

COMMUNITY PRESERVATION COMMITTEE
MINUTES
January 11, 2022

A regular meeting of the Community Preservation Committee (CPC) was held on Tuesday, January 11, 2022 at 6:00 pm via remote participation through Zoom. Present were Chair Bart Hoskins, Vice Chair Carole Hamilton, John Boris, Ed Moriarty, Mickey Northcutt, Joy Livramento-Bryant, Bob Callahan, Mark Pattison and Deborah Greel. Also present were Jane Guy and Patricia Kelleher of the City of Salem Department of Planning & Community Development.

Mr. Hoskins stated that due to Conflicts of Interest, certain CPC members must abstain from discussion and leave the virtual meeting for the following:

1. Mickey Northcutt is an employee of North Shore CDC and will be leaving the virtual meeting during discussion of the 160 Federal Street application.

Mr. Hoskins stated that Disclosures of Appearance of Conflict of Interest were filed for the following applications for which the members can still vote:

1. Deborah Greel is a member of the board of the North Shore CDC and has filed the required Conflict of Interest Disclosure stating that she can fairly and impartially vote on the matters.
2. Deborah Greel has also filed a Conflict of Interest Disclosure for the St. Peter's Church application, as her husband's company did non-compensated survey work for the building two years ago.

Public Comment

Flora Tonthat, 30 Northey Street, representing the Bridge Street Neck Neighborhood Association (BSNNA), stated that Gonyea Park is a little park at the end of Northey Street. She stated that in December, Park & Recreation Commission gave preliminary approval to plant new trees and remove dying trees. She stated that landscape architect Naomi Cottrell suggested creating a design for planting with an eye for the future. The BSNNA would like the park to have accessible paths, benches, lighting and a water source, if possible. She noted that the existing bubbler is not working and added that the playground could use updating. She stated that during the process they found the Deed dated April 29, 1994, where Patricia Gonyea deeded the park to the City with the specification for an appropriate memorial to Samuel and Robert E. Gonyea. She also added that, with Covid-19, parks should be an outdoor oasis that is safe and accessible for all. She also noted that they are getting the trees for free.

Tim and Linda Jenkins, represented the Pickering House. Mr. Jenkins stated that they are lucky to live in the oldest house that anyone lives in in Salem. He stated that the façade was redone in 1841/42 and it did survive to this date with minor repairs. He stated that parts of it have lived through its useful life and they are looking to do repairs to the parts that have failed. They have brought in local, qualified people to look at it and provide advice and others who are willing to donate time and materials. They will hire a contractor to perform the work to the Secretary of Interiors Standards. They welcome anyone to visit by appointment or during May to October, they are open on Sundays. The yard is available all the time and they host non-profits to meet here and they try to play an active role in community. Ms. Jenkins, Executive Director of The Pickering Foundation, stated that they have a lecture and music series all open to the public and they award a \$2500 scholarship to a Salem High School student each year at their annual meeting.

Margaret Tran, 65 Appleton Street, stated that she works for Salem Sound Coastwatch at 12 Federal Street. They are applying to revitalize and improve the safety conditions of a walking trail within the Forest River Conservation Area (FRCA) off of Loring Avenue. She stated that SSCW brings groups of 20+ Salem sixth grade students onto the salt marsh and the walking the trails for a total of over 200 annually on field trips. She noted that volunteer led projects have built the original bridge but there is no guardrail and there are missing and loose boards. It is the only place in the marsh to do specific activities with the students. She added that seating areas could be improved by having a new seating area further in the marsh.

Babara Warren stated that she is the Executive Director of Salem Sound Coastwatch at 12 Federal St. She noted that the FRCA is conservation land and that they are on the agenda of the Conservation Commission for next week in order to obtain consent, as the Commission are the owners of the property. She noted that the Commission has supported the project in the past.

Gabriel Cerciola, 11 Winter Street, representing the Salem Common Neighborhood Association, stated that he was present to answer any questions about their application.

Review and Vote on Determinations of Eligibility Applications Received:

Pickering Foundation – 18 Broad Street - façade replacement

The Pickering Foundation submitted an application for front façade replacement at the Pickering House at 18 Broad Street.

MOTION/VOTE: Mr. Callahan made a motion to find the proposed project is eligible, to be submitted under a CPA funding application under Historic Resources: Rehabilitation/Restoration. Ms. Greel seconded the motion. All were in favor and the motion so carried. Mr. Moriarty was not present for the vote.

St. Peter's Episcopal Church – 24 St. Peter Street –Historic St. Peter's Church Critical Infrastructure

St. Peter's Episcopal church submitted an application for restoration of granite cap stones and four cellar windows at 24 St. Peter Street.

Mr. Callahan stated that he understands the historic preservation for the cap stones, but felt that the cellar windows are more of a maintenance issue.

Reverend Nathan Ives, representing St. Peter's Episcopal Church at 24 St. Peter Street, stated that these are crucial. The windows are at the back of the two historic cemeteries, so they take the splash effect of the gravestones. They have deteriorated in place and take a lot of the weather. He stated that they haven't been replaced since 1950, as far as he can tell. He added that the cap stones were held up by one cast iron pin that was set in 1872 and finally gave way in 2018.

Mr. Callahan asked if the intent was to replace them to the original architecture of the church.

Reverend Ives replied in the affirmative, that they are working with an architect and historic preservation carpenters so that they will be appropriate to the time.

MOTION/VOTE: Ms. Hamilton made a motion to find the proposed project is eligible, to be submitted under a CPA funding application under Historic Resources: Rehabilitation/Restoration or Preservation. Mr. Callahan seconded the motion. All were in favor and the motion so carried.

Sail Salem – Off Winter Island – Sail Salem Floating Docks (2) Replacement

Sail Salem Community Boating – Sail Salem, Inc. submitted an application for floating docks replacement off Winter Island and Footprint Power Plant in Cat Cove.

Ms. Guy read the opinions she received from Stuart Saginor of the Community Preservation Coalition and City Solicitor Beth Rennard.

Mr. Callahan stated that although he supports Sail Salem, the docks are not part of the land. He noted that the land is owned by city and he believed the docks are owned by Sail Salem and they are not attached, but are free-floating. He stated that although the non-profit Sail Salem works out of Winter Island, he felt it is slippery slope and personally did not feel it was eligible.

Mr. Moriarty stated that he felt it was eligible. He stated that sailing is an inseparable part of the history of Salem and anything that perpetuates the use of, the teaching of sailing techniques or the opportunity to sail regardless of social economic background is consistent with the history and character of the City. He noted that Stuart's opinion says it is a question for the local CPC. He stated that he felt it was a capital improvement, due to the only capital equipment the organization owns is sailboats and floats, which he felt was a clear capital expenditure. He stated that they have a lifespan of a decade or so and then they need to be replaced, because they are not subject to repair. He argued that the concept of land should be an expansive concept, noting that Winter Island is a marine recreational park and that it can't be used to its highest potential if it doesn't have access to marine uses, which require a connection to the water. He noted that the floats are not free floating, as the mooring is attached to land.

MOTION: Mr. Moriarty made a motion to find the proposed project eligible, to be submitted under a CPA funding application under Recreation: Rehabilitation/Restoration.

Ms. Greel questioned if the docks were being replaced, would it be considered maintenance.

Mr. Moriarty replied that replacing something at the end of its life expectancy is a capital expenditure and a critical component of the use itself.

Mr. Hoskins asked who would own the docks, noting if the City of Salem owned the docks, it would be a capital improvement to a park.

Mr. Moriarty stated that they probably have an insurance policy that would name the City as an additional insured in conjunction with the park.

Mr. Callahan stated Mr. Moriarty convinced him and seconded the motion.

VOTE: Voting in favor were Mr. Boris, Mr. Moriarty, Mr. Callahan, Ms. Hamilton and Mr. Hoskins. Voting in opposition were Mr. Northcutt, Ms. Greel, Mr. Pattison and Ms. Livramento-Bryant. The motion so carried.

Ms. Guy stated that normally the CPC requires some sort of restriction for a non-profit that receives CPA funding.

Mr. Bart stated that this question will need to be resolved during the funding application review. He also asked if the Park and Recreation Director signed off with regard to site control, where the docks are going, etc.

Ms. Guy stated that because the floats are not owned by the City, there is no written consent, but stated that she is aware that the Harbormaster supports the application.

Mr. Moriarty stated that the Harbormaster has to approve the siting of any float or mooring within Salem Harbor. He believed it would be subject to continued use with permission agreement of the Park & Recreation, pursuant to whatever agreement they have in terms of lease, insurance, hours of operation and location of mooring subject to approval by the Harbormaster.

Mr. Northcutt suggest consulting with the City Solicitor.

Mr. Hoskins stated that perhaps a question for the applicant could be if the city owned the docks and the applicant utilizes them, which could make the procedure less cumbersome.

Mr. Northcutt suggested that the City be the co-applicant.

Mr. Callahan stated that these are docks that Salem residents have been using for the sailing program. The docks are going into the water in the same spot, which has been used for recreation for many years.

Salem Common Neighborhood Association – Washington Arch Restoration – Final Phase

Salem Common Neighborhood Association (SCNA) submitted an application to have carvings of originals replicated in clay molds and resin for the Washington Arch at Salem Common.

Mr. Hoskins stated that he believed this was another project for which an opinion was received from the Community Preservation Coalition.

Ms. Guy replied that an opinion was received two years ago. The application is to create replicas. She read the opinion received in 2018 and the determination from the CPC that the application of FY18 was not eligible.

Mr. Cerciola stated that he is the Vice President of the Salem Common Neighborhood Association. He stated that the SCNA is doing on the Washington Arch is a specific request from the City to raise funds to restore the arch, which the SCNA has been doing for more than a decade. A brick path under the arch has been completed, an explanatory sign has been installed in front of the arch. They are going to be seeing to garden plantings along the brick pathway to beautify the site and will be arranging for painting of the arch this year. He stated that speaking specifically to whether this is a historically qualified project, he noted that the arch is part of the Salem Common, which has countless components. He noted that the arch is just another piece of the Common. He stated that the placement of the McIntire carvings on the arch are the single component for its historic merit and the historic communication it gives to the public. He stated that mold casting can be used directly for the heraldry for which the originals are in the custody

of the PEM. The casting would allow those to be placed on the legs of the arch. For the eagle that was on original arch, which is in the custody of the PEM, casting would allow a full-sized replica to be placed on top of the arch. The carvings have been digitally scanned and digital woodworking machines would recreate those carvings, much as there are dozens of Rodan's The Thinker at museums and public displays around the world. In 2015, Hamilton Hall completed the restoration of the Samuel McIntyre carved eagle, which hung outside the hall for 200 years, and moved it indoors, replacing it with a fiber glass replica outside.

MOTION/VOTE: Mr. Northcutt made a motion to find that it is not eligible. Mr. Pattison seconded the motion. All were in favor and the motion so carried.

Ms. Greel stated that the perhaps the arch could be considered public art and that perhaps the city has funds under public art and suggested checking with the Public Art Planner.

Ms. Guy stated that the Public Art Planner is Julie Barry.

Mr. Moriarty stated that recreation of otherwise unavailable, inaccessible or unattainable historic artifacts perhaps is something that should be added to legislation for consideration in the future, as this or similar projects are unfortunately ineligible by definition. He suggested SCNA consider taking that issue to the State legislature.

Salem United, Inc. – 53 Charter Street – Grimshaw House Restoration for Black Heritage Center and Museum

Doreen Wade/Salem United, Inc. submitted an application to restore the Grimshaw House at 53 Charter Street, with Phase 1 being interior restoration.

Ms. Wade, 62 Frederick Street, Dracut, MA, stated that she was present representing Salem United, Inc. and was available to answer any questions.

MOTION: Mr. Northcutt made a motion to find the project is not eligible due to it being a private house. Mr. Pattison seconded the motion.

Mr. Moriarty stated that this is a project that obviously resonates with many members of our community and is close to the heart of the applicant, and stated that he agrees with the motion and the second. He stated that no matter how meritorious the project or important the message the applicant wants to convey or how significant the location so that information can be shared about the importance of black history and the black experience throughout Essex County history, the applicant is attempting to obtain funds that have similarly been denied to the owner of the property. He stated the reason is because it is a private piece of property and the Salem CPC does not give funds, even if an historic house, to a private owner of a private piece of property, even if she is going to lease it to an organization such as the applicant's. It does not change the fact that it is a private residence owned by a private taxpayer. He stated that public money should not be put into assisting a private landowner.

Ms. Wade stated that she was speaking with one of her partners at the MA Cultural Council, the head of which helped her put this altogether and who said it would qualify. She stated that the head of MA Humanities also said it would qualify. She believed she did not have to own the building to apply. She stated that if they were wrong, she will investigate. She noted that she

also spoke with the National Park Service, who is her partner, and the House of the 7 Gables, who are all working with her on this restoration and not one has said it would not qualify for this assistance. She asked for help to understand, so that she can go back and tell these people who are working with Salem United's board, that the CPC says it does not qualify.

Mr. Hoskins stated that he felt that the CPC is struggling with the private ownership of house. He stated that in order to put public money into rehabilitating and restoring the building, the City is obligated to ensure whatever public benefit that comes from it will not be changing and that the property won't change hands. He stated that the public use and the public access can't be guaranteed. The owner could sell the house and questioned what happens with the improvements that public money paid for.

Ms. Wade asked if Mr. Hoskins was saying that she might not do anything dishonest, but that owner could do something dishonest after it has been renovated.

Mr. Hoskins stated that he is not saying it would be dishonest, as the owner would be well within her rights to sell the house.

Mr. Wade stated that according to the Governor's office, who is also her partner, as well as Senator Joan Lovely, as well as State Rep Paul Tucker, as well as Seth Moulton, who have all looked at this and are producing letters of support for this, if there is a lease, and if the lease is broken, the owner would be legally responsible for refunding, because there is a Letter of Intent that it would be used solely by Salem United for a specific number of years. She stated that when she was going to get a lease by the federal government, the lease was going to be \$1 per year for 99 years and for getting an improvement grant, that lease could not be broken. She said this is the same situation.

Mr. Callahan asked if there is currently a long term lease with this landlord.

Ms. Wade stated that it is the Letter of Intent that she included. She stated that the Letter of Intent, according to the State of Massachusetts is as legal a document as the lease would be. She stated that she cannot occupy the building right now, so the Letter of Intent serves as a lease.

Ms. Greel stated that she appreciated the idea of telling the story of the history of the African American people in Salem. She stated that the CPC is faced with the idea that it is a privately owned building and a non-profit that does not have a lease.

Ms. Wade stated that she can provide a lease, but a lease was not requested with the application.

Ms. Greel stated that she did not feel that would solve the problem. She stated that when the owner of the property came before the CPC, she was suggesting it is a million dollar rehab. She stated that it still a property with no tenant that is looking at a significant amount of money to restore. She noted that the CPC is still looking at a private ownership.

Ms. Wade asked that because the current owner came to you and made a request, the CPC is saying that because she is still the current owner, this application is being turned down.

Mr. Hoskins stated that the funds for restoration could only go to the non-profit, if the non-profit either owned the building or (unfinished sentence).

Ms. Wade asked if the CPC wants her to own the building or to have a lease, if the CPC would accept the lease if she brought it to the CPC tomorrow.

Mr. Moriarty stated that the Letter of Intent is not relevant to the proceeding. He stated that it has no legal weight whatsoever. "I give permission to use my building" has no legal force or effect at all, he stated. He added that whomever indicated to you that this Letter of Intent has any legal significance is incorrect. He noted there is no difference between this filed application and the application filed previously. He stated that the CPC is faced with a non-qualifying situation because a private owner seeks to obtain public funds for a private purpose.

Ms. Wade stated that she had no knowledge that someone had come to the CPC with another application.

Mr. Hoskins stated that the prior application may be something Ms. Wade was not aware of, but it is exactly the same issue for the CPC. He stated there isn't any arrangement in place or business plan that would give the CPC the ability to say they know that the money wouldn't just go to a private person and their property.

Ms. Wade stated that this was acceptable and she accepted the explanation, but was saddened that if she came with a lease, that it is not acceptable.

Ms. Wade stated that she met with Mayor today and also with the Governor's office talking about alternatives, such as them giving her a municipal building that may be empty. She asked if she would have the right to apply for this and if it would be accepted with a municipal owned building.

Ms. Guy stated that it would be the same as a PTA coming in to do a playground on a school property. The PTA fills out the application and they may do the legwork, but they ask the City department to co-sign it, because the City is ultimately responsible for the procurement and going through all Mass General Laws. Ms. Guy stated that Ms. Wade could apply with the City being a co-signer, depending on which department manages the building, and that department would ultimately be responsible for the funds.

Ms. Wade asked if that is the same for the State and if it would be the same situation if coming through the Governor's program.

Ms. Guy stated that it is the owner of the building that would get the funding. Salem United would not receive the funding, because Salem United does not own the property, and any funds awarded would be to the building owner.

VOTE: The motion was voted on. All were in favor and the motion so carried.

Salem Police Dept. – 95 Margin St. – Wall Clock Restoration

The Salem Police Department submitted an application to for the repair of the wall clock in the Chief's Office at 95 Margin Street.

Ms. Guy stated that she is in contact with Robert Mulligan, Administrative Aide to the Chief of Police, and asked him if he could get documentation on the age of the clock from the clock

professional that does the prepare. He was also told that the Salem Historical Commission would need to review its historic significance. If determined eligible, it could be done conditionally, or it could be held over to the next meeting.

Mr. Callahan stated that he is retired from Salem Police Department but stated that he can't see the public good of this project. He stated that it is a clock that has been locked in a private office from its inception. He stated that not too many members of the public get to see it. He stated that he felt it was not there for the public to enjoy and therefore did not feel it was eligible.

MOTION: Mr. Callahan made a motion to find the application is not eligible. Mr. Pattison seconded the motion.

Mr. Moriarty stated that he felt Mr. Callahan's logic quite persuasive based on knowledge and experience, but suggested giving the Chief and the Salem Police Department an opportunity to establish historic significance and maybe consider a new location to an area more available for public viewing.

Mr. Callahan stated that he was willing to table it. But felt if they want to continue the location in the Chief's office, he did not feel it meets eligibility for CPA funds.

Mr. Pattison withdrew his second.
Mr. Callahan withdrew his motion.

MOTION/VOTE: Mr. Moriarty made a motion to continue the application to the next meeting and to advise the applicant that substantial additional information is necessary to determine if it has historic significance and how it will serve a public purpose unless location were re-evaluated by the Salem Police Department. Mr. Callahan seconded the motion. Voting in favor were Mr. Boris, Mr. Moriarty, Mr. Northcutt, Ms. Greel, Mr. Pattison, Mr. Callahan, Ms. Hamilton and Mr. Hoskins. Voting in opposition were Ms. Livramento-Bryant. The motion so carried.

Salem Sound Coastwatch – Forest River Conservation Area – Volunteer Bridge and Outdoor Classroom Improvements

Salem Sound Coastwatch on behalf of the Salem Conservation Commission submitted an application for bridge improvements & addition of stone seating.

Ms. Guy stated that the applicant is going to the Conservation Commission next week.

MOTION/VOTE: Mr. Hamilton made a motion to find the proposed project is eligible, to be submitted under a CPA funding application under Recreation: Rehabilitation/Restoration. Ms. Greel seconded the motion. All were in favor and the motion so carried.

Bridge St. Neck Neighborhood Assoc. – 41 Northey St. - Gonyea Park Enhancement

Flora Tonthat/Bridge Street Neck neighborhood Association submitted an application for an accessible path and park benches at Gonyea Park, 41 Northey Street.

Ms. Guy noted that the application still need Park and Recreation written consent and therefore, any determination of eligibility should be conditional that they get that consent.

MOTION/VOTE: Ms. Greel made a motion to find the proposed project is eligible, to be submitted under a CPA funding application under Recreation: Rehabilitation/Restoration, conditional that it receive Park and Recreation written consent. Ms. Hamilton seconded the motion. All were in favor and the motion so carried.

North Shore Community Development Coalition – 160 Federal Street – Residences at St. James

Mr. Northcutt recused himself from the discussion and vote and left the virtual room.

North Shore Community Development Coalition submitted an application for the creation of 33 senior housing units at 160 Federal Street.

MOTION/VOTE: Mr. Callahan made a motion to find the proposed project is eligible, to be submitted under a CPA funding application under Community Housing: Creation. Ms. Hamilton seconded the motion. All were in favor and the motion so carried. Mr. Northcutt abstained from voting. Mr. Moriarty was not present for the vote.

Mr. Northcutt rejoined the meeting.

Other Business

Approval of Minutes

MOTION/VOTE: Mr. Moriarty made a motion to approve the minutes of October 12, 2021. Mr. Boris seconded the motion, all were in favor and the motion so carried.

MOTION/VOTE: Ms. Hamilton made a motion to approve the minutes of November 9, 2021. Ms. Greel seconded the motion, all were in favor and the motion so carried.

Funding Availability Update

Ms. Guy stated that there is \$266,721.46 that is available currently. These funds will be added to the FY23 budget, which is developed in March, once we get the new State match percentage. This \$266,721.46 and the FY23 budget will make up the total CPA funds available for project funding awards for this funding round in the Spring.

Next Meeting(s):

Ms. Guy stated that the next meeting is scheduled for Tuesday, February 8, 2022, which will only be needed if there are additional Determination of Eligibility applications received. If there is no February meeting, the next meeting will be March 8, 2022, which will only be needed if there are additional Determination of Eligibility applications received or if the State match percentage is received and we are ready to vote on the draft budget.

There being no further business, Mr. Moriarty 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