

**City of Newburyport
Planning Board
November 2, 2022**

The meeting was called to order at 7:01 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Bob Koups, Jamie Pennington, Heather Rogers, Bonnie Sontag, Rick Taintor and Don Walters

Planning Board Attendance – Remote: Beth DeLisle and Richard Yeager

Planning Director Andy Port and note taker Caitlyn Marshall were also present.

2. Public Hearings

- a) Beth and Christopher Calitri c/o Lisa Mead, Mead, Talerman & Costa LLC
6 Washington Street
Special Permit (PBSP-22-8)
Continued from 10/19/22***

Attorney Lisa Mead represented the Calitris. Architect Kevin Latady of Latady Design was also present. Attorney Mead stated the Calitris would like to add 139 square foot mudroom to the home. She presented historical information about the property. Attorney Mead stated they believe the home was built 1857/1858 based on the mortgage. The lot was from the trustees of John Greenleaf's estate. Attorney Mead then showed Sanborn maps. She then reviewed Form B and showed images of other 18th and 19th century homes in the neighborhood. An addition on the back of the house was added in 2004. The 139 square foot mudroom would be on the easterly side of the property. Their intention is to remove the steps, overhang, and trash area. The door and brackets will be reused. The vinyl window will be replaced with a proper wood framed window. The addition will be built over the existing exterior wall. The quoins on the corner will be preserved in the addition, so if someone decided to remove this addition in the future it will be in the same condition. The addition will have new stairs.

Kevin Latady then showed the demo drawings to show what would be removed. He then showed the elevations and stated that the addition does not detract from the original structure. He stated that Beth Calitri wanted a cleaner look. He said the windows would match the original windows. He said the Historical Commission was concerned about destroying the original elements. He said keeping the original elements exposed on the interior would protect and preserve them.

Attorney Mead showed a report of the window that will be changed. She stated that there are two forms of criteria that need to be met, X-H.7 special permit criteria and the DOD criteria. She stated that the owners met these criteria. Block siding and quoins will be preserved. The addition is set back from the front of the original structure. She addressed the comment from the Historic Commission to the location of the addition on the house. The applicant contemplated some of the changes the Historic Commission suggested except for the location, but decided it

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was important to keep the integrity of the addition separate from the original structure. It is not possible to put the mudroom in the rear of the structure. She referred the board to XXVIII F5 of the ordinance. Attorney Mead then showed similar homes with similar additions of similar size and locations. In summary, the addition meets the requirements of the DOD and complements the existing historical structure and can be removed without damaging the historical structure. She said she feels the addition not only meets the DOD criteria, but also meets the requirements of the Secretary of the Interior Standards. Attorney Mead finally addressed the fence being proposed. She said the fence will be made of mahogany and has horizontal members. She said the four-foot fence does not take away from the view of the house. She asked that the board grant the DOD special permit for the construction of this addition. They also have collected four letters of support from neighbors and one letter from the Preservation Trust.

Bonnie Sontag asked if any board members had specific questions that came up from the presentation.

Richard Yeager had a couple of questions. He asked to bring up the proposed floor plan. He stated the addition was flush to the back elevation. He was curious about how a weather tight seal would work with the quoining in the corner where the addition will touch the existing structure.

Kevin Latady responded that there would be flashing sealant. It could be pulled back two or three inches.

Attorney Mead stated the quoining does not wrap the corner. The back corner quoining was removed in the past.

Richard Yeager stated his concern how well that will hold up over time. He suggested the addition not be flush to the back elevation. His second question was if a different base material was considered that would be more sympathetic to the granite base.

Kevin Latady responded that different base materials were considered. He said Beth liked the cleaner look, which is why they are keeping the siding all the way down.

Public Comment Opened

No comments.

Public Comment Closed

Bonnie Sontag asked board members for further comments and questions.

Jamie Pennington said he was glad Richard Yeager brought up those points, but he thought it was a great comprehensive application. He thought it was pretty neat and supported the application.

Bob Koup echoed those thoughts. He had a question about the corner detail with the quoining. He wondered if there was a solution that pushed the rear wall back and cleared the quoining. That would help avoid weather issues. Going back six inches would close around the part of the house without the historic detail.

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Kevin Latady agrees that would be a clean solution and would communicate that with the client.

Bob Koup's second question was about the proportion of the new windows relative to the existing windows.

Kevin Latady said it was driven by interior function. He said there were benches and cubbies.

Alden Clark does not think that the addition complements the historic structure. He said the foundation and the issue with the window are not complementary.

Rick Taintor was also concerned about the base. He thinks the addition contrasts with the existing building. The brackets look odd to him. He said the addition feels busy to him. He said it seems to be too different.

Bonnie Sontag said the applicant has conformed to the ordinance of having a contemporary addition on an historic building. She said she feels very strongly about the brackets and that they look out of place. They do not hold anything up. Why would the brackets be sitting outside that one window and not over the door?

Kevin Latady responded that the intent was to bring the same overhang look as the original structure. He loves to repurpose old parts of buildings. Do we mimic the head casing over the window? If we do that we can't put the half bracket there. He said they originally had a third bracket for over the door.

Bonnie Sontag stated this addition is very visible from Washington Street and why she thinks it is important. She said they look unnatural. Can they be put around the door?

Kevin Latady said the brackets could be eliminated.

Bonnie Sontag asked that if they eliminate the brackets that they be kept in a safe place.

Beth Calitri said if the addition mimicked the main house, it would detract from the historic structure. The mudroom should be an opportunity to show that the building can mature with the times. The granite foundation was considered but it mimicked the home.

Don Walters made a minor comment about the site plan. He asked why the site plan showed the HVAC units on the other side of the house in red, which looked like they were new.

Beth Calitri stated that those HVAC units existed.

Beth DeLisle said she had mixed emotions about removing the brackets altogether. She said she thinks they do look out of scale. She was wondering if they could be kept but not look so out of scale. Her second comment was about the mahogany wood siding on the addition. She asked if it would be stained or a natural finish. She said the addition was jarring and did not complement the historic structure.

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Kevin Latady said the mahogany would be natural. The house is green, but that color will change, as the house needs painting. He is unsure of the color the house will be painted.

Attorney Mead then reminded the board that paint colors are exempt.

Bonnie Sontag said that the mahogany wood would match the front door. She said the brackets look like they are hanging in space. She thinks it would be nice to work them into a design over the door of the addition in the same way they are right now in the house. She thinks the brackets over the door and window are too close.

Kevin Latady said the brackets could be removed.

Bonnie Sontag wanted to do a poll on brackets.

Bob Koup then made a comment. He thinks there are two issues with the brackets. Fundamentally there is an issue of scale and that they are really large. They are in a different location compared to the original location. He said an alternative solution is to replicate smaller brackets to support the roof overhang, make a modern interpretation at an appropriate scale.

Attorney Mead said the client's preference is to not have the brackets at all, rather than replicating them.

Jamie Pennington said it looks clean and he agrees with the decision about the base. He is indifferent about the brackets. He does not have a strong opinion about keeping or removing the brackets.

Richard Yeager asked if the board were to approve the application, is there a way to make it so staff can review details or do site visits.

Bonnie Sontag said that what the board wants must be in writing and the clients need to follow. Any alterations that are unanticipated need to come back to the board for a minor modification of the decision.

Attorney Mead said that these plans are incredibly detailed.

Director Port said that staff couldn't provide direction and the decision needs to be clear.

Attorney Mead suggested that applicant could construct like this and if they decide to move the addition back six inches to rear that needs to be approved by the Office of Planning and Development before construction.

Bonnie Sontag said there would be a condition that if the applicant decided to move the addition back six inches to the rear that the applicant would need to come back to the Office of Planning and Development to approve the move. No minor modification would be needed. She asked if removing the brackets would be okay with everyone on the board. With no outstanding issues she wanted to review the staff report with the DOD special permit draft findings. She

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clarified that the bullet number five referred to the four-foot fence. She asked if anyone felt that there needed to be further discussion about the findings.

Don Walters said that bullet number three should read no parking would be impacted as compared like to the wording to “anticipated”.

Director Port said he would incorporate some of the details from the presentation into the findings for the decision.

Bonnie Sontag wanted to put in special conditions. One would be to remove the brackets. The second would be that the applicant could build the rear wall of the addition six inches to the North with the approval of the detail approved by the Office of Planning and Development.

Bob Koup had a question about drainage from the roof.

Kevin Latady said the idea is to integrate the gutter into the fascia and it would go to the back. The fascia is all wood and the gutter would be lined.

Bonnie Sontag stated she needed a motion to incorporate the changes to the findings and identify the two special conditions.

Don Walters made a motion to approve the DOD special permit for 6 Washington Street, incorporating the findings and conditions reviewed on November 2, 2022 and as modified by the Planning Board. Jamie Pennington seconded the motion. Seven members voted in favor. Alden Clark and Richard Yeager voted against.

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) Joppa Design, Inc.
8 Fair Street
Special Permit for Non-Conformities (PBNC-22-3)***

Jivonne Alley, co-owner of Joppa Design Inc., and homeowner Tasha Cough asked for permission to construct a small addition in the rear of the existing non-conforming structure. Jivonne stated that the home is in the B2 district. They were directed by the Zoning Administrator to base the zoning dimensional standards on the B3 district since there are no standards for single family homes in B2. The structure is non-compliant for lot area, frontage, lot coverage, front set back, side A set setback, side B setback, and rear setback. She also said there is no parking on the property. They would like to extend the existing one story bump out on the back of the house that has structural issues and reconfigure and extend out 15 square feet. The existing main house would stay intact. They want to maintain a powder room and a garden

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entry into their yard. It is not visible from any street or public way. They have three letters of support from neighbors. This project would not add any additional traffic congestion or impair pedestrian safety. It is not a substantial improvement so the DOD criteria are not applicable.

Public Comment Open

No comments.

Public Comment Closed

Bonnie Sontag asked if the board had any comments or questions for the applicant.

Richard Yeager said he likes the solution.

Alden Clark made a motion to approve the special permit for 8 Fair Street. Rick Taintor seconded the motion. Nine 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.

3. General Business

a) Approval not required – 55 Marlboro Street (ANR-22-4)

Director Port said that this approval not required plan would be conveying or swapping a piece of backland. This lot is a long lot. The back piece being conveyed, approval not required, has no need to create a new roadway with the change. The board would be endorsing this allowing this piece of land to be conveyed not as a buildable lot by itself. Lot B is being conveyed to the abutting property on Reilly Street.

Kristin Sherman of 55 Marlboro Street said they would be essentially cutting that piece off, which neighbors have just been putting leaves there. It is helpful to her and helpful to the neighbors since their yard is small. You cannot access it by any roadways.

Bob Koup made a motion to endorse the approval not required plan for 55 Marlboro Street. Richard Yeager seconded the motion. Nine members voted in favor.

Motion Approved.

b) Request for minor modification – 2-6 Market Street (MM-22-32)

Bonnie Sontag said the applicant is requesting an extension to the deadline for recording public access easement to allow occupancy of the first two units.

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Director Port introduced Matt Langis, the architect. Matt said they ended up pulling the building back a couple of feet to widen the sidewalk. The special permit that was approved required the easement to happen before an occupancy permit was granted. He said that was a major miss on the client's part and his part. The minor modification is to extend that sidewalk easement deadline to approximately one month from now. That will potentially allow two occupancy permits and allow enough time for the easement to process. The client's plan would be for the future leases to take effect only after the easement is processed. They would like to get these two tenants in as a partial occupancy situation.

Director Port noted the City Council referred this to committee. He expects the Council would be able to approve at the next meeting. He is concerned about pushing that date out since there are occupancies that are withheld until completed. He does not see this as a significant issue since there is leverage to get that done.

Rick Taintor had a question about the applicant's mention that occupancy permits have already been issued.

Director Port stated he was not able to answer that and would need to circle back tomorrow.

Matt Langis said that could have been misinformation on his end. He is asking this in order to get partial occupancy and he has not received any sort of occupancy permit thus far.

Rick Taintor suggested a change to the proposed wording. He would say "prior to the issuance of occupancy permit for the third residential unit".

Jamie Pennington asked the applicant if that takes care of all people who signed residential leases. He wants to avoid this happening again.

Matt Langis said two people had signed leases with the owner under the assumption there would be an occupancy permit. This would be only for those two units. Any unit after this would be conditioned to having the sidewalk easement fully worked out.

Jamie Pennington made a motion to consider the request minor and approve it as minor modification with the changes this evening for 2 – 6 Market Street. Alden Clark seconded the motion. Nine members voted in favor.

Motion Approved.

c) Approval of minutes

Alden Clark made a motion to approve the minutes of 10/19/22 as modified. Rick Taintor seconded the motion, and all eight members voted in favor. Heather Rogers abstained because she was absent for that meeting.

d) Other updates from the Chair or Planning Director

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- 2-6 Market Street (MM-22-33)

Director Port stated that the team was trying to wrap up details for 2-6 Market Street. Issues came up with the parking. A modification request would be coming in a future meeting. The applicant was not able to construct the lift parking spaces. Special permit would need to be modified. The applicant would pay into the ITIF fund.

Matt Langis spoke to the spot grades. A civil engineer came out to measure the grades.. The grade is challenging for the parking.

Bonnie Sontag said the applicant should only come in with a major modification to avoid having to come before the board more than once.

Matt Langis said they will be requesting a change requiring additional parking, which would be addressed by payment into the ITIF fund. He understands it will be a major modification.

Director Port said the major modification would require a public hearing. They will be able to confirm the date of the hearing once the application is submitted.

Rick Taintor said there is a site plan issue and parking issue. He suggested a civil engineer should confirm that the parking is impossible with the grades and that there are no alternate lift products that will work.

Director Port said that adding a mezzanine space further complicates the fact that the applicant is not providing parking on site.

Don Walters asked for clarification that when the public notice goes out do you plan on saying there is a modification? The plan is to eliminate up to five approved on site parking spaces.

Bonnie Sontag asked for any other updates from anyone. Jamie Pennington stated he would not be at the next meeting.

Director Port stated he is still finalizing the proposed amendment to adjust Planning Board membership which will be sponsored and submitted to City Council in the near future. Director Port referenced some minor adjustments to the zoning code that he will propose for Council consideration.

5. Adjournment

Don Walters made a motion to adjourn. Alden Clark seconded the motion, and all members voted in favor.

Motion Approved.

Meeting adjourned at 8:54 PM

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Respectfully submitted – Caitlyn Marshall