

Newburyport Historical Commission

November 9, 2023

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 Andrew Bernhardt, Biff Bouse, Joe Morgan, Glenn Richards, Christopher Fay and Chris Sawtelle and alternate members Ed Noymer (voting member) and Alan Marquis (non-voting member). Marc Cendron was absent. Also in attendance were Planner Katelyn Sullivan and note taker Gretchen Joy.

3. Demolition Delay Applications

a) 66 Prospect Street

The applicant, Patrick Helfrich, is proposing to change the roofline of a single-family house that was built around 1925. The structure is listed as minor contributing and astylistic on the District Data Sheet. Biff Bouse commented that 40 years have passed since the District Data Sheets were prepared and the status of the building might not be considered the same now.

Mr. Helfrich said the structure is not in good condition and is clad with aluminum siding. The proposed 8' x 12' addition would step in from the original structure two feet on each side and would not be visible from the street. The original structure would be left intact. The siding would be removed and replaced with Hardie Plank and cedar shakes.

Christopher Fay moved the structure is historically significant but not considered for preservation. Andrew Bernhardt seconded the motion. The motion passed by a 7-0 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, yes; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

b) 443 Merrimac Street

Lisa Mead and Aileen Graf represented the applicant, who is proposing to remove two rear additions on a structure that was constructed between 1840 and 1878. There is no Form B for the structure and it is not listed on the District Data Sheets. The addition on the southeast side of the structure was shown on the 1924 Assessors map. The other addition was constructed at a later date and is not historic.

Christopher Fay moved the structure is historically significant. Biff Bouse seconded the motion. The motion passed by a 7-0 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, yes; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

Biff Bouse moved the structure is considered for preservation. Chris Sawtelle seconded the motion. The motion passed by a 7-0 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, yes; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

A physical engineer has submitted a report stating the older addition is in poor condition. A portion of it sits directly on ground, which has resulted in water infiltration and decay.

The applicant is proposing to construct a two-story addition that would overlay the existing rear roof. The addition would be stepped in from the west side of the historic structure. The details of the original structure would be repeated in the addition.

Chris Sawtelle asked about the chimney that is to be removed. Aileen Graf said there is no firebox and it does not appear to be as old as the chimney in the center of the structure that is to be retained.

Christopher Fay said the house is in need of repair and he supports the proposal. Alan Marquis said he likes the design of the proposal and it would be an improvement over the existing conditions.

Joe Morgan said the location of the structure on a corner makes it highly visible. The lack of differentiation between the original structure and the addition would be of concern to him under other circumstances, but he does not think the structure is preferably preserved.

Biff Bouse said the existing additions were not done well and there would be no harm in removing them. He said the proposed addition would not be sufficiently differentiated from the historic structure and would overwhelm it.

Andrew Bernhardt moved the structure is preferably preserved. Joe Morgan seconded the motion. The motion was approved by a 6 to 1 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, no; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

Andrew Bernhardt moved that the proposal would not adversely impact the historic structure and to accept the plans as submitted and lift the Demolition Delay. Christopher Fay seconded the motion. The motion was approved by a 6 to 1 vote (Glenn Richards, yes; Biff Bouse, no; Joe Morgan, yes; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

4. Other Business

a) 22 Market Street

Doug Deschenes represented the applicant, Ben Lagare, who has requested to modify a ZBA Special Permit. The applicant agreed to repair and restore the historic windows. The applicant is now proposing to replace the historic windows with reproduction wood windows to provide egress from the rooms of the inn. He has offered to install a cedar shake roof as mitigation for the modification. The restoration of the historic windows was a part of the NHC advisory report to the ZBA. Some ZBA members wished to hear the opinion of the NHC before deciding whether or not to approve the request for minor modification.

Attorney Deschenes said the matter is one of safety, liability and risk, not of cost. In order to meet the emergency egress requirements, it would be necessary to replace one window in each room and permanently shut the restored windows. His client is concerned that in the event of an emergency, visitors to the inn would not be able quickly

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determine which window could be opened for emergency egress. Windows restorers have indicated it would be possible to install springs in the historic windows to make them fully functional, but they were not able to guarantee that for years to come the windows could be opened with ease and stay open without slamming shut.

The hearing was opened to comments from the public. Rita Mihalek, 53 Warren Street, spoke on behalf of the Newburyport Preservation Trust. She said the historic early windows should be restored and repaired. The window trim on the second floor should be replicated on the first floor. The NHC should review the plan for the shutters and the old shutter hardware should be retained. The front entrance should be preserved and restored. The molding above the door should be removed and if the transom is not in place behind it, it should be replicated. The pillow molding should be preserved and the clapboards should be replaced with real wood. The roof should be returned to the original gambrel shape. She said the co-presidents of the Preservation Trust spent much time working with the developer's original architect, who agreed to restore many of the building's historic features. For this reason, the Trust supported the application. The first architect is no longer on the project and the developer is no longer carrying out the work as agreed.

Ken Swanton said the ZBA gave serious consideration to the comments of the NHC when issuing its Special Permit and some members wanted the opinion of the Commission members on the request for minor modification.

Attorney Deschenes said his client agreed to carry out the work described by Ms. Mihalek. The only item at issue is the replacement of the windows.

Glenn Richards said the NHC could provide a certification that would allow an exemption from the energy code. He said the Building Commissioner has pointed out that only one operable window would be needed in each room.

Chris Sawtelle said that while there are ways to make sure the windows would stay open and their restoration was a requirement of the project, he is concerned about liability.

Ed Noymer said safety should trump historical values. Christopher Fay agreed, and said the property is open to the elements. He would not want the project further delayed because the building code has not been met.

Andrew Bernhardt said the Window Woman of New England could not guarantee that the windows could be made safe.

Glenn Richards said the windows could be made operable for a private residence, but other factors must be considered in these circumstances. He said the proposed windows would be a reasonable compromise and the proposed roof material would enhance the character of the structure.

Allen Marquis said the developer should follow through with the other work he agreed to when discussing the project with the Preservation Trust.

Building Commissioner Greg Earles said the NHC should not base its decision on the adherence to the code.

Glenn Richards will send an email to the ZBA that summarizes the comments made at the meeting.

b) 350 High Street

Lisa Mead said her client is seeking a VI.C Special Permit from the Planning Board to add a second structure on the lot. A requirement of this permit would be that a preservation restriction would be placed on the historic structure. The existing two-family use of the original structure, which was constructed in 1780, would be reverted back to single-family use. No work is planned for the exterior of the house. The outbuilding on the property is not historic. The same language would be used for the restriction as the NHC and MHC has approved for other VI.C applications.

Glenn Richards moved to notify the Planning Board that the NHC is favorably inclined to accept a preservation restriction on 350 High Street, subject to the final review and approval of the document. Biff Bouse seconded the motion. The motion was approved by a 7 to 0 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, yes; Andrew Bernhardt, yes; Christopher Fay, yes; Chris Sawtelle, yes; Ed Noymer, yes).

c) 124 High Street

Lisa Mead said her client is proposing to renovate the structure that was constructed in 1814. The building currently houses five commercial units and two residential units. It would be converted to a multi-family structure, which requires Planning Board approval. The interior of the structure was gutted after a fire in 2001, at which time the windows and roof were replaced.

Aileen Graf reviewed the proposed changes to the structure. On the front façade, the awning window be changed to a casement window to allow for egress. A double hung window on the side façade would be replaced with French doors and window would be changed to for egress. At the rear of the structure, the existing decks and stairs would be removed and a wood structure on posts with clapboards would be constructed. The existing brick wall on the interior of the addition would not be removed and the existing openings would remain the same.

Glenn Richards will provide a report to the Planning Board that will describe the historical significance of the structure and indicate that the NHC did not find that the proposal would have an adverse impact on the historical values of the property.

5. Updates from the Chair

Glenn Richards said the format of the draft preservation restriction for the Old Gaol is not acceptable and must be modified.

6. Minutes

Biff Bouse moved to approve the minutes of the October 23 meeting. Joe Morgan seconded the motion. The motion was approved by a 5-0 vote (Glenn Richards, yes; Biff Bouse, yes; Joe Morgan, yes; Andrew Bernhardt, yes; Chris Sawtelle, yes; Christopher Fay, abstain; Ed Noymer, abstain.)

7. Adjournment

Andrew Bernhardt moved to adjourn the meeting at 9:58 p.m. Chris Sawtelle seconded the motion. The motion was approved.