

COMMUNITY PRESERVATION COMMITTEE
MINUTES
October 12, 2021

A Public Hearing and regular meeting of the Community Preservation Committee (CPC) was held on Tuesday, October 12, 2021 at 6:00 pm via remote participation through Zoom. Present were Chair Bart Hoskins, Ed Moriarty, Mark Pattison, Mickey Northcutt, Joy Livramento-Bryant, Bob Callahan and Deborah Greel. Also present was Jane Guy and Patricia Kelleher of the City of Salem Department of Planning & Community Development.

Public Hearing and Comment

Mr. Hoskins stated that the purpose of this public hearing is to solicit input regarding the development of this year's Community Preservation Plan (for FY22). The Plan will be used to guide the Community Preservation Committee's decision-making when reviewing and recommending project applications for Community Preservation Act funding.

Ms. Guy provided a PowerPoint presentation overview of the CPA.

Mr. Hoskins opened up the public hearing to questions and comments.

Lev McClain, 22 Albion Street, asked who can submit an application for a project for CPA funding. He noted that he would like to see more open space and park projects.

Ms. Guy replied that anyone may submit a Determination of Eligibility application, but to proceed beyond that step would need site control. It is recommended that the applicant partner with the owner of the site, such as a PTA partnering with the School Department for a playground on school property. The school would be the recipient of the funding, but the PTA could prepare the application and it be co-signed with the school.

Bart stated that there are some years we are heavy on affordable housing awards, and other years on parks/projects or historic preservation. One restriction of CPA is that we can't do routine maintenance. Funding for Parks/Open Space tend to be big things.

Mr. Callahan stated he is the Park and Recreation Commission representative on the CPC and that over the past years they have been very successful in getting funds for a variety of worthwhile projects throughout the City. Last year, it may have been lower, but the years prior have been higher and parks have gotten their fair share.

Mary Richards, 53 Charter Street, stated that she was present to answer any questions on her application for eligibility for the exterior restoration of 53 Charter Street.

Kate Casa, stated that she was present representing the NSCDC's request to revise the conditions on the Lafayette Housing II award.

There were no further public comments.

MOTION/VOTE: Mr. Callahan made a motion to close the public hearing. Ms. Greel seconded the motion, all were in favor and the motion so carried.

Mr. Hoskins stated that there Mickey Northcutt and Deborah Greel will be abstaining from the discussion on the NSCDC request.

Review and Vote on Determinations of Eligibility Applications Received:

148 Washington Street – Todd Waller for The Joshua Ward House

Ms. Guy read an opinion from Stuart Saginor of the Community Preservation Coalition.

Mr. Hoskins stated that we are tasked with ensuring eligibility and that eligibility for this work would likely be contingent on putting a restriction on possibly the whole façade, including the fence.

Ms. Guy stated that Mr. Saginor is saying that, even if the property is on the State Register, it doesn't mean the fence is an historic resource and is suggesting that the Salem Historic Commission should vote if the fence is a historic resource in its own right. Ms. Guy noted that the CPC requires a restriction on all funded non-city projects.

Mr. Hoskins stated that one path forward would be to ask the applicant if they are open and amenable to the idea of a restriction and, if so, to suggest they go to Salem Historical Commission for a determination on its status as a historic resource.

Mr. Callahan stated that he can't see the public benefit on replacing or repairing a historic fence on a private property. He stated that he would want them to clarify what the applicant considers a public benefit on this work.

Mr. Hoskins stated that in determining eligibility, it does not require the CPC to judge public benefit at this point. He noted that determining public benefit requires a very strong argument, but that discussion usually comes up when deciding whether or not to fund the project.

Mr. Callahan added that he is a firm believer in not having people waste their time and that he did not feel it is eligible.

MOTION/VOTE: Mr. Moriarty made a motion to find the proposed project is not eligible, noting that there is no public benefit, that it is a private property and that there is no evidence of historic significance. Any denial would be without prejudice and can be refiled at any time. Mr. Callahan seconded the motion. The motion was voted on. Mr. Callahan, Mr. Moriarty, Mr. Northcutt and Ms. Greel voted in favor. Voting in opposition was Mr. Pattison, Ms. Livramento-Bryant and Mr. Hoskins. The motion so carried.

53 Charter Street – H. Berkley Peabody 2008 Rev. Trust

Ms. Guy read an opinion from Stuart Saginor of the Community Preservation Coalition. She noted that the application was applied for under Historic Resources, but was listed as "to be determined" under Community Housing.

Ms. Greel stated that the application noted that part of it is going to be a house museum, a study center and office space. She did not know if that meant it would be open to the public or if there would be artifacts, etc.

Mary Richards stated that the primary objective is saving the house, which is in poor condition despite its significance. She noted it is in a prominent location and that the work will be for the exterior. The plan has been approved by Salem Redevelopment Authority and Massachusetts Historical Commission. She stated that she has been trying to get loans and the work on the exterior is estimated at \$450,000. She stated that it is a great opportunity to share Salem history with people walking by. Her hope is she will be able to do a complete rehab of the interior as well, in order to invite public in, to share the house and to share the experience of being inches away from 17th century gravestones when you look out the window. She stated that the reason she indicated apartments was partly to have income in order to justify a loan through a bank, which she has not been able to secure. She is looking at other possibilities in order save the house. She added that the idea of turning into a non-profit is also on the table.

Ms. Greel stated that the exterior started a number of years ago, and asked if there wasn't funding to complete the work.

Ms. Richards stated that a lot of structural done at that time that was a necessity, including the removal of an asbestos covered boiler. She stated that there was never an intention to add an addition that stemmed from her.

Mr. Hoskins stated that the property is in a very prominent location and a pretty important resource. He noted that historically it has been easier to fund properties owned by non-profits. He stated that the question on the table is whether it is eligible for CPA funds, not whether it should be funded.

MOTION: Mr. Moriarty made a motion to find the proposed project as not eligible. Mr. Callahan seconded the motion.

Mr. Moriarty stated that his motion is due to the inherent contradiction between private ownership, as reflected in the application and the presentation by the owner, and the purposes of CPA. He agreed it was an important location and an important historic resource. He stated that we cannot divorce ownership and use of the property from the historic building that requires work both for interior and exterior for commercial purposes. He stated that the petitioner is free to submit as a non-profit or non-profit trust, but not as a commercial landlord. He noted that there are no community housing aspects at all. He stated that many CPC's have said that although a private owner may have title to a historic resource, if they are using it for commercial purposes, it cannot be a CPA project.

Mr. Pattison stated that even if the applicant got funds to do entire exterior, there are no funds to do the interior. He felt that there is no museum if there is no interior.

Ms. Richards stated that to accomplish lasting goals, you work together. She stated that she is engaged actively in discussions and meetings and conversations to build alliances. She has been working with Historic New England who has advised her to have an Historic Structures Report done on interior. They have done selective demolition on the interior to learn about construction of the house. She has been working actively for a 501c3 who is interested in leasing the house as a historic museum. She is open to a variety of solutions to make it work. She noted that historic

restoration is colossally expensive. It is \$2million to do the entire project. She is working with business advisors and talking to banks to find a way to fund this and get it going. She stated that the exterior of house is of immediate appearance to everyone that walks by. She noted that the CPC was decisive in granting funds to the cemetery, which wraps around house on two sides. It is part of National Register Historic District with the cemetery and the Pickman House. She understands that there are so many deserving historic structures that are non-profits, for which Salem is fortunate.

VOTE: Mr. Pattison, Mr. Callahan, Ms. Greel, Mr. Moriarty, Mr. Northcutt, Ms. Livramento-Bryant and Mr. Hoskins voted in favor and the motion so carried.

Mr. Hoskins stated that he felt it would likely have more favorable consideration if coming from a non-profit.

Mr. Northcutt and Ms. Greel left the virtual meeting during the review of the following discussion.

Review and Vote on Request to Revise Conditions of Award – Lafayette Housing II, North Shore CDC

North Shore Community Development Coalition submitted a request to revise the preservation deed restriction condition. As awarded the restriction would be tied to all eleven properties and the request is to consider reducing it to one property – 8-10 Peabody Street.

Ms. Casa stated, although they are asking for the restriction to just be tied to one building, all eleven buildings will still be renovated to NPS historic rehabilitation standards because they are utilizing historic tax credits as one of the sources.

Ms. Guy stated that the City Solicitor stated that a change will need to be submitted and approved by the City Council. Ms. Guy noted that it becomes complicated for some of the funders to have deed restrictions on all eleven properties. She stated that it is also a lot of work managing and enforcing it. Instead of preparing eleven preservation restrictions, she would be doing one. She added that the project will still have affordability restrictions on all the buildings.

Mr. Hoskins stated that the administrative burden is considerable for eleven properties, especially since the funding awarded is a token meant to show community support toward the overall project.

Mr. Moriarty stated that a restriction is an important one as a matter of law. Title is that which gives the holder of the deed ownership of the property. Some restrictions run with the land and survive sale and resale of the property. In this instance, placing a community restriction on a property in perpetuity, means that the property owner and anyone who buys the deed, will continue to observe the historic preservation restrictions in perpetuity. This how public interest is preserved. He stated that he has no problem, noting it seems like a fair and reasonable limitation on one piece of property for a project that will have multiply restrictions because of other funding sources.

MOTION/VOTE: Ms. Joy Livramento-Bryant made a motion to amend the condition from tying the restriction to all eleven properties to tie it to 8-10 Peabody Street only. Mr. Moriarty seconded the motion. Mr. Pattison, Mr. Callahan, Mr. Moriarty, Ms.

Livramento-Bryant and Mr. Hoskins voted in favor. Ms. Greel and Mr. Northcutt abstained from voting. The motion so carried.

Mr. Northcutt and Ms. Greel rejoined the meeting.

Other Business

Approval of Minutes – 4/13/21 and 4/27/21

MOTION/VOTE: Mr. Pattison made a motion to approve the minutes of 4/13/21 and 4/27/21. Mr. Callahan seconded the motion, all were in favor and the motion so carried.

Member reports on solicitation of comments from city boards/commission

Ms. Guy read a dated September 22, 2021 from the Salem Historical Commission.

Ms. Guy stated that she received a letter from the Planning Board stating that the Planning Board has no formal comments to submit.

Funding Availability Update

Ms. Guy stated that there is at least \$266,000 that will be available once the MA Department of Revenue certifies it at the end of the month. There will be additional funds available once the budget is prepared March, after the State match percentage is announced.

Discussion/Election of Chair and Vice Chair

Ms. Guy noted that Ms. Hamilton has indicated that she would be willing to continue her role as Vice Chair, if re-elected.

Mr. Hoskins asked if there are any nominations.

MOTION/VOTE: Mr. Callahan made a motion to re-elect Bart Hoskins as Chair. Mr. Northcutt seconded the motion. Mr. Pattison, Mr. Callahan, Ms. Greel, Mr. Moriarty, Mr. Northcutt, Ms. Livramento-Bryant and Mr. Hoskins voted in favor and the motion so carried.

MOTION: Mr. Northcutt made a motion to nominate Ms. Hamilton to continue serving Vice Chair. Mr. Pattison seconded the motion. Mr. Pattison, Mr. Callahan, Ms. Greel, Mr. Northcutt, Ms. Livramento-Bryant and Mr. Hoskins voted in favor. Mr. Moriarty voted in opposition. The motion so carried.

Next Meeting(s):

Ms. Guy stated that the next meeting is scheduled for Tuesday, November 9, 2021, which will tentatively be to review the draft plan and any additional comments received from boards or the public. Boards and the public may provide written comment until October 22, 2021.

There being no further business, Ms. Greel made a motion to adjourn. Mr. Northcutt seconded the motion; all were in favor, and the motion so carried.

Respectfully submitted,

Jane A. Guy
Administrator