

Mead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950
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September 30, 2020

By Hand

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

RE: Demolition Delay, 159 Water Street, Newburyport, MA (the "Property");
Assessor's Map: 23, Lot 12

Dear Chair and Members of the Commission:

Reference is made to the above-captioned matter. In that connection, this firm represents Nicholas Hantzis (the "Petitioner"), relative to the renovation of a residential structure on the Property. The Property is 2,963 square feet with 31.93 feet of frontage on Water Street. The Property is located in the AgCon zoning district and Demolition Control Overlay District ("DCOD") of the Newburyport Zoning Ordinance (the "Ordinance").

The Property is located near the Merrimac River in the AE Zone and is subject to the overlapping regulations applicable to that zone. The Property is improved with a single-family residence (the "Structure"), which the Petitioner proposes to renovate. The Structure is listed as contributory on the Newburyport Historic District Data Sheet for Water Street, which states that the Structure was built circa 1800 / mid 19th Century. There is no Form B for the Property.

Based upon a full title search, which we were able to run to 1838, we have determined the following: Before 1838 the Property was owned by Moses Brown. Mr. Brown was the second wealthiest person in Newburyport in the early 1800's. Mr. Brown imported sugar, molasses and owned a rum distillery. Mr. Brown died in 1827, This particular parcel of land was left to Mr. Brown's granddaughter, Sarah White Banister. The property at one time included a store which was operated by Ebenezer Plummer. Ms. Banister conveyed the Property to Mr. Plummer in 1838. Based upon descriptions in the deed, it appears the Property was maintained as a store until in or around 1929 when the deed description changes to "the house formerly a store". (Book 2805 Page 514). It is of note that much of the property around the Property were wharves in the early 1800's which were later filled. (See Exhibit A, 1880 Map of Newburyport)

The improvements to the Structure, including moving all of the mechanical equipment to the attic and installing flood vents, require compliance with Newburyport Zoning Ordinance Section XIII-E-3.

The Applicant, given the location of the structure just before the start of the

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

Joppa Historic District and its location to nearby other historic homes through 171 Water Street, the Applicant is making small modifications to the structure.

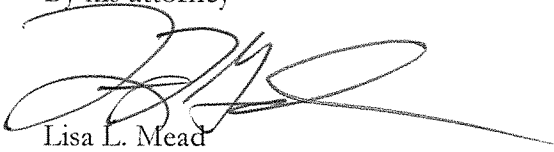
The Applicant is renovating the structure, changing the location of several of the window and removing the rear ten foot one and a half story addition roof and raising that section of the home to provide full head height for a portion of the second floor in the rear. The existing structure actually includes three sections, the more "recent" sections being behind the corner boards which frame the section of the structure closest to the street. In order to add a differentiation between the original and the newer, the Applicant is proposing a change of siding style from clapboard to shingle. The additional roof height allows use of the now half story into living space and some outdoor space under cover.

The home is in significant disrepair but given its location and style should be renovated and reused in a reasonable manner. As you can imagine, being one of the closest abutter to the wastewater treatment plant has not been kind to this structure. The Applicant hopes to change that history and give it a second chance.

The Petitioners are requesting that the Commission issue a written finding based upon the evidence submitted as part of the record setting forth: (1) that the historic Structure proposed for demolition is historically significant; (2) that it be preferably preserved; and (3) that the Historical Commission approves of the proposed renovations and release it from demolition delay.

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

Sincerely,
Nicholas Hantzis
By his attorney



Lisa L. Mead

Attachment
cc: Client



**Newburyport Historical Commission
DEMOLITION PERMIT APPLICATION**

Property Address: 159 Water Street

Applicant: Nicholas Hantzis c/o Lisa Mead, Mead, Talerman & Costa LLC

Address: 30 Green Street, Newburyport Ma 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Owner (if different) Brettonwood Development Inc.

Year built: 1800 +/- Area (sq. ft.): 2,556 gfa

Architectural style: timber frame 1/2 house astylistic victorian

- 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: _____

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

**Newburyport Historical Commission
DEMOLITION PLAN REVIEW APPLICATION**

Describe reasons for demolition:
See attached

Describe alternatives to demolition that have been considered:
See attached

Please attach additional pages if necessary.

Applicant's Signature *Nicholas Hartwig* Date 9/28/2020
Owner's Signature (if different) *Brittany* Date 9/28/2020

ZONING DETERMINATION

Name: Nicholas Hantzis

Address: 159 Water Street Zoning District(s): WMD/DCOD

Request: Add second story above single story portion of existing non conforming single family structure resulting in a roofline change and an upward extension of existing non conforming side setback. Project is less than 25% demo of wall framing in DCOD. <500sf added SF

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

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

Other

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, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard, Use, Over 500 sf. increase (IX.B.3.c), Plum Island Overlay District (XXI-G), FAR, Height, Lot Coverage, 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, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard, Use, 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

Review for substantial rehab

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

Jennifer Blanchet

9/30/2020

Newburyport Zoning Administrator

Date

159 WATER ST

Location 159 WATER ST

MBLU 23/ 12/ / /

Owner RAFFERTY JOHN A

Assessment \$410,500

PID 1196

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$203,600	\$206,900	\$410,500

Owner of Record

Owner RAFFERTY JOHN A
Co-Owner JOSEPHINE H T/E
Address 159 WATER ST
NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page 12647/0316
Sale Date 07/01/1994
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
RAFFERTY JOHN A	\$0		12647/0316	1A	07/01/1994
JOHNSON DELORA V L I	\$0		06477/0542		06/08/1978

Building Information

Building 1 : Section 1

Year Built: 1850
Living Area: 1,620

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Clapboard

Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	9
Bath Style:	Average
Kitchen Style:	Old Style

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/A0100110/59.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/1196_12)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	936	936	
FUS	Upper Story, Finished	684	684	
UAT	Attic	252	0	
UBM	Basement, Unfinished	684	0	
		2,556	1,620	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL4	FIREPLACE, MNF	1 UNITS	\$1,300	1

Land

Use Code 1010
Description SINGLE FAM

Size (Acres) 0.07
Depth 0
Assessed Value \$206,900

Outbuildings

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

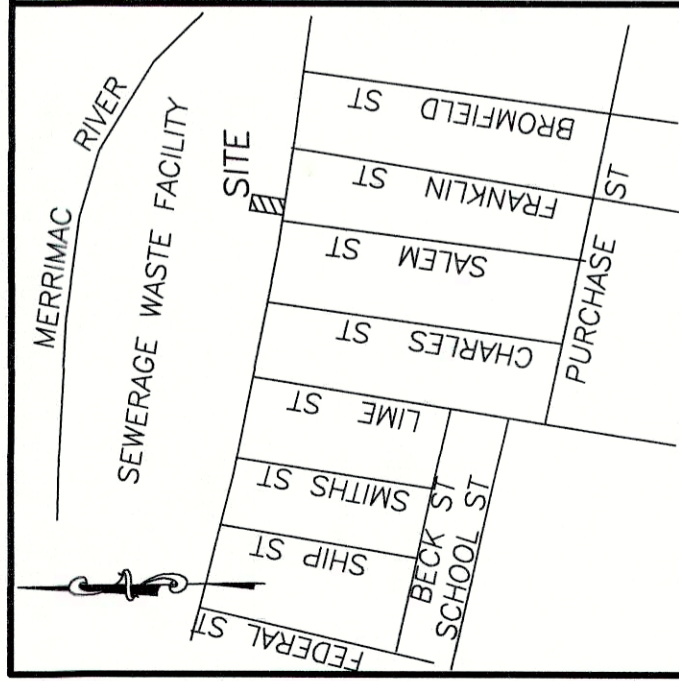
Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$188,600	\$206,900	\$395,500

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NEWBURYPORT
DISTRICT DATA SHEET

Street Address	Map & Parcel	Historic Name	Date of Construction	Style	Status
2390 109-111	20-6	Double House	ca 1875	Italianate	C
2391 113	20-7		ca 1800-1840	Federalist vernacular	C
2392 117	20-9		ca 1890; 1970s	Queen Anne; display window added	C
✓ 119 #726	20-10		ca 1845; 1970s	Greek Revival; alterations	C
unnamed way	23-4	vacant lot			
121	23-5	vacant lot			
2393 123-125	23-6	Double House	ca 1875	Italianate	C
2394 127	23-7	commercial bldg.	ca 1850-1880	mid-Victorian	C
2395 129-135	23-8	Double House	ca 1830-1845	Federalist/ Greek Revival	C
2396 137-141	23-9		ca 1800; 1980s	late Georgian/ Federalist; Colonial Revival alterations	C
2397 143-145	23-10		ca 1845; ca 1900	Greek Revival; storefront added	C
2398 159 E	23-12		pre 1800; mid 19th c	timber frame half house; astylistic Victorian	C



LOCUS MAP
N.T.S.

ZONING TABLE

159 WATER STREET - ASSESSORS MAP 23 LOT 12 ZONING DISTRICT - WMD - DCOB		
REQUIRED	EXISTING	PROPOSED
LOT AREA:	10,000 S.F.	2,963 S.F.
LOT FRONTAGE:	90 FT.	31.93 FT.
FRONT SETBACK:	25 FT. & 0.3 FT.	0.2 FT. & 0.3 FT. & 0.3 FT.
SIDE SETBACK:	10 FT.	4.3 FT.
REAR SETBACK:	25 FT.	40.3 FT.
LOT COVERAGE:	25%	33.5%
OPEN SPACE:	40%	64.9%
BLDG HEIGHT:	25 FT.	20 FT.

NOTE: SEE ARCHITECTURAL PLANS FOR FURTHER INFORMATION ON THE PROPOSED IMPROVEMENTS.

BASIS OF BEARINGS

PLAN 291 PLAN 29

OWNER OF RECORD

BRETTONWOOD DEVELOPMENT, INC.
BK. 38205 PG. 397

PLAN REFERENCES

PLAN 291 PLAN 29

FLOOD NOTE

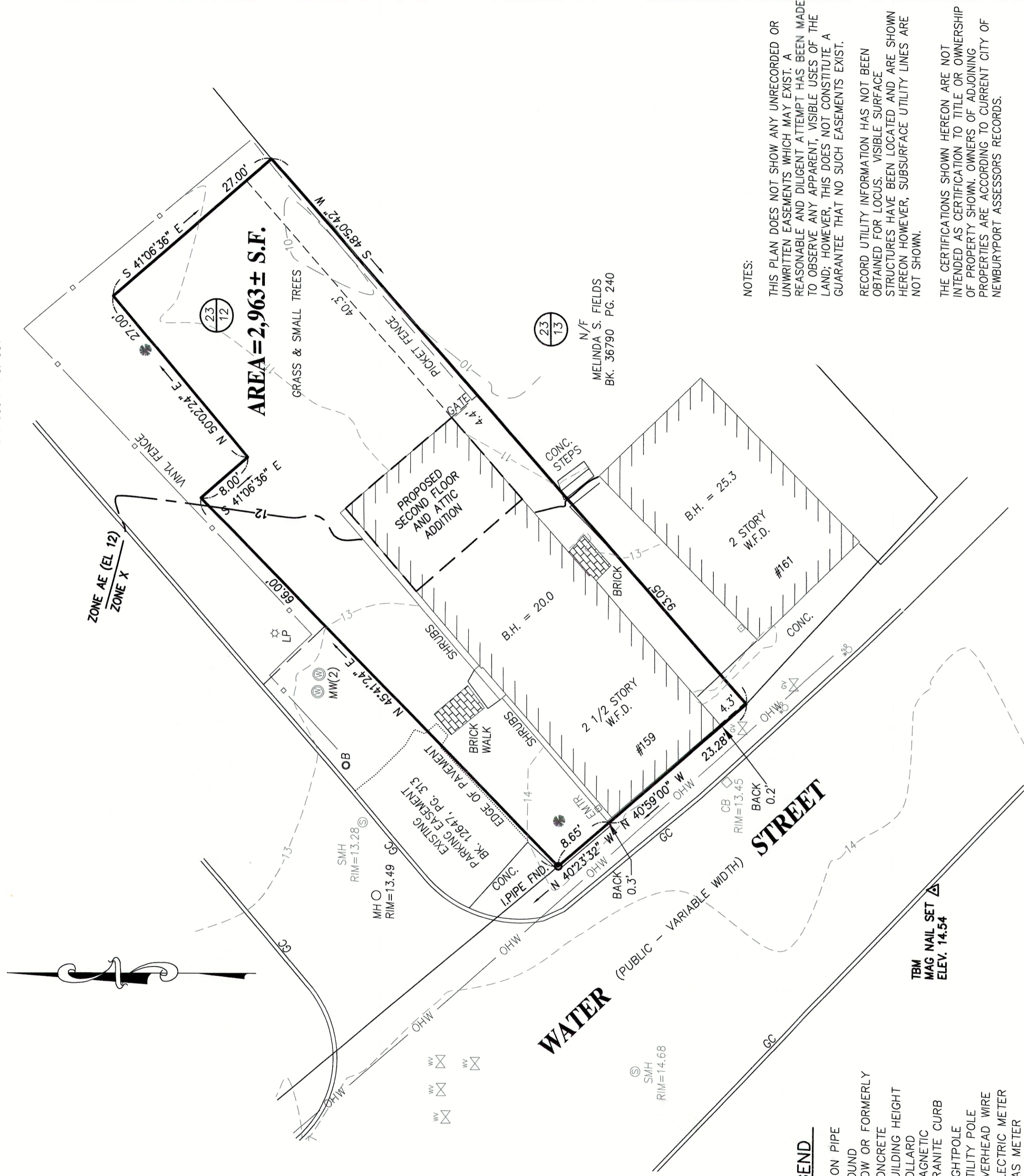
PORTION OF PROPERTY LIES IN ZONE AE (EL. 12) AS SHOWN ON COMMUNITY PANEL #25009C01366, EFFECTIVE DATE JULY 16, 2014.

DATUM BASE

N.A.V.D. 1988



N/F
CITY OF NEWBURYPORT
BK. 6364 PG. 536

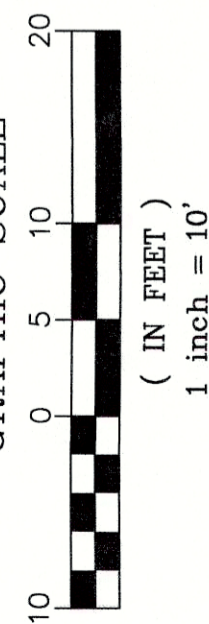


AREA = 2,963 ± S.F.

LEGEND

- I.P. IRON PIPE
- FND. FOUND
- N/F NOW OR FORMERLY
- CONC. CONCRETE
- B.H. BUILDING HEIGHT
- B BOLLARD
- MAG. MAGNETIC
- CC GRANITE CURB
- LP LIGHTPOLE
- UPOLE UTILITY POLE
- OHW OVERHEAD WIRE
- EMTR ELECTRIC METER
- GMTR GAS METER
- CB CATCH BASIN
- DMH DRAIN MANHOLE
- SMH SEWER MANHOLE
- HYDRANT
- GAS VALVE
- WATER SHUT OFF
- WATER VALVE
- MONITORING WELL
- TREE
- ASSESSORS MAP#
- PARCEL#

GRAPHIC SCALE

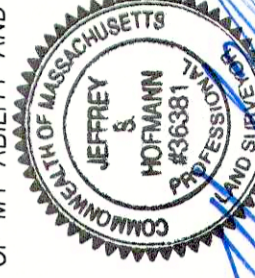


PLAN OF LAND
IN
NEWBURYPORT, MA

SHOWING
EXISTING CONDITIONS
AND **PROPOSED IMPROVEMENTS**
AT
159 WATER STREET

PREPARED FOR
ARISTON CUSTOM HOMES, INC.
6 PENNY STREET
LOWELL, MA 01854

MILLENNIUM ENGINEERING, INC.
ENGINEERING AND LAND SURVEYING
62 ELM ST. SALISBURY, MA 01952 (978) 463-8980
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528



PROFESSIONAL LAND SURVEYOR
DATE: 9/22/22

NOTES:

THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.

RECORD UTILITY INFORMATION HAS NOT BEEN OBTAINED FOR LOCUS. VISIBLE SURFACE STRUCTURES HAVE BEEN LOCATED AND ARE SHOWN HEREON HOWEVER, SUBSURFACE UTILITY LINES ARE NOT SHOWN.

THE CERTIFICATIONS SHOWN HEREON ARE NOT INTENDED AS CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT CITY OF NEWBURYPORT ASSESSORS RECORDS.

I CERTIFY:
THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND SEPTEMBER 15, 2020, AND THAT THE STRUCTURES AND PHYSICAL FEATURES ARE LOCATED AS SHOWN TO THE BEST OF MY ABILITY AND BELIEF.

SCALE: 1"=10'
DATE: SEPT. 22, 2020
CALC. BY: S.F.R.
CHKD. BY: J.S.H.
PROJECT: M203789
SHEET: 1 OF 1







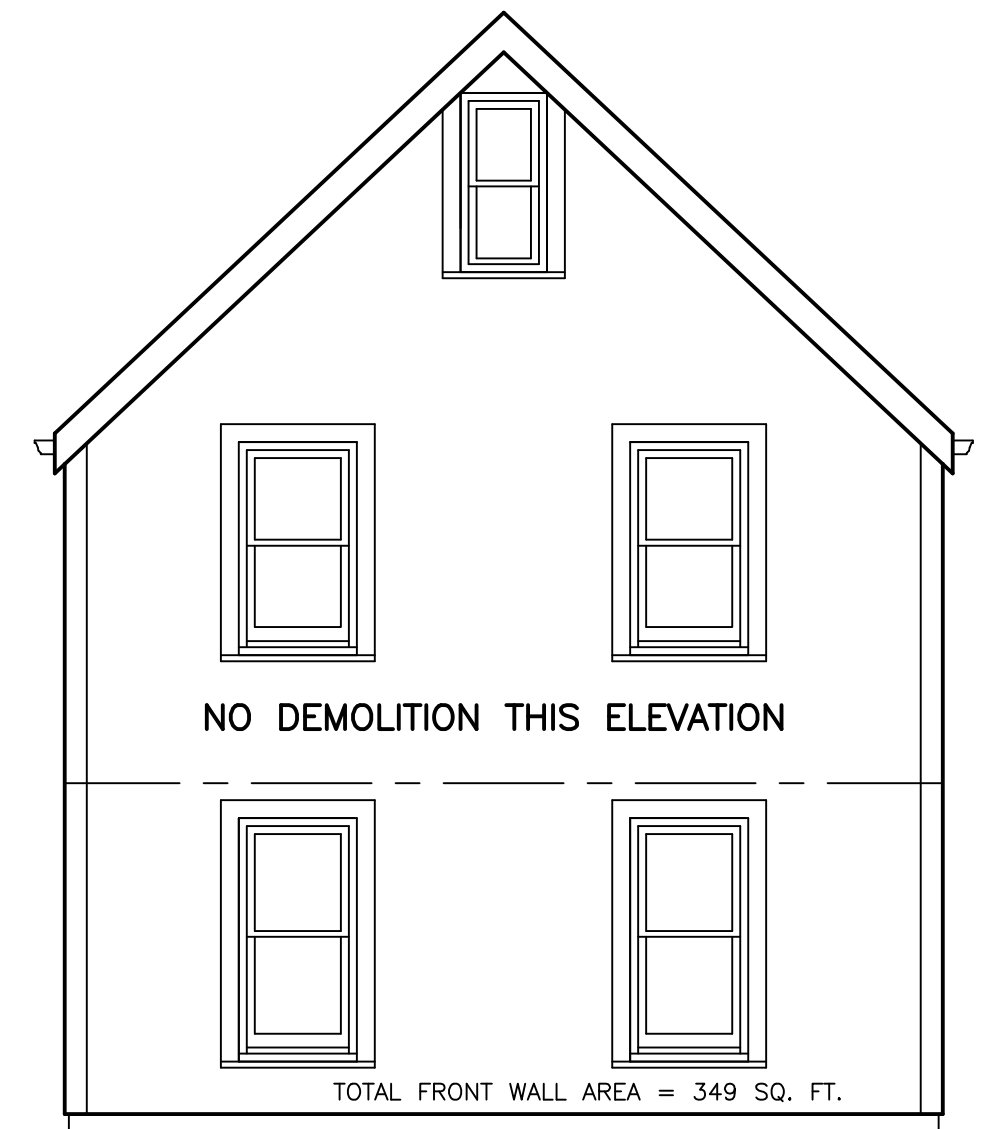
IN THIS HOUSE, WE BELIEVE IN
KINDNESS COMES FIRST
BLACK LIVES MATTER
WOMEN'S RIGHTS ARE HUMAN RIGHTS
NO HUMAN IS ILLEGAL











EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"

EXTERIOR WALL AREA

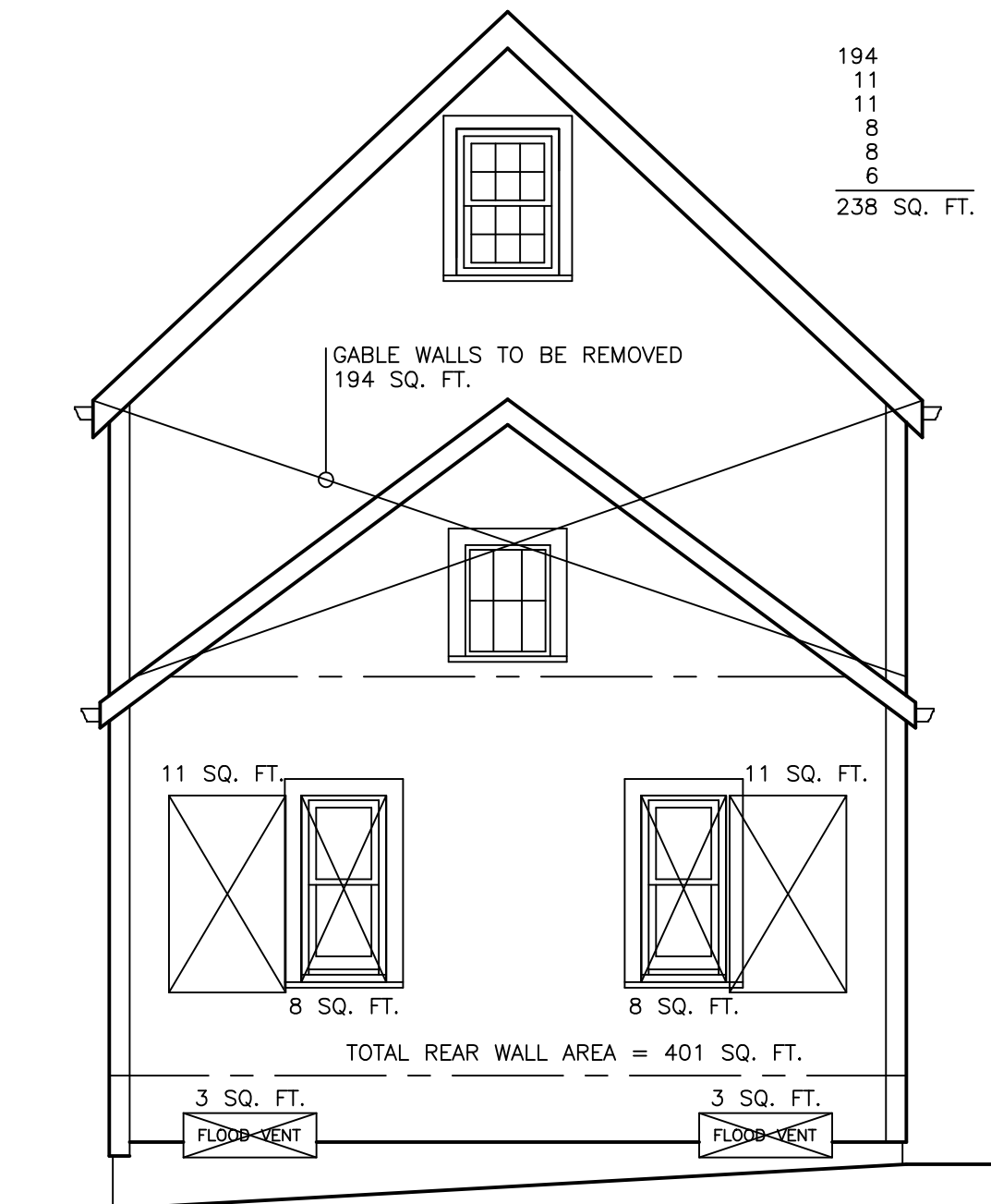
RIGHT SIDE ELEVATION	757 SQ. FT.	
LEFT SIDE ELEVATION	746 SQ. FT.	
FRONT ELEVATION	349 SQ. FT.	
REAR ELEVATION	401 SQ. FT.	
	<u>2,253 SQ. FT.</u>	TOTAL WALL AREA

WALL DEMOLITION AREA

RIGHT SIDE ELEVATION	90 SQ. FT.	
LEFT SIDE ELEVATION	85 SQ. FT.	
FRONT ELEVATION	0 SQ. FT.	
REAR ELEVATION	<u>238 SQ. FT.</u>	
	413 SQ. FT.	TOTAL DEMOLITION AREA

PERCENT OF EXTERIOR WALLS TO BE DEMOLISHED = 18.3% (25% ALLOWED)

413/2,253 = 18.3%



EXISTING REAR ELEVATION

SCALE: 1/4" = 1'-0"

(238 SQ. FT. DEMOLITION)

194
11
11
8
8
6

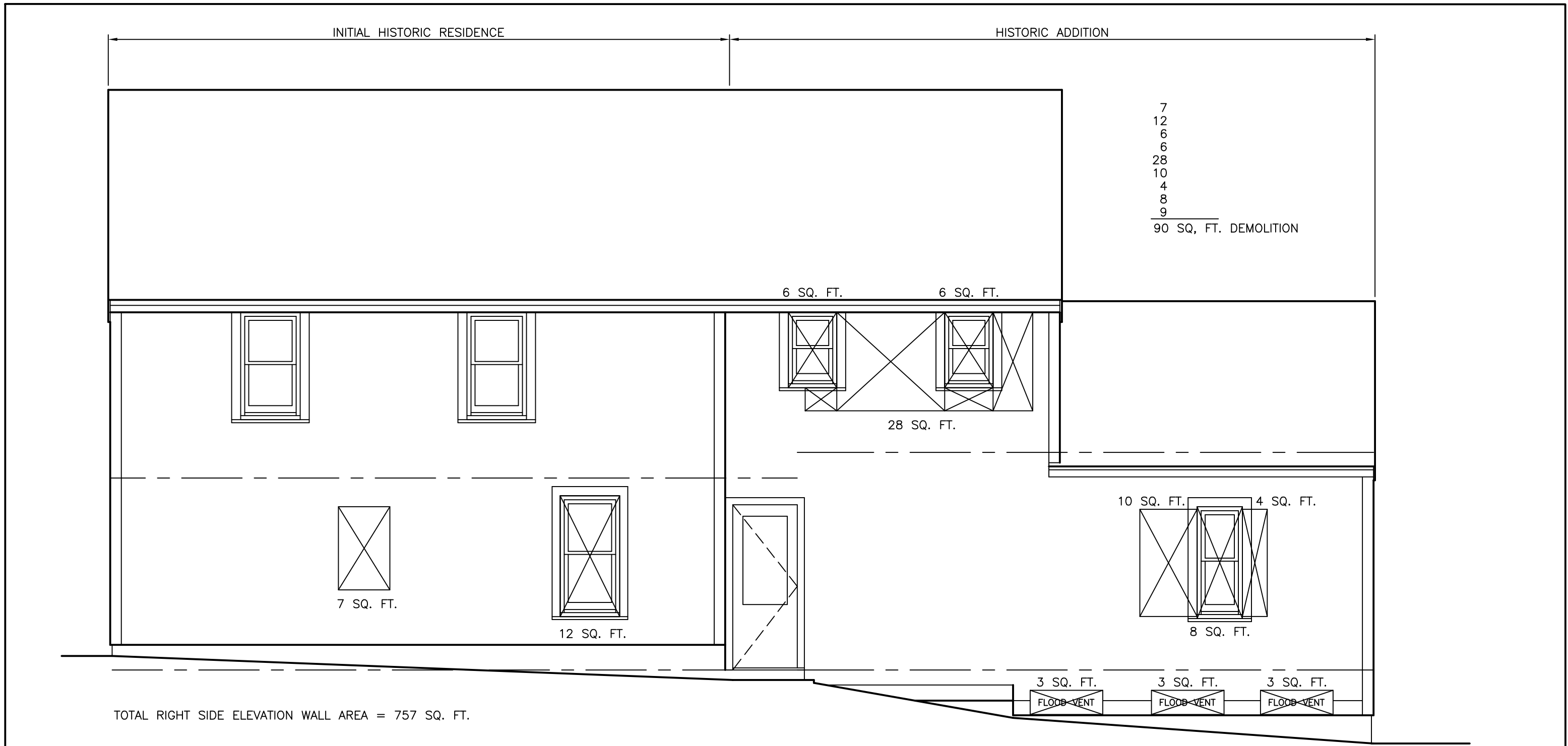
238 SQ. FT. DEMOLITION

JOHN MINTON RA
101 NORTHERN BLVD.
NEWBURY, MA 01950
978-317-0859

159 WATER STREET
NEWBURYPORT, MA

ISSUE DATE: 9/27/2020
JOB NUMBER: V20-10
DRAWN BY: JM

D-1



EXISTING RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

(90 SQ. FT. DEMOLITION)

JOHN MINTON RA

101 NORTHERN BLVD.
NEWBURY, MA 01950

978-317-0859

159 WATER STREET

NEWBURYPORT, MA

ISSUE DATE: 9/27/2020

JOB NUMBER: V20-10

DRAWN BY: JM

D-2



JOHN MINTON RA

101 NORTHERN BLVD.
NEWBURY, MA 01950

978-317-0859

EXISTING LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

(85 SQ. FT. DEMOLITION)

159 WATER STREET

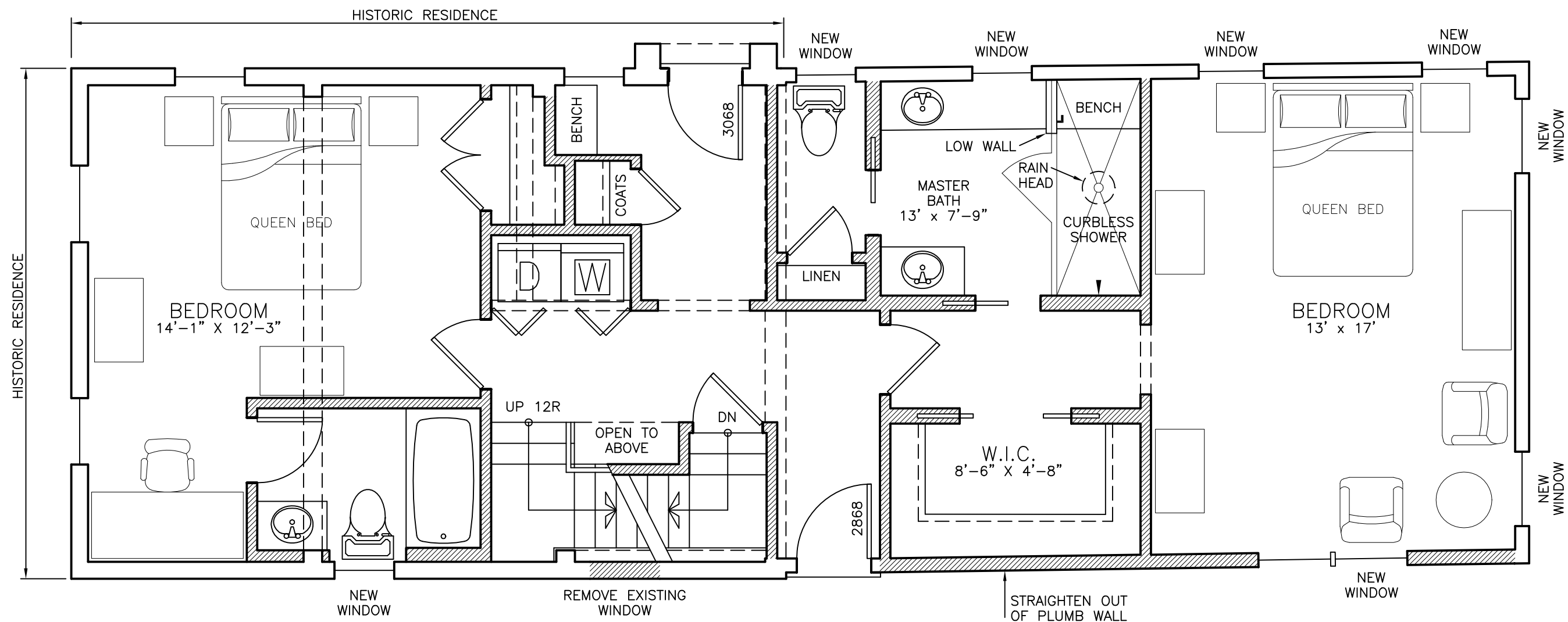
NEWBURYPORT, MA

ISSUE DATE: 9/27/2020

JOB NUMBER: V20-10

DRAWN BY: JM

D-3



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

JOHN MINTON RA

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NEWBURY, MA 01950

978-317-0859

BUILDING AREA

2ND FLOOR	847
1ST FLOOR	951
	1,798 SQ. FT.

159 WATER STREET

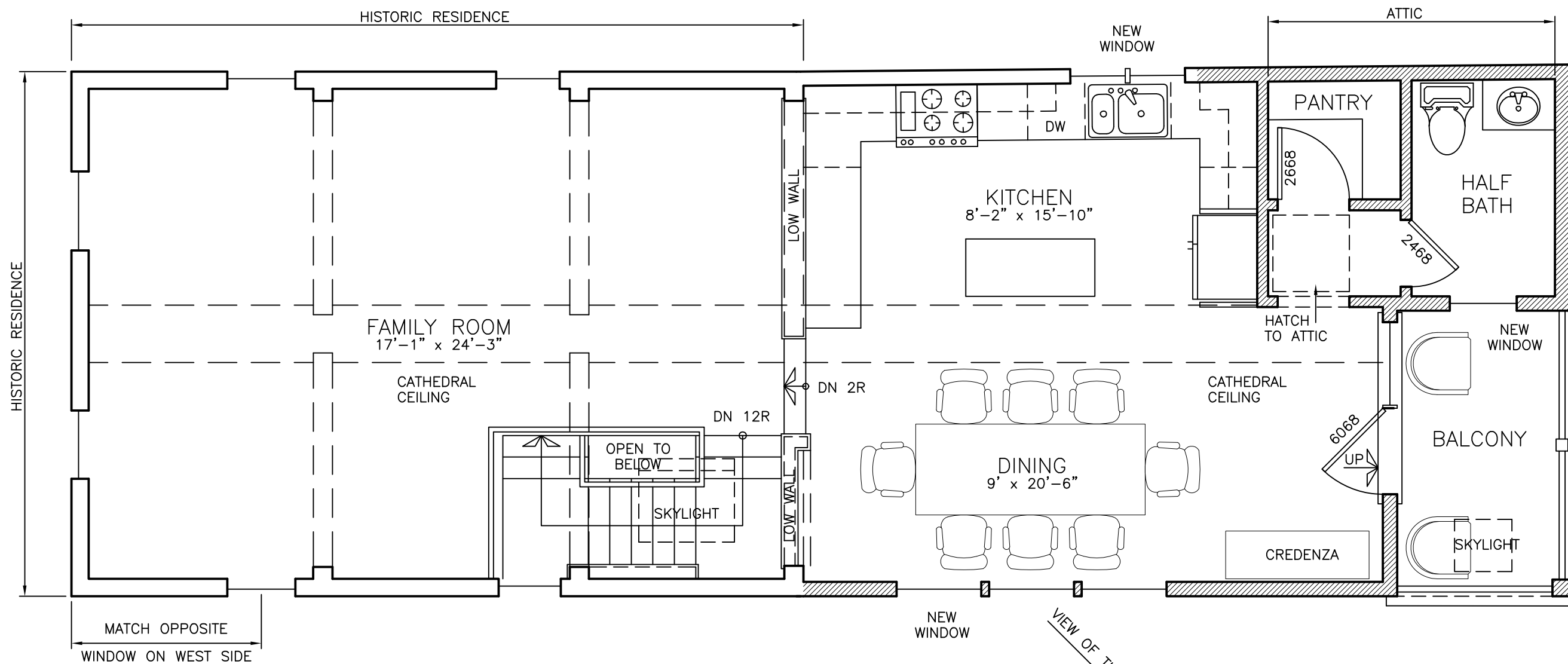
NEWBURYPORT, MA

ISSUE DATE: 9/9/2020

JOB NUMBER: V20-10

DRAWN BY: JM

A-1



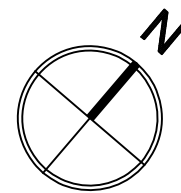
PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

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159 WATER STREET

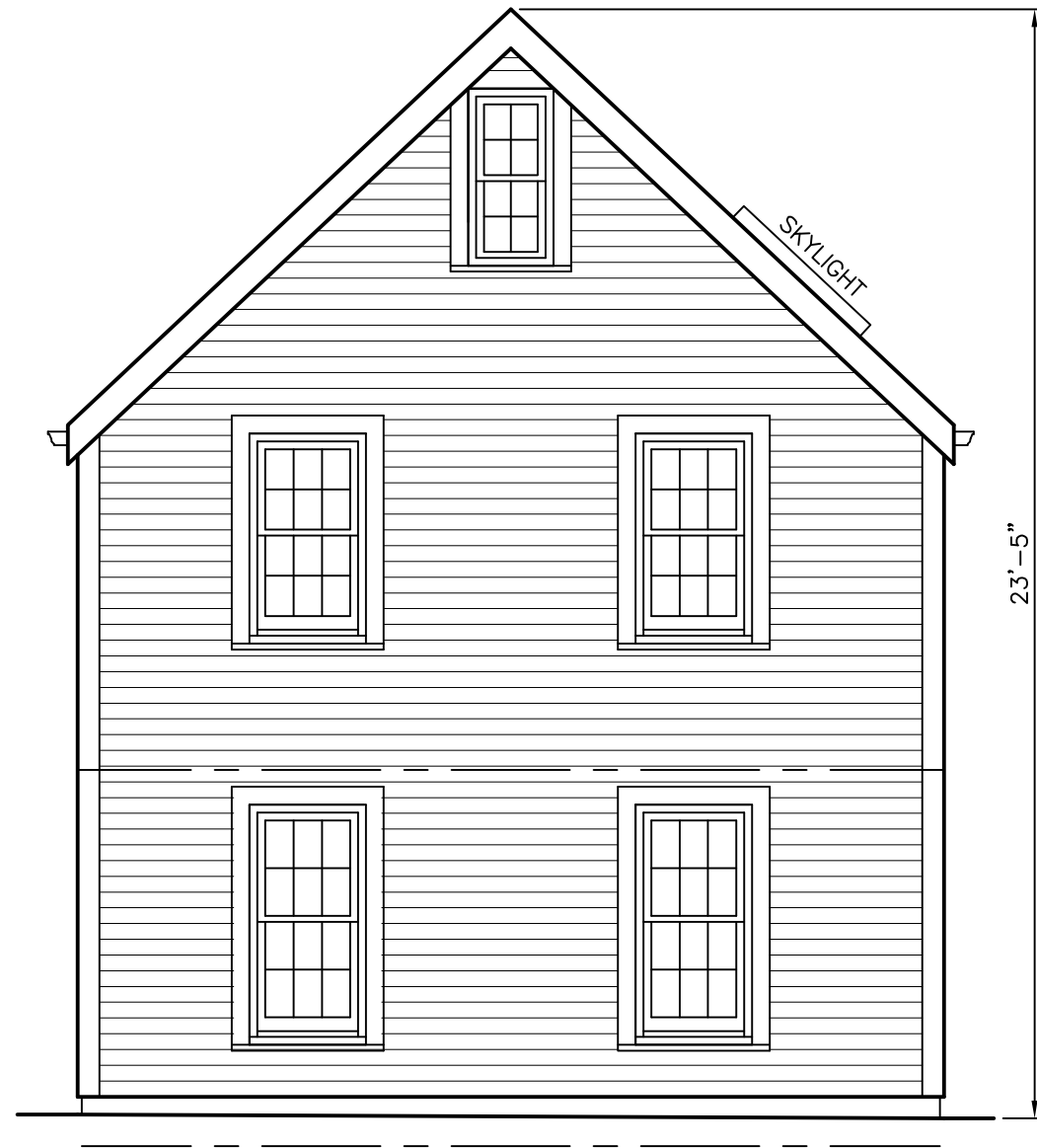
NEWBURYPORT, MA

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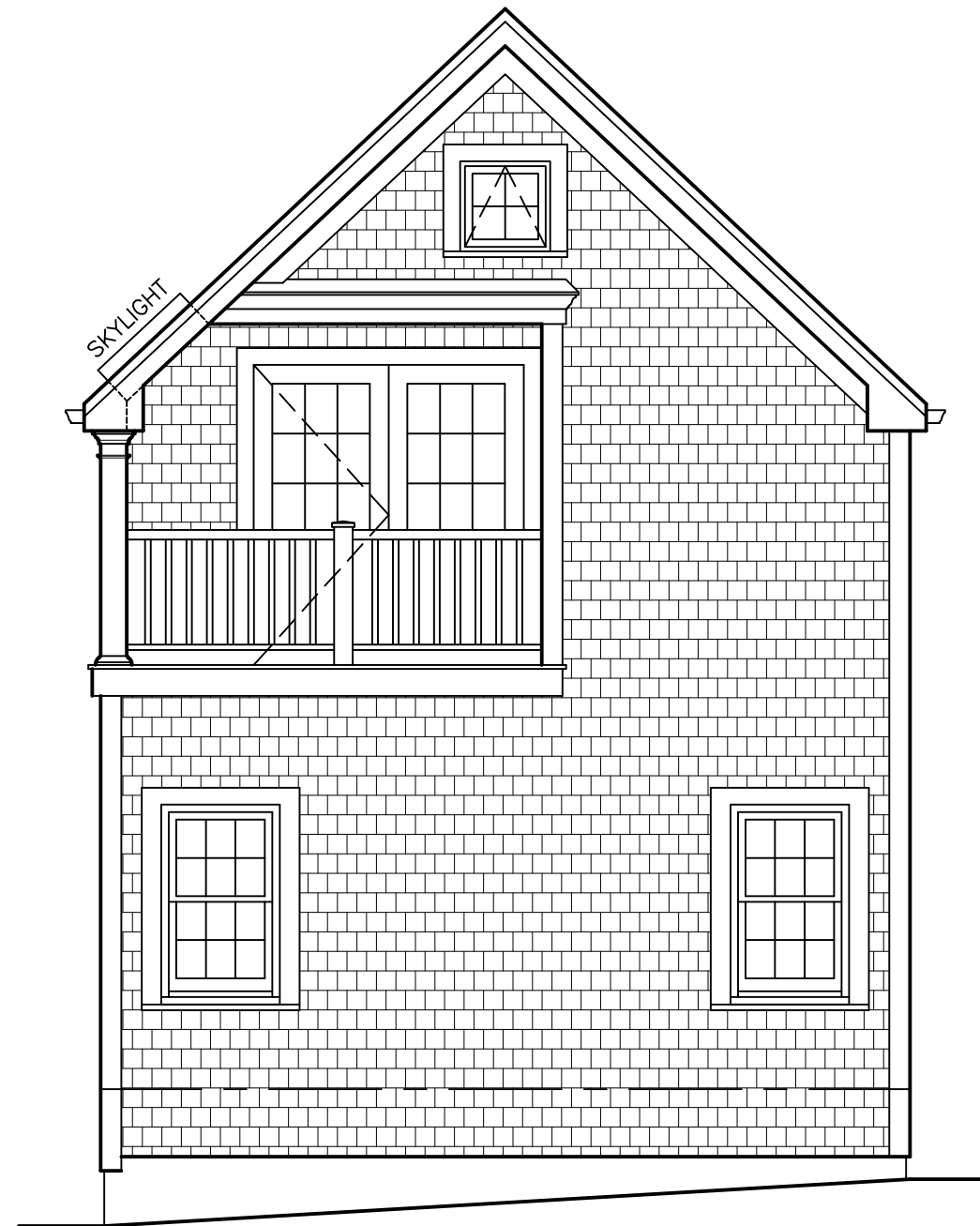
DRAWN BY: JM

A-2



PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"

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159 WATER STREET

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A-3



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PROPOSED RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

159 WATER STREET

NEWBURYPORT, MA

ISSUE DATE: 9/9/2020

JOB NUMBER: V20-10

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A-4



JOHN MINTON RA

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NEWBURY, MA 01950

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PROPOSED LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

159 WATER STREET

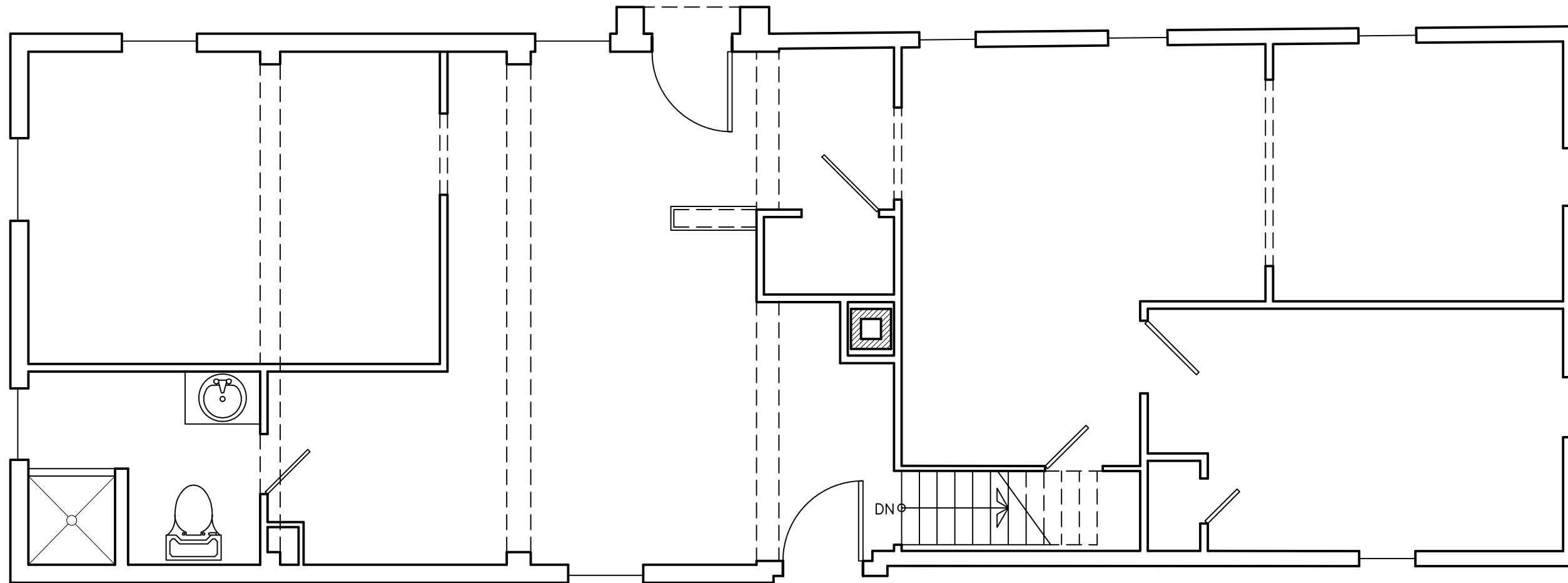
NEWBURYPORT, MA

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A-5



EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

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NEWBURY, MA 01950

978-317-0859

159 WATER STREET

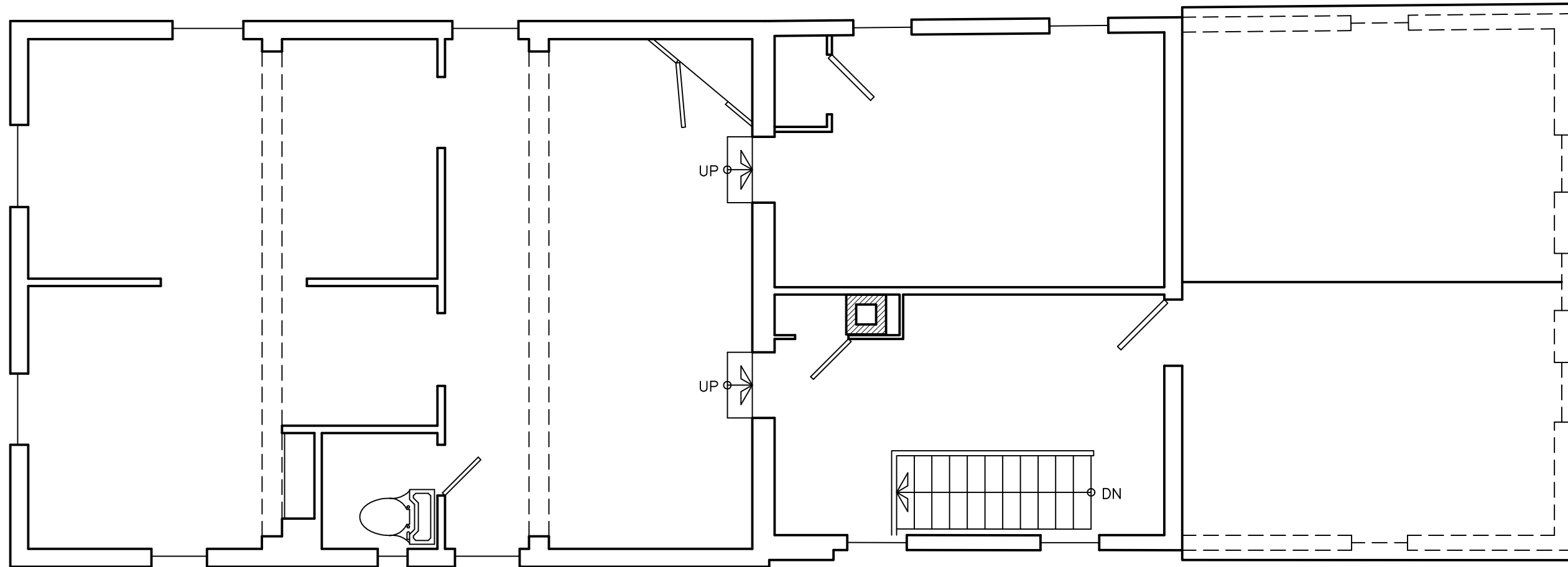
NEWBURYPORT, MA

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EX-1



EXISTING SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

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NEWBURY, MA 01950

978-317-0859

159 WATER STREET

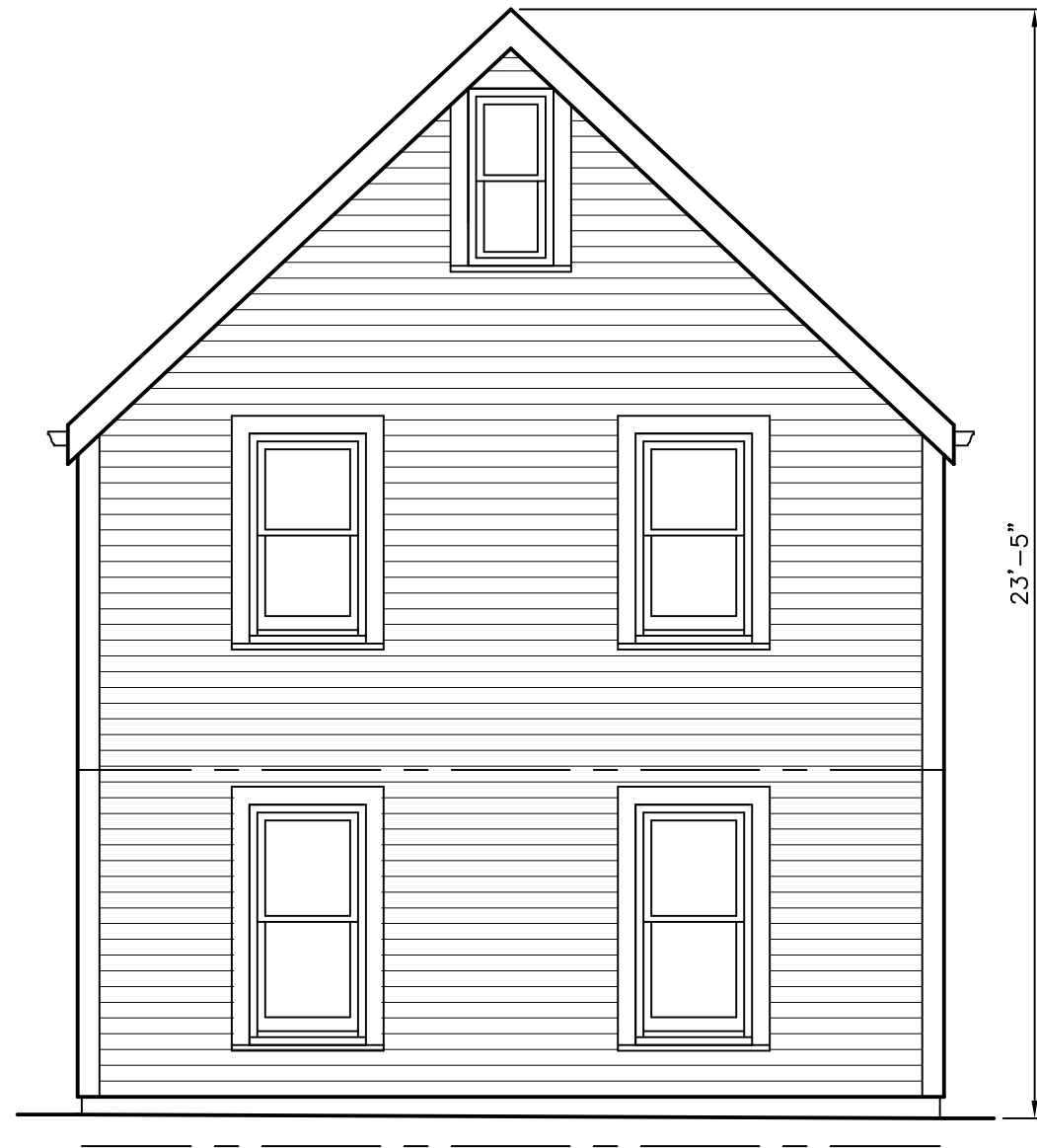
NEWBURYPORT, MA

ISSUE DATE: 9/9/2020

JOB NUMBER: V20-10

DRAWN BY: JM

EX-2



EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING REAR ELEVATION

SCALE: 1/4" = 1'-0"

JOHN MINTON RA

101 NORTHERN BLVD.
NEWBURY, MA 01950

978-317-0859

159 WATER STREET

NEWBURYPORT, MA

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EX-3



JOHN MINTON RA

101 NORTHERN BLVD.
NEWBURY, MA 01950

978-317-0859

EXISTING RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

159 WATER STREET

NEWBURYPORT, MA

ISSUE DATE: 9/9/2020

JOB NUMBER: V20-10

DRAWN BY: JM

EX-4



EXISTING LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

JOHN MINTON RA

101 NORTHERN BLVD.
NEWBURY, MA 01950

978-317-0859

159 WATER STREET

NEWBURYPORT, MA

ISSUE DATE: 9/9/2020

JOB NUMBER: V20-10

DRAWN BY: JM

EX-5

ARISTON CUSTOM HOMES, INC.
6 PENNY ST.
LOWELL, MA 01854

53-7136/2113

1478



DATE 9/30/60

PAY TO THE ORDER OF CITY OF Newburyport \$ 650.00
Six hundred & fifty no/100 — DOLLARS

MEMO PAYEE
DOLLAR OR BACK



The Savings Bank
Warefield, MA 01880

MEMO Admin 200. Ret. Fictus 350. 6/1/60 W. H. Hunter MP

⑆211371366⑆ 415⑈787⑈ 01478

SPECIALTY PAPER