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May 8, 2025

Planning Board  
City of Amesbury  
62 Friend Street  
Amesbury MA 01913

RE: 26 Friend Street (Assessor's Map 53 Lot 261)(the "Property") / Application for  
Special Permit for Multifamily Residential Use / Site Plan Review

Dear Chair and Members of the Board;

Reference is made to the above captioned matter. In that connection, this firm represents Newburyport Homes, LLC (the "Applicant") the owner of the Property. The Property is located in the Central Business District ("CBD") under the City of Amesbury Zoning Bylaw (the "AZB").

The Applicant seeks to renovate the existing commercial one story structure by adding three stories above and converting the use to mixed use. The mixed use would result in a commercial unit on the first floor with a unit on each of the three new floors, resulting in three, 2 bedroom units. Additionally, there will be room for three parking spaces in the rear of the building. Finally, the Applicant will be constructing a small pocket type gathering area to the east of the building which will be open to the occupants as well as the public. This added and improved open space/gathering area will lend to the community feeling of the downtown area. The foregoing multifamily use is permitted by Special Permit in the CBD pursuant to Section V of the AZB and Section XI.J. This special permit is granted from this Board pursuant to both sections V and XI.J of the AZB. The Application also triggers Site Plan Review pursuant to Section XI.C of the AZB.

As you can see from the plan, the Property is pre-existing non-conforming where the CBD district requires 5,000 square feet the Property includes 2,447 square feet. Further, the frontage on the Property includes 44.10 feet where 50 feet is required. The front setback is conforming at 0.2 however the rear setback is non-conforming at 8.2 where 30 feet are required. Next, the side setbacks are right side at 1.5 feet and left side at 0.2 feet where 5 feet is required. There are zero (0) conforming parking spaces existing where 3.5 are required. Please note, in the plans and dimensional information originally submitted for the pre-application conference, the existing parking spaces were listed as two (2), but it appears that the existing spaces are not compliant, though one or two cars may fit on the Property in practice. Similarly, the height was listed as 41.5 feet, but the correct height is 36.5 feet. This difference is not a result of any design changes, but rather a calculation error. The corrected numbers are shown on the plans attached. As the Board is aware, pursuant to Footnotes 8 and 13 of the dimensional table the Board may allow modifications to the non-conforming structure on non-conforming lots where there is at least 2,000 square feet and 20 feet of frontage with which the Property complies.

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The renovation and reuse of this property does not trigger the requirement to provide affordable housing as there are less than 4 units, namely 3, being constructed.

### **SPECIAL PERMIT**

In order to pursue the project the Applicant requires a Special Permit for the Multifamily Residential Use pursuant to section X-J of the AZB in accordance with the following general criteria:

1. The requested use is listed in the table of use regulations as a special permit for which the application is made.

The use of Multifamily Residential is listed as allowable by Special Permit from the Planning Board.

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

By including the use in the table of uses the City of Amesbury has determined it to be desirable in the CBD zone. Further, the Multifamily use will increase housing availability in the CBD zone and in particular will help provide housing in the downtown area. The provision of housing in a mixed use building in the downtown will help activate the area in non-business hours and limit the amount of traffic on the streets at the same time.

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

The addition of three (3) units in the downtown where there is public parking both adjacent to the Property as well as across the street from the Property will have a nominal impact on traffic. There are sidewalks along Friend Street and throughout the downtown. As a result there will be no negative impact on pedestrian safety. Finally, the site provides for 3 parking spaces, which is three more than exists today. While the combined requirements for three units and a 900 square foot commercial space would be 8 parking spaces, the Planning Board can find that given the location of public parking in the general vicinity, there is no need to provide additional parking and the parking needs will be served by both the onsite parking and available public parking nearby.

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 general welfare.

Public water and sewer serve this site. The additional 3 units with three bedrooms each will add an additional 990 gpd to the sewer system which is nominal in light of the size of the City infrastructure. Further all stormwater will be addressed on site by continuing to maintain the drainage forward on the site as it exists today. As a result, there will be little impact on the City infrastructure. The proposed impact on city utility services will not create a hazard or negatively affect the health, safety or general welfare of any area of the city.

5. Any special regulations for the use set forth in Section XI of this bylaw are fulfilled.

The Applicant meets the Criteria set forth in Section XI-J.4 as follows:

- i. The proposal is multifamily use is located in the purposefully dense downtown and does not take up any larger footprint than exists today. There are no physical limitations preventing or unduly burdening the creation of 3 additional units. There is sufficient local parking to meet any parking demands by the Property. Given the location in the downtown there will likewise be no negative traffic impacts.
  - ii. Multifamily is permitted by Special Permit.
  - iii. The building and lot are currently nonconforming and the proposed modifications can be approved by the Planning Board under section VI.F.11. Here while the rear setback non-conformity is being intensified, that intensification is on the second floor and above and, further, the adjacent property is a City Parking Lot. There is no negative impact on existing or possible future structures in this location. Similarly, the upward extension of the sideline non-conformities are appropriate for the downtown area density and street scape. Indeed, the current one story structure is relatively out of place as compared to the remainder of the downtown which is largely 2, 3 and 4 story structures.
  - iv. The Applicant is requesting a reduction in parking requirements from eight to three given the location of adjacent public parking and parking across the street from the Property. There is an improvement over existing conditions from two to three spaces.
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 use of multifamily residential mixed use will not impair the integrity or character of the neighborhood or adjoining districts. The architectural elevations are evident of the complimentary style as regards the surrounding neighborhood, namely the more densely constructed commercial downtown. The proposed mixed use is entirely appropriate for the downtown and will not impair the district. Additionally, the Applicant is providing common area gathering space adjacent to the building where none currently exists. This will be able to be used by the public as well as the occupants of the building.

7. The requested use will not by its addition to the neighborhood cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The Mixed Use Multifamily Residential use will not cause an excess of this use in this area of the City. This use as noted above is entirely consistent with the downtown and the City's desire to be sure there is a good mix of commercial space and residential space to allow for activation of the streets even after normal business hours.

## **SITE PLAN APPROVAL**

As required in combination with the Special Permit request, the Applicant seeks Site Plan Approval pursuant to section XI-C. The Application meets the following Site Plan Review Criteria:

1. The Site Plan complies with Development and Performance Standards contained in section 8.

As you can see from the attached plan the proposal complies with the performance standards.

2. The Site Plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement with the site.

As previously discussed, the proposed parking is improved on the Property and is located at the rear, adjacent to the public parking. There is ample area for pedestrians and sidewalk access.

3. The proposed development, to the extent feasible:
  - a. Is integrated into the existing landscape
  - b. Minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas
  - c. Minimizes obstructions of scenic views from publicly accessible locations
  - d. Preserves unique natural or historic features
  - e. Minimizes tree, vegetation and soil removal and grade changes.
  - f. Maximizes open space retention
  - g. Screens objectionable features from nearby properties and roadways
  - h. Minimizes noise and odors associated with commercial. Industrial activities (not applicable)

Each of the foregoing criteria are met as you can see from the site plan. As noted earlier, the Applicant has designed the building to be consistent with the historic character of the downtown. The proposed 3 story structure is consistent with the adjacent building as well as other similarly situated buildings in the downtown.

4. The architectural design of the proposed development is in harmony with the vernacular architecture of the City.

The design is in keeping with the vernacular architecture of the downtown and is sympathetic to the scale and massing of the surrounding neighborhood.

5. The proposed development is served with adequate water supply and waste disposal systems and will not place an excessive demands on City services and infrastructure.

As noted above city water and sewer serves the site. There will be no excessive demands on those services.

6. The Site Plan shows or includes adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sediments, and to prevent changes in groundwater levels, increased run off and potential for flooding.

The plan shows that stormwater will now be managed and addressed on site.

As a result the Applicant requests the Board issue a Special Permit for Multifamily Use and Site Plan Approval for the project. Should you require any further information prior to the hearing, please let us know.

Respectfully submitted  
Newburyport Renovations, LLC  
By its Attorney,

*Lisa L. Mead*  
Lisa L. Mead

cc: Client