

MEETING MINUTES

MASSACHUSETTS HISTORICAL COMMISSION

February 12, 2025

The Commission meeting was held remotely in a Zoom meeting starting at 1:00 PM.

Chairman Rosenberry called the meeting to order at 1:04 pm. On behalf of Secretary Galvin, he welcomed the Commissioners. Chairman Rosenberry next addressed the visitors, thanking them for attending. For those individuals who may not have attended commission meetings in the past, Chairman Rosenberry explained the structure of the meeting and when in the process the visitors could address the commission. Chairman Rosenberry then took attendance to determine that a quorum was met.

The Chairman turned to the first item on the agenda, the **approval of the December 11, 2024 meeting minutes**. He asked if any Commissioners had any alterations or corrections to the December minutes. Hearing no questions or comments, the chair called for a vote to accept the minutes. A MOTION was made by Commissioner DeWitt and SECONDED by Commissioner Friary. The vote CARRIED UNANIMOUSLY.

Chairman Rosenberry then turned to the next item on the agenda, the Local Historic District Preliminary Study Reports, first calling for any recusals. Hearing none, he turned the meeting over to Jennifer Doherty, Local Government Programs Coordinator. Ms. Doherty presented the study reports with a PowerPoint presentation. A copy of the presentation is on file with these minutes.

Marion Village Local Historic District, Marion

Ms. Doherty first presented the **Marion Village Local Historic District in Marion**. The Town of Marion is proposing to designate its first local historic district, covering the waterfront neighborhood known as Marion Village.

The proposed district would protect 204 parcels in Marion Village, a dense commercial and residential area along the west side of Sippican Harbor.

There are currently only four designated properties within the boundaries of the proposed Marion Village Local Historic District. The H. R. Reed House at 46 Water Street, at the south end of the district, was individually listed in the National Register of Historic Places in 2019.

There are three properties with preservation restrictions. The Sippican Historical Society, the local historical society, holds the restriction on the Marion Town House. The Town of Marion holds restrictions on the former First Universalist Church, which is now an arts center, and the Sippican Women's Clubhouse.

The boundaries of the proposed Marion Village Local Historic District were drawn to focus on the core of the village. Sippican Harbor forms the eastern boundary of the district. To the north is Tabor Academy, a private high school. South and west of the proposed district houses are later, typically late 20th century, and spaced further apart on larger lots, a settlement pattern distinct from the dense core of Marion Village.

The majority of the buildings in the proposed district are houses, with several schools, churches, commercial buildings, and other institutional buildings interspersed, as is typical for a village area. Buildings primarily date to two main periods of Marion's development: its late 18th and early 19th century history as a maritime community, and its late 19th and early 20th century development as a summer cottage community.

Many of the buildings display a high degree of integrity, maintaining their historic forms and materials.

Initially named the district of Sippican by Europeans, Marion was part of the neighboring town of Rochester until 1852. Like many coastal communities, development of Marion Village occurred primarily in the late 18th and early 19th century. While the shallow waters of Sippican Harbor limited the construction and use of larger vessels, the harbor provided an opportunity for schooner and lighter ship construction and trading. The town's economy was primarily focused

on the maritime trade as well as the production of salt.

Later in the 19th century, the arrival of the railroad brought a new period in Marion's history – that of a summer colony and educational destination. Local philanthropist Elizabeth Taber founded her co-educational academy in 1876, with the campus growing from a single building that is now the Town House into a larger campus along the waterfront in the 1930s. The community also attracted a collection of wealthy and artistic summer visitors from Boston and New York during this period, including magazine editor Richard Watson Gilder, illustrator Charles Dana Gibson, architectural author Mariana Griswold van Rensselaer, and President Grover Cleveland and his wife, Frances.

The community still serves to some degree as a summer destination, although not as heavily as other Southcoast and Cape neighbors. Through the late 20th century the character became more suburban, with many of the maritime industries fading out and infill construction of year-round single family dwellings. Today Marion Village serves as the institutional hub of Marion, with Town offices, the local library, other cultural institutions, and several churches all located in Marion Village.

In January 2023, at the request of the Marion Historical Commission, the Town's Select Board appointed a Study Committee pursuant to the establishment of a local historic district under the enabling legislation, Massachusetts General Laws, Chapter 40C. That Committee's Preliminary Study Report was submitted to the MHC for its advisory comments and recommendations.

MHC staff has concerns that the proposed bylaw text included in Marion's Preliminary Study Report as submitted diverges significantly from the requirements of Chapter 40C. The proposed bylaw also does not follow the sample bylaw language that MHC staff have developed based on the framework outlined by Chapter 40C, which most communities adopt as their local bylaw.

Both Chapter 40C and MHC's sample bylaw require the review of all changes to the exterior of a property visible from a public way, minus a list of 8 specific categories of possible exemptions in 40C that communities can pick and choose from. Ordinary maintenance and repair are not subject to review. Both 40C and

the MHC's sample bylaw cover the review of pretty much all changes to features in a local historic district, providing a high level of protection for a community's significant historic resources.

In contrast, the Marion Historic District Study Committee's Study Report proposes a bylaw that would exempt all changes to a property from review except for additions, demolition, and new construction. The local historic district commission would not review any other changes, and instead would automatically issue a Certificate of Non-Applicability. This would differ significantly from how any existing 40C local historic districts in Massachusetts operate.

In the opinion of MHC staff, the bylaw as proposed does not appear to meet the review framework required by 40C or the statutory requirements for establishing a local historic district in Massachusetts. Should the Town of Marion vote to adopt the bylaw, it would then be reviewed by the Municipal Law Unit within the Attorney General's office. While the AG's office cannot provide an opinion on the legality of a proposed bylaw until Town Meeting adopts it, in discussions with MHC staff the AG's office also expressed concerns about the language of Marion's proposed bylaw.

MHC staff notes that the proposed district retains a high degree of integrity, with little new construction and many buildings retaining historic wood siding, windows, and doors. This material integrity adds to the overall character of the proposed district, and any proposed local historic district should work to protect it while allowing for thoughtful consideration of future changes.

Finally, the proposed bylaw also includes very detailed design guidelines, beyond the general review guardrails included in 40C and MHC's sample bylaw. Including such detailed guidelines in the bylaw itself, rather than having them be adopted by the district commission once appointed, can limit a local historic district commission's ability to evolve their review process in line with changing preservation best practices, materials, and technologies.

MHC staff recommends acknowledging receipt of the Preliminary Study Report for the Marion Village Local Historic District and providing the following

advisory recommendations and comments:

The Massachusetts Historical Commission encourages the Town of Marion to establish the Marion Village Local Historic District.

The Massachusetts Historical Commission recommends the Town of Marion not adopt the proposed bylaw as presented in the Preliminary Study Report for Marion Village. The proposed bylaw as written is not consistent with the review framework established by the state enabling legislation for local historic districts, Massachusetts General Laws Chapter 40C.

The Massachusetts Historical Commission notes that Section 7.4 of the proposed bylaw, “Certificates of Non-Applicability,” significantly limits the review power of the local historic district commission. It states that for any “alteration” as defined in the bylaw, the local historic district commission may not review the proposed change and must issue a Certificate of Non-Applicability. Under the bylaw, the only changes that the local historic district commission may review are additions, new construction, and demolition. This is not consistent with MGL Chapter 40C, which requires the historic district commission to review all alterations or changes beyond ordinary maintenance, repair, or replacement.

The Massachusetts Historical Commission recommends that the detailed design guidelines included in Section 8 of the proposed bylaw, “Criteria for Determinations,” be removed. Preservation practices, technologies, and materials change over time, and if these design guidelines are included in the bylaw, the historic district commission will need to go back to Town Meeting for any future updates to their design guidelines and review standards. Guidelines should be prepared and adopted by the historic district commission following its establishment, not included in the bylaw itself.

The Massachusetts Historical Commission therefore recommends that the Town of Marion revise its proposed bylaw to follow the language of the sample bylaw prepared by the Massachusetts Historical Commission. The Town of Marion can add to the sample bylaw any or all of the specific exemptions that are allowed by MGL Chapter 40C, Section 8. Once the local historic district is established and an historic district commission appointed, design guidelines can be adopted, and

there is a provision in MGL Chapter 40C, Section 8 for exempting additional features from review.

Ms. Doherty then presented an update, from Boston, where the City has approved Boston City Hall and the William Lloyd Garrison House as local landmarks. The Garrison House was presented to the Commission in 2015, while City Hall was presented to the Commission in 2023.

Chairman Rosenberry thanked Ms. Doherty, and then called for a MOTION TO ACCEPT the MHC staff recommendations on the Preliminary Study Report for the the **Marion Village Local Historic District in Marion**. A MOTION was made by Commissioner Sullivan and SECONDED by Commissioner DeWitt. The Chair called for questions or comments from the commission.

The Chair recognized Commissioner DeWitt, who commended MHC staff for their write up of the recommendations for the proposal.

The Chair then recognized Commissioner McDowell said he would have appreciated to hear more directly from the Town of Marion.

Ms. Doherty noted that Eric Dray, the consultant who prepared the Study Report, and Will Tift, who chaired the Study Committee, were both present.

The Chair recognized Mr. Dray, who stated that the committee was aware of the discrepancies and alterations to the bylaw, and explained that they faced two choices: to pursue a neighborhood conservation district, also known as an architectural conservation district, which in light of the 2019 Brookline summary judgement, might not pass AG scrutiny; or to pursue a variation on a Chapter 40C district, with generally the same exemptions as a neighborhood conservation district. Mr. Dray stated that there was not and is not sufficient support in the town to do a traditional 40C district. Mr. Dray said they understood this was problematic, but were trying for a “district lite” type of bylaw, within the context of 40C, and if this approach would not pass AG scrutiny, they were prepared on advice of the Select Board and town counsel to go the “special act” route, and petition the General Court for approval.

The Chair recognized Commissioner DeWitt, who as a former member of the Brookline Neighborhood Conservation District Committee, commented on his understanding of 2019 Brookline summary judgement decision. It was his understanding that the case did not outlaw neighborhood conservation districts as a whole, but that it had to do with Brookline having a long history of doing design review under zoning, and therefore couldn't pass a bylaw to do something that was being done under zoning. Mr. Dray responded that the summary judgement was multi-pronged, and the AG's office and town council both advised it would be problematic to bring forward a proposal for a neighborhood conservation district.

The Chair called for any other questions or comments from the commission. Hearing none, he called for any questions or comments from the public. Hearing none, he moved the motion. The motion CARRIED UNANIMOUSLY.

This concluded the voting. Chairman Rosenberry then turned to the next item on the agenda, **Preview of the March 12, 2025 National Register Nominations**, and recognized Ben Haley, National Register Director, who informed the commission that there would be four nominations on the agenda for the March 12 meeting. Copies of the nominations will be sent to the Commissioners about two weeks prior to the meeting. The four nominations are: Attleboro Jewelry Industry Historic District, Attleboro; South End District 2025 Boundary Increase, Boston; Mother Brook Lower Mill Pond Historic District, Dedham; Academy Street Educational Historic District, Fitchburg.

The Chairman thanked Mr. Haley for the preview of the National Register agenda for March, and he then turned to the next item on the agenda, the **Executive Director's Report**. He then recognized Brona Simon, Executive Director.

Ms. Simon began by reminding the commissioners that the next meeting of the Commission will be March 12, and in the morning prior to the Commission meeting the Survey & Planning subcommittee will meet to go over MHC staff recommendations for the FY25 Survey & Planning grants. Ms. Simon identified the members of the subcommittee as commissioners DeWitt, McDowell, and Wheeler.

Ms. Simon commented that while federal funding is uncertain at this stage, the

National Park Service has not directed MHC to stop the grant process, and as one requirement of funding is to pass 10% through to CLG's, MHC will need to stay on schedule for S&P planning grants program.

Ms. Simon reported that the Governor has submitted her state FY26 budget to the house, and has increased MHCs state funding with a small increase, with no cuts at this stage of the state budget process.

Ms. Simon then reported that the MPPF Round 31 grant cycle has started, with a reminder that MPPF is a capital program that has been funded for 10 years, and is not subject to annual appropriations. Ms. Simon noted that applications are due March 14th, and the application form can be found on MHC's website, or by requesting a hard copy by mail through MHC staff.

Ms. Simon provided a personnel report, noting the departure of two members of staff, Deputy SHPO Elizabeth Sherva, who left her position at the end of last week, and Jenn Doherty, Local Government Programs Coordinator, who will depart at the end of this week. In addition, Ms. Simon reported that MHC is hiring a new intern, Cyrus Marion, who is currently a master's degree student in Archeology and Environmental Science at UMass Boston.

That concluded the Executive Director's report.

The Chair recognized Commissioners DeWitt and Ceccacci who both thanked Ms. Doherty for her work.

The Chairman then asked if any Commissioners had any other new business. Hearing none, the Chairman reported that the existing authorization for remote meetings will expire on March 31, 2025, and that there is an effort to extend the authorization for another two years. The Chairman confirmed that the March meeting will be authorized to be held remotely, but legislation will be required to continue remotely, and that an update will be provided at the next meeting

With no further new business, the Chairman called for a MOTION to adjourn. A MOTION was made by Commissioner Friary and SECONDED by Commissioner Ceccacci. The MOTION CARRIED, and the meeting adjourned at 1:37pm.

Commissioners Present

John Rosenberry

Susan Ceccacci

Dennis DeWitt

Donald Friary

Derek Heidemann

Michael McDowell

Ann Pride

Charles Sullivan

Heather Wilson

Mark Wilson

Staff Present

Brona Simon

Jennifer Doherty

Josh Dorin

Robin Fordham

Ben Haley

Liz King

Caitriona Parker

Shari Perry-Wallace

Michael Steinitz

Peter Stott

A TRUE COPY ATTEST

Respectfully submitted,

Robin Fordham