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November 26, 2018

By Hand

Sarah White, Chair
Historical Commission
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: Request for Comments for Demolition Control Overlay District Special Permit, 263 Water Street Newburyport, MA (the "Property"); Assessor's Map: 30, Lot 7.

Dear Chair and Members of the Commission;

Reference is made to the above-captioned matter. In that connection, this firm represents Jan and Janina Schwarte (the "Petitioners"), relative to the construction or renovation of a single-family structure on the Property. The Property is 0.11 acres with 82.0 feet of frontage on Water Street. The Property is located in the AgCon zoning district and Demolition Control Overlay District.

The Property is located on the Merrimac River in the VE Zone, and is subject to the overlapping regulations applicable to that zone. The single-family house on the Property needs significant interior structural and foundation improvement to be preserved as a structure. The required improvements are substantial enough to require compliance with Newburyport Zoning Ordinance Section XIII-E-3, Massachusetts Building Code 780 CMR 105.3.1.1, and FEMA Regulations 44 CFR 59 and 60. Under the Massachusetts Building Code and the FEMA Regulations an improvement that is valued at 50% or more of the value of the structure on the Property triggers a requirement that the entire structure be brought into compliance with applicable floodplain development building standards. The Assessed value of this structure is \$127,600.00, and far more than \$63,800.00 will need to be spent just to preserve the existing house.

"[V]irtually no portions of this structure [. . .] are worth saving or incorporating into new construction." See letter from Lisa O'Donnell, PE attached as Exhibit A, p. 1. To preserve the house where it stands the two floor decks and the roof will need to be reframed and the existing exterior walls and roof will need to be tied into this new construction for support. See Exhibit A p. 3-4. Because the cost to preserve the home exceeds 50% of the value of the structure, the house must be reconstructed in a code-compliant manner. The existing house likely cannot, and certainly not without

inordinate cost, be raised on piles to approximately 6.5 feet above the current grade in order to meet the FEMA and Massachusetts Building Code requirements given its age, construction, and condition. See Exhibit A, p. 1. Therefore, the Petitioners will need to demolish the existing house and construct a new house with the bottom of its lowest horizontal member located around 6.5 feet above grade.

The Petitioners would prefer not to demolish the existing house, but instead renovate the interior of the single-family house and reconstruct and modify a later-added addition to the rear of the Property to make the structure habitable and more livable. There are exceptions available under the FEMA and Massachusetts Building Code regulations for historically significant houses. Notwithstanding the additional process, and with no certainty in outcome, the Petitioners would prefer to seek the several variances and approvals from local and state public bodies to preserve the original house. However, to do so, Petitioners will need the Historical Commission to affirm the historical importance of the original structure.

The single-family house on the Property is listed as contributory on the National Register of Historic Places. According to the Newbury Historic District Data Sheet for Water Street (attached as Exhibit B), the structure was built circa 1715. Our title search reveals that the house was likely built a few years later in 1718-1719, but this would still make the house one of the few first period structures in Newburyport. The original lot, known as Lot 62 of the River Lots, was conveyed by the Proprietors of Newbury to Jonathan Woodman in 1708. See Exhibit C. Prior to this conveyance the parcel was common land. See excerpt from the *History of Newbury* by John James Currier (1902) attached as Exhibit D. Ichabod Woodman, heir of Jonathan Woodman, conveyed this lot to Abner Perkins in 1718; there is no reference to a house on the property in that deed. See Exhibit E. The next conveyance of record is from Jonathan Morrison to Major Goodwin in 1726, and there is a reference to a house on the lot at that time. It is not clear how Morrison obtained title to the property from Perkins, but off-record deeds were not uncommon during that time period. A copy of the chain of title is attached as Exhibit F.¹

A unique feature of the structure, which is noted on the Form B for the Property (attached as Exhibit G), is the brick end on its northeasterly side which is presently visible along a significant stretch of Water Street. This structure is in the Joppa District and is apparently the only structure in Joppa with such a brick end. See Exhibit G. This brick end is plumb, in good condition, and could be restored and preserved. See Exhibit A, p. 3-4. The house sits near or along one side of the flatiron district (depending on whether or not one defines the flatiron end by Goodwin Avenue) and is close to the intersection of Goodwin Avenue and Water Street. In the late 1800's Mariner Goodwin owned this house and the house next door at 265 Water Street. (see Exhibit G). It is unclear which Goodwin was the namesake for Goodwin's Landing (also known as Simmons Beach) which sits just to the south of 265 Water Street. Both 265 Water Street and 263 Water Street were in the Goodwin family for many years. See Form B for 265 Water Street attached as Exhibit H.

The Joppa District of Newburyport has a unique history, not only for the clamming and shipbuilding carried out there, but also because the annexation of Joppa, the Ridge, and Belleville from Newbury occurred as part of the process of transforming Newburyport from a town to a city in 1851. See excerpt from *Newburyport and City Government, Address of Albert E. Pillsbury, June 24, 1901* attached as Exhibit I. The eventually-successful separation of these districts from Newbury had been the subject of prior attempts by residents because the shipbuilding and fishing industries of the district put the "waterside" residents at odd with the farmers of Newbury over whether personal property (such as ships and machinery) should be taxed more than land. See excerpt from *History of Newburyport*, by Mrs. E. Vale Smith (1854) attached as Exhibit J. This house stands between the Woodwell shipyard and the clam shacks that once were the hallmark of the Joppa Flats. The Joppa Historic District Card is attached as Exhibit K.

¹ The Property has two chains of title due to a later added strip of vacant land along the northeasterly side of the Property.

The Property is located in the DCOD and so the Commission must apply the criteria in Section XXVIII-E of the Newburyport Zoning Ordinance. The original historic structure already has an addition to the rear (water side) portion of the house. This addition is believed to have been built in or around 1966 based on the Assessor's records (Attached as Exhibit L), and it includes a two-story addition with a shed dormer extending approximately halfway across the rear of the house and a one-story addition extending further toward the river across the rest of the house. See photographs attached as Exhibit M. The structure is presently uninhabited and in a dilapidated state on the interior, significant work will need to be carried out to preserve the house. See Exhibit A; see photographs attached as Exhibit N. The Petitioners wish to preserve this original house including by taking away later-added features that detract from the house, but, to make it worth the significant investment required, also seek to reconstruct and modify the existing addition now on the rear of the property.

In order to restore the historic structure, the Petitioners propose to replace all of the non-original windows visible from the street with historically appropriate windows. See Cut Sheet attached as Exhibit O. The Petitioners propose to remove the aluminum storm door on the front of the house and restore the front door with its original glass. See Exhibit M and existing and proposed elevations attached as Exhibit P. Petitioners also propose to remove the shutters, which are not original, and to repair, replace, and refurbish the existing clapboard siding on the front and replace the shingles on the southeasterly side of the house with a continuation of clapboard siding that has the same reveal. See Exhibit M and Exhibit P. Petitioners propose to remove the electrical conduit that sits on the bricks at the westerly corner of the house and move the flood lights off of the brick end. See Exhibit M. The Petitioners will also remove the re-parging near the bottom of the brick end and have it reworked to restore the brick to its former appearance. See Exhibit M. The Petitioners propose to remove the shed dormer that sits on the roof at the rear of the Property and instead create a flat roof on the rear addition with a far less significant encroachment on the historical roofline. See Exhibit M and Exhibit P.

The proposed reconstruction and modification of the existing addition on the rear and side of the house will exceed removal of 25% of all external walls. See Demolition Calculation plan attached as Exhibit Q. The reconstructed and modified addition will be constructed in a manner that will complement and not detract from the existing house pursuant to the Secretary of the Interior's Standards. Additionally, the design and connection are such that there will be a distinct difference between new and old so as not to try to "replicate" the original structure, also consistent with the Standards. The existing addition is not notable, and Petitioners do not believe it has any historical value. Indeed, the foundation for the 1966 addition on the easterly side has a cement block foundation and the addition on the rear westerly side is also perched atop cement blocks. The proposed reconstruction and modification of the addition is carefully designed not to block from view the existing brick end on the northeasterly side of the house. See Exhibit Q. The southwesterly side of the house is located a few feet from the adjoining house at 265 Water Street, and much of that end is not visible from Water Street. See Exhibit M, see also the Site Plan attached as Exhibit Q. Nonetheless the portion of the addition that extends to the southeast of the house will have siding and windows that match the historically significant front and southeasterly side of the house. See Exhibit P.

To preserve the historical house, the Petitioners propose to replace the existing non-original rear rubble and cinderblock foundations (which are structurally unsound, see Exhibit A) with a deep foundation that will act as a second floodwall to prevent floodwaters from reaching the fieldstone foundation of the original structure. See Exhibit A and Exhibit P. Petitioners propose carrying this second floodwall straight across the back of the house. See Exhibit A and Exhibit P. "Having one continuous foundation wall along the water side that wraps along the sides as well will serve to protect the entire foundation from surging river waters, during storms and high tides." Exhibit A, p. 3. "In addition, when the excavation is completed for the rear wall, there will be an opportunity to provide backfill against the existing seawall that is stable, drainable and protected from erosion, by using filter fabric and crushed stone backfill that will allow water to drain more easily, without leaching soils from the area between the seawall and the house foundation." Exhibit A, p. 3. The internal framing will largely need to be replaced, and while this is carried out the

existing exterior walls will be carefully supported. “[S]ome components of the original framing may remain (e.g. posts at exterior walls) as may be architecturally and/or historically appropriate”, but largely the interior will be completely renovated. A modest egress from the addition to the front of the house will be created in a manner that ties the existing and later-added portions together. See Exhibit P. A brick walkway intending to match the brick end will be placed from this door to Water Street. See Exhibit P.

The addition to the house is a careful balance of the need to build in a manner appropriate for the VE zone, and the need to tie the addition more appropriately into the historical structure. The addition will have a flat roof which, as discussed above, will result in a much more limited encroachment on the original roofline than that created by the existing shed dormer. See Exhibit P. The expanded area of the addition on the northeasterly corner will be constructed to the degree possible to meet all of the FEMA floodplain development requirements such as having raised utility components, being constructed on piers, and having breakaway walls. See Exhibit P. This expansion of the addition is designed not only to complement and not detract from the brick end, but also be material suitable to serve as a breakaway wall covering. See Exhibit P. The Petitioners propose to place a deck on the rear of the structure which will not be visible from the street. No other changes are being proposed to the structure. The Petitioners assert that the renovation and expansion of the later addition will not detract from the historic nature of the original structure.

Petitioners proposed renovations and addition require them to obtain a DCOD special permit pursuant to section XXVIII-C-3 of the Ordinance. The Petitioners are requesting the Historical Commission issue a written finding based upon the evidence submitted as part of the record that: (1) the historic structure proposed for demolition is significant; (2) the reasons that the structure is significant all as reflected in the Form B and the other materials submitted; (3) that the historical structure is very important in the context of the block where the structure is located in the Joppa district; (4) that the original structure has both market value and reasonable use and should not be demolished but instead should be restored; (5) that the walls and roof area of the later-added addition are not historically significant and may be demolished according to the elevations and plans submitted; and (6) that the Historical Commission approves of the addition as one that comports with the Secretary’s standards.

We look forward to presenting these proposed alterations to the Commission at its next meeting.

Sincerely,



Lisa L. Mead

Attachment

cc: Client