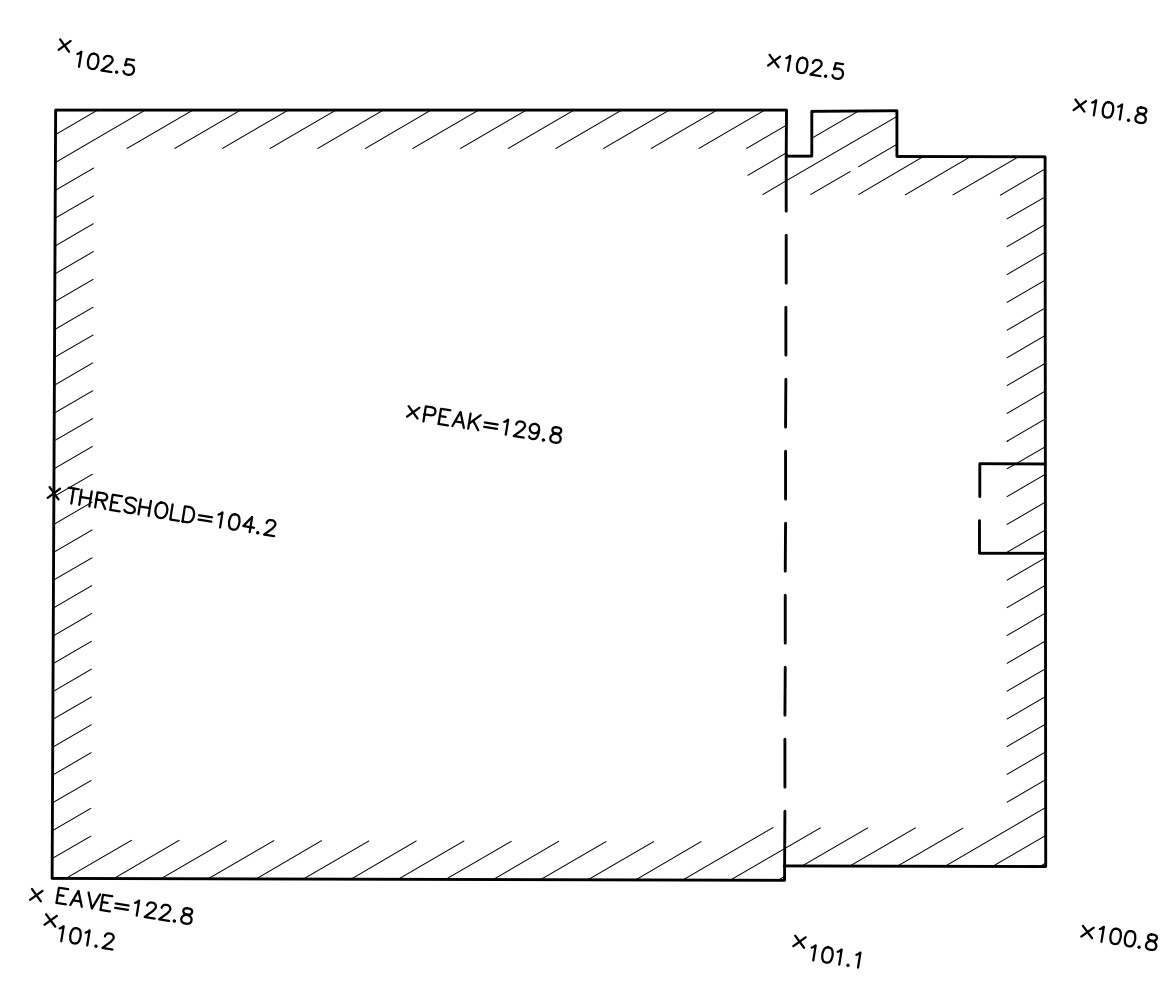
**NOTES**

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 BETWEEN APRIL 14, 2021 BY THIS FIRM.

ELEVATIONS ARE BASED ON AN ASSUMED DATUM.  
DESIGN INFORMATION IS AS PROVIDED BY THE CLIENT.  
OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

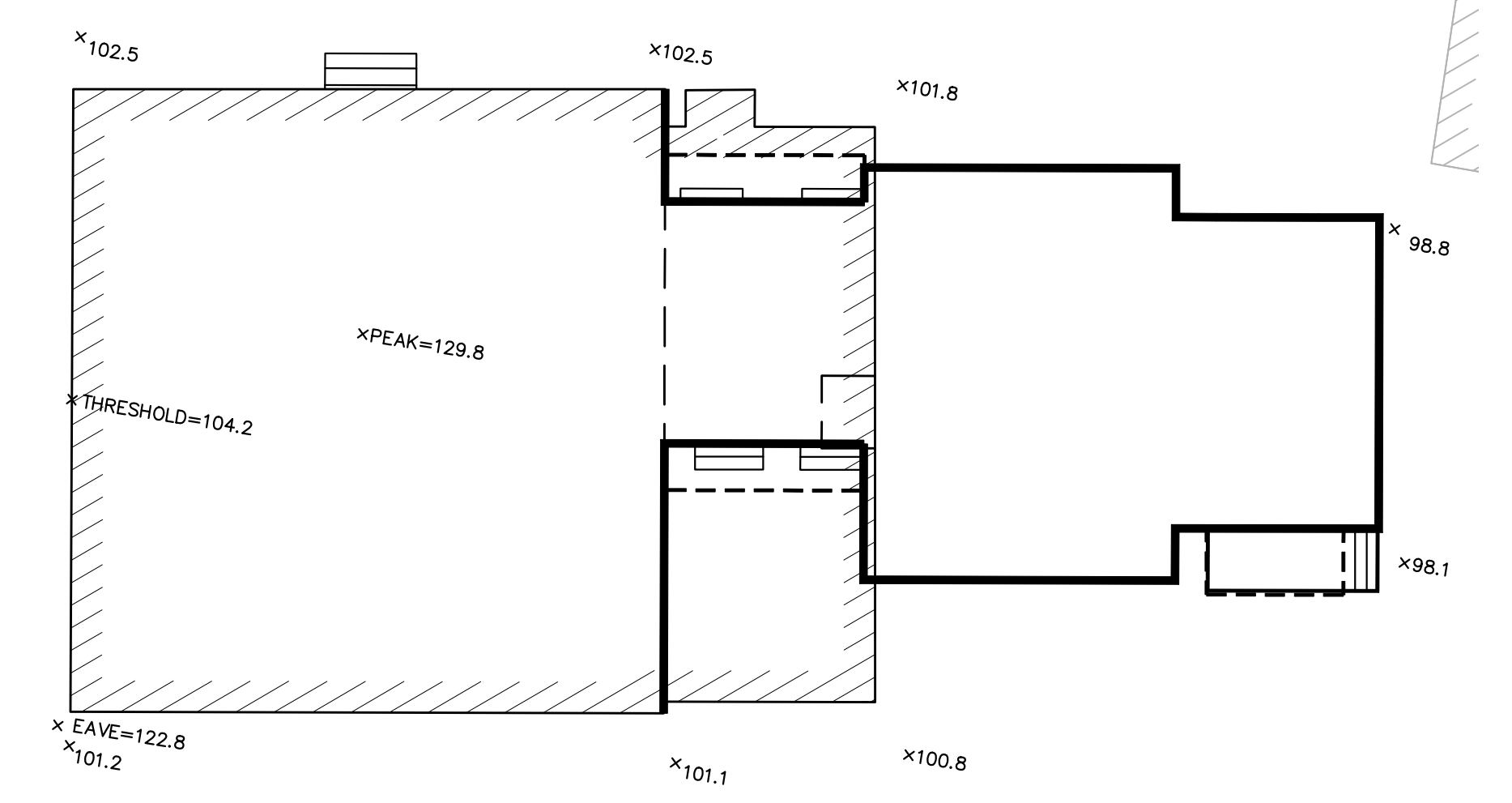
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

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

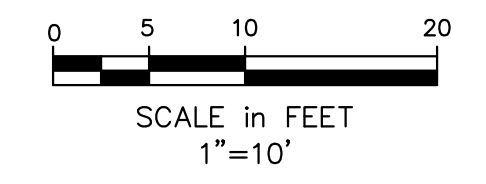


EXISTING BUILDING

Building Height Calculations		
	Existing	Proposed
Building Height	24.7	25.5
Grades Used In Calculation	102.5	102.5
	102.5	102.5
	101.8	101.8
	100.8	100.8
	101.1	101.1
	101.2	101.2
		98.8
		98.1
Average Grade	101.7	100.9
Ridge Grade	129.8	129.8
Eave Grade	122.8	122.8
Mean Roof Grade	126.3	126.3



EXISTING BUILDING WITH ADDITION



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<p>Winter GEC, LLC</p> <p>44 MERRIMAC STREET NEWBURYPORT, MA 01950 978-270-8626</p>	<p>SCALE:</p> <p>HORIZ: 1"= 10'</p> <p>VERT: _____</p>	<p>1 9/14/21 EJC UPDATED FOOTPRINT AS PROVIDED</p>		<p>FIELD: CO./EC</p> <p>CALCS: EC</p> <p>CHECKED: EJC</p> <p>APPROVED: EJC</p>	<p>ZONING PLAN</p> <p>22-24 OLIVE STREET</p>	<p>PLAN OF LAND IN NEWBURYPORT, MASSACHUSETTS SURVEYED FOR SARKIS DEVELOPMENT COMPANY</p>	<p>PROJECT NO. 2021-22-24OLIVE</p>
		<p>NO. DATE BY REVISIONS</p>	<p>DATE: JUN 28, 2021</p>				<p>SHEET NO. 1 OF 1</p>



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NEW CHIMNEY, TO MATCH EXISTING  
 NEW ASPHALT FIBERGLASS ARCHITECTURAL SHINGLES  
 Attic EL.  
 BRICK VENEER  
 8'-0" +/-  
 2nd Floor EL.  
 VINYL OR COMPOSITE WINDOWS W/SIMULATED DIVIDED LITES  
 8'-6" +/-  
 1st Fl. EL. 102'-10"  
 8'-0" +/-

**1 South Elevation**  
 A-2.0 Scale: 1/4" = 1'-0"

PAINTED FIBERGLASS DOORS  
 NEW PAINTED BRICK

EXISTING CHIMNEY, TO BE REBUILT

4'-4"  
 ADDITION  
 RIDGE TO  
 EXISTING  
 RIDGE  
 7'-6"  
 ADDITION  
 RIDGE TO  
 EXISTING  
 RIDGE

EXISTING CHIMNEY, TO REMAIN  
 NEW ASPHALT FIBERGLASS ARCHITECTURAL SHINGLES

EXISTING PAINTED BRICK, TO REMAIN, AND BE REPAINTED  
 EXISTING WINDOWS, TO REMAIN

MEDIAN ROOF HEIGHT = 25'-6"  
 1st Fl. EL. 104.2  
 Avg. Grade: 100.9'

REPLACE EXISTING GUTTERS AND DOWNSPOUTS W/NEW COPPER OR COPPER-TONED ALUM. ROUND/HALF-ROUND

REMOVE EXISTING VINYL SHUTTERS, REPLACE W/NEW WOOD, LOUVERED SHUTTERS, PAINTED BLACK

RESTORE EXISTING WOOD DOOR AND SIDELIGHTS

EXISTING CHIMNEY, TO REMAIN

B.O. RIDGE EL.  
 6'-4" +/-  
 Attic EL.  
 8'-0" +/-  
 2nd Floor EL.  
 8'-8" +/-  
 1st Fl. EL. 104.2  
 6'-3" +/-  
 Cellar (South) EL.

EXISTING CHIMNEYS, TO BE REBUILT

EXISTING CHIMNEY, TO REMAIN

EXISTING PAINTED BRICK, TO REMAIN, AND BE REPAINTED  
 EXISTING WINDOWS, TO REMAIN

MEDIAN ROOF HEIGHT = 25'-6"  
 Avg. Grade: 100.9'

REMOVE EXISTING VINYL SHUTTERS, REPLACE W/NEW WOOD, LOUVERED SHUTTERS, PAINTED BLACK

RESTORE EXISTING WOOD DOOR AND SIDELIGHTS

**2 East Elevation**  
 A-2.0 Scale: 1/4" = 1'-0"

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 + Additions to  
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22-24 Olive Street  
 Newburyport, Massachusetts  
 01950

DWG. TITLE

**ZBA Submission**

**South + East  
 Building Elevations**

REVISIONS

NO.	DESCRIPTION

SEAL

SIGNATURE

PROJECT No.

SCALE **1/4" = 1'-0"**

DATE OF ISSUE **2 Nov. 2021**

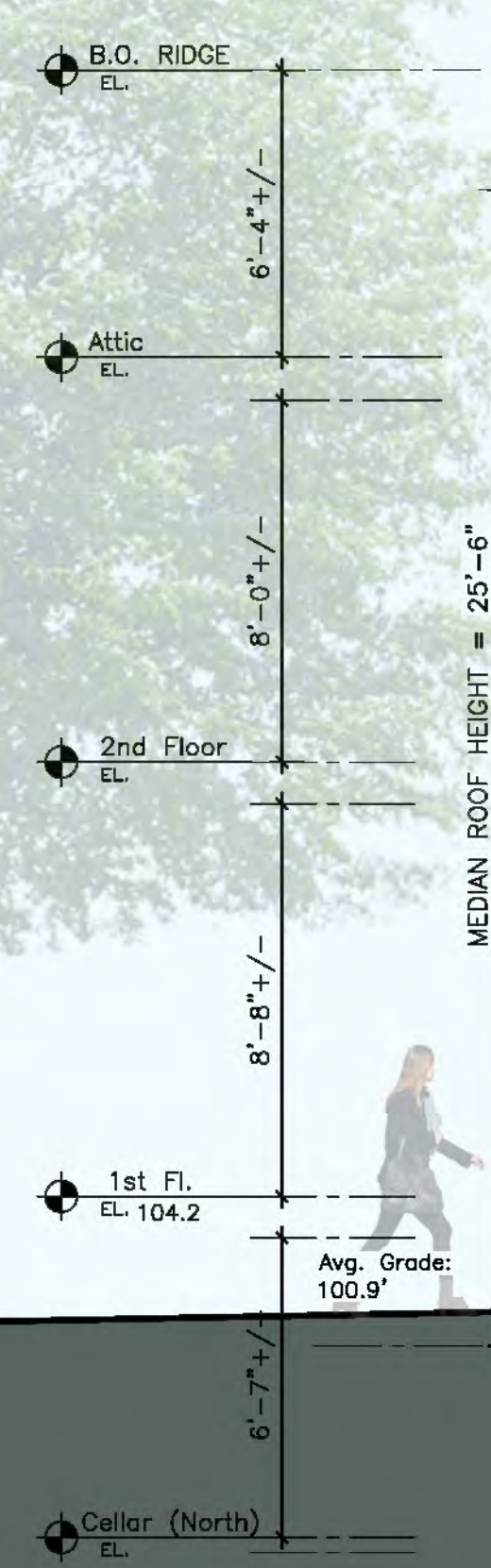
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**A-2.0**



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**1 North Elevation**  
A-2.1 Scale: 1/4"=1'-0"



**2 West Elevation**  
A-2.1 Scale: 1/4"=1'-0"

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22-24 Olive Street  
Newburyport, Massachusetts  
01950

DWG. TITLE

**ZBA Submission**

**North + West  
Building Elevations**

REVISIONS

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SCALE **1/4" = 1'-0"**

DATE OF ISSUE **2 Nov. 2021**

DRAWING No.

**A-2.1**

















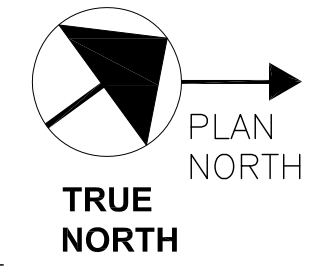
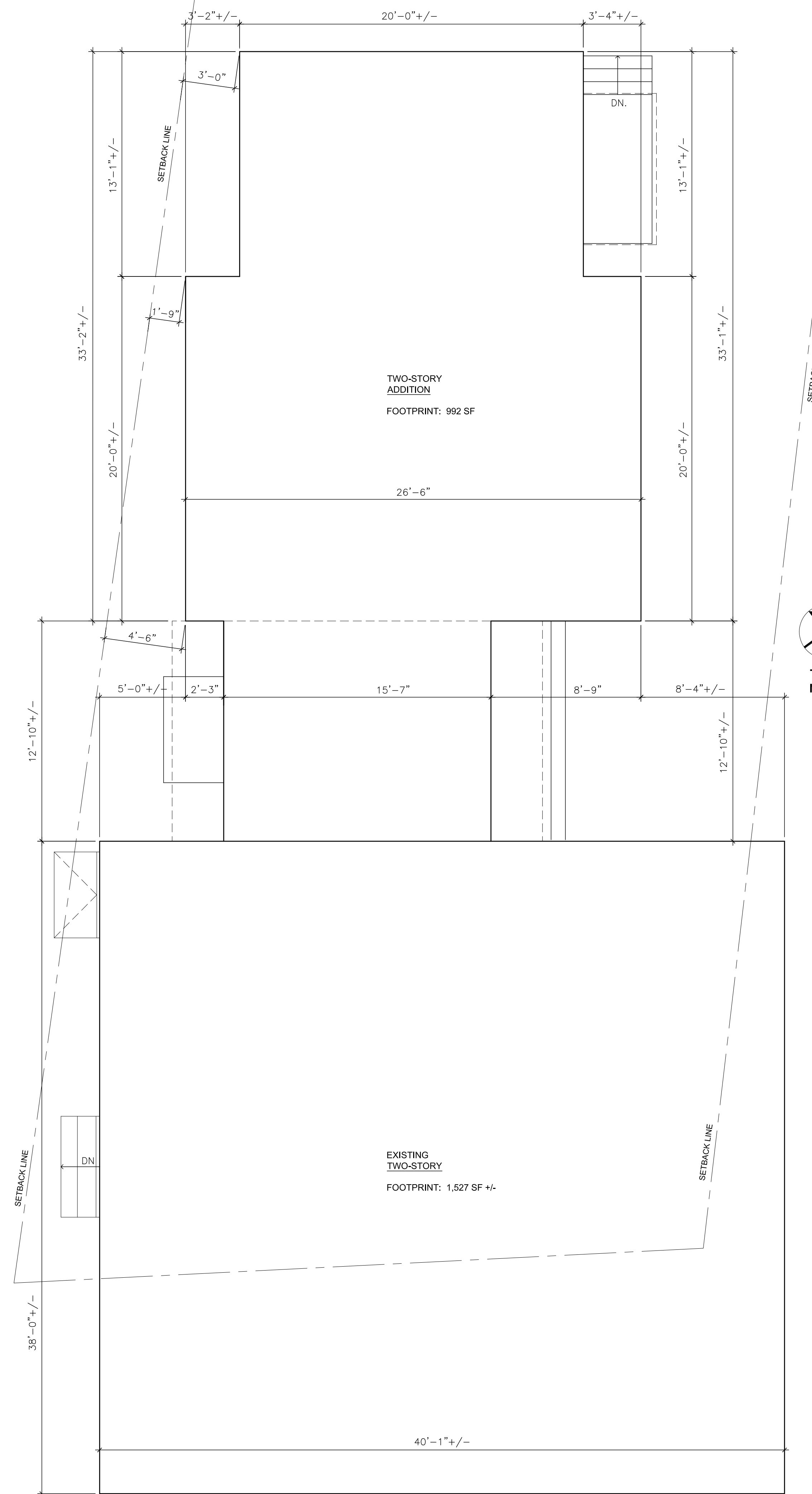






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UNIT 1 TOTAL: 1,851 SF  
 COMMON: 45 SF  
 UNIT 2 TOTAL: 3,112 SF  
 Total SF: 5,008 SF  
 TOTAL LOT COVERAGE: 2,624 SF (24%)



**1**  
**1st Floor**  
 Scale: 1/4" = 1'-0"



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 01950

DWG. TITLE

**ZBA Submission**

**First Floor Plan:  
 Footprint**

REVISIONS

No.	Description

SEAL

SIGNATURE

PROJECT No.

SCALE **1/4" = 1'-0"**

DATE OF ISSUE **9 Nov. 2021**

DRAWING No.

**A-1.1R**



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

- 1. That there will be no addition of a new nonconformity;**
  - There are no new nonconformities created.**
- 2. That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use.**
  - Proposed addition is smaller in footprint, overall square footage and height than the existing structure.**
  - Lot has sufficient size as compared to neighboring lots to accommodate the proposed addition.**
  - Proposal is removing two additions that were not appropriate to the original historic structure.**
  - Proposal is also removing nonconforming workshop that is within the side and primary front yard setbacks.**
  - By removing existing additions, proposal is exposing portions of the original structure's brick exterior wall and two original window openings previously covered up.**



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

- 2. That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use.**
  - Proposed modifications are appropriate for the scale, massing, and architectural style of the existing home.**
  - Comparing the density of the property as proposed, it is in the middle to less dense side of other properties in the neighborhood.**
  - Lot is the only corner lot on Olive Street with complying primary front set back.**
  - Lot has an open feel around all sides of the proposed addition especially on the Russia Street portion as well as having low lot coverage for this neighborhood due to its remaining space and dimensional conformity.**
  - Proposal is compliant with US Secretary of Interior Standards.**



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

- 2. That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use.**
  - The total lot coverage on the Property decreases under the proposal.**
  - Net of 273 square feet of the original building façade will be restored/exposed as a result of the proposal.**
  - Proposed addition allows historic building to retain its interiors with only minor modifications where needed to meet current codes and standards.**
  - Not substantially more detrimental than existing nonconforming structure.**



**22-24 Olive Street,  
Newburyport**  
**Secretary of Interior  
Standards**

**Application of the Standards:**

- The addition is subordinate. The addition is shorter than the original structure by 7'-6" at the "hyphen" and 4'-4" at the main addition ridge 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/ restore more of the original brick rear wall as well as original windows.
- The new addition is visually separate from the original structure.
- A "hyphen" connector is proposed to connect the addition mass to the existing building. The use of a hyphen is specifically cited by SOI - through graphics and photographic examples - as a preferred method for attachment of additions to existing structures.
- The addition is set back both at the "hyphen" and at the main facade from the historic facade.
- The addition does not attempt to unify the two volumes into a single, architectural whole.
- The addition is compatible with the historic materials, size, features, scale, proportion, and massing of the historic structure and scale of the lot, to protect the integrity if the property.
- The addition size rhythm and alignment of the addition windows and door openings reflect the original.







2nd largest lot on Olive St	3rd most Finished area		2nd largest Footprint		2nd lowest Density	3rd lowest Fin. Area Ratio	Median FAR
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**IMMEDIATE NEIGHBORHOOD**

9 Total Structures Incl. subject

	# Units	Lot Size	Fin Area	Condo Fin Area Combined	Footprints	Stories	Density per 10,000 sf	Footprint to Lot Area Ratio	Fin Area per 10,000sf	
18 Olive	2		3920	1575	3210	735	2.5	2.67	20.40%	4280
20 Olive			3580	1635		795	2.5			
23 Olive	1		2120	1684		842	2	4.72	39.72%	7943
21 Olive	1		4240	2173		1296	2	2.36	30.57%	5125
25 Olive				1156			2			
27 Olive				1229			2			
29 Olive	6	12460	1243	7337	4098		2	4.82	32.89%	5888
31 Olive			1247				2			
33 Olive			1229				2			
35 Olive			1233				2			
26 Olive	1	7550	2312		1861		2	1.32	24.65%	3062
6 Russia	1	4100	1088		1488		1	2.44	36.29%	2654
3 Russia	1	4010	1728		1050		3	2.49	26.18%	4309
37 Olive	1	3100	1848		840		2.5	3.23	27.10%	5961
<b>22-24 Olive</b>	<b>2</b>	<b>10,758</b>	<b>5,010</b>	<b>5,010</b>	<b>2,505</b>	<b>2</b>	<b>1.86</b>	<b>23.28%</b>	<b>4,657</b>	

Proposed structure is comensurate w/ lot size

Russia 25' front and 25' rear setback read more like side setbacks when facing the structure, results in more open air around it

None of the other corner lots on Olive Street complies w/ a 25' on either of it's frontages

Quick look at Mimap shows the two 25' setbacks are more than most on the street

Low lot coverage means open space, and on this lot, the open space is visible, it isn't in the back yard



2nd largest lot on Olive St	3rd most Finished Area (3/32)		2nd largest Footprint		Bottom fifth Density (6/32)	Bottom fifth Footprint to Lot Area Ratio (6/32)	Bottom half FAR (12/32)
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**LOWER OLIVE STREET (WASHINGTON TO MERRIMAC)**

Ranked by Finished Area per 10,000 SF (similar to FAR), low to high

	<u># Units</u>	<u>Lot Size</u>	<u>Fin Area</u>	<u>Footprints</u>	<u>Stories</u>	<u>Density per 10,000 sf</u>	<u>Footprint to Lot Area Ratio</u>	<u>Fin Area per 10,000sf</u>
18-20 Olive	2	7,500	3,210	1,530	2.5	2.67	42.80%	2,040
6 Russia	1	4,100	1,088	1,488	1	2.44	36.29%	2,654
26 Olive	1	7,550	2,312	1,861	2	1.32	24.65%	3,062
1-3 Olive	2	4,391	2,740	1,385	2.5	4.55	62.40%	3,154
34-36 Olive	2	9,800	3,194	1,846	2.5	2.04	18.84%	3,259
16 Olive	1	7,480	2,590	1,316	2	1.34	17.59%	3,463
62 Washington	1	6,550	2,368	1,595	2	1.53	24.35%	3,615
39 Olive	1	3,972	1,553	789	2	2.52	19.86%	3,910
3 Russia	1	4,010	1,728	1,050	3	2.49	26.18%	4,309
15 Olive	1	5,700	2,568	1,294	2	1.75	22.70%	4,505
19 Olive	2	4,090	1,880	1,128	2	4.89	27.58%	4,597
<b>22-24 Olive</b>	<b>2</b>	<b>10,758</b>	<b>5,010</b>	<b>2,505</b>	<b>2</b>	<b>1.86</b>	<b>23.28%</b>	<b>4,657</b>
43 Olive	1	2,950	1,496	798	2	3.39	27.05%	5,071
21 Olive	1	4,240	2,173	1,296	2	2.36	30.57%	5,125
40 Olive	2	5,830	2,994	1,298	2.5	3.43	22.26%	5,136
41 Olive	1	6,300	3,238	1,880	2.5	1.59	29.84%	5,140
25-35 Olive	6	12,460	7,337	4,098	2	4.82	32.89%	5,888
37 Olive	1	3,100	1,848	840	2.5	3.23	27.10%	5,961
28 Olive	1	3,490	2,210	1,173	2	2.87	33.61%	6,332
45 Olive	2	8,010	5,097	2,183	3	2.50	27.25%	6,363
4 Olive	1	2,060	1,325	825	2	4.85	40.05%	6,432
9-11 Olive	2	3,565	2,350	1,075	2.5	5.61	30.15%	6,592
8-10 Olive	2	3,280	2,330	1,352	2.5	6.10	41.22%	7,104
13 Olive	1	2,060	1,588	824	2	4.85	40.00%	7,709
23 Olive	1	2,120	1,684	842	2	4.72	39.72%	7,943
14 Olive	1	1,840	1,529	892	2	5.43	48.48%	8,310
7 Olive	2	2,470	2,059	972	2.5	8.10	39.35%	8,336
1-3 Congress	2	2,520	2,152	1,142	2	7.94	45.32%	8,540
161 Merrimac	2	2,280	2,185	957	2.75	8.77	41.97%	9,583
5 Olive	2	2,690	2,738	1,546	2	7.43	57.47%	10,178
12 Olive	1	1,270	1,408	512	2.75	7.87	40.31%	11,087
6 Olive	1	1,720	1,950	780	2.5	5.81	45.35%	11,337