

Fruit Street Local Historic District Commission  
Meeting Minutes – August 11, 2022  
Senior Community Center Board Room

The meeting was called to order at 5:05 PM

**1. Roll Call**

Present: Kevin Wallace, Maurice Southworth, Aileen Graf, Bonnie Sontag

Absent: Joe Carper

Maurice welcomed Jim and Tina Kerkam, new owners of 24 Prospect, to the LHD.

Maurice announced that the Commission would consider correspondence relating to 16-18 Fruit Street as the first order of business.

**2. Correspondence/Communications, part 1**

Tara Cederholm, 20 Fruit Street, wrote a letter to the Commission citing an outstanding compliance issue with a Certificate of Appropriateness issued to Balmoral Development, March 21, 2019. The proposed low wood fence between existing granite posts in front of 16-18 Fruit Street has not been constructed. In the meantime, both properties have been sold to new owners. Ms. Cederholm asked the Commission to review the situation and take action to rectify the non-compliance.

Maurice stated that it is the duty of the Commission to look into an issue of non-compliance; he read out loud the section of the ordinance that addresses enforcement.

Jodie Noyes, representing the current owners, stated that they have lived in their homes at 16 and 18 Fruit St. for almost three years. The developer has met most of the requirements laid out by the Commission's decision and has promised to construct the fence. However, the developer has not been responsive to her recent requests to do so. She asked if the issue of non-compliance lies with the prior or current owner(s).

The Planning Office – Director and the Planner – wrote that it's the current owners' responsibility to resolve the issue, either by getting the prior owner to do the work or to do it themselves.

Tara reminded everyone that they live in a designated local historic district (LHD) with certain requirements regarding external features. She has made two prior requests to the Commission to address this issue of non-compliance. She would like to see the shutters replaced but notes they were not included in the Certificate.

Jodie said that she has asked Balmoral to at least replace the shutters on the front of the structure.

Maurice said that in March 2019, the Commission approved one granite post be moved and approved construction of the fence. He knows that Jodie Noyes and Carmen Ochoa have been working to get the fence installed by the developer. He personally does not think it's fair to ask them to put up the fence. The Building Commissioner is the enforcement officer for the LHD, as designated by the LHD Commission.

Kevin offered to speak with the Building Commission to enforce the Certificate of Appropriateness condition with Balmoral.

Aileen has worked professionally with Balmoral and will speak to them about meeting their commitment.

Tara would like the Commission to respond to her in writing, as required by the ordinance. Maurice will do so.

All agreed that the Commission will meet on September 8, 7:00 PM, location to be determined, to follow up on this issue.

### **3. New Business**

#### **6 Fruit St., Michael Sales & Anita Savage**

Maurice stated that they would like to remove the granite post between the wooden gate and the driveway in order to more easily get their car into the driveway. He notes that Jim Roy at 4 Fruit St. is supportive of the application.

Melinda Cheston, 10 Fruit St., asked for clarification of the request and then gave her support.

All Commission members agreed it would be appropriate to do this work.

Kevin made a motion to issue a Certificate of Appropriateness. Maurice seconded the motion.

All members present voted in favor. **The Motion was approved.**

#### **24 Prospect St., Jim & Tina Kerkam**

Jim Kerkam notes that all documents and photos are available online as part of the application. He said that they do not yet live in the house; they are focused on work that needs to be done on the inside so that they can move in. Their contractor raised the following issues listed in the application.

- 1) Due to wood rot, remove arbor between garage and house. Remove the second-floor arbor on south facing wall of house. (Both features not original to house.) Jim stated that they are not sure if they will replace either of the arbors.
- 2) Investigate bulge in siding below second floor right windows. It is possibly water damage from gutter failure. Correct structure and replace wood siding. At this point they still need to determine the nature and extent of the problem before determining the best course of action.

- 3) Replace rotten wood at top of roof next to dormers and at top of south corner boards. The structure has a raised hip roof and the contractor believes there may be a problem with the flashing at the base of the roof.
- 4) Inspect gutters for rot and failure. Repair/replace with same type of wood. Gutters are tin-lined. The contractor has to determine what condition the gutters are in and if they need to be replaced or simply repaired. Jim will return to the Commission if there is more than a simple repair job to be performed. For now, he is asking for permission to repair.
- 5) Replace/restore window casings removed by prior owners. Follow sizing from window casings on north side of house. This is the most challenging issue on the list. Jim cannot determine at this time if the siding was extended to cover the window casings or if the casings were trimmed. He will investigate further before asking the Commission to approve a proposed solution.
- 6) Build cricket behind south chimney to divert roof water. (Will not be seen from street due to roof height.) This issue no longer exists, as the previous owner took care of it.
- 7) Replace two front door lights with one copper box lantern at left of door. This is a more historically appropriate light fixture. (Similar to one made by Northeastern Lantern available through Newburyport Lighting)

Kevin asked for clarification: which issues require more exploration and which are ready for a decision by the Commission.

Jim said there is more work to be done on the exterior than he had originally anticipated. He appreciates the challenges of owning an old house and is prepared to do what it takes to make the appropriate repairs/replacements.

Aileen wanted to know how the Commission acknowledges the distinction between 'repair' and 'replace' as the latter requires serious consideration and specification.

Maurice explained that repair means replacing like-with-like. For example, removing the arbor which is not original to the house, is an action we can approve tonight. Other items that need to be investigated should be brought back to the Commission for a final determination.

Bonnie asked for a more specific response.

Maurice stated that the applicant should return next month and confirm actions they want to take on each item. If they find anything that needs urgent action, they should contact the Commission in writing in the interim.

### **Public Comment**

Tara Cederholm spoke about the window casings and recommended that the Commission request specific details about the materials – historic or not – before approving a repair or replacement.

Jim Kerkam asked for further clarification.

Tara was referring to use of wood and not a composite material, attention to molding profiles, and offered to share historic photos of the house with the owners. She has no objection to removing the arbors.

Maurice noted that the LHD design guidelines state that wood replacement for damaged wood is preferable for any part of the structure visible from a public way.

Stephanie Niketic, 93 High Street, has a better understanding of the application now that she has heard the explanations. She is concerned that the application documentation is not specified enough for a complete application to be submitted online in advance of the meeting. She also thinks that the Certificate should state any conditions that accompany the Certificate.

Maurice agreed about the Certificate stating conditions and ensuring dates for completion are also included in the Certificate.

Kevin would like to tighten up our process for ensuring the work is done and thinks the Building Commissioner should sign off on the work and notify the Commission about potential non-compliance with conditions of a Certificate.

Melinda Cheston noted that follow up is an issue with the new fence installed at 3 Fruit St. that still has not been painted.

Maurice agreed that he or Joe Carper, both Fruit St. residents, should follow up with 3 Fruit St. owner.

Tara and Melinda are concerned that the Commission does not meet often enough to deal with issues relating to approved Certificates.

Maurice confirmed that the Commission only calls a meeting when an application has been submitted or the Commission receives a request for action.

Bonnie noted that later in this meeting the Commission will review a letter to be sent to all residents updating them on responsibilities of living in a local historic district and the role of the Commission.

Stephanie noted that the infrequency of meetings means that draft minutes are not approved in a timely fashion.

Kevin asked everyone to return to the Kerkam's application.

#### **Public Comment Closed**

Kevin made a motion to approve removal of arbors. Aileen seconded the motion. All members present voted in favor. **The motion was approved.**

Kevin made a motion to replace the door lights with a single, more historically appropriate light. Aileen seconded the motion. All members present voted in favor. **The motion was approved.**

Jim Kerkam agreed to the next steps he will take: he will submit a letter confirming routine repairs on the list. If the more complicated issues require more time to investigate, he will return in September to discuss and agree proposed actions.

#### **4. Old Business**

None

#### **5. Correspondence/Communications, part 2**

**8 Fruit St., Joe Carper & Sue McKittrick** - request replacement of picket fence

As there was no change in design, material, or outward appearance, Maurice authorized a Letter of Non-Applicability. In fact, the work was done today.

**24 Prospect St., Lisa Foley** – repair top 1/3 of chimney

This request from the prior owner did not require a change in design, material, or outward appearance. Maurice issued a Letter of non-applicability.

#### **6. General Business**

##### **Letter to Property Owners**

Aileen offered several edits that all members agreed were appropriate. She will send her edits to Bonnie who will create the final document and send it to Maurice to sign. The Planning Office will send the letter to all LHD residents.

##### **Approval of Minutes: November 10, 2021**

Bonnie made a motion to approve the minutes. Aileen seconded the motion. Bonnie and Aileen voted in favor. Kevin and Maurice abstained.

#### **7. Other Business**

Kevin stated that Newbury has a "right to farm" bylaw attached to all Multiple Listings for real estate. He recommended that there be a required field for any property listed in the Fruit St. Local Historic District stating the property is so located. All members agreed. Kevin will raise the issue with an MLS committee that makes these decisions. He will get back to us in September with their decision.

Aileen would like to see the application process tightened up, requiring photos of existing conditions and historic photos as well as more details and supporting documentation. She will

follow up with Katelyn Sullivan, the planner in the Planning Office, to see what is currently required and what could be added to the online application process. Aileen will report back to the Commission in September.

#### **8. Adjournment**

Motion to adjourn made by Maurice. Second by Aileen. All members present voted in favor. Motion approved.

Meeting adjourned at 6:20 PM.

Respectfully submitted, Bonnie Sontag, Note Taker