



CITY OF WATERTOWN
Historical Commission
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Elise Loukas, Chair
Susan Steele, Member
Marilynne K. Roach, Member
Joseph Panto, Member
Matthew Walter, Member
Richard Glenn, Member
Edward G. McCourt, Member

Minutes: Thursday, May 9, 2024, Remote Meeting 7:00 p.m.

Historical Commission Members Present: Elise Loukas, Marilynne Roach, Edward McCourt, Richard Glenn, Susan Steele, Matthew Walter. Joseph Panto arrived late to the meeting.

Member(s) Absent: N/A

Public Present: William York, Esq., Ari Koufos, Bob Calnan, Tom Timko, Ed Hall, Courtney McQuinn, David, John Hoffman, Roger Smerage, Esq., KP Law, Kenneth Leitner, Esq.

Staff Present: Larry Field, Senior Planner, Susan C. Jenness, Assistant

1. Acceptance of Minutes- April 11, 2024, Historical Commission Meeting.

Several modifications were made to the minutes.

Motion: A motion was made by McCourt to accept the minutes of the March 11, 2024, Historical Commission meeting as amended. Roach seconded the motion.

2. Public Hearing- to determine if the house and garage at **221 Acton St.** is preferably preserved and if a demolition delay will be imposed. Claudia and Ed Hall, Owners/Scott Dyer, Preferred Contracting, Representative

The structure was built around 1935, in a developed neighborhood comprised of a wide assortment of homes around 1100-1200 square feet, some are up to 2 ½ stories. The house is showing its age, and the style is for an outgrown age and there is nothing specific to say about its history. After consideration, the owners determined it was better to start fresh with new energy requirements and conforming with zoning which will correct the violations to zoning. The new structure will not be over extravagant or overly contemporary. This will give the owners a chance to move forward with the new structure which fits well into the neighborhood.

The applicant shared a streetscape overview to show the neighborhood context on Acton, Evans and Rutland Streets, as well as a site plan and elevations. The applicant pointed to Evans St (across from 221 Acton) as a virtually identical Gambrel-style Cape but without a garage. The new house will have a 15-20% smaller footprint (2300 sf) than the existing home and stand 1 ½ stories, fitting into the neighborhood. The new structure will use a compatible gable-style roof system.

HC Comments

Glenn what do you mean by ½ floors? The applicant said that half story means a house with a pitched roof (here, with a gable design) that has limited usable space on the attic level. Steele inquired of the exterior materials being used and was informed it would be clapboard or other wood fibred materials. McCourt asked for the meaning of neighborhood appropriate and was told the new structure does not feel out of place and is similar to other forms already on the street. McCourt remarked that this house reflected the essence of the World War II era and that most of the residences had been re-windowed.

Commission Member Discussion

Steel said she would not find this house preferably preserved. Roach commented on the existing structure's interesting Cape style with a gambrel roof. McCourt had no comment. Walter said the applicant seemed to do a very good job and appreciated that he connected with the neighbors. Glenn agreed with Walter.

Motion- A motion was made by Walter with 6 members present, that the house and garage at 221 Acton St. are not preferably preserved. McCourt seconded the motion.

Roll Call- Steele, Glenn, Loukas, Walter and McCourt were for the motion. Roach was against the motion. (5 to 1)

3. **21 Fayette St.** - to review new plans and potential vote on Demolition Delay imposed (January 11, 2024). Nazar Vincent, Owner, Avatar Construction, Applicant, Kenneth Leitner, Esq., Representative

Leitner appeared to represent Avatar Construction. Jonathan Leavitt is the architect on the project, which was to maintain the essence of the existing Greek Revival house while including.

an addition. The Greek Revival features include a new front portico with classically designed bay windows and maintaining the house's gabled roof line.

The new elevations were reviewed for the Commissioner. Rather than demolish the structure, there would be alterations to preserve the original structure, that comply with zoning. Surrounding the façade will be a granite retaining wall. The addition, which will largely not be visible from the street, will be a modern design. In the rear of the house will be sliding glass doors into the back yard.

HC Questions

Commissioners Steele, Roach, Glenn and Panto had no questions, McCourt asked how many units were in the house now and was told, there were 2 units.

Commission Discussion

Roach was impressed with the new plans. Walter was very pleased with the new plans and commented it was great use of the new and improved ordinance. Glenn said he thought the applicant made a great effort and was in favor of the new plan. McCourt agreed with the comments made by others.

Motion- A motion was made by Glenn with 6 members of the HC present, to lift the demolition delay on 21 Fayette St. and allow the plans as presented to move forward. Walter seconded the motion.

Roll Call- Roach, McCourt, Steele, Walter, Glenn, Loukas. All 6 present were in favor of the motion.

4. **34 Pearl St.**- hearing on alleged violation of Chapter 153 Demolition of Historic Buildings- voluntary demolition; consideration of enforcement actions- Cal-Kouf, LLC, and Robert Calnan, (owners).

William York, counsel for Cal-Kouf LLC and Robert Calnan (owners), made a presentation regarding his clients' alleged violation of Chapter 153 in connection with 34 Pearl Street. York asked that a set of 14 exhibits (56 pages) be included in the meeting record. York described his clients' view of the chronology as follows:

- 1) On March 9, 2023 the Historical Commission held a meeting during which it imposed a one-year demolition delay on the 34 Pearl Street house. The determination was memorialized in a determination letter dated March 10, 2023.
- 2) York said that the asbestos shingles needed to be removed before a demolition permit would be issued. York showed Watertown Board of Health and Building Department

documents (Exhibits #2, 3, 5, 6) and a Massachusetts Department of Environmental Protection document (Exhibit #4) and stated that an asbestos certification (removal or absence of asbestos) is required to obtain a demolition permit.

- 3) On December 12, 2023, the owners complied with state law by filing a notification that asbestos would be removed from 34 Pearl Street (Exhibit #7).
- 4) After the owners began removing shingles from the building, the Watertown Building Department issued a written stop work order on December 18, 2023. Work was then stopped.

York showed photos of the house's exterior (Exhibits #9-12) to indicate that wood clapboard remained after the asbestos shingles were removed, and photos of the house's interior (Exhibits #13, 14) to indicate that the interior walls were intact.

Asbestos removal, York argued, is a prerequisite to demolition and not demolition. He also said there was no intent to demolish the home and that the asbestos shingles were not a historic feature. He concluded that no violation of Chapter 153 occurred.

Chair Loukas stated that Commissioners would have an opportunity to ask questions before the body began deliberations. Loukas asked York to confirm that there was no City of Watertown permit issued to remove the shingles. York said no such permit was required and repeated that asbestos removal is required before a demolition permit. Loukas noted that there was no need to remove the asbestos before expiration of the one-year demolition delay. York acknowledged that the removal could have been done after the delay period expired; however, he argued that, while the clapboard could not be removed during the delay period because it is a historic feature, it was permissible to remove the asbestos shingles during that period. Loukas asked if the Commission ever told the owners that the shingles were not one of the house's historic features. York said that no one would think that asbestos shingles should be preserved.

Member Roach noted that the clapboards have holes from blown-in insulation, exposing the building to the weather. York said the building is weather-tight.

Member McCourt asked if the owners looked for another buyer during the demolition delay period. One of the owners, Ari Koufos, said they did discuss other options and concluded that the options would not work and that no one would be interested in buying the property. He added that while a building permit is required to remove siding, the demolition permit is the "umbrella" and that once you file the demolition application you can do everything required for the permit without asking further permission.

Member Panto noted that the Demolition Delay Ordinance defines demolition and asked how removing shingles was not "dismantling" and therefore covered. York said the owners did not do anything defined as demolition and that intent to demolish is required. He

repeated that asbestos shingles are not historic features. Panto said the definition does not say you can dismantle “new” parts of the house.

After hearing from the owners, Chair Loukas said the meeting would move to the Commission’s deliberations. Loukas asked staff to show the Building Commissioner’s written stop order issued December 18. She read the order aloud and noted that it refers to the absence of a permit to remove the siding. York asked the Chair to show that a permit is required and suggested the Building Commissioner was in error about what occurred.

Member Walter said he voted in favor of the one-year delay because it is an important building but did not see how removing asbestos is demolition or part of the historic fabric of the building. Walter thought the owners complied with Building Department requirements in removing the asbestos shingles. Member Panto said that if owners under a demolition delay order could decide which building elements could be removed, it would undercut the Commission’s authority. Member McCourt said he was concerned that the owners were focused on expediting demolition and not on looking for a potential buyer who wanted to preserve this historic building. Member Roach said she was concerned that the owners exposed the building to weather and given that the holes are still there, she doubts that the owners followed the Building Department’s instruction to make the building weather tight. Member Glenn viewed the asbestos removal as a “technical” violation and that a three-year delay was excessive. Member Steele agreed with Roach’s concern that the building may have been left unprotected. Loukas agreed with Panto’s concern that allowing removal of asbestos shingles sets a precedent that could be expanded to other building elements.

Chair Loukas said the Commission appeared ready to vote on a motion. After discussion on how to frame a motion, Roger Smerage (City’s legal counsel), said the Commission was required to vote on whether the owners violated Chapter 153. In the case of a violation, Smerage said, Section 153.07 of the Ordinance requires that no building permit be issued for 3 years after the violation.

Motion- McCourt moved that the Commission find that a violation of the demolition delay on 34 Pearl Street occurred. Steele seconded the motion.

Roll Call- In a roll-call vote, 5 members voted yes (McCourt, Steele, Roach, Panto and Loukas) and 2 members voted no (Walter and Glenn).

Enforcement- Loukas stated that the Commission has found that a violation of the demolition delay imposed on 34 Pearl Street has occurred and that a three-year demolition delay is automatic under the ordinance. Smerage agreed that, under the ordinance, the Commission having found a violation, no building permit shall issue for three years from the date of that violation. It was agreed that Commission staff would draft the enforcement letter with the Chair.

5. CPC Update

Walter reported that the CPC recommendations had gone to the City Council for approval of the recommended projects. He said that the Historic Preservation has been well represented this year. However, Mt. Auburn Cemetery's application for financial support in restoring the Scott's Fence was not approved by the Council.

6. Discussion and Vote

- A. Discussion regarding the Historical Commission member on the Community Preservation Committee, (CPC) and a potential vote for the new upcoming term on the CPC.

After a brief discussion, a motion was made to vote Walter in for an additional two-year term on the CPC.

Motion- Roach made a motion for Walter to take a new two-year term as the Historical Commission, (HC) member, on the CPC.

Roll Call- All members were present, and all agreed with the motion made by Roach.

7. Agent Report

Field reported that the Southside Historic Property Survey RFQ was expected to be issued again on May 29 and, again, appreciated the willingness of the Massachusetts Historic Commission to work with us on extending the deadlines.