

Newburyport Historical Commission  
Minutes of the 2 August 2012 Meeting

**1. Call to Order**

The regularly scheduled meeting the Newburyport Historical Commission was called to order at 7:35 in the City Council Chambers, City Hall. Present: Steve Dodge, Ned McGrath, Linda Smiley, Bill Todd, and Margaret Welch. Absent: Tom Kolterjahn. In attendance: Planning Director Andy Port.

**2. Old Business**

*251 Merrimac Street (Brad Kutcher, owner)* – NHC member Kolterjahn had made a site visit with Mr. Kutcher in attendance; the notes Mr. Kolterjahn wrote re: removal of elements specified to be retained in the preservation restriction were distributed to the NHC. Mr. Kutcher spoke about his work on the main building including asbestos shingle removal. He answered the specific points in Mr. Kolterjahn's notes:

- 1) Mr. Kutcher will replicate the front door and hardware facing Merrimac for the Oakland side entrance (he had removed that door.)
- 2) He will also replace one sidelight and replicate it to replace the other lights around the door (he had replaced the original with inappropriate Georgian-style reproduction lights).
- 3) Mr. Kolterjahn noted that the columns for the Merrimac Street doorway had not been restored yet. Mr. Kutcher will have new bases fabricated with the restored columns reinforced with new structural elements.
- 4) Mr. Kutcher claimed that he had had the original wood window trim replicated. Mr. Kolterjahn noted that the replacement windows were inappropriately "blocked down" and negatively affected the building's appearance.
- 5) Mr. Kolterjahn noted that many elements including the corner trim, roof edge trim, fireplace mantles, and pediments over the door had been preserved. He commended Mr. Kutcher for preserving the interior stair case.
- 6) Mr. Kutcher will provide more photo documentation of the project.

The Planning Board had requested the NHC to re-review the project because Mr. Kutcher had returned to the PB to request an amendment to his special permit. The chair and other members conveyed to Planning Director Port that they thought that Mr. Kutcher was working in good faith to restore and repair the property. Mr. Port said the Planning Board would use this finding in its

deliberations. Mr. Kutcher said that he wanted to do the project “right” because he wished to continue to work in Newburyport and invited NHC members to visit the project.

Chair Smiley suspended the public meeting.

### **3. Public Hearing for 284 Water Street**

At 8:00 Chair Smiley opened the public hearing. Neither the owners nor their representatives were present. Through the Planning Office, the owners said that they wished to free up the property for a variety of purposes. No one spoke in favor of the demolition of the house and its outbuildings.

William Harris, 52-54 Lime Street, spoke in opposition. He was concerned that this application represented a significant precedence in that the owner was making a blanket request. He said that the purpose of the ordinance was for the owner and the NHC to work towards solutions to preserve the buildings; this application defies the ordinance’s intent. Mr. Harris would say to the ZBA when new buildings on the property were proposed that the “owners’ hands were not clean.” His research indicated that the Sears were sophisticated property owners and investors. He inquired whether it would be possible to limit the demolition permit to only this owner and to limit the length. He said that it was a “sad night for Newburyport.”

Al and Colleen Cox of 6 Shandel Drive said that it was a beautiful property and that much renovation and development had been occurring in their neighborhood.

Stephanie Niketic, 93 High Street, said that the owners’ intent seemed “unusual and wrong” to her.

Chair Smiley closed the public hearing at 8:15.

### **4. Demolition Applications (cont.)**

*284 Water Street (Herbert Sears, applicant)* – Chair Smiley said that this application was a first. Member McGrath asked whether the demolition permit stays with the original applicant. Planning Director Port said that the current demolition delay ordinance doesn’t limit the permit in time or by ownership. A discussion ensued in which William Harris suggested that the demolition permit be limited to the initial applicant and to six months. It was suggested that the NHC limit this application to only the current applicant and not beyond the regular period for demolition permits. Chair Smiley said that a similar application had been submitted (and later withdrawn) for another Water Street property. Mr. Cox said that he would not be surprised if the Sears property sold for 2.5 million. Mr. Harris said that the NHC could make comments to the ZBA about uses for properties whose historic buildings have been removed; NHC member Welch said that, because such review was not mandatory, it would be inconsistent. NHC member Todd thanked the audience for their comments.

Chair Smiley make the following motion: 1) that the one-year delay be imposed, 2) that the demolition permit be limited to this owner and that it not extend beyond that time allowable for demolition permits, and 3) that if one part of this order is unenforceable, the other part would remain valid. The NHC approved the motion (5 yes, 1 absent).

Members and the Planning Director had a general discussion about revising the demolition delay ordinance.

## **7. Review of Minutes**

The NHC accepted the minutes of 19 July (5 yes, 1 absent).