

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

**OCTOBER 11, 2007
CHASE BUILDING, 44 FRONT STREET, WORCESTER
SUITE 300 – CONFERENCE ROOM**

Commission Members Present: Peter Schneider, Chair
Thomas Constantine, Vice- Chair
Thomas Conroy
James Crowley

Staff Present: Joel Fontane, Planning and Regulatory Services
Judy Stolberg, Planning and Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Upon a motion by James Crowley and seconded by Thomas Constantine, the Commission voted 4-0 to approve the minutes from the September 27, 2007 meeting as amended.

SCRIVENER'S ERROR

Upon a motion by James Crowley and seconded by Thomas Constantine, the Commission voted 4-0 to correct the decision for 13 Dartmouth Street by omitting "14 Dartmouth Street" and inserting "13 Dartmouth Street".

NEW BUSINESS

- 1. 30 Stoneland Road (HC-07-36) – Building Demolition Delay Waiver:** Peter Tzima, owner of the property, and Mr. Economou, contractor for the project, stated that they were seeking a Building Demolition Delay Waiver to do the following work on site: (a) repair a fire damaged porch and replace vinyl siding above the porch; and (b) enclose the second floor porch. Chair Schneider asked what they planned on doing with the columns which are part of the historic flavor of the house. Mr. Tzima responded that a couple of the bases were rotted and the back-up of snow and rain on the second floor porch is damaging the first floor porch. Therefore, he wishes to enclose the second floor porch to protect the first floor porch. Chair Schneider reiterated his position that the porch has historic significance in its design and the

columns should be repaired and drainage should be installed to protect the first floor porch. Upon reviewing the petition submitted for the repair of the fire damaged porch and vinyl siding above the porch, and all evidence provided, and upon a motion by Commissioner Crowley and seconded by Commissioner Conroy, the Commission voted 4-0 that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and approved the Building Demolition Delay Waiver for the repair of the porch with drainage installation and repair of vinyl siding but columns are to be repaired and the second floor porch is not to be enclosed.

- 2. 120 Austin Street (HC-07-37) – Building Demolition Delay Waiver:** Hector and Rosario Rodriguez, owners of the property, and Raymond Lapolito, contractor for the project, stated that they were seeking a Building Demolition Delay Waiver to do the following work on site: (a) construct an attached carport to the eastern side of the exterior. Chair Schneider said the house has already been altered and Mr. Rodriguez said windows had been changed and aluminum siding installed prior to his ownership. Mr. Rodriguez told the Commission that he wanted to add a farmer's porch to the house and asked the Commission's advice. Mr. Conroy suggested that Mr. Rodriguez view the other homes in the neighborhood and get a sense of the general style of the area and design a porch accordingly. Chair Schneider said the current porch seems out of scale. He advised Mr. Rodriguez that an additional Demolition Delay Waiver would be required for the porch because it was not part of this application and had not been advertised. Mr. Rodriguez said he understood that but was seeking advice from the Commission. Upon reviewing the petition submitted for the construction of an attached carport to the eastern side of the exterior and all evidence provided, and upon a motion by Commissioner Conroy and seconded by Commissioner Crowley, the Commission voted 4-0 that the proposed demolition would not be detrimental to the historical or architectural resources of the City of Worcester and approved the Building Demolition Delay Waiver.
- 3. 23 Dix Street (HC-07-38) – Building Demolition Delay Waiver:** Armand Belanger and Kenneth Davis, owners of the property, stated that they were seeking a Building Demolition Delay Waiver to do the following work on site: (a) repair brick on the outer parameter of the foundation; (b) install window wells; (c) repair the front and back porches; (d) add guardrails to porches; and (e) repair existing gutters. Chair Schneider said the railings made from pressure treated wood should be painted after they age. Mr. Davis said they are just making repairs and not changing anything. He did say that they are planning to cover over six windows at the back of the house and wondered if the Commission would require them to apply for another Demolition Delay Waiver because the work was in the back of the house. Chair Schneider said they would need to reapply. Upon reviewing the petition submitted for the repair of the brick on the outer parameter of the foundation; installation of window wells; repair of the front and back porches; addition of guardrails to porches; repair of existing gutters, and all evidence provided, and upon a motion by Commissioner Constantine and seconded by Commissioner Crowley, the Commission voted 4-0 that the proposed demolition would not be detrimental to the historical or architectural

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

- 4. Local Historic District Study Committee Discussion/Update:** Chair Schneider said the Study Committee, which is the Historical Commission, was meeting to survey resident opinion and discuss the inclusion of the tennis court property in the Montvale Local Historic District. He said it had been brought to the Commission's attention that this particular piece of property may have been excluded due to an error at the time the Montvale Local Historic District was created. He said the map used was a 1936 map and not the 1992 map which would have shown the tennis court property included. He said the Study Committee's purpose is to gather information, formulate a report, send the report to the Massachusetts Historical Commission for a recommendation and then hold a public hearing. Then all relevant documentation would be forwarded to the City Council for final action.

The following comments were received from those in attendance:

Jeanice Sherman, 20 Whitman Road: She stated the issue of adding the tennis court property is important and she felt it was probably an error which omitted it.

Bruce Bunke, 3 Montvale Road: He said he lived in the neighborhood at the time the Montvale Local Historic District was first proposed by Preservation Worcester. He stated he knew Mrs. Lyell, owner of 1 Montvale Road, and she was very enthusiastic about the creation of the district and wanted her house included. She said the Lyells purchased their home in 1950 and purchased the tennis court property nine years later. He said they were contiguous properties under the same ownership and agrees that a mistake was made. He continued that the general philosophy when the neighborhood was created was for it to be a rural scape deliberately constructed with curving roadways and naturalistic settings.

Roy Hegedus, 11 Montvale Road: He expressed his opinion that the tennis court property has no historic value and was concerned about taking away people's property rights. He said it is becoming difficult to insure historic properties. He also said it was a waste of taxpayer money to hold hearings on this issue.

Joseph Toomey, 2 Salisbury Street: He said he had checked the property deeds and they were listed on three separate pages, which would make it easy to miss the contiguous property on the second page. He also said the property is taxed as one lot. He believes the exclusion of the portion of the property with the tennis court was just a simple oversight and not an intentional act.

Leo McManus, 14 Montvale Road: He stated he had attended the original meetings and supported creation of the Montvale Local Historic District. He said he knew Anne Lyell well and always assumed the portion of the property with the tennis court was part of the property. He went on to explain that his garage is

across the street from his home and was not included in the original proposal although his home is included. He was told at the time the error would be corrected but it never was. He noted that the exclusion of his garage is an indicator that mistakes were made and that he was willing to change the district to correct these oversights.

Attorney Robert Longden, representative for the American Antiquarian Society: He referenced the Proposed Montvale Local Historic District Preliminary Report authored by Shantia Anderhaggen, a graduate student at Boston University. He said it supported his opinion that the tennis court property was excluded intentionally. He stated that Ellen Dunlap, President of the AAS, had spoken recently with Ms. Anderhaggen who said she, the late Janet McCarrison and a staffer from the Massachusetts Historical Commission had worked very deliberately and carefully on the boundaries. He said they had been very thorough and would not have left out the property by mistake. He said decisions were made on the relevance of historic structures. He also said the current owners of the tennis court property do not want it to be included.

Maureen Lambert, 90 Park Avenue: She stated she is an abutter to the disputed property and had lived there for 37 years. She said there is a right-of-way through her driveway that serves as access to the tennis court property. She said the property at 1 Montvale Street is unkempt and overgrown.

David Rushford, 2 Regent Street: He said his property is included in the Massachusetts Avenue Local Historic District. He stated the purpose of the historic district is to protect the residential character of the neighborhood and adding the tennis court property would be adding to the integrity of the Local Historic District. He said it is time to reconsider and add the tennis court portion of the 1 Montvale Street property to the district.

Jeanice Sherman, 20 Whitman Road: She opined that clearly mistakes were made, as evidenced by the fact that Mr. McManus's garage was not included while his house was. She indicated that reconsideration of the tennis court property was not an indictment of the researchers at the time. She feels it is just a "Scrivener's Error" that should be corrected.

Marc Deshaies & Ghislaine Vaughn, 5 Montvale Road: Mr. Deshaies and Ms. Vaughn were unable to attend but sent a letter to the Commission supporting inclusion of the tennis court property because they felt it was just a mapping error.

Chair Schneider said the Study Committee had held the public meeting to solicit resident comments relative to expansion of the Montvale Local Historic District. Commissioner Crowley said in his mind there is little doubt that Mrs. Lyell thought the tennis court property was included at the time. Commissioner Conroy suggested that a letter from the owners relating their position be sent to the Study Committee.

Commissioner Constantine reminded those in attendance that the Commission had not decided yet whether to go forward with the process and that this meeting was to gain information that will help to make a decision.

Deborah Packard, representative from Preservation Worcester, said Preservation Worcester had not yet decided on its position relative to expanding the Local Historic District. She offered the services of Preservation Worcester as well as her personal services to help to formulate a solution. Chair Schneider said there clearly was a discrepancy in the narrative and the boundaries that exist on the 1936 map and the 1992 map which are clearly not the same.

Attorney Longden said the tennis court property was necessary in order for the renovations of the Goddard Daniels House and the Carriage House to proceed as planned because the project requires twenty off-street parking spaces. He said the project would not denigrate the Montvale Local Historic District in any way. Commissioner Crowley said creation of a parking lot on the property would not be in keeping with the preservation intent of the Local Historic District.

Mr. Rushford asked that participants refrain from speaking about the American Antiquarian Society proposal, but rather concentrate on expanding the Montvale Local Historic District.

Chair Schneider thanked those who offered their opinions and information to the Study Committee which now must determine if an error was made in the narrative and maps and make a decision on expansion of the Local Historic District to include the tennis court property. Commissioner Constantine said that since two Commissioners were absent, another meeting should be held to decide the course of action. The Commission asked staff to take what was heard and compose a draft report for review.

OTHER BUSINESS

Meeting Schedule: The Commission accepted the following meeting schedule for 2008:

January 10	April 10	July 10
January 24	April 24	July 24
February 14	May 15	
February 28	May 29	
March 13	June 12	
March 27	June 26	

Chair Schneider adjourned the meeting at 7:25 P.M.