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September 28, 2021

By Hand/Electronic

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 / Accessory Structure;
50 Boardman Street, Newburyport, MA (the "Property")
Assessor's Map: 49 Lot: 22

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the Bruce Atkins and Gail Cassin, the owners of the Property (the "Applicant") relative to a proposed removal of an accessory structure and construction of a new structure upon the Property in its place.

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 garage/shed. No work is proposed on the single family structure. The accessory structure is not listed on the district data sheets but does appear in the 1924 Assessor's Map but not the 1914 Sanborn Map. See Exhibit A attached. Therefore, it is not clear that the structure is more than 100 years old. What is clear is that the structure is in very poor condition and is currently being held together by rope and braces and cannot be used in a safe manner. See photographs attached as Exhibit B. The Applicant have filed a request for demolition from the Historic Commission notwithstanding the undetermined age. The structure is not listed on the District Data sheets and therefore does not trigger the Demolition Control Overlay District.

The Property is 2,803 square feet where 10,000 square feet are required and includes 108.50 feet of frontage where 90 feet are required. The accessory structure is located 0.7 feet off the rear property line and 1.2 feet off of the side property line. The existing structure is 13 feet to the peak with a mean height of 10.5 feet. The Applicants propose to remove the existing structure and construct a new structure in its place on the same footprint, but taller – at 16'6" to the ridge and 13.5 feet mean. The sidewalls will increase in height by 2 feet.

The Applicant will require a Special Permit for non-conformities under section IX-B-2.B of the Ordinance for the proposed project. Section IX-B-2.A allows the alteration of a structure where the Board makes the following findings:

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1. That there will be no addition of a new nonconformity; and
2. That the proposed change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

1. As is shown on the plans, there will be no addition of a new non-conformity. While there will be an upward extension of the existing non-conforming setback, there is no new non-conformity.

2. The demolition of the accessory structure and replacement with a slightly taller shed which can then be used as a garage poses no detriment to the neighborhood, and is certainly non substantially more detrimental to the neighborhood. There is no change to the footprint so there will be no change to open space and lot coverage on the lot. Second, as shown on the elevation plans attached hereto, the architectural style of the new barn is appropriate for the location and the house which exists on the lot.

While the exterior of the structure looks like it is in good shape, that is because the Applicant have tried to make it's appearance presentable, while it is structurally unsound and actually not really usable. The home on the Property actually "fronts" on Boardman Street, but the accessory structure is in the back off of Washington Street. The proposed structure will be finished with clapboards to match the home. The design is simple but appropriate for the Property. The structure is actually 42 feet from Washington Street and is therefore away from the sidewalk and street.

It is of note that the term "substantially" means to a great or significant extent. Here the accessory structure/garage will not gain in foot print but will be slightly taller. Given the location of the structure, the design continuing to compliment the home on the Property and the small change to the height, the proposed changes should not be deemed to be substantial.

Given the foregoing, the Applicant respectfully requests that the Board grant a special permit for non-conformities and allow the removal and construction of a new slightly larger accessory structure.

Please do not hesitate to contact me at 978-463-7700 if you have any questions.

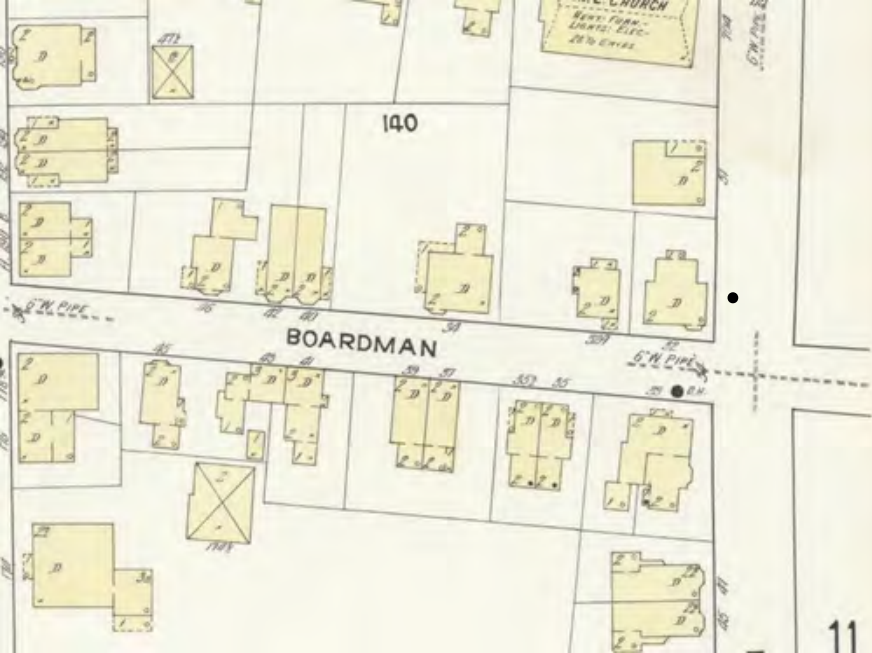
Respectfully submitted
Bruce Atkins and Gail Cassin
By their Attorney



Lisa L. Mead

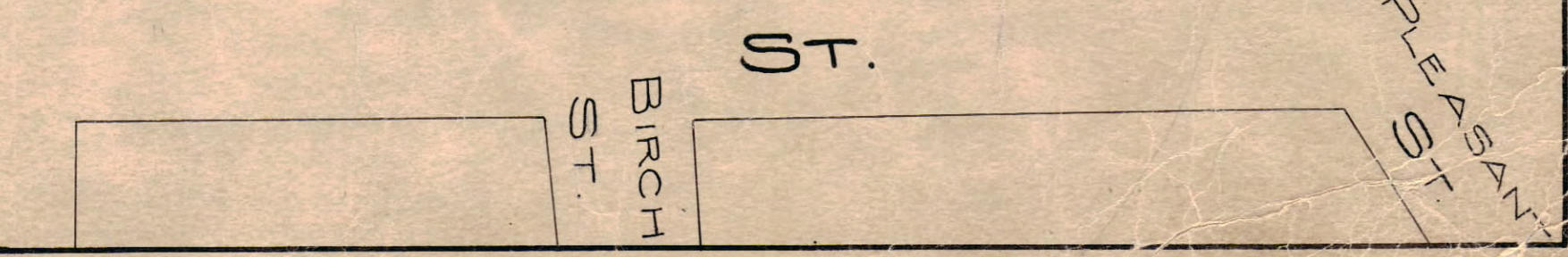
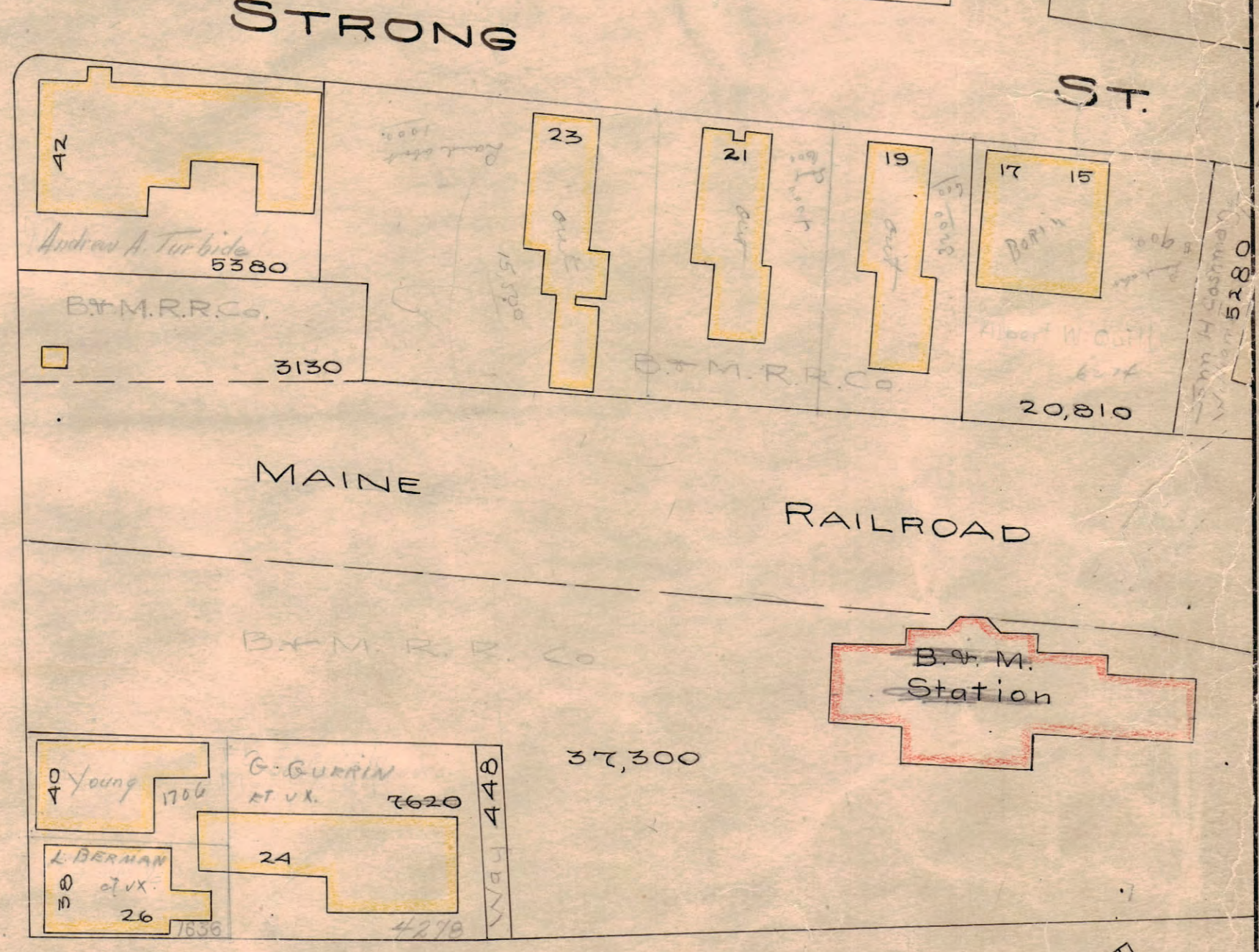
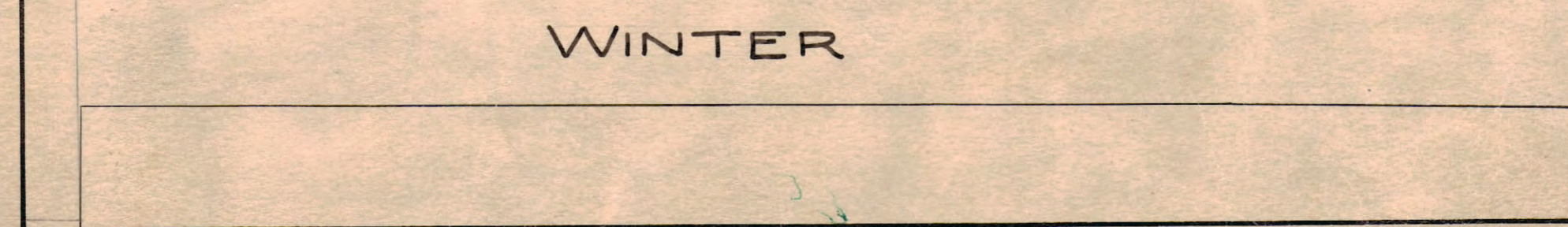
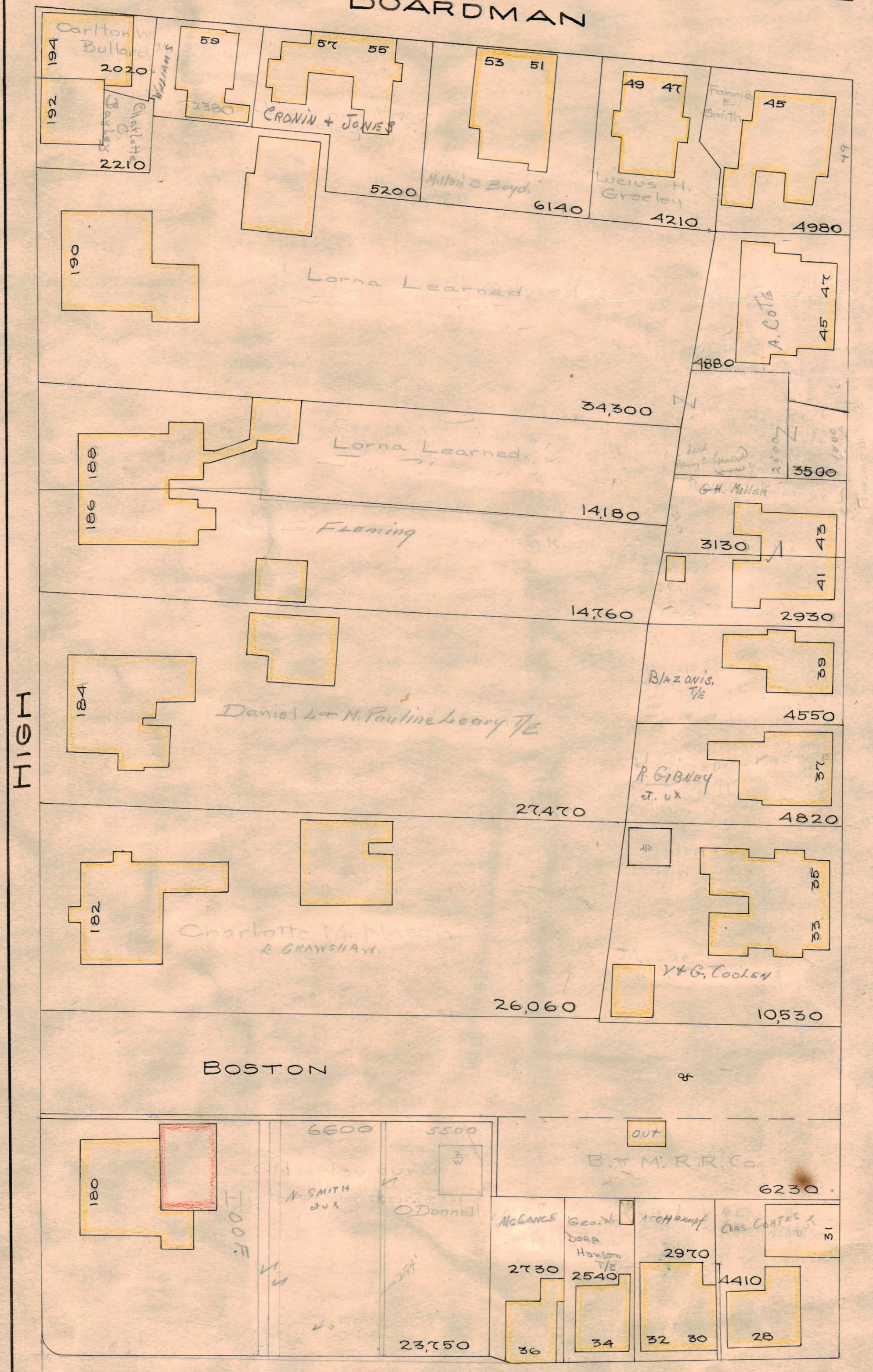
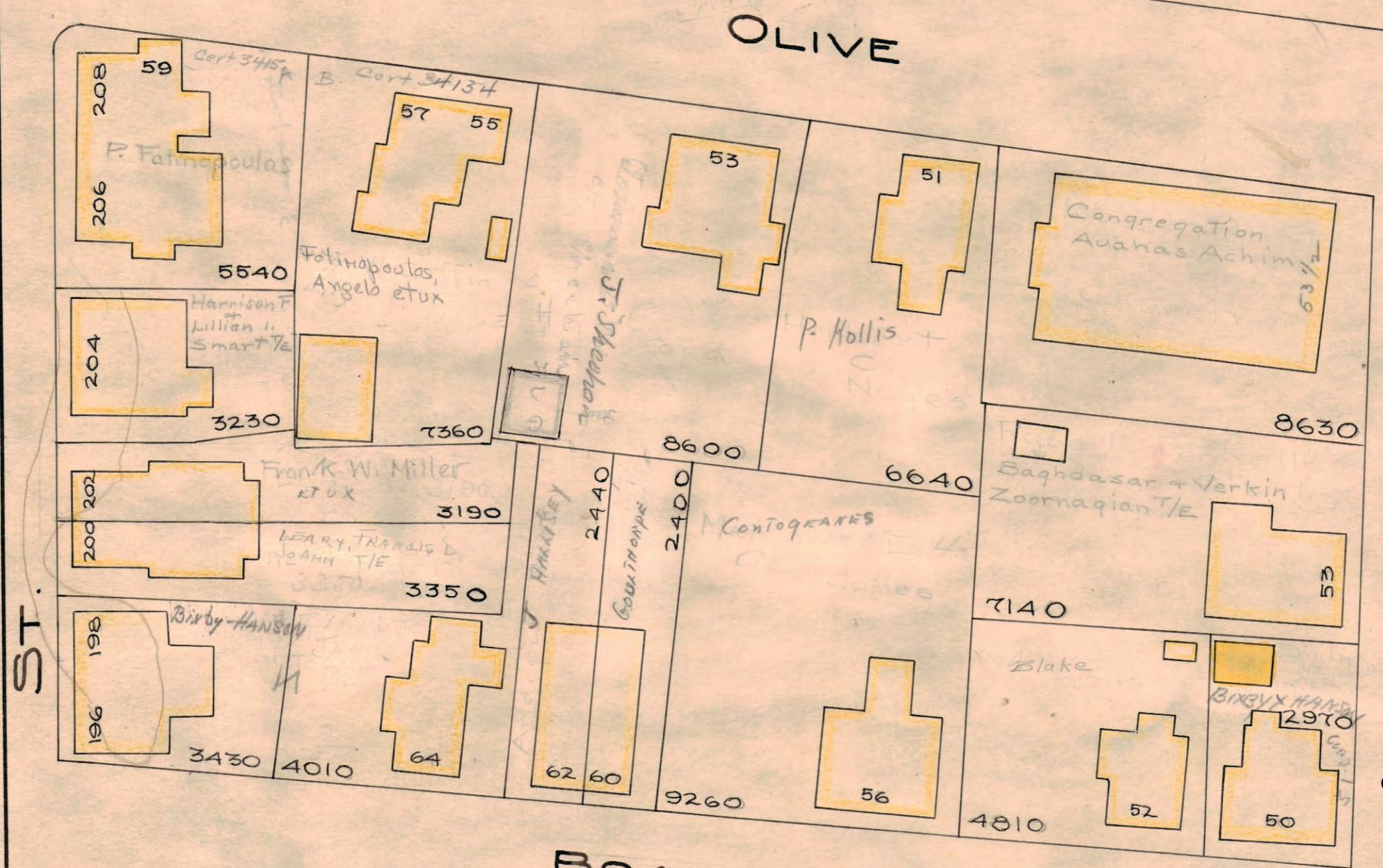
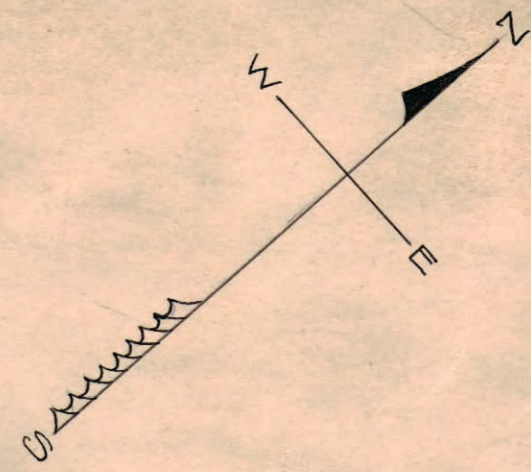
Attachment
cc: client

EXHIBIT A



1914
Sanborn
Map

1924 Assessor Map



Scale 40 ft. = 1 in

EXHIBIT B





















