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August 27, 2018

By Hand

Bonnie Sontag, Chair
Planning Board
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: Request for Comments for Downtown Overlay District Special Permit
14-16 Temple Street, Newburyport, MA (the "Property"); Assessor's Map: 5, 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 pre-existing non-conforming structure on the Property which is a pre-existing non-conforming lot. The Property currently includes a two-family structure. The Property is 0.08 acres with 50.5 feet of frontage on Temple Street. The Property is located in the R-3 and Downtown Overlay Districts as established by the Newburyport Zoning Ordinances (the "NZO").

The current structure on the Property is non-conforming for: frontage, lot area, lot coverage, rear yard setback and both side yard setbacks. Petitioner's proposed renovation will leave all of the nonconformities unchanged, the exterior envelope of the structure will not be extended or expanded in any way, nor will more of the lot be covered by impervious surfaces. See Site Plan attached as **Exhibit A**.

The Property is located in the Downtown Overlay District. The structure at 14-16 Temple Street was built between 1895 and 1920. See submission to Historical Commission attached as **Exhibit B**. 14-16 Temple Street is a Greek Revival/Queen Anne structure and is listed as contributory on the City of Newburyport Historic Register list. The structure is a two-family structure, with one residential unit on each floor with total of between 11 and 13 bedrooms. The Petitioner proposes to renovate the interior of the structure to allow each of the two residential units to be a two-floor unit with three bedrooms each for a total of six bedrooms. See existing and proposed plans and elevations attached as **Exhibit C**. As part of the renovation the Petitioner proposes to make changes to the exterior including: the addition of two doors on the side, the removal of one door on the front, the removal of a row of windows on one side, and a generally different arrangement of windows. The petitioner met with the Historical Commission on August 21, 2018 and received their approval of the plans submitted, with the caveat that it was clear that the windows in the bays were also 2 over 1 like the rest of the windows. The Petitioner will assure that occurs.

Millis Office

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Downtown Overlay District Special Permit

Section XXVII requires that the Petitioner meet the criteria set forth therein as well as the general special permit criteria under section X-H(7) of the NZO.

The Petitioner proposes an alteration that does not fall within any of the exceptions set out in Section XXVII-E, and so the Petitioner will require a Downtown Overlay District Special Permit (“DOD special permit”). Pursuant to section XXVII, given the location of the Property in the Downtown Overlay District, the Planning Board is the Special Permit Granting Authority for the DOD special permit.

As seen on the attached architectural plans the alteration is compatible with the existing historic buildings and structures within the Downtown Overlay District (“DOD”). The structure on the Property is located between two significantly older and notable historic structures, but is itself not particularly remarkable historically. See **Exhibit B**. The structure on the Property was built between 1895 and 1920 as a Greek Revival/Queen Anne residential building. Of the several owners that may have built the structure, none resided there. See **Exhibit B**. The structure has between 11 and 13 bedrooms and was likely built to be used as a rental property for boarders. The structure has long been used as a two-family property with one unit on each floor. The Petitioner proposes to renovate the interior to create two units that are configured to be two floors each and have far fewer bedrooms.

Certain alterations have been made to the structure that detract from its historic appearance, some of these will be altered to match the rest of the structure. The structure’s exterior will be changed to match existing historical features, but all changes to the building will be reversible as set out in section XXVII-F-5. Certain windows toward the front of the structure do not match historical windows. The front left side of the structure has a row of windows that were added long after the structure was built, and the right front side has a diamond shaped window that does not match the other windows. The Petitioner proposes to remove a door on the left side of the front of the structure that was not original and create a door on each of the sides to accommodate the interior renovations. Both of the doors on the sides will be set back into the structure and will be designed to complement the original door on the right side of the front. The Petitioner proposes to change several window openings, but also intends to add trim and install historically accurate windows. The vinyl siding will be removed and wood siding that approximates the original siding will be used. The setting of this contributing structure within the DOD is consistent with the existing house. The alteration is designed to be compatible with the size, scale, height, color, material, and character of the original structure at 14-16 Temple and to be consistent with the setting within the DOD.

Section XXVII-F also requires that the “general conditions” for the issuance of a special permit set out in Section X-H (7) of the Newburyport Zoning Ordinance must also be met for the DOD Special Permit to issue. Below each requirement under Section X-H (7) is set out with the reason that this application meets such requirement.

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] 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 Property is a two-family structure located in the Downtown Overlay District and in the R-3 zoning district. Two-family use is permitted by special permit in the R-3 zoning district. The proposed changes to the structure which are the subject of the DOD Special Permit do not affect the use of the structure.

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

The proposed changes to the structure are essential and desirable as they restore certain historic architectural aspects of the Property.

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

The proposed changes to the structure will not increase or intensify the use in the structure and therefore there will be no change with regard to traffic or pedestrian safety as a result of the proposed changes. Indeed, the number of bedrooms following the alterations to the structure will be reduced by approximately half.

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 existing structure contains two (2) residential units which together have between 11 and 13, thereby impacting the city water and sewer system with approximately over 1,320 gallons per day of water and sewer usage, the renovated structure will have six (6) bedrooms which will impact the city water and sewer system with approximately 660 gallons per day. Therefore, there will be a reduction in the impact on the public infrastructure. The public systems will not be overloaded and nothing about the use on site will pose a hazard to the public health of safety.

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

There are none.

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 proposed changes to the exterior of the structure will make the structure more consistent with the historic structures on the street, and in particular the structures on both sides of this structure which are quite historically significant. The DOD has as its basis the preservation of existing structures, and the preservation of this structure and use in the manner proposed is consistent with the zoning district and with the integrity and the character of the neighborhood. The current structure includes a few improvements which are inconsistent with the historic nature of the structure, which will be removed in an attempt to regain some of the original detail of the structure. The proposed changes are consistent with the neighborhood generally and will not impair the integrity or character of the district or adjoining districts.

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 proposed changes to the structure allow a continued two-family use which is consistent with the neighborhood and the vicinity generally. The restored structure and continued use of the Property as a two-family residence will not cause an excess of this particular use or be detrimental to the neighborhood where such uses are presently allowed under the NZO.

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

The proposed changes as noted on the plans is in harmony with the purpose and intent of the DOD. This two-family use is a pre-existing non-conforming use and retaining this structure and use is consistent with the DOD. Therefore, permitting the proposed structural changes is in harmony with the purpose and intent of the Ordinance.

9. The proposed use shall not be conducted in a manner so 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 renovation and thereafter use of a two-family structure will not itself create hazardous materials and transmissions. The proposed construction will be completed in a manner that is not dangerous, noxious, or injurious, and it will not emit, noise, vibration, smoke, dust or odor or other form of environmental pollution

As a result, the Petitioner states that the Board can find that the proposed change will be consistent with the existing structure at 14-16 Temple Street, and will be consistent with the setting within the DOD, and should find that a DOD special permit should issue to allow the construction as proposed.

Respectfully submitted,
Nicholas Hantzis,
By his Attorney



Lisa L. Mead

Attachment
cc: Client

CITY OF NEWBURYPORT, MA
ZONING REVIEW (BUILDING PERMIT DENIAL)

APR# 2018-060

Name: Nicholas Hantzis/ Lisa Mead MTC LLC

Address: 14-16 Temple Street

Zoning District(s): R3/DOD

Request: Renovate 2 family structure in the DOD no additional sf outside of existing structure. New windows (some in adjusted locations), new details at gable ends, rear entry porch and new bulkhead.

ZONING BOARD REVIEW REQUIRED

Variance

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

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 _____

Sign Variance

- Signs (VIII)
 - Type Size
 - Lighting Location

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-3)
 - 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 _____

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQUIRED (X.H.9)

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


Newburyport Zoning Administrator 8/6/2018
Date

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT
TRAN JOANNE SIUCHI CHAN Q TRAN T/E 14-16 TEMPLE ST NEWBURYPORT, MA 01950 Additional Owners:					Code 1040 1040 Assessed Value 301,400 200,500
SUPPLEMENTAL DATA					
Other ID: 5-12 SUB-DIV CONDO CV; PHOTO INLAW Y/N; WARD LOT SPLIT; TITLE #: 3 40B HSNG; ATT 1/2 HSE: GIS ID: M 251546 951066					

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	q/u	v/f	SALE PRICE	V.C.
TRAN JOANNE SIUCHI MCDERMOTT BLANCHE I, LEO C JR & MCDERMOTT LEO C-BLANCHE I TE	19325/0551 16141/0031 5429/766	09/30/2002 01/06/2000	Q U	I I	450,000 0	1A 0
ASSOC PID#						

EXEMPTIONS			OTHER ASSESSMENTS		
Year	Type	Description	Code	Amount	Comm. Int.
Total:					

ASSESSING NEIGHBORHOOD

Street Index Name Tracing Batch

NOTES

YELLOW IF
UBM = DIRT
USE CODE CORRECTED FY03
ONLY VIEWED UAT, FUS, UBM DUE
TO NO KEY

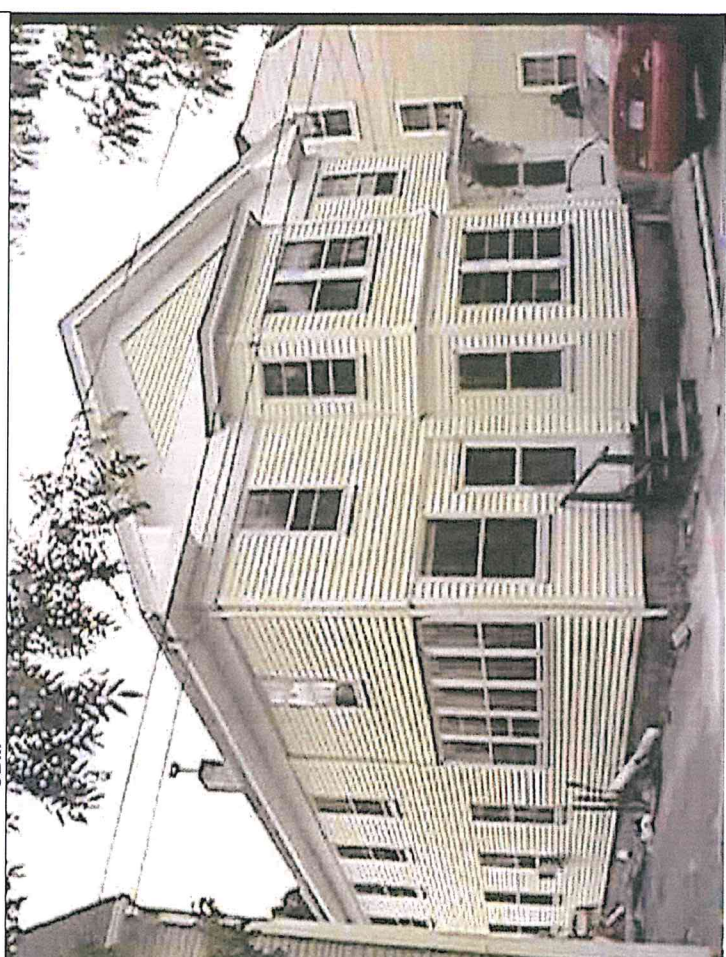
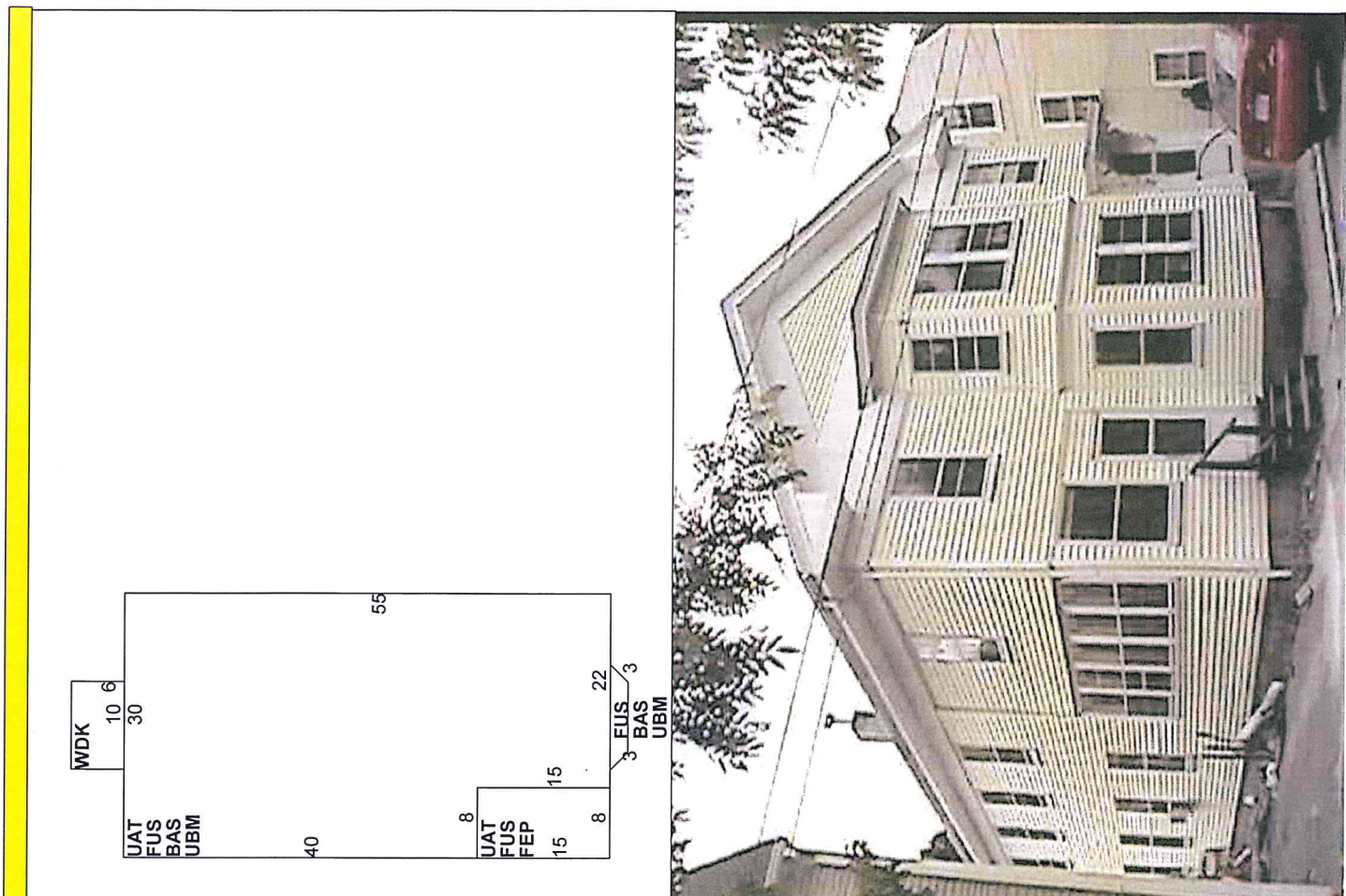
BUILDING PERMIT RECORD						VISIT/CHANGE HISTORY								
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
									09/19/2016			RK	FR	Field Review as mandated
									05/08/2007			PR	00	Measur+-Listed
									02/12/2007			MM	02	Measur+-2 Visits
									02/12/2007			MM	01	Measur+-1 Visit
									04/23/1998			CN	00	Measur+-Listed
Total Appraised Parcel Value														
501,900														

LAND LINE VALUATION SECTION																
B Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A. Disc	Acre C. Factor	ST. Idx	Notes- Adj	Special Pricing	S Adj Fact	Unit Price	Land Value
1	TWO FAMILY	R3				3,604 SF	55.62	1.0000	5	1.0000	1.00	0.00		1.00	55.62	200,500
Total Card Land Units: 0.08 AC Parcel Total Land Area: 0.08 AC Total Land Value: 200,500																

PREVIOUS ASSESSMENTS (HISTORY)											
Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value			
2018	1040	301,400	2017	1040	259,000	2016	1040	256,500			
2018	1040	200,500	2017	1040	190,900	2016	1040	181,800			
Total: 501,900											

VISION

This signature acknowledges a visit by a Data Collector or Assessor



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd.	Ch.	Description								
Style	11		Family Conver.								
Model	01		Residential								
Grade	03		Average								
Stories	2		2 Stories								
Occupancy	2		MIXED USE								
Exterior Wall 1	25		Vinyl Siding								
Exterior Wall 2											
Roof Structure	03		Gable/Hip								
Roof Cover	03		Asph/F GlS/Cmp								
Interior Wall 1	03		Plastered								
Interior Wall 2	04		Plywood Panel								
Interior Flr 1	09		Pine/Soft Wood								
Interior Flr 2											
Heat Fuel	03		Gas								
Heat Type	04		Forced Air-Duc								
AC Type	01		None								
Total Bedrooms	07		7 Bedrooms								
Total Half Baths	0										
Total Xtra Fixtrs	0										
Total Rooms	13		13 Rooms								
Bath Style	02		Average								
Kitchen Style	01		Old Style								
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)											
Code	Description	Sub	Unit Price	Yr	Gde	Lp	Rt	Cnd	%Chd	Apr	Value
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value					
BAS	First Floor	1,550	1,550	1,550	113.77	176,347					
FEP	Porch, Enclosed	0	120	84	79.64	9,557					
FUS	Upper Story, Finished	1,670	1,670	1,670	113.77	189,999					
UAT	Attic	0	1,650	165	11.38	18,772					
UBM	Basement, Unfinished	0	1,550	310	22.75	35,269					
WDK	Deck, Wood	0	60	6	11.38	683					
Ttl. Gross Liv/Lease Area:		3,220	6,600	3,785		430,627					