

Newburyport Historical Commission

January 14, 2021

Online Meeting

Minutes

1. Call to Order

Chair Glenn Richards called an online meeting of the Newburyport Historical Commission to order at 7:00 p.m.

2. Roll Call

In attendance were members Glenn Richards, Patricia Peknik, Peter McNamee, Joe Morgan and Christopher Fay. Malcolm Carnwath was absent. Also in attendance were Planner Katelyn Sullivan and note taker Gretchen Joy.

3. DOD/DCOD Advisory Review

93 State Street

DOD Review/Advisory Opinion

Peter McNamee recused himself from the discussion. Lisa Mead represented the applicant, who has again revised the plans. The program space has been removed from the first floor and was reduced on the second floor. The size of the addition has been reduced from 7,712 square feet to 6,512 square feet. The style of the roof was changed from pitched to hipped to reduce the ridge height of the building. The materials were changed from clapboards to brick. The Prospect Street setback was changed from 0 and 1'-6" to 5'-6". The Otis Street setback was changed from 0'-3" to 9'-9" and 24'-7". The height of the ridge was reduced to 33'-3", which is lower than the height of the 1870 building and 11-13 Prospect Street. The eave of the proposed structure would be 24'-6", which has not been changed, would be lower than the 1870 structure and higher than 11-13 Prospect Street. The mean height would be 28'-11", which would be lower than the mean height of the 1870 building and 11-13 Prospect Street, which are 32'-2.5" and 30'-6" respectively.

Attorney Mead said the proposed addition would be subservient to the historic structure by distance and dimension. The design would be compatible with its scale and character. Christopher Angelakis said the design was changed in response to comments from the neighbors. The setbacks, height and scale were reduced. The eave height was not changed but the lower pitch would reduce the massing. In the new proposal, the structure would step back significantly from Otis Place. The distance from the house at 4 Otis Place has been increased. The proportions of the windows and their spacing was changed to be compatible with this structure. The new structure would be set on a granite base. Its limestone lintels and sills, copper cornice and slate roof would be compatible with the 1870 building.

The meeting was opened to comments from the public. Peter Mackin, 13 Prospect Street, said the building is still large but is more compatible architecturally and major improvements have been made. Richard Pollak, owner of a Garden Street property, said the proposal has been improved but is still massive and not like other structures in the neighborhood. Claire Papanastasiou, 4 Otis Place, said she appreciates the improvements that have been made to the design and she is glad

Newburyport Historical Commission
January 14, 2021

the process is working. Paula Renda, 16 Otis Place, said she appreciates the progress but the structure is still too massive for the neighborhood. Sandra Noggler, 13 Prospect Street, said improvements have been made on the Otis Street side but not enough has changed on Prospect Street. The public comment portion of the meeting was closed.

Joe Morgan said he agrees with the neighbors. While work has been done to reduce the perceived mass, the change in materials takes the plan a step backwards with regards to the relationship between the building and the neighborhood. The Secretary of the Interior's Standards require that the building responds to its historical context. He said the lower pitch of the roof and the brick facades do not respond to the immediate historical context of the neighborhood. He complimented the architect on the design and the applicant for responding to the concerns of the neighbors but said in terms of the historical contextual issues, the plan is headed in the wrong direction.

Glenn Richards commented that the eave height has remained the same. The reduction in mass has been achieved through the change to a hip roof and the increased setbacks. He asked if the applicant has considered removing a level of parking. Attorney Mead responded that the bank is required to provide a certain amount of parking. The residents and users of the library made it clear at a Planning Board meeting that they would oppose on-street parking for bank use.

Patricia Peknik said the Commission has asked for a reduction in height at every meeting. A reduction in the ridge height of 3'-8" is not sufficient. The eave height has not changed and is one foot higher than that of the tallest house on Prospect Street. The structure would not comply with the Standards due to its height. The structure must be subordinate to the historic adjacent buildings. It should reinforce the scale and character of its setting.

Christopher Fay said the proposed structure is still too massive. Lisa Mead responded that the height would be consistent with the average height of the buildings in the neighborhood. The eave height is only one form of measurement. The mean height, ridge and eave would be lower than those of the historic building. She said the ridgeline is lower than that of a number of houses on Prospect Street. She said the interpretation of the Standards is subjective. The use of brick rather than clapboards would not make the design incorrect. The addition would be for a commercial use and it would be a part of the historic bank building. The proposed building would complement the historic building and would not overwhelm it or any building on Prospect Street or Otis Street.

Joe Morgan said he took his own measurements and they are not consistent with those that have been presented. The engineer will be asked to confirm the measurements.

Attorney Mead requested that Commission submit its report before the Planning Board meeting on January 20. Glenn Richards responded that she had previously strongly objected when the report was not reviewed by Commission in a public meeting. The report will be reviewed at the January 28 meeting.

3. General Business

a) James Bourque Construction, Inc.

3 Hancock Street

Demolition Delay Plan Revisions

Lisa Mead represented the applicant. Prior to the meeting, she submitted a letter stating the Commission had acted outside of its jurisdiction at the December 10 meeting. Glenn Richards said the Commission took no action at that meeting. He also said he disagrees with her interpretation of the Ordinance. She maintained that four members is needed for a quorum and an approval shall require a positive vote of the quorum, meaning that with four members in attendance, only three affirmative votes would be needed to pass a motion. Mr. Richards said four affirmative votes are needed to pass a motion. When only four members are in attendance, a unanimous decision is needed. The Planning Office has confirmed this interpretation.

Patricia Peknik reminded the members of the handbook that was prepared for them by the author of the Ordinance and the Planning Board. The NHC is empowered to direct the Building Commissioner with respect to the issuance of demolition permits. The Building Commission is not authorized to act in contradiction to the findings of the Commission. The Building Commissioner may only issue a demolition permit after the Commission's determination and must act according to that determination. The role of the Commission is not advisory. The Building Commissioner may only act unilaterally in cases of emergency demolition. Under demolition plan review, the Commission may require the applicant to submit an engineering report if the demolition is based on a claim of structural deficiency. The Commission has the authority to impose conditions on the approval of demolition. The Commission wishes to be assured that the scope of demolition would not impact or jeopardize the remainder of the historic structure. Glenn Richards said the signing of a Code and Permit Compliance Affidavit is now required.

Scott Brown requested that Commission lift the Demolition Delay. The proposed change is for the roofline on the back of the building. The requests of the Commission regarding the design have been met. The Commissioners did not express concerns about the design at the December 10 meeting. The other concerns discussed that night are not under the purview of the Commission. He added that the plans have been revised to show an increase in the amount of demolition at the rear façade. The applicant now thinks it would be necessary to remove this wall. The amount of demolition proposed would be below the DCOD threshold of 25%.

No one from the public spoke in favor of or in opposition to the plans. Patricia Peknik said the Commission should support plans that do not change the footprint of smaller houses. The plan is acceptable because it does not change the ridgeline, but she preferred the plan in which the form of the roofline was preserved. Christopher Fay said he could support this plan and he does not get the impression the applicant would tear down the house.

Glenn Richards moved to lift the Demolition Delay with the conditions that the applicant shall sign the Code and Permit Compliance Affidavit; only the section of the roof to be raised with its framing shall be removed and if additional demolition is deemed to be necessary, the applicant must return to the Planning Department for further

Newburyport Historical Commission
January 14, 2021

approval. Christopher Fay seconded the motion. Scott Brown said he believes it would be necessary to also remove the rear wall. The motion was withdrawn.

Glenn Richards moved to lift the Demolition Delay with the conditions that the applicant shall sign the Code and Permit Compliance Affidavit; only the section of the roof to be raised with its framing and the areas indicated on the demolition plan shall be removed and if additional demolition is deemed to be necessary, the applicant must return to the Planning Department for further approval. Christopher Fay seconded the motion. The motion failed by a 3 to 1 vote. (Glenn Richards, yes; Patricia Peknik, abstain; Peter McNamee, yes; Joe Morgan, no; Christopher Fay, yes). Katelyn Sullivan said that it was confirmed with Planning Director Andy Port earlier in the day that four affirmative votes are needed to pass a motion.

Joe Morgan moved that the applicant shall provide a report from a structural engineer acceptable to the NHC stating the proposed raising of the roof and related interior modifications shall be compatible with the existing structure. Attorney Mead said the Commission does not have the jurisdiction to request such a report and the applicant would not agree to provide it. She said the applicant is not requesting to demolish the entire structure and the condition that the Commission may request an engineering report if the demolition is based on a claim of structural deficiency would not apply. The motion was not seconded.

Peter McNamee said the motion as presented would bind the applicant to obtain approval for additional demolition. He said it is not within the purview of the Commission to require engineering reviews. Joe Morgan said raising roof would change the dynamic of the structure. A structural engineer has not reviewed the plans and the Commission is uncertain of the structural integrity of the building. He said it would not be unreasonable to ascertain the risk of making these extensive modifications.

Glenn Richards suggested that the applicant could be asked to provide an engineering report that verifies the structural changes could be safely accomplished. Joe Morgan said the report must be made by a licensed structural engineer and based on a site visit at which the existing conditions are examined. He would be agreeable to the applicant selecting the engineer and the engineer could be a part of the design team.

Scott Brown said it was decided early in the project that the interior walls would not be removed. He said it would not make sense to bring an engineer into the process at this point, when the framing is not visible.

Peter McNamee asked if the motion could include an instruction to the Building Commissioner to require an engineering review. Christopher Fay said there is not a precedent for the requirement of an engineering report. A revision to the Ordinance would be necessary to add this requirement and it should be known to the applicant at the beginning of the process.

Glenn Richards moved that the Demolition Delay on 3 Hancock Street shall be lifted with the conditions that the applicant shall sign the Code and Permit Compliance Affidavit and the applicant shall provide the Building Commissioner with a report by a licensed structural engineer on the existing conditions that confirms that the proposed structural changes and the scope of demolition may be accomplished. Joe Morgan seconded the motion. Attorney Mead said the applicant would agree to the conditions.

The motion was approved by a 4-0 vote (Glenn Richards, yes; Patricia Peknik, abstain; Peter McNamee, yes; Joe Morgan, yes; Christopher Fay, yes).

4. Updates from the Chair

a) 10 Auburn Street

A discussion on the preservation restriction was postponed to the January 28 meeting.

b) 6 Hamilton Way

Glenn Richards will review the preservation restriction with regards to a deck that was constructed at the rear of the structure.

c) CPC Representative

Glenn Richards agreed to replace Ron Ziembra as the NHC representative on the Community Preservation Committee.

d) Demolition Delay Flowchart and Voting Procedures

When a building has been determined to be historically significant, a public hearing will be opened. A separate vote will take place during the hearing regarding whether the structure should be preferably preserved. When the Commission determines a structure is preferably preserved, the Building Commission must not issue a demolition permit for twelve months. The Demolition Delay may be lifted before the end of the twelve-month period if the applicant agrees to accept conditions specified by the Commission or if the applicant is unsuccessful in locating a buyer for the property that would preserve, restore or rehabilitate it.

e) Election

Glenn Richards moved to hold an election for the positions of Chair and Vice Chair at the January 28 meeting. Joe Morgan seconded the motion. The motion was approved by a 5-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Christopher Fay, yes).

5. Correspondence

a) Letter to MassDOT from MHC re: Shoreline Resiliency Projects

MHC has determined that the shoreline resiliency project would have no adverse impact on the historic district.

b) Letter from Zoning Administrator re: 265 Water Street

The Demolition Delay was imposed at the December 10, 2020, meeting. A letter was received from the Zoning Administrator stating the applicant now intends to construct a by-right dormer. Glenn Richards moved to lift the Demolition Delay. Peter McNamee seconded the motion. The motion was approved by a 5-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Christopher Fay, yes).

Newburyport Historical Commission
January 14, 2021

6. Approval of Minutes

Glenn Richards moved to approve of the minutes of the December 10, 2020, meeting. Christopher Fay seconded the motion. The motion was approved by a 5-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Christopher Fay, yes).

7. Adjournment

Christopher Fay moved to adjourn the meeting at 9:37 p.m. Joe Morgan seconded the motion. The motion was unanimously approved.