

# HARVARD HISTORICAL COMMISSION

13 AYER ROAD • HARVARD, MASSACHUSETTS 01451



*The Harvard Historical Commission is chartered "...to preserve and protect the historic assets of Harvard, its buildings, structures, places, sites, and surrounding settings of historical or architectural significance."*

Those wishing to record any or all of the meeting must alert the chair prior to the start of the meeting and the chair will make an announcement, in accordance with The Massachusetts Open Meeting Law.

Following is the **agenda** for public hearings and a regular meeting of the Harvard Historical Commission to be held via Zoom on, Wednesday, **September 7, 2022 at 7:00 pm**. Access information for members of the public:

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

## Join Zoom Meeting

<https://us02web.zoom.us/j/84247711384?pwd=R0RYN092Sk5KQWt3Um1ONnR0bTFSUT09>

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Find your local number: <https://us02web.zoom.us/j/84247711384?pwd=R0RYN092Sk5KQWt3Um1ONnR0bTFSUT09>

## MEMBERS IN ATTENDANCE:

George Triantaris (Chair)  
Pam Marston (Vice Chair)  
Richard Cabelus (Secretary)  
Steve Nigzus  
Emanuel Lindo  
Matthew McRae  
Seth Trotz

## MEMBERS IN ABSENTIA:

**AUDIENCE:** Sandra, William

## TOPICS:

## CALL TO ORDER:

**7:00 pm**

## REVIEW/APPROVE MINUTES OF LAST MEETING:

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Review minutes of August 3, 2022 and July 6, 2022 meetings. Hold the July minutes to the next meeting. Minor typo corrections to August minutes. Steve made a motion to approve August minutes. Matt-yes. Manny-yes. Steve-yes. Richard-yes. Pam-yes. George-yes. Seth left out of vote because was not a member when meeting happened.

## PUBLIC HEARINGS:

### Resumption of Public Hearing:

1. Harvard Advisory Energy Committee on behalf of the Town of Harvard – replacement of streetlights in the Harvard Common Historic District – David Fay – Going to replace the bulbs with a less-intense bulb, but they have not done it yet. Once that happens, George will alert HHC and they can go look at them. In motion but nothing really happened yet. **ON HOLD**
2. **RETROACTIVE APPLICATION:** 16 Ayer Road – Famino – installation of new roof (and related issues regarding application). Matt made motion to open public hearing and start the presentation. Unanimous vote. Sandra of 16 Ayer Road made presentation. Same color, same material, same basic look except updated technology. Roof was leaking. Insurance company needed them to move on it really quickly. No contractor that would do it before needed. Matt made motion to close the presentation and open public participation. Unanimous vote. No written communication about application itself. Matt made motion to close public participation and open to deliberation. Unanimous vote. Matt sees no issue with replacing the roofing with same kind, material, and color—he's in favor of application. Seth concurs with Matt. Matt made a motion to approve the retroactive application as submitted. Manny seconded. Unanimous vote. George will issue a certificate and send it to the building inspector and Sandra. Pam made motion to close the public hearing. Steve seconded. Unanimous vote. Commission is charged with imposing a fine for violations of bylaw, which are for each day of the offense. Building inspector has separately imposed a fine here for the two days over weekend that project happened. In George's opinion, it's clear that this a unique situation because the applicants had been informed by building inspector and himself that they needed a certificate. George tried to be accommodating and fast-track it. Family had circumstances felt overrode that and so went ahead and did it. Need to enforce provisions of the bylaw. Open for discussion. Manny wanted to confirm which house was being discussed. Seth brought up this was not someone making a change on a whim and choosing to ignore HHC. He sympathized with the potential loss of insurance. George agreed but said way situation evolved is more complicated. Matt echoed Seth's comments. Issue of consistency. Other houses in neighborhood that have replaced old historic windows. George agreed but applicants asked if needed a certificate. George and building inspector were told they did. People went ahead with changes anyway. Matt said in that situation, he would do the same thing as family. Agreed with fine with caveat that HHC put in place a new policy where in situations like this with documented potential loss of entire home, that there be way to approve something instantly without going through process. Steve said there was plenty of time ahead of time. Insurance paperwork was dated long before. Matt admitted unclear on facts. George noted that building inspector felt that was a situation where fine was called for and has fined. Did that to support the HHC. George felt if don't take action, not backing the building inspector who's trying to help HHC. Matt agreed. Manny added that sometimes small steps are better than big steps, that maybe HHC could consider nominal fine to vet the process, that HHC is taking issue seriously but considering ramifications that homeowner facing. George concurred. Steve made a motion to find the owners \$200 a day for two days that they were without a building permit and without permission from us. Pam seconded. Seth-no. Matt-no. Manny-no. Steve-yes. Richard-no. Pam-no. George-yes. Manny made motion to fine owners \$50 a day for a total of \$100 for not following procedures. Pam seconded. Seth-yes. Matt-no. Manny-yes. Steve-no. Richard-no. Pam-yes.

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## ONGOING APPLICATIONS:

### NEW APPLICATIONS:

#### 1. **19 Oak Hill Road – Kellogg:** Porch repair and restoration (SN)

This was another situation where someone didn't realize they had to get permission. Pam brought up that issue was really that homeowners needed to inform HHC. Steve read Kellogg application. Skipped ahead to show pictures of home. William didn't inform anyone because when reading the HHC paperwork, his understanding was that everything would be the same, just going to be painting. Had to take off the floorboards in order to do stuff and to replace them and repair them, but everything would go back exactly the same way it was. William didn't realize that he needed to do anything like inform the HHC. Once brought to his attention, agreed to take care of it. Said house will be brought to same way it was prior to any work being done. George clarified from William what was being done—deck, some of the columns being replaced. William said boards that surround the old columns, some that needed to be repaired, but everything all being primed again and painted to stand up to the weather. George said that this situation falls between ordinary maintenance and substantial change. Per the rules, changes a little beyond ordinary maintenance. Not substantial change. Manny asked William to clarify—no dimensional, color, material changes being made. William said that was true except for putting down poly ash board for the skirt board so that it won't rot from water. Matt asked if it would be painted the same color. William said yes, it would look the same. Manny asked question about crushed stone for drainage. William said yes. And there was granite there already, but put footings back on them. Discussed prior drainage issue. Matt made a motion that application is insubstantial change. Manny seconded. Unanimous vote.

## NON-APPLICABLE APPLICATIONS APPROVED:

### NEW BUSINESS:

#### 1. Procedures for addressing work that is undertaken without a certificate

George said he would work with Jen Doherty to try to find a way to not alter the bylaw but streamline the process for minor changes and maintenance. Will brainstorm with Jen to come up with process that will take care of these issues. Another issue with historic house in district about chimney repair. No mechanism for George to approve that without going through the meeting process. Seth asked question about email not satisfying public meeting law. What if there were documentation that all members annotated? George said no because public has to be able to show up and participate. Pam asked about non-applicable application. George said some towns have allocated decisions to admin staff but Harvard doesn't have admin support for the HHC. Understood that people will go around HHC because don't want to deal with. Pam said it's a time issue. Shortening time would help homeowners and HHC. George brought up that Harvard bylaw based on state statute, which is not set up that way. Richard asked if anything preventing HHC from just doing the application. George said bylaws prevent this. What about one-meeting review for certain items? Pam mentioned having another meeting. George said brought this up to Famino already. Richard asked if application likely to be insubstantial, could William have just given 10 days' notice preceding regular hearing and do it all at once? George said no because HHC has to determine if changes are substantial. Seth asked if blanket notification of meeting is sufficient. George said no, have to inform abutters. George said HHC should send a letter to all residents in both districts and whatever solution come up with, inform people what they need to come to HHC for.

#### 2. Chair's updates, procedural items, and project progress report review - GT

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New liaison to Select Board assigned. She will carry HHC message to Select Board. Very good development. Capital projects, received today, due in three weeks. Matt had volunteered to work with kids to photograph Shaker village, not done that yet. Is capital needed for that? George said doesn't think so. Manny brought up selling of Bromfield House—investments to be made to maintenance of building that would make it easier to sell? Should that be recommended to Select Board? Steve said he doesn't know what would fall under HHC's purview. Manny thought of someone putting a wedge in budget to fix building to sell it. George said if to do that, would have to go to Permanent Building Committee. But could recommend to committee responsible for maintaining that it needs to be worked on. Not file grant application though.

## ON-GOING BUSINESS:

### 1. Shaker Herb House Grant Application follow-up (ML)

George said he would send letter to Kara so that she presents it to Select Board in the next couple days.

### 2. Bromfield House – proposed addition of Bromfield House to Harvard Common Historic District – Warrant article (PM, GT)

Warrant article has been prepared. Revised slightly by legal counsel, meaning not changed. At Select Board meeting, only warrant article discussed by Select Board was Bromfield House. Possible Select Board won't support it and take it off of warrant article. George requested if Select Board was going to do that, that they tell HHC right away. Issue related to unclear use of building, municipal property within Historic District. Pam asked how this fits with annual town meeting and vote. George said there would be no vote. George asked Richard how something that's been put forward by a commission and gone through public hearings can be pulled off by Select Board. Richard thought Select Board had that authority, but said if it's a citizen's petition, can get around them. George said citizen's petition cannot direct property being included in HHC. Seth asked if there could be petition to put it on the warrant? George said maybe. Pam asked whether to hire an attorney. Richard said Select Board has final say, but thought citizen's petition got around them. But maybe this type of article excluded from citizen's petition. Between rock and hard place. George did bring up to Kara. She said Select Board concerned if property is sold, do want it in district. If warrant removed, in a year from now, would have to restart whole process. Pam said next Wednesday and Thursday, HHC scheduled to present to Zoning and Conservation. Richard said will know by Monday. Assumed will be shut down. If so, will cancel public hearing. HHC was asked in two different motions at two different town meetings to look at this issue. HHC did. Reasons why it was being included is location of property, historical importance of Margaret Bromfield Trust, and historical importance of structure itself architecturally. Seth did chat unofficially with Stu Sklar. Was hard over on the issue of the town not selling property that it owns. Don't want to protect as historical structure, would prevent town from making use of that property meaningfully. Believed sentiment was common amongst Select Board members. George agreed.

### 3. Commissioner Vacancies (full and alternate)

George asked if anyone knows someone who would like to be an alternate, let George know.

### 5. Project currently on hold:

Demolition Delay (GT) – George determined to pursue this. Mentioned this to Kara who in theory does support it. Would start by going to Select Board directly, get their reaction before going any further.

## CORRESPONDENCE:

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## **REPORTS FROM COMMITTEES AND LIAISONS:**

### **Monument Committee (MM)**

Never heard back – have sent multiple emails and no response.

### **CPC (PM)**

Met in August and will be meeting the fourth Wednesday this month. Will be requesting applications for projects that various committees in town might want to use some CPC money. Will be discussing applications probably November.

### **Transportation Advisory Committee (PM)**

Had not met. Ayer Road will be closed some nights for paving—notice on town website.

### **Planning Board (RC)**

Didn't meet on Labor Day. Special permit applications still ongoing. Will be discussing town center at some point and possible amendments to ag bylaw.

### **Design Review Board (SN)**

Had not been called upon at all.

### **Devens Committee (RC)**

RC not on it anymore, but still tapped into it. Not too much going on, waiting for consultant.

## **PUBLIC COMMENTARY:**

**EXECUTIVE SESSION:** None

**SET DATE FOR NEXT MEETING:** October 5, 2022.

**MEETING ADJOURNED:** 8:02 pm.