

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

**October 8, 2009  
WORCESTER CITY HALL – LEVI LINCOLN CHAMBER**

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

**Staff Present:** Edgar Luna, Division of Planning & Regulatory Services

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

**CALL TO ORDER**

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

**CONTINUANCES – WITHDRAWALS**

**APPROVAL OF MINUTES**

Upon a motion by James Crowley and seconded by Michael Theerman, the Commission voted 4-0 to approve the minutes from the September 24, 2009 Historical Commission meeting. Chair Schneider abstained because he was not present at the September 24, 2009 meeting.

**UNFINISHED BUSINESS**

- 1. 9 Wyman Street – Building Demolition Delay Waiver (HC-2009-060):** Lino Osorio, petitioner, presented the project. Mr. Osorio stated that he was seeking Building Demolition Delay Waiver approval to implement changes to the circa 1890, MACRIS-listed dwelling on site as follows: (a) re-side the entire structure with vinyl siding, (b) remove the front door and replace it with a six (6) panel fiberglass foam filled door and (c), remove and replace the four (4) windows located on the rear side of the building. He also stated that the hearing on this petition was continued to allow him additional time to provide the Commission with evidence of an undue economic hardship. To that end, he indicated that Francisco Roofing to provide him a cost estimate of \$21,600 for the restoration of the siding in place, and \$16,500 for its replacement with vinyl siding. Therefore, he stated that the \$5,100 cost estimate difference constituted his hardship, because his current finances prevented him from restoring the wooden siding in place. Chair Schneider asked Mr. Osorio that he had considered the option of restoring the

wooden siding in front of the house and replacing the sides and rear with vinyl siding, as the front of the building is the most architecturally significant part of the building. Chair Schneider also indicated that restoring the wooden siding would add value to the property because it would retain the architectural significance and integrity of the building. Mr. Osorio stated that while he understood the benefits of full or partial restoration of the wood siding, he felt that the age and years of neglect have caused severe damage to the building; therefore, in his opinion, vinyl re-siding was the most effective and least expensive restoration method. Upon reviewing the petition submitted and evidence provided, and upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission found and voted 0-5, that the re-siding of the building with vinyl siding, the replacement of the front door with a six (6) panel fiberglass door, and the replacement of the four (4) windows on the rear of the building at 9 Wyman Street would not be detrimental to the historical and/or architectural resources of the City of Worcester; therefore, the motion failed and the Commission considered granting the Building Demolition Delay Waiver based on whether the applicant had demonstrated undue economic hardship. Upon reviewing the evidence provided, and upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 0-5, that the proposed changes were necessary in order to avoid undue economic hardship to the property owner; therefore, the building Demolition Delay Waiver petition was denied.

2. **102 Randolph Road – Building Demolition Delay Waiver (HC-2009-052):** Stephen Madaus and Michael O’Hara, representatives for Randolph Road Realty Trust, petitioner, and Paul Papalilo, trustee of Randolph Road Realty Trust, presented the petition. Mr. Madaus stated that the petitioner originally sought Building Demolition Delay Waiver approval to completely demolish the building complex on site which was formerly known as Odd Fellow’s Home; however, shortly after the submittal, the petitioner reconsidered the petition and decided to modify the proposed complete demolition to partial demolition. He indicated that the partial demolition sought to preserve the “original building”, which is understood to be the three and one-half story brick structure with a five story clock tower built between 1890 and 1892, and demolish the one-story church gathering hall, and the two and one-half story brick structure built circa 1902. Consequently, the petitioner requested a continuation of the hearing to this date to allow additional time to present a revised demolition plan to the Commission. In addition, he stated that the partial demolition plan was conceived not only to preserve the original building but also because it provides a viable opportunity to re-develop the site. Chair Schneider expressed concern that the petitioner may change his mind again in the near future and decide to demolish the remaining structure; therefore, he asked Mr. Madaus to inform the Commission how committed the petitioner was to the revised plan. Mr. Madaus stated that he was unable to determine if the petitioner may change his mind in the future. Commissioner Theerman asked Mr. Madaus if the petitioner was planning to reuse the building for residential uses. Mr. Madaus responded in the affirmative. Chair Schneider expressed skepticism as to whether or not the Commission could vote on a different demolition request than the complete demolition originally petitioned and advertised. Mr. Madaus stated that in his opinion, the revised demolition was less than the original petition; therefore, the Commission could render a decision if it chose to do

so. Commissioner Crowley asked Mr. Madaus if the petitioner had considered requesting a Leave to Withdraw regarding this petition, and re-submitting a new petition incorporating the revised demolition plan. Commissioner Merrill stated that in her opinion, the revised demolition plan was better than the previous request; however, she indicated that she would prefer that the entire building complex was preserved intact. She also indicated that she would prefer that the petitioner withdraw the present petition, and submit a new petition that includes the revised demolition plan. Commissioner Crowley stated that he was uncertain if the Commission could vote on a revised demolition plan which the Commission had not had a chance to review until the day of the meeting, and expressed regret that the petitioner had not submitted such information prior to the meeting. In addition, he indicated that it would be in the best interest of the Commission to consult with the Law Department as to whether or not the Commission could vote on a different demolition plan than previously petitioned and advertised. Mr. Madaus stated that on behalf of the petitioner, he would prefer to request a continuation of the hearing to the next meeting to allow the Commission an opportunity to consult with the Law Department. Upon a motion by Commissioner Crowley and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the hearing to October 22, 2009, and requested Mr. Luna to consult with the Law Department on the aforementioned matter.

### **NEW BUSINESS**

- 3. 22 Richards Street – Building Demolition Delay Waiver (HC-2009-065):** Perry Hanson, petitioner, presented the petition. Mr. Hanson stated that he was seeking Building Demolition Delay Waiver approval to remove and replace forty-eight (48) double-hung windows throughout the circa 1908 dwelling structure, formerly known as the James Montgomery House. Mr. Hanson indicated that while the windows in place appeared to be original to the structure, most of them had deteriorated beyond repair; therefore, he decided to replace all windows with double-hung vinyl “ThermaStar” windows manufactured by Pella, which would match the windows in place in appearance, size, color and texture. Commissioner Merrill asked Mr. Hanson if he had considered replacing the windows with wooden windows. Mr. Hanson indicated that his original decision was to utilize wooden window replacements; however, he indicated that he became discouraged when he was informed of the significant cost difference. He indicated that the estimated cost to replace forty-eight (48) windows with double-hung wooden windows was \$26,000, and the estimated cost for vinyl window replacements was \$12,000. He further stated that given the current economic downturn, a \$14,000 difference was significant and difficult to overlook. Commissioner Crowley asked Mr. Hanson if he had considered restoring the original windows. Mr. Hanson stated that some of the windows had deteriorated beyond repair. Jo Hart, an abutter, expressed concern regarding the use of vinyl windows as replacements. Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner McCann, the Commission voted 4-1 (Commissioner Merrill voted no), that the removal and replacement of forty-eight (48) windows with double-hung vinyl windows was not detrimental to the historical and/or architectural resources of the City of Worcester; therefore, the Building Demolition Delay Waiver petition was approved.

- 4. 214 Austin Street – Building Demolition Delay Waiver (HC-2009-066):** Paul Collyer, representative for Red Cloud Realty Trust, petitioner, presented the petition. Mr. Collyer stated that the petitioner was seeking Building Demolition Delay Waiver approval to make changes to the residential structure on site, which was built circa 1884 and was formerly known as the Azel Howard Drake House. Mr. Collyer indicated that the petitioner was proposing the following: (a) remove the roofing material in place and replace it with “Timberline Prestique roofing shingles”, (b) remove the two (2) chimneys on site, and (c) replace the roofing material on the rear extension of the house with new rubber material. Mr. Collier stated that the proposed changes were needed due to the advance state of deterioration of all materials on site. 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 replacement of the roofing material with Timberline Prestique roofing shingles, the removal of the two (2) chimneys, and the replacement the roofing material on the rear extension of the house with new rubber material was not detrimental to the historical and/or architectural resources of the City of Worcester; therefore, the Building Demolition Delay Waiver petition was approved.
  
- 5. 23 Waconah Road – Certificate of Appropriateness and Certificate of Non-Applicability (HC-2009-067):** Commissioner Crowley stepped down from the Commission to appear before the Commission as petitioner for 23 Waconah Road. James Crowley, petitioner, presented the petition. Mr. Crowley stated that he was seeking Certificate of Appropriateness and Certificate of Non Applicability to make changes to the dwelling structure on site, which was built circa 1910 and is located in the Montvale Local Historic District of the City. Mr. Crowley stated that he was seeking Certificate of Appropriateness approval to make the following changes: (a) remove the asphalt shingle roofing materials on the main dwelling structure and front porch, and replace them with architectural shingles, (b) remove the flat metal roofs and replace them with any of the following metal, rubber or shingles, (c) repair and/or replace all exterior features of the four dormers using either wood or synthetic materials that have the appearance of wood, and (d), remove and replace the front porch gutter with an aluminum gutter, and remove and replace the rear gutter with an aluminum gutter. In addition, Mr. Crowley stated that he was seeking Certificate of Non-Applicability approval to make the following changes: (a) remove and replace shingles on the gables, primarily those in the lowest course that have deteriorated, and (b), repair or replace portions of the main roof’s fascia that is rotted with wood of the same dimension. In addition, Mr. Crowley stated that he was uncertain if it would be feasible to use wood replacements for the dormers or synthetic materials. He also indicated that all repairs and restorations would match the existing architectural features in an effort to preserve and/or protect the architectural significance and history of the house, and where appropriate, the restorations would be painted to match the same color of the house.

Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner McCann, and seconded by Commissioner Theerman, it was determined that the removal of the asphalt shingle roofing materials on the main dwelling structure

and front porch, and replace them with architectural shingles, the removal of the flat metal roofs and replace it with any of the following metal, rubber or shingles (material to be determined later), the repair and/or replacement all exterior features of the four dormers using either wood or synthetic materials (to be determined later), and the removal and replacement of the front porch gutter with an aluminum gutter, and the removal and replacement of the rear gutter with an aluminum gutter are appropriate and compatible with the preservation and protection of the Montvale Local Historic District as it relates to the historic and architectural value and significance of the site and structure; therefore, the Commission voted 4-0 to approve the Certificate of Appropriateness.

Upon reviewing the petition submitted and the evidence provided, and upon a motion by Commissioner McCann, and seconded by Commissioner Theerman, it was determined that the removal and replacement of damaged shingles on the gables, and the repairs and/or replacements of portions of the main roof's fascia that are damaged with wood of the same dimension are appropriate; therefore, the Commission voted 4-0 to approve the Certificate of Non Applicability.

Commissioner Crowley resumed the meeting as member of the Historical Commission.

6. **34 John Street – Building Demolition Delay Waiver (HC-2009-059):** Rafaél Arroyo Rivera and Evelyn Arroyo, petitioners, presented the petition. Mr. Arroyo stated that he was seeking Building Demolition Delay Waiver approval to make changes to the residential structure on site which was built circa 1886. Mr. Arroyo indicated that he was proposing the following: (a) Remove and replace the porch located on the rear of the house utilizing the same materials and floor plan and (b) convert a door located on the third floor into a window. He stated that the porch had deteriorated beyond repair, and indicated that the door conversion into a window was needed for security and practical reasons. 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 replacement of the rear porch utilizing the same materials and floor plan and the conversion of a door located on the third floor into a window was not detrimental to the historical and/or architectural resources of the City of Worcester; therefore, the Building Demolition Delay Waiver petition was approved.

#### **OTHER BUSINESS:**

7. **Local Historic District Study Committee Update:** Mr. Luna informed the Commission that the Crown Hill Neighborhood Properties Survey RFP Selection Committee had reviewed and evaluated each of the five (5) RFP responses submitted for the Crown Hill Historic Properties Survey, from the following candidates:

- Larson Fisher Associates, Inc.
- Boston Affiliates, Inc.
- TTL – Architects
- Gray & Pape

- Hartgen Archeological Associates, Inc.

Mr. Luna further indicated that DPRS staff is working with the Purchasing Department to finalize the process and would inform the Commission when such process has been completed.

**8. 4 Woodford Street – Stanley Kunitz Childhood Home:**

Chair Schneider stated that in his opinion, the Historical Commission should appeal the decision of the Massachusetts Historical Commission not to support the petition submitted by Carol Stockmal to include this site in the National Register, due to its architectural significance, state of preservation, and its historical significance as the childhood home of poet laureate Stanley Kunitz. Commissioner Crowley stated that the Commission would benefit from inquiring with the Massachusetts Historical Commission what alternatives may be available to pursue this matter prior to making a decision to appeal their decision. Upon a motion by Commissioner Theerman and seconded by Commissioner Crowley, the Commission voted 5-0 to request staff from the Division of Planning and Regulatory Services to request information from the Massachusetts Historical Commission and report back to the Commission.

- 9. 24 Arlington Street – Building Demolition Delay Waiver (HC-2009-064):** Mr. Luna informed the Commission that DPRS staff requested clarification from the Law Department regarding the definition of Majority Vote pertaining to the Commission's vote on this petition at the September 24, 2009 Historical Commission meeting. Mr. Luna informed the Commission that the Law Department responded indicating that according to Section 1-7, DEFINITIONS (City Charter), (I) Majority Vote – **“Unless otherwise specifically provided within this charter or by law, ordinance or the rules adopted by a multiple member body, the words “majority vote” shall mean a majority of those members present and voting of a multiple member body, provided a quorum is present”**. Therefore, he stated that the Commission's vote of 3-1 at the September 24, 2009 meeting on this petition (with Commissioners McCann, Crowley and Merrill voting yes and Commissioner Theerman voting no), actually constituted approval of the Building Demolition Delay Waiver. Consequently, staff will create a new BDDW decision indicating approval and will be sent to the petitioner.

**Adjournment:** Chair Schneider adjourned the meeting at 7:30 pm.