

NEWBURYPORT
PRESERVATION TRUST

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Linking the past with the present and future



Quarterly Newsletter of the Newburyport Preservation Trust

Summer 2014

Talk is cheap: Newburyport Preservation Trust acts to appeal inaction on 59-61 Bromfield St. demolition

Hearing before city's Zoning Board of Appeals set for August 12, 2014

The Newburyport Preservation Trust has appealed the decision of city Building Commissioner Gary Calderwood *not to enforce* the city's demolition ordinance at the c. 1810 Federal-era house at 59-61 Bromfield Street.

The city's Zoning Board of Appeals will hold a public hearing on the appeal at 7:15 p.m., Tuesday, Aug. 12, 2014 at Newburyport City Hall.

NPT's request for enforcement was the result of the developer's demolition and reconstruction exceeding what was permitted by the Newburyport Historical Commission in August 2013.

On August 1, 2013, the owner and developer received permission from the Historical Commission (NHC) to demolish two rear additions to the building. NPT's request for enforcement on May 5, 2014 stated: "Since then, at least two-thirds of the main structure has been removed or replaced. ...We believe the owner violated the building demolition ordinance by exceeding the limit of the permit he gained under that statute. He did not have NHC approval to demolish the main structure."

Building Commissioner Calderwood did not respond to the request for enforcement within the prescribed 14 days. In a later written response dated June 3, he explained that on October 7, 2013 the developer "voiced his concerns over the collapsing foundation and the complete disintegration of the sill beams and wall studding. At that time, I ordered him to bring the structural integrity back to the structure as needed, to be in compliance with the Building Code. ... I am going to stop at this time as I have

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Jumping through the usual loopholes. At left is 59-61 Bromfield St. after interior gutting in November 2013. (Photo by R.W. Bacon) At right is 59-61 Bromfield St. in May 2014, after the developer encountered structural issues and was allowed to proceed with demolition and new construction. (Photo by Tom Kolterjahn)

Hearing for demolition of 1846 firehouse will be Sept. 9 at Newburyport City Hall

On Tuesday, Sept. 9 at 7:15 p.m., the Newburyport Zoning Board of Appeals will consider an application for the full demolition of the 1846-1865 Deluge No. 1 firehouse building – more recently known as the Mr. India location at 114 Merrimac St.

The applicants are prospective buyers – as in the previous application under the city's new demolition control ordinance, the sale is contingent upon permission to demolish the building and construct a two-family house.

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At right is a current view of the building at 114 Merrimac Street, originally built in 1846 as the Deluge No. 1 firehouse. Above is an early 20th-century photo showing its commercial use. (Photo at right by R.W. Bacon)



Stand up for saving Deluge No. 1 building

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The applicants, represented by Atty. Lisa Mead, first went before the Newburyport Historical Commission on June 5, 2014. The written research report by the applicants' architects was riddled with errors, including the date of the building. The argument for demolition is based upon conditions like standing water in the basement, mold, and other factors commonly attributed to "demolition by neglect," as the building has been unoccupied for more than 600 days. The report also went to great lengths to argue that the building was not historically or architecturally significant, which revealed a misunderstanding of contributing structures within a National Register Historic District. As soon as the "experts" realized their blunders, a 14-page addendum was submitted on June 19 to rewrite their understanding of the building's history.

The Historical Commission's advisory report to the Zoning Board of Appeals on July 11 determined the building to be "in no worse condition than those successfully

rehabilitated in downtown Newburyport in the 1970s." The Historical Commission voted to recommend that the ZBA deny a Demolition Control Overlay District Demolition Special Permit.

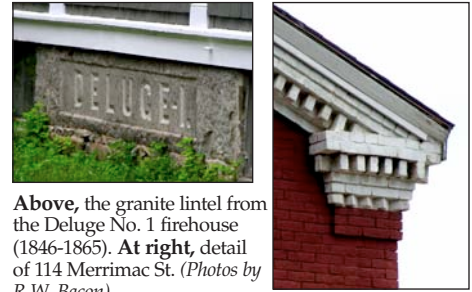
Join your fellow NPT members at Newburyport City Hall on Tuesday, Sept. 9 at 7:15 p.m. to support the preservation of this 1846 contributing structure in the city's National Register Historic District.

NPT appeals ruling; seeks enforcement of laws

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other duties to attend to ..." The response included his interpretation of structural deficiencies and the developer's remedies.

NPT's formal 36-point appeal was filed July 3. The appeal states that the non-enforcement allowed "serial partial demolitions of the historical parts of the building without reapplying for additional demolition permits," and that "the wrongful demolition of a historically significant building needlessly harms the Newburyport National Register District and diminishes regard for the ordinances and public policies



Above, the granite lintel from the Deluge No. 1 firehouse (1846-1865). At right, detail of 114 Merrimac St. (Photos by R.W. Bacon)

of the city intended to protect it."

In the body of a "news" article in the Newburyport Daily News on July 9, the writer opined "It was an unusual move by the Trust, which is a local nonprofit that primarily focuses on highlighting the city's architectural heritage through lectures and its Preservation Week events held in May."

Standing up for principles usually requires action in addition to talk. In this instance the NPT board also decided the case was worthy of opening its checkbook.

Join NPT members at City Hall on Tuesday evening, Aug. 12, at 7:15 p.m., to support enforcement of our laws to protect historic neighborhoods and architectural assets.

– R.W. Bacon

Zoning Board of Appeals hears first demolition application under Newburyport's new demolition control ordinance

ZBA wrestles with details, but approves demolition of 1875 Collins Street house

All eyes were on the Newburyport Zoning Board of Appeals on July 8 at City Hall for the first demolition application hearing under the provisions of the new Demolition Control Overlay District ordinance passed unanimously by the Newburyport City Council on April 15.

In a hearing that lasted over two hours, the board appeared not quite comfortable administering the new regulations, which are intended to prevent demolition of contributing structures within the city's National Register Historic District.

Ultimately the board voted unanimously to allow demolition of a contributing structure, an 1875 home at 24 Collins Street, to make way for construction of a new two-family home on the large lot.

Interesting to note is that the applicant requesting permission to demolish the single-family home was not the property owner, but a prospective buyer with a development plan for a two-family house.

The argument for demolition, presented by Atty. Mark Griffin, included (1) the usual expert-for-hire statements that the structure is beyond repair, (2) hypothetical financial figures that ignored the valuation standard of the ordinance, (3) the plea that the vacant and exposed building cannot be maintained, (4) a petition indicating neighborhood support, and (5) the opinion that the building has "not much historic significance."

The board elected *not* to follow the recommendations of the Historical Commission to deny the application. Earlier, the board also elected *not* to exercise its right to call in its own independent preservation consultant (to be paid for by the applicant), as permitted in the ordinance. Despite those decisions, and the outcome, some board members insisted that the case should not be viewed as precedent-setting.

Words not necessary ...

Built about 1875.

Designated as a contributing structure, Newburyport National Register Historic District, in 1984.

Approved for demolition in 2014.



Photos by R.W. Bacon