

**City of Newburyport  
Planning Board  
September 7, 2016  
Minutes**

The meeting was called to order at 7:04 PM.

**1. Roll Call**

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

Andrew Port, Director of Planning and Development, was also present.

**2. General Business**

- a) Bonnie Sontag made a motion to amend the final minutes for 7/20/16. Sue Grolnic seconded and six members voted in favor. Joe Lamb, Mary Jo Verde, and Leah McGavern abstained.

**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 8/17/16 were approved as amended. Bonnie Sontag made a motion to approve the minutes. Don Walters seconded the motion and seven members voted in favor. Joe Lamb and James Brugger abstained.

**Motion Approved.**

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**3. Old Business**

- a) ***New England Development  
83 Merrimac Street and 90 Pleasant Street  
Definitive Subdivision (2014-DEF-02)  
Continued from 4/6/16***

Don Walters made a motion to continue the Definitive Subdivision to February 15<sup>th</sup>, 2017. James Brugger seconded the motion and all members voted in favor.

**Motions Approved.**

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**4. New Business**

- a) Aileen Graf, Graf Architects for Doris and Paul Grillo  
11 Center Street  
DOD Special Permit (2016-SP-04)***

Andrew Shapiro read the notice. Chairman McCarthy said the board would need to find that the project was compatible to surroundings, that features were acceptable, and the work reversible.

Aileen Graf, Graf Architects, 2 Liberty Street, said the 1880s workman's cottage, roughly 18 feet wide with a mean height of 17.3 feet, was positioned tight to the property lines with zero set backs. The Newburyport Historical Commission (NHC) had accepted second story shed dormers to provide sufficient headroom. They were stepped in and below the ridge height to preserve original roof details. The rear addition, stepped in one foot from each side, would not compete with the original structure. Both six-over-six divided light and awning windows would be used.

Member comments: What year was the one-story addition built? Ms. Graf did not know. Was there any deliberation for demolishing a possibly historic structure? The NHC did not believe the addition was a contributing factor to historic nature of structure. Ms. Graf agreed. Were there 3D renderings, as recommended by the NHC? Ms. Graf said no. Director Port distributed the NHC Advisory Report and said Sarah White, NHC chair, recommended approval. The request for a 3D rendering was from the NHC minutes. The Advisory Report superseded the minutes. Members said the report was advisory only and the board would make its own decision. A submission of 3D renderings was open for discussion. Was there anything to be reused or restored? Nothing but the lintels was original. Ms. Graf said the majority of the house would remain in tact. One side of the house had been re-sided this past spring due to water damage. The only changes in the original structure were the dormers. Would windows in the original structure remain? Ms. Graf said the original windows could change, but there was no commitment to do so now. Chairman McCarthy did not know which windows were referred to in the Advisory Report. Would composite boards be used? Ms. Graf said no. Would divided or simulated lights be used? Ms. Graf was undecided. How was parking accessed? Ms. Graf would submit a site plan. Many boilerplate recommendations seemed to be nonapplicable. Director Port agreed. Chairman McCarthy said the report suggested 'all the wood on the outside' included the trim. The report did not specify divided lights, but the board would condition that. The 3D rendering requirement was waived. Did re-siding require approval? Director Port said ordinary repair and replacement of materials in kind did not need approval. Ms. Graf said the repair work was in kind. Members said elevations appeared to show changes greater than 50% of the entire structure. Director Port said that condition should be modified slightly. Ms. White may not have intended to include it.

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Ms. Graf said the NHC preferred changes to be 50% or less. The additions were reduced somewhat, but the interior spatial needs could not be further reduced. The NHC had supported the need for space and did not push to maintain the 50% condition.

Public comment open.

Stephanie Niketic, 73 High Street, said the building was dated differently as 1845-1880s and listed as Contributory to the National Historic District. The Advisory Report had not been made available to the public yet. The NHC had voted to recommend the plan, but deliberations and voting were not easy. An NHC member said buyers should purchase homes of a size that met their needs. The house was bought in November 2015. The dormers distracted from a key aspect of the structure. Small buildings were an integral part of Newburyport's historic fabric. Changes increased the building's size by 30%. The building's roofline and profile should be maintained. Guidance recently submitted to ZBA said, "if any dormers will be approved, doghouse dormers would be more appropriate for this building."

David Brown, 9 Center Street, abutter, said there was an easement with the driveway. Was a site survey done for the property? Ms. Graf said yes. She would submit the survey.

Public comment closed.

Discussion was suspended temporarily while the applicant reviewed the NHC Advisory Report.

***b) Ted Nelson  
190 High Street  
VI.C Special Permit (2016-SP-05)***

Andrew Shapiro read the notice. Ted Nelson had owned the 1803 two-family Federal house for over 20 years. The large property included a Georgian addition and historic gardens. The 3,000 square foot carriage house was historically restored about 12 years ago. He wanted to rent the house and live in the carriage house long term. He met with the NHC and would obtain a Preservation Restriction at their request. The ZBA approved a special permit with modifications on parking. Parking proposed for the back was moved to the right of the house to preserve rear access to the gardens. Left side parking was 10 feet wide; right side parking was 17 feet wide and required a curb cut. There were no modifications to the façade.

Chairman McCarthy said permitting multiple residential structures on one lot was a privilege. The board could attach conditions with a special permit. The applicant could offer historic preservation, open space, or affordable housing in consideration for the special permit. Under the zoning code, the applicant could request an in-law apartment only if his in-laws lived there. That was a flaw in the code. Proposed was a preservation restriction on the carriage house.

Member comments: If the two structures could be sold separately they would take on a life of their own. The owner proposed keeping control of the whole property. Chairman McCarthy said if the board granted the permit, the main house would become a separate entity from the carriage house. Was the applicant clear that to sell just one structure, more documentation to make the

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structures condos was required? Mr. Nelson said that was not his intention. Members wondered whether Mr. Nelson could sell the properties as a whole if he chose to submit condo documents? Could he remain in control of the entire property? Chairman McCarthy said the historic significance of the two structures was their relationship to each other and the gardens. Director Port said the issue was how the City would keep the structures and gardens historically related to each other. Members said the board should consider a preservation restriction on the exterior of the main house as well as protection against what could happen in the future. Chairman McCarthy said proposed was a preservation restriction only for the front façade of the exterior of the carriage house. The board was concerned for the whole. Members agreed. Anything visible from the street affected a viewscape that should be preserved. Members suggested a restriction on both properties and a special permit condition that prevented changing anything on the lot without coming back before the board. Members asked about how the gardens would be used?

Mr. Nelson said renters would be able to use the gardens. He had been told he had to specify sections of the garden for each tenant. The math supported preserving the entire property. There was no financial motive for selling, but until he received approval, his only option was to sell. To date, he had preserved every detail of the structures and gardens. He might consider installing a pool at a future time. The Washington Street property was a separate deed that would remain separate, as storage. Members said the preservation restriction dealt with what could be seen on the structures from the street. Was the intent long-term or short-term rental? Mr. Nelson said long-term, of at least two years. Director Port asked if the applicant was comfortable with restrictions on both structures as a condition? Mr. Nelson was open but would rather not. Members said the Section VI.C was in perpetuity, it did not matter who the owner was. Both restrictions were needed to maintain the historic value of the property as a whole.

Public comment open.

Bill Harris, 56 Lime Street, said a restriction only on the façade that faces the public way would give the owner, who would be eligible for income tax reduction, some flexibility.

Public comment closed.

Director Port said a local preservation restriction expired after 30 years. A state preservation restriction from the Massachusetts Historical Commission was in perpetuity. The City wanted the restriction to be permanent. All members favored restrictions on both structures. Chairman McCarthy said the applicant was responsible for submitting the paperwork. A state application was lengthier and more detailed. Director Port said there could be some and back and forth and the process could take two weeks or a month. He gave Mr. Nelson the form. Mr. Nelson asked if the restriction was for the front of the house or the side also? He wanted the option to build a deck off the back of the carriage house to better see the gardens and hoped the restriction was only on the front. An angled staircase off the side deck may need to be shifted for the parking before the restriction went through. Members would not make a decision tonight on which sides of the structure would be restricted. Chairman McCarthy thought the NHC should provide a list of features they wanted to preserve. Director Port explained the process. An NHC recommendation was needed before a decision could be made. Kate Newhall-Smith, Planning Office, would advise the applicant on how to proceed. The local historical commission would

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weigh in and help the applicant put materials together for the process. The state could make modifications and comment on what was being preserved. Chairman McCarthy suggested Mr. Nelson look at what the state process entailed before making a commitment to work with the NHC on the Form B process. Members agreed to wait for NHC input. The board would make a decision before the application process completed. Mr. Nelson would work with Ms. Newhall-Smith on the NHC site visit. NHC recommendations would be ready for the next board meeting.

Leah McGavern made a motion to continue the Special Permit to September 21<sup>st</sup>. Andrew Shapiro seconded and all members voted in favor.

**Motion Approved.**

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**c) Aileen Graf, Graf Architects for Doris and Paul Grillo (continued)**  
**11 Center Street**  
**DOD Special Permit (2016-SP-04)**

Discussion resumed at 8:24 PM. Members considered true versus simulated divided lights with a grill on the exterior only. Simulated was acceptable to the NHC for energy efficiency. The list of conditions was reviewed. Chairman McCarthy said condition #1 was standard on any special permit. Condition #2: an as-built should be submitted to the Building Department to show it was substantially built as approved; Condition #3: the applicant should use wood siding. Condition #4 retained existing historic windows. The NHC should list specific windows. The board assumed all windows would be replaced, with wood the provision, with six-over-six simulated divided lights, except dormers, which would be awning windows. Ms. Graf said the previous owner replaced all windows in 1997. Was condition #5 an exception to condition #9? Were there issues meeting fire code? Ms. Graf said no. Condition #6: no synthetic or composite material shall be used. That indicated all trim should be wood. Chairman McCarthy said a window size change in the field would be a substantial modification. The board should change Condition #7: shed dormers shall not exceed 50% of the length of the roof plane. Members suggested deleting Condition #7 and adding a condition that the applicant would comply with all conditions. Condition #8: the site would not be left open to the elements during off-hours.

The board found plans compatible with surroundings, materials were compatible, and changes were reversible. DOD requirements were met. Members said the sketch did not provide the interior living space details or the incremental space of doghouse dormers versus shed dormers. The modest structure was well suited to the way changes were proposed. Doghouse dormers would make the dormers look bigger than they were. Ms. Niketic said the Advisory Report had been prepared with input from two architects. Dormers were not discussed at the meetings because the members wanted no dormers on the building at all, preferring a subsidiary addition on the back. Chairman McCarthy said if the NHC had sent the board something that matched or had been coordinated with the Newburyport Preservation Trust comments, the board would be

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able to consider the comments more fully. The NHC had not made a direct suggestion about which windows or staircases to keep. The NHC had not said do not build dormers.

Director Port said the latest comments on sidewalks and trees from Ms. Newhall Smith, Planning Office indicated no trees were necessary, but sidewalks needed repair. The board was required to take the ordinance into account in the decision making process. Boilerplate language should be added to the decision about complying with the ordinance. A substantial rehab of over 50% of the value of the property triggered the new regulation. The cost of improvements was unknown in this case. The Building Commissioner would tell the applicant whether sidewalk improvements were required based on the cost. Members agreed to add language that the requirement to improve sidewalks was determined by the building commissioner.

James Brugger made a motion to approve the Special Permit. Sue Grolnic seconded and all members voted in favor.

**Motion Approved.**

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**5. Planning Office/Subcommittees/Discussion**

*a) Updates*

The Mass Works grants, NED, Waterfront West, the parking garage, Towle building windows on the 1790 house, and Evergreen Golf Course were discussed.

**6. Adjournment**

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

The meeting adjourned at 8:56 PM.

Respectfully submitted -- Linda Guthrie