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April 15, 2021

Newburyport Zoning Board of Appeals
60 Pleasant Street
Newburyport, MA 01950

**RE: Special Permit for Non-Conformities Application
7 Harbor Street, Newburyport, MA**

Dear Chairman Ciampitti and Members of the Board,

The undersigned represents the 7 Harbor Street Nominee Trust, Robert Higgins, Trustee, owner of the property at 7 Harbor Street, on Plum Island in Newburyport, MA. My client would like to add a second story addition over the footprint of the existing single-family structure which dates from 1900. Please accept this letter and the attached documents to serve as my client's application for a Special Permit pursuant to Sections IX.B.2 and XXI-G (Plum Island Overlay District) of the Newburyport Zoning Bylaws. Please note this letter is also being provided as the required memorandum in support of the application.

The property has been and will continue to be used as a single-family residence; an allowed use in the applicable (R3/PIOD) zoning district.

The existing Lot is non-conforming as to Area (12,000 sf req., 6,504 sf provided) and Frontage (120' req., 70' provided). The existing structure is non-conforming as to Side Setbacks (20' req., 5.6' and 10.3' provided), Rear Setback (20' req., 14.8' provided), Lot Coverage (20% allowed, 22.8% covered), and FAR (max allowed 25%, 36% existing).

The proposed addition would not create any new non-conformities. However, the addition would result in the current FAR of 36% increasing to 39%. Additionally, the addition will extend the pre-existing side setback non-conformity upward. Lastly, please note that the proposed roofline will exceed the height of the existing structure (current height: 17.4', proposed 20.5').

The proposed addition will not result in the completed structure being substantially more detrimental than the existing non-conforming structure to the neighborhood or the PIOD. The addition and the resulting structure are certainly in keeping with many of the surrounding homes, especially those recently redeveloped or improved upon. Construction of the addition, will be done in conformance with the state and local building codes and will conform to all applicable state and local Conservation regulations and so will not have adverse effects on the environment. Moreover, it is

proposed to construct the addition with top quality, energy efficient materials and methodology, again minimizing environmental impacts. Aesthetically, the proposed structure has been professionally designed and, although beauty is in the eye of the beholder, is arguably architecturally an improvement on the existing structure, which will certainly enhance the value of the home and thus the value of the neighboring homes. This improvement will also generate additional tax revenues for the Town through increase property values which equates to a benefit for other Town residents, including those in the surrounding neighborhood and the PIOD. Lastly, the de minimis increase in the FAR and the lateral extension of the pre-existing side setback non-conformity will have little or no impact to the neighborhood and the PIOD, it will certainly not have a substantial detrimental impact on anyone in sum, the proposed structure will not have a substantial adverse impact on the surrounding neighborhood or the PIOD and in fact will in some ways provide a beneficial impact.

Having obtained a Zoning Determination letter from the Newburyport Zoning Administrator (attached), please allow this letter, along with the attached documents to serve as the Applicant's formal application for a Special Permit under Sections IX.B.2 and XXI-G (Plum Island Overlay District) of the Newburyport Zoning Bylaws, (or any other relief the Zoning Board deems necessary), to allow for the construction of the proposed addition.

Enclosed please find the following:

1. Special Permit Application;
2. Zoning Determination Letter;
3. Owner Authorization Letter;
4. Owner's Deed;
5. Assessor Card and GIS MAP;
6. Written Memo (this Cover Letter);
7. Site Plan;
8. Architectural Plans;
9. Filing Fee.

Please note, that electronic copies of all materials will be forwarded to the Board by e-mail, under separate cover. Additionally, copies are being filed with the Town of Newburyport's Clerk's office.

Thank you very much for your time and consideration. Please contact me if you should have any questions or need any additional information regarding this application.

Sincerely
Finneran & Nicholson, P.C.



Douglas C. Deschenes