



Town of Sudbury

Historical Commission

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

historical@sudbury.ma.us

www.sudbury.ma.us/historicalcommission

MINUTES

OCTOBER 5, 2021

VIRTUAL MEETING

Present: Chair Chris Hagger, Vice-Chair Diana Warren, Jan Costa, Diana Cebra, Steve Greene, Taryn Trexler, Marjorie Katz, Alternate SHC Members: Chris Durall, Kathryn McGrath

Others Present: Beth Perry, Planning and Community Development Coordinator; Adam Duchesneau, Planning and Community Development Director

Mr. Hagger opened the meeting at 6:30 P.M., roll-call was taken: Hagger-present, Warren-present, Costa-present, Cebra-present, Greene-present, Trexler-present, Katz-present, Durall-present, McGrath-present

Use of the Hosmer House by Hope Sudbury

Mr. Hagger acknowledged that Hope Sudbury would be meeting at the Hosmer House on October 21, 2021; and Ms. Cebra would be present at that meeting. Ms. Cebra noted that HOPE Sudbury was celebrating its 20th anniversary in conjunction with the September 11th attacks.

Mr. Hagger motioned to approve use of the Hosmer House storeroom on the first floor for a Hope Sudbury meeting on October 21, 2021. Mr. Greene seconded the motion. It was on motion 7-0; Greene-aye, Hagger-aye, Cebra-aye, Costa-aye, Warren-aye, Katz-aye, Trexler-aye

VOTED: To approve use of the Hosmer House storeroom on the first floor for a Hope Sudbury meeting on October 21, 2021.

Approval of the August 17, 2021 Meeting Minutes

Mr. Hagger motioned to approve the August 17, 2021 Meeting Minutes, as edited. Mr. Greene seconded the motion. It was on motion 7-0; Greene-aye, Hagger-aye, Cebra-aye, Costa-aye, Warren-aye, Katz-aye, Trexler-aye

VOTED: That the Sudbury Historical Commission approve the August 17, 2021 Meeting Minutes, as edited.

24 Church Street – Under the Demolition Delay Bylaw

Present: Steve Garofalo, Owner

Mr. Hagger reviewed the Demolition Delay Bylaw actions as it relates to 24 Church Street, including additional changes made by the owner that were not approved by the Commission. At the last SHC meeting, Commissioners voted to consult with Town Counsel to explore all options possible regarding further action in consideration of the situation.

Mr. Hagger detailed that Town Counsel provided two options:

- Option 1 - Offer a motion to the SHC that it does not approve the additional exterior changes (panels, asphalt shingles, removal of original trim around windows) to the turret on the front (west) side of the building, and requests such removal to reflect the demolition plans presented to the SCHC during the Demolition Delay Bylaw process and public hearing. The SHC would ask the Sudbury Building Inspector to not issue the Occupancy permit until the “additional exterior changes” described above, are removed and reflect the plans presented to the SHC during the Demolition Delay Bylaw process and public hearing.
- Option 2 - Offer a motion to the SHC that the SHC accepts the additional exterior changes (panels, asphalt shingles, removal of original trim around the windows), but requests the Sudbury Building Inspector place a notation on the occupancy permit, that no further exterior alterations can be made to the front (west) and north sides of the building at 24 Church Street, without going through the Demolition Delay Bylaw process.

Mr. Hagger stated that if the Commissioners favored the second option, a \$300.00 fine could also be included, in accordance with regulations.

Ms. Warren noted that the front porch column details were not added to the structure, as voted on by the Commission. She commented that before the Demolition Delay Bylaw hearing was held, the aluminum siding had been removed so the owner was aware of what was beneath the siding and yet did not include panels on the tower or under the bay window on the demolition plan renderings submitted for the HC hearing. Ms. Warren stated she did further research on Queen Anne towers and only found example of towers without panels and with plain clapboard siding with a curved lower edge. She emphasized that Commissioners must consider precedent in this case. Ms. Warren confirmed she would vote for option 1.

Ms. Costa noted the substantial deviation from plans presented to the Commission, and in light of proceeding to next steps, Ms. Costa indicated her preference for option 2. She stressed that in the future next steps by the Commission for other Demolition Delay applications could involve close monitoring of any related construction, going forward.

Ms. Trexler agreed with comments presented by Ms. Costa, and supported option 2.

Ms. Katz stated that she was leaning towards option 1.

Mr. Greene expressed his support of option 2, with inclusion of an amendment regarding the details on the front columns be included in the Bylaw plan.

Ms. Cebra stressed the historical significance of the property, in regard to the careful consideration given to the Demolition Delay Bylaw. She confirmed that option 1 was the only choice.

Mr. Durall had no comments.

Ms. McGrath commented that if the paneling under the windows did not work out, the owner might consider installing the clapboard in its place. She suggested that the \$300 fee could be used to advance historical description regarding the house as an educational tool.

Mr. Hagger confirmed he researched the panel aspect, and did not find any such installation on any historical homes. He wished the applicant had presented his ideas at the public hearing, so that the Commission could have provided guidance towards such implementation. Mr. Hagger maintained that the front façade had changed considerably, without Commission approval.

Mr. Garofalo stated that he really wanted to maintain the historical character of the house and preserve the features (including the paneling found under the siding), which were original to the home, and cost him added expense.

Ms. Warren motioned that the Sudbury Historical Commission vote to approve option 1 with additional language including the additional exterior changes, to include: panels, asphalt shingles, removal of the original trim around the windows, or the architectural column detail, offering option 1 as shown with the wording presented. Ms. Cebra seconded the motion. It was on motion 4-0-3; Greene-no, Trexler-no, Costa-no, Warren-aye, Cebra-aye, Katz-aye, Hagger-no

VOTED: Not to approve option 1 with additional language including, the additional exterior changes: panels, asphalt shingles, removal of the original trim around the windows, or the architectural column detail, offering option 1 as shown with the wording as presented.

Mr. Hagger motioned that the Sudbury Historical Commission vote to approve option 2, with acceptance of the exterior changes, panels, shingles, removal of the original trim around the windows; and require the addition of architectural detailing including the tops for the six porch columns, as shown on the Demolition Delay plan rendering; and request that the Sudbury Building Inspector place a notation on the occupancy permit that no further exterior alterations can be made to the front and north sides of the building at 24 Church Street, without going through the Demolition Delay process. Mr. Greene seconded the motion. It was on motion 4-0-3; Greene-aye, Hagger-aye, Trexler-aye, Costa-aye, Warren-no, Cebra-no, Katz-no

VOTED: That the Sudbury Historical Commission vote to approve option 2, with acceptance of the exterior changes, panels, shingles, removal of the original trim around the windows; and require the addition of architectural detailing including the tops for the six porch columns, as shown on the Demolition Delay plan rendering; and request that the Sudbury Building Inspector place a notation on the Occupancy Permit that no further exterior alterations can be made to the front and north sides of the building at 24 Church Street, without going through the Demolition Delay process.

Ms. Warren motioned that in regard to 24 Church Street under Section 6 of the Sudbury Demolition Delay Bylaw, that the Sudbury Historical Commission impose a \$300.00 fine to the property owner/applicant for failure to comply with the provision of the Sudbury Demolition Delay Bylaw, and the Sudbury Historical Commission vote on May 25, 2021. Ms. Cebra seconded the motion. It was on motion 4-0-3; Greene-no, Trexler-no, Costa-no, Katz-aye, Cebra-aye, Warren-aye, Hagger-no

VOTED: Not to impose a \$300.00 fine to the property owner/applicant at 24 Church Street for failure to comply with the provision of the Sudbury Demolition Delay Bylaw, and the Sudbury Historical Commission vote on May 25, 2021.

Section 106 – Eversource

Mr. Hagger provided update regarding his attendance with Ms. Warren, at the United States Army Corps of Engineers (USACE) consultation meeting on September 28, 2021. He stated that Commissioners will be able to review the meeting, via recording.

Mr. Hagger stated that the SHC will be meeting with USACE on October 14, 2021. He stated that the meeting would likely be conducted by a USACE moderator, and USACE will receive comments. He suggested that the Commissioners discuss what comments they would want him to present at the meeting on October 14th.

Mr. Hagger noted that Brona Simon, MA SHPO and Executive Director of the Massachusetts Historical Commission, was pointed, clear and detailed in her powerful comments at the September 28, 2021 USACE consultation meeting. Mr. Hagger noted that Ms. Simon was adamant regarding the USACE's lack of following the 106 process. He commented that Ms. Simon thanked the Commission and validated the comments that the Commissioners had been making in correspondence to the USACE.

Ms. Warren confirmed that Ms. Simon strongly contradicted inaccurate statements made by Tammy Turley, the Chief at the USACE Regulatory Division, and Simon also stated that Appendix C was "illegal". Ms. Warren provided details about additional comments made by Ms. Simon, which included another Section 106 case – the Greenbush Line – in which the USACE abandoned the use of Appendix C to avoid a lawsuit.

Ms. Warren emphasized that the meeting on October 14th would be part of the legal record of this case. She noted that one of the important topics for discussion at that meeting would include the matter of DCR's standing under the Clean Water Act and the Section 106 process.

The Commissioners directed their attention to the "Draft Talking Points for SHC Meeting with USACE (Prepared by Stacy Spies 10/5/21)" Document. The Document outlined three options reflective of the Commission's goals regarding the BFRT project:

1. Fight the project in total;
2. Make peace with the project – with one big difference in outcome: no rail trail, just restoration of the landscape. Minimizes impact on the historic resources (but not the archeological resources). Bridge 127 would be saved. Eversource/DCR has stated that this is not an option, but you never know.
3. Make peace with the project with thorough and detailed stipulations to minimize impact to the historic resources.

Ms. Warren commented that the Commission is not fighting the project – the transmission line or the rail trail - but is advocating for the protection of the historical resources – advocating that the project as installed that doesn't harm the historic resources. She noted that Ms. Spies supplied the Commission with railroad artifacts from 1914, and compared those artifacts with those identified in the Sudbury rail corridor. She stressed that the Commission was fighting for the retention of identified historical features.

Mr. Hagger opined that up to this point, the Commission has been fighting the process, and now he would want the Commissioners to consider option #3, and focus on the what to recommend for particular features.

Ms. Katz agree with option #3.

Ms. Trexler expressed her endorsement of having this conversation now; she requested that Ms. Spies provide further detail about the three options, including the “pros” and “cons” related to each option. Ms. Spies provided such detail for the three options. She indicated that overall Option 3, would likely present the best opportunity for the Town.

Ms. Costa suggested that feature detail/itemizations could be presented as an attachment to the MOA.

Mitigation details were discussed by the Board, as well as historical artifact considerations.

Ms. Spies led a group discussion regarding the Section 106 four-step process including: Determination, Identification of Resources, Assessment of Effects, and Resolution.

Several SHC Members agreed that SHC language within the determination section, should maintain a positive focus.

Ms. Warren asserted that certain questions had to be presented to the USACE at the consultation on the 14th, as part of the fact-finding aspect. Ms. Warren stated she would provide such list for the Board to review at this meeting. Ms. Spies summarized that if the USACE gets through the Section 106 process, acknowledging the 66+ features is greatly important. Ms. Warren indicated that SHC needed to address identification of native historic resources.

Mr. Hagger recommended that the Commissioners examine the railroad features that might not have been addressed previously. He suggested that those railroad features be grouped into two or three categories, and SHC could develop come talking points for each category of resource.

Mr. Hagger noted that one such group of railroad features would involve those being removed and reset. He noted that another category would involve the removed features; and a separate category for retained features, features along the edge of work, avoidance not-possible features, sites of special interest to the SHC (Bridge 127, Bridge 128, the Section House, the Diamond, the distance approach signals/signal towers), and a last category could reflect the features outside of the impact area. Ms. Spies recommended the Commission ask for an updated plan set, and stressed the group involving features outside the resource area.

The Board discussed detail regarding features of special Interest, which included:

- Bridge 127 – which should have attention to possible options (modification of rail trail, or elevation of plate girders over the water) to prevent demolition of the bridge
- Bridge 128 – proposal to save the entire head wall, and providing a view point from the sides of the bridge
- Section House – recommendation that some of the rails in the Section House vicinity should be left intact, these features were maintained at the Weston rail trail site by going around the cattle crossings and leaving track across them; viewable from the rail trail. Mr. Hagger stated he would not have a problem with some relation of the Section House some feet to accommodate a section of track.
- The diamond to stay intact, with concern about the diamond being moved during construction. Documentation must confirm that the diamond will go back to its original location. Ms. Spies

confirmed that pictures/video should be taken of the diamond being removed and put back, as part of the historical record.

- Signal towers, with battery cases being reset must be recorded as being in the same context with each other, and stabilized when being removed and reset. Ms. Spies mentioned that someone from the Heritage group, or someone familiar with the historical features and resources might be able to monitor such actions.
- Rail Rests – Mr. Hagger recommended language to re-attach rail sections in one group of three, with Historical Commission consultation.

Commission Members discussed the removal and reset language with Ms. Spies.

Ms. Spies then referred to the possible stipulations outline:

Possible Stipulations for Central Massachusetts Railroad Corridor Historic District

- Impact Avoidance – Ms. Spies mentioned aspects and outside of limit
- Impact Minimization – Mr. Hagger stressed that this aspect should be presented to the SHC well in advance, if needed.
- Impact Mitigation/Compensation – Ms. Spies explained that the section implied if all requested features could not be included, a mitigation/compensation aspect might be considered as a kind of exchange. Ms. Spies mentioned this concept might possibly apply to the Bridges 127 and 128, and other mentioned locations. Commission Members agreed upon all related language to be included, including dig operation/s and related video. Ms. Spies suggested that the Commission connect with professionals from the Boston/Maine Rail to edit all language suggested.
- Additional Stipulations – Ms. Spies stated that this area would include technical items to be discussed with USACE; and referred to as “sunset clauses.” It covers the possibility that if funding was not available for the Rail Trail by a certain date, the agreement would be null and void. Another aspect included in this Stipulations clause details that no plan changes would be made without the approval of SHC. Commissioners agreed that the Additional Stipulations clause was acceptable. Ms. Spies detailed the language to include possible arbitration clause.

Mr. Hagger reiterated the benefits of following a Section 106 process. Ms. Warren added it would not be necessary to provide USACE and others with the pros and cons of the Commission’s preference, and did recommend including comments made by the Advisory Council and Ms. Simon.

Next in the presentation process, Ms. Hagger recommended the artifacts categories be presented at the October 14th meeting. The final area to be presented by SHC would be any questions they might have.

Ms. Warren presented several questions:

- Request that SHC be recognized as a consulting partner
- Request a post-discovery plan
- Request monitoring during construction – Wampanoag wants to be onsite. Ms. Spies agreed research the appropriate request language
- Request that USACE provide a listing and acknowledgment of historical and archeological resources that USACE has identified
- Request those identified resources that USACE regards as National Register eligible

- Request that USACE agree that the Eversource project drawings are regarding as an accurate presentation according to the Corp
- Request that explanation be provided regarding DCRs standing under the Clean Water Act. Request USACE notice to the Advisory Counsel be provided to SHC in consideration of the undertaking
Request the USACE conduct a site visit within the APE with the Narragansett THPO. Ms. Spies opined that she did not know if the SHC had the standing to make such request.

Ms. Warren expressed importance of the Commission advocating for archaeological and Native cultural resources according to MGL Chapter 40 8D and advocating for the USACE to conduct a full faith and reasonable consultation with the Narragansett THPO. She expressed disappointment if Commission did not advocate and pondered if it would appear the Commission was just interested in resources that are reflective of white-European history, only. Ms. Trexler expressed opinion was that Ms. Warren was incorrect in her assessment. Mr. Hagger stated it might be wise to recommend to the USACE that they have consultation with the Narragansett THPO.

Ms. Warren stated USACE had not completed the identification of historic resources, as had been acknowledged by Ms. Simon and the Advisory Council. Mr. Hagger agreed that the comment presented by Ms. Warren should be included in the SHC comment section.

Mr. Hagger confirmed that he, Ms. Warren and Ms. Spies would work on the language for talking points to be made at the USACE meeting. He stressed that if any new points were presented, they would be included at the next SHC meeting, for inclusion in the written document proposed by the Commissioners.

Ms. McGrath suggested getting the name of the mason/s who worked on the culverts, and any other employees who might have been involved with working on any of the historic features mentioned. She suggested that review of associated interpretive materials may be helpful. Ms. Spies commented that those associated with the Boston & Maine Rail Line history might provide additional information, and have provided great information on the signal towers, and might be able to provide the sound emitted from the signal towers, as well.

Mr. Durall agreed with the statement suggested by Ms. Warren, which questions how do we know that every significant railroad feature or historic resource has been found. Ms. Warren reiterated that there are likely additional tribal historic features that have not been discovered yet, and further exploring those possible features is important.

Ms. Cebra acknowledged that Ms. Cutting's letter regarding Section 106 Review by the Army Corps of Engineers would be a very important inclusion. Mr. Hagger suggested that parts of that letter could be brought up at the meeting.

Ms. Warren asked if there were any comments from the public.

Ms. Warren read a comment provided by Resident Nick Pernice, of 255 Peakham Road; related to historical native American artifacts that have been discovered in the area, and the tribes "should be allowed to participate in the process from the very beginning under Section 106. This is definite

conflict with their use of Appendix C. This would also include the Nipmucs as well as the Narragansetts.”

Date for Next Meeting

Mr. Hagger confirmed that the next SHC meeting would be held on October 14th at 10:00 A.M.

The process involved for that meeting was discussed. Ms. Warren suggested that the Commissioners consider another potential meeting between October 19th and October 29 in order to fine-tune aspects of the letter. Mr. Hagger suggested a possible meeting date of Monday, October 25.

Motion to Adjourn

At 10:46 P.M., Mr. Hagger motioned to adjourn the meeting. Ms. Cebra seconded the motion. The vote was unanimous 7-0