



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

Meeting Minutes

Date/Room: July 11, 2016
Winchester Town Hall (Board of Selectmen Room)

Members Present: Heather von Mering (Chair), Bruce Hickey (vice-chair), Jenny Adams, Janet Boswell, John Clemson, Jack LeMenager, and Michelle McCarthy

Members Absent:

Also Present: Brian Szekely – Town Planner
John Natale – 45 Chester St
Tony Conte – 80 Harvard St
Kathryn Hughes – 140 Cambridge St
Vincent Dixon – 60 Lake 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 June 20, 2016 public meeting minutes.

Motion That the Historical Commission approve June 20 2016 public meeting minutes as amended. The motion was made and seconded. The motion was approved unanimously.

5 in Favor 0 Opposed VOTED
Abstained: Bruce Hickey
Absent: Michelle McCarthy

Winchester By-Law, Chapter 14 Discussion

Heather von Mering had previously asked all committee members to review the by-law and bring comments to the table for this evening's discussion. Jack LeMenager stated he believes the by-law should be similar to Lexington's in regards to reviewing all properties submitting an application for demolition, omitting the current "list" and including a hardship clause.

Brian Szekely stated he has spoken to the Town of Lexington's Planner to understand their process. The Lexington Historical Preservation department has 4 employees on staff. Lexington started their property review process over 35 year ago. They have surveyed all of their properties over the past 3 decades and have compiled a list of historically significance properties in their town. They **DO NOT** review each property when an application is filled for a demolition. They compare the demolition application to the documented surveys they already have on file. If the property is not on the demolition delay list they DO NOT have a process to review the application – the permit is granted.

Lexington has 3 aspects to their by law

- 1 Property is on the National Register of Historic Places.
- 2 Property is included in their cultural resource inventory list
- 3 The Historical Commission can vote to say the property is significant- This is not used.

Heather von Mering spoke in regards to the development of a LHD (Local Historic District). If a property is located in an LHD and they apply for a demotion permit; a demotion delay is automatically invoked.

Jack LeMenager would prefer that all of the properties in the town are subject to a review if a demolition permit is applied for. This would place every home on a level playing field, without a list or a specific year that make it appear arbitrary as to what properties get reviewed. Last year approximately 50 houses applied for demolition permits. The current numbers appear to be on the same track as last year.

The Committee started to look at the existing By-Law line by line.

Heather stated that the by-law should state it will use the national standard evaluation criteria to determine significance. There is also a 45-page book on how to help determine whether a property is historically significant.

The first outcome of the evaluation process needs to find that a building is historically significant. The next step would be to determine by a vote of the Commission whether it is a preferably preserved building. Jenny Adams believes that the term *preferably preserved* need to be defined in the by-law.

A discussion occurred in regards to having a hardship clause added into the by law and how that clause would be enacted. The price of a demolition application for a residential applicant versus commercial applicant was discussed. Brian Szekely stated that the Town cannot treat different type of applicants differently, an applicant is an applicant. Brian stated he believes that an application price of \$300 is too much to charge when compared to the prices of other town applications. Ideally, the Historical Commission would get a specific amount of money off of every demolition application, but would only have to pay for approximately 10 surveys on a yearly bases using past numbers. He believes that establishing a LHD is the logical first step to the process.

Brian believes that the residents are willing to support this demolition by-law and the Historical Commission. In all of the past meetings, people have stated they believe historical buildings need preservation and they are asking this commission to do this job. Residents are looking for a specific list of properties that are worth preserving.

Michelle McCarthy asked if an option might be that every person on the Historical Commission was assigned a neighborhood and they could do a quick drive by to establish what homes might need to be

surveyed to be added to the list. John Clemson stated that he did not believe that would help develop a thorough list due to the fact that a survey is a careful review of all aspects (owners, architect, area, etc.) of a property.

If a funded survey project were to be used, approximately 100 – 150 properties in a specific area could be thoroughly surveyed in one year's time. The Historical Commission currently has grant money that could be used to fund a town wide survey to establish priority areas for preservation.

Woburn and Medford are using the 50-year rolling date. Both national and state criteria require that a property must be at least 50 years old to be considered significant. After the age criteria is met, then the survey follows through the survey guidelines.

Discussion next centered on tax incentives to builders who renovate and rehab in lieu of demolition and rebuild. If a preservation renovation is done, the builder's profit margin is decreased upon resale. The Historical Commission has no control over tax incentives and the local government is unable to incur any tax liability.

Jack LeMenager discussed what he felt should be the basis of a hardship clause. He stated that he would like to consider those property owners who had been property owners in town for more than 25 years. Their length of residency means they would have been supporting the town for years.

Brian Szekely stated that the Historical Commission can request funding to pay for surveys at town meeting. The surveys would be done when an application is received.

Heather von Mering spoke about having property owners ask for a determination of significance from the commission before they submit an application. If the property is determined to not have any historical significance then there would be a written determination on that specific property that could be transferred to the next owner of the property. There was discussion in regards to having a student intern or a part time employee that could research data on specific properties.

Heather von Mering, Chair addressed the audience and thank them for attending and listening to their discussion. She asked is anyone would like to speak.

John Natale - 45 Chestnut Street

Q: What is actually looked at in a survey?

A: Survey is a 3-page form that contains photographs, type of buildings, neighborhood, architect, owners, who has lived there in the past, newspaper articles, etc.

Q: Could the delay period be shortened? One year could be a very long time to an elderly person who might not be able to stay in their home and hold up their finances.

A: The 12-month delay period does not necessarily last the entire 12 months. It gives the Historical Commission time to work with the owner or developer to adjust the scope of the project or to preserve some part of the property. If an agreement is made in a 6 month time frame then the delay is lifted at 6 months. If no agreement has been made within the designated 12 month delay timeframe then at the 12 month timeframe a demolition permit is granted. John Clemson stated every property is subject to only one demolition delay in its lifetime. According to Mass State Law a demolition permit is **NOT** transferable to a new property owner. If a demolition permit is issued the property owner listed on the permit must be the owner when the demolition is performed.

Kathryn Hughes 140 Cambridge St

Spoke in regards to the hardship clause. She feels property owners have the right to sell their property to whoever they want. The HC should not be able to tell a homeowner to sell their property to a lower bidder that might be willing to preserve a property instead of a developer whom might demo and rebuild. A property owner should be able to receive the most amount of money offered for their property.

Heather von Mering thanked the audience for their input and appreciates their attendance at these meetings. Heather asked the Commission members for a quick poll as to where people stand on the by-law.

John Clemson – a rolling 50-year review process. Won't have to go back to Town Meeting in the future to change a specific year.

Bruce Hickey – Believes the by-law should list out the scope of their purpose (years, type of buildings, what type of significance). Doesn't believe the current "list" is working effectively, but also feels taking the "opt out" list way from current owners on the list might be difficult.

Janet Boswell – a rolling 50-year review process.

Jack LeMenager – Review every home that applies for a permit. Remove the "List". Reviewing every property will be difficult without the funding, but ever property would be reviewed and no property would be lost.

Michelle McCarthy - a specific date of 1930 or 1940, allowing for most of the properties to be reviewed that might be up for demolition.

The current by-law does not state that a property will not be subject to double jeopardy. There is no wording in the by-law that states if a property went through the 12 month demolition delay that it will not be subject to another delay. The current by-law only states that the same property owner will not be subject to an additional delay if first permit expires – Double Jeopardy. Discussion occurred around the Mario Covino property, which is on the cusp of its 12-month delay anniversary. Will the HC write a letter that can be passed on to a new owner of the property?

John Clemson discussed the numerous correspondence he has had with Mass Historical Society. They are not able or willing to get involved with local policies. Refuses to put in writing answers to specific questions in regards to grant money. They have not adequately answered the question in regards to if the opt out clause has made the Town of Winchester ineligible for state grant monies.

The Community Preservation Act will enable the town to receive grant money, but Heather stated she believes the money would be used for open space and recreation activities more than preservation of buildings. If Winchester develops a CPA the town needs to show it is actively adding additional properties to the National Register.

Historical Site Plan Review

Due to the recently passed Site Plan Review, the Zoning Board of Appeals has asked the Historical Commission for comments on any property going before the Site Plan Review. There are 4 properties up for review at this time: 35 Jefferson Road, 6/8 Brookside Ave, 95 Erving Road, and 6 Bates Road.

It was determined that the proposed plans do not contain enough information for the Historical Commission to make a comment. The plans do not include all of the building dimensions, type of

building materials, neighborhood context, street scope, nor photos of neighboring properties to show context or scale to the area.

Motion That Heather von Mering, Chair of the Historical Commission submit a letter to the Zoning Board of Appeals asking for complete plans to be submitted to the Historical Commission when seeking comments during all site plan reviews. The motion was made and seconded. The motion was approved unanimously.

5 in Favor 0 Opposed VOTED
Absent: Janet Boswell, Michelle McCarthy

Next Meeting

The next scheduled meeting will be held on August 8, 2016 in the Waterfield room at 7:30 P.M.

It was moved and seconded to adjourn at 10:35 P.M. VOTED

Respectfully submitted,

Lynn Stevens, Recording Secretary

Heather von Mering, Chair Date