

**MINUTES OF THE PROCEEDINGS OF THE
HISTORICAL COMMISSION OF THE CITY OF WORCESTER**

**February 28, 2008
CHASE BUILDING, 44 FRONT STREET, WORCESTER
SUITE 300 – CONFERENCE ROOM**

Commission Members Present: Peter Schneider, Chair
Thomas Constantine, Vice- Chair
Michael Theerman
Janet Merrill

Staff Present: Joel Fontane, Planning and Regulatory Services
Judy Stolberg, Planning and Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF THE MINUTES

The minutes from the February 14, 2008 meeting were accepted as amended.

NEW BUSINESS

- 1. 1 College Street (HC-08-03) – Building Demolition Delay Waiver:** Katie Crockett, representative from Lamoreaux & Pagano, and Jack Lapomard, representative from the College of the Holy Cross, owner of the property, stated they are seeking a Building Demolition Delay Waiver to renovate the existing theater including a new exterior entry. Ms. Crockett said it is really a side entrance and not original to the building. She said it would be a recessed entry with an arch with an aluminum entry inside the recessed area. Commissioner Theerman asked what color would be used. Ms. Crockett answered that hadn't been decided yet but they would respect the original architecture. Upon reviewing the petition submitted to: Renovate the existing theater including a new exterior entry, and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Theerman, the Commission voted 5-0 that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and approved the Building Demolition Delay Waiver.
- 2. 80-84 Franklin Street (HC-08-04) – Building Demolition Delay Waiver:** Peter Duvall, representative for Worcester Commons, LLC, owner of the property said the applicant is seeking a Building Demolition Delay Waiver to: (a) replace several windows along Salem Street; (b) rehabilitate store fronts along Franklin Street; and

(c) replace boarded up door on Salem Street with windows consistent in style with those on the upper floors. Mr. Duvall said the first floor space was being renovated for a radio station and would involve changing the storefront at 80 Franklin Street and replacing boarded up windows on Salem Street. Chair Schneider noted that the storefront was not original to the building. Penny Johnson, Head Librarian for the Worcester Public Library, asked if the entrance to the apartments would still be on Franklin Street and Mr. Duvall answered affirmatively. Upon reviewing the petition submitted to install insulation and vinyl siding, and all evidence provided, and upon a motion by Commissioner Theerman and seconded by Commissioner Constantine, the Commission voted 5-0 that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and approved the Building Demolition Delay Waiver.

3. Local Historic District Study Committee – Proposed Expansion Montvale Local Historic District Public Hearing: The Chair opened the hearing for the proposed expansion to include six properties in the district. Testimony was taken from the following people:

Bruce Bunke, 3 Montvale Road, presented a letter to the Commission expressing the support of neighborhood residents for the inclusion of the six properties. The following names were included in the letter: Bruce Bunke, Theresa McBride, Leo & Pat McManus, Jeanice Sherman, Dwight Johnson, Judy & Jay Bath, George & Doreen Skinner, Dr. James Gibson, Virginia Glazer, Joe & Gale Toomey, Esteve & Ashley Guir, Chris & Nancy Nesbitt, Marc Deshaies, Ghislaine Vaughn, Karen & Tim Hastings, Paul Giorgio, Manny & Diane Ghalibaf, Dr. Harold & Glenda Reiss, Nicholas & Anna Zavras, Peter & Nancy Pappas, Ron & Joanne Fraser, Connie Crowley, David & Erin Garvin, Anne & Richard Martin, David & Mary Kalmanovitch, David Tongel, Patricia Harmon, Paul Kelly and Lisa & Tom McCarthy, Robert & Constance Bartelson, Dr. Seth Kates, David Rushford and Mary “Sid” Callahan. The last three names on the list reside in the Massachusetts Avenue Local Historic District. He said a large parcel of woods with no structures at 212 Salisbury Street was included in the district to ensure future development would have to come before the Commission. He said including the six properties would essentially be extending that precedent.

David Rushford, 2 Regent St., stated he lives in the Massachusetts Historic District but he can see the affected properties from his house. He supported the expansion and opined that an historic district is only as good as its buffers.

Roy Hegedus, 11 Montvale Road, stated he was opposed to the expansion of the district.

Attorney Robert Longden, representing the American Antiquarian Society, said the properties at 190 Salisbury Street, 1 Montvale Road and 90 Park Avenue were part of the Estabrook property before being sold separately. He presented the Commission with a letter stating the properties at 190 Salisbury Street and 1 Montvale Road had

been conveyed on this date to Maureen Lambert, owner of 90 Park Avenue, thereby recreating the configuration of the original “Estabrook Property” with frontage on Park Avenue. Mr. Longden said the report should be amended to delete 190 Salisbury Street and 1 Montvale Road from the proposed expansion because the new owner is opposed to their inclusion. He said that it was not an appropriate way to expand an historical district because the properties to be included should have historical or architectural significance not to simply establish a buffer.

Chair Schneider said the Preliminary Report had been deemed complete by the Massachusetts Historical Commission and if the Commission so votes, it may be recommended to the City Council as proposed. Chair Schneider asked if the parcel will be re-conveyed to the American Antiquarian Society for use as a parking lot. Mr. Longden stated that AAS was considering its options. He said if including the properties in the proposed expansion is a means of protecting them from development, it amounts to a land taking. He said including them to create a buffer is not part of the Commission’s authority. Mr. Fontane said including the properties doesn’t prevent use of the land but, does, however, mean that any such proposal would require Commission review in accordance with Chapter 40C. He explained that the Commission would be voting whether to recommend approval of the proposed expansion and that three affirmative votes would be required. Mr. Longden said all points raised by him should be considered. Commissioner Crowley asked if there were any oral or written agreements with the American Antiquarian Society and Ms. Lambert. Mr. Longden replied no. Commissioner Crowley asked if the American Antiquarian Society had funded the purchase. Mr. Longden said he couldn’t comment. Commissioner Crowley asked if this was because his client had not authorized him to and Mr. Longden answered that was correct.

Debra Packard, Preservation Worcester, said the organization had no recommendation relative to the proposed expansion.

Joseph Toomey, 240 Salisbury Street, suggested the Commission consider the new property lines in its deliberation. Chair Schneider responded that the Commission, by statute, has to look at what is in the report.

Leo McManus expressed support for the proposed expansion. He stated he was troubled by the leadership of the American Antiquarian Society’s shifting land ownership and not involving the neighborhood. He said it is not indicative of such a prestigious group.

Commissioner Constantine said it would not be a unanimous decision because he was opposed to the proposed expansion.

Upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, it was voted 5-0 to close the hearing.

A motion was made by Commissioner Theerman and seconded by Commissioner Crowley, to vote to recommend adoption of the report and recommend approval to the City Council.

Commissioner Crowley, during discussion of the motion, said there were many aspects of the issue to expand the local historic district that can be debated by reasonable people as is evidenced by the testimony given. He offered that one thing he felt wasn't debatable was the fact that the proposed expansion would benefit the existing district and failing to expand the district would be detrimental to the district. He said that the two local historic districts are important to the city and its future and should be protected. The Montvale Local Historic District faces commercialism from the Park Avenue area. Also, the restrictions imposed on owners of homes in the district can be overwhelming and burdensome for some property owners and requires vigilance in maintaining and improving the district or risk loss of commitment on the part of district residents to live under the restrictions. He indicated that the laws and regulations clearly support the proposed expansion and specifically discuss inclusion of parcels of land in historic districts. He felt that adding these parcels of land to the district will assist in the goal of protecting the setting and feeling of the district. He stated his belief that the proposed expansion is a thoughtful attempt based on the relevant legal and historical standards to improve and protect the district. He also said the property transfers that took place today do not have any affect on the decision to expand the district.

Upon the motion by Commissioner Crowley and seconded by Commissioner Theerman, it was voted 4-1 by Chair Schneider, Commissioner Crowley, Commissioner Theerman and Commissioner Merrill (Commissioner Constantine voted no) to make final its Preliminary Report entitled "Proposed Expansion of the Montvale Local Historic District" dated December 17, 2007 and to recommend that the City Council approve the proposed expansion of the Montvale Local Historic District as referenced in the attached ordinance and depicted in the map entitled "Proposed Expansion Montvale Local Historic District, February 28, 2008".

Chair Schneider asked Mr. Fontane what the City Council would do upon receiving the report. Mr. Fontane responded that the report would be filed in the City Clerk's office and the clerk would put it on the City Council agenda. He said the Council will decide how it wants to proceed and would most likely refer it to the Economic Development Subcommittee for hearing. He said it was possible that, rather than the Economic Development Subcommittee, it could be advertised and taken up by the full Council in Ordinance Committee. In any event, there will be a public hearing held to allow citizen input.

OTHER BUSINESS

Chapter 43D – Expedited Permitting – Mr. Fontane explained to the Commission the recommendation of staff to the City Manager on Expedited Permitting and how it

relates to the Demolition Delay Ordinance and Priority Development Sites as designated by the City Council pursuant to M.G.L.c.43D. The proposed amendment would modify the Demolition Delay Ordinance so that buildings of historical significance located on a parcel designated as a Priority Development Site would not be subject to the delay. Mr. Fontane said the intent is to choose these sites through a careful selection process. He indicated that changes to the Planning Board's site plan review and special permit process, in conjunction with the change to the Demolition Delay Ordinance, will enable the City to guarantee a 180-day approval process for priority developments with little delay. Commissioner Theerman said it appears that it will remove protection from subject buildings. Mr. Fontane said the Economic Development office will recommend, through the City Manager, to the City Council priority sites for consideration. He said the main reason for the Priority Development Sites is for use as a marketing tool to spur development in the City. Commissioner Theerman said it is not necessary to remove protection of historic sites and he would vigorously oppose it. Chair Schneider said he was concerned that the Historical Commission would be bypassed and would be unaware of these sites. He said the Demolition Delay Ordinance was there as a safeguard. He felt the Commission would be out of the loop and some notice to the Commission should be part of the process so it can be included in the City Council consideration for designation of these sites or a reduction in the actual demolition delay period could be considered. Commissioner Constantine said that, prior to designation, the City Council should be made aware of any historic significance. Mr. Fontane stated the concept is not to end run the Commission but is an effort to speed up the development process. Commissioner Crowley felt the Commission should be included in the expedited process or part of the amendment should incorporate Historical Commission notification. Commissioner Merrill said she didn't feel the Commission had ever impeded projects. Commissioner Theerman cited the Wal-Mart project at 25 Tobias Boland Way as an example. Upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, it was voted 4-1 (Commissioner Constantine voted no) to express opposition to the change to accommodate Priority Development Site designation. A motion by Commissioner Crowley and seconded by Commissioner Constantine to request notification to the Commission when historic properties are being considered for Priority Development Site designation was withdrawn. Mr. Fontane said he will inform the City Council of the Commission's wishes and will keep the Commission apprised.

Chair Schneider adjourned the meeting at 7:15 P.M.