

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

**December 18, 2008
CHASE BUILDING, 44 FRONT STREET, WORCESTER
SUITE 300 – CONFERENCE ROOM**

Commission Members Present: Peter Schneider, Chair
Thomas Constantine, Vice Chair
Michael Theerman
James Crowley
Janet Merrill
Timothy McCann

Staff Present: Judy Stolberg, Planning and Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Schneider called the meeting to order at 5:35 P.M.

APPROVAL OF MINUTES

Minutes from the November 20, 2008 and December 4, 2008 meetings were accepted.

NEW BUSINESS

1. **38 William Street (HC-2008-095) – Building Demolition Delay Waiver:** David Lessard informed the Commission that the application had been filed in order to replace roof shingles. Chair Schneider asked if they would be replacing asphalt shingles with asphalt shingles. Mr. Lessard responded affirmatively. Upon reviewing the petition submitted to replace roof shingles and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Constantine, the Commission voted 4-0 (Janet Merrill and Michael Theerman were not present for the hearing) that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and the Building Demolition Delay Waiver was approved.

Commissioners Merrill and Theerman arrived.

2. **858 Main Street (HC-2008-096) – Building Demolition Delay Waiver:** George Haddad, petitioner, is seeking to replace twelve windows with vinyl replacement windows and repair siding and soffit panels on the garage due to the presence of lead paint. Jacqueline Vachon-Jackson, Lead Abatement Program Manager in the city's Neighborhood and Housing Services Division, said the City of Worcester is assisting Mr. Haddad with funding to cover the costs involved. Upon reviewing the petition submitted to replace twelve windows with vinyl replacement windows and repair siding and soffit panels on the garage due to the presence of lead paint and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Theerman, the Commission voted 6-0 that the

proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and the Building Demolition Delay Waiver was approved.

3. **43 Monadnock Road (HC-2008-097) – Certificate of Appropriateness:** Matthew Mullaney, petitioner, said a Certificate of Appropriateness is being sought to replace twelve second-story wood windows with Harvey Industry vinyl “Classic” or “Tribute” windows with six over six grids between the panes of glass. Chair Schneider asked why vinyl windows and Mr. Mullaney responded that they were less expensive. Commissioner Merrill advised the Mullaney family that the Commission does not allow vinyl windows in a Local Historic District in order to maintain the historical and architectural character of the Local Historic District. Mrs. Mullaney said the existing windows are in bad shape and ice forms on the inside of the windows causing mold formation that affects her children. Chair Schneider asked why they didn’t repair the wood windows and properly insulate them to prohibit air infiltration. Commissioner Theerman noted that the Local Historic District had been created long before the Mullaney family purchased the home and they should have been aware it was located within the Local Historic District. Mr. Mullaney said he understands the Commission wants to maintain the integrity of the LHD. Commissioner Theerman informed him that wood windows have a much longer life than vinyl replacement windows. Chair Schneider agreed and said studies have shown it is actually more cost effective to repair existing wood windows and install insulation because of the longevity factor. Commissioner Theerman said vinyl replacement windows are not historic and the applicant should abide by the parameters of the Local Historic District. He said the principal of replacement is to replace with like materials. Commissioner Merrill stated that the applicant could install vinyl windows in the rear of the house because the statute states the Commission cannot mandate what is not visible from a public way. Mr. Mullaney said it was a matter of opinion as to whether people passing the house think it would appear different than it would with wood windows and who cares. He indicated that he had looked at other applications for structures in an LHD and did note that the Commission had not allowed vinyl replacement windows. Chair Schneider said allowing vinyl replacement windows would set a precedent and would be a major step. Commissioner Crowley noted that he had respect for people whose homes are located in a Local Historic District. Nevertheless, he continued, it is the law and must be complied with. He indicated that it was his position that the petitioner bore the burden of proof as to the issues involved in obtaining either a certificate of appropriateness or of hardship. Further, he stated, with regard to replacing windows in an LHD, that it was his position that residents needed to demonstrate by the presentation of credible evidence, not merely assertions, that it was not feasible to rehabilitate original windows before the Commission should give any consideration to any type of replacement window. He cited specific examples of historic homes in the city where original windows had been rehabbed and improved to provide excellent weatherproofing characteristics. He indicated that it was his position that the petitioner had not demonstrated that the windows needed to be replaced. He said the applicant needs to find a vendor that can determine how many of the existing windows can be rehabbed and, if not, what the Commission would approve. He added that most of the homes in the LHD have original windows and many have borne considerable costs to retain the original

windows. He specifically cited the Guirs who own 16 Whitman Road as an example. He also cited the Hagedus' who constructed a new home and had to replace windows to maintain the integrity of the LHD. Mr. Mullaney said he had not been able to find a vendor to repair the existing windows. Chair Schneider told him to contact Paul Levinson at Tuckerman Hall to find out what vendor did the windows at Tuckerman Hall. Mr. Mullaney said the Planning and Regulatory Services Office should maintain a list of vendors and it is too burdensome for the homeowner to try to find one. Chair Schneider summed up the issues at hand by saying the applicant seeks to replace the wood windows because they are not energy efficient. He said that to replace the existing windows while retaining the historical features of the home was the important issue. Chair Schneider said there were different ways to approach replacing or repairing the windows. He said the rear windows can be replaced with vinyl windows and the other windows could be repaired one or two at a time depending on the cost. He suggested the applicant research the matter further and consider other options, such as wood windows with double glazing which the Commission has allowed in the past. Upon reviewing the petition submitted to replace twelve second-story windows with Harvey Industry vinyl "Classic" or "Tribute" windows with six over six grids between panes of glass and all evidence provided, and upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 0-6 to determine that the proposed replacement of twelve wood windows with vinyl replacement windows is appropriate and compatible with the preservation and protection of the local historic district as it relates to the historic and architectural value and significance of the site, building, and structure. The motion failed and the Certificate of Appropriateness was denied. Mr. Mullaney asked that the record show that the Commissioners did not view the Harvey "Tribute" window brochure he submitted at the hearing. He requested the Commission vote on the economic hardship aspect. He said the Harvey "Classic" vinyl replacement windows would total \$3,240.00 installed, the Harvey "Tribute" vinyl replacement windows would total \$3,720.00 installed and the Harvey "Majesty" replacement windows would total \$10,200.00 installed. Commissioner Merrill stated he had not presented proposals from vendors with concrete numbers. Upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 1-5 (Commissioners Schneider, Theerman, Crowley, Merrill and McCann voted no) that the petitioner had demonstrated undue economic hardship. The motion failed and the waiver based on economic hardship was denied because the applicant had not adequately demonstrated economic hardship.

OTHER BUSINESS

266 Lincoln Street – Placement of Telecommunication Facility: Upon a motion by Commissioner Theerman and seconded by Commissioner Constantine, the Commission voted 6-0 to authorize the Chair to send a letter stating installation of a telecommunications facility on the roof of the Baptist Church located at 266 Lincoln Street will not affect historic properties in the area.

Letter of Intent to Apply For Survey and Planning Grant Funds: Ms. Stolberg distributed to the Commissioners a copy of the letter of intent that was sent to Michael

Steinitz, Director, Preservation Planning Division, Massachusetts Historical Commission, for information purposes.

230 Salisbury Street – Compliance Issue: Chair Schneider brought up this item that was before the Commission in 2005. He said the Commission had at that time insisted on repairing the slate roof rather than replacing it with asphalt which the petitioners had done correctly. However, another issue was replacing the balusters/railings on the side patio/porch. He said the petitioners agreed to that but have not done it and the perimeter of the patio now has potted plants. The Commission would like to remind the owners of their obligation but asked Ms. Stolberg to provide a copy of the certificate of appropriateness to make certain of any conditions, etc. before any action is taken.

There being no further business, Chair Schneider adjourned the meeting at 7:00 P.M.