

Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

July 19, 2021

By Hand

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

Re: Request for Demolition Control Overlay District Special Permit;
276 High Street, Newburyport, MA (the "Property")
Assessor's Map: 13 Lot: 8

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the Christopher and Holly Ragusa, Trustees, the owners of the Property (the "Applicant") relative to a proposed moving of the barn located upon the Property.

The Property is located in the R2 Zoning District and Demolition Control Overlay District ("DCOD") under the Newburyport Zoning Ordinance (the "Ordinance") and is improved with a single family structure and a free standing barn. No work is proposed on the single family structure which was constructed around 1850. The barn also dates approximately to 1850 but has had some later added addition. Both structures are listed in the District Data Sheets.

The Property is 18,974 square feet where 10,000 square feet are required and includes 90.5 feet of frontage where 90 feet are required. The barn is currently located 10.8 feet off of the southerly lot line and near the middle of the Property. The Applicants propose to relocate the barn to the rear of the Property along the same visual line as the existing Barn as you look at the Property from High Street. The relocated barn will meet the required setbacks.

The proposed removal of a later added rear addition and right side addition along with the movement of the barn from one location on the lot to another constitutes demolition under Section XXVIII of the Ordinance. In accordance with Section XXVIII(E)(4) the Applicant sought an Advisory Report regarding: "...*(a) the significance of the historic building or structure proposed for demolition; and (b) the relative importance of such historic building or structure in the context of the block where such building or structure is located.*"

The Applicant appeared before the Historic Commission on May 13, 2021. The Commission determined that the removal of the later added additions would help preserve the barn into the future. The Commission commented that the original proposed re-design of the structure was too ornate and requested the applicant simplify its design. The Applicant has done so as you can see on the attached plans. The Commission was concerned about the relocation of the barn where the Applicant originally proposed on the

Millis Office

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

west side of the property. To that end the Applicant has moved the relocation of the barn as noted above.

History and Condition

The barn was built in or around 1850 according to the District Data Sheets and is described as a carriage house. (Exhibit A). There is no Form B for this property. The District Data Sheets consider the house and the barn to be contributory to the district. You can see the location of the barn on the attached group of Sanborn Maps and the City Assessor's Maps dated 1900, 1906, 1914 and 1925 respectively. (Exhibit B). It would appear as though a portion of the rear addition was added between 1914 and 1925 from these plans.

In 1849 the then owner of the premises¹, Thomas Emery, who also owned the adjacent parcel of land, deeded the land now known as 276 Hight Street to Edwin Grosvenor, a physician. There is no indication in the deed that there are any buildings on the land at the time. (Book 431 Page 86) In 1863 by the time Grosvenor conveyed the Property, Newburyport had split from Newbury. Grosvenor had died and his estate conveys via descendency to Henry Merrill. This deed, Book 662 Page 7, includes reference to the "buildings" thereon. It would appear therefore, that the structures on the Property were constructed between 1849 and 1863.

The Property was later added to by a further conveyance of another portion of land owned by Rufus Emery, the grandson of the aforementioned Thomas Emery. (Book 2027 Page 592) to Henry Merrill. The Property remained in the Merrill family from 1863 until 1917 when it was conveyed to Edith Bartlett. (Book 2376 Page 461 and 462). The Bartlett family owned the Property until it was conveyed to the Applicants in 2020.

There is no indication through the registry or via other records exactly when the barn was constructed. What is clear though, however, is that the barn has undergone several transformations by the addition of a section to the south and to the east.

I have attached hereto as Exhibit C, a current conditions report and likely historical report concerning the barn by Arron Sturgis of Preservation Timber Framing, Inc. You will see in the report that the newer additions are causing harm to the condition of the barn as they are not properly constructed and are pulling at the various walls and members in the barn. Further, it is noted that the relocation of the barn onto a solid and level foundation will be beneficial to the life of the barn.

Proposed Demolition

The Applicant is proposing to remove the later added additions on the southerly and easterly side as noted in the attached proposed architectural plans; move the barn to the north-easterly section of the property and provide for a new level foundation and repairs in accordance with Mr. Sturgis report and new additions as shown on the architectural plans.

The original barn will stay intact and the proposed addition on the rear will clearly be subservient to the existing and original structure. The barn will once again be able to become a useful and used accessory building on the Property. It should be noted that the design of the barn has been revised and takes on a more simple design similar to the current structure and in accordance with the comments from the Historic Commission.

¹ In 1849 one might recall that Newburyport was still a portion of Newbury. Title references are therefore to Hight Street in Newbury.

A. DEMOLITION CONTROL OVERLAY DISTRICT SPECIAL PERMIT

Section XXVIII of the Ordinance provides that the Zoning Board will make written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use. The Board is aided in its determination based upon the Historic Commission's Advisory report to the same effect. That is that "The NHC does not oppose the removal of the later, poorly constructed sections." As noted previously, the Commission did indicate that the removal of the later added additions and the relocation of the barn to a solid foundation was appropriate to enable the barn to exist long into the future.

The report from the historic preservation expert, Aaron Sturgis states in relation to the later added additions that "These additions hide what is a very nice historic barn. They seriously compromise the structural integrity of the original barn and should be removed. The original barn can be repaired and saved."

The proposed removal of the later added additions and the movement of the barn from one portion of the lot to another constitutes demolition under the DCOD. Pursuant to Section XXVIII.E.3, the Zoning Board must find that the portion of the Structure to be demolished "retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws." The Applicants contend, and the Historic Commission agreed, that the poor condition of the later additions to the original Structure, as described above and evidence by the photos attached hereto as well as the Historic Preservationist report, may be removed.

The Applicant is proposing to adaptively reuse the barn by reincorporating it into an area of the back yard that allows more full use of the yard while still preserving the barn. The renovations will bring the barn back to life and make it an integral part of the property once again. While the Commission disagrees with moving the Barn more than 1 or 2 feet, the Applicant is of the position that such a stance by the Commission is unreasonable. The goal is to preserve and adaptively reuse the barn. From a constructability point of view, it will be preferential to construct an entire new foundation and then move the barn onto the new foundation. A mere shift of one or two feet does not accomplish this goal. Further, the Applicant seeks to better use the backyard of the property. By moving the barn as proposed a more fulsome use of the yard can occur. Indeed the barn offers an appropriate back drop for the yard. Additionally, the Applicant disagrees with the Commission when the Commission proffers that if the barn is moved as proposed the relationship between the house and the barn is lost. Indeed, when responding to the Commission's comments, the Applicant fully understood why the original proposal to relocate the barn to the opposite side of the Property destroyed the relationship of the barn to the house and from the street. The new proposed location continues to allow lines of site from High Street down the drive to the barn. Further when one views the barn from High Street, ones eye will be guided by the house to the barn given their lineal relationship.

B. GENERAL SPECIAL PERMIT CRITERIA UNDER SECTION X

. Referencing Section X-H(7) of the NZO, I note the following, required "general conditions" for the issuance of a special permit for demolition of a structure by partial demolition and moving it from one part of the Property to another.

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 single family use is allowed by

right.

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

Again, the use as a single family is allowed by right in the R-2 district and therefore, by its very nature, has been determined by the City to be desirable.

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

The continued use as a single family use and the movement on the Property from one location to another will not create undue traffic congestion or unduly impair pedestrian safety. Indeed there will be NO change regarding this criteria over existing conditions.

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 existing use will not change and there will be no impact of the proposed project on this criteria.

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

There are no special regulations for a single-family use exist in the Ordinance.

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 continued use as a single family with an accessory structure is entirely consistent with the neighborhood and is allowed by right.

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 use will not change and therefore there will be no impact.

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

Once again, the single family use is allowed by right and fully consistent with the district as is the continued use of the barn and preservation of same.

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 renovation of the barn 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

As a result, the Applicants request that the Board grant a DCOD Special Permit to allow the removal of this later added portion of the barn and the relocation on the lot as proposed.

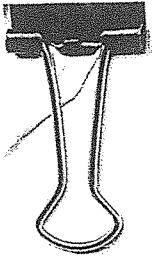
Respectfully submitted,
Christopher and Holly Ragusa, Trustees,
By their Attorney

Handwritten signature in cursive script, appearing to read "L L Mead by B W, J".

Lisa L. Mead

Attachment
cc: client

Exhibit A



*Do Not
Throw away*

Newburyport Historic District

District Data Sheets

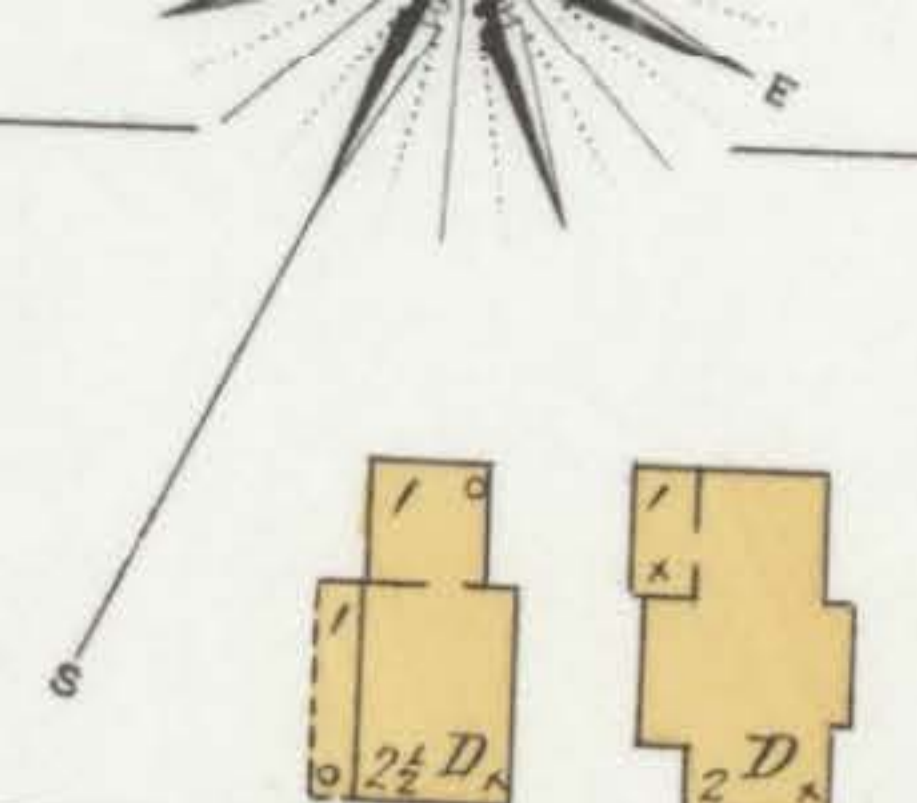
National Register of Historic Places

Listed August 2, 1984

Provided by
Massachusetts Historical Commission
220 Morrissey Blvd
Boston, MA 02125
(617) 727-8470
WWW.STATE.MA.US/SEC/MHC

	53-71		Ca 1800; ca 1840	Federalist; Greek Revival	C
	53-70		Ca 1845	Greek Revival/House & Carriage House	C
	53-69		Ca 1925-1935	Arts & Crafts	MC
	53-68		Ca 1960	Contemporary	INT
252	53-67		Ca 1845	Greek/Gothic Revival-sidehall cottage/House & Carriage House	C
254	53-66		Ca 1860	Italianate	C
256	53-17		Ca 1970	Colonial Revival	INT
258	53-16		Ca 1950	Colonial Revival	INT
260	56-37	Cartland-Whittier-Fitzgerald House	Ca 1800	Federalist	C
262	56-36	Thomas Coker House	Ca 1795	Late Georgian	C
264	56-35		Ca 1775-1800	Late Georgian	C
266	56-34A		Ca 1775-1800	Late Georgian	C
270	56-33	Pike-Parton House	Ca 1870	Italianate	C
272	59-71	Emery-Parton House	1796	Federalist	C
276	59-70		Ca 1850	Greek Revival/House & Carriage House	C
278	59-69		Ca 1960	Colonial Revival	INT
280	59-68		Ca 1895	Queen Anne	C
282-284	59-67		Ca 1810; 1900	Federalist; alterations	C
286	59-66	First Church of Christ Scientist	Ca 1940-1945	Colonial Revival	INT
294	62-48		Ca 1890	Queen Anne	C
296	62-47		Ca 1900	Colonial Revival	C
298	62-46		Ca 1930	Colonial Revival	C
300	62-45	Belleville Cong. Church Belleville Vestry	1867; ca 1867; ca 1930	Italianate; Greek Revival; alterations	C
304	62-44		Ca 1870	Sidehall Italianate	C
308	62-43		Ca 1870	Sidehall Italianate	C
310	62-42		Ca 1870	Italianate	C
312	62-41		Ca 1860	Italianate	C
314	62-40		Ca 1850	Sidehall Greek Revival/Italianate	C
316	66-7		Ca 1775	Central-chimney half house	C
320	66-6		Ca 1810; ca 1900	Federalist; Colonial Revival	C
322	66-5		Ca 1860	Sidehall Victorian cottage	C
324	66-4		Ca 1810	Federalist/Double House	C
326	66-3		Ca 1810	Federalist/Double House	C
328	66-2		Ca 1870	Sidehall Italianate	C
330-332	66-1	J. T. Rowe Shoe Building	Ca 1860	Astylistic Victorian	C
334	66-36		Ca 1870; ca 1960	Sidehall Italianate; Colonial Revival	MC

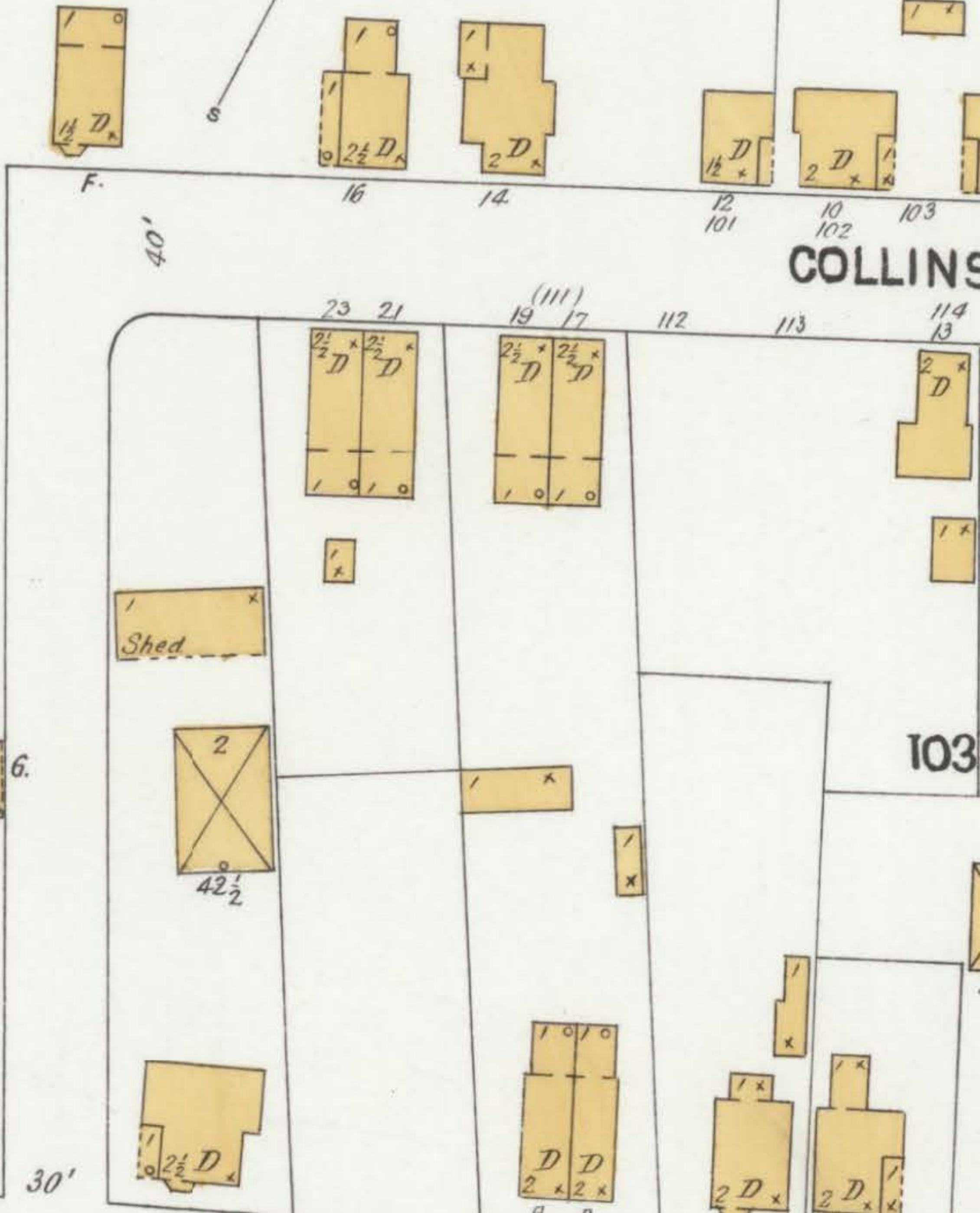
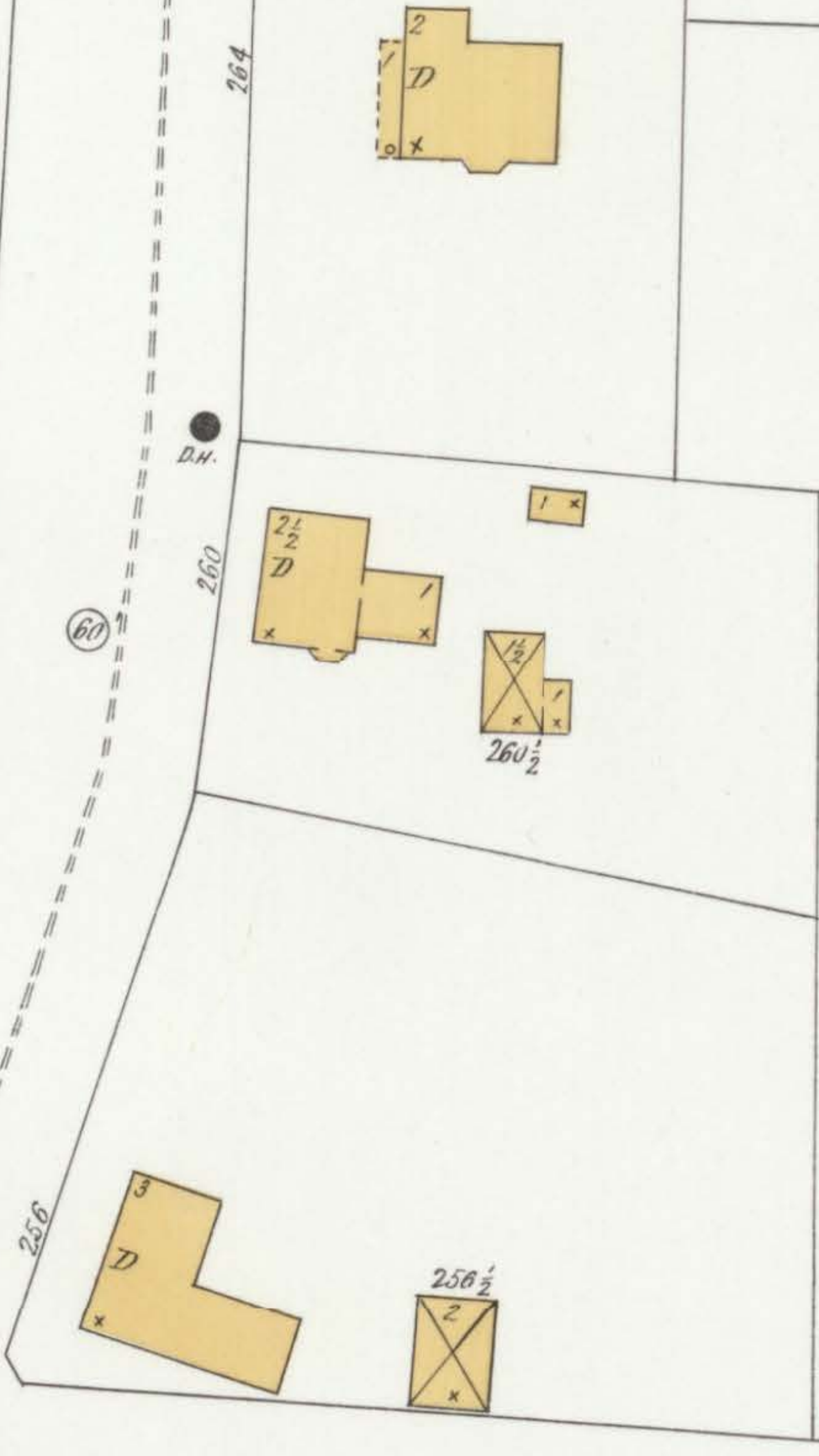
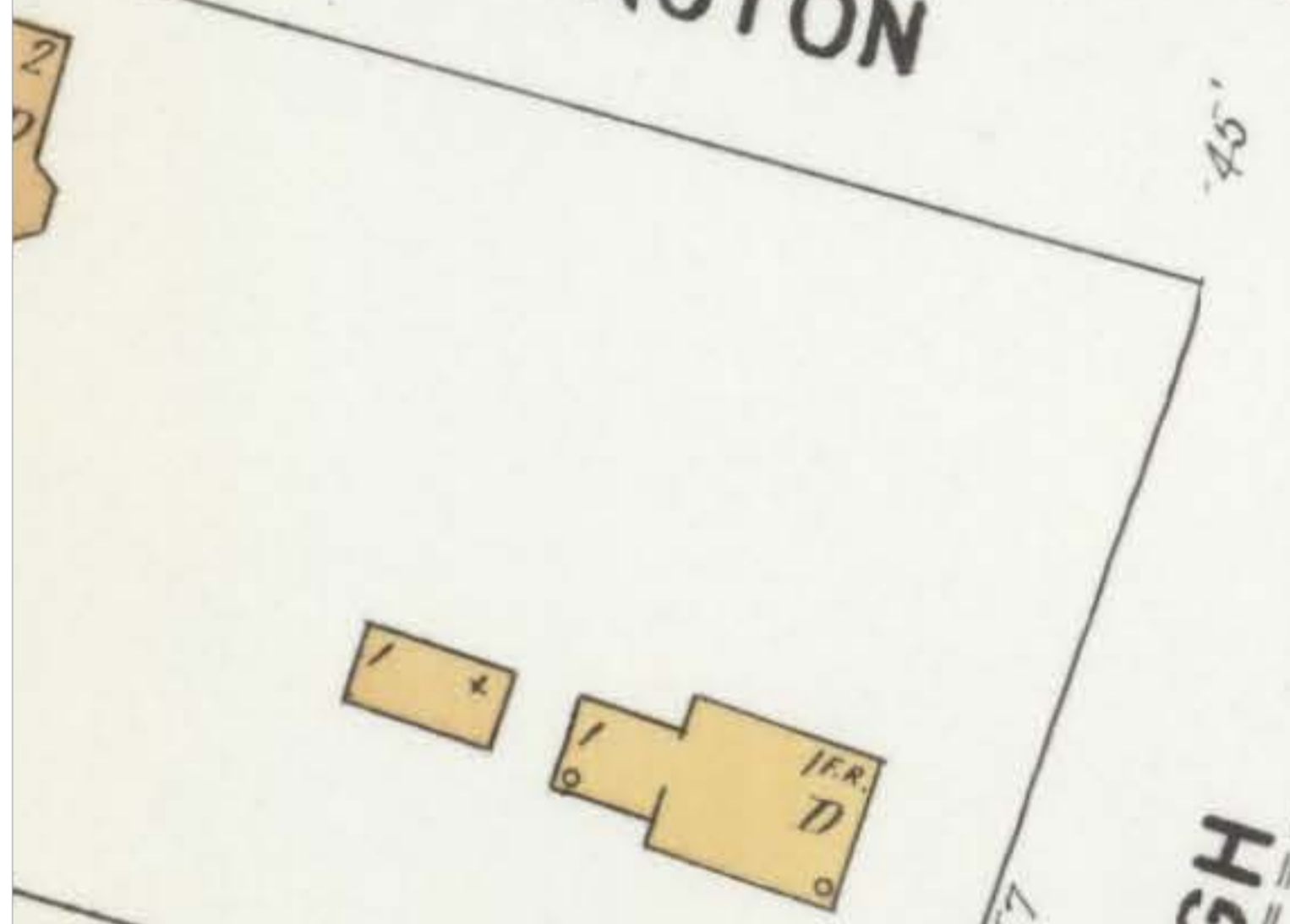
Exhibit B



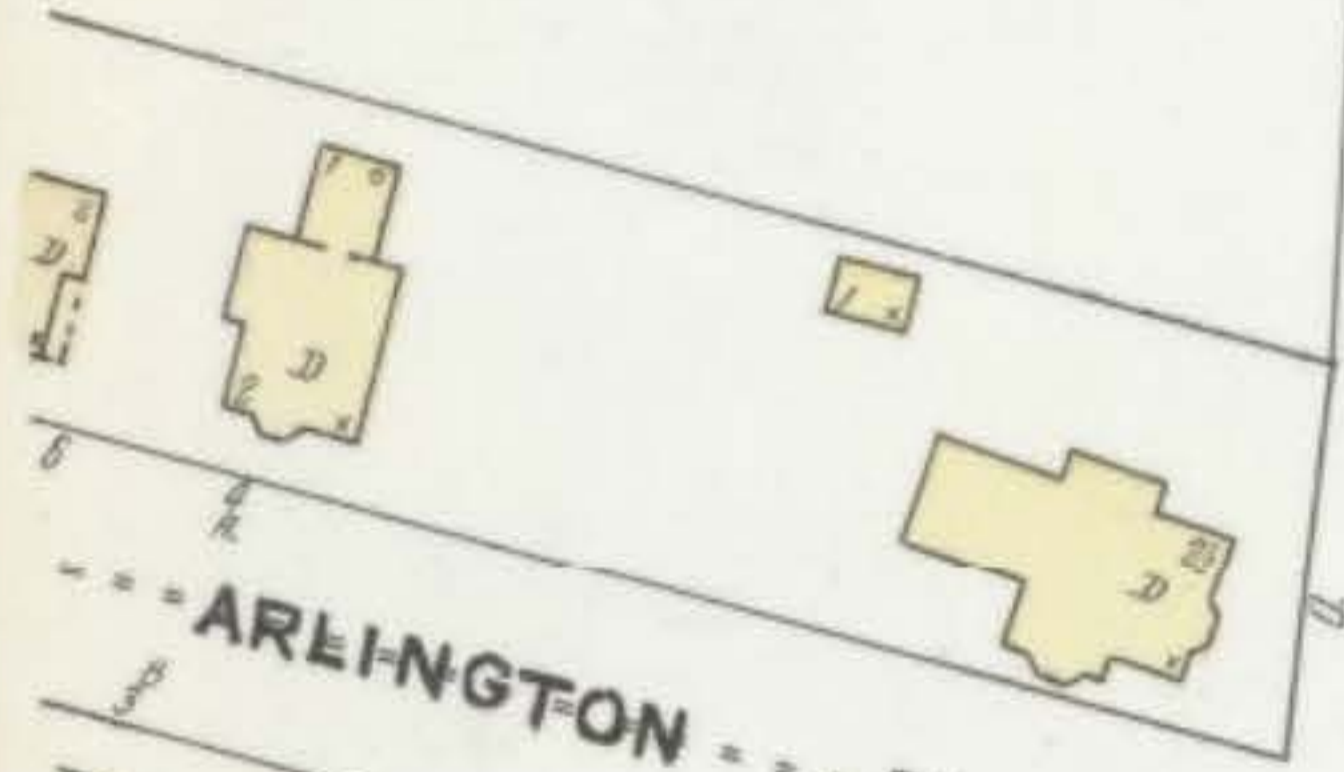
ARLINGTON

COLLINS

HIGH



203

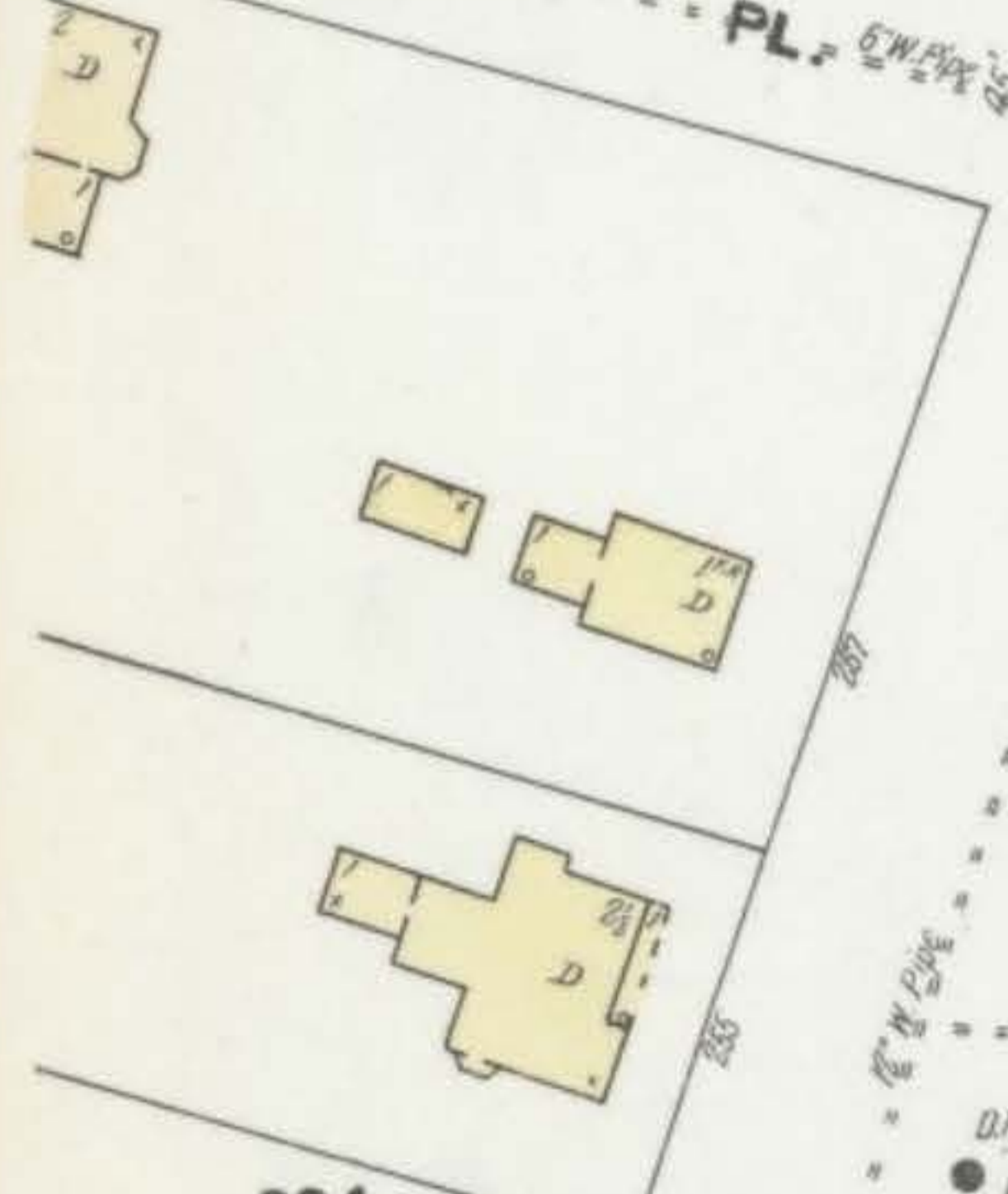


ARLINGTON PL. 6" W. PIPE

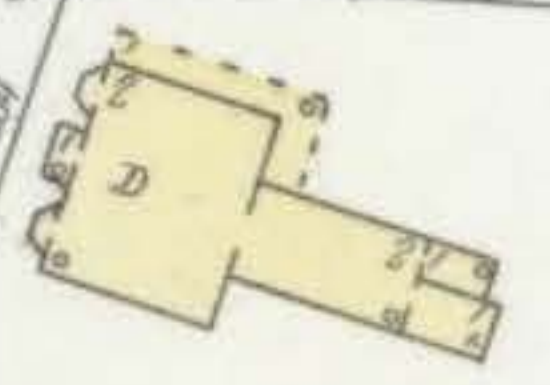


COLLINS CT.

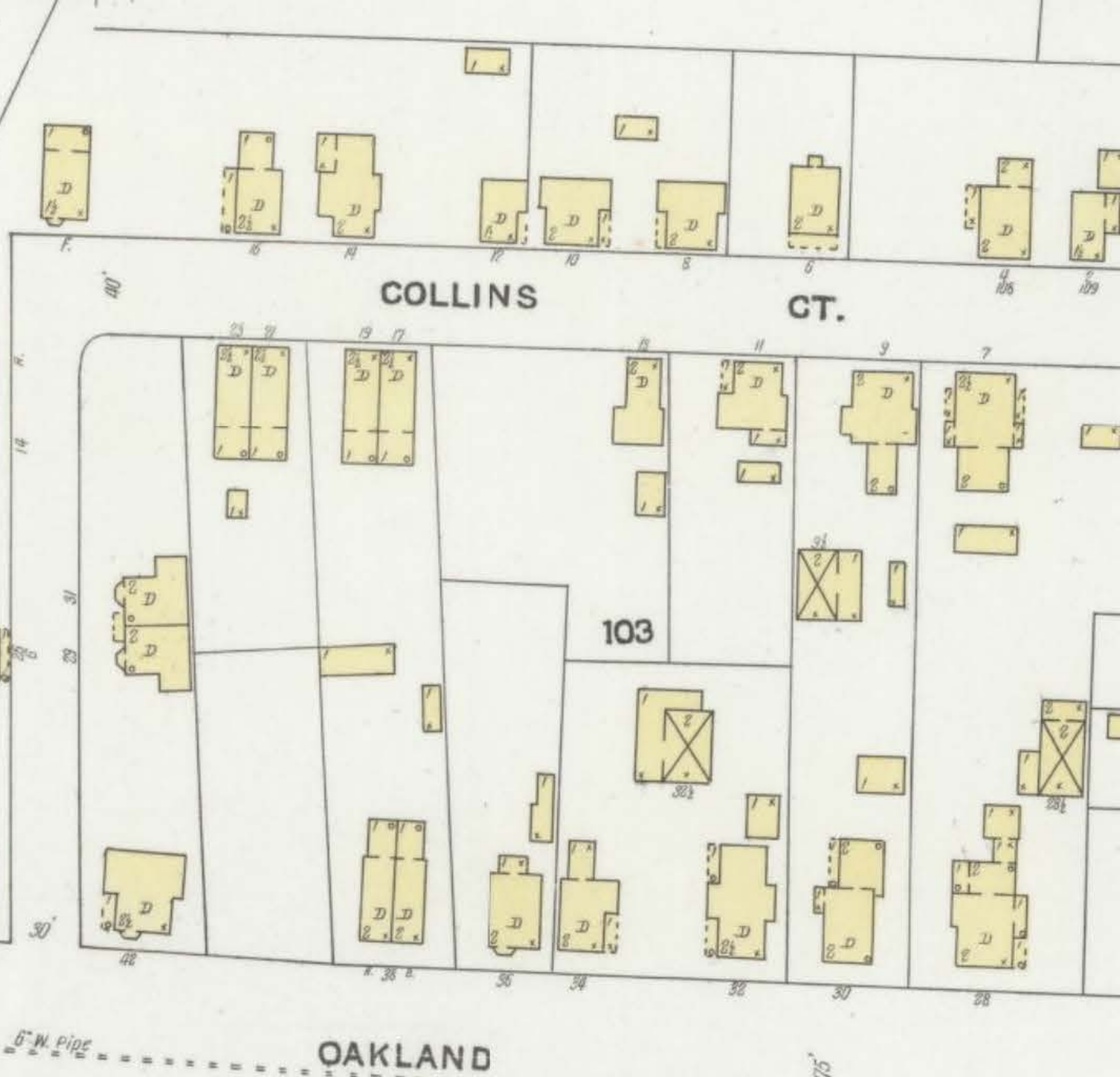
103



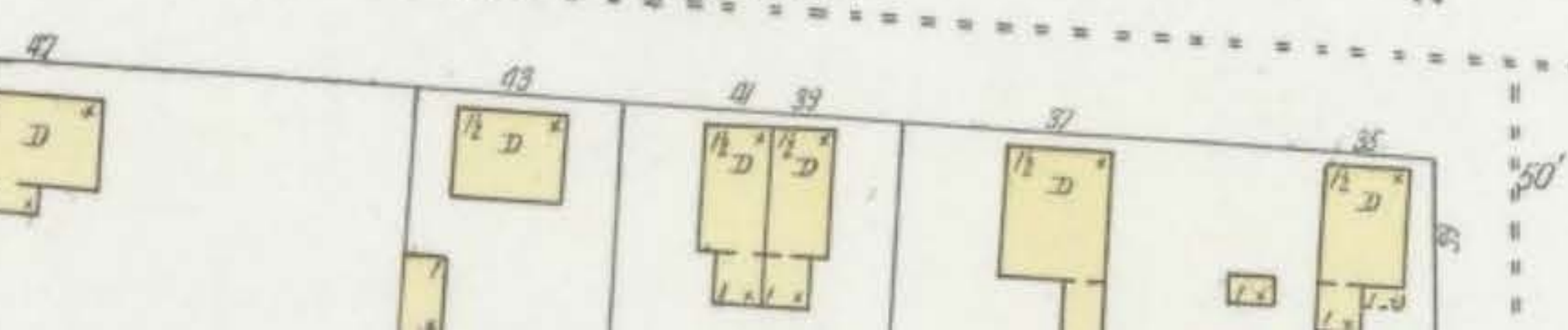
HIGH



ST. MARGARET'S SCHOOL



OAKLAND



3

ARLINGTON ST.

HIGH

OAKLAND

D.H.

260.

250.

4" W. PIPE

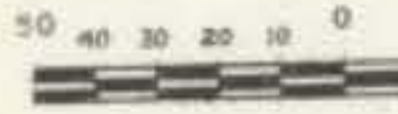
D.H.

254.

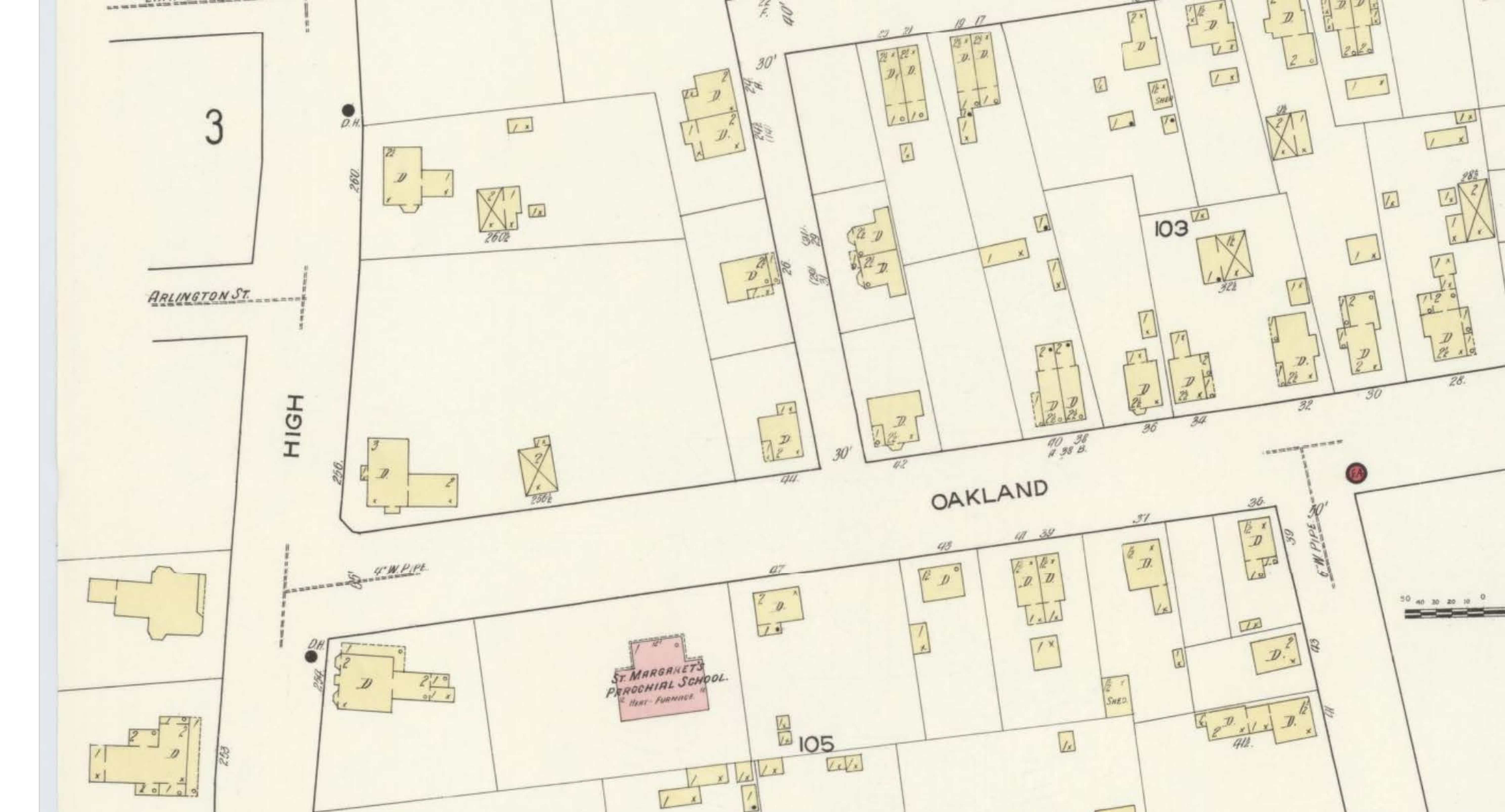
ST. MARGARET'S
PAROCHIAL SCHOOL
HEAT - FURNACE

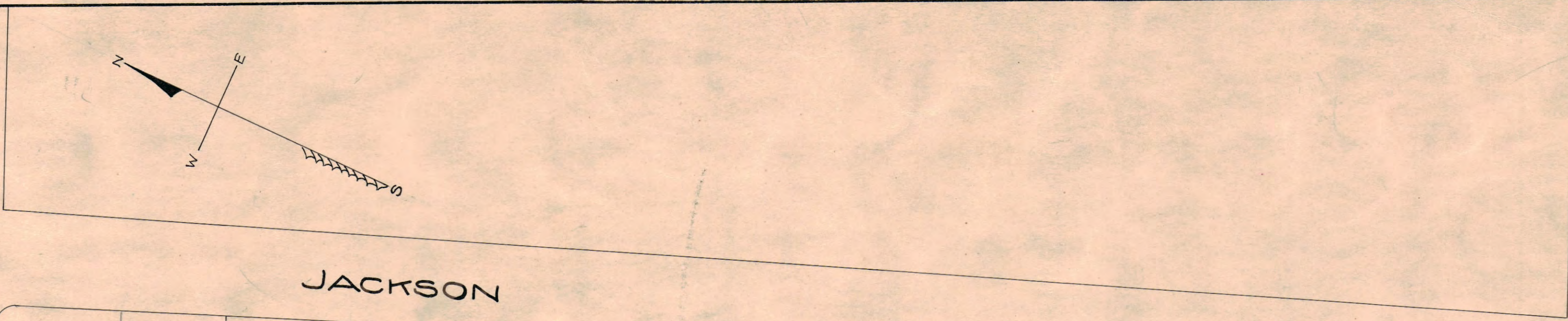
105

103



6" W. PIPE 30'





JACKSON

DEXTER ST.

ST.

ST.

ST.

PAYSON ST.

ST.

MAGNOLIA ST.

COLLINS ST.

COLLINS ST.

ST.

WOODLAND

OAKLAND

HIGH

RAWSON AVE.

LAFAYETTE ST.

ST.

ARLINGTON ST.



Exhibit C

PRESERVATION TIMBER FRAMING, INC., P.O. BOX 28, BERWICK, ME 03901
Office: (207) 698-1695 Cell: (603) 781 5725 E-mail: arron@preservationtimberframing.com

Chris Ragusa
276 High Street
Newburyport, Massachusetts 01950

April 27, 2021

RE: Carriage Barn

Dear Chris,

Thank you for the opportunity to view your historic carriage barn at 276 High Street. The original barn measures 18 feet deep by 24 feet long. It appears to be of similar age to the house, near mid-19th century. It is timber framed with in-fill studding. It was clearly designed for a small carriage and perhaps one animal with storage above on the second floor.

The barn has been changed in two significant ways over the years. A ten-foot-wide addition was added to the right side gable end of the barn as viewed from the driveway. This addition is on simple piers and is poorly constructed. It is easy to see where the addition was added when viewing the roof line. The drop in the roof line, and the offset level of the floor in this addition which is lower than the original barn, detracts from the original form.

A second addition runs along the back eave wall of the original carriage barn. Both additions are very lightly framed and are negatively impacting the earlier better structure. The back eave shed addition is also on minimal piers created in cement blocks very likely just below grade.

These additions hide what is a very nice historic barn. They seriously compromise the structural integrity of the original barn and should be removed. The original barn can be repaired and saved.

The original barn is created with three timber framed bents leaving two workable bays between. A dropped tie beam form of construction leaves an ample second floor for storage. One garage door bay was likely taller than the current door with an original hay door above. The windows on the main barn are in their original locations. A person door completes the front facade.

The timber frame is fully mortised and tenoned with angled braces and traditional joinery throughout. The frame is pine with wide pine boards for the second floor.

The left front corner post is in need of in kind replacement due to water penetration and rot. The rear mid bent post is also missing. This is a direct result of the poorly added rear addition.

PRESERVATION TIMBER FRAMING, INC., P.O. BOX 28, BERWICK, ME 03901
Office: (207) 698-1695 Cell: (603) 781 5725 E-mail: arron@preservationtimberframing.com

With the removal of the back addition this post can be repaired in kind as well and the carriage barn made whole again.

The barn is on a crumbling stone and brick foundation. It is only a partial foundation and its use is limited. The barn also blocks what is a remarkably beautiful backyard. Its current position disallows access to the backyard. The first floor framing has been altered a great deal over the years with very little of it original. This is not unexpected in a building of this age.

Adaptive re-use of the original carriage barn is recommended. From our discussions, it is both feasible and advisable to move the carriage barn back to the rear of the property and place it on a perimeter frost wall and slab. The additions would all be removed prior to the move. The original 18 by 24 structure can become a workshop, and an addition properly built could be added to provide ample storage. In this way, the carriage barn frame and form are restored and retained with similar viewscape from the street with enhanced use of the wonderful backyard.

The following is a suggested scope of work with budget items to consider. Estimates provided here are based on other projects of similar size and scope. Actual costs will vary depending upon your involvement with the project. As we have worked together on other projects it is clear that you have the expertise to perform most of the preparation for the move and the finish of the barn. As such, I have outlined a logical division of labor for tasks that can be performed with your labor. PTF and Geddes Building Movers will assist in the necessary structural repairs of the carriage barn and its move intact to its new home further back on your property.

Scope of Work and Division of Labor

Ragusa: Before Move: \$ To Be Determined.

- All necessary permits and drawings
- Strip siding
- Keep windows (or not)
- Keep hay door (or not)
- Keep person door (or not)
- Remove overhead door
- Strip roof
- Determine additions
- Determine slab: (original form is exactly 18 by 24)
- Insulate slab
- Pour foundation and slab
- Set mud sills for frame onto slab (can be double pt 2 x 8 j-bolted)

PRESERVATION TIMBER FRAMING, INC., P.O. BOX 28, BERWICK, ME 03901
Office: (207) 698-1695 Cell: (603) 781 5725 E-mail: arron@preservationtimberframing.com

PTF: \$52,036.15

- ❖ Remove back addition and cross brace
- ❖ Remove side addition and cross brace
- ❖ Move building onto new slab
- ❖ Cut original sheathing back to expose rotten posts (Ragusa to reinstall)
- ❖ Replace left front post
- ❖ Replace center rear post
- ❖ Post feet repairs on four posts
- ❖ Add back in studs and braces previously removed for additions

Ragusa After Move: \$ To Be Determined.

- Extract stone and infill foundation hole.
- Add sheds.
- Add plywood to roof and shingle.
- Insulation, siding, doors, windows etc etc.
- Enjoy.

Exclusions:

- Driveway and Yard work.
- Dumpsters provided by Owner.
- In fill of existing foundation and or removal of stone.
- All materials for new sheds provided by Owner.
- New foundation on new site.

This collaboration ensures that the carriage barn is preserved in its original form and becomes a useful and beautiful addition to your historic property. So many of these buildings have become obscured over time with changes not necessarily kind to the original form. Many are lost completely because they are no longer recognizable. I commend you on your vision for this carriage barn and I look forward to working closely with you to restore it to its original glory.

Respectfully Submitted,

Arron J. Sturgis, President
Preservation Timber Framing, Inc.
www.preservationtimberframing.com