



Plympton Historical  
Commission

# Meeting Summary - 08/03/15

- Meeting called to order at 633pm. Members present Jane Schulze, Jill Palenstijn and Jon Wilhelmsen. Deb Anderson (Resident and Plympton Halifax Express Reporter writer) joined the meeting in progress.
- The Commission discussed general questions surrounding the bylaw and its intent.
- JS raised a specific question regarding whether the Commission should be considering the economic justification provided by applicants. JW noted that the bylaw is relatively silent on this aspect, however, he asserted that it is one of a number of elements that must be considered in the review of the information that has been presented to the Commission as part of the overall process. JW referenced a 2009 demolition delay decision by the Hingham Historical Commission which he obtained as a result of a post to the Massachusetts Historical Commission LitServ that read as follows: "...the cost of compliance are taken into account under virtually every state and federal law requiring the protection, preservation and restoration of historic resources. Such laws, the rules and regulations promulgated by administrative agencies, and rulings by reviewing courts, always note, however, that it is not enough to simply demonstrate that such measures are more costly than an applicant's preferred alternatives - including the demolition and replacement of an historic structure." JW stated that as such - he believes that this is one of many considerations that the Commission must consider in an effort to determine whether or not a structure is preferable preserved. Failure to consider this aspect would, in JW's opinion, not be meeting the spirit of the bylaw approved by Town Meeting. That said, JW continued, it is not the sole aspect of the consideration. Each demolition permit request is unique. And the Commission must evaluate each demolition based on the facts and circumstances of the demolition permit presented.
- Discussion also referenced the reports provided at the prior hearing for 6 Cross Street (7/27/15) by both ASAP Engineering Design Corp (ASAP - Robert Desrosiers, Consulting Engineer) and Southeastern Development Company (Dana Nilson, contractor listed on the application) and how they contradict the review by the Commission based on the site visit of all current members, and Asst. Member Rick Burnet's input provided at the prior hearing (7/27/15). All Commission members have personal experience with living in an antique home - ranging from 15 - 42 years. All members have done renovation to their homes in an effort to improve and preserve the structures. Comments from multiple Commission members noted that while the comments from ASAP may be relevant to bringing the home up to all current code requirements, it is not necessarily a requirement according to a discussion with the current Plympton Building Commissioner, Tom Millias. JW spoke with the Plympton Building Commissioner prior to the meeting to better understand the requirements for renovation of older, historic homes and compliance with the building code. The Commissioner noted that the local inspector has significant discretion with the code to implement the necessary safety requirements and to ensure the most advantageous improvements to maximize the benefits of the new code while being reasonable with respect to the historic structure that they are dealing with. Per JW, the Commissioner noted that they have been dealing with a structure on Main Street that is being restored due to a fire. An example cited is the installation of insulation - whereby the wall cavities are not capable of accepting the required R-value of the insulation absent more costly spray foam. Allowances needed to be made to create the best of both worlds - code requirements

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along with historic preservation and construction issues. JW also asked the Commissioner about stairways and the requirements to rebuild them given the comments at the previous hearing. It was discussed that discretion could also be applied to such issues. If the stairway was not removed, it would likely not be subject to the new code. Additionally, if it had to be rebuilt, allowances could be made, within reason to allow for a new stairway to be built that did not fully comply with code.

- The hearing for 6 Cross Street was reconvened from 7/27/15 and called to order at 704pm. In attendance at the start of the hearing in addition to those noted above were: Melinda DeSanctis (Owner), Aaron Sigman, Dana Nilson (Contractor), Ashley Dann (Friend/abutter - 10 Cross Street), Art Morin (current chair and member of the Plympton Board of Health joined the meeting in progress and offered no audible public comment throughout his time in attendance).
- JW thanked the applicant and her contractor for the time spent and information provided at the prior hearing on 7/27/15. He noted that the Commission took the time over the last week to review and consider the information submitted. He also thanked them for the courtesy extended during the process over the last few weeks, including the preliminary site visit, to consider the demolition permit for 6 Cross Street. He then asked if the applicant or her representatives had any additional information they wished to present for the Commission to consider.
- Ms. DeSanctis presented an additional letter dated 8/3/15 which the Commission took an extended period to review. A copy is included as part of these records.
- JW again thanked Ms. DeSanctis and the others for all the information presented to date. He enquired if the other members wanted to start off the Commission's discussion. Absent any volunteers, JW advised that he was having a difficult time with the request for the demolition permit given what he personally witnessed during the site visit, his personal experience with historical structures for the past 23 years and the comments provided at the previous meeting by Rick Burnett. He noted that he has thoroughly considered the comments by ASAP (structural engineer) and by the applicants contractor (Southeastern Development Company) and advised that he does not agree with the conclusions. It is clear that the property requires additional work to make it habitable again, but he does not believe that the incremental cost is unreasonable and could be done within the 300k+ budget referenced at the prior hearing on 7/27. Such a renovation, based on JW's inquiries with Rick Burnet could reasonably be done within that budget - even if the existing el and sheds were removed and replaced with a new structure that better met the applicants needs as reflected in her letters to the Commission. JW also noted that he spoke with the Plympton Building Commissioner prior to this meeting to better understand the requirements for renovation of older, historic homes and compliance with the building code. The Commissioner noted that the local inspector has significant discretion with the code to implement the necessary safety requirements and to ensure the most advantageous improvements to maximize the benefits of the new code while being reasonable with respect to the historic structure that they are dealing with.
- JP spoke about her own old house from the 1750s and moving in while pregnant to a house that had been abandoned for 3+ years. She noted the different groups of things they had to fix now vs. later and that it was a process. She said she had both empathy and sympathy for the applicant. But she also noted that she and her husband bought the house knowing that they had a project ahead of them. There were things the prior owners did to "improve" it, but it had many surprises yet to reveal. JP discussed the limited supply of antique housing stock within the town of Plympton - and that to allow a house that could reasonably be preserved to be demolished did not meet the intent of the bylaw. She noted the amount of work explained and evidenced during the site visit and that Ms. DeSanctis had clearly spent a lot of time and energy along with friends to try to restore the house.

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- Ms. DeSanctis advised that she never planned to restore the house and merely wanted a place for her horse and wanted to “live near Ashley”. The claim that she never planned to restore the house was directly contradicted in her letter of July 26, 2015 where she included testimony as follows:

“...I was committed to going through with the sale (against the advise of my lawyer)...”

“...Thus began the lengthy process of trying to save the existing house...”

“...Upon learning that my plan to renovate the existing house was not possible...”

- JS commented that she too moved in to her antique house that was abandoned - and did not know what to expect. But they methodically worked through the issues over the years to preserve the house. She then discussed the significant historical aspects of the house, noting the Sherman brothers (builders) who built a number of other properties in Plympton and the cultural significance of the neighborhood of Center & Cross Street along with its propertied location along a Native American trail. Removing this house, in her opinion, would significantly change the history of this part of Plympton.
- Mr. Nilson's responses through this conversation were again not as professional as they could - or should - have been and the Commission Chair extended him significant latitude in expressing his point of view.
- Mr. Nilson spoke and implied that the Commission “pooch-pooch’ed” the reports of ASAP Engineering Design Co (engineer) and his report (Southeastern Development Corp) - both attached - in favor of our “expert”. JW asked him why he was making “air quotes” when referring to Mr. Burnet who provided comments at the prior hearing? JW advised that sort of semantics was not needed and needed to stop. The Commission has been - and will continue to be - very willing to work with any and all applicants and to consider the information they submit. We look to Mr. Burnet to provide us with his opinion regarding old structures given his extensive experience working with old structures in and around Plympton in renovations and additions.
- Mr. Nilson went on to imply that the Commission was “saving face” with our review of this property. He implied that we allowed the last 3 demolition permits [since 2001] and this was the one of which we wanted to make an example. We could easily save face with the town by approving the proposal based on the information submitted. JW took exception with his comments. JW advised that each and every demolition permit is viewed with respect to the facts and circumstance that apply to the application and the structure. The Commission does not weigh the other decisions on other applications when considering the decisions before it. Rather it looks to the specific facts and circumstances presented for each application before it. Mr. Nilson said the Commission was “making an example” of this application. JW again took exception with his comments - and advised this was not the case - and as said previously, the Commission views each decision independently - the very suggestion is offensive. Mr. Nilson indicated that he would like to withdraw the last comment. JW noted that he could say what he wished with respect to his prior comments.
- Mr. Nilson went on to say that the broker advertised the house as a teardown - a claim that was not backed up with any evidence presented by the applicants. JP noted that if the broker advised as such - that would be a mistake on behalf of the Broker. The Demolition Delay Bylaw had been in place in Plympton since 2001. The Commission is not responsible for the claimed irresponsible marketing of a real estate broker which is not in evidence. JW noted that it is generally the responsibility of the buyer to verify such claims or identify other encumbrances.
- JS noted that the structural engineer report by ASAP noted that the house was “unremarkable from a structural point of view”. She emphasized that houses in Plympton were were simple as it was not a town that had much money and was

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generally not extravagant. That is part of Plympton's history and should not be dismissed out of hand. This IS Plympton's history which the Commission is charged with preserving as provided under the by-law.

- Mr. Nilson and Ms. DeSanctis had a quiet conversation. Mr. Nilson, upon gaining apparent agreement from Ms. DeSanctis noted that they would be willing to dismantle the house at a cost to Mr. Nilson as a solution to the apparent difference of opinion. They would be willing to salvage what they could from the interior - though they claimed it would not be too much - along with the granite blocks from the foundation which they would donate to the town. They are willing to go to the expense. JW stated that he believed the Commission understood the offer, but did not believe that it offset the concerns expressed by himself and the other Commission members - that the structure not be demolished or dismantled and moved out of town. He asked the other Commission members if they disagreed with his comments or wished to provide additional comment - none were evidenced. He noted the spectrum of outcomes which he has spoken about before. This proposal was pretty close to the bottom for the Commission given the structural condition of the house observed during the site visit and attested to by Asst. Member Rick Burnet. So the proposal resided slightly above putting the house in a dumpster. JW noted that he was not in a position at this point to accept this as a reasonable alternative to the imposition of a delay.
- Mr. Nilson and Ms. DeSanctis asked what other solutions might be considered. JW asked if they had ever considered an option that preserved the original structure (2 story - without the el) and added a new, appropriate structure that met the rest of the homeowners requirements for single level living. It might involve a renovation of the original structure and a new addition. Ms. DeSanctis advised that they had not and she was not interested in that option. JP asked whether Mr. Nilson had experience doing this or whether he primarily does modular constructions. He replied that he has done stick building in the past when necessary, but his primary business is in modular construction.
- Ms DeSanctis stated that she wanted this house removed and the new house constructed. She provided no cost estimates with respect to this option or any other option that allowed for the restoration of the home at 6 Cross Street. Mr. Nilson aggressively asserted that the Commission was not being flexible in their interpretation of what he considered a very poorly written bylaw and said again that we were being given the opportunity to "save face" with the town given the reports provided and that we should accept their offer to deconstruct the house. JW again took exception to his inflammatory comments and stated that the "compromise" being proposed was simply to allow the applicant to do what they wanted with an insignificant nod to the Commission's concerns by demolishing the house and removing its bones to an off-site location. JW notes that if the Commission basically if we gave them what they were asking for then the Commission would be reasonable in the applicant's eyes. JW stated the Commission would not be doing their job under the bylaw if they agreed to the conditions proposed. No other members were willing to entertain the conditions proposed.
- Ms. DeSanctis and Mr. Nilson said no one would buy this house. Ms. DeSanctis said she could put it on the market for 18 months for \$300,000 and if someone bought it, she could pocket \$50k. If not - she could knock it down. JW cautioned her that her current interpretation may not represent the specific wording or intent of the bylaw. Also - her comments imply that she paid \$250,000 for the property which reflects a significant increase over the sale price according to public records.
- Ms. DeSanctis noted that perhaps she should divide the lot and build the modular home on the new lot and sell off the old house. The Commission offered no comment on the proposal as we were not actually requested to comment on it.
- Mr. Nilson affirmed again that this house would be demolished - and that it would just be a matter of time. They just needed to wait out the 18 month delay. JW again noted that the bylaw did not simply allow for them to do this -

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rather the bylaw requires the owner to make a continuous and reasonable effort to preserve the property. Absent that, the delay would continue to toll until such an effort was evidenced for at least 18 months or until the Commission was satisfied that no additional work could be done to preserve the structure.

- Mr. Nilson inquired as to the vote that would be required to uphold a delay. JW advised that the Commission was a 5-member board which would require a 3-member vote to be a majority. Currently there were only 3 members so all would need to vote to delay for that to be a majority of the Commission. Mr. Nilson asked why there was not a full board and JW advised there were not any additional volunteers at the present time. Ms. DeSanctis and Ms. Dann suggested that they should get on the Commission. The Commission offered no comment.
- Ms. DeSanctis asked Mr. Nilson whether she should suggest an additional alternative. Mr. Sigman said not to discuss anything more and abruptly left the hearing. Mr. Nilson did not disagree. No additional alternatives were suggested to the Commission. And, as a result, the Commission moved to close the hearing.
- Since no additional comments were forthcoming, JP moved the following motion, second JS:

That 6 Cross Street is deemed preferably preserved as it is historically significant and in the best interest of the public to do so. That the application for a demolition permit for 6 Cross Street be denied based on the information gathered at the public hearings of 7/27/15 and 8/3/15 and site visit of 7/18/15 and that a demolition delay of at least 18 months be placed on the property subject to Article XX of the Plympton Municipal Bylaws.

Vote: 3-0-0

- The hearing for 6 Cross Street was closed at 7:42 on the motion of JS, second JP. Vote: 3-0-0
- JW asked Ms. DeSanctis and others to stay for a moment to discuss next steps. JW advised Ms. DeSanctis that the Commission was here to work with her and her contractor(s), as appropriate, during the demolition delay period. He reminded her that the Commission has the ability to remove the delay at any time provided the Commission was satisfied that no additional actions could be taken to preserve the property. Ms. DeSanctis, Mr. Nilson & Ms. Dann left the meeting. AM also left the meeting and followed the applicants out of the meeting and could be heard in the parking lot during the break animatedly discussing the proceedings. None of these individuals returned to the hearing.
- The meeting was adjourned briefly and resumed at 7:46pm
- The public hearing for the 3 Forest Street demolition permit was reconvened from 7/27/15 and called to order at 7:46pm. Bob Gosselin attended and represented the homeowner, Elsie Murgida. BG presented redrafted drawings dated 7/28/15 for the proposed replacement dwelling based on the Commission comments from the prior hearing. The Commission unanimously expressed their gratitude to both BG and architect Bob Burgess for their willingness to work with the Commission to find a reasonable solution to the issue at hand. JW noted that the turning point in the discussion of this property was the comments by Associate Member Rick Burnet regarding the foundation of the cottage. The comments were unexpected at first, but did make sense based on the site visit. RB believed it would be cost prohibitive to move the structure while pouring a new foundation. Contributing to JW's decision was the fact that there was little left of the original house. No ornamentation or detail was left in the inside. BG noted that the original floors had been removed at some point and replaced with plywood. Outside it was basically the lines of the structure and limited ornamentation that made the building. The proposed design will replicate those details.

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- JS & JP agreed with the comments and noted that they were pleased with the proposed design. JW noted that if the Commission voted to allow the demolition permit, it would require an agreement of conditions prior to allowing the Building Department to issue a demolition permit. The conditions - which were agreed upon by the Commission and BG - would require the newly constructed building to adhere to the 7/28/15 plan to obtain an occupancy permit. The new structure would largely reside within the original footprint of the existing structure, with the replicated "cottage" being basically where it was. The new building would not have shutters and would be sided with cedar shingles. The Commission agreed to provide a letter noting its general agreement subject to the executed agreement of conditions which should hopefully allow BG to get other approvals moving while the agreement is finalized.

- On the motion of JS,, second JP

That the application for a demolition permit for 3 Forest Street be granted subject to a conditions of agreement to be drafted based on the information presented to the Commission. The overall decision is based on the information gathered at the hearings for 3 Forest Street and is subject to Article XX of the Plympton Municipal Bylaws.

Vote: 3-0-0

- Public hearing for 3 Forest Street was closed at 8:02pm on the motion of JP, second JS. Vote: 3-0-0
- Minutes for 6/2/15 and 6/15/15 were approved as written on the motion of JP, second JS. Vote: 3-0-0
- Minutes for 7/8/15 and 7/20/15 were approved as amended on the motion of JS, second JP. Vote 3-0-0
- Discussed correspondence from USDA regarding financial assistance to be provided to Richard Burnet - who also serves as a non-voting associate member to assist with building questions - as part of their Rural Development program pursuant to Section 106 of the National Preservation Act. This is typically a review that is presented to Massachusetts Historical Commission who will often then discuss with the local historical commission to gain a local perspective. JW suggested that the Commission meet next week to notice and discuss the application and provide MHC with proactive comments on the application. He already reached out to a contact at MHC to validate that because it is a federally funded project, it would be subject to review. MHC agreed it would, though suggested that it would likely not present any major issues given the location within the district and the building it designated to be placed on.
- Discussed next steps. JW would draft the decision for 6 Cross Street which we would need to review at a meeting next Monday. JW would also draft the 3 Forest Street conditions for review and ask the BOS for permission to send to Town Counsel. Next meeting - August 10 - time to be determined.
- Meeting adjourned at 8:34 pm on the motion of JS, second JP. Vote: 3-0-0.