

SWAMPSCOTT HISTORICAL COMMISSION
SPECIAL MEETING MINUTES

MEETING LOCATION: Virtual Meeting
Wednesday, January 11, 2023
5:00 p.m.

<u>MEMBERS PRESENT</u>	Nancy Schultz, Jonathan Leamon, Brad Graham, Justina Oliver, Richard Smith, Franceska O'Reilly
<u>MEMBERS ABSENT</u>	Ryan Judkins, Kim Barry, Jean Reardon
<u>ALSO PRESENT</u>	Building Commissioner Stephen Cummings, Ken Shutzer
1. <u>MEETING CALLED TO ORDER</u>	N. Schultz called the meeting to order at 5:00 p.m.
2. <u>CHAIR'S REPORT</u>	N. Schultz received request from Historical Society for letter in support of grant application to repair Humphrey House. As there was no objection, N. Schultz will draft letter.
3. <u>53 PURITAN ROAD</u>	<p>Special meeting called to address Commission's options with respect to upcoming Zoning Board of Appeals (ZBA) hearing on 53 Puritan Road garage.</p> <p>S. Cummings and K. Shutzer provided detailed history of owner's permit applications and building activities, including Commission's February 2019 determination that garage is historically "significant structure," and owner's failure to identify the need for Commission involvement on subsequent building applications. The owner has completed a near-total demolition of garage, followed by a partial rebuild. The current rebuilt roof height is 20'. S. Cummings issued owner a cease and desist order for violating the 15' roof height regulation. The owner appealed that cease and desist order to the ZBA.</p>

The owner contends in the ZBA appeal filing that height of garage prior to demolition was 20', and therefore rebuilt garage can equal that height. R. Smith calculated the pre-demolition height as 14'9", based on the number of brick courses seen in historical photos. S. Cummings agreed prior height was less than 20', and suggested other ways to make that determination based on photographs, comparison to nearby structures, etc. R. Smith will provide S. Cummings with photos on which he based his brick course analysis, and S. Cummings will make a determination as to prior height.

Commission held a lengthy discussion on potential enforcement action, including a fine and/or construction moratorium per the preservation bylaw. N. Schultz questioned whether the bylaw's 10% fine is calculated on the value of garage only, or entire property. K. Shutzer suggested the fine should be based on the latter. S. Cummings will send request for clarification, and further information on the mechanism for imposing the fine, to town counsel.

R. Smith stated that owner is trying to sell the property. If Commission were to impose a two-year construction moratorium, that could delay any sale considerably.

S. Cummings suggested Commission could request that the ZBA include a list of conditions in its post-hearing findings, including granting Commission authority to review and approve updated building plans. S. Cummings suggested that failure to follow Commission's conditions could result in additional fines, if conditions were made part of the ZBA order. K. Shutzer also suggested Commission could order the owner to rebuild garage in a historically accurate manner. B. Graham questioned the Commission's authority to do so under the preservation bylaw. Potentially, Commission could

	<p>negotiate with the owner for those conditions in lieu of imposing a fine or construction moratorium.</p> <p>If Commission were permitted to review and approve rebuild plans, R. Smith would like to see pre-demolition roof height maintained, general shape of historic building maintained, street-facing façade in keeping with historic look. He would be willing to allow some changes to the ocean-facing façade.</p> <p>N. Schultz and J. Oliver raised concerns that Commission's past efforts to protect buildings have been ignored. According to J. Oliver, the only successful enforcement action in recent years was the imposition of a fine on the Mission on the Bay property.</p> <p>R. Smith raised issue of owner's possible failure to seek Conservation Commission approval for garage. S. Cummings stated that owner likely did bring issues concerning the main house to the Conversation Commission (but not the garage), but that if the owner properly followed Conservation Commission guidelines for the main house, it is likely those steps also brought the garage into compliance.</p> <p>N. Schultz asked whether Commission is considering issues with the garage only, or the main house as well (which was the subject of prior Commission and ZBA deliberations). B. Graham and J. Oliver agreed that ZBA and building commissioner had already decided issues concerning the main house, so Commission should consider the garage only.</p> <p>B. Graham suggested that Commission can act independently of the ZBA under the enforcement provisions of the preservation bylaw, and referenced prior opinion by town counsel that Commission and ZBA can act independently with respect to this property.</p>
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	B. Graham suggested that Commission send a letter to the ZBA providing background on the property, including the Commission's February 2019 finding that the garage was historically "significant structure" and the owner's failure to identify the need for Commission involvement on subsequent building applications. The letter would also identify the enforcement actions Commission is considering (fine and construction moratorium), but indicate that Commission wants to work with the ZBA and other town boards on these important issues. N. Schultz will draft initial letter for comment.
	Motion to adjourn by B. Graham, R. Smith seconded. Meeting ended at 6:18 p.m.
<u>NEXT MEETING</u> : Thursday, February 2, 2023, at 6:30 p.m.	Commission has agreed by consensus to continue to meet via Zoom until current rules expire.

Respectfully submitted,



Brad W. Graham, Secretary
Swampscott Historical Commission