

**21-27 Hancock Street,  
Newburyport**

*Three (3) Applications for*  
**Two (2) Special Permits for Use and  
One (1) Special Permit for Non-  
Conformities**

**February 23, 2021**



Mead, Talerman & Costa, LLC  
Attorneys at Law







27 Hancock Street

21-25 Hancock Street as  
viewed from Rail Trail





Side and rear of 21-25  
Hancock Street



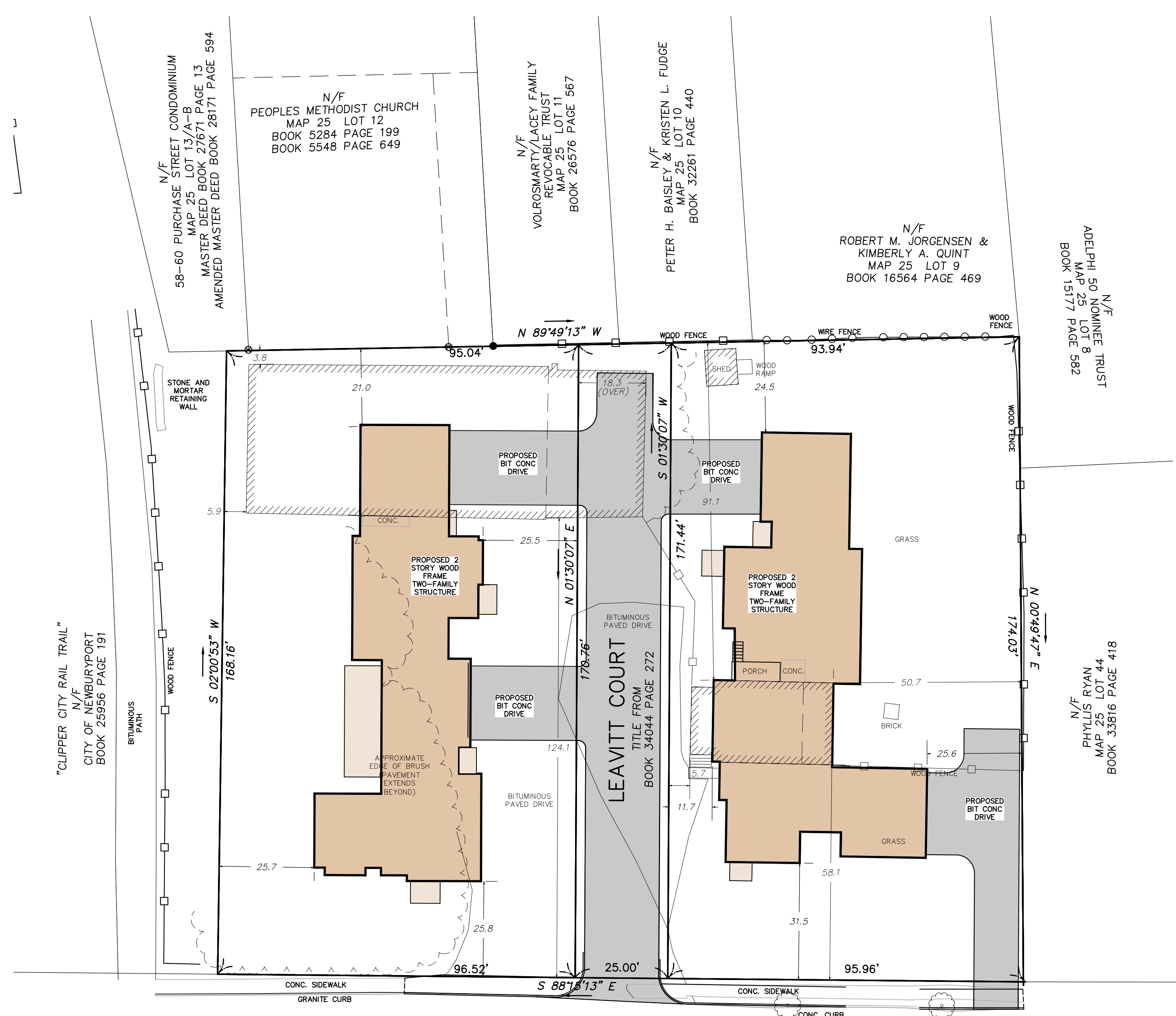
Front of 21-25  
Hancock Street

**21-27 Hancock Street,  
Newburyport**  
**Summary of  
Applications**

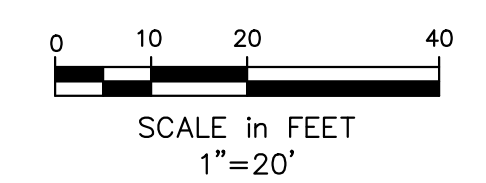
**Summary of Applications**

- 21-25 Hancock Street:
  - Currently has existing industrial structure proposed to be removed.
  - Structure characterized as “intrusive” on District Data Sheets and is out of character with the R-2 District.
  - Special Permit for Use required to construct two family dwelling.
- 27 Hancock Street:
  - Currently has existing single family home with existing dimensional nonconformities.
  - Special Permit for Use required to convert existing structure to two family dwelling.
  - Special Permit to Modify Pre-Existing Non-Conforming Structure required.





**HANCOCK STREET**



**ZONING**

21 HANCOCK STREET	REQUIRED (INDUSTRIAL SERVICE - 607)	EXISTING (INDUSTRIAL SERVICE - 607)	REQUIRED (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	50,000 SQUARE FEET	16,228 SQUARE FEET	15,000 SQUARE FEET	16,228 SQUARE FEET
MINIMUM LOT FRONTAGE	200 FEET	96.52 FEET	120 FEET	267.28 FEET *
FRONT SETBACK	60 FEET	124.1 FEET	25 FEET	25.5 FEET
SIDE SETBACK (R)	50 FEET	18.3 FEET OVER	20 FEET	21.0 FEET
SIDE SETBACK (L)	50 FEET	5.9 FEET	20 FEET	25.8 FEET
REAR SETBACK	60 FEET	3.8 FEET	25 FEET	25.7 FEET
MAXIMUM LOT COVERAGE(%)	30.0%	22.3%	25.0%	22.5%
MAXIMUM HEIGHT	35 FEET	12 FEET	35 FEET	25 FEET
MINIMUM OPEN SPACE	N/A	46.7%	40.0%	67.0%
MINIMUM PARKING REQUIRED	?	4+	4	4+

\* FRONTAGE ON LEVITT COURT IS TO BE IMPROVED AND NOW INCLUDED TO SATISFY DIMENSIONAL REQUIREMENTS.

ON-LINE ZONING ORDINANCES  
CITY OF NEWBURYPORT WEBSITE  
<http://www.cityofnewburyport.com/Planning/Index.html>  
PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.

**ZONING**

27 HANCOCK STREET	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	REQUIRED (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	10,000 SQUARE FEET	16,400 SQUARE FEET	15,000 SQUARE FEET	16,400 SQUARE FEET
MINIMUM LOT FRONTAGE	90 FEET	95.92 FEET	120 FEET	267.40 FEET *
FRONT SETBACK	25 FEET	58.1 FEET	25 FEET	11.7 FEET
SIDE SETBACK (R)	10 FEET	50.7 FEET	20 FEET	31.5 FEET
SIDE SETBACK (L)	10 FEET	5.7 FEET	20 FEET	24.5 FEET
REAR SETBACK	25 FEET	91.1 FEET	25 FEET	25.6 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	5.0%	25.0%	24.7%
MAXIMUM HEIGHT	35 FEET	22 FEET	35 FEET	25 FEET
MINIMUM OPEN SPACE	40.0%	90.7%	40.0%	64.7%
MINIMUM PARKING REQUIRED	2	0	4	4+

\* FRONTAGE ON LEVITT COURT IS TO BE IMPROVED AND NOW INCLUDED TO SATISFY DIMENSIONAL REQUIREMENTS.

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**NOTES**

THE PURPOSE OF THIS PLAN IS TO DEPICT PARCELS AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600. LEAVITT COURT IS AS SHOWN ON SAID PLAN. PHYSICAL FEATURES AND BOUNDARIES ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON OCTOBER 15 AND 20, 2020.

DESIGN FEATURES HAVE BEEN PROVIDED BY THE CLIENT'S ARCHITECT AND ENGINEER.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES AND SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS.

**LOCUS TITLE INFORMATION**

**21 HANCOCK STREET**  
OWNER: G&S MASSACHUSETTS REALTY TRUST

DEED REFERENCE: BOOK 34044 PAGE 272

ASSESSORS: MAP 25 PARCEL 42

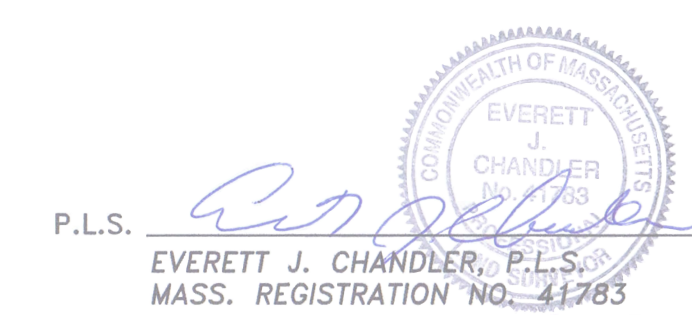
PLAN REF: LOTS 1, 3, 5, 7 & LEAVITT COURT AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600

**27 HANCOCK STREET**  
OWNER: WILLIAM F. & JOYCE E. COLBY

DEED REFERENCE: BOOK 7229 PAGE 301

ASSESSORS: MAP 25 PARCEL 43

PLAN REF: LOTS 2, 4, 6 & 8 AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600



SCALE:			
HORIZ: 1"= 20'			
VERT: _____			
NO.	DATE	BY	REVISIONS

FIELD:	N/A
CALCS:	EC
CHECKED:	EJC
APPROVED:	EJC

**ZONING PLAN**  
**21 & 27 HANCOCK STREET**

PLAN OF LAND IN  
NEWBURYPORT, MA  
SURVEYED FOR  
CASWELL DEVELOPMENT, LLC

PROJECT NO. 2020-21-27HANCOCK
DATE: JAN 20, 2021
SHEET NO. 1 OF 1

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

**GRAF  
ARCHITECTS**

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

## EXTERIOR ELEVATIONS UNITS A+B

SCALE: 1/8" = 1'-0"

26 january 2021



① Exterior Elevation - UNIT A (HANCOCK ST)  
SCALE: 1/8" = 1'-0"



② Exterior Elevation - LEAVITT COURT  
SCALE: 1/8" = 1'-0"

A03

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

**GRAF ARCHITECTS**

2 Liberty Street  
Newburyport, MA  
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title:

## EXTERIOR ELEVATIONS UNITS A+B

SCALE: 1/8" = 1'-0"

26 january 2021



EXISTING HOUSE TO REMAIN

UNIT A    UNIT B

A04

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
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title:

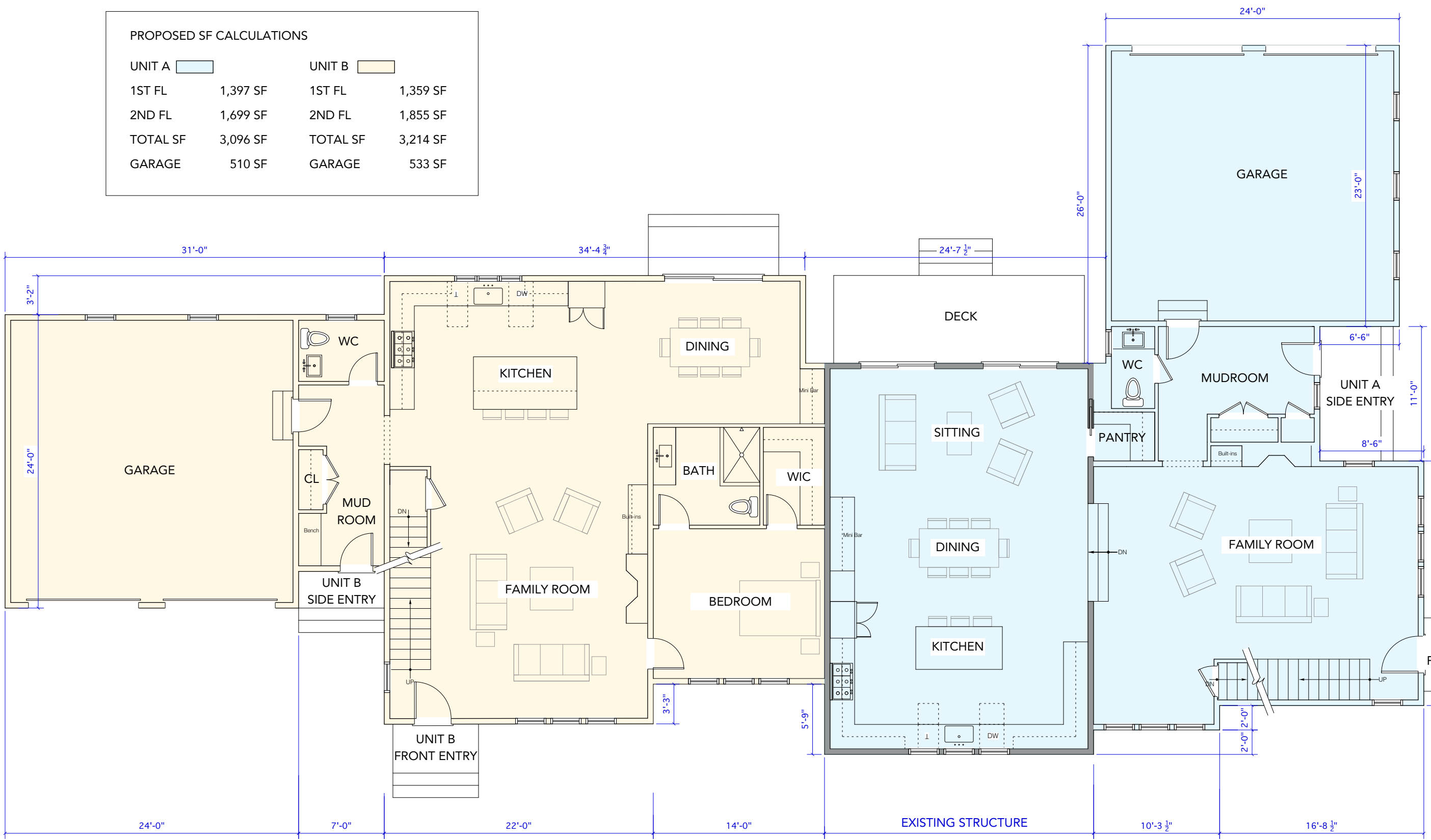
### FIRST FLOOR PLANS - UNITS A+B

SCALE: 1/8" = 1'-0"

26 january 2021

# A01

PROPOSED SF CALCULATIONS			
UNIT A		UNIT B	
1ST FL	1,397 SF	1ST FL	1,359 SF
2ND FL	1,699 SF	2ND FL	1,855 SF
TOTAL SF	3,096 SF	TOTAL SF	3,214 SF
GARAGE	510 SF	GARAGE	533 SF



1 First Floor Plan  
SCALE: 1/8" = 1'-0"

project:

# 27 HANCOCK STREET

Newburyport, MA  
01950

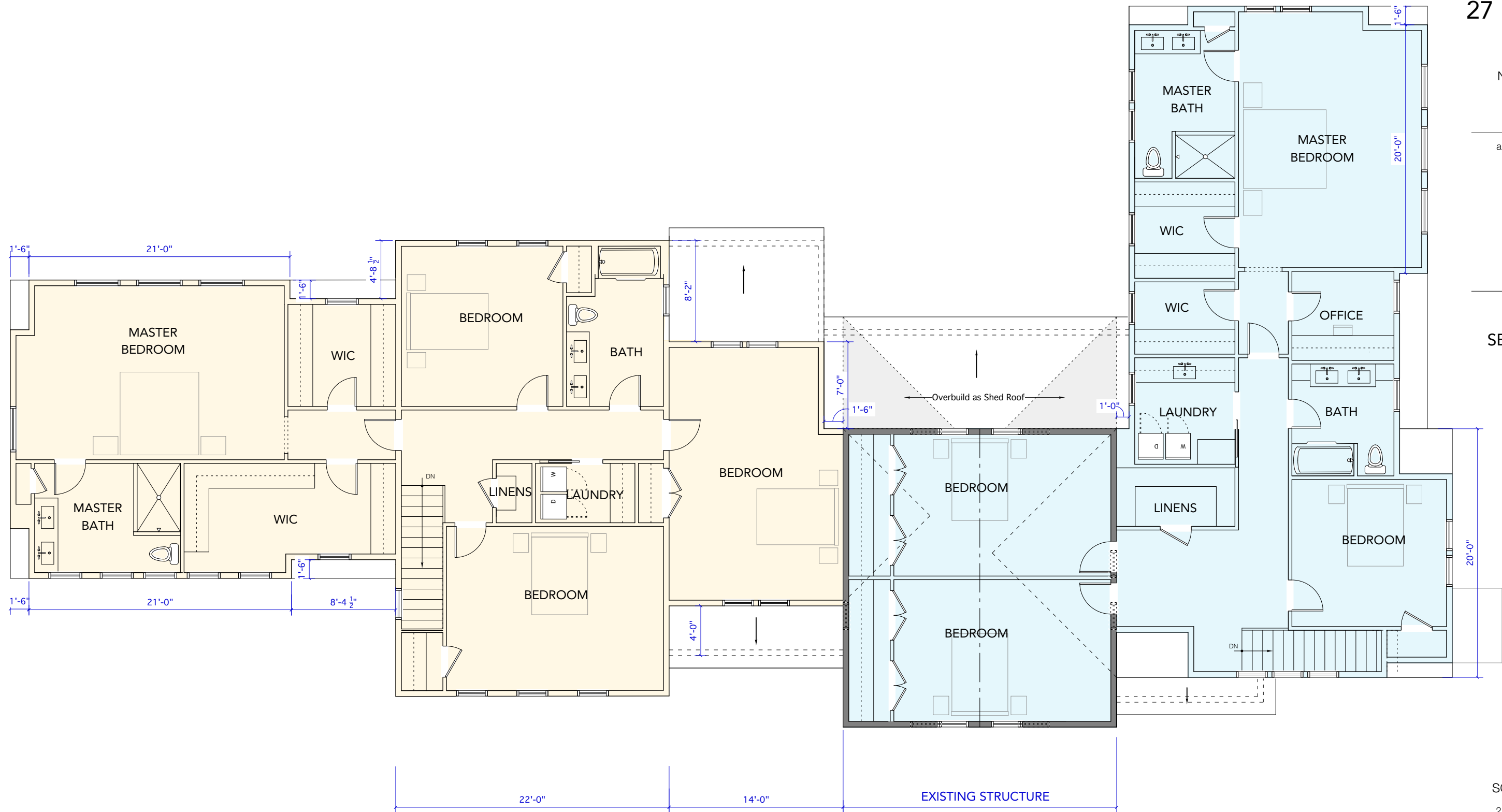
architect:

## GRAF ARCHITECTS

2 Liberty Street  
Newburyport, MA  
01950  
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title:

### SECOND FLOOR PLANS - UNITS A+B



SCALE: 1/8" = 1'-0"

26 january 2021

1 Second Floor Plan  
SCALE: 1/8" = 1'-0"

A02

project:

# 21-25 HANCOCK STREET

Newburyport, MA  
01950

architect:

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Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

## EXTERIOR ELEVATIONS UNITS C+D

SCALE: 1/8" = 1'-0"

25 january 2021



① Exterior Elevation - UNIT C (HANCOCK ST)  
SCALE: 1/8" = 1'-0"



② Exterior Elevation - LEAVITT COURT  
SCALE: 1/8" = 1'-0"

UNIT C    UNIT D

A07

project:

# 21-25 HANCOCK STREET

Newburyport, MA  
01950

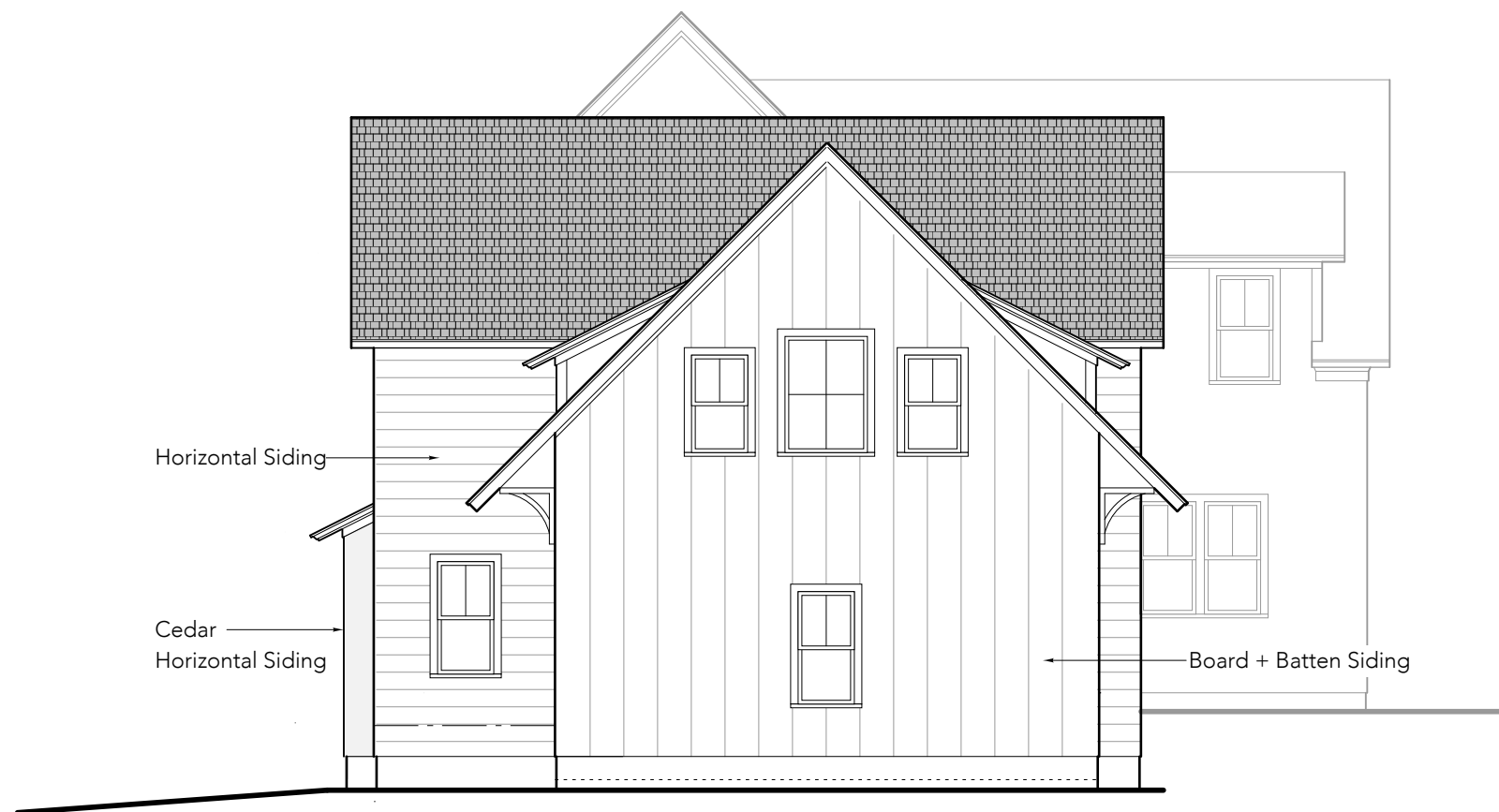
architect:

**GRAF ARCHITECTS**

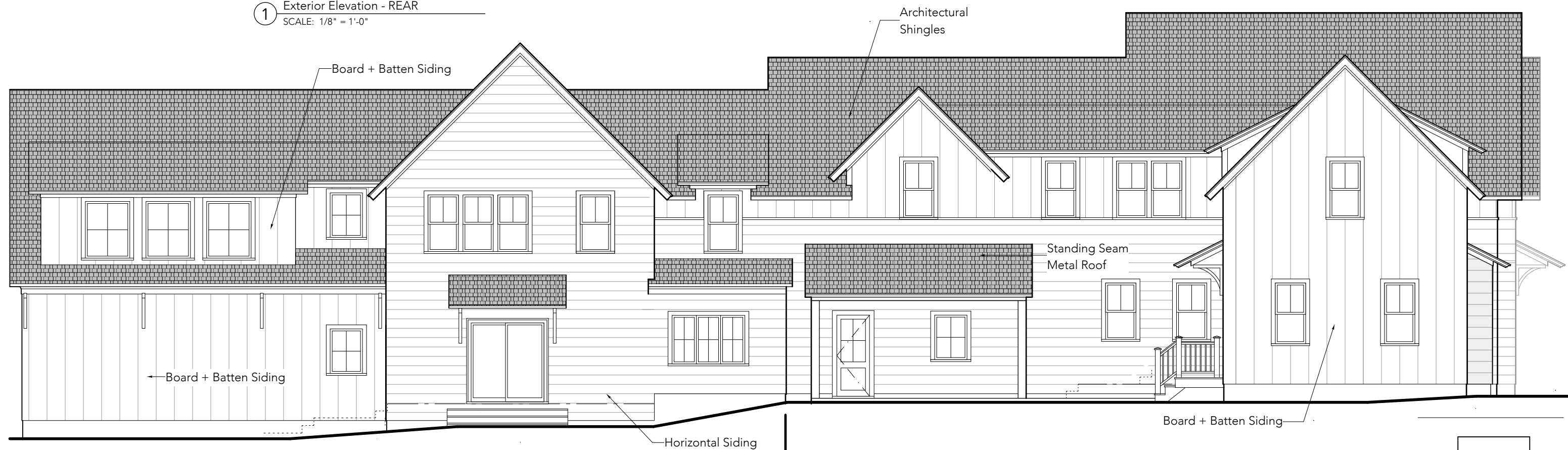
2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

## EXTERIOR ELEVATIONS UNITS C+D



① Exterior Elevation - REAR  
SCALE: 1/8" = 1'-0"



③ Exterior Elevation - RAIL TRAIL  
SCALE: 1/8" = 1'-0"

UNIT D    UNIT C

A08

project:

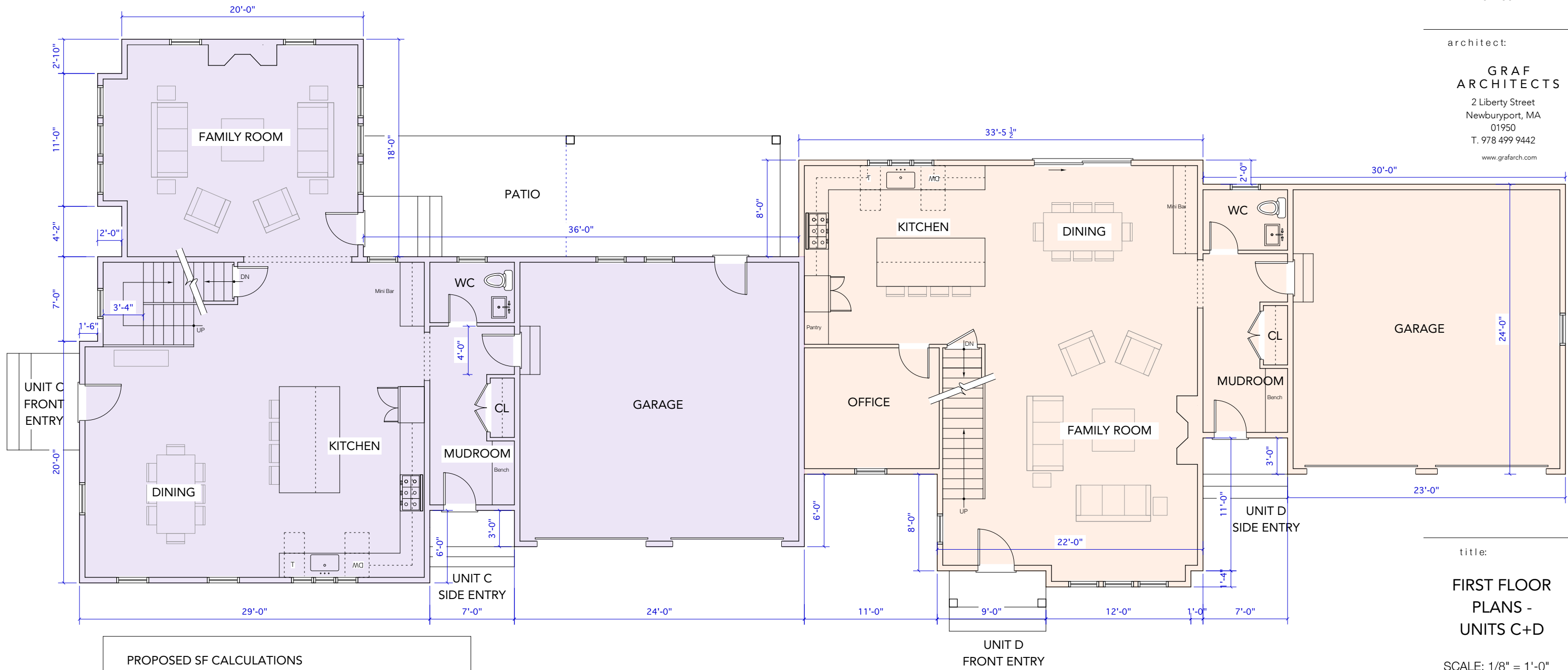
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Newburyport, MA  
01950

architect:

**GRAF ARCHITECTS**

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
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title:

## FIRST FLOOR PLANS - UNITS C+D

SCALE: 1/8" = 1'-0"

26 january 2021

### PROPOSED SF CALCULATIONS

UNIT C		UNIT D	
1ST FL	1,235 SF	1ST FL	1,151 SF
2ND FL	1,701 SF	2ND FL	1,513 SF
TOTAL SF	2,936 SF	TOTAL SF	2,664 SF
GARAGE	533 SF	GARAGE	510 SF

1 First Floor Plan  
SCALE: 1/8" = 1'-0"

A05



project:

# 21-25 HANCOCK STREET

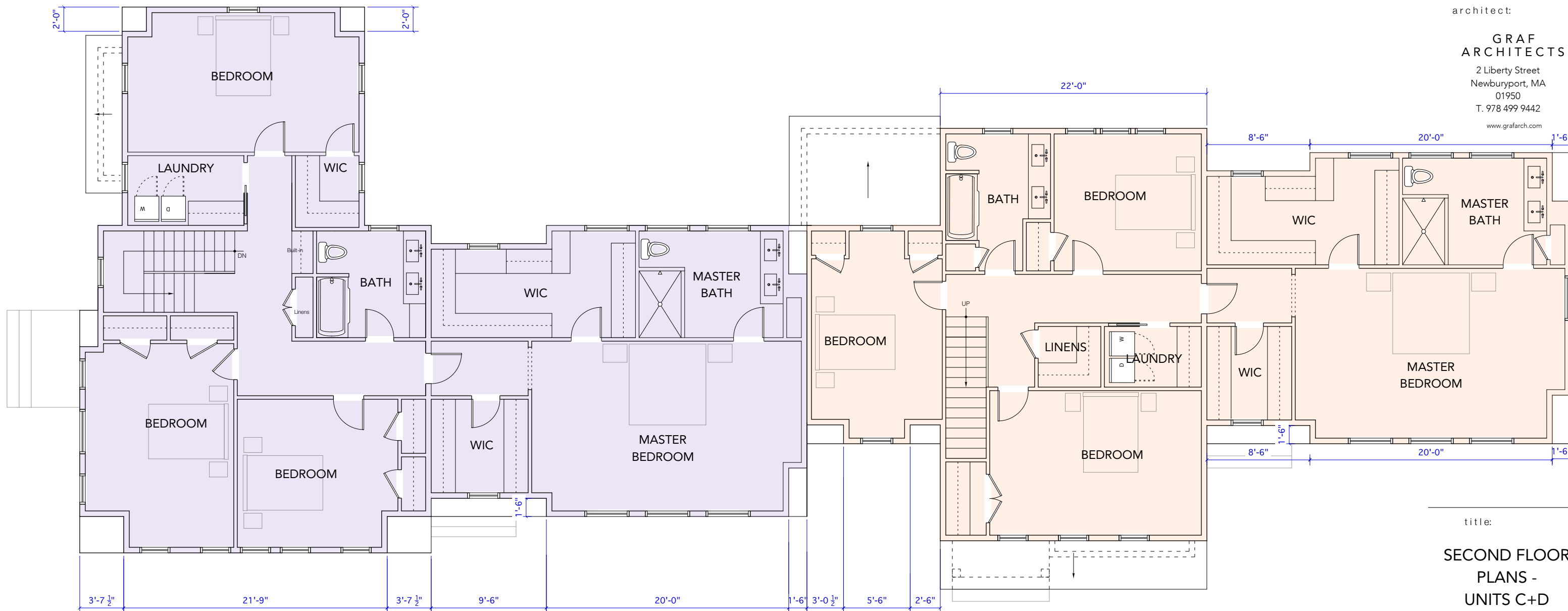
Newburyport, MA  
01950

architect:

**GRAF ARCHITECTS**

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Newburyport, MA  
01950  
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title:

## SECOND FLOOR PLANS - UNITS C+D

SCALE: 1/8" = 1'-0"

26 january 2021

1 Second Floor Plan  
SCALE: 1/8" = 1'-0"

A06

**27 Hancock Street,  
Newburyport  
Special Permit for  
Nonconformities**

**Special Permit For Nonconformities:**

Existing single family structure at 27 Hancock Street contains one nonconformity:

- 5.7 foot front yard setback off Leavitt Court where 25 feet are required (corner lot).
- Proposed Plan improves this to 11.7 feet.
- No other existing nonconformities and no new nonconformities are being created.

## **Application of Special Permit Criteria:**

- 1. There will be no addition of a new nonconformity.**
  - No new nonconformities are being created.**
- 2. Modification is not more substantially detrimental to the neighborhood than the existing structure.**
  - Proposed new structure improves existing nonconforming setback from 5.7 feet to 11.7 feet.**
  - Structure will remain oriented towards Hancock Street.**
  - New Structure will be located closer to Hancock Street and be more similar to surrounding neighborhood in terms of proximity to Hancock Street.**
  - A more dense development on the lot will be more in line with rest of neighborhood which is a fairly dense neighborhood with a high degree of lot coverage per lot.**

**21-25 and 27  
Hancock Street,  
Newburyport  
Special Permit for  
Two Family Use**

**Special Permit For Two Family Use:**

1. Use allowed by Special Permit in R-2 District.
2. Use is desirable to the public convenience or welfare of the City.
  - Greater density is acceptable on lot with sufficient lot area and frontage such as this.
3. Use will not create undue traffic congestion, or unduly impair pedestrian safety.
  - One driveway provided directly off of Hancock Street. Other will be off Leavitt Court, which is existing, albeit not formalized.
  - The old street trees causing the sidewalk to heave will be removed and a new sidewalk will be installed.
  - Rail trail connection adjacent to the Property. Impact will be negligible.

**21-25 and 27  
Hancock Street,  
Newburyport  
Special Permit for  
Two Family Use  
Continued**

**Special Permit For Two Family Use Continued:**

4. Use will not overload any public water, drainage, sewer, or any other municipal system to extent will cause hazards affecting health, safety or general welfare.
  - 27 Hancock: Proposal is estimated to add 550 gpd to water and sewer system.
  - 21-25 Hancock: Proposal is estimated to add an additional 880 gpd to water and sewer system.

City treats over 2 million gpd for both water and sewer. Impacts on public infrastructure will be negligible.
5. There are no special regulations for a two-family use to exist in this district.
6. Use will not impair integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
  - Hancock Street contains a mix of single and two family homes, as well as having a multifamily apartment building (36-42 Madison St.) and social club at the easterly end of the street.
  - There are five other two family homes on the street. Each of these lots are two of the largest of the lots with two family structures, actually meeting the dimensional requirements.
  - The proposal will eliminate the commercial traffic generated from the non-conforming use.

**21-25 and 27  
Hancock Street,  
Newburyport  
Special Permit for  
Two Family Use  
Continued**

**Special Permit For Two Family Use  
Continued:**

7. Requested use will not cause an excess of that particular use that could be detrimental to the neighbor.
  - Use is consistent with varied housing types in the neighborhood and surround area.
8. The proposed use is in harmony with the purpose and intent of the ordinance as R-2 district is second most dense residential district in the City and lot area, frontage, open space, and lot coverage are compliant with dimensional requirements.
  - The proposal actually removes a non-conforming use from the neighborhood.
9. The construction and thereafter the use of a two family will not itself create hazardous materials and transmissions.

**21-27 Hancock Street,  
Newburyport**  
**Additional  
Considerations**

**Additional Considerations:**

- Installation of a brick sidewalk and resetting of curbs along the street line of 21-25 and 27 Hancock Street.
- Applicant will remove old and decaying street trees causing sidewalk to heave and install five new trees in accordance with the direction of the Department of Public Services.

**Applicant requests ZBA Incorporate the Following Considerations from the Agreement between Applicant and Abutter at 29 Hancock Street into its Decision:**

- 1. Installation of a six foot privacy fence along the shared property line up to the driveway along with the planting of arborvitae along the fence.**
- 2. Installation of plantings between the proposed driveway of 27 Hancock and the driveway of 29 Hancock so as not to interfere with opening of car doors. Said plantings will be a low bush like boxwood or holly.**
- 3. Aforementioned installation of a brick sidewalk and resetting of curbs along the street line of 21-25 and 27 Hancock Street.**
- 4. Dark sky compliant lighting at minimal locations along the rear of the structure at 27 Hancock Street. The inclusion in any condominium documents that no additional lighting on the easterly face of the building may be added at a later date and dark sky compliant lighting shall be maintained.**



## **Considerations from the Agreement between Applicant and Abutter Continued:**



- 5. Stormwater not be caused to flow onto 29 Hancock Street from 27 Hancock Street.**
- 6. Mutually requesting the city maintain no parking in front of 21-27 Hancock Street.**
- 7. Mutually requesting the city allow the existing street trees in front of 27 Hancock to be removed.**
  - a. In the event the City is agreeable to remove the trees, the driveway will be shifted toward Leavitt Court to provide greater separation between the drives. (accomplished).**
- 8. Applicant has further agreed to work with the abutter to coordinate the installation of the brick sidewalk to allow the abutter and Nick Watkins of 31 Hancock Street to benefit from a shared contractor with the abutter and Watkins paying for their own costs.**

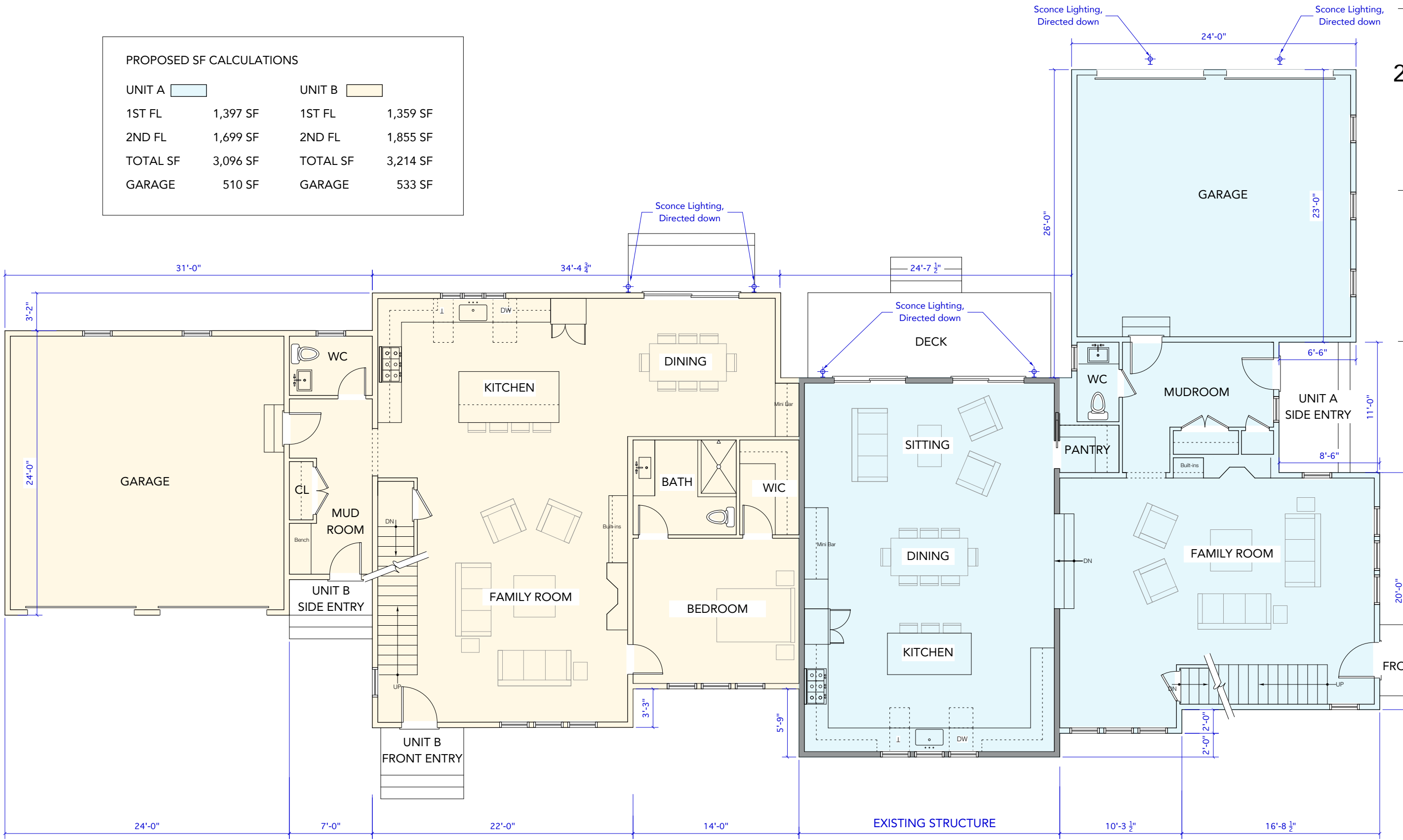
project:  
**27 HANCOCK STREET**  
 Newburyport, MA  
 01950

architect:  
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SCALE: 1/8" = 1'-0"  
 26 january 2021

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1 First Floor Plan  
 SCALE: 1/8" = 1'-0"

# Lighting Plan

A01

