

**City of Newburyport
Planning Board
April 20, 2022
Minutes**

The online meeting was called to order at 7:00 PM.

1. Roll Call

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

Planning Director Andy Port and note taker Linda Guthrie were also present.

2. Public Hearings

- a) *Ariston Custom Homes Inc. c/o Lisa Mead, Mead, Talerman & Costa LLC*
24 Center Street
Special Permit for Non-Conformities (PBN-22-1)
Downtown Overlay District Special Permit (15123)
Special Permit for Use (15124)

No audio for 10:37 minutes.

Attorney Lisa Mead, Mead, Talerman, & Costa LLC, 30 Green St., described the history and condition of the structure, identifying which parts of the building are original and when additions and replacements occurred. She presented images of all sides of the building. The proposal replaces a 1½ story wood addition with a 2-story clapboard addition of a smaller footprint, two over two windows, and lower height than the brick portion. The addition steps back from and is visible from Center Street primarily. Restoration of the brick portion under the guidance of the Newburyport Historical Commission (NHC) includes restoring/ repointing mortar, slate roof repairs, restoring/repainting wooden trim, window lintels and sills, fanlight, and sidelights, restoring the chimney closest to Middle St. and rebuilding the other chimney. Both chimneys will be parged and painted. The majority of the windows on the brick portion will be restored in accordance with NHC guidance. She explained the B2 zoning district requires a minimum lot size of 5,000 square feet where the existing property contains 2,349 square feet. Otherwise, the structure conforms to the dimensional requirements for the B2 district except for the parking requirement. There is currently no parking provided, where by ordinance the existing professional office use requires twelve (12) spaces. The proposed mixed-use will require seven (7) spaces. Two (2) new spaces are being provided on site, so the existing non-conformity is being improved but still remains non-conforming.

Aileen Graff, Graf Architects, 2 Liberty St., said the building is in disrepair. The rebuilt addition is pulled in from the existing footprint on 3 sides and reveals a first-floor window on the brick portion. Where the addition joins the brick portion is a further step back at the 2nd story level to minimize massing. All 2 over 2 windows will be restored. On the Middle St. façade, two

Planning Board
April 20, 2022

storefront windows will get new glass and the 3rd story 6 over 6 window will be replaced with a new 2 over 2 casement window to allow for egress. On the Center St. façade, the sidelights will be replaced with new glass. The gambrel roofed addition has a rear shed dormer that stops before the roof joins the brick portion. Two doors face Center St. One door accesses office space and the other accesses a residential unit. Two original 6 over 6 windows on the rear of the brick portion will be replaced. Three skylights will be added to the roof level to match the existing skylight. Wooden fencing screens the rubbish area facing Center St.

Attorney Lisa Mead reviewed the DOD general and special permit criteria and the mixed-use special permit criteria for the B2 district. The non-conforming lot size will not be extended.

Alden Clark asked about the addition's roof material, which would be architectural shingles.

Aileen Graf confirmed that existing storms would be replaced and that replacement windows on the rear of the brick portion are fiberglass covered wood for lower maintenance.

Public comment open.

Jill Gaudet, 22 Center St., abutter, said the applicant had been responsive to her questions. Her additional questions concerned traffic, trash, and recycling with the mixed-use. She expressed concern that the rubbish area was near the front of the building next to her driveway.

Tom Gaudet, 22 Center St., abutter, asked about the size of the space behind the new fence along his driveway and where the mechanicals would be located. Ms. Graf said there was about 2 ft plus that would include a gate behind which trash barrels would be stored. The fence extends 4 ft beyond the building. Trash would be accessed from the Center St. side. She demonstrated the locations being considered for mechanicals.

Jeff Scionti, 28 Liberty St., neighbor, said parking is a concern with the change to a retail use from a professional use and the addition of 2 parking spaces in the rear. There have been issues with people parking in front of their driveway. The proposal negatively impacts this problem.

Joan Scionti, 28 Liberty St., said the addition deters from the beauty of the brick portion of the building. Part of the wooden addition was once a garage that became storage. She would like consideration to restore parking in that portion of the building so that people are not backing into a one-way street.

Attorney Lisa Mead said the proposal is for a mixed-use building. The existing use requires 12 parking spaces. A garage is not part of the plan.

Ms. Gaudet said Center St. has only 11 street parking spots. Two residential units with 2 vehicles each, puts 2 more vehicles on the street. The number of parking spaces needs a more careful evaluation.

Public comment closed.

Planning Board
April 20, 2022

Don Walters said parking will be exacerbated by 2 residential units, but not detrimentally so.

Rick Taintor said the Board has to look at what zoning requires. The current use requires 12 parking spaces. The previous owner provided one and was short by 11 spaces now. Zoning for the proposed use requires 7 spaces and 2 are provided. The proposal is short 5 spaces but actually improves the parking shortage that exists now. Whether that's reality is arguable.

Bonnie Sontag said the south end has many residents, one-way streets, and homes with no off street parking. It seems there are fewer residential units here than on nearby streets.

Don Walters asked if the stretch energy Code would be met or exceeded, and if so, how? Ms. Graf said they would meet the stretch code for the addition and apply as much as they could to the historic brick building and, at a minimum, improve the insulation.

Mr. Walters said Middle St. is more the front of the house. He hoped the rebuilt bulkhead would not be higher than the existing and preferred the trash were not in front. Ms. Graf said there is no intent to enlarge the bulkhead. The fencing will stay below the windowsills and is more attractive than viewing open barrels.

Rick Taintor, addressing the public comment about building a garage instead, said the Board could not proactively ask the applicant for a different project than the one submitted.

Bob Koup asked about the layout of the building to understand how it would function. Ms. Graf said the door with the 2 store front windows on Middle St. enters a first floor office space. The fanlight entry is for two upstairs residential units above the office/retail space. The inset door in the addition is for a second office space behind the bulkhead. The door to the right of that leads to a one-bedroom residential unit on the second floor of the addition.

Beth DeLisle asked if the brick area was residential parking and if there would be signage. Attorney Mead said the condo documents will identify the rules and regulations for resident parking. They may not want or need signage.

Bonnie Sontag said the tree and sidewalk ordinance applies. Attorney Mead acknowledged that.

Don Walters made a motion to approve the DOD Special Permit, Mixed-Use Special Permit and Special Permit for Non-Conformities applications submitted for 24 Center Street with incorporation of the draft findings reviewed tonight, as provided by the Office of Planning & Development, into the board's decision accordingly. 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.

b) Doug Deschenes
22 Market Street
ITIF Special permit (PBSP-22-2)

Attorney Doug Deschenes, Finneran & Nicholson, 30 Green St., proposed a project that would convert the building from a lodging house to an inn. There is no additional parking on site for the one additional parking space required by zoning. An ITIF special permit would allow the applicant to utilize the municipal garage that is within 300 ft, as required by the DOD. Restoring the inn is desirable for public convenience.

Public comment open.

Tom Kolterjahn, 64 Federal St., co-president, Newburyport Preservation Trust, supports the project.

Public comment closed.

Director Port said the Board is required to look at sidewalk and tree provisions. With the change of use, it might be appropriate to require payment into the ITIF fund prior to the building permit.

Bonnie Sontag recommended a change in the Draft Special Conditions to read, "Prior to the issuance of a building permit for the proposed project, the required ITIF payment shall be processed with the City in accordance with Section 7A of the code. Proof of such payment shall be part of the application for said permit."

Rick Taintor made a motion to approve the ITIF Special Permit Application submitted for 22-24 Market Street with incorporation of the draft findings and special condition reviewed and amended tonight, as provided by the Office of Planning & Development, into the Board's decision accordingly. Alden Clark seconded the motion, and all members present 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.

c) East Row Condominiums
0 East Row
XXVII Downtown Overlay District

Planning Board
April 20, 2022

Rob Ciampitti, East Row Condominium Board Trustee, proposed a new brick veneer over-cladding system to the existing brick party walls at the roof level to address water leaks in one residential unit. A Leak Evaluation Report was provided to the Newburyport Historical Commission. The 2019 renovation that repointed the brick on the façade, roof, and parapets should have eliminated all of the roof leaks. Engineer Matt Carleton identified which parapets still leak. The condo association was not able to find these leaks until all the other parts were fortified in 2019. The overlay veneer will resemble the 1890s era façade and cannot be detected from the street or elsewhere. He demonstrated on elevations the scope of work on two parapet walls and a portion on the rear that is not part of this application because it is not in the DOD. He demonstrated in photographs the existing conditions and the veneering process using a Brick It product.

Engineer Matt Carleton, Eastern Industrial Automation, 362 Summer St., Fitchburg, said party walls are typically multi-width bricks. In this instance, there is only an outer-width and a large inner pollard joint down to the tenant below where the roof structure is embedded into the inner width. There's no room to collect the water. He recommended using a breathable masonry coating over the existing masonry for waterproofing and a drainage layer over the waterproofing. The thin brick coat will protrude $\frac{1}{2}$ - $\frac{3}{4}$ inches around every side and over the top of the existing brick so it is completely encapsulated. Any water that does get in will go to the base through a drainage mat. Aluminum coping over the top finishes the waterproofing system in the same manner as the rest of the building.

Rob Ciampitti said the Board of Health is working with them in lockstep. They are trying to move as quickly as possible to address the problem.

Bob Koup asked how the thin brick layer will turn corners and still look like real brick. The ends of the walls are visible from the street. Mr. Carleton said the corners are pre-formed. Mr. Koup said the plan details do not represent that. Mr. Carleton would send additional drawings.

Public comment open.

Stephanie Niketic, 93 High St., asked the Board to engage a qualified, specialized consultant at the applicant's expense. There are several uncomfortable things about this application. The building has undergone brick related work twice to deal with water leaks in 2015 and 2019. Both times the work was done without qualified, specialized advice and the fixes did not work. The Secretary of the Interior's standard is to remove the poorly constructed stepped firewall extensions and return the masonry to its original configuration of a simple low wall with structurally correct flashing. Mr. Kolterjahn's testimony at the NHC meeting stated that the proposed solution covers the problem without resolving the basic issues and putting a thin veneer of fake brick over real brick would not look good. She is disturbed that Mr. Ciampitti, the ZBA chair, has a regulatory relationship with the NHC. She questions the NHC review.

Mr. Kolterjahn, 64 Federal St., said the modern brick with Portland cement, which is notorious for trapping moisture and cracking, especially along the edges. Conditions are a problem. Test #3 says the flashing is buckled and the mortar is cracked. Test #6 says the pointing water was

Planning Board
April 20, 2022

creating a void. Test #9 says the brick surface is cracking. Leaking is understandable in these conditions. Flashing is an issue along the entire firewall because it is not stepped. There are many layers of caulking which don't last. It looks like they used a saw to cut into the brick to install a single length of flashing along the firewall. If that groove is compromised, it becomes a highway for water. Flashing installed this way does not last long. The traditional method for step flashing has stood the test of time and allows you to pinpoint and stop leaks right away. His main concern is that the proposed solution does not solve the basic problem. A more traditional approach seems better and longer lasting.

Rob Ciampitti said they will do whatever is needed to make sure it is done correctly. Mr. Carleton confirmed the system comes with corner bricks.

Mike Lawler, Office Manager, Newburyport Health Department, said he looked at the apartment in February with the Building Inspector. The tenant sleeps with plastic over her bed. She sent pictures of what looks like a waterfall coming down both walls. Her living conditions are bad. The Health Department and Building Department are working with the condominium board. He believes this system saves time, with rain coming in the spring, in the effort to return the apartment to a healthy living condition. The leak extends to another apartment that isn't in bad condition.

Public comment closed.

Matt Carleton said the previous repair work was a roof renovation. Roofing material was removed to the structural roof decks. Insulated sheeting and a waterproof membrane were laid onto the roof decks. The waterproof membrane runs up the walls. It was covered with flashing and counterflashing that is led into the brick and covered with the original material. The brick was repointed. We are left with just one unit a few years later that is still leaking. A few years after that work, there are areas requiring maintenance. If these areas are maintained the water would not get in but it's hard to continuously chase the maintenance issues. We took a brick out to better understand the problem. Her roof area has a different construction. There is only one width of brick instead of a multi-width Any water that gets in goes right down the beam pockets to her apartment. A masonry coating will allow the brick to be a barrier rather than absorb the water. The product is actual brick, made like brick. This is the only way we think we can fix the problem without taking apart the entire parapet down to the roof deck, installing multi-width brick, and installing through-wall flashings. We proposed that 5 years ago, but the cost was prohibitive. We are trying to work with what was done in the 1970s. He has been working on this building for 6 years. The statement that none of the previous work was effective is not true. When he started working on this building 6 years ago its condition was a disaster. Today, 95% of it is not leaking. This proposal is financially feasible.

Don Walters said the cross section shows that in addition to the thickness of the brick veneer, there is wicking material that is 2 times the thickness of the brick veneer. There are probably several ways to do this, but this seems the most cost effective and quickest. The Secretary of the Interior's standards do not consider cost. What criterion does one use to determine it looks the

Planning Board
April 20, 2022

same? Who determines that it looks substantially the same? He struggles with how to determine that short of installing a sample on the before proceeding with the rest of the job.

Alden Clark agreed with Mr. Walters.

Rob Ciampitti responded to Ms. Niketic's comment. He is before this Board as a property owner and a representative of the condo association. He has a responsibility to the association regardless of what he does with his free time. The second paragraph in the NHC report says the solution is within the Secretary of Interior's standards. The water infiltration is acute. They are trying to solve the problem with the Health Department.

Bonnie Sontag would be more concerned if it was more visible. She is comfortable with the solution.

Rick Taintor said the NHC report indicates this area is no longer historically accurate. If the Board and applicant do the best they can to solve the problem and make it as close to the 1970s design as possible, it should be okay.

Bob Koup said the 1977 wall is an extension of the apartment wall. There are time and cost constraints related to rebuilding the wall. What is the life expectancy of the system, and will the problem recur in 10 years? A thin veneer will wear out at some point. Does the manufacturer provide a warranty?

Matt Carleton said there is back up waterproofing. The Brick It system is installed on a metal tracking system. In 10-15 years, there may be some repointing necessary, but any failure in the system should be of no consequence to the building. He would provide the warranty information.

Don Walters said the finding references the historic nature of the brickwork. That may be inaccurate. He would write it differently as it relates to this application.

Bonnie Sontag agreed.

Bob Koup said dimensionally it is atypical. He would like to see that it looks fundamentally like the existing brick. Chair Sontag said the Office would take care of that. Mr. Carleton would provide a corner piece sample.

Bonnie Sontag suggested adding a special condition about the corners.

Don Walters made a motion to approve the DOD Special Permit Application submitted for 0 East Row with incorporation of the draft findings reviewed and revised tonight, as provided by the Office of Planning & Development, into the Board's decision accordingly. Rick Taintor seconded the motion, and all members voted in favor.

Motion Approved.

Planning Board
April 20, 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.

2. General Business

a) Correspondence

- *Letter from Peter Mackin re: 93 State Street*

Bonnie Sontag said the letter concerns the Institution for Savings and invites the Board to do a site visit to see how the building will sit in the neighborhood. Heather Rogers, Bob Koup, and Richard Yeager would let Chair Sontag know the dates and times they are available.

Rick Taintor asked if a site visit should take place before the application comes in. Chair Sontag would rather proceed when the Board is not rushed. After further discussion the site visit was postponed until the application is placed on the Board's meeting agenda.

b) Approval of Minutes

Rick Taintor made a motion to approve the minutes of 3/16/22 as amended. Alden Clark seconded the motion, and all members present voted in favor.

Motion Approved.

c) Other updates from the Chair or Planning Director

3. Adjournment

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

Motion Approved.

Meeting adjourned at 9:32 PM

Respectfully submitted -- Linda Guthrie