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June 18, 2018

By Hand

Ed Ramsdell, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for a Special Permit Additional Information;
20 Walnut Street, Newburyport, MA (the "Property");
Assessor's Map: 60 Lot 28

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the Richard and Seiko Ohta Morse, the owners of 20 Walnut Street (the "Petitioner"), relative to an addition to be constructed at the rear of the Property. The Property is located in the R-2 zoning district and consists of approximately 5,822 square feet of land with 57.50 feet of frontage on Walnut Street. There is currently a non-conforming front yard setback of 9.1' and nonconforming free-standing garage. As a result, the lot is non-conforming for frontage, area and front setback as to the residence and side and front as to the free-standing garage.

The Petitioner lives in the home with his wife and two young daughters, ages 11 and 14. The Petitioner suffers from advanced Parkinson's disease. Given the progression of the disease and the continued unsteadiness while climbing stairs and walking, the Petitioner converted the front living room of the house to a bedroom for he and his wife. While there are currently three rooms used as bedrooms on the second floor, one is a hallway/storage area with insufficient height to classify as a bedroom under the building code.

The Petitioner proposed to construct an addition on the rear of the home allowing the reconfiguration of the first floor and second floor to allow for a bedroom to be used by the Applicants on the first floor and family living space¹. Further, the proposed addition on the second floor will allow for a proper three bedroom configuration which is intended to meet the building code.² It is important to note, that the proposed addition is being added to the rear of the structure where a similar

¹ It should be noted that the conversion of the front room on the first floor is merely for a bedroom but does not include a bathroom.

² Currently there is a hallway/closet area used as a bedroom. That will be converted back to a hall and closet.

Millis Office

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addition was constructed previously. (See existing conditions sheet A-6 and proposed addition on sheet A-2 on attached plans) the new addition adds another 12 feet in depth along a slightly smaller width of the existing conditions. The foot print of the addition is 264 square feet and is no taller than the existing original structure. The current structure includes 1,417 square feet of living area. The new structure will add another 792 gross square feet of area. Further, the addition has been redesigned pursuant to a meeting and specific requests of the neighbors at 18 Walnut Street (See attached letter dated May 13, 2018). The mean height of the addition is 23' 6".

The existing non-conforming frontage, area, front yard setback or the free-standing garage non-conformities will not be modified. All of the side and rear yard setbacks as well as lot coverage will be in full compliance with the Newburyport Zoning Ordinance ("NZO").

To proceed with the Project, Petitioners will require a special permit to modify the pre-existing non-conforming structure on a lot with insufficient frontage and area in accordance with section IXB(2)(A) and IXB(3)(c) of the NZO where the addition is more than 500 square feet.

Section IX-B(2)(A) and (3)(C) allows for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that:

1. There will be no addition of a new non-conformity, and
2. That the proposed changes will not be substantially more detrimental to the neighborhood.
 - a. Further section IX-B(3)(C) of the NZO provides that any extension or alteration of the principal structure on a lot with insufficient area or frontage would increase the floor area of a dwelling unit by more than 500 square feet requires a special permit under section IX(B)(2).

To address the first inquiry, as is shown on the plans, there will be no new non-conformities nor any exacerbation of existing non-conformities.

Next the Board must find that the proposed change is not substantially more detrimental to the neighborhood than the existing structure. Importantly, the addition is proposed in the rear of the structure and will not, by in large, be seen from Walnut Street. In fact, due to the grade change on the lot, and it is slightly narrower from the existing later added addition, the new construction has no greater impact from the public view than the existing structure. But for the dormers, which were modified based upon discussion with the direct abutter, the view from Walnut Street remains unchanged. The addition off of the existing later added addition on the house is no taller than the original structure and is no wider than the current structure, in fact is narrower. The same walk-out basement condition exists today as it will in the proposed conditions. The Petitioner has gone to great lengths to revise the original proposal in accordance with the very specific requests of the direct abutter. The stand of Arbor Vitae that separates 20 from 18 Walnut Street will not change and the home will be no closer than the existing conditions – which conform to the side setback requirements of the NZO.

The architectural style is in keeping with the existing home as well. Even with the proposed addition, the house remains of modest size and appropriate for the size of the lot. Indeed, the home remains one of the smallest on Walnut Street. (See attached Assessor's Map). The proposed change does not create conditions on the lot that do not currently exist, namely height and walk-out basement. The new addition is a 12 foot expansion of that condition and carry's the height of the existing original structure.

The Board can find, based upon the foregoing, that the proposed modification is not substantially more detrimental to the neighborhood than the existing structure and does not create any new non-conformities.

The Petitioner respectfully requests you grant a Special Permit to modify the existing non-conforming structure.

Respectfully submitted
Richard Morse and Seiko Ohta Morse
By their Attorney



Lisa L. Mead

Attachment
cc: Client



EXISTING HOUSE RENDERING

CUSTOMER INFORMATION

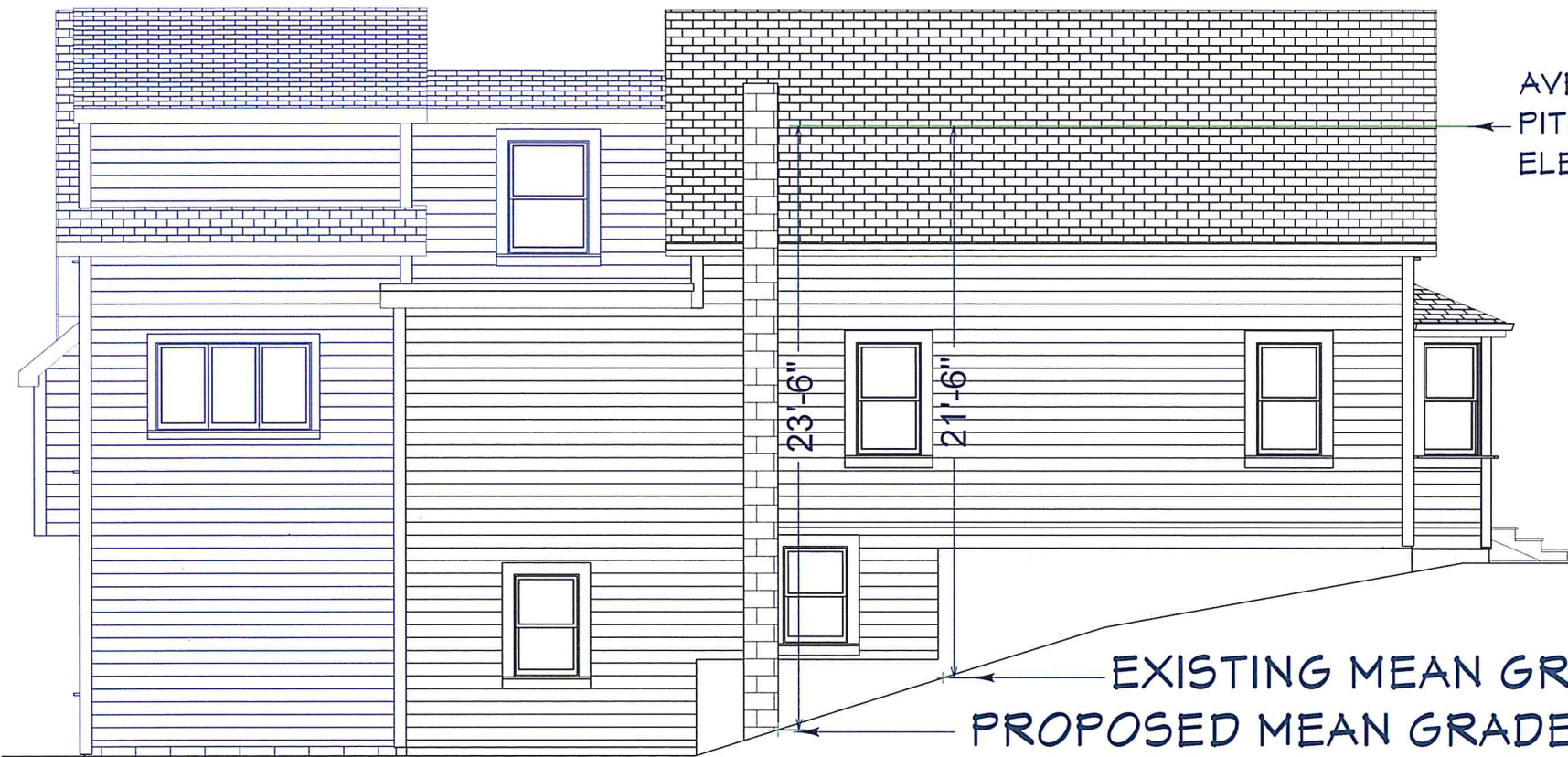
RICK & SEIKO MORSE
 20 WALNUT STREET
 NEWBURYPORT, M.A. 01950



22' X 12' FAMILY ROOM & BEDROOM ADDITION

TOTAL NEW LIVING SPACE 792 SQ. FEET

LEFT SIDE ELEVATION VIEW



FRONT ELEVATION VIEW



AVERAGED
PITCHED ROOF
ELEVATION LINE

GRADE
LINE

EXISTING MEAN GRADE HEIGHT
PROPOSED MEAN GRADE HEIGHT

23'-6"

21'-6"

SHEET
TITLE:

**ELEVATION PLAN
MEDIAN HEIGHTS**

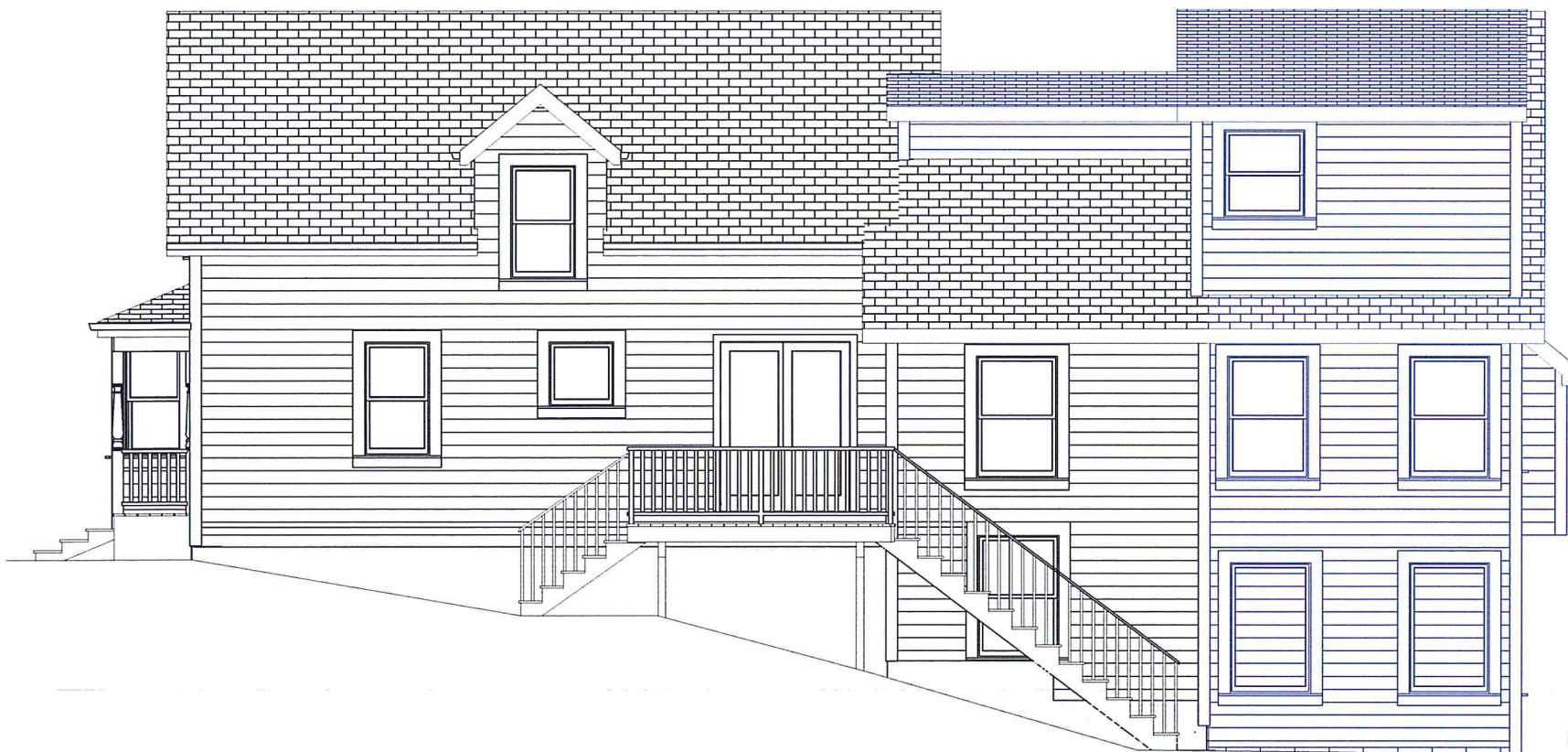
DATE:
6/12/2018

SCALE:
1/4"=1'

SHEET:

A-2

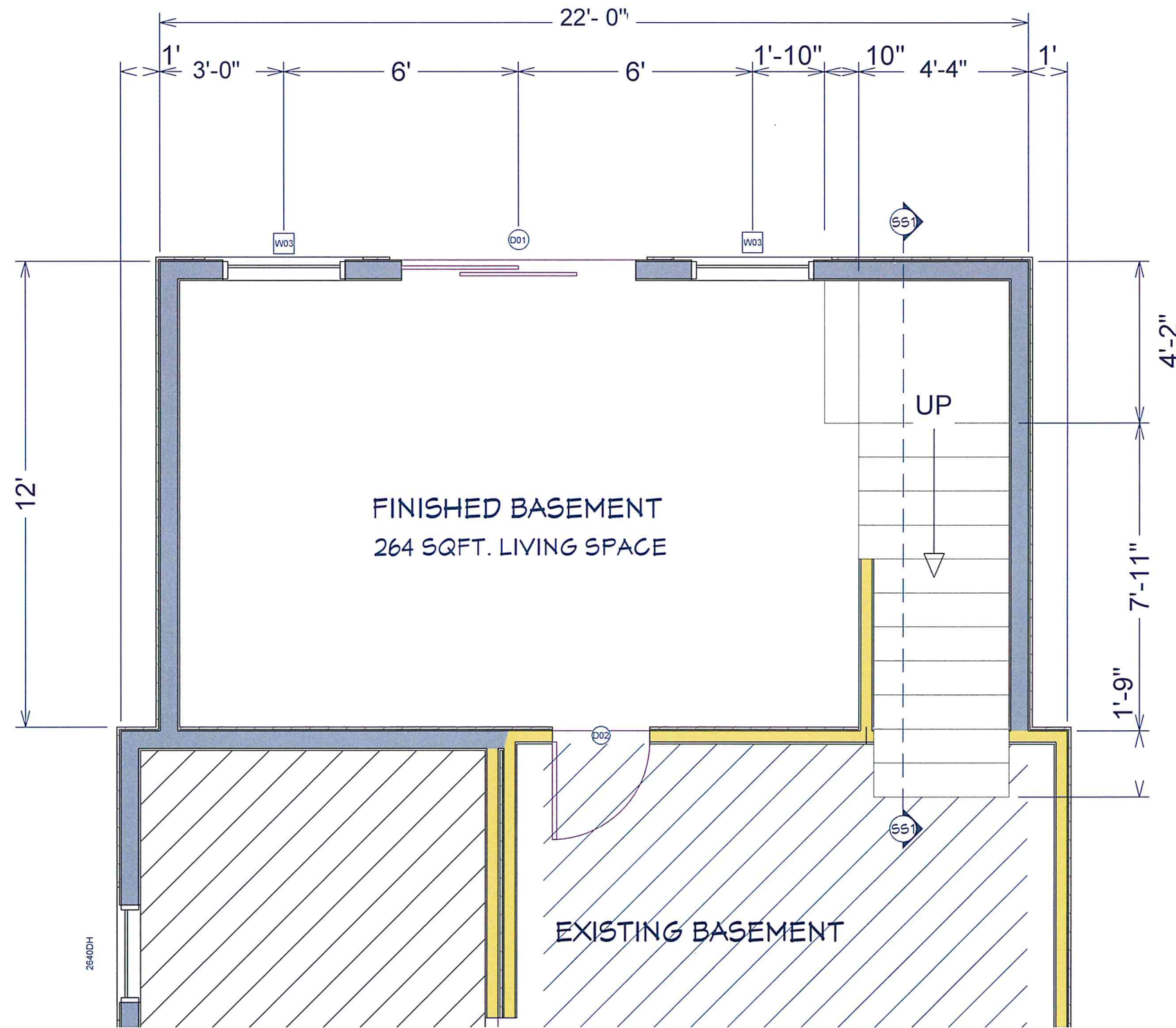
RIGHT SIDE ELEVATION VIEW



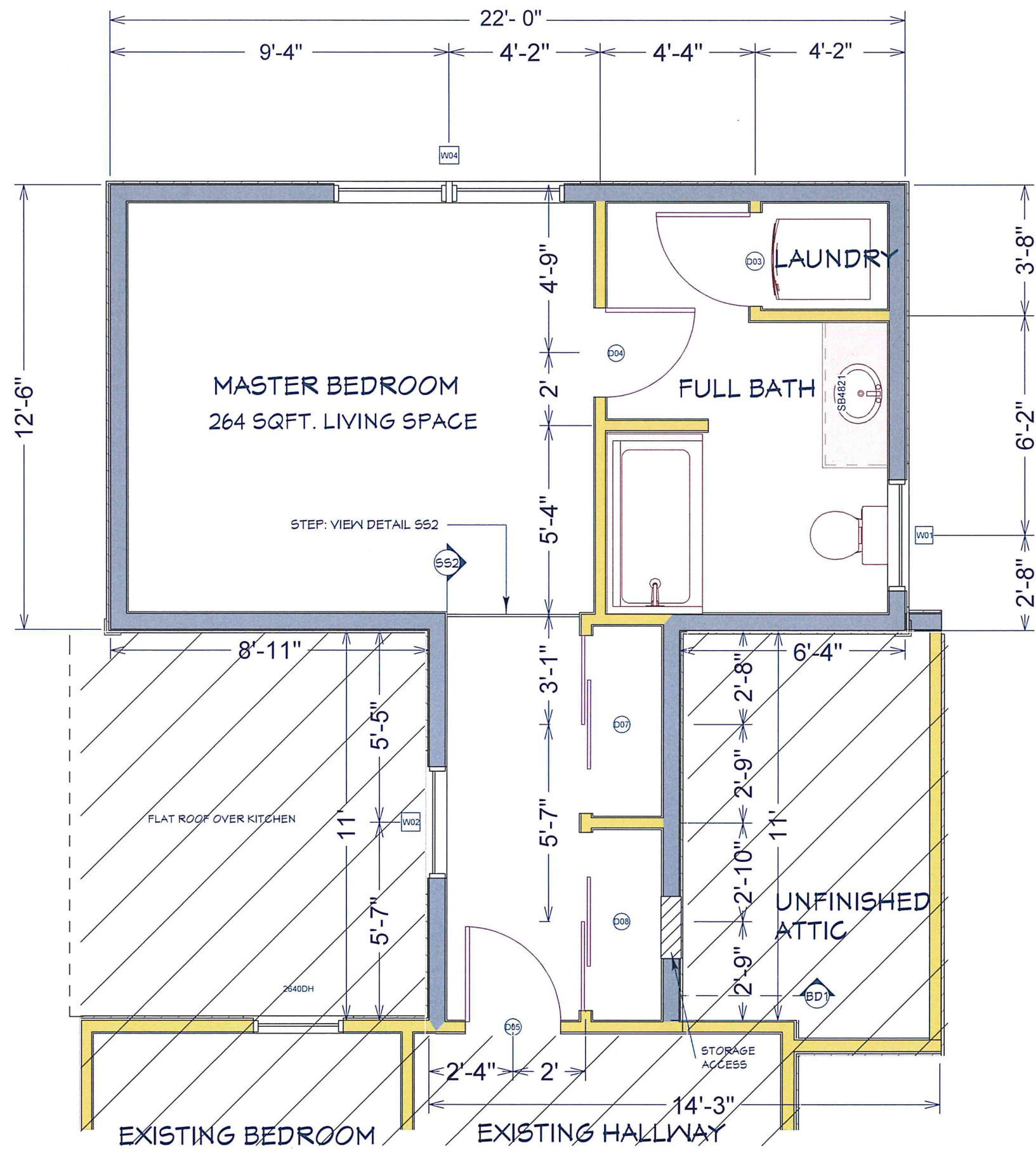
GRADE
LINE

REAR ELEVATION VIEW





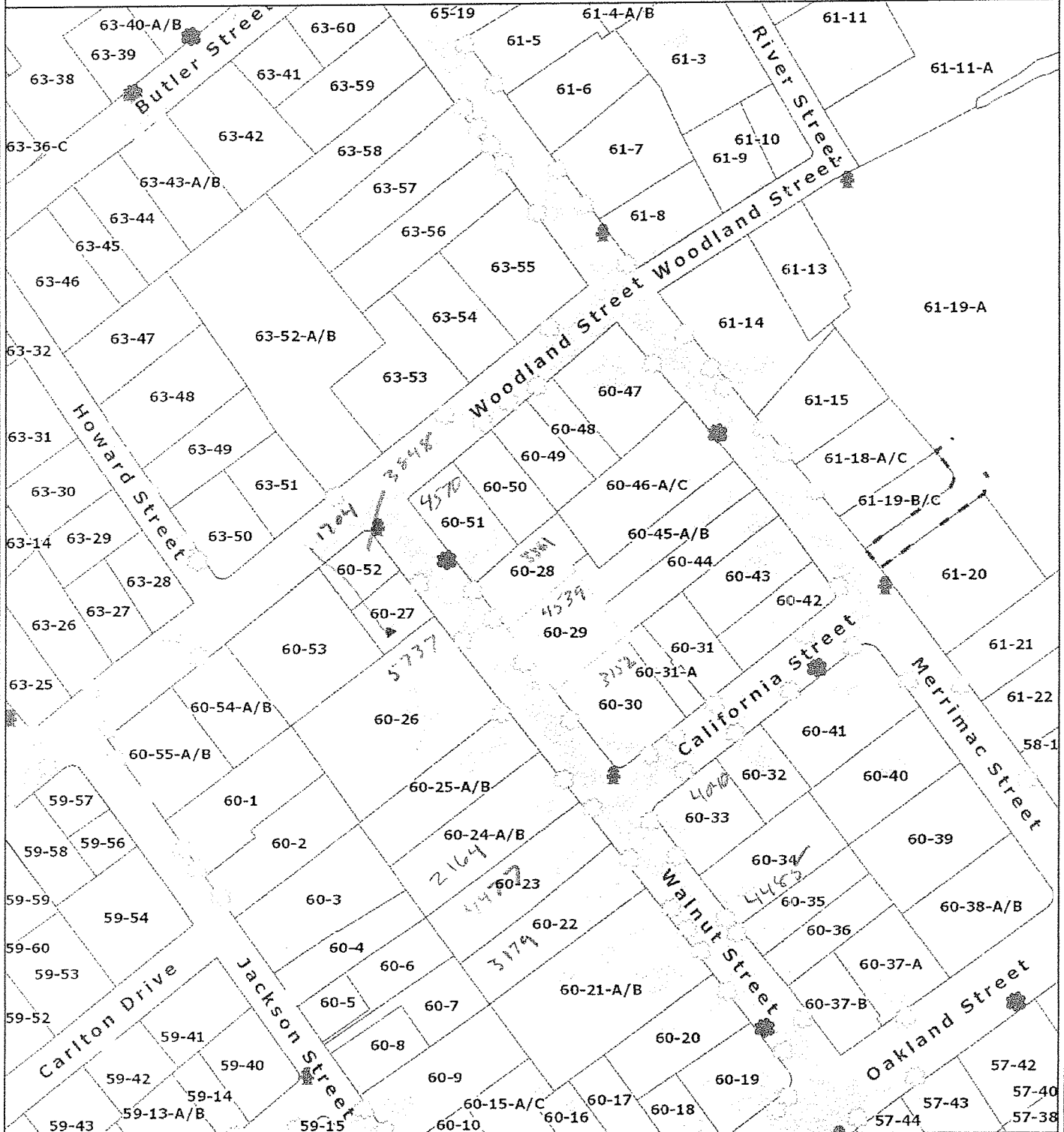
**BASEMENT
LAYOUT**



**2ND FLOOR
LAYOUT**



EXISTING HOME REAR IMAGES



- | | |
|---|---|
| <ul style="list-style-type: none"> □ MVPC Bo □ Newburyport Boundary ■ Trees ⊛ Immediate Action Needed ○ No Action Needed ○ Unknown - Railroad └─┘ Parcels Water System ● Hydrant - Trails Building Footprints Driveways ↳ Easements | <ul style="list-style-type: none"> Road Right of Way Paved Unpaved Hydrographic Features Streams Stream Intermittent Stream Wetlands City City and State State Exempt Lands Recreation Areas |
|---|---|

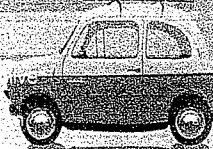
1" = 137 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

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😊 📅 31 📄 ⚙

On May 14, 2018, at 6:06 AM, David and Donna <merlinatsea@msn.com> wrote:

13 May 2018

Dear Rich and John,

Thank you for taking the time to meet with us yesterday. The discussion was very fruitful and we agreed on several modifications that will improve the appearance and character of the addition. We very much appreciate your recognizing and accommodating our concerns. The following are short notes on our recollection of the meeting.

Due to the existing building balloon frame construction there are difficulties and limitations of joining new and old construction (ie. adding dormers to existing structure). Our concerns about the visual impact of the addition are as follows:

1. Height of the addition [allowed by code] does not align with the existing building ridge line. It seems out of place with the character of existing structure. No other additions in the neighborhood rise above their existing roofs. The "massing" of the addition creates some challenges to reduce the visual impact and size of the structure. See below for suggestions.
2. Fenestration. The drawings present a "blank" wall as our view. John indicated that considerations of interior requirements have been their main focus, but understood our concern. We would like to see at least one window per floor. Several options were discussed (including two windows per floor and a "faux" blank window at the new stair). We think that one window per floor is a good solution; they do not have to align vertically - located as best suits the interior needs.
3. Roof lines and massing of addition. In our discussion we all agreed to continue the existing eave line across the addition; the gable end will be built a minimum of 1'0" on the rear elevation. This gives the impression of a separate "dormer". Visually this breaks up the mass and scale of the addition.
4. "Connector dormer". Discussed the incompatible appearance of the "pop up" dormer. Suggest shifting interior corridor to align with center line of existing structure; eliminate the pop up dormer and fill in with new roof that aligns with existing. This would have minimal impact on interior space. And improve the visual appearance. John agreed to the change. If there are construction limitations he would get back to us, but did not think there would be. This solution would be less costly than the dormer.
5. Our main concern is that the current design of the addition looks incongruous, out of place, with the surrounding neighborhood, and even the existing dwelling. Suggest lowering the addition ridge line to match existing roof. This combined with the connector roof alignment would reduce the massing and scale of the addition. John raised a concern with lowering the pitch of the addition roof. Currently at 5:12. What is the minimum allowable pitch by code? Would a 3:12 work? Suggest two options: Change the slope (lower) of new roof "dormer" to accommodate the interior of the structure (ie. not change the head room). A membrane roof would be acceptable to us under this condition. (Note: our house has a membrane roof that our neighbors look at.) Or, maintain the 5:12 pitch so the eave would be slightly lower than shown on the drawing elevations. On the interior, the ceiling would be "clipped" at the eaves with a short sloped ceiling visible on the interior. This would not reduce the floor area and have minimal impact on the interior head room and actually add "character" to the space.

We believe that these suggested changes improve the overall design of the addition without compromising interior requirements. The architectural character is improved and the "appearance" of the addition presents a "neighborly" view from our perspective. Please advise if these changes are acceptable to both of you. Please send us the new drawings when they are completed. As you know we [Donna and David] will be away for the next five weeks and will not be able to attend the Public Hearing. Allyson plans to attend. With these modifications we are in full support of your application and will write a letter to the ZBA in this regard. Again, thank you for listening to us and let's get on with the addition!

Regards,

Allyson Lawless
Donna George
David Tesar

18 Walnut Street