



CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950
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September 17, 2019

Joseph Giallanella
134 Candlestick Road
North Andover, MA 01845

Re: 6 Hamilton Way, f/k/a 223 High Street
Notice of Preservation Restriction Violation

Dear Mr. Giallanella,

The Newburyport Historical Commission, on July 25, 2018, reviewed a potential violation of the existing Preservation Restriction ('PR') on the historic structure at 223 High Street. This restriction is recorded at the South Essex District Registry of Deeds in Book 36489, Page 62 and a copy is attached hereto. The Commission is the responsible entity for ensuring that the tenets of the PR are followed, and is the reviewing authority for alterations to the exterior façade of the structure. All major alterations or additions, such as a deck, require review.

The Commission found that the construction of the rear deck on the home was begun without a review by the Commission or any other city authority. While it is understood that the two existing rear doors require a landing and stairs to the ground to comply with fire access and safety codes, a full rear deck is not allowed without consideration and review of the project by the Commission.

You may rectify this situation in one of two ways:

1. If you decide you do not require the deck, you may remove all of the materials associated with the illegally constructed rear deck, and construct a landing and stairs for each of the rear access/egress doors to provide safe access as required by building and fire codes; or
2. If you wish to pursue the deck project, you must provide plans to the Commission for review at a regularly scheduled Commission meeting. These plans must illustrate the proposed deck and include details regarding measurements and materials. Commissioners may then review the project and determine if it is allowable and in conformance with the recorded PR. You will also require a building permit, and any other legally required permits.

The deadline for action on this violation is November 14, 2019. You must either:

- (option 1) provide evidence that the decking material has been or is in the process of being removed from the property, or
- (option 2) submit the required plans for review.

All materials may be submitted to the Office of Planning & Development in City Hall.

Failure to respond to this notice shall allow the Commission to exercise its right to enforce the terms and conditions of the document by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the building and such other legal and equitable remedies as may be available to the Commission to enforce the requirements set forth in the PR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn', with a long horizontal flourish extending to the right.

Glenn Richards
Chair

CC: Zoning Administrator

Attch.