

Newburyport Historical Commission

October 22, 2020

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, Ron Ziembra and Christopher Fay. Malcolm Carnwath was absent. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

3. Demolition Delay

490 Merrimac St. Realty Trust

490 Merrimac Street

Full Building Demolition

The applicant requested an extension. Peter McNamee moved to continue the application to the November 12 meeting. Ron Ziembra seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziembra, yes; Christopher Fay, yes).

Nicholas Hantzis

159 Water Street

Partial Demolition

Lisa Mead represented the applicant. She said the title for the property was searched back to 1838. It was once owned by Moses Brown, a prominent Newburyport resident. The structure is listed as contributory on the district data sheets. Peter McNamee moved the structure is historically significant and preferably preserved. Christopher Fay seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziembra, yes; Christopher Fay, yes).

Attorney Mead said the building is made up of three sections. The applicant is proposing to remove the gable end of the second addition, which is one and a half stories, and construct a second floor. The mechanicals would be moved from the basement to the attic to be taken out of the flood plain. The chimney on the first addition is not a functioning chimney but rather a utility chase. It would no longer be necessary with the relocation of the mechanicals and would be removed. A balcony would be added on the second floor. Cedar clapboards would be used on the original structure and cedar shingles would be used on the additions. The windows would be replaced and one window on the east façade of the original structure would be removed. The locations of the windows on the additions would be changed in response to the reconfiguration of the interior. The windows would be aluminum-clad six-over-six simulated divided lights.

No one from the public spoke in favor of or in opposition to the application. Patricia Peknik said she supports the proposal and would be happy to see the house brought to a more attractive form. Christopher Fay said he would also support the

application because of the condition of the structure but he does not in general approve of roof decks. Joe Morgan said he also supports the plans to rejuvenate the property, but the application should include details on the exterior features and the materials. He said he assumes that the trim and corner boards are to be replaced due to their condition, but this should be noted on the plans.

Joe Morgan moved to release for the building for partial demolition with the condition that information on the structure's features, such as trim and corner boards, and the materials to be used, such as the siding and windows, shall be added to the application prior to the issuance of a building permit. Peter McNamee seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes).

4. General Business

Institution for Savings

93 State Street

DOD Review/Advisory Opinion

Peter McNamee recused himself from the discussion. Glenn Richards said the Planning Board is the permit-granting authority for the application. The role of the Historical Commission is to determine whether or not the proposal meets the standards of the Secretary of the Interior for new construction and to prepare a report for the Planning Board. Extensive public comment was heard at previous meetings. Only Board deliberations would take place at this meeting.

Glenn Richards commented that it appears that the addition is being driven by the parking garage that would be located on its ground level. Architect Christopher Angelakis responded that every effort was made to compress the parking structure. The eave height of the addition was lowered to 25 feet. The houses on Prospect Street are only one foot lower. The façade of the addition has been broken down into several masses and the frontage of some of these is smaller than that of the adjacent buildings. Glenn Richards asked if a shallower roof pitch could be used to reduce the ridge height. Mr. Angelakis responded the roof pitch is the most common one for the Colonial form and the gable ends are being used to hide the mechanicals. Joe Morgan said the addition is an interpretation of the residential palette in terms of proportions and materials. The proportions have a residential feel. He commented that the windows do not appear to have trim. Mr. Angelakis responded that the intention is for there to be trim but it could be made wider. Christopher Fay said the addition would be great in a different location, such as Storey Avenue, but not in the downtown. He said the footprint is very large and it would swallow up the neighborhood. He added the residents in the neighborhood are opposed to the proposal. Ron Ziemba said an impasse has been reached on an important community issue. The bank has made some concessions that have been rejected by the neighbors and there is no common ground. He said the architect has gone to lengths to make the addition fit with the neighborhood. Glenn Richards said the changes are stylistically a better fit for the neighborhood but the garage drives the height. Patricia Peknik said that according to the Ordinance, the applicant must comply with the Standards of the Secretary of the Interior. These Standards require that the addition must

be compatible with the historic building in terms of mass, size and scale. Various National Park Service bulletins state that an addition to a historic building must be visually subordinate and smaller in both height and footprint. It must be respectful of the scale of the historic building and those around it. Its height and setback should be consistent with the historic building and adjacent buildings. The addition should not compete in size and scale. The addition should have the least impact on the building and the district and should reinforce their scale and character. Ms. Peknik said the Department of the Interior continually emphasizes the need to protect the historic setting and context of the property. She said she respects the work the architects have put into the design. The design attempts to break up the massing and includes several design elements of the historic setting. She said, however, the addition, is too tall and has too much volume for the historic neighborhood context. She said the addition is too grandiose for the setting and would have a negative impact on other historic resources in the neighborhood. The FRESH test, which stands for footprint, roof shape, envelope, skin, and holes, can be used to determine the compatibility of new construction in a historic district. She said that by applying the FRESH test, she has concluded that the proposed addition would be incompatible with its setting in terms of height, massing, proportion and scale. Attorney Mead said she disagrees with the analysis under the FRESH test. The new design complies with the criteria. Christopher Angelakis he has done everything possible to make sure the project is subordinate. Other buildings in the neighborhood have equally large footprints. The proposal is not an addition to the 1871 building. Glenn Richards will compile the comments into a report for the Planning Board.

Newburyport Public Library

94 State Street

Preservation Restriction Discussion

Giselle Stevens said the library has applied for CPA funds for a HVAC system for the archival center. The required preservation restriction would be between the City and Museum of Old Newbury. She asked if the restriction would apply to the entire exterior of the library. The Board of the Directors unanimously approved the document and agreed it should not include any interior features. Joe Morgan said the preservation restriction for the High School was used as a template for the document. He listed the five items that were included in the document.

Glenn Richards moved to approve the draft preservation restriction and submit it to MHC for review before it is returned to the NHC for final approval. Patricia Peknik seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziembra, yes; Christopher Fay, yes).

Ted Nelson

190 High Street

Preservation Restriction Discussion

Peter McNamee recused himself from the discussion. MHC has approved the draft preservation restriction. Final approval is now needed from the NHC. Ted Nelson said he would like to be able to make some changes to the rear of the property without coming back to the Commission for review and approval. The back of the house was previously modified. It is of a modern design and he would like to be able to modify it as needed or desired. Joe Morgan said the NHC would be the grantee of the preservation restriction and he would want to see in any proposed changes in advance. The Commission should be made aware of any physical changes to the structure. Glenn Richards said the main structure, carriage house and garden are all integrated. Mr. Nelson said the first draft of the preservation restriction applied to the front and sides of the house and carriage house, not the entire property. He would be willing to specify that the addition of a swimming pool would be a change that would require approval, but he would want to flexibility to maintain the garden, which is a living entity that changes over time. He said the Commission would be made aware of any proposed changes to the property, such additions, outbuildings and a swimming pool.

Joe Morgan moved to approve the draft preservation restriction in principle and to authorize the chair to work with the applicant to change the language of the document as discussed, which involves informing the Historical Commission of any proposed changes to the structure to protect its interest as its steward. Christopher Fay seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes).

Michael Gray
12-14 Harrison Street
DCOD Advisory Review

A Notice of Violation was sent to the property owner on August 11 because the scope of demolition exceeded that which was permitted under the DCOD application and the ZBA Special Permit for Non-conformities. Under these permits, only the interior was to be stripped. No exterior building walls were to be demolished. More than 25% of the structure has been removed. The property is now subject to a three-year moratorium due to the illegal demolition, which the property owner is appealing. The property owner has filed an application for a DCOD Special Permit after the fact. The Zoning Board is now the permitting authority. The role of the NHC is to provide a historical report to ZBA on the significant of the historic structure and its importance relative to its context. It would comment on the characteristics of the house, although these characteristics no longer exist.

David Mack, the attorney for applicant, said during work on the interior of the structure, it was found the framing was not capable of supporting the new work and in some places not original. It could not be preserved or incorporated into the new structure and was removed. He said it was a mistake not to stop the work, but the work that was being done was approved with the exception of the removal of the framing. No other aspect of the project would be changed. Structural engineer Dan Webb said the framing was not up to code and was probably a safety hazard.

The meeting was opened to comments from the public. Stephanie Niketic, 93 High Street, said the applicant is under a zoning violation and stop order. She said the Planning Office should put an end to this manipulation of the public process. The matter of the appeal should be concluded before the Special Permit process is begun. She said Bob Armstrong, the City's former Building Administrator, attended the foundation review and instructed the crew to stop the demolition. The applicant was aware he was doing something wrong under the law. Andy Port provided an overview of the legal framework of the process. He said the ZBA has granted the request for a continuation of the appeal and the matter has been continued to December. The ZBA must decide whether to grant a DCOD Special Permit and it would be informed by the findings of Historic Commission. He advised the NHC to proceed with the preparation of its report.

Patricia Peknik said the Commission must recommend that the moratorium not be lifted. A house built between 1750 and 1800 with a central chimney has been lost. The work had been permitted on the grounds it would not harm the integrity of the house. She said that an asset that benefited the city, the community and the neighborhood has been lost. The previous plans that the NHC recommended for approval attached to the historic structure with its historic framing. The historic framing no longer exists and the NHC has the right to review new plans without being bound to any conditions or recommendations that were made relative to the expansion of the historic structure, a structure that no longer exists. The applicant should have returned to the Commission when a problem with the framing was encountered. Glenn Richards said a lovely old house has been lost, although the damage may have been done when it was converted to apartments. Peter McNamee said he agrees with Ms. Peknik. He said Mark Griffin, the former attorney for the applicant, stated in a letter in May that there would be no additional demolition of the structure. The removal of a building is significant and the applicant did not simply forget to stop to get permission. The Commission must recommend to impose the moratorium. Christopher Fay said the applicant appeared before the Commission at two meetings and gave assurances the structure would not be demolished. The historic nature of the home was clear. Glenn Richards will write a draft report for the ZBA and will send it to the NHC members for review.

5. Other Business

Andy Port asked if Board members would approve of a system by which the public could send comments to them directly by email. This would relieve the Planning Office staff of the duty of compiling and distributing the emails. An email address would be set up for the Board and the messages would then be forwarded to the members. The Board members said they would approve of the proposed system.

6. Approval of Minutes

Patricia Peknik moved to approve of the minutes of the October 8, 2020, meeting as submitted. Peter McNamee seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes).

7. Adjournment

Patricia Peknik moved to adjourn the meeting at 9:46 p.m. Peter McNamee seconded the motion. The motion was unanimously approved.