

J. Thomas Constantine
Chair

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City of Worcester, Massachusetts
Historical Commission

Timothy McCann, Vice-Chair

Kevin Provencher, Clerk

James Crowley

Meagen Mulherin

Andrew Shveda

Erika Dunn



SCRIVENER'S ERROR – CORRECTED MINUTES FOR JANUARY 12, 2012 MEETING

27-29 Westland St (HC-2011-101)

Pursuant to Chapter 9, Section 13 of the revised City Ordinances of 1996, the Worcester Historical Commission met on January 12, 2012 at a duly posted and noticed hearing to consider the request for a Historic Building Demolition Delay Waiver submitted by Seth & Susan Popinchalk owners of the parcel at 27-29 Westland Street (MBL: 06-014-00042). The petitioner sought to:

1) Remove and replace 12 windows in the following locations:

- a) 27 Westland Street (eastern façade):
1st floor - 1 double-hung window
2nd floor – 2 double-hung windows
- b) 29 Westland Street (eastern façade):
1st floor – 3 double-hung windows
2nd floor – 4 double-hung windows
- c) 27 Westland Street (rear, western):
1st floor - 1 sliding window
- d) 29 Westland Street (rear, western):
1st floor – 1 double-hung window

Under the **Meeting Minutes**, it reads,

"Upon a motion by Commissioner McCann and seconded by Commissioner Provencher, the Commission voted 0-6 (Commissioners Constantine, McCann, Crowley, Schneider, Provencher and Mulherin voted no) that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester. The motion failed and the Worcester Historical Commission considered the Building Demolition Delay Waiver with respect to the petitioner's evidence related to undue economic hardship. Upon reviewing the request submitted and the evidence provided, the Worcester Historical Commission voted 6-0 that failure to issue a waiver would result in undue economic hardship; therefore, the Building Demolition Delay Waiver for this project was approved. "

but it should read:

"Upon reviewing the request submitted and the evidence provided, the Worcester Historical Commission voted 4-2 (Commissioners Schneider and Crowley voting no) that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester; therefore, the Building Demolition Delay Waiver for this project was approved."

At a meeting of the Board on September 20, 2012, it was unanimously voted to correct the minutes as noted above.

AUTHORIZED WORCESTER HISTORICAL COMMISSION MEMBER

 Date: 09/20/12

Approvals: This demolition delay waiver approval is valid for one (1) year from the date of approval from the Historical Commission. Failure to commence said demolition within the validity period will necessitate reapplication for a demolition delay waiver – Part I, Chapter 9, Section 13, and Part II, Article III, Section 17, City of Worcester, General Revised Ordinances.

**MINUTES OF THE PROCEEDINGS OF THE
HISTORICAL COMMISSION OF THE CITY OF WORCESTER
January 12, 2012**

LEVI LINCOLN CHAMBER – CITY HALL

Commission Members Present: Thomas Constantine, Chair
Timothy McCann, Vice-Chair
Kevin Provencher, Clerk
James Crowley
Peter Schneider
Andrew Shveda
Meagen Mulherin

Staff Members Present: Edgar Luna, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair Constantine called the meeting to order at 5:30 P.M.

MINUTES:

The Historical Commission accepted the minutes from the December 15, 2011 meeting.

NEW BUSINESS:

- 1. 159 Cambridge Street (HC-2011-094) – Building Demolition Delay Waiver:** Xifang Wang, petitioner, presented the petition. Mr. Wang stated that he was seeking Building Demolition Delay Waiver approval to make the following change: (a) remove the existing asphalt roof shingles and replace them with 30-year architectural shingles. He stated that the existing asphalt roof shingles were not original to the structure, and had deteriorated beyond repair. In addition, he indicated that the deteriorated roof shingles were causing damage to the interior walls due to rain and melted snow. Chair Constantine stated that the proposed change would not have a negative effect on the historical significance of the house, due to the fact that the roof in place was not original to the structure. Upon a motion by Commissioner McCann, and seconded by Commissioner Crowley, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore, the Building Demolition Delay Waiver for this project was approved.

Exhibit A: Application submitted by Xifang Wang, dated November 29, 2011 and received November 29, 2011.

2. **104 Austin Street (HC-2011-095) – Building Demolition Delay Waiver:** Máximo Severino and Iris Martinez, petitioners, presented the petition. Ms. Martinez stated that they were seeking retroactive Building Demolition Delay Waiver approval to make the following change: (a) remove the original slate roof tiles on site and replace them with 30-year synthetic architectural shingles. Mr. Severino indicated that they hired Alan Fernandez from Get it Done Contracting roofing company located in Milford, MA, to remove and replace the roof on site, with the understanding that he would obtain the proper permit approvals from the Department of Inspectional Services (DIS). However, he stated that while the roof was being replaced, he had received a Cease and Desist letter from DIS dated November 17, 2011.

Mr. Severino indicated that upon questioning Mr. Fernandez, he acknowledged that he had not obtained a Building Permit from DIS as required, prior to removing the slate tiles. He also indicated that he himself was not aware that the site was MACRIS-listed and therefore, the changes made required Building Demolition Delay Waiver approval. Chair Constantine asked Mr. Severino if Mr. Fernandez had halted the removal and replacement of the original slate tiles after receiving the Cease and Desist Order from DIS, and he responded that he did not. Mr. Severino indicated that, in fact, the entire roof of the house was completely replaced.

Commissioner Schneider indicated that the roof change, as described, included the following violations: (a) failure to obtain a Building Permit from DIS, (b) failure to obtain Building Demolition Delay Waiver approval from the Worcester Historical Commission, and (c), failure to halt the work after receiving the Cease and Desist Order from DIS. He also indicated that the present petition seeking retroactive approval made it extremely difficult to consider due to the fact that the roof had already been replaced.

Commissioner Crowley asked Mr. Luna if the site was located within the area of the proposed Crown Hill Local Historic District and he responded affirmatively. Commissioner Crowley stated that, in his opinion, in order to consider and render a vote on the present petition, the applicant would need to submit cost estimates demonstrating hardship. He then asked Mr. Severino if he had any documentation demonstrating that roof replacement was the least expensive alternative and he responded that he did not.

Ms. Martinez stated that they regretted not knowing that the residential structure was listed in MACRIS, and apologized for the errors made. She also said that going forward they will comply with the Building Demolition Delay Waiver regulations. Commissioner Schneider asked Ms. Martinez to describe the conditions of the slate tiles. She indicated that the tiles were brittle or broken, and were falling during the winter season. Mr. Severino indicated that the slate tiles were damaged and beyond repair; therefore, upon their removal, all the tiles were discarded. Mr. Luna confirmed that the applicants had described the removed slate tiles as being brittle and/or damaged.

Upon a motion by Commissioner McCann and seconded by Commissioner Crowley, the Commission voted 2-4 (Commissioners Crowley, Schneider, Provencher and Mulherin voted no) that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester. The motion failed and the Worcester Historical Commission considered the Building Demolition Delay Waiver with respect to the petitioner's evidence related to undue economic hardship. Upon reviewing the request submitted and the evidence provided, the Worcester Historical Commission voted 5-1 (Commissioner Crowley voting no) that failure to issue a waiver would result in undue economic hardship; therefore, the Building Demolition Delay Waived for this project was approved.

Exhibit A: Building Demolition Delay Waiver application submitted by Maximo Severino dated December 8, 2011 and received December 8, 2011.

- 3. 20 Merrick Street (HC-2011-096) – Building Demolition Delay Waiver:** John Paul and Robert Shaw, representatives for the petitioner, and Dan Jalbert, petitioner, presented the petition. Mr. Jalbert stated that he was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove 33 windows and replace them with Energy Star vinyl windows, (b) remove and replace the front and rear doors with similar style, (c) remove and replace asphalt siding with like material, (d) remove and replace the roof shingles with 30-year architectural shingles, (e) remove and replace the front and rear porches, and (f), install two roof dormers. Mr. Jalbert stated that his company had purchased the building recently with the intent of restoring it and converting it to rental dwelling units. However, he indicated that upon close inspection of the structure, they discovered that the building was severely damaged and in need of extensive restoration.

He also stated that the advanced decay of the roof shingles had caused extensive damage to the interior and exterior walls. He also indicated that the windows in place were non-functional and damaged beyond repair; however, he stated that he was proposing to install custom-made windows that would replicate the existing windows in style, material and profile.

Mr. Shaw indicated that that the proposed project included repairing and retaining all original architectural features, including wooden columns, soffit and roof decorative features. Commissioner Provencher asked the petitioner whether or not, he was planning to repair and retain the wooden trim around the windows. Mr. Jalbert responded that the wooden trim around the windows had rotted due to age and neglect, and indicated that they were beyond repair. However, he stated that he was proposing to replicate the trim around the windows as close as possible to the original trim in order to preserve and maintain the architectural character and originality of he house.

Commissioner Schneider asked Mr. Jalbert whether or not he was planning to remove the window sashes as well and he responded affirmatively. He also indicated that the some of the windows had tested positive for lead paint, hence the need to replace them. Commissioner Crowley asked Mr. Jalbert if the windows were original to the structure

and he responded that the windows in place were replacements installed approximately between 1920 and 1930.

Mr. Jalbert indicated that the front door would be restored and retained. Commissioner Provencher stated that most of the original architectural features appeared to have been removed, and/or, were damaged beyond repair. Nevertheless, he encouraged the applicant to preserve and retain as many original features as possible.

Upon a motion by Commissioner Crowley and seconded by Commissioner McCann, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore, the Building Demolition Delay Waiver for this project was approved

Exhibit A: Building Demolition Delay Waiver Application submitted by SJ Realty Trust, LLC, dated December 7, 2011 and received December 13, 2011.

- 4. 35 Beaver Street (HC-2011-097) – Building Demolition Delay Waiver:** Russ Haims, representative for the petitioner, and Nader Djafari, petitioner, presented the petition. Mr. Djafari stated that he was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove and replace the roof shingles with 30-year architectural shingles, (b) remove and replace the wooden shingles with vinyl siding, and (c) remove and replace 3 porch railings with like materials. Mr. Djafari indicated that he had purchased the house with the intent of restoring it appropriately and making it available as rental units. He also indicated that he was planning to restore and preserve as many original architectural features as possible.

Commissioner Crowley asked if the petitioner was planning to install the vinyl siding over the existing wooden siding and he responded affirmatively. Commissioner Schneider expressed concern regarding installing vinyl siding over wooden siding and indicated that the argument that doing so would preserve the wooden siding underneath had not been confirmed. Mr. Djafari indicated that the porches would be repaired, painted and retained; however, he indicated that the deteriorated railings would be replaced with wooden railings in a style more appropriate to the period of the house.

Commissioner Provencher stated that the porch columns had a decorative base underneath the balustrade, and asked if they would be retained or replicated. Mr. Djafari indicated that that he was planning to replicate them, and restated that the original columns would be sanded down, repaired, painted and integrated into the new porches. Commissioner Crowley stated that the sides of the house had a unique profile and asked if such details would be retained. Mr. Haims indicated that the profile would be maintained, including the horizontal lines. Chair Constantine stated that it was important to preserve and maintain the originality of the house as much as possible. Upon a motion by Commissioner Provencher and seconded by Commissioner Mulherin, the Commission voted 5-1 (Commissioner Schneider voted no) that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore,

the Building Demolition Delay Waiver for this project was approved with the following condition:

Exhibit A: Building Demolition Delay Waiver Application submitted by Nader Djafari dated December 5, 2011 and received December 15, 2011.

5. **22 Suburban Road (HC-2011-098) – Building Demolition Delay Waiver:** Kaleena Harrington, representative for Christopher Cain, petitioner, presented the petition. Ms. Harrington stated that the petitioner was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove and replace 4 cellar windows with vinyl windows, and (b), remove and replace two garage doors with fiberglass doors. Ms. Harrington stated that the site was selected to participate in the Worcester Lead Abatement Program, and indicated that the proposed changes were part of such remediation program.

Commissioner Crowley asked if the exterior architectural features to be replaced contained lead paint and she responded affirmatively. Commissioner Schneider asked if the proposed project was income-eligible and she responded affirmatively. Upon a motion by Commissioner McCann and seconded by Commissioner Provencher, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore, the Building Demolition Delay Waiver for this project was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Christopher Cain dated December 13, 2011 and received December 13, 2011.

6. **5 Loxwood Street (HC-2011-099) – Building Demolition Delay Waiver:** Kaleena Harrington, representative for Michael Martiros, petitioner, presented the petition. Ms. Harrington stated that the petitioner was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove and replace 37 windows with vinyl windows in the following locations: 6 windows on the western façade, 12 windows on the northerly side, 6 windows on the easterly side, and 13 windows on the southerly side, and (b), install vinyl siding over existing wood shingles.

Ms. Harrington indicated that the site was selected to participate in the Worcester Lead Abatement Program, and indicated that the proposed changes were part of such remediation program. Commissioner Schneider asked if there were any possibilities of de-leading and retaining the original windows and she responded that such option had been considered; however, it was determined it was not possible due to their advanced deteriorated condition, lead-paint content, and limited funding. She also stated that some of the windows were not original to the structure, and indicated that some of the tainted windows were located in close proximity to areas used by tenants.

Commissioner Schneider indicated that the house appeared to have been significantly altered. Commissioner Provencher asked Ms. Harrington to describe the meaning of “encapsulating” lead-paint contaminated areas. Ms. Harrington stated that the meaning of

encapsulation pertains to a thick coat of an approved encapsulant product, which, when applied to a surface, functions as a long lasting barrier over lead based paint.

Commissioner Provencher asked Ms. Harrington if she could confirm that the trim around the windows would be preserved and retained and she responded affirmatively. Upon a motion by Commissioner Schneider and seconded by Commissioner Provencher, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore, the Building Demolition Delay Waiver for this project was approved.

Exhibit A: Certificate of Appropriateness and Building Demolition Delay Waiver application submitted by Michael Martiros dated December 13, 2011 and received December 15, 2011.

159 Chandler Street (HC-2011-100) – Building Demolition Delay Waiver: Kaleena Harrington, representative for Buu Tuan Chapulis, petitioner, presented the petition. Ms. Harrington stated that the petitioner was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove and replace 4 windows located in the cellar with vinyl windows. Ms. Harrington indicated that the site was selected to participate in the Worcester Lead Abatement Program, and indicated that the proposed changes were part of such remediation program. Chair Constantine indicated that the proposed changes were minor in nature and located in the basement. Upon a motion by Commissioner Schneider and seconded by Commissioner Provencher, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester, therefore, the Building Demolition Delay Waiver for this project was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Buu Tuan Chapulis, dated December 13, 2011 and received December 15, 2011.

7. **27-29 Westland Street (HC-2011-101) – Building Demolition Delay Waiver:** Seth Popinchalk, owner and petitioner, presented the petition. Mr. Popinchalk stated that he was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove 12 windows located in the western side of the building and replace them with 12 replacement double-hung windows. He stated that the present petition was exactly the same the petition submitted on November 18, 2011, and heard by the Historical Commission on December 12, 2011, which was denied. He indicated that the estimated restoration cost per window was \$1,800.00.

Mr. Popinchalk also indicated that, as recommended by the Commission at last meeting, he obtained cost estimates regarding window restoration; however, he stressed that the main problem was that he had signed a legal-binding contract with Renewal by Andersen Windows prior to submitting his Building Demolition Delay Waiver application on November 18, 2011. He also indicated that the reason he ordered the windows in advance was that in 2009, he changed approximately the same number of windows and the Department of Inspectional Services (DIS) issued him the Building Permit without any problems. He also said that at the time, DIS did not inform him that he needed approval

from the Historical Commission. Mr. Luna confirmed that in 2009, DIS issued a Building Permit for the removal and replacement of 13 windows for the site.

Mr. Popinchalk stated that based on the circumstances aforementioned, he felt compelled to request that the Historical Commission consider the merits of the application based on the fact that he entered into an agreement in good faith with Renewal by Andersen Windows to purchase the windows, without knowing that a Building Demolition Delay Waiver would be required, and that the Commission would ask him to consider window restoration, when in fact, he had already purchased the windows.

In addition, Mr. Popinchalk stated his overriding priority in selecting the proposed windows was that they were energy-efficiency and would maintain and enhance the original profile of the house. Commissioner Schneider asked Mr. Popinchalk if he would consider restoring and retaining the front windows, and he responded that he would not be able to do so because he had already purchased the front windows.

Commissioner Crowley expressed concern that some window companies often neglect checking whether or not homes are historic landmarks. Commissioner Provencher stated that based on the petition's background and circumstances, the petitioner should not be penalized by denying the Building Demolition Delay Waiver. He said that, in his opinion, the applicant had acted in good faith, and indicated the current circumstances had not been caused by his neglect.

Upon a motion by Commissioner McCann and seconded by Commissioner Provencher, the Commission voted 0-6 (Commissioners Constantine, McCann, Crowley, Schneider, Provencher and Mulherin voted no) that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester. The motion failed and the Worcester Historical Commission considered the Building Demolition Delay Waiver with respect to the petitioner's evidence related to undue economic hardship. Upon reviewing the request submitted and the evidence provided, the Worcester Historical Commission voted 6-0 that failure to issue a waiver would result in undue economic hardship; therefore, the Building Demolition Delay Waived for this project was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Seth Popinchalk dated December 21, 2011 and received November 21, 2011.

- 8. 9-11 Charlton Street (HC-2011-102) – Building Demolition Delay Waiver:** Timothy Corcoran, petitioner, presented the petition. Mr. Corcoran stated that he was seeking Building Demolition Delay Waiver approval to make the following changes: (a) remove and replace a 16-ft by 20-ft section of wood cedar clapboard with same material, and (b), remove and replace rotted window trim on three windows located on the right rear (southern) side of the building. Mr. Corcoran indicated that the changes were needed due to the advanced deteriorated condition of the windows. Upon a motion by Commissioner Schneider and seconded by Commissioner Mulherin, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources

Exhibit A: Building Demolition Delay Waiver Application submitted by Timothy Corcoran, LLC dated November 28, 2011 and received December 21, 2011.

OTHER BUSINESS:

- 9. Election of Officers:** Upon a motion by Commissioner Schneider and seconded by Commissioner Crowley, the Commission voted 6-0 to elect Thomas Constantine as Chair of the Worcester Historical Commission. Upon a motion by Commissioner Schneider and seconded by Commissioner Provencher, the Commission voted 6-0 to elect Timothy McCann as Vice-Chair of the Worcester Historical Commission. Upon a motion by Commissioner Schneider and seconded by Commissioner Crowley, the Commission voted 6-0 to elect Kevin Provencher as Clerk of the Worcester Historical Commission.
- 10. Worcester Stated Hospital Clock Tower Preservation Efforts Update:** Commissioner Schneider gave an overview of the efforts being considered to preserve and restore the Clock Tower. He indicated that at the moment, the only option being considered was the following: (a) to demolish the Clock Tower and replicate it in the same location utilizing materials harvested from the surrounding structure. He also stated that a Memorandum of Agreement (MOA) will be written by the Division of Capital Asset Management on behalf of the State and the Massachusetts Department of Mental Health, and indicated that the Worcester Historical Commission will be a signatory party in addition to the Massachusetts Historical Commission and Preservation Worcester.
- 11. Requests for Letters of Support:** Upon a motion by Commissioner Schneider and seconded by Commissioner Crowley, the Commission voted 6-0 to approve Letters of Support for the following:
- 100 Institute Road – WPI Washburn Shops – Massachusetts 2012 Preservation Award.
 - 44-50 Portland Street – Printers Building – Massachusetts Historic Rehabilitation tax credit application.
 - 2 Grove Street – Worcester Voke – Massachusetts Historic Rehabilitation tax credit application.

MEETING ADJOURNMENT:

Meeting adjourned at 8:45 PM.