



# *New Bedford Historical Commission*

November 2, 2015 – 6:01 PM - **Minutes**  
Ashley Room, City Hall, 133 William Street New Bedford, MA

## ***Members Present:***

Diana Henry, Chairman  
Bill King, Vice Chairman  
Bill Barr  
Jennifer Clarke  
Janine da Silva  
James Lopes  
Corey Pacheco

## ***Secretary:***

Anne Louro

## ***Members Absent:***

Keri Cox

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### 1. Call to Order:

D. Henry called the meeting to order at 6:01 p.m., confirming a quorum. The Chair indicated that J. Lopes would serve in the primary Historical Organization position, J. Clarke would serve in the primary Planning Division position, and Bill Barr would serve in the primary Architect position.

### 2. Approval of Minutes:

**MOTION to approve the minutes of the October 5, 2015 minutes with any necessary corrections.** Moved by J. Da Silva and seconded by J. Clarke.  
**Motion passed unanimously, 7 – 0.**

### 3. PUBLIC HEARING: CERTIFICATE OF APPROPRIATENESS

#### **384 Acushnet Avenue City on a Hill Charter School Door replacement**

Natalie Bys and Charlotte Soule from City on a Hill Charter School presented the application for the replacement door at 384 Acushnet Avenue. The applicant stated that the purpose of the door replacement is to provide for better security and that the current entry consists of a double door which is weak and does not meet current building code for the structure's new use as a school. The application proposes a single solid wood door with a side transom in place of the double door.

There was brief discussion regarding the manufacturer specifications for the door and its ability to be painted to match the existing by the contractor. J. da Silva asked why the double door was not being replaced in-kind. Ms. Bys stated that the school asked the contractor, Roland Valois, to recommend a door that would meet the school's requirements as well as comply with the building code; thus the specification of a single door replacement. A. Louro clarified for the Commission that the specifications provided by the contractor indicate that it is a custom wood door to be manufactured to the dimensions of the current opening. B. Barr discussed the side

transom and lack of symmetry it provided and suggested the use of a solid panel transom in place of the proposed glass. J. da Silva suggested centering the door with infill trim on each side and discussion took place regarding the dimensions of the trim fill and its appearance. J. Clarke asked the applicants if they were committed to the door and sidelight configuration. Ms. Bys indicated that they were not; and that they utilized the contractor's expertise to provide them with an appropriate replacement which met the building code and the District's guidelines, and that they were willing to change the proposed replacement to meet the requirements of the Historical Commission. Ms. Bys asked that the application with changes move forward as there was a need to replace the door prior to winter.

**MOTION to open the public hearing.** Moved by B. King and seconded by J da Silva.

**Motion passed unanimously on a roll call vote.**

*Public comments in favor: None*

*Public comments recorded in favor: None*

*Public comments not in favor: None*

*Public comments recorded not in favor: None*

**MOTION to close the public hearing.** Moved by J. da Silva and seconded by B. King.

**Motion passed unanimously on a roll call vote.**

Members discussed the door opening and came to a consensus that the replacement door layout should consist of centering the proposed door and installing solid infill with trim moulding on either side of the door. C. Pacheco asked for staff to follow up with the contractor regarding the change in the door design. B. Barr asked that the application be amended, with the permission of the applicant, to reflect the transom change so that the application could be approved immediately. The applicant so agreed.

**MOTION: To approve the amended application for the door replacement at 384 Acushnet Avenue to reflect the design change of eliminating the sidelight, centering the proposed door within the door frame, and for staff to work with the contractor regarding the side trim installation.**

Moved by C. Pacheco and seconded by B. Barr.

**Motion passed unanimously on a roll call vote.**

### **35 Union Street**

#### **Jay Lanagan**

#### **Window replacement**

Jay Lanagan presented his application to replace the existing multi-pane, fixed storefront windows with double hung aluminum clad windows. Mr. Lanagan explained that the address of the building had recently been changed by the city to reflect the two existing storefronts. The building was formerly numbered as 29 Union Street and is now recognized as 31 and 35 Union Street. Mr. Lanagan stated that was seeking the approval to replace the windows at both storefronts, but would not execute the replacement at 31 Union Street until after July 1, 2016, due to availability of funding from the city's Storefront Program. Mr. Lanagan explained to the commissioners that the proposed windows are the same windows which were previously approved for the upper stories of the building, and that the only difference would be the size and their location on the storefront street level. Mr. Lanagan mentioned that he had spoken to the commission staff regarding the use of a wood clad window verses aluminum clad window; and laid out his position that wood clad windows require long-term maintenance that a subsequent owner may not attend to. Mr. Lanagan referenced the current aluminum clad windows used at 94

Front Street which have retained their good form for the last ten years.

B. Barr asked if the replacement windows were the same size as the current windows, which Mr. Lanagan affirmed that they were. A. Louro confirmed with the applicant that the muntin pattern of the new double-hung window would be fifteen over fifteen, and not the six over six that she presented to the commission members. Members discussed the specification of a true divided light verses a simulated divided light for the window muntin configurations and the drawback of the extruded aluminum track visible on the aluminum clad window. Mr. Lanagan reiterated that the commission has previously approved the same exact type of replacement window for the upper story windows of the building and that these windows are also used in other buildings within the District. Mr. Lanagan stated that the windows would have a manufacturer's finish of Benjamin Moore Essex Green paint color and that the visible aluminum window track is grey in color. Mr. Lanagan noted that he also did not like the exposed track, but the trade-off was a better maintained window, especially in a waterfront location.

**MOTION to open the public hearing.** Moved by J. Clarke and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

*Public comments in favor:* None

*Public comments recorded in favor:* None

*Public comments not in favor:* None

*Public comments recorded not in favor:* None

**MOTION to close the public hearing.** Moved by J. da Silva and seconded by J. Clarke.

**Motion passed unanimously on a roll call vote.**

Discussion amongst members centered on the precedent use of the aluminum clad replacement windows on the upper stories of 35 Union Street as well as at other properties within the District. B. Barr stated that he preferred a wood window, however he would agree with an aluminum clad replacement. C. Pacheco stated that he would prefer to see a true divided light window regardless if it was wood or aluminum clad. J. da Silva believed that the previously installed replacement windows at 35 Union Street had a true divided light. A. Louro explained the difference between the two types of muntin dividers and that she did not believe that the existing upper story windows had a true divide light, but that she would check. A. Louro noted that the manufacturer specifications provide for a true divided light on the proposed window style. While the members were discussing the issue Mr. Lanagan was able to confirm that the upper story windows had a simulated light.

**MOTION: To accept and approve the amended application for the replacement windows at 31 and 35 Union Street to reflect the installation of Trimline Legend Series aluminum clad, double-hung replacement windows with a simulated divided light, to match the style and color of the existing, previously approved windows on the building.** Moved by J. da Silva and seconded by B. Barr.

**Motion passed unanimously on a roll call vote.**

## **90 Front Street**

### **Jay Lanagan**

#### **New signage**

Jay Lanagan presented his application to install a sign on the rear façade of 90 Front Street to be visual from the Rose Alley and North Water Street. Mr. Lanagan indicated that the sign would be a medium density wood panel, painted with an external light. The sign proposed is a five foot

square sign which staff brought to the attention of the Commissioners as being relatively large for that location in relation to the wall area. Mr. Lanagan agreed, and amended his proposal to reflect a four foot square sign. J. Clarke asked how the lighting would be situated in relation to the sign. Mr. Lanagan indicated that it would be lit with the screened spot light from above the sign.

**MOTION to open the public hearing.** Moved by J. da Silva and seconded by C. Pacheco.

**Motion passed unanimously on a roll call vote.**

*Public comments in favor: None*

*Public comments recorded in favor: None*

*Public comments not in favor: None*

*Public comments recorded not in favor: None*

**MOTION to close the public hearing.** Moved by B. Barr and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

**MOTION: To approve the amended application with the reduced size of the sign from five feet to four feet, otherwise as submitted.** Moved by J. Clarke and seconded by B. Barr.

**Motion passed unanimously on a roll call vote.**

**NS Rose Alley**

**Jay Lanagan**

**New signage**

Jay Lanagan presented the application for signage on the north side of Rose Alley, which had been installed prior to approval. He explained that one of the lessees of the parking spaces where the signs are located called City Hall and was told that a permit to install signs was not necessary. A. Louro explained that the person most likely called Inspectional Services, for which a building permit is not necessary for this type of signage. Mr. Lanagan apologized for his lack of due diligence. There was brief discussion regarding the design of the new signage in comparison to the previous signs at that location. There was agreement that the new signs were similar in design, but of higher quality.

**MOTION to open the public hearing.** Moved by B. King and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

*Public comments in favor: None*

*Public comments recorded in favor: None*

*Public comments not in favor: None*

*Public comments recorded not in favor: None*

**MOTION to close the public hearing.** Moved by B. King and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

**MOTION: To approve the application as submitted and approve the Certificate of Appropriateness for the signage.** Moved by B. King and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

Old Business:

**18 Johnny Cake Hill**

**Jorge Figueiredo/Frank Tedesco**

**Modification of Certificate of Appropriateness: Exposed ductwork.**

Jorge Figueiredo and Frank Tedesco of Mount Vernon Group Architects addressed the commission's concerns regarding the exposed ductwork associated with the new construction of the Wattles Jacobs Education Center. Mr. Figueiredo explained that the ductwork, which initially had its metal finish exposed, was in the process of being wrapped in a black insulation material. Mr. Figueiredo went on to explain the necessity for the exposed ductwork. According to Mr. Figueiredo, the HVAC roof top unit was initially planned to be placed on the roof of the new education center, but due to its large size and massing, was moved to a non-visible location referred to as the "well" in the rear of the museum's North Water Street buildings. The architects felt that due to its size, the HVAC unit would have had a negative visual impact on the District, if placed on the roof of the addition, and stated that the Whaling Museum incurred \$350,000 in redesign and construction costs associated with the relocation. The architects contended that the exposed ductwork was a better alternative to a large and very visible HVAC unit on the roof of the education center.

Commissioners sought clarification regarding the insulation wrap and the ductwork's metal support brackets. Mr. Figueiredo explained that the black insulation wrap, when fully installed, will fully encase the ductwork and that the metal brackets will be painted black. J. Clarke inquired about the large size of the ductwork and Mr. Tedesco stated that it was due to new energy code requirements and the need for a low velocity system. Mr. Tedesco indicated that a reduction or relocation of the ductwork would result in a further financial hardship to the museum. J. da Silva sought clarification regarding the original plans to place the HVAC unit on the roof of the addition and Mr. Tedesco stated that the design changed due to the fourteen foot height of the unit, which would have been a detriment to the overall design and quality of the educational center addition. There was brief discussion regarding the negative visual impact of the ductwork and whether there were any alternatives, such as screening. There was agreement that screening may draw further attention to the ductwork and that the use of the black insulation wrap helped the ductwork to recede into the roof background.

**MOTION to open the public hearing.** Moved by B. King and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

*Public comments in favor:* None

*Public comments recorded in favor:* None

*Public comments not in favor:* None

*Public comments recorded not in favor:* None

**MOTION to close the public hearing.** Moved by B. King and seconded by J. da Silva.

**Motion passed unanimously on a roll call vote.**

Commission members discussed the alternative to endorsing the ductwork by approving the modification to the Certificate of Appropriateness. J. Clarke noted that the architects had indicated there was a financial hardship related to the reduction and relocation of the ductwork prompting

J. da Silva to suggest that the museum submit an application for a Certificate of Hardship instead of the commission approving the ductwork modification as part of the original Certificate of Appropriateness. There was consensus amongst members that a hardship had been demonstrated and that it was more appropriate for the museum or architects to seek a Certificate of Hardship for the exposed ductwork.

**MOTION: To approve the modification to the Certificate of Appropriateness for the**

**exposed ductwork.** Moved by B. Barr and seconded by J. Lopes.

**Motion failed on a roll call vote with J. Clarke abstaining, as she was not a commission member at the time the original Certificate of Appropriateness was granted.**

<b>B. Barr</b>	<b>no</b>
<b>J. Clarke</b>	<b>abstain</b>
<b>J. da Silva</b>	<b>no</b>
<b>B. King</b>	<b>no</b>
<b>J. Lopes</b>	<b>no</b>
<b>C. Pacheco</b>	<b>no</b>

Old Business:

**Update on Status of Pending Violations**

J. Clarke updated members regarding violation fines. She stated that she had conferred with the Solicitor's Office and determined that fines are not currently substantiated by the Historic District Ordinance, other than for demolition. There is language within MGL 40C District for fines, but no specific city mechanism within the Historic District ordinance by which to enact the fine. The use of a fine or penalty would require codification within the city ordinance, which is a protracted process. There was brief discussion regarding the draft violation letters and their use with D. Henry asking to be copied on the letters and for commission members updated on pending violations. There was consensus amongst members to have staff develop language to include a penalty within the city ordinance.

New Business:

**40C District Expansion**

A. Louro explained the process to undertake the formal establishment of two new 40C Districts and indicated that advocates from each proposed district had recently approached the City seeking their initiation. She explained that Seventh Street and Mechanics Lane were appropriate considerations due to their small size, architectural and historical significance and retention of integrity with a lack of intrusions. She explained that 40C Districts offer the strongest form of protection for the preservation of historic structures and retain the historic character of the prescribed area. She outlined the commission's role in the establishment of the new districts; particularly the education and outreach function.

There was brief discussion regarding the establishment of Neighborhood Conservation Districts within New Bedford. A. Louro explained the difference between a Conservation District and a 40C District and indicated that a 40C District was more appropriate for the two proposed districts. There was discussion of the formation of the required District Study Committee with a consensus that it be comprised of the whole commission body and a few property owners from each proposed district. The Commission agreed that staff should move forward with the establishment of the two proposed 40C Districts.

4. Communications:

**MHC Survey & Planning Grant**

A. Louro briefed members regarding the announced Survey and Planning Grant Cycle available through Massachusetts Historical Commission and indicated that the City had not yet identified a project or a required match for the grant.

**U.S. Custom House Rehabilitation**

J. da Silva briefed members on a General Services Administration sponsored rehabilitation project for the U.S. Custom House and A. Louro stated that Massachusetts Historical

Commission has asked for the Historical Commission's review and comments for the project due to the significance of the building. A. Louro indicated that after briefly reviewing the scope of work for the project, she would recommend that the commission send comments to MHC stating that the proposed work would have no adverse effect on the building.

5. Date of Next Meeting:

The next regular commission meeting was scheduled for 12.07.15.

**There being no further business, a motion to adjourn was moved by J. Lopes and seconded by J. Clarke. All voted in favor and the motion passed.** The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Anne Louro  
Secretary to the Historical Commission  
*Approved: 01.04.16*