

**MINUTES OF THE PROCEEDINGS OF THE
HISTORICAL COMMISSION OF THE CITY OF WORCESTER
July 26, 2012**

LEVI LINCOLN CHAMBER – CITY HALL

Commission Members Present: Timothy McCann, Vice-Chair (Acting Chair)
Kevin Provencher, Clerk
James Crowley
Meagen Mulherin
Andrew Shveda
Erika Dunn

Staff Members Present: Joel Fontane, Division of Planning & Regulatory Services
Nancy Tran, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

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

MINUTES:

The Historical Commission approved the minutes from the May 3, 2012, June 14, 2012 and June 28, 2012 meetings.

NEW BUSINESS:

1. 12 Hawthorne Street (HC-2012-041) – Building Demolition Delay Waiver

Derek Lynch and Paul Sotel, representatives for Clark University, petitioner, presented the petition. Mr. Lynch stated that the petitioner sought to replace asphalt roof shingles on the left (northern) side of the roof with like materials. He explained that architectural shingles will be used and no work below the roofline will be performed.

Commissioner Provencher asked if the work would affect the gutters. Mr. Sotel said no gutters were present on the structure.

Upon a motion by Commissioner Provencher and seconded by Commissioner Crowley, the Commission voted 6-0 that the replacement of asphalt shingles on the left (northern) side of the roof with like materials would not be detrimental to the architectural or historical resources of the City of Worcester; therefore, the Building Demolition Delay Waiver was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Clark University, dated June 8, 2012 and received June 26, 2012.

Exhibit B: Images of Hawthorne Street (3), undated and received July 26, 2012.

2. 2 Massachusetts Avenue (HC-2012-042) – Certificate of Appropriateness & Building Demolition Delay Waiver

The petitioner, Mary McGillicuddy, appeared before the Commission seeking approvals and Building Demolition Delay Waiver issuance to: 1) add a 278 SF addition to the rear of the house using like materials and details as the original structure; 2) replace two double-hung windows with transom unit on the north-eastern side of the building with new single double-hung windows; and 3) replace existing pantry window with new double-hung window on the north-western side of the building.

Ms. McGillicuddy stated she was granted a Certificate of Appropriateness and Building Demolition Delay Waiver in 2011 for similar work and that the current proposal proposes a smaller addition than the one previously approved. She explained that the roof line, molding and architectural styles of the addition will be the same as the house.

Chair McCann expressed his support for approving the certificate and waiver as the smaller addition would be less visible from a public way.

Upon a motion by Commissioner Crowley and seconded by Commissioner Provencher, the Commission voted 6-0 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester; therefore, the Building Demolition Delay Waiver was approved.

Upon a motion by Commissioner Crowley and seconded by Commissioner Provencher, the Commission voted 6-0 that the proposed changes were appropriate and compatible with the preservation and protection of the Massachusetts Avenue Local Historic District as it relates to the historic and architectural value and significance of the site and structure; therefore, the Certificate of Appropriateness for this project was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Gerald T. & Mary McGillicuddy, dated June 18, 2012 and received June 27, 2012.

3. 255 (aka 255-263) Main Street (HC-2012-043) – Building Demolition Delay Waiver

The petitioner, John Fisher, appeared before the Commission for a Building Demolition Delay Waiver to demolish the existing building to ground level and fill the cellar with gravel, graded to match surrounding elevations. Mr. Fisher stated that he and his partner, John Sousa, have owned the building since 1990 and sought complete demolition approval because the property tax bill had significantly increased from the previous year. Mr. Fisher said the building requires extensive repairs and upgrades as there presently is no electricity, heat, plumbing and elevator service on the upper floors. He added that it was too costly to put the office space back into service. Only the building's 16,000 SF auditorium is utilized, leased to MassConcerts for the past 12 years.

Commissioner Provencher asked about the lease and rent. Mr. Fisher replied that no contract exists and that MassConcerts leased the space at \$12,000 per month – the rate has since changed due to the property's tax increase.

Chair McCann stated that very few Art Deco buildings remain in Worcester and asked the total estimated renovation costs for the building. Mr. Fisher said he only had rough estimates because of the possibility of unknown hidden costs. Chair McCann stated that the Commission needed specific costs to make a determination based on economic hardship. Mr. Fisher indicated he understood the Building Demolition Delay Waiver process and that petitioners bore the burden of proof with respect to economic hardship.

Chair McCann suggested that the petitioners consider historic tax credits and cited successful examples of renovations in the City such as Hanover Theater and Mechanics Hall.

Commissioner Crowley asked whether Mr. Fisher and Mr. Sousa had previously filed for a complete demolition waiver. Mr. Fisher replied affirmatively and said the building was abandoned when MassConcerts showed leasing interest. He stated that revenue from the sole tenant is not sufficient and has recently applied for a property tax abatement with the City's Assessing Division. Commissioner Crowley asked what would be the course of action if the abatement were approved, to which Mr. Fisher replied demolition and new development.

Deborah Packard of Preservation Worcester stated that the proposed complete demolition would be a significant loss to the downtown area because the building is historically, architecturally and culturally significant. She said it was one of the last Art Deco structures in the city and expressed her belief that the petitioners had not proven economic hardship. Ms. Packard said that while the building has deferred maintenance issues, it has the potential for more income. She added that the petitioners, Mr. Fisher and Mr. Sousa, have not pursued options suggested by Preservation Worcester with respect to realtors, tax specialists, city representatives, etc. She encouraged the petitioners to sell rather than demolish the building.

Mr. Fontane clarified that the demolition delay period is not owner-specific and begins at the petitioners' application filing. Following the one-year delay, the petitioner(s) have a one-year validity period during which one can demolish or be in the process of building demolition. After the validity period expires, the petitioner(s) must reapply.

Jo Hart, Worcester resident, expressed her concern with Worcester's "predilection to parking and support of strictures to prevent building demolition for such use."

Peyton Bissell, Worcester resident, expressed his opposition to the proposed demolition and said the building has significant cultural and economic value.

Deb Powers, Worcester resident, stressed the need for the City to try and save the building. She stated she can help rally volunteers to support the cause.

Mr. Fontane stated that the Administration respectfully recommends denial of the Building Demolition Delay Waiver submitted by John L. Sousa and John C. Fisher for the complete demolition of the building as the demolition of this historically significant structure would be detrimental to the architectural and historical resources of the City of Worcester and because the applicant has not demonstrated undue economic hardship. The proposed demolition would permanently eliminate one of few remaining Art Deco-styled structures in Worcester. Equally important, the petitioner has not demonstrated that the proposed rehabilitation and reuse of the existing building have proven to be uneconomically/ financial unfeasible. The petitioner has not demonstrated "that demolition approval is necessary to avoid an undue economic hardship to the property owner..." (Chapter 9, Section 13, (g), (2)). No cost estimates for office-commercial rehabilitation or pro forma estimating "recovery of cost" have been submitted to substantiate

economic hardship. Nor has the petitioner demonstrated that creative marketing strategies have been implemented to sell the property for reuse. Although the application states that no offers were made when the building was placed on the market, the petitioner provides no evidence of classified advertisement(s) and sale price to support reasonable “efforts to locate a purchaser to preserve, rehabilitate and restore the subject building.” The City Assessor has determined that the building is not functionally obsolete; rather, it possesses the ability to perform the function of its current use as office space and a theatre adequately. The structure provides 16,696 SF of gross leasable area, of which only the theatre is currently utilized –the office space is vacant. The Assessor has determined that the building is of average quality (interior and exterior) and stated by the petitioners as “compli[ant] with all code and safety requirements,” all available space can be potentially leased to lower the property’s expense ratio. Please note the petitioners claimed that the property’s assessed valuation significantly increased from 2011 to 2012. Staff has reviewed data from the Assessing Division and calculated a 229% change, not 300% as stated in the application (Exhibit E). Mr. Fontane stated that the property was sold in 1990 for \$1.3M (Exhibit F). When adjusted for inflation¹, this sale price is equivalent to \$2.28M in 2012 dollars. According to the Assessor, the petitioners have applied for tax abatement. The particulars of why the assessed value has changed are not before the Historical Commission. The Assessing Division addresses these questions and related abatement requests. The petitioners have applied for an abatement that is currently being reviewed by the Assessor’s office.

Mr. Fontane noted the Junction Shops rehabilitation as a successful example, acknowledging that it took several years to find a developer interested in adaptive reuse and historic preservation. Mr. Fontane said the demolition delay will provide additional time to find alternatives and a new buyer interested in building renovation.

Carla Higgins, Worcester resident, expressed her opposition to the proposed demolition and said the building draws in business.

Jonathan Ockle, Worcester resident, expressed his opposition with the proposed demolition and said Worcester is known throughout New England for its heavy metal music scene.

Upon a motion by Commissioner Shveda and seconded by Commissioner Crowley, the Commission voted 0-6 that the proposed demolition would not be detrimental to the architectural or historical resources of the City of Worcester. The motion failed and the Historical Commission considered the Building Demolition Delay Waiver with respect to the petitioner’s evidence related to undue economic hardship.

Upon reviewing the request submitted and the evidence provided, the Worcester Historical Commission voted 0-6 that the petitioner had demonstrated undue economic hardship. The motion failed and the Building Demolition Delay Waiver was not granted.

Exhibit A: Building Demolition Delay Waiver Application submitted by John L. Sousa & John C. Fisher, dated June 27, 2012 and received June 27, 2012.

Exhibit B: Mortgage Inspection Plan; dated October 31, 1995; prepared by A.F. Paige.

¹ Using the Bureau of Labor Statistics – Consumer Price Index for all Urban Consumers.

- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Historical Commission; re: 255-261 (aka 255-265) Main Street; dated July 18, 2012.
- Exhibit D: Form B – Massachusetts Cultural Resource Information System; re: WORC.715, Plymouth Theatre, 255-265 Main St; accessed on July 17, 2012.
- Exhibit E: City of Worcester Assessing Division – Property Values Detail Chart; accessed on July 19, 2012.
- Exhibit F: Quitclaim Deed – Book 12758, Page 376; dated April 30, 1990.

4. 390 Main Street (HC-2012-044) – Building Demolition Delay Waiver

Brian Thompson, President and CEO of Commerce Bank, and Cal Aldridge of Modern Windows Manufacturing represented the petitioner – Metro Commerce Real Estate Inc. Mr. Thompson stated that the petitioner sought to replace 525 double-hung windows that were installed when the structure was built in 1907. He stated that the black thermal aluminum frame windows would replace those on floors three to ten and would be above sightline. Mr. Thompson provided the Commission with quotes for different window work. Replacement with the proposed aluminum type was \$922,000; restoration of the original windows was \$2,480,000; and replacement with like materials (mahogany) was \$4,000,000.

Mr. Aldridge stated the proposed aluminum windows would replicate existing window styles.

Commissioner Provencher was amenable to the changes as the new windows would be very similar to the original, simple-patterned windows. He added that the proposed work would be marginally visible from the street as it is above sightline.

Commissioner Crowley asked whether assessment was performed on all windows. Mr. Aldridge replied affirmatively and indicated that most to all were substantially damaged.

Deborah Packard expressed her support of the petition and stated that the new windows would have little impact to the building's historical and architectural features.

Mr. Fontane stated that the proposed changes do not dramatically change the building look. He added that new windows are an investment, helps to upgrade and increase the building's leasing ability. He expressed his firm support for the building demolition delay waiver.

Upon a motion by Commissioner Provencher and seconded by Commissioner Mulherin, the Commission voted 6-0 that the replacement of existing single-glazed on-over-one double-hung windows on third through tenth floors, with new aluminum thermal-barrier double-hung windows with historical contoured panning in the same black finish would not be detrimental to the architectural or historical resources of the City of Worcester; therefore, the Building Demolition Delay Waiver was approved.

- Exhibit A: Building Demolition Delay Waiver Application submitted by Metro Commerce Real Estate Inc., dated June 27, 2012 and received June 28, 2012.

Exhibit B: Window Estimates submitted by Modern Architectural Glazing, dated May 10, 2012 and received July 26, 2012.

5. 43 Belmont Street (HC-2012-045) – Building Demolition Delay Waiver

Rev. Timothy Xu and Keo Ling, representatives for Chinese Gospel Church, petitioner, presented the application. Rev. Xu stated that the church sought a Building Demolition Delay Waiver to 1) replace missing slate with matching slate on the roof; 2) replace copper valleys with like materials; and 3) repair copper fascia and drip edge with like materials.

Commissioner Provencher stated he had no objections to the proposed work as they were simple repairs.

Upon a motion by Commissioner Crowley and seconded by Commissioner Provencher, the Commission voted 6-0 that the 1) replacement of missing slate with matching slate on the roof; 2) replacement of copper valleys with like materials; and 3) repair of copper fascia and drip edge with like materials would not be detrimental to the architectural or historical resources of the City of Worcester; therefore, the Building Demolition Delay Waiver was approved.

Exhibit A: Building Demolition Delay Waiver Application submitted by Chinese Gospel Church, dated June 27, 2012 and received June 29, 2012.

6. 54 May Street (HC-2012-046) – Building Demolition Delay Waiver

Cynthia Miller, the petitioner, appeared before the Commission for a Building Demolition Delay Waiver to remove and replace roof asphalt shingles with like materials.

Chair McCann was amenable to the asphalt for asphalt roof replacement and asked about the extent of work to be performed. Ms. Miller said the entire roof will be replaced and no other work will be done.

Upon a motion by Commissioner Provencher and seconded by Commissioner Shveda, the Commission voted 6-0 that the removal and replacement of asphalt shingles with like materials would not be detrimental to the architectural or historical resources of the City of Worcester. The Commission approved the Building Demolition Delay Waiver with the condition that slate is not to be removed if found during asphalt roof removal.

Exhibit A: Building Demolition Delay Waiver Application submitted by Cynthia Miller, dated May 26, 2012 and received July 5, 2012.

7. Received Communication

The Commission took no action with respect to received communication.

Adjournment

The Commission adjourned the meeting at 6:57 P.M.