

FINNERAN & NICHOLSON, P.C.
ATTORNEYS AND COUNSELORS AT LAW
30 GREEN STREET
NEWBURYPORT, MASSACHUSETTS 01950
(978) 462-1514
FACSIMILE (978) 465-2584
E-MAIL: CASES@FINNIC.COM
WEBSITE: WWW.FINNERANNICHOLSON.COM

October 23, 2018

Newburyport Planning Board
Attn: Bonnie Sontag, Chair
60 Pleasant Street
Newburyport, MA 01950

Re: 106 High Street, LLC Special Permit for Nonconformities and Special Permit for
Downtown Overlay District
2018-SP-14
Request for Minor Modification

Dear Ms. Sontag:

I represent 106 High Street, LLC (the "Petitioner") in the above matter. This letter is in support of the request for Minor Modification which is submitted along with detail sheets of the proposed replacements windows and doors as well as photographs of the existing windows and doors. The proposed replacement windows are Marvin Integrity Ultrex windows in a 6 over 6 pattern and the proposed replacement doors are Brosco solid wood doors.

These materials are submitted for review and approval as a Minor Modification as requested by the Planning Board and in response to Special Condition #10 of the Planning Board's Special Permit Decision dated September 19, 2018. It reads as follows:

Replacement Windows and Doors: Prior to obtaining a building permit, the applicant, successors or assigns, shall provide a detail sheet of the proposed replacement windows and doors as well as photographs of the existing windows and doors to the Planning Board for review and approval as a minor modification to this Special Permit.

In the instant case, the Planning Board requested that these materials be submitted and evaluated by the Board as a Minor Modification. Where the changes will not be a substantive amendment that affects the original decision or that grants relief that is different from that which as originally granted, the Planning Board can properly modify the permit without notice and hearing. See Huntington v. Board of Appeals of Hadley, 12 Mass. App. Ct. 710 at n.4 (1981).

Throughout this special permit process, the Newburyport Historical Commission and the Planning Board have both stressed the importance of conformance with original historical features of the building. As such, the submitted proposed replacement windows and doors have been selected to be sensitive to the Downtown Overlay District, the existing historical structure itself and surrounding properties.

For the aforementioned reasons, the Petitioner requests that this Minor Modification request be scheduled for a hearing at the next Planning Board Meeting on November 7, 2018 and that the Planning Board grant Petitioner's request for a Minor Modification approving the proposed replacement windows and doors as submitted.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Heffernan', with a long horizontal line extending to the right.

Patrick Heffernan
PH

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