

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

**January 21, 2021**

**CITY HALL\***

**Commission Members Participating:** Mark Wamback, Chair  
Devon Kurtz, Vice-Chair  
Diane Long  
Tomi Stefani  
Janet Theerman  
Erika Helnarski, Alternate

**Commission Members Not Participating:** Randolph Bloom

**Staff Members Participating:** Stephen Rolle, Division of Planning and Regulatory Services  
Michelle Johnstone, Division of Planning and Regulatory Services

\*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 1608081191#), which was publicized on the posted meeting agenda and during the video broadcast.

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**CALL COMMISSION TO ORDER**

The Commission was called to order by Chair Mark Wamback at 5:35 PM.

**APPROVAL OF MINUTES**

**December 17, 2020:** On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 4-0, with Commissioners Long, Theerman, Helnarski, and Wamback voting, to approve the December 17, 2020 meeting minutes.

**January 7, 2021:** The approval of minutes was held until the February 4, 2021 meeting.

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**NEW BUSINESS**

**Building Demolition Delay Waiver**

**1. 95-99 Prescott Street – HC-2020-097 (MBL 09-32A-0000A)**

Petitioner: Ian Fox

Year Built: 1870

Historic Status: MACRIS listed; State Register of Historic Places (SR); National Register District (NRDIS); National Register Multiple Resource Area (NRMRA), FKA Washburn & Moen North Works – Rolling Mill #17, and Quartermaster

Petition Purpose (partially retroactive):

- Selective restoration to windows, roofs, garage doors
- Installation of skylights
- Creation of new storefronts

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Ian Fox of the MG2 group spoke in regards to the application. He stated that at this point, the roof has been replaced; the skylights have been installed; garage doors have been replaced; and new storefronts have been installed. Going forward, they are proposing to replace windows.

Commissioner Wamback asked Mr. Fox when the work was completed. Mr. Fox stated that it was completed before August. He noted that the project was phased, and that the first phase was interior work. He stated that the person on site proceeded to phase two prematurely, and work was halted on August 5 after it was discovered what had happened.

Commissioner Wamback noted that retroactive applications have come before the Commission before, and that he feels that at this point, some of the power of the Commission should be used [to stop this from happening]. He asked Mr. Fox why no application was submitted before work was started and completed. Mr. Fox stated that he was not in Worcester at the time due to COVID, and that his contractors were moving ahead with water related issues to clean the building up. He noted that they have done other projects in the City and they know what needs to be done, and said that this was an oversight.

Commissioner Wamback stated that some aspects of the application may have easily passed through the Commission, but brought up the removal of garage doors, installation of skylights, and the removal of the previously existing slate roof as areas of particular concern.

Commissioner Long stated that the removal of the slate roof and replacement with asphalt shingles and installation of skylights is significant. She stated that some aspects, including the installation of storefronts where no demolition occurred, and the replacement of garage doors, may not be of concern to the Commission.

Commission Theerman expressed frustration that the application was coming before the Commission retroactively.

Commissioner Wamback agreed with Commission Theerman, noting that the Commission needs to invoke some of the tools at their disposal to try to stop this type of thing from happening. He also noted that the applicant has been above board with the many other projects he has been involved with, but the Commission needs to draw the line at some point. He stated that the Commission was not made aware that this was a retroactive application when it was submitted, and that the Commission only learned about the work a week before the meeting. He stated that the Commission has the ability to put fines of \$300 per day in place.

Commissioner Theerman stated that she doesn't understand why the permit process is not alerting people to the fact that they need to come before the Historical Commission. Ms. Johnstone noted that no permit was pulled for the exterior work on the building. Commissioner Theerman asked if a permit should have been pulled. Ms. Johnstone confirmed that a permit should have been pulled. Ms. Theerman stated that people in the business of the applicant should know when permits need to be pulled. Commissioner Wamback agreed.

Commissioner Theerman asked if there are penalties outside of the Historical Commission for doing work without a permit. Mr. Rolle stated that the Building Commissioner could also take an enforcement action.

Commissioner Wamback asked Mr. Fox to elaborate on the roof portion of the project. Mr. Fox stated that the roof was formerly partially tar (about 1/3 of roof) that acted as a gutter well and partially slate (about 2/3 of roof), and that the entire roof was leaking. The membrane was replaced with a new rubber membrane. He stated that he did not know what the condition of the slate was, but that it was leaking. Asphalt was installed in its place.

Commissioner Wamback asked if the applicant looked into replacing only the damaged portions of the roof. Mr. Fox stated that the slate would have had to have been completely removed to be reinstalled given the deterioration on the interior of the building.

Commissioner Wamback asked if the installation of the skylights were through the area of the roof that was formerly slate. Mr. Fox stated that that was the case.

Mr. Rolle reminded the Commission that their purview does not extend to the design of the skylights, but only to whether the demolition necessitated by their installation is detrimental.

Commissioner Stefani that the removal of the slate roof was a big loss for the City, especially considering that the Commission did not have the chance to review the proposed work before it was done. Commissioner Helnarski agreed, stating that it would have been great to have had the opportunity to suggest materials other than asphalt.

Commissioner Long noted that in this case, the Commission doesn't even have the opportunity to look at financial considerations, because the work has been done.

Commissioner Kurtz noted that by looking at the original slate roof, it was pretty far gone. He stated that he doesn't think that the Commission would have made a different decision regarding the roof if it had come before the Commission ahead of time. He also mentioned that the building will be used for a great purpose, and that he thinks that the Commission should take that into consideration.

Mr. Rolle noted that the roof was very heavily deteriorated, and that it is worth noting that the roof was not repairable. He stated that as the Commission has noted, the developer does good work with historic properties, but that the Commission does not need to give them a free pass, noting that what happened is not an acceptable practice. He also noted that the Commission could likely still consider a financial hardship retroactively, and that no matter how the approval is made, the Commission is still free to levy a fine.

Commissioner Stefani asked whether skylights were installed on both sides of the roof. Mr. Fox stated that they were installed on both sides of the roof.

Commissioner Wamback asked for Mr. Fox to describe what is proposed for the windows. Mr. Fox stated that new construction full aluminum windows are proposed, and also noted that the PVC windows on the street side would be replaced with the aluminum windows so that they will all match.

Ms. Johnstone noted that most of the building are 1/1, and that the few remaining original windows are in extremely poor condition. She stated that in her opinion, the replacement of the original windows with 1/1 aluminum windows would not be inappropriate.

Commissioner Stefani asked if any brick arches would be removed. Mr. Fox stated that the archways will stay as is.

Commissioner Wamback asked for clarification on the work concerning the storefronts. Mr. Fox stated that the idea to make the property more marketable for tenancy and ADA compliant. He stated that the storefronts are glass with glass doors and black aluminum. The work was done prior to the meeting.

*No public comment.*

On a motion by Commissioner Long and seconded by Commissioner Kurtz, the Commission voted 5-0, with Commissioners Kurtz, Long, Theerman, Helnarski, and Wamback voting, and Commissioner Stefani not voting due to his absence at the beginning of the hearing, to close the public hearing.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 5-0, with Commissioners Kurtz, Long, Theerman, Helnarski, and Wamback voting, and Commissioner Stefani not voting due to his absence at the beginning of the hearing, that the proposed demolition at 95–99 Prescott Street of replacing windows to be 1/1 aluminum sash, and retroactively considered demolition of replacing the non-historic garage doors, and installing storefronts, which did not require demolition of historic fabric, would not be detrimental to the historical or architectural resources of the City of Worcester, and thus approved that portion of the Building Demolition Delay Waiver.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 2-3, with Commissioners Kurtz and Long voting yea, and Commissioners Theerman, Helnarski, and Wamback voting nay,

and Commissioner Stefani not voting due to his absence at the beginning of the hearing, that the retroactively considered demolition of removing the slate roof and replacing it with asphalt shingles at 95-99 Prescott Street would not be detrimental to the historical or architectural resources of the City of Worcester, and thus denied that portion of the Building Demolition Delay Waiver.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 3-2, with Commissioners Kurtz, Long, and Wamback voting yea, and Commissioners Theerman and Helnarski voting nay, and Commissioner Stefani not voting due to his absence at the beginning of the hearing, that the retroactive issuance of a Building Demolition Delay Waiver for the removal of the slate roof and replacement with asphalt shingles at 95-99 Prescott Street is necessary to avoid an undue economic hardship on the property owner, and thus approved that portion of the Building Demolition Delay Waiver.

On a motion by Commissioner Wamback and seconded by Commissioner Theerman, the Commission voted 3-2, with Commissioners Theerman, Helnarski, and Wamback voting yea and Commissioners Kurtz and Long voting nay, to issue a fine of \$300.00 per day for seven (7) days for performing work without prior Historical Commission approval.

### **List of Exhibits**

*Exhibit A. Building Demolition Delay Waiver application, dated December 16, 2020, and received December 30, 2020*

*Exhibit B: Site view photographs from January 2021 showing work having been already partially completed*

#### **2. 19 Oxford Street – HC-2020-095 (MBL 03-025-19-03)**

Petitioner: Jennifer Lachambre

Year Built: 1856

Historic Status: MACRIS listed; State Register of Historic Places (SR); National Register District (NRDIS); Positive National Register Opinion of Eligibility; Crown Hill LHD, FKA Elijah F. Brooks House #1 – Worcester Society of Friends Parish House

Petition Purpose:

- Replace 6 windows with grilles-between-glass Fibrex windows with grid patterns and color to match existing

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Jaime Morin of Renewal by Andersen spoke in regards to the application. He stated the intent of the application, which is to replace six existing windows. He stated that two windows on the front of the building have diamond patterns, which will be replaced with diamond patterned simulated divided light windows, and that the circle top (fanlight) will be replaced to match with simulated divided lights. He stated that two windows in a dormer do not currently have grille patterns.

Commissioner Wamback asked what the construction of the existing windows is. Mr. Morin stated he believes they are wood.

Commissioner Wamback asked what the replacement windows will be made out of. Mr. Morin stated that they will be made of Fibrex material, which is a wood polymer window.

Ms. Johnstone asked for confirmation that the applicant has changed their proposal from that which was originally submitted. Mr. Morin stated that that was the case, and that simulated divided light windows with spacer bars would be installed.

The Commission had no further comment.

#### *Public Comment*

Karen Nugent of Crown Hill asked for clarification on the window type that was being proposed. Ms. Johnstone gave a description of the proposed Fibrex simulated divided light windows. Ms. Nugent asked for clarification on whether the diamond patterns would be duplicated. Mr. Morin confirmed that that would be the case.

Commissioner Wamback stated that, although not necessarily the case here, the public should be cognizant of their comments. He stated that they should not be giving people instructions or talking with contractors on what should be being done, and should limit their comments on the existing condition of something, and whether they agree with whatever proposal is being put forth.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 6-0 to close the public hearing.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 6-0 that the proposed changes of replacing six existing windows with Fibrex simulated divided light windows with matching grid patterns painted to match the existing windows at 19 Oxford Street would be appropriate for the Crown Hill Local Historic District.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 6-0 that the proposed demolition at 19 Oxford Street would not be detrimental to the historical or architectural resources of the City of Worcester.

### **List of Exhibits**

*Exhibit A: Building Demolition Delay Waiver application dated November 12, 2020 and received December 18, 2020.*

*Exhibit B: Postponement Form, dated January 15, 2021.*

### **Certificate of Appropriateness & Building Demolition Delay Waiver**

#### **3. 7 Oxford Street – HC-2020-098 (MBL 03-025-00004)**

Petitioner: Don & Helen Pham

Year Built: ca. 1846

Historic Status: MACRIS listed; State Register of Historic Places (SR); National Register District (NRDIS); Positive National Register Opinion of Eligibility; Crown Hill LHD, FKA Henry P. Howe House

Petition Purpose:

- Replace all windows on front and side elevations

The applicant was not present on the call. The item was held until the end of the meeting.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 6-0 to postpone the item until the February 4, 2021 meeting (taken with Item 4).

### **Certificate of Non-Applicability**

#### **4. 7 Oxford Street – HC-2020-099 (MBL 03-025-00004)**

Petitioner: Don & Helen Pham

Year Built: ca. 1846

Historic Status: MACRIS listed; State Register of Historic Places (SR); National Register District (NRDIS); Positive National Register Opinion of Eligibility; Crown Hill LHD, FKA Henry P. Howe House

Petition Purpose:

- Replace all windows on rear elevations
- Repave driveway
- Create new parking area for four cars behind house

The applicant was not present on the call. The item was held until the end of the meeting.

On a motion by Commissioner Long and seconded by Commissioner Theerman, the Commission voted 6-0 to postpone the item until the February 4, 2021 meeting (taken with Item 3).

## **COMMUNICATIONS**

- A. Notice of Massachusetts Historical Commission (MHC) receipt of Project Notification Form (PNF) regarding conversion of one office into two offices inside of City Hall (455 Main Street)  
The Commission did not have comment.
- B. E-mail from Janelle Wilson of Jeremiah's Inn regarding aesthetically pleasing applications of modern synthetic cladding materials.  
Commissioner Long commented, thanking Ms. Wilson for taking the time to reach out to the Commission regarding the application of siding materials she plans to use at 1059 Main Street.
- C. Notification from the Massachusetts Historical Commission (MHC) to New Garden Park Inc., of the fulfillment of Stipulations 1 and 3 of the Memorandum of Agreement among the Massachusetts Division of Capital Asset Management and Maintenance, the Worcester Business Development Corporation (WBDC), and the Massachusetts Historical Commission, regarding the proposed demolition of the Hale Building.  
The Commission did not have comment.
- D. Notification from the Federal Communications Commission (FCC) of a proposed antenna installation/upgrade at 160 Woodland Street, in compliance with Section 106.  
The Commission did not have comment.
- E. Request from PAL, Inc., for an updated letter of support for Massachusetts Historic Rehabilitation Tax Credits for the Worcester Boys' Club, Lincoln Square (AKA 16 Salisbury Street).  
On a motion by Commissioner Wamback and seconded by Commissioner Theerman, the Commission voted 6-0 to issue an updated letter of support.
- F. Communication and Project Notification Form (PNF) from the City of Worcester Department of Public Works and Parks to the MHC regarding proposed Worcester Common Improvements.  
The Commission did not have comment.

## **ADJOURNMENT**

On a motion by Commissioner Wamback and seconded by Commissioner Theerman, the meeting was adjourned at 6:40 PM.