

## **Newburyport Historical Commission**

November 12, 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 (joined at 8:48), Peter McNamee, Joe Morgan, Ron Ziemba, Christopher Fay and Malcolm Carnwath. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

### **3. Demolition Delay**

#### **490 Merrimac Street Realty Trust**

#### **490 Merrimac Street**

#### **Partial Building Demolition**

Lisa Mead represented the applicant, who has submitted revised plans. The applicant originally planned to demolish the entire building and is now proposing to reuse most of the original house. The structure was built around 1890. It is not listed as a contributory structure on the District Data Sheets and there is no Form B. Attorney Mead said the structure is not fit for human habitation. Water has intruded into it, the foundation is deteriorating and the siding is rotting. The chimney has been disconnected in the attic.

Ron Ziemba moved that the structure is historically significant but not preferably preserved due to its condition. Christopher Fay seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, absent; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes; Malcolm Carnwath, yes).

Attorney Mead reviewed the plans for the property, but no action by the Board is required, as the structure has been released for partial demolition. The rear of the house would be demolished and replaced with an addition. The historic structure would be converted to a garage. The view from the street would be preserved. The existing door and windows on the front façade would remain in place and the front portion of the roof would retain its existing pitch. The garage doors would be located on the side of the structure.

#### **Jerome and Brenda James**

#### **2 Jackson Street**

#### **Roofline Change**

The applicants are proposing to add an 8'-6" shed dormer to a structure that was built around 1869. It is listed as a contributory structure on the District Data Sheets. Peter McNamee moved that the structure is historically significant and preferably preserved. Ron Ziemba seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, absent; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes; Malcolm Carnwath, yes).

Mr. James said the dormer would be constructed over a stairway to provide additional headroom for improved accessibility to the attic. The siding, trim, roofing material and windows would match those on the remainder of the structure.

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Malcolm Carnwath said the plan is reasonable. He has no concerns about the dormer, which would make the structure more livable. Ron Ziemba said there are dormers on many of the houses on the street and the alteration would fit with the neighborhood. Peter McNamee said he would be reluctant to support the dormer as proposed. He asked if the applicant is familiar with the City's guidelines for dormers. The proposed dormer would extend to the ridge of the house and its face would be on the same plane as the house, which is not in keeping with the guidelines. Joe Morgan said the design of the dormer would be appropriate, although a gable-roofed dormer could be constructed as well. He called attention to the completeness of the construction details that were provided.

The hearing was opened to comments from the public. Stephanie Niketic, 93 High Street, said a gable-roofed dormer would be more appropriate for the structure. She encouraged the applicant to review the guidelines for historic structures in Newburyport. She said she hopes the NHC members appreciate the amount of effort that the City Council made in developing the guidelines to ensure that dormers on historic buildings are as appropriate as possible. Tom Kolterjahn, 64 Federal Street, agreed that the guidelines are important.

Glenn Richards said that a shed dormer is allowed under the guidelines but must meet certain perimeters. It should not negatively impact the house or the neighborhood. The proposed dormer does not conform to the guidelines because it extends to the roofline and is on the same plane as the wall. He said the architect should be asked to revise the plans. Ron Ziemba agreed that the dormer should conform to the guidelines. Christopher Fay said he would not support the approval of a dormer that does not meet the guidelines. He pointed out the massive dormer on the neighboring house, which he said does not fit with the city. He said an alteration should not be approved simply because a similar change on a neighboring house had been made in the past. The NHC is charged with maintaining the historical integrity of the city. He said the Commission was assured that the dormer recently approved for the former Christian Science Church on High Street would be unobtrusive and it is not. Peter McNamee said he supported the High Street dormer, a decision he now regrets. The dormer is visible and not as he pictured. He said the applicant may find it challenging to meet the guidelines, but should consider a doghouse dormer. He said the NHC must protect the architectural integrity of the city.

Christopher Fay moved to impose the Demolition Delay and encourage the applicant to revise the plans for dormer. Peter McNamee seconded the motion. The motion was approved by a 6-0 vote (Glenn Richards, yes; Patricia Peknik, absent; Peter McNamee, yes; Joe Morgan, yes; Ron Ziemba, yes; Christopher Fay, yes; Malcolm Carnwath, yes).

**James Bourque Construction, Inc.**

**3 Hancock Street** □

**Demolition Delay Plan Revisions** □

The Demolition Delay was imposed at the October 8 meeting. Lisa Mead and Scott Brown represented the applicant and presented revised plans. The existing conditions

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plan that had been submitted was incorrect. The plan showed the chimney as being located on the ridge, when it is in fact in front of the ridge. Attorney Mead said the roof behind the ridge could be raised without impacting the chimney. No other changes were made to the plans, as the applicant wishes to proceed with the alternative that was originally preferred. Mr. Brown said this plan would maintain the proportional relationship of the front roof to the short section of roof in the rear. He said the other alternatives that were explored would change the character of the house.

The meeting was opened to comments from the public. Tom Kolterjahn, 64 Federal Street, said he would support the plan because the historic chimney would be saved.

Joe Morgan said the presentation is misleading. The issue is more complex than just the raising of the roof. The applicant is proposing not only to raise the ridge and move it towards the rear, but also to relocate the windows to provide symmetry. He said this is demolition for which calculations should be provided. Each window opening would also be expanded. The Secretary of the Interior's Standards discourages changes to the size and location of windows in a historic building. The window openings on the front façade have also been enlarged. He said this would completely change the character of the historic structure. He would not support the plan, as it is not in keeping with the Standards.

Malcolm Carnwath said the structure is rare and an important part of the city's architectural heritage.

Peter McNamee said he is in favor of the changes to the front entryway, and the change to the roofline would make the house more usable. He does not support the change to the fenestration on the side facades, which he said would detract from the heritage of the building. He said the house is a treasure and the symmetry of the proposed side elevations is dull. He prefers the existing pattern of fenestration, although its relation to the proposed ridge height would be odd.

Scott Brown said the windows are old but not original. The proposed windows would be six-over-six, which would be the appropriate style for the age of the house. He said he thinks that when demolition is begun, it will be found that the original window openings were larger, but he would be willing to change the symmetry of the windows.

Christopher Fay said the proposed front elevation would be an improvement. He said the sliding glass doors proposed for the rear façade do not fit with the house.

Glenn Richards said the expansion of the envelope changes the character of the building. He concluded that while progress has been made, the plans are still not acceptable.

Glenn Richards moved to approve the plans as submitted. The motion was not seconded and did not pass. A vote was taken despite the lack of a second and none of the members voted in favor of the motion.

The applicant was provided with guidance on the way in which the proposal could be modified that would be acceptable to the Commission. Joe Morgan said the focus should be on the preservation of the historical features of the structure. The size and location of the windows should remain as they are and the roofline should not be raised. The rear of the structure could be modified as necessary to obtain the necessary roof

height. Peter McNamee said he does not oppose the windows as proposed, but the existing ridgeline should be retained.

### **98 State Street**

#### **Request for Historical Report**

The Office of Planning and Development has requested a historical report on the replacement of the fence between the parking lot near the library and the neighboring house. The existing stockade fence is in poor condition. The new six-foot cedar panel fence would be topped with a baluster.

Peter McNamee moved to authorize the Chair to write a report approving the replacement of the fence. Malcolm Carnwath seconded the motion. The motion was approved by a 7-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, yes; Ron Ziembra, yes; Christopher Fay, yes; Malcolm Carnwath, yes).

### **93 State Street**

#### **Review of Draft Historical Report** □

Peter McNamee recused himself from the matter. Glenn Richards moved to approve the historical report as written. Patricia Peknik seconded the motion. The motion was approved by a 5-0 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, abstain; Joe Morgan, yes; Ron Ziembra, yes; Christopher Fay, yes; Malcolm Carnwath, abstain).

### **12-14 Harrison Street**

#### **Review of Draft Historical Report** □

The applicant conducted demolition that greatly exceed that which was authorized under the permit. As a result, the work was halted and a three-year moratorium on the building permit was issued. Glenn Richards read the revised draft historical report, which states that the Commission cannot provide a valid historical report on the granting of a special permit for the demolition of more than 25% of the structure because that structure no longer exists. The report describes the original proposal and the significance of the historic building and its importance to its setting. The preliminary conclusion was that it would be inappropriate for the NHC to offer an opinion on the action to be taken.

Patricia Peknik said the Commission is in fact being asked to provide guidance to the ZBA about the granting of a special permit to approve the work that was done without authorization. The Commission provided information on the character of the house and neighborhood, but cannot evaluate the condition of a house that no longer exists. She said the NHC must advise against the approval of the special permit and the lifting of the moratorium. The intent of the DCOD ordinance is to protect the architectural integrity of the city through the regulation of the demolition of its historical structures. She said it benefits the city and its residents to uphold the law. It benefits the owners of historic houses because the market value of their houses is predicated on their settings among other historic houses. The DCOD ordinance states that the preservation of the city's historic character is critical to the city's heritage and land values. She said the NHC must now report to the MHC that a historic house has been lost under its watch.

Ms. Peknik went on to say that the Commission should be more specific in the way it defines what constitutes an inappropriate alteration of a rooftop. An opinion should be sought from an independent structural engineer about the building's ability to withstand the proposed interior or roof demolition. She asked that the Commission consider conditioning the granting of future permits on the incorporation of any sound historic materials into the new construction.

Peter McNamee said he agrees with the comments Ms. Peknik made and the NHC should advise the ZBA that it is in favor of the moratorium. He said there is no reason to have an ordinance if its penalties are to be ignored. He does not want to encourage applicants to ask forgiveness rather than permission.

Joe Morgan said that in the October 1 letter from David Mack, it was stated that the only deviation from the approved plans was made to the framing, an interior feature. He said this attitude minimizes the intent of the approval of the proposal, which was to preserve original materials. He said a report should be required from a third-party engineer that comments on the impact of the proposed modifications on the historic structure.

Christopher Fay said it is not the charge of the NHC to determine the livability of a house. If an applicant wishes to use the third floor, it must be done within the confines of the historic house. He said these houses have been in existence for generations but now applicants claim state they would not be able to live in them without adding dormers to provide more head height on the third floor. The NHC is responsible for these historic homes.

Malcolm Carnwath said applicant showed total disregard for the preservation of an important historic home. He said the City is under assault.

Glenn Richards said he would rewrite the conclusion of the report to state that as the structure the NHC is responsible for reviewing no longer exists, it could not provide a correct review. The Commission recommends against the approval of the special permit and against relief from the moratorium.

Peter McNamee moved to approve the historical report as amended and forward it to the ZBA. Christopher Fay seconded the motion. The motion was approved by a 6-1 vote (Glenn Richards, yes; Patricia Peknik, yes; Peter McNamee, yes; Joe Morgan, no; Ron Ziembra, yes; Christopher Fay, yes; Malcolm Carnwath, yes).

Joe Morgan said it is not the job of the NHC to comment on the moratorium. It is important to the neighborhood that the structure be completed. Patricia Peknik replied that it is within the purview of the NHC to comment on the moratorium. According to the ordinance, the moratorium could be lifted with written permission from the Commission. Glenn Richards said he would include Mr. Morgan's opinion in the report.

#### **4. General Business**

##### **a) 159 Merrimac Street**

At the October 22 meeting, the Commission voted to release the building for partial demolition with the condition that information on the structure's features shall be added

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to the application prior to the issuance of a building permit. The requested materials have been received.

**b) Election of Officers**

The election of officers will take place in January.

**5. Approval of Minutes**

Joe Morgan moved to approve of the minutes of the October 22, 2020, meeting.

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; Malcolm Carnwath, abstain).

**6. Adjournment**

Peter McNamee moved to adjourn the meeting at 9:48 p.m. Joe Morgan seconded the motion. The motion was unanimously approved.