



TOWN OF WINCHESTER
MIDDLESEX COUNTY, MASSACHUSETTS
HISTORICAL COMMISSION
TOWN HALL
WINCHESTER, MASSACHUSETTS 01890

Meeting Minutes

Date/Room: May 23, 2016
Winchester Town Hall (Winchester Room)

Members Present: Heather von Mering (Chair), Jenny Adams, Janet Boswell, John Clemson,
Jack LeMenager, Michelle McCarthy

Members Absent: Bruce Hickey (vice-chair),

Also Present: Brian Szekely – Town Planner
Maureen Meister 38 Rangeley Road
David Feigenbaum 38 Rangeley Road
Kathryn Hughes 140 Cambridge St
Michael O'Brien 50 Clark St

A quorum being in attendance, the hearing was called to order at 7:36.

Meeting Minutes

Chair Heather von Mering requested that all members review the May 16, 2016 public meeting minutes.

Motion That the Historical Commission approve May 16, 2016 public meeting minutes as presented. The motion was made and seconded. The motion was approved unanimously.

4 in Favor 0 Opposed VOTED
Abstained: Heather von Mering (Chair)
Absent: Bruce Hickey

Other Business

Chair Heather von Mering distributed a letter she received from Selectmen Stephen Powers dated May 5, 2016. The letter is a Public Records Request for all documents, correspondence, email correspondence, memoranda, and letters by and between the Winchester Historical Commission and

the Massachusetts Historic Commission related to the creation of the proposed previously proposed amendments to the Code of By-laws regarding the demolition of historic buildings. Heather von Mering along with John Clemson compiled over 500 pages of documents including maps from the engineering department. These documents were given to Mary Ellen Lannon, Town Clerk - official Keeper of Records, scanned and delivered to Stephen Powers on Friday, May 30, 2016.

Michelle McCarthy stated she wish that the entire Commission was made aware of this letter when it was received. She wishes that Mr. Powers could have just approached the Commission and asked for the information instead of formally writing this letter. She views this letter as a form of harassment to the Historical Commission from Selectmen Powers. Jack LeMenager stated he also agrees that he perceives this action as a form of harassment. Discussion occurred in regards to Public Records requests. Brian Szekely – Town Planner, stated that it is not uncommon for a public records request to be received by a variety of Town Offices or Boards. Jenny Adams questioned if a meeting should occur between the Historical Commission and the entire Board of Selectmen since Selectmen Powers signed his letter member of the Board of Selectmen.

Winchester By-Law, Chapter 14 Discussion

Chair Heather von Mering began the discussion that the current By-law of a demolition delay does not necessarily meet the purpose of historic preservation. The By-law needs to be rewritten entirely. Heather stated some towns have a hardship clause written in to their by-laws. Heather asked Brian Szekely to report what information he has received from Massachusetts Historical Commission in regards to this. Brian stated that Chris Skelly, Mass Historical Commission, has not provided a clear clarification of this clause. Chris Skelly states that the State does not have the ability of a hardship clause in the By-law, but upon research it has been learned that the Town of Lexington does indeed have a hardship clause. Along with the hardship clause, the opt in/out clause seems to be an area of uncertainty. Chris Skelly has stated he will not assist the Town with the rewriting of the By-law that would enable the Historical Commission to apply for state funds.

John Clemson stated that when he spoke to Chris Skelly he was told that the opt in/out clauses would not allow the Town of Winchester to receive a certified local government status. The criteria needed to become a Certified Local Government has been extremely difficult to research what is exactly needed for the process.

John Clemson stated that the Commission was recently able to receive a \$5000 grant. During the application process it was stated in the application the proposed by-law was going before Town Meeting to seek approval. There is federal grant money (up to 10% of the \$1 million available) to communities who meet the Certified Local Government status. The Massachusetts designation of a Local Historic District enables communities to receive funding to survey the historical properties in their community. Developing a Local Historic District shows the state agency that the community is showing action and effort towards preserving and restoring their historic properties. Brian Szekely stated that the best first step would be to develop a LHD (Local Historic District) which is a part of the Massachusetts General Law. An LHD can be established with one specific building or a specific neighborhood. Town Meeting would have to vote to allow an LHD to be established. Heather von Mering stated the LHD would most likely be established downtown to include the Winchester Town Hall, Library, Lincoln School and McCall Middle School. The Historical Commission will have to submit a proposal to the Board of Selectmen to establish a LHD.

John Clemson presented his map of the entire Town of Winchester, which has been color coded to show neighborhood construction data (years build and type of construction). Heather von Mering stated this map could assist with taking specific neighborhoods off of the demolition list using the construction data points.

Michelle McCarthy introduced the idea of doing a survey of the entire town to get specific homes listed even if they were built after 1921. Discussion occurred about the cost restraint as well as the time constraint of surveying all properties in the town (one property analysis is \$300). The Town of Lexington reviews all properties that have applied for a demolition permit regardless of year built.

Kathryn Hughes addressed the Board. She questioned why should a homeowner have to go in front of a Town Board to see if they can do an improvement on their own property? This process would make the home owner do more work than needed especially if their property has no historical significance. She would like to know the specific criteria that makes a property have historical significance. Janet Boswell stated that she agrees that not all homes built before 1940 are historical, but that this date would allow them to be screened.

Kathryn Hughes suggested that the Town survey all of the properties to develop a historical property list in entirety. The Commission agrees that this would be preferable, but that the cost is prohibitive and there is no avenue to currently fund that type of endeavor. Even if these surveys were to be done it would take years to complete all properties. The estimated cost to survey all of the properties that would be added to the demolition delay list built before 1940 would be in the estimate range of \$700,000.

John Clemson stated that the Winchester Historical Commission works through a reactive process to all applications received by the Town. The Commission only has the ability to research the property when a demolition permit is pulled, resources are limited.

The Demolition Delay process is outlined in the current by-law.

- An application for demolition permit is received at the building department.
- If the property is subject to a delay the application is forwarded to the Historical Commission for review.
- If the building is deemed a significant building, then the HC chairperson notifies the building commissioner within 7 days to not issue a demolition permit.
- A public hearing must be held within 21 days of the application receipt. Notification is sent to the abutters of said property as to the date, time, and place of the public hearing
- The 21 days period allows the HC to perform a survey on said property to determine historical significance.
- During the public hearing, the Historical Commission may deem that the demolition of the building *would not be* detrimental to the town's historical heritage, resulting in a letter to the building commissioner that a demolition permit can be issued. As well as On the other hand, the Historical Commission may deem that the demolition of the building *would be* detrimental to the town's historical heritage and said property would be considered a preferably -preserved significant building property. Hence a letter to the building commissioner would state no demolition permit may be issued for said property until a 12- month period has occurred passed.

- The 12- month delay allows additional time to research alternatives, allow conversation, and come to a specific terms as to how the demolition will be performed. If conditions are agreed upon between both the owner and the HC then a demolition permit can be issued before the 12- month period has expired. The delay could be a few weeks, 6 months, or the entire year depending on the how quickly negotiations are agreed upon.

Kathryn Hughes stated three concerns she has with the 12- month delay.

- A house is many times the one piece of equity that an elderly person might have. It is grossly unfair to tie up the sale of their property/money for up to a one- year period
- Many times people receive unexpected job transfers and have to sell their house quickly.
- The buyer for the said property is putting themselves at financial risk on their ability to better their property value.

The Commission is worried about the out of town developers buying Winchester properties, demolishing, and building large expensive homes. Many of these purchases are negotiated through the realtor directly to a developer, never making it into the housing market for an open bidding process. Town Meeting just passed the Planning Board's article in regards to the Site Plan Review for renovation and new construction which hopefully will help control this issue.

David Feigenbaum stated that the Historical Commission has an obligation under state law to preserve the historical significance of the Town and protect the historical assets, not individual property owner's rights. Heather von Mering stated that Town Meeting protects the rights of property owners.

Maureen Meister stated that there is no data to support the contention that a broader scope of property review decreases the valuation of a specific home, neighborhood, or community in the realty market.

Discussion occurred in regards to most opponents to the by-law argue about their property values as well as their home owner rights. Lexington has a much more stringent by-law and still has many demolitions occurring in their community. In Winchester, it is getting more difficult for affordable units as well as preservation properties to get into the publically known housing market. The current 900 properties included in the current by-law have been sold numerous times since the 21 years the by-law has been enacted. The by-law is one of very few tools available to preserve historical properties.

Heather von Mering stated that the Historical Commission will research the development of an LHD, utilize the site design review by the Planning Board, investigate the hardship clause as well as look at ways to expedite the process to assist in the development of a new by-law.

Discussion occurred in regards to how a property owner can determination if their property has historical significance before they decide to sell. The owner can request a survey from the Winchester Historical Commission or they can ask the State Historical Commission to perform a survey at any time prior to putting their home on the market. After a completed survey the HC could develop a form that stays with a specific property stating that the said property has no historical significance and the HC will not interfere with any future activities in regards to said property.

Group discussion in regards to a process that can be followed to develop a specific list of historically significant properties, funding for the surveys, and time constraints. Jack LeMenager initiated a discussion in regards to increasing the price of a demolition permit by \$300 or more to cover the cost of the property surveys. The fee increase to \$450 would be applied for to all demolition applications, historical or non- historical buildings. Currently the cost of a demolition permit is \$15 per \$1000 of the cost of demolition, which is typically \$10,000, for a fee of \$1500. The Board of Selectmen sets all of the Towns fees and could earmark the additional fee \$300 to a specific fund. If the fee increase is approved by the Selectmen than it would have to pass Town Meeting would have to vote on it.

The Community Preservation Act is a Mass law that has established a funding source to assist communities in the preservation of open space, conservation, recreation, historical sites and affordable housing needs. Property transfer fees fund the state coffer. If a community creates a CPA (up to a 3% tax increase on residential properties) they would be eligible to receive matching fund from the state. An example is if Winchester had a CPA it could have received matching funds from the state to assist with purchasing Wright Locke Farm.

Motion That the Historical Commission approve a motion to discuss with the Board of Selectmen the designation of a Local Historic District, the development of a Local Community Preservation Act and a supplemental demolition permit fee. The motion was made by Michelle McCarthy and seconded. The motion was approved unanimously.

6 in Favor 0 Opposed VOTED
Absent: Bruce Hickey

Brian Szekely – Town Planner will development a presentation to the Board of Selectmen in regards to the Community Preservation Act.

Next Meeting

The next scheduled meeting will be held on June 13, 2016 in the Waterfield room at 7:30 P.M.

It was moved and seconded to adjourn at 9:55 P.M. VOTED

Respectfully submitted,

Lynn Stevens, Recording Secretary



Heather von Mering, Chair

Date