

**City of Newburyport  
Planning Board  
March 2, 2022  
APPROVED Minutes**

The online meeting was called to order at 7:00 PM.  
Vice Chair Rick Taintor will chair the meeting.

**1. Roll Call**

Planning Board Attendance: Alden Clark, Beth DeLisle, Bob Koup, Heather Rogers, Bonnie Sontag, Rick Taintor, and Don Walters

Planning Director Andy Port, City Council President Heather Shand, Zoning Administrator Jennifer Blanchet, and note taker Linda Guthrie were also present.

**2. Public Hearings**

- a) *Turnpike Redevelopment LLC  
166-168 Route 1  
Smart Growth Plan Approval (2021-SGD-01)  
Continued from 2/2/22*

Joe Sirkovich, Arrow Street Architects, 10 Post Office Square, Boston, said most comments from the meeting were about improvements to the retail building and the connections to the adjacent Rail Trail to create a more open and welcome feeling regarding access to the space.

Bob Uhlig, Halvorson Tighe & Bond, 177 Corporate Dr., Portsmouth, NH, highlighted improvements at connections to the Rail Trail at the north and south ends of the building. The landscape curtain between the northwest corner and the parking lot is pulled back and replaced with a ground plane of seasonal shrubs and perennials. Trees off to the left still screen the parking lot from the Rail Trail. Trees to the right screen the residential area. Raising and grading the swale allows the plaza to extend across it so there's less of a difference between Rail Trail and the plaza area. A bifurcated pathway replaces the single path from the plaza to the trail. Public seating between the 2 paths faces the trail. Grills are moved to the west of the retail building to create a continuous paved area. A fence at the building corner introduces a semi-private area for residents. A variety of seating and tables throughout the plaza includes lounge chairs and bar top high tables. The character of this space was shown in a series of slides that demonstrated the open visibility between the Rail Trail and the building, the Hill St. connector along the outside edge of the circular drop off, a view from the corner of Hale street looking back at the site, and the south courtyard gateway view from Route 1.

Alden Clark asked about the nature of the fencing that shields the semi-private area. Mr. Uhlig said it would likely be a 3 ft high picket fence or something similar.

Bob Koup asked for clarification on live/work unit locations. Mr. Sirkovich pointed out 3 units next to the gym and 2 units in the southern part of the building for a total of 5 work/live units.

Planning Board  
March 2, 2022

Director Port said the Parks Commission approved the proposed improvements prior to this evening.

Public comment open.

Joe Morgan, 55 Hill St., suggested a construction mitigation plan to protect the abutters and the Back Bay community that includes working hours, reasonable start and finish times for weekdays and weekends, and a construction vehicle control and site access plan. It's a tight site with limited access for construction. He's looking for 'safe gate access,' possibly monitored by site personnel, and a general noise and nuisance control with a hotline for reporting issues such as dust, vibration, nighttime lighting, and safety. The person staffing the line should be able to contact the construction manager for resolution. He'd like the HVAC noise levels measured and reported. The mitigation issues could be included as part of the special conditions.

Rick Taintor said hours of operations are in the proposed conditions. Standard condition #19 limits hours of construction to between 7 AM – 5PM on weekdays and 8 AM - 4 PM on Saturdays. Director Port said the pre-construction meeting with the developer includes the DPS and occurs prior to work commencing. The construction cannot impact the Mass DOT right-of-way construction nor the City right-of-way construction on Parker St. They have to keep activities contained on the site. The temporary disturbance on the Rail Trail will be coordinated by the Parks Department.

Mr. Morgan asked if the documents that come out of those meetings are available to the public. Director Port invited Mr. Morgan to contact him after the meeting and he would share documents.

Katherina Slaughterback, 55 Hill St., said making this a densely populated residential area creates pedestrian safety issues. The number of cars and parking goes against the spirit of the state and City designation of this area as a Transit Smart Growth District to encourage the use of public transportation and discourage vehicular use. The area between the Hill St.-Route 1 intersection, the pedestrian crossing at Parker St., and the Rail Trail comprise a pedestrian corridor that's already there. It should privilege the safety of pedestrians over car traffic. In discussions of the Hill St.-Route 1 crossing, the Board ignored the larger group of pedestrians using this crossing who are people already going to and from the train station from Hill St., Cherry St., and State St. Those commuters will always take the most direct path which is not through the new development. Currently, these commuter pedestrians walk through the Ashby Cross parking lot and jay walk across Parker St. She has witnessed many near collisions between cars and pedestrians there. Whether they should or should not walk this way is irrelevant because they have already beaten down a dirt path to the platform. Please put a sidewalk on lower Hill St. to discourage unsafe walking through the parking lot. Instead of privileging cars, honor the pedestrians at the Parker-Hill Streets intersection by making cars stop at a hard T-intersection with a stop sign. Add a pedestrian crosswalk at this T-intersection to discourage jay walking across Parker St. The T intersection will discourage large trucks from using Hill St. as an off ramp from Route 1 to Parker St. Signage on lower Hill St. could alert vehicles, they are entering a pedestrian corridor and must yield to all pedestrian traffic. This area is already unsafe and will be less safe with many new pedestrians from the development. She urged the City to hire a

Planning Board  
March 2, 2022

professional pedestrian safety consultant to look at the many pedestrian problems in the new Transit Smart Growth District.

Rick Taintor said the Board understands the pedestrian safety concerns and recognizes the need for a sidewalk, but that's a City issue rather than an issue caused by the development. A pedestrian circulation plan for this area is a good idea.

Alden Clark likes the new connection at the north end of the building, the open areas, and the angled walkways. It makes a lot of sense.

Beth DeLisle asked whether the pavers in the plaza area are permeable or not.

Scott Cameron, Morin Cameron Group, 66 Elm St, Danvers, highlighted on the plan lighter beige areas that represent concrete, darker brown areas that represent pervious pavers, except for the pavers set in concrete at the entry plaza and in the circle's island because the vehicular load is heavier. The area in the semi-private area is also impervious. The pavers around the retail building are pervious.

Rick Taintor reviewed the draft decision. The list of plans and documents should include the 2 external traffic plans referred to in the decision for the intersection of Route 1 and Hill St. and the intersection at Hill and Parker Streets for completeness. Director Port would follow through.

Beth DeLisle said some plans don't reflect the latest landscaping. The A-506 plan view is one example. Those need updating. Director Port said the plan dates have not been updated by the Planning Office.

Rick Taintor said that section of the plan is not prominent in the A-506 plan view. Should there be a note that that plan view doesn't reflect current conditions? Director Port would add language clarifying where any discrepancies exist and reference the plan sheets.

Don Walters asked if the residents' privacy fence is shown on the site plan drawings. He couldn't find it. Should it indicate a 3 ft picket fence?

Scott Cameron said the civil drawing do not show all of the landscape and features detail, such as seating. The site plan illustrates the permit set and deals with things like where cars will be parked, and driveways will be. We included perimeter fencing which relates to screening. The site plans would be overwhelmed with that level of detail. Mr. Uhlig pointed out the fencing on the landscape plan and would add the missing details. It would be an ornamental metal fence about 3 ft. high. It would extend from the corner of the building and may stop on the other side of the path, with a gate at the path.

Rick Taintor asked for a condition stating that the Planning Director would approve any additional fencing. Director Port was agreeable and said adding the metal fencing detail to the plan would also take care of it.

Planning Board  
March 2, 2022

Rick Taintor preferred to leave the fence approval to the Planning Director rather than add details on the fly. Director Port would add that language to special condition #2.

Rick Taintor said the last standard condition duplicates special condition #29, Recognition of Adjacent Businesses & Industrial Uses. Director Port would take it out of the standard conditions and leave it in the special conditions as Mr. Taintor suggested.

Rick Taintor proposed a change to special condition #4, Clearing of Snow from Pedestrian Walkways, where it says, “to ensure adequate pedestrian access for the public both onto and off the site.” He suggested adding “bicycles and pedestrian access,” and replacing “both onto and off” with “to, from, and across the site,” without the word “both.”

Don Walters would add the word “proposed” to special conditions #11, The Route 1/Hill St. Sidewalk Connection and #12, Proposed Deceleration Lane. The deceleration lane depends on the state. The Hill St. connection depends on the applicant negotiating with the abutter unless the City assumes responsibility for eminent domain to secure that land. Special condition #14 talks about #14, Solar Installation. His experience suggests that utilities can sometimes take months or longer to interconnect a solar facility. Changing the word after “installed” to “installed and available to be interconnected by the electric utility,” recognizes that and wouldn’t hold up the occupancy permits or the earliest availability of affordable housing.

Lou Minicucci said he wouldn’t want the occupancy permits held up because of a utility’s delay on interconnecting the solar. Director Port said the condition specifies the solar arrays shall be completed prior to the first occupancy permit. Mr. Minicucci will make every effort, but it may not be able to get connected.

Rick Taintor clarified the language, which states “available to be connected” and doesn’t say the interconnection has to be completed before the occupancy permit. Director Port concurred.

Lou Minicucci said putting up a solar array is an expensive ordeal. Without an interconnection expensive equipment can sit on the roof for months or years. That’s a problem. Solar technology changes quickly. It would be hard to finance if it was going to sit for months or a couple of years.

Don Walters said the applicant is correct. He recommended waiting until the last unit is completed to install because the technology changes rapidly. Changing the language to “the last 5 occupancy permits,” enabling the applicant to get the best technology.

Rick Taintor said this is not like a subdivision where the units are created in sequence. The final occupancy permits will be close to the first ones. He suggested wording to the effect of providing all the infrastructure for the solar arrays by a certain date. Even with the last occupancy permit, if National Grid takes a year to interconnect, it won’t matter if it’s the first or last occupancy permit because they’re issued so close together.

Lou Minicucci agreed. He asked whether National Grid would possibly disallow the interconnection.

Planning Board  
March 2, 2022

Don Walters said yes. If this solar facility causes an increase that might require an expensive upgrade, that's not economically viable. The applicant may not be able to justify the expense. Community solar is an option. Some Newburyport homeowners who inquired with the utility about rooftop solar learned they would be responsible for the cost of a new transformer to interconnect at a similar cost to installing the solar array. There is solar right next to Newburyport Crossing on the Mark Richey building.

Rick Taintor suggested the wording, "the installation of the infrastructure to support solar arrays on the roof will be completed prior to granting the first occupancy permit."

Don Walters suggested using "solar ready" because they could have separate conduits. And if it doesn't work, they can install it later. The applicant proposed the solar array.

Joe Sirkovich would make it solar ready in case interconnecting this facility isn't possible right away. The applicant thought solar would be beneficial for the residents. Mr. Minicucci agreed.

Rick Taintor said the first sentence is okay. The second sentence could be something like "the building shall be made solar ready consistent therewith prior to the granting of the first occupancy permit." Mr. Minicucci and Mr. Walters agreed.

Don Walters would appreciate a simple calculation by the mechanical engineer so show the noise attenuation at the property, relating to the neighbor's comment about HVAC noise from the roof.

Bob Koup asked Mr. Sirkovich where the roof's mechanical equipment is located, how it is screened, and what noise they expect. Mr. Sirkovich said there is no mechanical design yet, but the intent is to do something similar to what was done at 1 and 3 Boston Way where there are mini splits in the units and condensers on the roof screened by parapets.

Rick Taintor suggested, as a special condition, the applicant demonstrate that the HVAC equipment will meet City noise standards prior to occupancy. The site consists of 2 lots. Will the lots merge? Director Port said no. Each lot qualifies for the project without a need to join them.

Scott Cameron said they might come back in a couple of months with an ANR.

Director Port said the applicant asked for clarification on general condition #15, Curb Cuts, to include that Mass DOT, along with the DPS, will approve them.

Don Walters made a motion to approve the Smart Growth District Plan Approval Application for 166-168 Route 1 in accordance with the draft decision provided by the Office of Planning & Development, including the waivers, findings and special conditions contained therein, including any revisions discussed and incorporated this evening. Alden Clark seconded the motion and 6 members voted in favor. Bob Koup voted against.

**Motions Approved.**

Planning Board  
March 2, 2022

*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) Caswell Restaurant Group c/o Lisa Mead, Mead, Talerman & Costa LLC**  
**17-21 State Street**  
**DOD Special Permit**  
**Continued from 2/16/22**

Attorney Lisa Mead, Mead, Talerman & Costa LLC, 30 Green St., said the revised drawings address comments from the last meeting. Plans now delineate original sign panels from panels with etched letters and panels with plastic molded replacement pieces that exist in the banner sign. Existing painted lettering will now be all removed. Dimensions of the existing glass exposure on the store front versus the proposed glass exposure is identified. An aluminum frame, instead of stainless steel is available and consistent with existing materials. The stacking width of the windows when open is identified and shown at scale. The black glass surface panels are delineated from the laminate surface panels. Storm windows will not be needed now. Plastic panels in the banner sign and laminate replacement panels in the black areas that will be replaced with matching historic glass provided by purveyor Tim Dunn are identified. She demonstrated the differences between the plastic panels versus the glass panels with etched letters on close-up images. The paint will be cleaned off of the glass panels.

Julia Mooradian, Seger Architects, 83 North St., Salem, demonstrated on a plan the *Brine* lettering on the storefront banner sign and the dimensions for how the operable windows will stack, including the width and height of the opening. She demonstrated on a drawing an approximation of how the *Brine* lettering would look on the etched glass and the look of the etched glass panels without the *Brine* lettering.

Bonnie Sontag was concerned about adding the *Brine* lettering directly on the glass and suggested making a sign with Brine lettering to attach over the door, offset from the banner so that the lettering is not directly on the banner but flush with the banner sign.

Rick Taintor shared this concern.

Attorney Lisa Mead agreed with Chair Sontag's idea and asked for staff approval of the sign.

Bob Koup said nearby Carmine and the Paddle Inn supplement their blade signs with smaller lettering at their front doors that works well from a pedestrian point of view. Has the applicant thought about that scale of signage at the front door vestibule, rather than the complication of dealing with the glass panels above the entry?

Attorney Lisa Mead said the pre-existing non-conforming sign on this building doesn't exist on those other storefronts. Lively Kids, next door to Brine, has a large banner sign across their store front. The applicant requests to use the existing sign.

Planning Board  
March 2, 2022

Heather Rogers and Beth DeLisle liked the idea of not painting over the existing glass panels for the sake of not making a permanent change to the glass panels in the event Brine moves elsewhere in the future. Ms. DeLisle said the Fowle's sign is important to the building and the less it changes the more comfortable she would be.

Rick Taintor confirmed there had been an agreement to make a condition subject to the Planning Director's approval to install the Brine lettering on a different surface that would be mounted to the glass panels. Director Port asked for information related to the backing of the *Brine* lettering.

Beth DeLisle asked about eliminating the storm windows versus the air tightness of the operable windows. What is the heating plan?

Jeff Caswell, owner, said the operable windows are 2-to-3x thicker glass than the existing window and provide a better thermal break. They'll install Mitsubishi units in the soffits above the windows to provide heat across the windows.

Bob Koup respectfully disagreed with the thermal performance of operable windows. This window system is designed for an interior mall storefront, not for direct exposure to the outdoors. There is no weather tight joint between the panels or weather stripping in the metal components, and no thermal break in the metal portions of the system. Frost and condensation will occur on the inside of this window system which is not designed for a New England store front exterior enclosure. The Board had asked for details about this to better understand. He looked at the materials in the Planning Office. The windows are hung from above requiring a tracking system to be installed. The track should be supported by something substantial like steel to bear the weight of the windows. There are no details about that. Not talking about the energy usage of the store front makes it hard to understand what's being proposed. Ipswich Bay Glass and Salem Glass are 2 custom aluminum and glass contractors on the north shore. Have you talked to them about what they could do? The window proposal is an inappropriate use of a system not designed for an exposed exterior use.

Julia Mooradian said conversations with the manufacturer determined that the window is designed for a protected exterior use. A steel beam will be tucked up into the existing awning header and they will come up from the bottom so the glass will be similar in height to the existing window. That's how the thermal break from the outside will be created. The existing plate glass is not energy efficient. The historic building does not have to meet energy codes. The joints seal tight when the windows are closed.

Bob Koup said that information contradicts information on the website. Ms. Mooradian said the website describes the window system as suitable for exterior use. The heat up above the windows blowing down will keep any cooling from the windows from being a problem. People do not like to sit near the plate glass now.

Bob Koup said the photo shown is an interior mall store front. The applicant is talking about these window details rather than showing the details on the plans as the Board requested at the last meeting. This is an important historic store front in the downtown. He did not have any confidence in the window system.

Planning Board  
March 2, 2022

Rick Taintor asked about the photo that shows the base of the window floating along the floor. How will that work in the context of the Brine window? Would it be stable?

Julia Mooradian said there's a track on the windowsill. The system can push up against the wall.

Don Walters agreed with Mr. Koup that there should be details about how the system works.

Bonnie Sontag asked for photographs of the system being used as proposed as opposed to what's been shown so far.

Attorney Lisa Mead said the construction details are the purview of the building department. Why is the Planning Board getting into installation and construction details for the windows? The applicant is not able to get shop drawings without placing an order.

Bob Koup said there could be larger scale details prepared by the architect as well as wall sections through the store front. This is an off-the-shelf product proposed for an historic store front that seems inappropriate for this use. Have you talked to Salem Glass or Ipswich Bay Glass who both specialize in custom glass and aluminum enclosures about whether they can provide anything like this, or have you only pursued one glass vendor? The Board would not be doing its job without discussing these details for an historic store front.

Attorney Lisa Mead said the applicant agreed to change an existing condition related to the sign that is not required, as well as many other changes requested by the Board. The details that are available about this operable window have also been provided. She differed with Mr. Koup. Where in the ordinance does it say the methods of construction are within your purview?

Bonnie Sontag said the concern is less about the method of construction and more concerned about being assured that the final use of the product will work as proposed, without going to the level of construction details, but with photographs showing the products use as it is proposed rather than showing a photograph of a use that is not proposed. She needs more confidence in the product before she can vote for approval. She cares about the actual windows, their operation, and their energy efficiency.

Attorney Lisa Mead said energy efficiency in an historic structure in the DOD is not discussed in the ordinance and is not required. The architectural experts have worked closely with the supplier.

Jeff Caswell understood the concerns. He wouldn't install something that wouldn't work or would hinder his business. He spent a year working with multiple vendors looking for a window system that met the Board's requirements. The ideal solution was not historic enough for the Board. These windows will work. Lead times for materials is up to 20 weeks.

Public comment open.

Joe Morgan, 55 Hill St., said there is a fundamental difference between what we are calling windows and what is a store front. The fact that the fixed store front would be removed,



Planning Board  
March 2, 2022

destroying a basic architectural features of an historic building, and replaced with operable windows does an injustice to the architectural intent of the building and is the reason many people object to the window, rather than its energy efficiency.

John Growitz, 149 Merrimac St., said the original plan presented was modified greatly. Trying to do something that hasn't been done makes it appear that asking for photos is a stalling tactic. The proposal is an improvement over what exists in terms of comfort and energy efficiency. The applicant has listened to the critique of several Boards and tried to meet everyone's needs. If the building department doesn't feel it will work, they will say so.

Glenn Richards, Chair, Newburyport Historical Commission, spoke as a resident and said this is a positive step. He suggested, as part of the restoration, that the Fowle's painted lettering be restored on the etched panels. The sign is a true icon in the heart of Newburyport. He hates to see it changed. The window comments by Mr. Taintor and Mr. Koup are appropriate. The manufacturer's website has a detailed installation guide showing no track on the bottom. The instructions specify an air gap between each window and at least a ¼ inch air gap at the bottom. The simple solution is to replace the storefront windows with the same size modern energy efficient windows. Many restaurants do fine without operable windows given outdoor seating. Newburyport ordinance XXVII-F explains, in section #3, that "in reviewing any application under this section, except where otherwise provided by public law, the SPGA shall adhere to any relevant provisions of the U.S. Secretary of the Interior Standards for the treatment of historic properties..." Section D says, "The Secretary's standards and related guidelines shall be applied to all work involving historic properties of all types, materials, construction, sizes, and use located within the DOD." Attorney Mead has argued on another historic property (Neptune St.) that the ceiling needs to be higher in order to comply with modern codes. Now, Attorney Mead argues that an historic property doesn't have to conform with modern codes, which is true except when making an alteration or renovation. If you don't want to do anything, you are grandfathered, but alterations need to comply with current codes. The attorney's argument that the energy code does not apply is legally bogus.

Ron Dylewski, Emerson Ave., Pittsburgh, PA, asked if there is an installation anywhere in New England or a climate with winter weather that the applicant can point to that shows us this works. The applicant says he's scoured the world for the right product, yet we've seen photographs of the product in an interior mall for the last 3 meetings. Where are the 5 or 6 photos of exterior applications that shows this works in a cold, snowy climate? The restaurant is open, and diners are not being turned away, so why is the timeframe when this is installed a problem? Is there a guarantee that whatever changes are made will be maintained in the future since the landlord let this sign deteriorate? He agreed with Mr. Richards' recommendation to repaint the sign. It serves everyone to have the Brine sign stand off from the Fowle's lettering.

Paul Dennison, a Brine manager, said the current windows are cold. People constantly ask to move away from the windows. They also ask to move when there is extreme hot weather. Creating an open area where these windows are is a benefit.

Stephanie Niketic, 93 High St., spent time speaking to Tim Dunn. Painting on structural glass is reversible. She's concerned that an additional sign put onto the structural glass will damage the glass. The Fowle's banner sign is important to the community. This applicant does not want to

Planning Board  
March 2, 2022

restore the painting, but they are restoring the glass so that repainting the letters in the future is possible. She is against mounting the Brine sign on top of the restored glass panels.

Attorney Lisa Mead said the issue of operable windows is moot because of the applicant's variance and a change in the ordinance.

Nancy Caswell said it's incorrect to say the restaurant is not affected by whether there are operable windows or not. It connects her restaurant with the street She's happy to keep the blade sign. It's unfair for us to dig into what it will take construction-wise to install the new windows design. The current windows are drafty. When it's 90 degrees, the windows are hot. Covid is scary for many people. Restaurants are affected if they don't offer fresh air. It is frustrating to be still talking about our need for operable windows. It's important for her business. She's not trying to upset people. She wants to create a welcoming place that's connected with the street. Why would you want the same windows on a space that sat empty for as long as she's lived here? She doesn't understand why the community wants this space to be a museum where a business can't succeed. She's managed and renovated many restaurants in Newburyport. The timing has to do with restaurant margins.

Reg Bacon, 21 Strong St., said he's encouraged that the applicant wants to restore the architectural glass sign. Windows can be reversed by the next tenant and that will happen likely within his lifetime. The research for this glass restoration was done by interested parties, not by the applicant, who did not lift a finger in that direction. He's pleased the applicant committed to the restoration. He encouraged the Board to add specific written conditions for this approval to guarantee against any slip ups that may occur during restoration. This applicant has an active challenge to our pro-preservation zoning laws. This is bullying of the public interest that should be factored into any conditions of approval.

Ron Dylewski said if the problem is that the current window is too cold or too hot, the mini split installation will make the seats along the window more comfortable. So, they can solve the whole problem without changing the windows.

Alden Clark asked if the glass surface be the same as it is today? Is the track is recessed behind the existing solid surface?

Julia Mooradian said the glass on the left side of the door will be 4 ft 1 inch where it is now 4 ft 7 inches. The glass on the right side will be 3 ft 5.5 inches where it is now 3 ft 11.5 inches. The operable windows need stiles and rails. The total area of loss is 6 inches, including the aluminum border that can be seen from the exterior.

Bob Koup has no argument with operable windows being a feature of this restaurant, but the way the window is being presented is inconsistent. The Board was told that the manufacturer would be able to make the aluminum rail 2 inches instead 4 inches. The drawings still indicate 4 inches. When the Board raised the issue of the air gaps, we were told there would be storm windows. No there are no storm windows. There's not a lot of confidence in the solution when the information is a moving target. The applicant has not been able to show an example of what they propose in a built condition so that the Board has a level of comfort that it's been done before. What we know about this window system is that it's an interior system with a lot of open joints and a lot of

Planning Board  
March 2, 2022

potential for air infiltration which isn't going to help the interior environment. That's not the right solution for a New England exterior store front. It makes no sense.

Rick Taintor asked for clarification on the 6 inch difference in the window openings.

Julia Mooradian said the manufacturer was unable to provide a 2 inch aluminum rail. The glass height is enlarged because the window will be tucked up into the header. One inch of the aluminum rail will be hidden on either side.

Beth DeLisle agreed with Mr. Koup. This does not appear to be the appropriate solution. It would be helpful if the manufacturer could provide examples of where this product is successful for exterior uses.

Heather Rogers asked if Mrs. Caswell, who's well-connected in the restaurant community in Boston and locally, could use the restaurant owners with operable windows on Newbury St. in Boston as a resource because those are exterior operable window products.

Nancy Caswell said the difference is that Newbury St. restaurants have ceiling-to-ground operable windows similar to the Port Tavern. She is trying to fit within the current window structure, keep the black glass panels, and keep the same look of the existing architecture. The lead time issues are big when it comes to sourcing from Ipswich Bay Glass. She has seen these operable windows used in museums. Balancing the desires of the Board and respecting the look of the store front means that what Newbury St. has won't work here. A year ago, the Board did not like all the framework on the proposed window design. She has looked at different options. These looked the best and didn't change the view. She believes in the product. It's a huge investment. Certain tweaks cannot be made in a special order operable window.

Heather Rogers said perhaps the Board and the community would be better assured knowing whether any Newbury St. restaurants use the same name brand of operable window the applicant proposes. For example, it would help to hear that there are no energy issues.

Bonnie Sontag said the Board has made their points clear. She recommended continuing if the applicant is willing to bring forward the information and visuals requested.

Rick Taintor said the information the Board needs is an example of the window product in use on an exterior store front in a cold climate, along with some specific details.

Don Walters said the applicant should be able to provide, without resorting to shop drawings, details that are as specific as possible on the sill, the jamb, and the header. For example, what does the existing sill look like now, a typical cross-section of the proposed windowsill, and, if there is any separation between the window jambs and the headers, show those details.

Bob Koup said that information is on the company's website. It can be incorporated into the presentation materials.

Attorney Lisa Mead said the manufacturer is specifically revising this product for this application. There are no guarantees that examples of the product in use exists, or can be located.

Planning Board  
March 2, 2022

The applicant can provide the requested cross sections. If the Board's decision is based on seeing photographs of similar windows on similar applications, she would like to know.

Rick Taintor said the Board isn't looking for an example of a 4.5 ft tall window opening in an historic building. The basic question several people want an answer to, is whether the product has been used before in an exterior application in a cold climate. If you can't find an example, that gets to the concern expressed about whether this is an appropriate use for the product.

Don Walters said there seems to be a difference of opinion. One school of thought is that it's an historic structure that does not have to follow energy efficiency standards. The other school of thought is that just the renovated parts need conform to energy efficiency standards. He needs to understand which regulations are applicable before commenting further.

Bonnie Sontag said it would be useful to know the details about the separate, mounted Brine sign in front of the glass panels, such as the material used for the sign and a drawing that shows how it will be attached.

Attorney Lisa Mead said the architect will provide Mr. Walters with the relevant section of code relative to historic structures. She doesn't know if the mounted sign details can be prepared for the next meeting because of the other things the applicant will be focusing on. The applicant is not proposing to repaint the Fowle's lettering under the Brine sign.

Bonnie Sontag said there is no need to paint the Fowle's sign underneath. She is not opposed to a condition that the sign is subject to the Planning Director's consideration for approval.

Rick Taintor and Alden Clark agreed.

Don Walters made a motion to continue the DOD Special Permit Application submitted for 17-21 State Street to March 16, 2022. Alden Clark seconded the motion, and all members present voted in favor.

**Motions 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.*

- c) Institution for Savings c/o Lisa Mead, Mead, Talerman & Costa LLC  
79 State Street  
DOD Special Permit  
Continued from 2/16/22***

Attorney Lisa Mead, Mead, Talerman, & Costa LLC, 30 Green St., gave the history of the Dole-Blumpey House, listed as contributory in historic district data sheets. The building footprint and

Planning Board  
March 2, 2022

use as professional offices will not change. She documented the history of alterations, including a single story bay and a 2-story ell both added between 1900-1906, a shed dormer added in 1977 and a flat roofed modern style addition was added in 1985. Sometime in the early 1900s the windows were changed from 2-over-1 to 6-over-6. The round room has original windows. The house is covered in vinyl including the top gable end and the trim around it.

Attorney Lisa Mead said the proposal seeks to replace a number of windows with historically appropriate style windows, including on the newest addition where windows will require larger openings to be appropriately scaled. Existing replacement windows will become 2-over-1. A few new openings are proposed for new windows and infill of other window openings. Windows around the front door, in the round room, and on the east elevation will be repaired and restored, including the mechanical ropes and pullies. The top story windows on the 1980s addition will be replaced and more appropriately scaled. The wood trim on the façade will be scraped and painted or replaced in kind. The sidelights and transom windows at the front door will be restored and repaired. The vinyl covering the house will be removed and replaced with cedar clapboards. Rake boards will be restored or replaced in kind. The vinyl shutters will be replaced with operable wood shutters. The bay window will be removed and replaced with 2-over-1 windows as shown in the original building. The trim on the corner board wood will be scraped, painted, and repaired as required. The fence bordering the outside edge, a later addition, will be removed. Window trim in the same profile will be replaced after new windows are inserted. Trim on the 1980s addition will be replaced with new wood trim as needed. The 1980s side porch columns will be replaced with columns to coordinate with front porch columns. The 1980s addition diagonal lattice will be replaced with vertical lattice. Temple St. entry doors on the 1980s addition will be replaced with new 6 panel doors without glass. The 3<sup>rd</sup> floor deck addition will have new wood railing and balusters along with vertical lattice. The later added doors on the first floor east and south elevations and the 3<sup>rd</sup> floor door on the deck will be replaced. The later added front stair railings will be replaced in kind. The fence along the front of the property will be removed. She demonstrated on drawings of existing conditions the areas to be restored, repaired, and/or replaced. She demonstrated elevations with the proposed changes and detailed how the application met general special permit criteria and DOD special permit criteria.

Bonnie Sontag asked if the round room windows would be replaced with 2-over-1 windows. Attorney Mead said no. These original windows will be restored.

Chip Nutter, Charles Nutter Architects LLC, 30 Columbus Ave., said the windows in the round room were originally 1-over-1. The muntins shown are glued on, probably from the 1960s or 1970s, and will be removed.

Bonnie Sontag wanted any portion of window trim that will be aluminum or composite wood hidden, or if not hidden, to look like real wood when light shines on it.

Chip Nutter said aluminum clad windows come from the factory with a paint finish. The exterior of the window should appear as painted wood. An image of the window sample was presented.

Public comment open.

Public comment closed.

Rick Taintor reviewed the findings. The DOD Special Permit Findings language in the 4<sup>th</sup> bullet is changed from “new construction and alterations” to “proposed alterations” because there is no new construction. In the General Special Permit Findings, he crossed out a sentence in #1. He made grammatical changes for consistency in #2, changing “would be” to “is” and “public convenience” to “public welfare.” He rewrote the first sentence in #3 to be clearer, “The requested use will have no impact on existing vehicular and pedestrian volumes and facilities.” In #4, he replaced “will not overload” with “will have no impact” because the use is not changing. In #6, he deleted references to the Planning Board. In #7, he rewrote language to say, “The requested use – exterior renovations to an historic structure – will be supportive of the historic character of the downtown business district.” In #9, he rewrote language to say, “The proposed use will not emit any form of environmental pollution.”

Don Walters made a motion to approve the DOD Special Permit Application submitted for 79 State Street with incorporation of the draft findings reviewed and amended tonight, as provided by the Office of Planning & Development, into the Board’s decision. The motion was seconded by Alden Clark 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.*

**2. Other Business**

***Discussion on proposed STRU ordinance***

Rick Taintor said this would probably take 2 meetings to discuss. The issues are whether owner occupancy is a fundamental requirement, whether all three types of STRUs will be treated the same way across zoning districts, and how to deal with parking. Discussion is postponed to the next meeting. The draft report can be deliberated on in a 2<sup>nd</sup> meeting and the Board can decide whether a majority-minority report is needed. He suggested moving the discussion to the next meeting and would circulate an outline of things to think about to prepare for the discussion.

Don Walters and Heather Rogers agreed to postpone discussion to the next meeting.

Director Port suggested beginning the March 16, 2022, Executive Session at 6:15 PM.

***Approval of Minutes***

Planning Board  
March 2, 2022

Alden Clark made a motion to approve the minutes of 2/16/22 as amended. Heather Rogers seconded the motion, and all members present voted in favor.

**Motion Approved.**

*Other updates from the Chair or Planning Director*

Director Port said a zoning amendment hearing on the business park proposal submitted to the City Council is coming up. Discussions on DHCD guidelines for MBTA communities and how changes might impact the Smart Growth District zoning are ongoing. The state is likely to enlarge the district or increase the number of housing units allowed. A public meeting in April will discuss the State's proposed increase in density around transit areas.

**3. Adjournment**

Alden Clark made a motion to adjourn. Bob Koup seconded the motion, and all members present voted in favor.

**Motion Approved.**

Meeting adjourned at 10:15 PM

Respectfully submitted -- Linda Guthrie