

**Newburyport Historical Commission
DEMOLITION PERMIT APPLICATION**

Property Address: 35 Munroe Street

Applicant: Eric and Louise Lingerman, c/o Lisa L. Mead, Mead, Talerman & Costa, LLC

Address: 30 Green Street, Newburyport MA 10950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Owner (if different) _____

Year built: before 1924 Area (sq. ft.): APX 288 sq ft

Architectural style: garage

- The structure is:
- A principal structure which is in whole or in part 75 or more years old
 - An accessory structure 100 or more years old
 - Listed on the National Register of Historic Places
 - Previously designated by the Commission to be a significant building

Structure type: Residential: Single Family Two-Family Multi-Family

Outbuilding: Specify: garage

Commercial: Specify: _____

Institutional: Specify: _____

A District Data Sheet is: attached not available for this structure

A Form B survey is: attached not available for this structure

- Demolition type:
- Full Building Demolition
 - Partial Building Demolition
 - Roof Line Change

Description of the building or structure (or part thereof) to be demolished:

See attached cover and photographs along with site plan.

**Newburyport Historical Commission
DEMOLITION PLAN REVIEW APPLICATION**

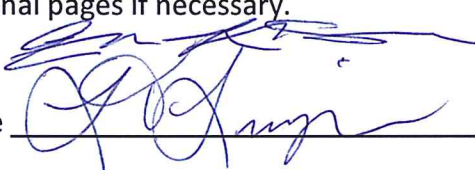
Describe reasons for demolition:

The garage (apx 12 x 24) is falling down, and the South wall of the garage has moved off the wooden foundation. The garage doors do not close as the front wall has sunk. All of the garage's walls and rafters have moved from their original location.

Describe alternatives to demolition that have been considered:

None

Please attach additional pages if necessary.

Applicant's Signature  Date 5/25/20
Owner's Signature (if different) _____ Date _____



CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400

Request for Historical Report

Applicant: Eric & Louise Lingeran, c/o Lisa Mead, Mead, Taleran & Costa,

Mailing Address: 30 Green Street


Phone: 978-463-7700

Email: lisa@mtclawyers.com

Property Address: 35 Munroe Street

The subject property is located within the: Downtown Overlay District (DOD)
 Demolition Control Overlay District (DCOD)

The Special Permit is for the following request:
Demolish later-added two-story addition and one-story sunroom to single-family residence more than 75 years old.



Signature of Applicant

5/25/20
5/25/2020

Date



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747
www.mtclawyers.com

May 27, 2020

By Hand

Glenn Richards, Chair
Historical Commission
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for Determination of Historic Significance and Demolition
35 Munroe Street, Newburyport, MA (the "Property")
Assessor's Map: 53 Lot: 7

Dear Chair and Members of the Commission:

Reference is made to the above-captioned matter. In that connection, this firm represents Eric and Louise Lingerman (the "Applicants"), the owners of the Property, relative to a proposed project on the Property to include partial demolition of a structure over 75 years of age and demolition of an accessory structure of an undetermined age.

The Property is improved with a single-family residence (the "Structure") constructed in 1850 according to the Assessor's Record, and circa 1855 according to the District Data Sheet. There is no Form B. The Structure is of the Italianate style and is listed as "contributing" on the District Data Sheet. The District Data Sheet indicates that the Structure was altered in 1920. Presumably, this is the two-story addition that includes the kitchen, pantry, and second floor bathroom. There is a first-floor sunroom off that addition; the footprint of the sunroom is not on the 1924 Assessor Map, indicating that it was added at some later date. A garage to the rear of the Structure appears on the 1924 Assessor's Map but is not listed on the District Data Sheet.

The Applicants propose to demolish the two-story addition extending from the original Structure towards the south, as well as the later-added first-floor sunroom. The existing two-story addition is 2 to 4 feet out of level. The single-story pantry off the kitchen at the southern-most portion of the Structure is sinking and does not have a foundation. The pantry, from ceiling to floor, is under 7 feet. While one side of the pantry is on the same plane as the kitchen, the opposite side of the pantry has a 5.5-inch stepdown, demonstrating its sinking structure. The roof over the pantry is not suitable for snow loads and the windows on the adjacent addition sit directly on the roof of the pantry, prohibiting renovation of the roof to support snow loads. The materials used in the pantry are inconsistent and are underperforming, as shown in the photos attached as **Exhibit A**.

The kitchen itself is pulling away from the original Structure. A year ago, during an emergency repair, the Applicants discovered that bricks in the walls have been taking the place of rotted 2x4 studs. Further, it was discovered that the addition has been insulated

Millis Office

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

with newspaper, as shown in **Exhibit B**. Floor joists in the kitchen are undersized and sagging, leading to a measurable “belly” in the middle of the kitchen floor. All of the doorways connecting to the kitchen are out of level and do not close; one of the doors is at least 2 inches out of level. A poorly built, unused chimney is located in the kitchen and leaks. Beneath this addition is a brick foundation. The Applicants have attempted to insulate the walls of the foundation, but still receive significant airflow through the foundation. The brick mortar joints are deteriorating, and a large amount of mortar dust collects annually at the base of the foundation. The building systems for the addition are nearly inaccessible, as access is provided through a small crawl space leading from the basement of the original Structure. A sewer vent line protrudes through the wall into the stairway space and leads to the roof.

The second floor space of the addition proves to be the most challenging in its functionality. As depicted in the photos of the exterior, the addition is lower in roof height than the original Structure. This requires a step down from the second floor original to the addition through a door 6’2” tall. The walls are only 4’11” to the ceiling over the tub, with the highest ceiling at 6’6” under the ridge. The requirement under the State Building Code is 7 feet.

The later-added sunroom is sinking and pulling away from the kitchen addition, as shown in **Exhibit C**. The footings for the sunroom have rotted and there are no concrete footings beneath the cinderblocks. There are significant issues with the wall foundation between the sunroom and the kitchen addition as evidenced by the photos.

The proposed demolition constitutes the demolition of more than 25% of the exterior walls of the Structure, requiring the Applicants to seek a DCOD Special Permit from the Zoning Board of Appeals, pursuant to Section XXVIII of the Ordinance. 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 that the poor condition of the later additions to the original Structure, as described above and evidence by the photos attached hereto, prohibit the reasonable use of those portions of the Structure. Further, the amount of rehabilitation required to harmonize the failing additions with the original Structure to create viable living space required under the State Building Code, and the associated cost, are not reasonably feasible.

As part of the project, the Applicants propose to demolish the garage on the Property. The garage is falling down, and the South wall of the garage has moved off the wooden foundation. The garage doors do not close as the front wall has sunk, as shown in **Exhibit D**. All of the garage’s walls and rafters have moved from their original location.

The Applicants propose to construct a new addition on the western side of the original Structure, a screened porch to the south of the original Structure, and an attached garage connected to the proposed screened porch, as shown on the plans attached hereto. An in-law apartment will be located above the garage. As shown on the architectural plans attached hereto, the additions are consistent with the original Structure. The elevations from the Broad Street view reflect that the pitch of the hipped roof for the first- and second-floors will remain the same as the existing roof pitch. Six-over-six windows are proposed, in keeping with the existing windows. As shown on the rear elevations, six-over-six windows are proposed for the attached garage and in-law apartment. The addition and the attached garage will have shingles to match the existing Structure.

Based upon the foregoing, the Applicants now request that the Commission determine that while the garage may be historically significant, it is not preferably preserved and release the garage from the demolition delay. Additionally, the Applicants request that the Commission determine that the later-added portions of the Structure

to be demolished are of no reasonable use and that rehabilitation is not reasonably feasible, to aid the Zoning Board in its consideration of the forthcoming DCOD Special Permit application.

Respectfully submitted,
Eric and Louise Lingeran
By their Attorney

Lisa L. Mead
Attachment
cc: client

EXHIBIT A

Pantry right side





Pantry floor

Pantry details





Pantry supports

EXHIBIT B



**Kitchen wall
(addition)**

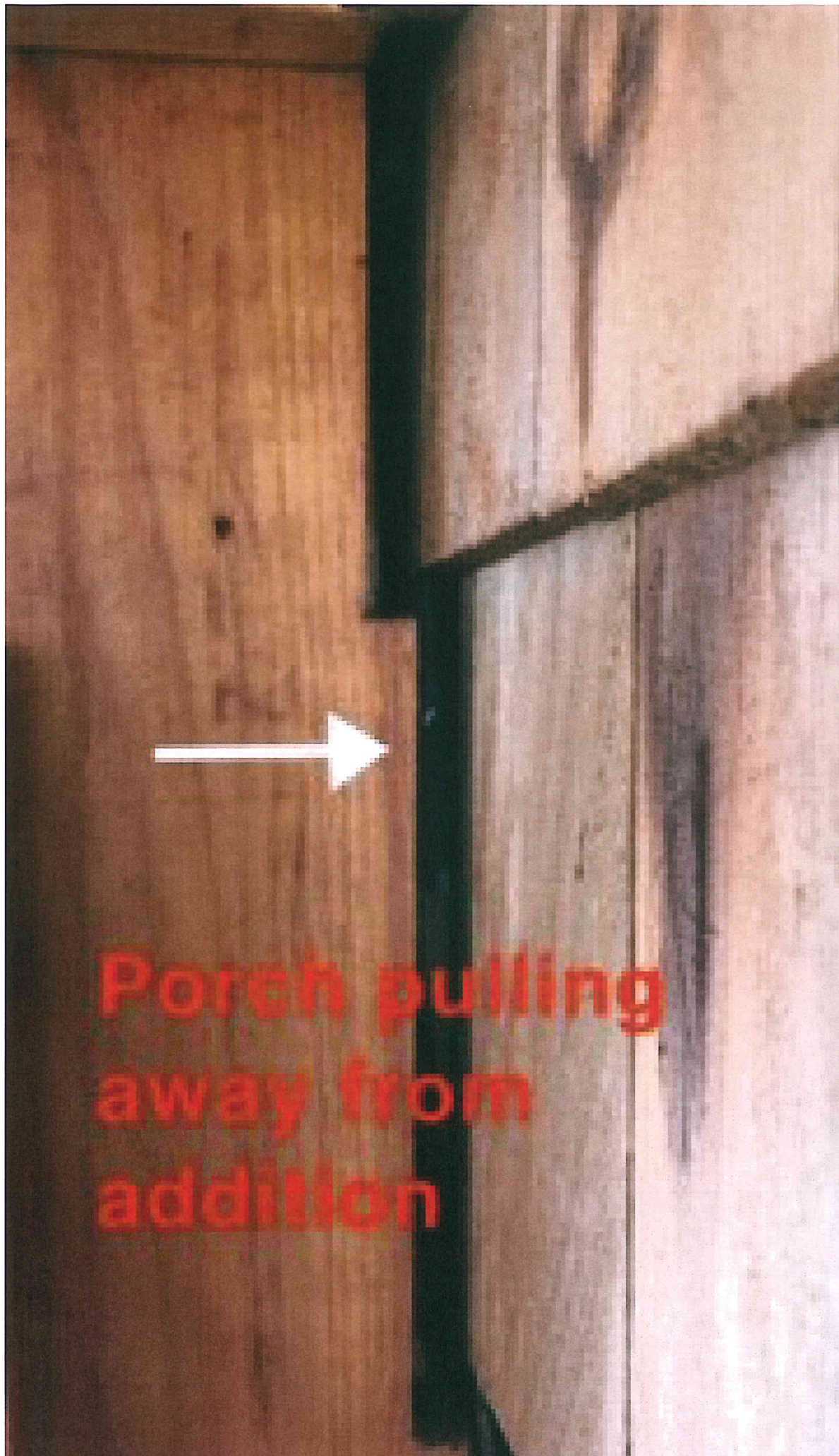
Kitchen wall (addition)



EXHIBIT C

**Current porch
pulling away
from house**





**Porch pulling
away from
addition**



**Porch pulling
away from
addition**

A photograph of a wooden porch structure. The image shows a wooden post on the left, a window with a dark frame in the center, and a door below the window. The wood appears weathered and aged. The text "Porch pulling away from addition" is overlaid in white, bold, sans-serif font.

**Porch pulling
away from
addition**

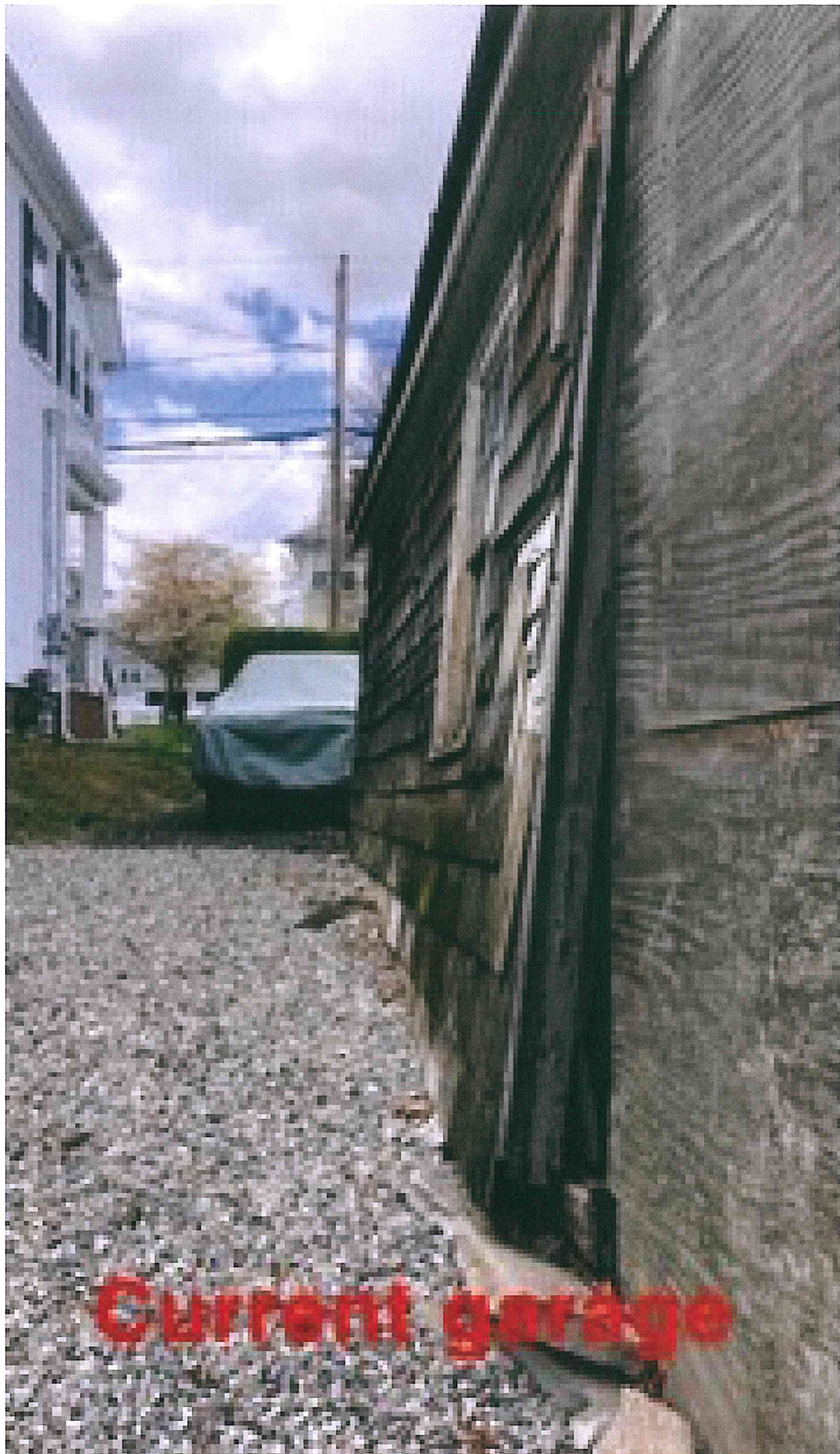
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}

EXHIBIT D

Current garage





Current garage

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-039

Name: Eric and Louise Lingerman c/o Lisa Mead, MTC LLC

Address: 35 Munroe Street Zoning District(s): R2/DCOD

Request: Demolish existing rear portion of historically contributing primary structure and existing accessory structure then construct addition >500sf to existing nonconforming primary structure to add garage, screenroom and In-law apartment.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width

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
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
 - FAR
 - Lot Coverage
- Rear Yard
- Lot Coverage
- Side Yard
- Lot Frontage
- Front Yard
- 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
- Over 500 sf. increase (IX.B.3.c)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Review for substantial improvement

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

Jennifer Blanchet 05/07/2020
Newburyport Zoning Administrator Date

35 MUNROE ST

Location 35 MUNROE ST

MBLU 53/7///

Owner TWOMEY WILLIAM H & NANCY
L L/I

Assessment \$588,700

PID 3564

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$322,600	\$266,100	\$588,700

Owner of Record

Owner TWOMEY WILLIAM H & NANCY L L/I
Co-Owner ERIC & LOUSE N LINGERMAN T/E
Address 35 MUNROE ST
 NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page 36931/0130
Sale Date 08/10/2018
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
TWOMEY WILLIAM H & NANCY L L/I	\$0		36931/0130	1A	08/10/2018
TWOMEY WILLIAM H & NANCY L L/I	\$0		18725/0429	1A	05/21/2002
TWOMEY WILLIAM H-NANCY L TE	\$0		5281/ 699		

Building Information

Building 1 : Section 1

Year Built: 1850
Living Area: 1,780

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Stories:	2 Stories

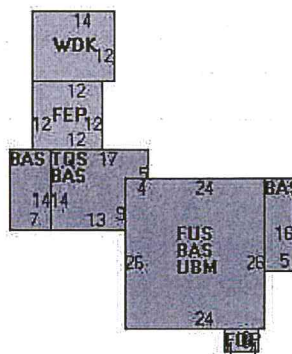
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7
Bath Style:	Average
Kitchen Style:	Old Style

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/A00\00\17\38.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/3564_3714.jpg)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,004	1,004	
FUS	Upper Story, Finished	624	624	
TQS	Three Quarter Story	202	152	
FEP	Porch, Enclosed	144	0	
FOP	Porch, Open	24	0	
UBM	Basement, Unfinished	624	0	
WDK	Deck, Wood	168	0	
		2,790	1,780	

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use		Land Line Valuation	
Use Code	1010	Size (Acres)	0.18
Description	SINGLE FAM	Depth	0
		Assessed Value	\$266,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			242 S.F.	\$700	1

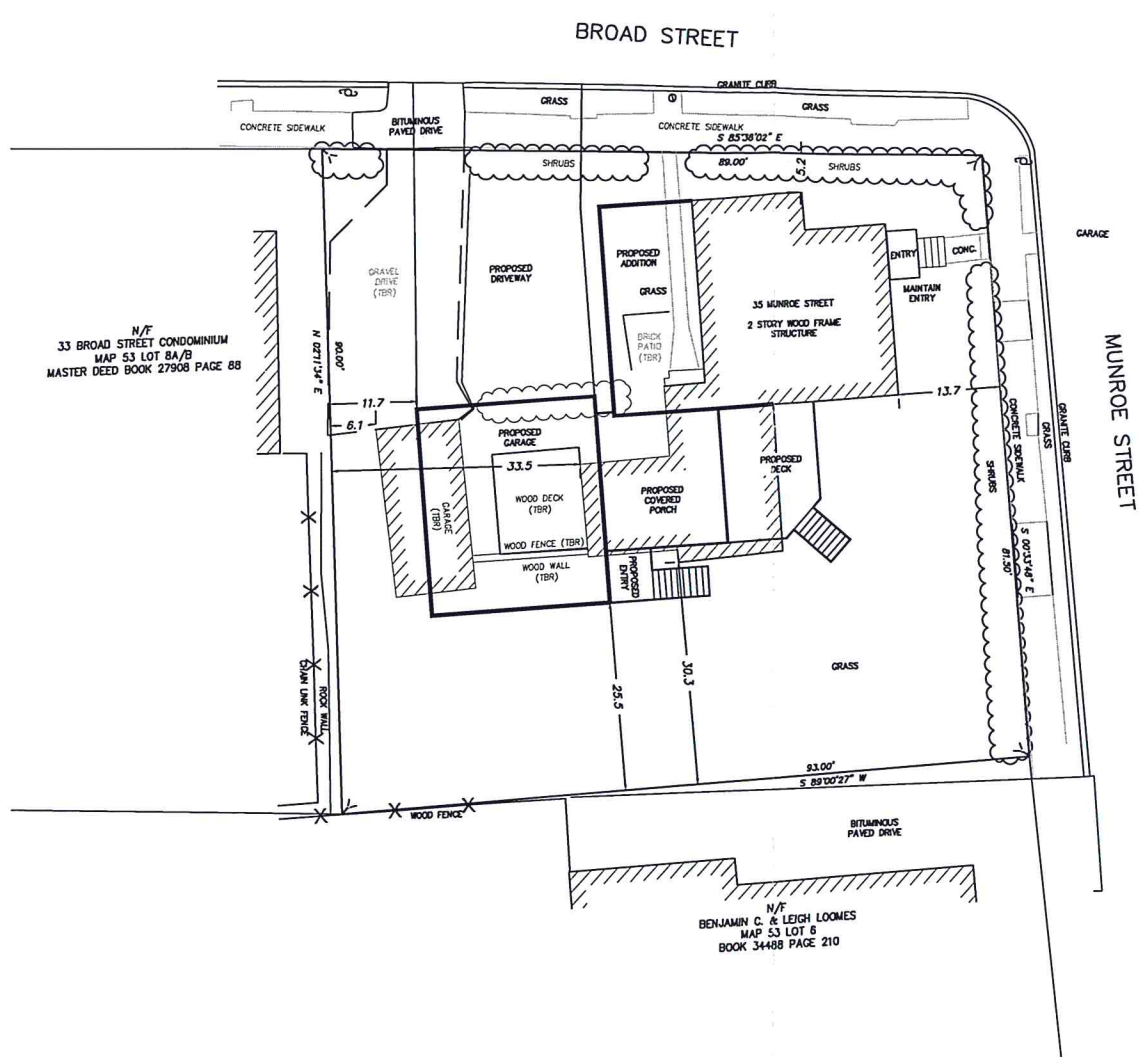
Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$298,700	\$266,100	\$564,800

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NEWBURYPORT
DISTRICT DATA SHEET

Street Address	Map & Parcel	Historic Name	Date of Construction	Style	Status
✓ 15 # 77	53-1	Albert Currier Block	1845	Greek Revival	C
✓ 17	53-2	Albert Currier Block	1845	Greek Revival	C
✓ 19	53-84	Albert Currier Block	1845	Greek Revival	C
✓ 21	53-85	Albert Currier Block	1845	Greek Revival	C
✓ 23	53-86	Albert Currier Block	1845	Greek Revival	C
✓ 25	53-87	Albert Currier Block	1845	Greek Revival	C
✓ 27	53-3	Albert Currier Block	1845	Greek Revival	C
✓ 29	53-4	Albert Currier Block	1845	Greek Revival	C
1893 31	53-5		ca 1870; ca 1900; 1970's	sidehall Italianate; alterations	C
✓ 33 # 769	53-6		ca 1870	Second Empire	C
1844 35	53-7		ca 1855; 1920	Italianate; alterations	C
1895 39	56-8		ca 1800; 1915	Federalist; (moved to side?)	C



N/F
33 BROAD STREET CONDOMINIUM
MAP 53 LOT 8A/B
MASTER DEED BOOK 27908 PAGE 88

N/F
BENJAMIN C. & LEIGH LOOMES
MAP 53 LOT 8
BOOK 34488 PAGE 210

ZONING
RESIDENTIAL (R-2)
SINGLE FAMILY

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	10,000 SF	7,792 SF	7,792 SF
MINIMUM FRONTAGE:	90 FT	170.50 FT	170.50 FT
MINIMUM FRONT SETBACK:	25 FT	5.2 FT	5.2 FT
MINIMUM SIDE SETBACK(R):	10 FT	33.5 FT	11.7 FT
MINIMUM SIDE SETBACK(L):	10 FT	13.7 FT	13.7 FT
MINIMUM REAR SETBACK:	25 FT	30.7 FT	25.5 FT
MAX LOT COVERAGE:	25%	17.6%	21.6%
MIN OPEN SPACE:	40%	71.6%	58.6%
MAX BUILDING HEIGHT:	35 FT	23.8 FT	23.8 FT

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.


NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AND IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED DURING FEBRUARY AND MARCH, 2019.

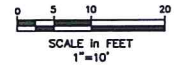
DESIGN INFORMATION IS AS PROVIDED BY THE CLIENT'S ARCHITECT.

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. CHAKOLER, P.L.S.
MASS. REGISTRATION NO. 41293

LOCUS TITLE INFORMATION
35 MUNROE STREET
OWNER: ERIC LINGERMANN & LOUISE N. LINGERMANN
DEED REFERENCE: BOOK 36931 PAGE 130
ASSESSORS: MAP 53 PARCEL 7



Copyright 2020 Winter GEC, LLC

Winter GEC, LLC
44 MERRIMAC STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1"= 10'
VERT: N.A.

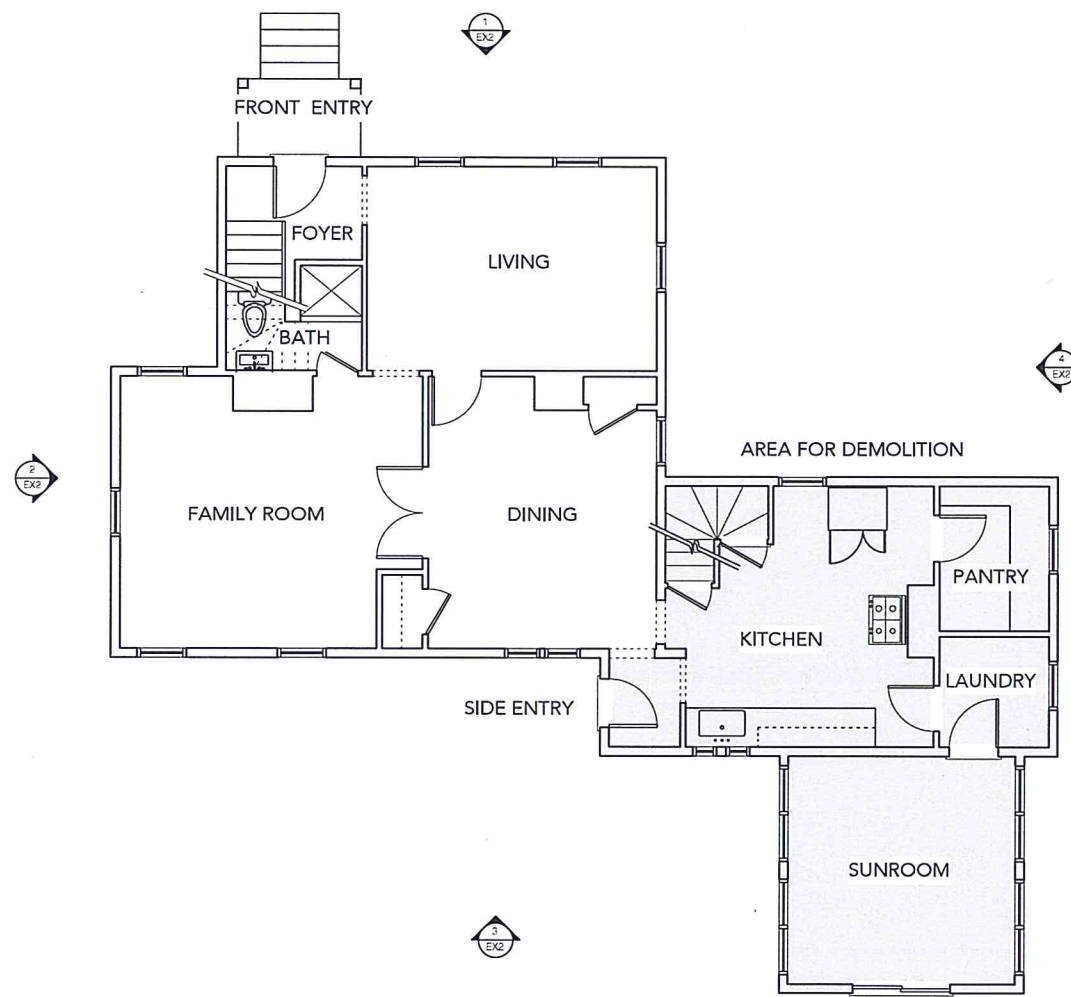
NO.	DATE	BY	REVISIONS

FIELD: CO
CALCS: EC
CHECKED: EJC
APPROVED: EJC

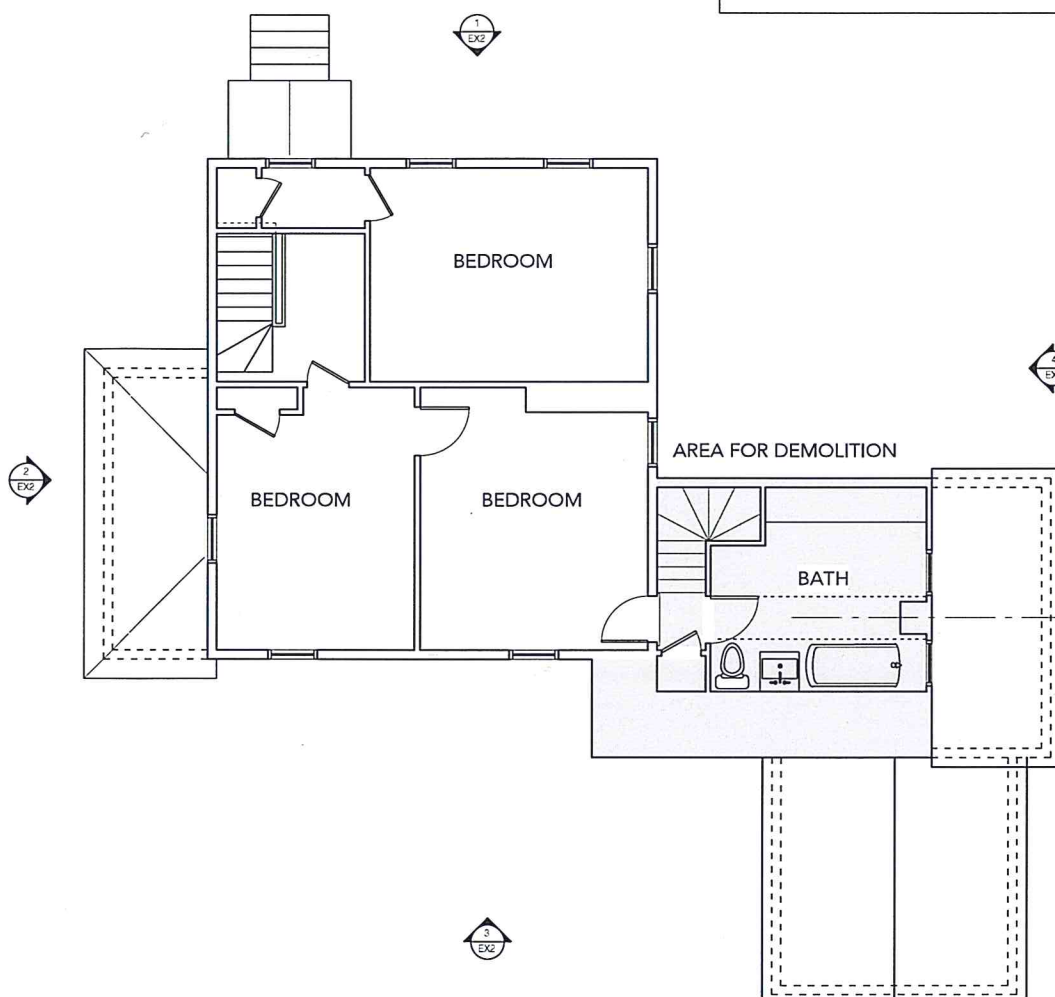
ZONING BOARD OF APPEALS
PLAN
35 MUNROE STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
ERIC LINGERMANN

PROJECT NO.
2019-35MUNROE
DATE: MAR 30, 2020
SHEET NO.
1 OF 1



1 First Floor Plan
SCALE: 1/8" = 1'-0"



2 Second Floor Plan
SCALE: 1/8" = 1'-0"

SF CALCULATIONS	
MAIN HOUSE	
1ST FL	1,040 SF
2ND FL	690 SF
TOTAL HEATED SF	1,730 SF

project:
**LINGERMAN
RESIDENCE**

35 Munroe Street
Newburyport, MA

architect:
**GRAF
ARCHITECTS**
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:
**EXISTING
Floor Plans**

SCALE: 1/8" = 1'-0"
1 may 2020

EX1



① Front Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"



② Side (Broad Street) Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"

project:

LINGERMAN RESIDENCE

35 Munroe Street
Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:

EXISTING
Exterior Elevations

SCALE: 1/8" = 1'-0"

1 may 2020

EX2



① Front Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"



② Side (Broad Street) Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"

project:

LINGERMAN RESIDENCE

35 Munroe Street
Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:

EXISTING
Exterior Elevations

SCALE: 1/8" = 1'-0"

1 may 2020

EX2





















Doorway to addition



Life is

**Kitchen floor
(addition)**



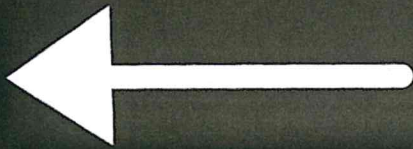


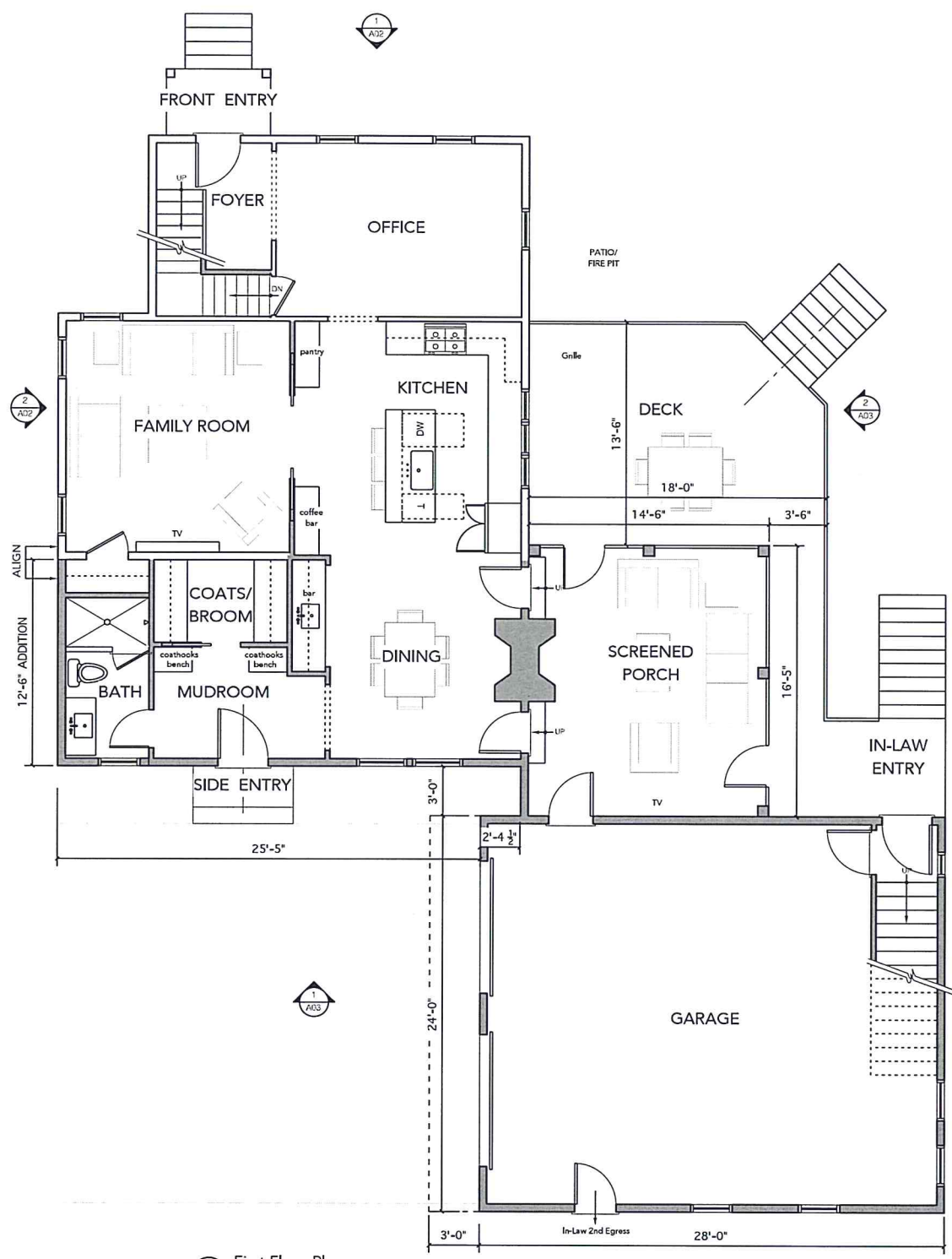
**Bath above
kitchen**



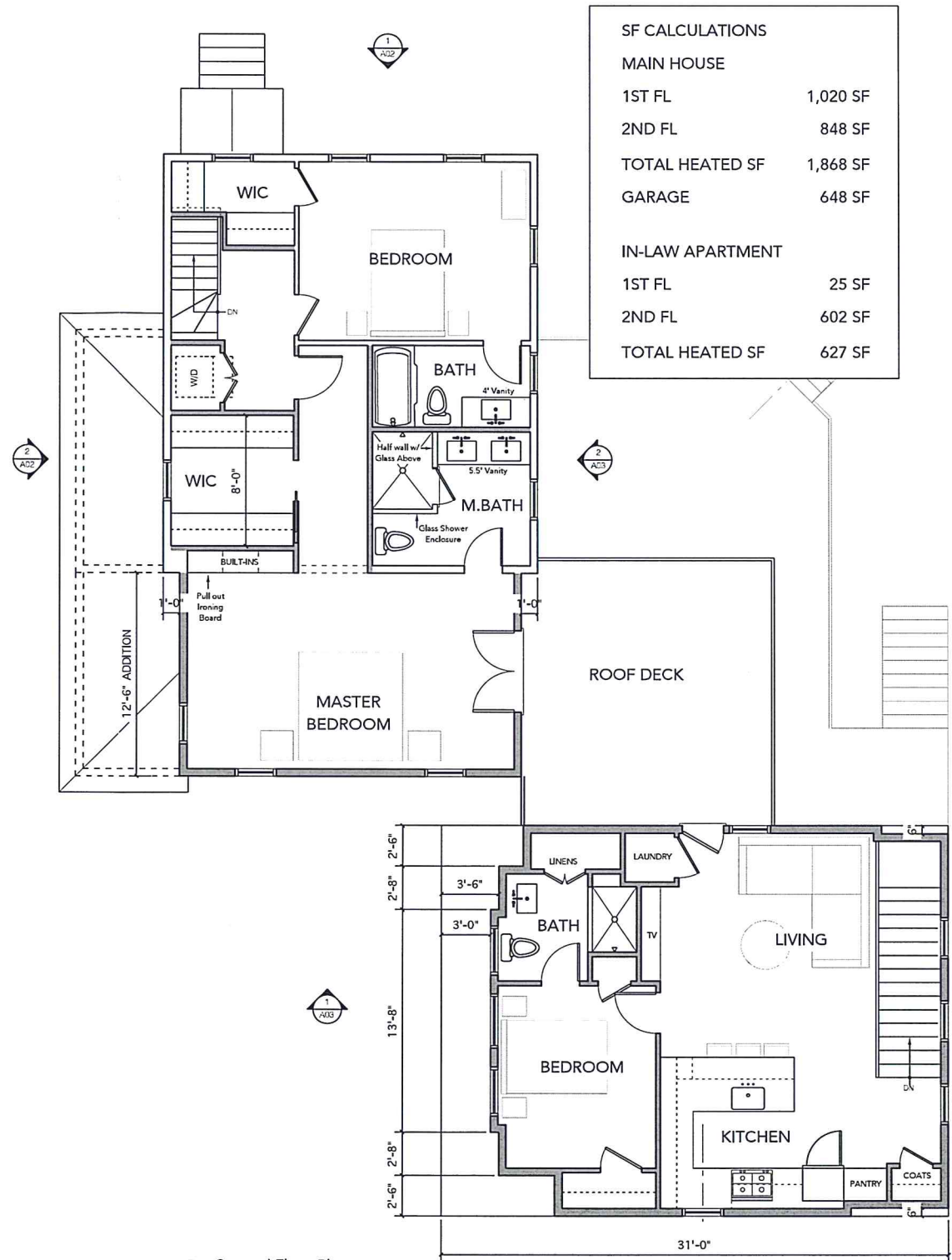
Top of stairway

**Vent pipe in
stairwell**





1 First Floor Plan
SCALE: 1/8" = 1'-0"



2 Second Floor Plan
SCALE: 1/8" = 1'-0"

SF CALCULATIONS	
MAIN HOUSE	
1ST FL	1,020 SF
2ND FL	848 SF
TOTAL HEATED SF	1,868 SF
GARAGE	
	648 SF
IN-LAW APARTMENT	
1ST FL	25 SF
2ND FL	602 SF
TOTAL HEATED SF	627 SF

project:
**LINGERMAN
RESIDENCE**

35 Munroe Street
Newburyport, MA

architect:
**GRAF
ARCHITECTS**
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafvtd.com

title:
**PROPOSED
Floor Plans**

SCALE: 1/8" = 1'-0"
1 may 2020

A01

project:

LINGERMAN RESIDENCE

35 Munroe Street
Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:

PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"

1 may 2020

A02



① Front Exterior Elevation - PROPOSED
SCALE: 1/8" = 1'-0"



② Side (Broad Street) Exterior Elevation - PROPOSED
SCALE: 1/8" = 1'-0"

project:

LINGERMAN RESIDENCE

35 Munroe Street
Newburyport, MA

architect:

GRAF
ARCHITECTS
2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:

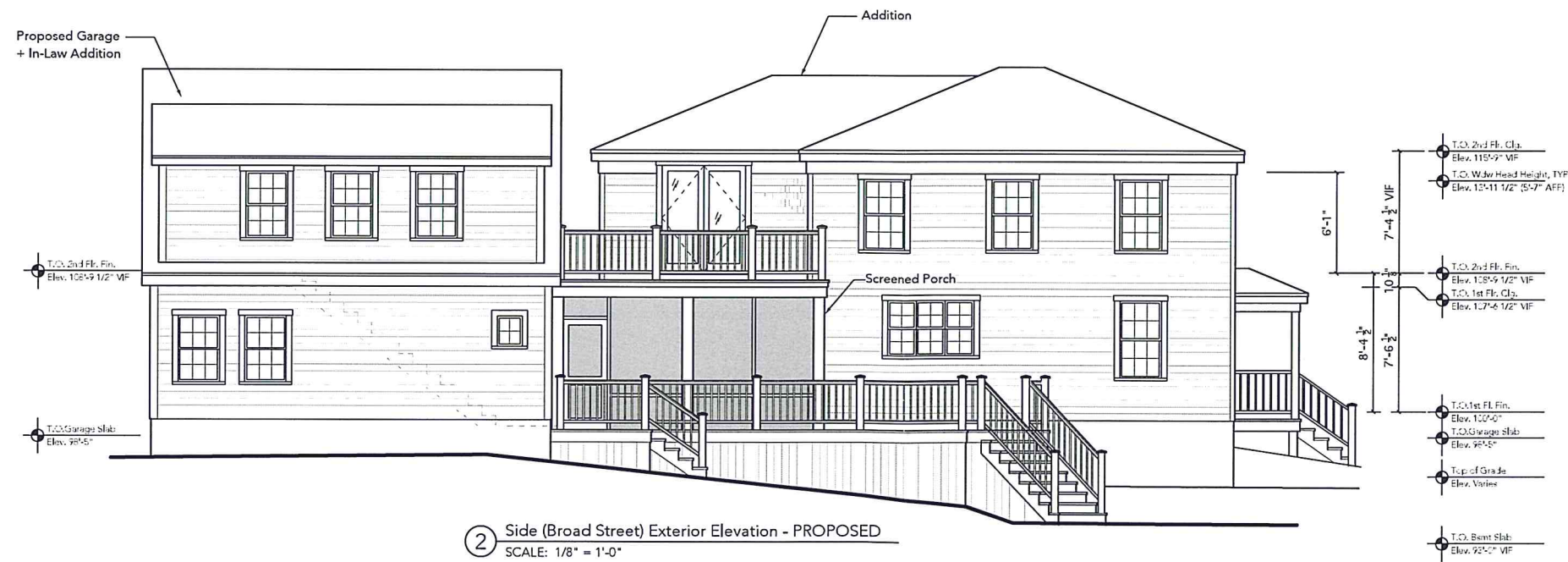
PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"
1 may 2020

A03



1 Front Exterior Elevation - PROPOSED
SCALE: 1/8" = 1'-0"



2 Side (Broad Street) Exterior Elevation - PROPOSED
SCALE: 1/8" = 1'-0"