

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

**July 9, 2009**

**WORCESTER CITY HALL, 455 MAIN STREET, WORCESTER  
LEVI LINCOLN CHAMBER (3RD FLOOR, ROOM 309)**

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

**Staff Present:** Luba Zhaurova, 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 MINUTES**

Minutes from the June 25, 2009 meeting were accepted as amended.

**UNFINISHED BUSINESS**

1. **4 Regent Street (HC-2009-033)** – Certificate of Appropriateness: Steve Madaus, representative for Worcester Polytechnic Institute, petitioner, requested to postpone the item until the end of the meeting as he was waiting for Alfredo DiMauro, another representative for the petitioner. The Commission granted the request to postpone the item.

**NEW BUSINESS**

2. **2 Stoneland Road (HC-2009-036)** – Building Demolition Delay Waiver: Tong Truong and Thai Truong, petitioners, seek to remove and replace existing shingles with architectural shingles. Commissioner Theerman asked if the existing shingles are architectural shingles. Mr. Truong responded that the roof was replaced three years ago with architectural shingles, but the work was not properly done and the roof is now leaking, therefore he needs to replace the shingles again.

Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner McCann, the Commission voted 5-0 that the proposed demolition would not be detrimental to the architectural or

historical resources of the City of Worcester and the Building Demolition Delay Waiver was approved.

3. **32-34 Benefit Street (HC-2009-037)** – Building Demolition Delay Waiver: Jose Flores, representative for Truc Quang Luu and Thuy Thanh Bui, petitioners, is seeking to remove and replace existing roof, repair existing porches and stairs, and remove existing brick and replace with vinyl siding. Mr. Flores stated that the bricks on the building's exterior are not attached with wires and many are close to falling off. He added that the homeowner cannot afford to repoint the brick, and that the repointing might not sufficiently secure the brick thus not fully addressing the problem. Chair Schneider stated that since the brick exterior is the main architectural feature of the house, covering it with vinyl siding would, in his opinion, be detrimental to the architectural resources of the City. Commissioner Theerman inquired if the Inspectional Services Department (ISD) issued an emergency work permit with respect to falling bricks. Mr. Flores responded that he had not contact the ISD yet. Chair Schneider said that while the applicant thinks that replacing the brick with vinyl siding might seem like a cheaper option, the surface behind the brick might not be strong enough and, therefore, the proposed project cost might be higher than anticipated. He asked if the petitioner is proposing to keep the existing lintels. Mr. Flores responded that he will, and that the vinyl siding would be trimmed around the lintels. Chair Schneider stated that the Commission cannot consider the petition based on the economic hardship because the petitioner did not provide cost estimate comparisons between brick repair vs. brick removal and vinyl siding replacement. Chair Schneider inquired why the petitioner did not come to the hearing. Mr. Flores responded that the petitioner is not proficient in English. He added that the proposed shape of the vinyl siding would look like wood shingles.

The Commission decided to vote on the petitioner's requests separately. Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner McCann and seconded by Commissioner Theerman, the Commission voted 5-0 that the proposed demolition to 1) remove and replace existing roof and 2) to repair existing porches and stairs would not be detrimental to the architectural or historical resources of the City of Worcester and the Building Demolition Delay Waiver was approved.

Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner McCann, the Commission voted 0-5 that the proposed demolition to remove existing brick and replace with vinyl siding would not be detrimental to the architectural or historical resources of the City of Worcester. The motion failed and the Building Demolition Delay Waiver was not approved.

Commissioner Crowley clarified that the petitioner can repair the brick without seeking the Historical Commission's approval. Chair Schneider suggested that if the petitioner decides to repair the brick, he can seek historical tax credits from the Massachusetts Historical Commission.

4. **10 Crown Street (HC-2009-038)** – Building Demolition Delay Waiver: Peter McNamara, petitioner, is seeking to remove and replace the roof and replace the damaged fascia over porch. Also present was Bill Jones, petitioner’s contractor. The petitioner indicated that the existing roof is rotten and that he is proposing to replace it with like material and shape shingles.

Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 5-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester and the Building Demolition Delay Waiver was approved.

#### **OTHER BUSINESS**

**16 Greenwood Street – Proposed Telecommunications Installations:** Commissioner Theerman stated that he had no objections to the proposal, as he did not believe the tower would negatively affect the appearance of the church. The other commissioners concurred. The Commission requested that Ms. Zhaurova draft a letter of support from the Commission to the Massachusetts Historical Commission.

#### **UNFINISHED BUSINESS**

Commissioner Theerman recused himself.

5. **4 Regent Street (HC-2009-033)** – Certificate of Appropriateness: Steve Madaus, representative for Worcester Polytechnic Institute, petitioner, is seeking to remove and replace 62 existing windows on the house, remove and replace 6 garage windows, remove and delead 9 windows from the house and re-install them, remove and replace existing asphalt shingles on the house and garage with premium shingles and remove asphalt shingles and replace them with EDPM roofing on the flat roofs. Also present were Alfredo DiMauro, Assistant Vice President for WPI Facilities, and Ron Klosnic, Manager of Grounds. Mr. Madaus stated that the total project cost for renovating the house, including lead paint remediation and energy efficiency upgrades was approximately \$200,000. He added that one of the three children currently living in the house has higher than normal levels of lead in the blood. The project is scheduled to be completed by the end of August, so that the family with children currently living there can come back for the start of the school year. Mr. DiMauro distributed a report titled “Analysis of existing condition and evaluation of options for repair, retrofit, or appropriate replacement” for 4 Regent Street, dated July 9, 2009 (Exhibit A). He stated that all windows in the house were inspected, and that of the 103 doors and windows in the house and garage, 46 doors and windows are visible or partially visible from the street. Of those 46 windows and doors, WPI proposes to repair 13 windows and doors and to replace the remaining 33 windows. Commissioner Merrill asked who inspected and assessed the doors and windows and what qualifications that person had. Mr. DiMauro responded that he, his contractor, and his staff did the assessment, and added that he is an architect. He stated that retrofitting the windows is the highest-cost solution,

while not the one yielding the highest energy savings, largely due to the fact that the original windows only have a single pane of glass. Chair Schneider reminded the petitioners that the Commission's decisions are influenced by the precedents set in the similar previous cases, National Park Service guidelines, and research available regarding energy efficiency of repaired windows. He stated that based on a study by the University of Vermont, air infiltration is a much larger determinant of the energy efficiency of the windows as compared to R-value of the glass. Mr. DiMauro responded that studies conducted by engineers at WPI show evidence to the contrary. He also added that the existing storm windows obscure the original windows, and that replacement of the original windows with similar looking like material windows with no storm windows seems to be a preferable choice from a historical preservation perspective. Chair Schneider responded that repairing the existing windows would keep the existing historic fabric of the buildings. He mentioned that interior storm windows are another option for the petitioner, and that he does not think any window is beyond repair unless every muntin is rotten. He suggested that the Commission would be amenable to the petitioner using window sash from the windows in the rear of the house (that are in a better condition) on the windows visible from the public way. The Commission confirmed that it would prefer restoration of the original windows with exterior storm windows to the like-material replacement windows with interior storm windows. Commissioner Crowley stated that as a Commissioner, he is charged with preserving historic materials, not just historic looks. Once a window is replaced, he argued, an opportunity for restoration of the original fabric is lost. Chair Schneider confirmed that, based on the chart in Exhibit A, the cost of the removal, dipping, repair, and reinstallation of all of the existing windows and doors is approximately half the cost of replacing all of them, and then stated that in his opinion, based on the preliminary review of the information provided at the hearing, a rough estimate of payback for replacing all windows would be approximately twenty years.

Joan Hart, Worcester resident, stated that she believes all historic windows, not just those visible from a public way, should be subjected to the Historical Commission's review. Chair Schneider explained to Ms. Hart that state law gives the Historical Commissions jurisdiction over windows visible from the public way only. Mr. DiMauro stated that he will send the Commission research and findings with respect to energy transmission of windows with one vs. two-pane glass.

Commissioner Crowley questioned whether three windows labeled as W-39 (North (Right, Rear Bedroom, Double-Hung, 2<sup>nd</sup> floor), W-71 (West Rear, Hallway, Casement, 3<sup>rd</sup> floor), and W-71 (West Rear, Hallway, Casement, 3<sup>rd</sup> floor), are not visible from the street, as shown on a chart in Exhibit A.

The Commission decided to vote on the petitioner's requests separately.

Upon reviewing the petition submitted and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner McCann, the Commission voted 4-0 that 1) the existing asphalt shingles on the house and garage with premium shingles and 2) removal of asphalt shingles and their replacement with EDPM roofing on the flat

roofs are appropriate and compatible with the preservation and protection of the Massachusetts Avenue Historic District as it relates to the historic and architectural value and significance of the site and structure, and approved a Certificate of Appropriateness for the following exterior work:

- 1) Remove and replace existing asphalt shingles on the house and garage with premium shingles.
- 2) Remove asphalt shingles and replace them with EDPM roofing on the flat roofs.

Upon reviewing the petition submitted and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Merrill, the Commission voted 4-0 to approve the Certificate of Non-Applicability for the proposed work associated with removal and replacement of windows not visible from the public way, more specifically the removal and/or replacement of windows 3) on the north-west façade of the house except for W-39 (per Exhibit A); 4) on the west façade except for W-71 and W-72 (per Exhibit A); and 5) on the three sides of the garage not visible from the street. The motion passed and Certificate of Non-Applicability was approved.

Upon reviewing the petition submitted and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Merrill, the Commission voted 0-4 that 6) the replacement of all windows on the house and the garage, excluding those that were granted a Certificate of Non-Applicability is appropriate and compatible with the preservation and protection of the Massachusetts Avenue Historic District as it relates to the historic and architectural value and significance of the site and structure. The motion failed and a Certificate of Appropriateness was not approved.

## **OTHER BUSINESS**

**Conflict of Interest:** The Commission discussed a letter addressed to Joel J. Fontane, Director of Planning and Regulatory Services, from Karen A. Meyer, Assistant City Solicitor, dated July 7, 2009, Re: Conflict of Interest/Opinions. Commissioner Crowley said that the letter does not specifically state that a Commissioner living in a Local Historic District (LHD) would necessarily have a financial interest in the District. The Commissioners agreed that there seemed to be a discrepancy between the intent of the Massachusetts General Law requiring a Commission to have one Commissioner from each LHD in the town/city, and the intent of the Conflict of Interest Law recommending a Commissioner from an LHD district to recuse himself/herself from matters dealing with his/her district. Chair Schneider indicated that the exemption from the Conflict of Interest Law is cumbersome and unrealistic, requiring the City Manager to write a determination that financial interest “is not so substantial as to be deemed likely to affect the integrity of the services” of the employee. Commissioner Crowley stated that nowhere in the letter did the Assistant City Solicitor specifically state that Local Historic District residents cannot vote on a matter concerning an LHD. Chair Schneider stated that the presumption of the financial interest arising from something happening within 300 feet can be overcome. He added that he will contact Massachusetts Historical Commission to see if

other communities have had similar situations and questions, and if so, what the outcomes of these inquiries were.

**Adjournment:** The Commission voted 4-0 to adjourn the meeting at 7:15 P.M.