

**City of Newburyport  
Planning Board  
November 16, 2016**

The meeting was called to order at 7:03 PM.

**1. Roll Call**

In attendance: James Brugger, Sue Grolnic Joe Lamb, Jim McCarthy, Leah McGavern, Bonnie Sontag, and Mary Jo Verde

Absent: Andrew Shapiro and Don Walters. Sue Grolnic left at 7:09 PM.

Andrew Port, Director of Planning and Development was also present

**2. General Business**

Vice Chair Sontag officiated. The board thanked Sue Grolnic for her 12 years of service.

- a) The minutes of 10/19/16 were approved. Mary Jo Verde made a motion to approve the minutes. Joe Lamb seconded the motion and all members voted in favor.

**Motion Approved.**

*During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.*

- b) The minutes of 11/2/16 were approved as amended. Chairman McCarthy made a motion to approve the minutes. Joe Lamb seconded the motion and all members voted in favor.

**Motion Approved.**

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- c) ***Endorse ANRs***

Mylars and documents were signed for 18 Boyd Drive and 14 North Atkinson Street.

### **3. Old Business**

- a) Harris Street Six Realty Trust, Mark L. Janos, Trustee  
6 Harris Street  
DOD Special Permit (2016-SP-06)  
Continued from 11/2/16*

Attorney Mark Janos had consulted the Newburyport Historical Commission (NHC) and The Newburyport Historic Preservation Trust about restoring the unique details of the permanent vestibule as closely as possible to the original design. Vestibule details included roping, beading, dental work, and curvatures. He presented a 1984 photograph of the building to establish the vestibule's condition when he purchased the house and before previous vestibule repairs were made. Benjamin Prokop, private contractor, 22 Mount Vernon Street, Haverhill presented a sketch of the proposed restoration. Two original sidepieces with four glass panels each enclosed the vestibule framework that was nailed into two front columns. New sidepieces had three glass panels to be set back from the columns that bore pockmarks from nails attaching the enclosure's frame. The original, off-center door would be re-centered. Custom-made nine-inch sidelights with full glass were to be added to both sides of the front door. There were 15 total glass pieces. Existing glass panels would be re-used, as possible. The cracked floor would be repaired.

Repairing the original column on the left was challenging and necessitated two-stages of work. Stage one would enclose vestibule to protect the interior professional office against cold rain and winter wind. It was unknown how long it would take to find a skilled craftsman and determine the expense for repairing or replacing the unique, beaded column. Mr. Janos would come before the board in the spring for the column repair. The oldest pictures of the building showed the same columns as the 1984 photograph. An earlier repair replaced one original column on the right with a fluted column of composite material. He had not known at the time that preservation was preferable. The enclosure's framework was sufficient support for the pediment and columns until the second stage of work began.

Board members said the drawing showed a different door, was not to scale, and did not include any of the verbal details. Would molding be removed? Mr. Prokop said the rotting molding would be rebuilt. Director Port requested accurate drawings to scale. Members requested verbal notations on the drawing per application instructions. Restoration would be to the original design. The NHC condition specifying replication of the Moses Brown House vestibule would be removed. Stage one renovations included the pediments, dental work, and all other architectural details except the columns. The board would provide specific conditions for columns.

Public comment open.

Tom Kolterjahn, 64 Federal Street, co-president, Newburyport Preservation Trust, supported restoration to the original and requested clear conditions for moving forward.

Stephanie Niketic, 93 High Street, said a land use attorney serving Newburyport citizens should know he owned a building in the DOD. She did not agree with any approval based on incomplete, inaccurate drawings where the board was expected to provide conditions to cover

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missing application requirements. Was there a way to get measurements on the plans? Members responded that conditions would be highly specific. The Planning Office would sign off on completed drawings. Ms. Niketic said the public would not have the opportunity to see the plans. The NHC had approved plans for a Warren Street project after public hearings closed. Abutters were surprised when the finished project did not match what was shown in public meetings.

Members supported Ms. Niketic's concerns. Samples of completed applications were on display in the Planning Office and detailed plans had been requested at the last meeting. The applicant should have met requirements for the public hearing. Public accountability was important for a board in an historic city with unique processes. Subsidizing the process to rectify an incomplete application was awkward. However, work should get underway before winter and the project was small in scope. Chairman McCarthy said the imperative of accurate, completed plans prevented winging it in the field. The board had not reviewed architecture of such inestimable detail before tonight. Director Port would post samples of completed applications in the Fruit Street Historic District for future reference.

An issue was the composite material column. Members were open to protective, durable material that looked like wood. Director Port said appearance and finish were more important than material. Manufacturing processes did not always achieve the right appearance. A sample would be needed. Members said the NHC Report was advisory only. Attorney Janos confirmed no composite would be used in the vestibule. Chairman McCarthy said material seen at the pedestrian level was important. A material's finish was noticeable at a 20-foot distance. Newburyport doors were unique and this vestibule's artistry combined different elements that did not fit the five classical orders of doorways. Members could continue without prejudice until appropriate drawings were submitted or approve with specific conditions. Members agreed to approve with conditions. The Planning Office would approve final plans. Mr. Prokop said he would submit plans to scale on November 28<sup>th</sup>.

Mr. Kolterjahn said the original columns, probably Greek Revival in design, were replaced with beaded columns. He preferred replicating the existing beaded column that was so rare there might not be another example anywhere in Newburyport. His second choice was to replicate fluted Federal columns.

Public comment closed.

Members reviewed all NHC conditions. Revised conditions were established as follows:

Vestibule and Interior

- Vestibule shall be restored in accordance with drawings provided and conditions set forth.
- Vestibule shall be secured before inclement winter weather arrives. If interior work is unfinished by winter, painted white plywood shall enclose the vestibule until work resumes in spring 2017, when plywood will be removed.
- Restore or replace all interior architectural details per exhibits using wood, unless the Planning Director approved a non-reflective, matte finished composite material.
- Re-use the original door.
- Re-use original glass where possible. No reflective or tinted glass shall be used.

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- If unable to comply with all conditions, a request for modification shall be submitted with reasons why conditions could not be met and a description of proposed repairs.

Columns

- The original left column shall be restored. Replication using wood required approval by the Planning Director with a written explanation of the column's condition.
- The right column (previously removed) shall be replicated with wood to match the original existing left column.
- Both columns, whether restored or replaced, shall be identical in design, detail, and scale to the previously existing original columns.
- Use of composite materials for replication/replacement of columns shall be a Major Modification subject to Planning Board approval with a fully re-advertised public hearing. The board may approve the use of composite material so long as material is non-reflective with a matte finish.
- The previously installed replacement Permacast column on the right shall be removed after construction of the vestibule is complete. The column does not comply with existing conditions since it is not identical in design or detail to the original columns.
- If the original left side column is unable to be restored and must be replaced, the column and associated parts shall be donated to the City of Newburyport or a local historic/preservation/education entity such as The Newburyport Preservation Trust or The Historical Society of Old Newbury.

Mary Jo Verde made a motion to approve the DOD Special Permit as per conditions. Leah McGavern seconded the motion and all members voted in favor.

**Motion Approved.**

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**4. Planning Office/Subcommittees/Discussion**

***a) 29-35 Storey Avenue – update on site plan modification***

Director Port said a subdivision site plan for a mixed-use building in the Port Plaza area between Wendy's and McDonald's was approved in 2007. Modified plans submitted in 2014 did not meet site plan approval criteria and were not approved. The applicant refused any changes; Director Port disagreed. The court decided the City could not press for further changes now that front and rear parking was provided. The court approved plan is essentially the same 2007 plan. Conditions in the initial filing were poorly written and today's site plan criteria could not be applied. Limited jurisdiction for review of the modified plan required a planning director review instead of the board. Many of today's board members were not present at that time. He showed a

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colored overlay of the new modified plan against the old 2007 plan. The modified plan was entitled to a rubber stamp approval by Director Port. Attorney Lisa Mead, 30 Green Street, said a big change was the removal of the drive through. The building was also shifted west 8-10 feet.

*b) Updates*

The Merrimack Ale House relative to signal lights upgrades, a MINCO presentation on 20-30 residential rental units behind Michael's Harborside, the parking garage, and the City's Master Plan presentation were discussed.

**5. Adjournment**

James Brugger made a motion to adjourn. Leah McGavern seconded the motion and all members voted in favor.

The meeting adjourned at 8:59 PM.

Respectfully submitted -- Linda Guthrie