

SALEM HISTORICAL COMMISSION  
MINUTES  
December 16, 2020

A meeting of the Salem Historical Commission was held on Wednesday, November 18, 2020 at 6:00 pm **Zoom Virtual Meeting** Present were; Reed Cutting, Rebecca English, Vijay Joyce, Milo Martinez, Mark Meche, Erin Schaeffer. Not present: Stacey Norkun, Mark Pattison, Larry Spang.

125 Derby Street – continuation

Christian Haselgrove submitted a Certificate of Appropriateness to replace a fence

Documents & Exhibits

- Application: 10/13/20
- Photographs

Ms. Kelleher stated that the applicant requested a continuance to the January 6, 2021 regular meeting.

**VOTE:** Mr. Joyce made a motion to continue to the January 6, 2021 regular meeting as requested. Mr. Martinez seconded the motion. Martinez, Meche, English, Joyce, Schaeffer and Cutting were in favor and the motion so carried.

123 Federal Street – continuation

Lindholm Family Trust submitted a Certificate of Appropriateness for replacing existing fencing with new fence design and gates (after the fact)

Documents & Exhibits

- Application: 10/7/20
- Photographs

Ms. Kelleher stated that the applicant requested a continuance to the January 6, 2021 regular meeting.

**VOTE:** Mr. Joyce made a motion to continue to the January 6, 2021 regular meeting as requested. Mr. Martinez seconded the motion. Martinez, Meche, English, Joyce, Schaeffer and Cutting were in favor and the motion so carried.

Ron & Mary Hartfelder, Monroe Street. Asked how long an application can be continued given that the fence was installed in September 2020. Ms. Kelleher replied that the Commission has 60 days to act upon an application unless the applicant requests continuations, which the applicant has requested. The public hearing was noticed in early October.

Peter Atkinson. Echoed the comments of Ron and Mary Hartfelder.

13 Linden Street

Bryan and Mary McCandless submitted a Certificate of Appropriateness to replace rear windows

## Documents &amp; Exhibits

- Application: 11/20/20
- Photographs

Mary McCandless was present to discuss the project.

Ms. Kelleher stated the applicant is seeking approval of two windows that have already been replaced without review and approval by the Commission. The question was raised of how the boundaries of the Lafayette Street Historic District are established since their property is outside of the district boundary. After the district was established in 1986, the parcel included the building at the back of the property and the condominium association. Their property is outside of the district when they should have considered whether to expand the boundary. Mr. Cutting questioned whether it was excluded on purpose given its distance from Lafayette Street. Ms. Kelleher noted that Jane Guy, who previously served as the clerk for the Commission, stated her belief that the building was located outside of the district boundary.

Ms. McCandless stated that the first-floor windows next to the side deck is what's being questioned. She received a permit to replace several windows in October and they determined that the replacement windows installed 10-15 years ago were installed incorrectly. Andersen Windows provided a quote to replace the remaining two windows in the kitchen and bathroom in kind.

Ms. Kelleher noted that the Lafayette district regulation is only for streets named in the district. Mr. Joyce questioned whether that includes work being done from a street within the district or seen from properties within the district. Mr. Cutting replied that since the property is not in the district, the application can be allowed as applied for. Ms. Kelleher stated that she will verify with the City Solicitor that the property is not within the district to ensure their property isn't flagged again as historic.

## Public Comment:

No one in the assembly wished to speak.

**VOTE: Mr. Joyce made a motion to approve as submitted. Ms. English seconded the motion. Martinez, Meche, English, Joyce, Schaeffer and Cutting were in favor and the motion so carried.**

14 Cambridge Street

Alan November submitted a Certificate Appropriateness for a rear addition and rear dormer on carriage barn.

## Documents &amp; Exhibits

- Application: 12/2/20
- Photographs
- Drawings by Seger Architects

Alan November - Owner, Dan Ricciarelli and Julia Mooradian of Seger Architect and Attorney Brian LeClare were present to discuss the project.

Ms. Kelleher stated that the application was submitted in September to do work on the rear of the house and carriage barn. A Certificate of Non-Applicability request was approved by the Historic Commission because the work was deemed not visible at that time. However, now that the leaves have fallen from the trees, the rear of the

buildings are now visible from Broad and Chestnut Streets. The applicant resubmitted for a Certificate of Appropriateness and the previous Certificate of Non-Applicability may not be valid. Seasonable visibility has yet to be clarified with the City of Salem or MHC.

Mr. Cutting asked if the front of the outbuilding and additions were visible from the street. Mr. Ricciarelli replied no. Mr. Martinez noted that the second-floor carriage house dormer would be visible from Broad Street and near the corner of Chestnut Street. Atty. LeClare noted that Mr. November has gone out of his way to restore the historic features of the buildings and he intends to be a good steward. He will listen to Commission's suggestions to maintain the historic appearance of the property; however, the Ch. 40C procedure means there has already been a determination and since no appeal was filed within the 20-days determination period, the earlier decision is now binding.

Ms. Schaeffer noted that the dormer change isn't on a principal elevation and the City of Cambridge has guidelines for setbacks that would be a better fit in this instance. She noted that vegetation isn't a method of concealment and questioned whether the City of Salem can revoke a determination. Ms. Kelleher replied that the City Solicitor did not believe that the Commission could revoke the previous determination. Ms. Schaeffer stated that if the dormer fits the Cambridge guidelines, she would be in favor of approving the application and implementing this standard, so this doesn't occur again. Ms. Kelleher noted that while landscape can't be considered screening, a structure or wall can render something non-visible and the Commission wouldn't have jurisdiction over it. Mr. Martinez agreed with Ms. Kelleher and Ms. Schaeffer's determinations, and integrating Cambridge's guidelines into Salem's Design Guidelines. Mr. Ricciarelli questioned whether the Commission can mandate Cambridge's guidelines. Ms. Mooradian noted that the dormer can be 15-feet-long maximum or half the length of the building. It's also been stepped back from the wall below by 18-inches and is 3-feet away from the sidewalk.

Mr. Meche asked if the new breezeway would be visible. Ms. Kelleher replied only a portion of it from Cambridge Street. Mr. Ricciarelli noted that the area is open on both floors with only the stair. The house has a large front unit and small rear unit that will become one large unit with the addition of the breezeway. The breezeway is a one-story connector, with a board & batten facade, and a mixture of Eastlake and Queen Anne styles. Mr. Meche asked if another gable was on the North elevation and if the design can be revisited. Mr. Ricciarelli replied that it's an existing gable end. Ms. Kelleher replied that this review is for comment only, the SHC doesn't have the ability to rescind the application. Mr. Martinez suggested a continuance. Ms. Schaeffer noted her preference with seeing the side visible from the Pickering House, since some recently modified carriage houses have been inappropriate, this addition should fit, and the Commission should look after the City's carriage houses.

#### Public Comment:

David Driscoll, (Abutter). Wasn't aware of the previous hearing and questioned how the Commission cannot appeal to those in objection to it and how an abutter can appeal to what they weren't aware of? The property has been a Massachusetts Landmark since 1969 and questioned whether an alteration of this size to a designated landmark building should be allowed since it is substantial. The previous owner, Jim Ballou, was an advocate of the integrity of the area. He noted that the proposal should not be considered a breezeway, it's an addition with a restroom. Others may want to claim the same to connect a building to an accessory structure. He asked if there was a breezeway when the building was originally constructed because there are no others in the neighborhood. Approving such things gives other property owners permission to do the same. Ms. Kelleher stated that the property was designated voluntarily in 1969 as a state landmark. Any changes need to go to MHC for review; however, this program is no longer actively accepting new properties. Mr. Driscoll noted that its designation is also recorded in the chain of title. He added that a breezeway of this size and type is significant and should be carefully considered. Atty. LeClare replied that Chapter 40C establishes a uniform system regardless of origins of the determination made and 20-days after the determination is made it is final. The state statute established procedures for notice hearing; however, there are certain circumstances where the Commission can process an application

without a hearing. In both instances the determination is final without an appeal. Ms. Kelleher reiterated that she would request a formal legal opinion on this application.

Tim Jenkins, 14 Broad Street. The fence on Pickering property makes it difficult to see but the dormer would be visible from Cambridge Street. The chain of title includes a deed restriction on the property because the main building is associated with Samuel McIntire. He questioned how that impacts associated outbuildings since this is a barn and more significant than a garage. This should be checked with the Commission, the City Solicitor, and approved by MHC which also has jurisdiction and the application continued until a determination is made. He noted that the Historical Commission doesn't send out notices for Certificates of Non-Applicability, so neighbors didn't know what was happening although he liked the owner's willingness to modify the plan. The link is an addition not a breezeway, the dormer is oversized, and its windows are not centered. In a Federal style building everything is balanced, making this odd because the windows aren't mirrored, and they don't match. The Owner should consider modifications and scaling down, so the additions meet the Secretary of the Interior Standards to improve the building. Mr. Ricciarelli replied that the window is existing, and they are trying to match the dormer window. Mr. November noted that the original barn was replaced; it was a 2-story barn and what's proposed is smaller. The back end of the home is blank because it wasn't the end of the house, that's where the two-story addition was added. Mr. Ricciarelli noted that they will be reusing the existing window elsewhere on the carriage barn it but it's unknown if the three 4/4 windows were original. Mr. Jenkins stated that the dormer looks oversized and could be reduced.

Jennifer Kiefer, 13 Chestnut Street. Suggested that the Commission continue this discussion until the jurisdictional issue is clarified, this shouldn't be the final determination, and MHC should weigh-in.

Mr. Ricciarelli stated that the structure was constructed in the 1830's, they are using historic tax credits and their consultant determined that the tax credits aren't affected. Mr. Cutting asked if MHC will review the proposed changes. Mr. Ricciarelli replied that he didn't know and it's unknown if the end elevation is one that MHC would find significant. Mr. Cutting noted that given the distance away from the street, he wouldn't have objected to the proposed addition, although he may have recommended reducing the width of the dormer and centering the windows.

Ms. Schaeffer stated that a letter from the City Solicitor would be helpful and clarify that the process was correct and help the public with their concerns. Mr. Joyce agreed. Mr. Martinez noted that the Commission should have notification procedures in place. Ms. Kelleher stated that a Certificate of Non-Applicability doesn't require a public hearing and she will also ask the City Solicitors about a notification system.

Mr. November stated that they have started the MHC review process and submitted the forms for a staff review.

Karen Cavey. With the lack of information on the process, the neighbors should have the opportunity to review the design, details, and provide their input. She noted that the rear of carriage house is also visible from Warren Street.

Nicole Weedon, 12 Broad Street. Agreed with Mr. Driscoll and Ms. Cavey, neighbors should have an opportunity to review and comment. She's not comfortable with a barn becoming a second home and the breezeway is an addition. Mr. Ricciarelli replied that the structure is a historic carriage house, and the zoning by-law allows it to be a separate unit and the Board of Appeals has approved of it. Mr. November noted that although he can create a separate unit, he's only expanding one of the two existing units.

#### Other Business

#### Meeting Minutes

**VOTE:** Ms. English made a motion to approve the July 1, 2020 meeting minutes with her edits. Mr. Joyce seconded the motion. Mr. Cutting, Ms. English, Mr. Joyce, Mr. Martinez, Mr. Meche, and Ms. Schaeffer were in favor and the motion so carried.

**VOTE:** Ms. English made a motion to approve the August 17, 2020 meeting minutes with her edits. Mr. Joyce seconded the motion. Mr. Cutting, Ms. English, Mr. Joyce, Mr. Martinez, Mr. Meche, and Ms. Schaeffer were in favor and the motion so carried.

### Updates

Ms. Kelleher stated that the City is interviewing consultants to update the Design Guidelines. She will update the Commission when the City and MHC selects a consultant.

The City completed an archaeological survey at Camp Naumkeag, where Pioneer Village will be relocated. The archaeologists found no evidence of resources and nothing else is required.

Ms. Kelleher stated that the Signature Parks Initiative program passed City Council.

Mr. Joyce stated that he saw the finishes for the Forest River Bathhouse. Of the four color options, he believed that the lightest option was the most appropriate. The proposed stucco finish will be consistent with the basic 1910's color and the addition will be cedar with black metal trim. He noted that Trish O'Brien has stated that the materials are still there if any member wished to see them.

Mr. Martinez requested an update on the Appleton Street carriage house. Ms. Kelleher replied that she has not spoken with the property owner.

### Violations

Ms. Kelleher stated that she spoke with the owner of 49 Summer Street. He stated that the builder of the retaining wall on Gedney Street was concerned that the blocks identified may not have the strength to keep the earth stable behind it at this height, so they used another style block. The Commission agreed that the applicant should have returned for approval of a new product. The tumbled block was approved with a variety. Mr. Meche disagreed with the contractor's technical argument for the height of the retaining wall.

Ms. Kelleher stated that she spoke with the person who added an extra downspout at the center of the side façade at 7 Carpenter Street and he will return to the Commission for review.

### Adjournment

**VOTE:** Mr. Joyce made a motion to adjourn. Mr. Martinez seconded. Mr. Cutting, Ms. English, Mr. Joyce, Mr. Martinez, Mr. Meche, and Ms. Schaeffer were in favor and the motion so carried.

The meeting adjourned at 7:45 PM.

Respectfully submitted,

Patti Kelleher, Preservation Planner