

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

**December 27, 2007**

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

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

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

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

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

**APPROVAL OF THE MINUTES**

Upon a motion by James Crowley and seconded by Janet Merrill, the Commission voted 4-0 to approve the minutes from the November 8, 2007 meeting as amended.

**NEW BUSINESS**

- 1. 16 Crown Street (HC-07-56) – Building Demolition Delay Waiver:** Honee Hess and Phil Magnusson, applicants, requested Leave to Withdraw for the application to replace the roof because they do not have ownership of the property yet. Upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 5-0 to allow the Demolition Delay Waiver application to be withdrawn.
  
- 2. 16 Whitman Road (HC-07-58) – Certificate of Appropriateness and Building Demolition Delay Waiver:** Ashley Guir, applicant, stated they are seeking a Certificate of Appropriateness and Building Demolition Delay Waiver to do the following work: (a) remove all windows, have them dipped and re-glazed and reinstalled. Chair Schneider asked if they are the original windows and Ms. Guir responded they were. She also said she has the original plans for the house. Mr. Crowley informed the Commission that the Guirs are unable to live in the house presently because of lead paint. Upon a motion by Commissioner Crowley and seconded by Commissioner Theerman, the Commission determined that the proposed removal of all windows, dipping and re-glazing them and reinstalling them was

appropriate for the historic and architectural value and significance of the site, building, and structure and voted 5-0 to approve the Certificate of Appropriateness. Upon a motion by Commissioner Theerman and seconded by Commissioner Constantine, the Commission found that the proposed removal of all windows, dipping and re-glazing them and reinstalling the windows would not be detrimental to the historical or architectural heritage or resources of the City of Worcester and 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. 79 William Street (HC-07-57) – Building Demolition Delay Waiver:** Joseph LaCroix, contractor for the owner of the property, stated that they were seeking a Building Demolition Delay Waiver to do the following work on site: (a) remove and replace the roof on the garage and replace with architectural shingles; (b) repair jetwork on easterly and southerly sides of the garage; and (c) remove existing pair of sliding garage doors and replace with a 15’ overhead door. Mr. LaCroix said the shingles will be slate-like asphalt shingles. Upon reviewing the petition submitted for the (a) removal and replacement of the roof on the garage and replacement with architectural shingles; (b) repair of jetwork on easterly and southerly sides of the garage; and (c) removal of existing pair of sliding garage doors and replacement with a 15’ overhead door, 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.
- 4. 22 Dix Street (HC-07-59) – Building Demolition Delay Waiver:** Ryan and Jessica Landry, applicants, were not present for the hearing. They were seeking a Building Demolition Delay Waiver to do the following work on site: (a) replace the roof; and (b) replace old wood boards on the front porch. Chair Schneider wondered if the columns on the porch would have to be replaced, however, no one was there to answer the question. Upon reviewing the petition submitted for the replacement of the roof and replacement of old wood boards on the front porch, and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Theerman, the Commission voted 0-5 that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and denied the Building Demolition Delay Waiver.

### **OTHER BUSINESS**

- 5. Local Historic District Study Committee Discussion/Update:** Mr. Fontane reported to the Commission that the application to expand the Montvale Local Historic District was deemed incomplete by the Massachusetts Historical Commission on November 26, 2007. He said the guidelines are geared to the establishment of a new Local Historic District rather than the expansion of an existing one. He said additional information had been sent to MHC in the form of a revised

preliminary report on December 18, 2007 but there has been no response to date. Mr. Fontane indicated that the 60 days does not start until the application is deemed complete. Mr. Crowley opined that there should be some outreach to the people who live in the Montvale Local Historic District. Mr. Fontane said that once the application is deemed complete, a mailing would go out to all the property owners and anyone who had signed up to receive such mailings at the Commission's October 11, 2007 and November 8, 2007 informational meetings.

**Constructive Grants:** Recently, six applications were constructively approved. This occurred for a couple of reasons. All applications must be acted upon within 45 days or they are constructively approved. There was only one meeting in November and the December 13<sup>th</sup> meeting was cancelled due to lack of a quorum. Since there was not another meeting scheduled until December 27<sup>th</sup>, six applications were not acted upon within the prescribed 45 days. Chair Schneider asked how a continuance affected the time frame. Mr. Fontane said when there are two meetings per month, a hearing can be continued once, providing a decision can be made before the expiration of the 45 days. Chair Schneider was concerned that if continuances are not allowed, the Commission would have to make decisions without complete evidence and that could cause problems for the applicants. Mr. Fontane said he was seeking avenues to address the issue and would report back to the Commission when he has the information.

#### **Demolition Delay Waiver Considerations.**

Mr. Fontane initiated a discussion relative to the inclusiveness of the National Register Eligible List established by the Commission, the MACRIS list. He said that he has been monitoring Demo Delay Waiver applications and applicant feedback regarding its inclusiveness. He indicated that there is a need for education and outreach as many property owners do not understand why their building(s) are require a demolition delay waiver from the Commission. Since many Demo Delay Waiver considerations are replacement of like materials for like materials, Mr. Fontane suggested that the Commission revisit its "eligible list" to consider whether it should be pruned.

Chair Schneider said that he does not know how the Commission would go about removing buildings from the list. Mr. Fontane said one method would be to exclude all buildings that were not included on the state or national register, or some other significant designation. He added that this would ensure that only the most significant buildings were subject to the Demo Delay Ordinance. Chair Schneider disagreed with that method because he believed that there are some significant buildings on the list that are not otherwise designated. The Commission was in general agreement with Chair Schneider. Commissioner Theerman said that he would like to see the MACRIS list grow instead of being pared. Commissioner Constantine agreed.

Mr. Fontane indicated that he has explored whether certain applications could be administratively reviewed, but that the ordinance does not provide for this delegation of authority. For example, does a request for a demo permit to replace like materials for like materials need to be considered by the Commission? He indicated that staff will develop various ordinance amendments for the Commission's consideration.

Chair Schneider indicated that he believed that the Commission should keep its current decision making function, but added that the ordinance could be improved, and possibly staff could be authorized through an ordinance amendment or other mechanism to make minor interpretations. Mr. Fontane said that he would report back to the Commission on various alternatives including what changes to the Commission's rules and regulations, or the Demo Delay Ordinance are recommended.

**Watt Road Enforcement:** Mr. Crowley and Mr. Constantine asked for an update regarding the roof that was replaced without a building permit or Historical Commission permission. Mr. Fontane indicated that he would be meeting with the Assistant City Manager and Law Department relative to enforcement and would keep the Commission apprised of any developments.

**Quorum Issue:** Commissioner Conroy has indicated his intention to formally resign from the Commission due to scheduling conflicts that make him unable to attend meetings. Chair Schneider urged members to make every reasonable effort to attend all meetings so there will be a quorum. Mr. Fontane was asked to express to the City Manager its concern about its ability to fulfill its obligations without new Commissioners being appointed in a timely manner.

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