

**City of Newburyport Zoning Board of Appeals  
Application for a SPECIAL PERMIT**

Petitioner: Ezekiel Wheeler

Mailing Address: Intellegent Labor, Inc., 18 Beck Road, Arlington, MA 02176

Phone: 617-212-8882q Email: zk@intelligentlabor.com

Property Address: 6 Perkins Way, Newburyport

Map and Lot(s): Map 78, Block 8, Lot A2 Zoning District: I1B

Book and Page(s): Book 35326, Page 0489

Owner(s) Name: 6 Perkins Way Nominee Trust, Anthony Barbiris and Sarah Johansson, Trustees

Mailing Address (if different): PO Box 2162, South Hamilton, MA 01982

The applicant is requesting a Special Permit under section(s):

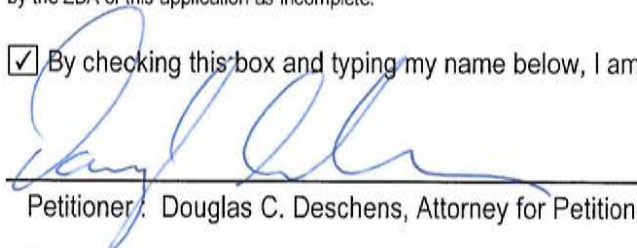
- Special Permit for Use (V.D) – Use # 613
- Spacing (VI.D)
- In-Law Apartment (XIIA)  
\*Include In-Law Apartment Attachment
- Bonus Provisions for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Wind Energy Conversion Facilities (XXVI)
- Other \_\_\_\_\_

Brief description of request:

Please see attached cover letter

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

By checking this box and typing my name below, I am electronically signing this application.



Petitioner: Douglas C. Deschens, Attorney for Petitioner

By checking this box and typing my name below, I am electronically signing this application.

*Please see Attached Authorization Le*

Owner (if different) \_\_\_\_\_

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2021-051

Name: Douglas C. Deschenes, Esq. Finneran & Nicholson, P.C.

Address: 6 Perkins Way Zoning District(s): I1B

Request: Allow for Use of 6 Perkins Way for Storage/Wharehousing requiring a special permit under the NZO. No added square footage. Existing parking approved as part of Site Plan review

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

- Signs (VIII)
  - Type
  - Lighting
  - Size
  - Location

Other

\_\_\_\_\_

Special Permit

- Table of Use Regulations (V.D) #: 613
- 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
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
  - FAR
  - Lot Coverage
  - 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
  - Rear Yard
  - Lot Coverage
  - Side Yard
  - Lot Frontage
  - Front Yard
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

\_\_\_\_\_

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

Jennifer T Blanchet

06/02/2021

Newburyport Zoning Administrator

Date

June 8, 2021

Newburyport Zoning Board of Appeals  
60 Pleasant Street  
Newburyport, MA 01950

**RE: Special Permit; Table of Use Regulations (V.D) #613 Application  
6 Perkins Way, Newburyport, MA**

Dear Members of the Board,

The undersigned represents Ezekiel Wheeler, who is under agreement to purchase the property at 6 Perkins Way Street in Newburyport. Mr. Wheeler would like to use the property for storage/warehousing, and so requires a Special Permit in accordance with the Zoning Ordinance of the City of Newburyport Table of Use Regulations, Use 613, as the property is in the I1B district.

Having obtained a Zoning Determination letter from the Newburyport Zoning Administrator (attached), please allow this letter, along with the attached documents to serve as the Applicant's formal application for a Special Permit pursuant to the Zoning Ordinance of the City of Newburyport Table of Use Regulations, Use 613, (or any other relief the Zoning Board deems necessary), to allow for the construction of the proposed addition.

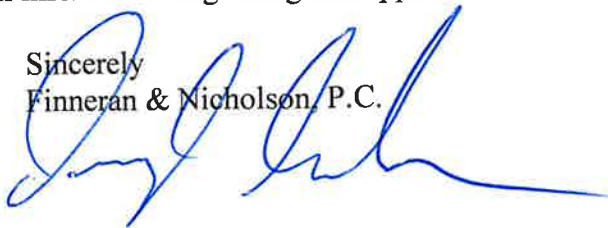
Enclosed please find the following:

1. Special Permit Application;
2. Zoning Determination Letter;
3. Memorandum addressing Special Permit Requirements;
4. Owner Authorization Letter;
5. Owner's Deed;
6. Assessor Card and GIS MAP;
7. Filing Fee;
8. Pictures;
9. Site Plan.

Please note, that electronic copies of all materials will be forwarded to the Board by e-mail, under separate cover. Additionally, copies are being filed with the Town of Newburyport's Clerk's office.

Thank you very much for your time and consideration. Please contact me if you should have any questions or need any additional information regarding this application.

Sincerely  
Finneran & Nicholson, P.C.

A handwritten signature in blue ink, appearing to read 'Douglas C. Deschenes', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Douglas C. Deschenes

To: Newburyport Zoning Board of Appeals

From: Attorney Douglas C, Deschenes

RE: Special Permit Criteria; 6 Perkins Way Storage/Warehouse Use #613

1) The use requested is listed in the table of use regulations or elsewhere as in the ordinances 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.

- **The requested use is listed in the Newburyport Table of Use Regulations as Use # 613 and requires a Special Permit for property in the I1B District in which 6 Perkins Way is located.**

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

- **The proposed use will allow for the temporary storage/warehousing of items being moved by Mr. Wheeler's Company, Intelligent Labor and Moving Inc., for his clients. There is significant demand for moving services into and out of the greater Newburyport area, especially for the type of moving services providing temporary storage services as offered by Intelligent Labor.**

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

- **The use is being proposed in an industrial zoned building recently constructed, which underwent Site Plan Review by the Newburyport Planning Board, which reviewed parking, pedestrian safety and traffic relating to the building. Mr. Wheelers proposed use will generate much less traffic (and little or no pedestrian traffic), than typical uses in the industrial zone. He expects between 0 – 18 vehicle trips per day accessing the site between 7:00 am and 7:00 pm. There will be a number of days when there will be no traffic accessing the site.**

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 requested use is proposed in a recently approved and constructed Industrial building and so all utility services are new and were designed to support allowed industrial uses which the proposed use is. The temporary storage/warehousing of goods being moved and the staff required to operate the facility will require little in terms of water, sewer, electric or any other utilities. Overall, the proposed use could be considered a “light” industrial use and so have limited impact on public utilities. Therefore, the proposed use will not overload such systems and so will not subject the immediate area or any area in the City to hazards affecting public health, safety or the general welfare.**

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

- **Any such regulations, as applicable, are fulfilled by the proposed use.**

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 use is being proposed in a newly constructed facility reviewed and approved by the Newburyport Planning Board to be utilized for allowed Industrial purposes, many of which are more intensive than the proposed storage/warehousing use. Moreover, the proposed use was just recently allowed in the district under an amendment to the City ordinances, approved by the City Council after determining that the use was compatible with other uses allowed in the district. Therefore, the use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.**

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.

- **The Applicant is unaware of any property in the neighborhood being utilized for the same purpose as he is proposing. Given that the applicable ordinance was just recently amended to allow the use, it is likely this will be the first such use of this type in the neighborhood.**

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

- **The proposed use, storage/warehousing, is in direct harmony with the purpose of the applicable ordinance, which was recently reviewed and amended by the City Council to specifically allow the proposed Use.**

9) The proposed use shall not be conducted in a manner 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 proposed use is for the storage of household and office type furniture, goods and products being temporarily stored while they are being moved from one location to another. There will be no hazardous materials stored in the facility nor are any used in the operation of the proposed use, The proposed use does not in any way generate or 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.**

June 4, 2021

City of Newburyport  
Zoning Board of Appeals  
60 Pleasant Street  
Newburyport, MA 01950

City of Newburyport  
Planning Board  
60 Pleasant Street  
Newburyport, MA 01950

City of Newburyport  
Conservation Commission  
60 Pleasant Street  
Newburyport, MA 01950


RE: 6 Perkins Way, Newburyport, MA

Dear Members of the Board,

Please be advised that the undersigned Anthony Barbiris and Sarah Johansson, Trustees of 6 Perkins Way Nominee Trust, does hereby authorize Attorneys Douglas C. Deschenes and/or related associates of the law firm of Finneran & Nicholson, P.C., with locations at 515 Groton Road, Suite 203, Westford, MA 01886 and 30 Green Street, Newburyport, MA 01950, to act (including but not limited to signing, filing and permitting) in regards to any filing, permit application, or other documents relating to proposed reconstruction and/or alteration of our property located at 6 Perkins Way, Newburyport, MA.

Thank you for your time and attention to this matter.

Sincerely,

  
Anthony Barbiris, Trustee

  
Sarah Johansson, Trustee



NL  
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dr/2



Property Address: 4 Perkins Way, Newburyport, Essex County, Massachusetts

**QUITCLAIM DEED**

I, Anthony Barbiris, an unmarried person, of Hamilton, Essex County, Massachusetts

For consideration of one dollar (\$1.00) paid, the receipt of which is hereby acknowledged, grant to:

Anthony Barbiris, Trustee and Sarah Johansson, Trustee of the 6 Perkins Way Nominee Trust, u/d/t dated September 30, 2016, of Hamilton, Essex County, Massachusetts, with a G.L. c. 184 §35 Trustees' Certificate recorded with Southern Essex District Registry of Deeds herewith,

**With Quitclaim Covenants**

A certain parcel of land in Newburyport, Essex County, Massachusetts together with any buildings and improvements located thereon, being shown as Lot # 2 on a plan of land entitled "Plan of Land in Newburyport, Massachusetts" dated January 16, 2006, prepared for Anthony Barbiris, Trustee of Four Perkins Way Realty Trust, 4 Perkins Way, prepared by LeBlanc Survey Associates, Inc." recorded in the Essex South Registry of Deeds at Plan Book 396, Page 2, and bounded and described as follows:

NORTHEASTERLY by Lot 1, as shown on said plan, two hundred forty-nine and 79/100 (249.79) feet;

EASTERLY by Perkins Way, as shown on said plan, one hundred sixty-nine and 39/100 (169.39) feet;

SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY again, by said Perkins Way, by a curved line, as shown on said plan, one hundred ninety-six and 89/100 (196.89) feet;

EASTERLY by land of Barbiris, as shown on said plan, twenty-one and 5/10 (21.5) feet;

SOUTHEASTERLY by land shown on plan and on Plan Book 128, No. 100, as of N.A.I.D., three hundred sixty-four and 85/100 (364.85) feet;

NORTHWESTERLY by Lot 8C, land of Urbanetti, as shown on said plan, three hundred ninety-eight and 67/100 (398.67) feet.

Said lot being a portion of Lot 23 on a plan of land entitled "Plan of Lot 23, Lord Timothy Dexter Industrial Green, Perkins Way-Newburyport, Mass." dated October 30, 1973 drawn by MacWilliams Engineering Associates, containing 4.5 acres of land, recorded with Southern Essex District Registry of Deeds in Plan Book 128, Plan 100.

Premises are conveyed subject to a fifteen-foot wide water and sewer easement to the City of Newburyport, as shown on said plan, and to the covenants set forth in a document entitled "Protective covenants" Lord Timothy Dexter Industrial Green, Newburyport, Massachusetts, dated September 11, 1969, recorded with Southern Essex District Registry of Deeds in Book 5638, Page 428 which are incorporated herein by reference, and which shall run with the land and bind all lots within said and inure to the benefit of and be enforceable by the grantors and the owner and owners of any of the lots comprised within said Green and their respective heirs, executors, administrators, successors and assigns.

For Grantor's title, see deed of Anthony Barbiris, Trustee of Four Perkins Way Realty Trust, dated February 1, 2006 and recorded with Southern Essex District Registry of Deeds at 25386, Page 200.

The Grantor swears under the pains and penalties of perjury that this is not homestead property there are no other persons entitled to the protection of The Homestead Act.

A title exam was not performed in the preparation of this deed.

[SIGNATURE AND NOTARY TO FOLLOW]


Witness my hand and seal this 30<sup>th</sup> day of September, 2016

  
Anthony Barbiris

**Commonwealth of Massachusetts**

Essex, ss

On this 30<sup>th</sup> day of September, 2016, before me, the undersigned notary public, personally appeared Anthony Barbiris, proved to me through satisfactory evidence of identification, which was Personal Knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

  
Notary Public:  
My Commission Expires: 6-22-2016



# 6 PERKINS WAY

**Location** 6 PERKINS WAY

**MBLU** 78/ 8/A 2/ 1

**Owner** BARBIRIS ANTHONY & SARAH JOHANSSON TRS

**Assessment** \$1,452,600

**PID** 103402

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$982,200	\$470,400	\$1,452,600

## Owner of Record

**Owner** BARBIRIS ANTHONY & SARAH JOHANSSON TRS  
**Co-Owner** 6 PERKINS WAY NOMINEE TRUST  
**Address** PO BOX 2162  
 SOUTH HAMILTON, MA 01982

**Sale Price** \$0  
**Certificate**  
**Book & Page** 35326/0489  
**Sale Date** 10/05/2015  
**Instrument** 1F

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BARBIRIS ANTHONY & SARAH JOHANSSON TRS	\$0		35326/0489	1F	10/05/2015
BARBIRIS ANTHONY	\$0		25386/0200	1F	02/17/2006
BARBARIS ANTHONY TRUSTEE	\$0		18932/0377	1P	07/12/2002
CENTURY BANK & TRUST COMPANY	\$0		18932/0376		07/12/2002

## Building Information

### Building 1 : Section 1

**Year Built:** 2019  
**Living Area:** 30,000

Building Attributes	
Field	Description
Style:	Whse-Indust

Model	Industrial
Grade	Average
Stories:	1
Occupancy	1.00
Exterior Wall 1	Pre-finish Metl
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Enam Mtl Shing
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Gas
Heating Type	Hot Air-no Duc
AC Type	None
Struct Class	
Bldg Use	IND WHSES
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & MIN WL
Rooms/Prtns	AVERAGE
Wall Height	24.00
% Comn Wall	

### Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos/A01\01\22\00.jpg>)

### Building Layout

Building Layout

([http://images.vgsi.com/photos/NewburyportMAPPhotos/Sketches/103402\\_](http://images.vgsi.com/photos/NewburyportMAPPhotos/Sketches/103402_))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	30,000	30,000
		30,000	30,000

### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
SPR1	SPRINKLERS-WET	30000.00 S.F.	\$56,700	1

### Land

#### Land Use

Use Code 4010  
Description IND WHSES

#### Land Line Valuation

Size (Acres) 2.59  
Depth  
Assessed Value \$470,400

**Outbuildings**

<b>Outbuildings</b>	<b><u>Legend</u></b>
No Data for Outbuildings	

**Valuation History**

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2020	\$0	\$470,400	\$470,400



# 6 Perkins Way, Newburyport

6/4/2021



1:1,200



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Municipal Boundary

Roads

Interstate

### Legend

Major Road

Local Road

Railroad

Parcels (on aerial)











