



**JONATHAN F. MITCHELL**  
**MAYOR**

*City of New Bedford*  
**HISTORICAL COMMISSION**

133 William Street, New Bedford, Massachusetts 02740  
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**MINUTES**

**February 5, 2018**

City Hall, Ashley Room, 133 William Street

***Members Present:***

Diana Henry, Chair  
Bill King, Vice Chair  
Bill Barr  
Janine da Silva  
Alex Jardin  
James Lopes

***Staff:***

Gloria McPherson, *City Planner*  
Anne Louro, *Secretary & Preservation Planner*

***Members Absent:***

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**Call to Order:**

D. Henry called the meeting to order at 6:04 PM.

**Roll Call:**

A formal roll call was conducted confirming a quorum of the members present as stated above.

**Approval of Minutes:**

The minutes of the January 8, 2018 meeting were approved as amended.

**Old Business:**

As a follow up to the last month's discussion regarding District enforcement policies and the opportunity to utilize existing city code and the commission's by-laws to address violations, A. Louro informed members that she had reached out to the City Solicitor's office for advisement. She informed members that she did not yet have a determination, as the Solicitor's Office would be unable to take up the matter for a few weeks.

There was discussion related to whether the delay by the Solicitor's office, related to the ordinance, should deter the commission from sending violation notices, which was the priority of the members as demonstrated in their January meeting. Members felt that it should not, and that notices should still be sent.

A. Louro sought direction from the members relative to the properties at 66 and 70 N Second Street, which have multiple infractions. She asked whether the Commission wanted to address multiple infractions in a single notice or individually. Members confirmed that they would prefer individual letters for each infraction.

**MOTION to send individual violation notices to the property owner of 66 and 70 N Second Street to include the infractions related to signage, fence ball finials and LED lighting.**

Moved by B. Barr and seconded by J da Silva.

**Motion carried.**

J. da Silva sought information regarding the approved screening of the HVAC unit at the Whaling Museum and why it had not yet been installed. A. Louro informed members that she had previously followed up on the matter and was informed that they were seeking permitting. There was brief discussion regarding the timeframe, with A. Louro stating that she would follow up once again.

B. Barr noted that at every meeting there is a constant theme of enforcement within the discussions. He expressed his frustration with the lack of support related to enforcement. Members concurred.

J. Lopes who was absent from the last meeting, sought clarification regarding the City Councilor's lack of support for the proposed District Ordinance amendment. Members who had spoken to City Councilors explained that there did not appear to be support for the amendment based on their discussions. Recognizing that the amendment may not pass, the Commission was now exploring other alternatives related to enforcement, either through the city's General Penalty, non-criminal disposition of violations, and within the commission's by-laws.

G. McPherson informed members that the city's code of ordinances has inconsistencies related to penalties. She noted that the city code has a General Penalty which has a list of all city violations which have a penalty under M.G.L. ch. 40 § 21D, however the Historic District is not included, necessitating the City Solicitor's input on the matter.

Members discussed the fact that the enabling legislation of M.G.L. ch. 40C does allow for a penalty, however the city code of ordinances is inconsistent, which was the reasoning behind the original desire for an Ordinance Amendment. They articulated the need for a city policy to support the commission's ability to address enforcement. J. Lopes stated that if there were no penalties-there were no rules.

A. Louro explained that in the past, enforcement had not been a pressing issue, as property owner compliance was good. District growth and new property ownership has presented more recent challenges for enforcement. She also stated that she was not aware of any instance in which the Commission had brought a property owner to court over a violation. B. Barr reiterated that he thought violation notices should be sent even if a penalty is not issued.

There was brief member discussion related to the City Council not understanding the role of the Commission as a District Commission, as the only interaction that the Council has with the Commission is related to demolition review. A. Jardin suggested reengaging discussion with individual councilors and stated that he would reach out to a few that he was friendly with.

In other business, B. King informed members that the light pole in front of 24 Centre Street had been relocated in preparation of the driveway to be installed. He questioned as to whether the driveway application had been reviewed by the Traffic Commission. A. Louro stated that she believed that Traffic Commission would review the request in March and that she anticipated the property owner may come back before the commission to review the relocation of a gas meter. Members stated that they would not allow gas meters in the front of buildings and prefer them to the rear.

**New Business:**

J. da Silva informed members that the Co-operative Agreement between the City and the National Park allows the Park to fund the purchase of hardscape materials which the City would install. A recent allocated amount of \$28,000 requires the development of a budget and a scope of work which would be determined through a District wide material assessment.

J. da Silva noted that in the past year, the City, through its Department of Public Infrastructure (DPI), had begun replacing broken bluestone with dyed concrete without the Commission's approval. She wanted to initiate a discussion with members relative to the commission's potential acceptance of concrete crosswalks due to the deterioration caused by the increase of delivery trucks within the District.

There was brief discussion related to DPI's mistaken impression that Commission approval was not required for bluestone replacement. A. Louro affirmed that to her knowledge, and based on information provided by past Secretaries, concrete has never been approved as a permanent sidewalk or crosswalk material within the District, other than the new locations along Front Street.

B. Barr asked about the recently approved Union Street Improvement project and the types of crosswalks utilized. A. Louro reminded members that the crosswalks on the upper portion of Union Street were painted and the Commission asked that the crosswalks on the cross streets, other than the one at Johnny Cake Hill, be replaced with Belgian Block since they would no longer be functional and were prone to breakage.

A. Louro stated that she recognized the challenge of maintaining the bluestone and directed members attention to images she provided to accompany the discussion. She noted that the short-term asphalt repairs have become semi-permanent. She also noted an image in which cement was used in the crosswalk, as well as on the sidewalk. As a means of demonstrating the variety of existing crosswalk materials within the District, there were images of crosswalk locations which were in good condition, poor condition, the stamped concrete along Front Street and older crosswalks which utilized a concrete aggregate.

J. da Silva and A. Louro presented for discussion the proposal that the Commission may entertain the use of dyed concrete for those crosswalks locations which receive heavy truck traffic and are difficult to maintain, no matter of the bluestone thickness. They both stated that they were not endorsing the use of concrete on the sidewalks, with J. da Silva referencing the early developed sidewalk District design patterns and the desire to retain them.

B. King noted that almost every crosswalk and sidewalk apron along N Water Street is damaged due to delivery and garbage trucks, which drive over the corners and park on the sidewalks. J. da Silva stated that the current bluestone specifications call for 1-1/2" thickness for sidewalks and 3" for crosswalks. She recommended that 3" bluestone be used on the driveway and corner aprons as well.

A. Louro explained that in order to prepare a budget and scope of work for DPI, Jan and herself would conduct a District-wide assessment of all crosswalks. The exercise would be two-fold: identify those areas requiring repair, and the possibility of identifying crosswalk locations which possibly could be permanently replaced with dyed concrete, due to either their location and/or maintenance issues.

B. Barr asked if the Commission would prioritize locations at which bluestone would remain and always be replaced in-kind. J. da Silva affirmed and noted that there were certain areas which visitors take pictures, or in front of significant buildings which may wish to be characterized as "priority" areas.

B. King stated that he did not mind the stamped concrete used on Front Street, but also noted the inconsistency of repairing crosswalks with a mix of materials. B. Barr stated that his preference is to retain bluestone in all locations and to not utilize concrete.

J. Lopes questioned a policy of replacing bluestone in-kind with the possibility that the National Park would be unable to fund the purchase of bluestone in the future due to budget restrictions.

A. Louro agreed that she would prefer the use of bluestone, however if the maintenance challenge results in unsafe crosswalks and the use of asphalt, she questioned if uniform, scored, dyed concrete was a preference over a patchwork of broken bluestone. J. da Silva agreed, recognizing that for a variety of reasons DPI may be unable to maintain the crosswalks to a certain standard, and therefore well maintained concrete may be an appropriate alternative.

J. da Silva and A. Louro stated that they were not in favor of using the stamped concrete. B. Barr cautioned about going down the slippery slope of using non-historic materials, as in the future the District will lose its historic and unique charm. B. King noted the ideal of retaining bluestone, however the reality is that it is becoming increasingly difficult to maintain, dangerous, and difficult to navigate. B. Barr reiterated his opposition to the use of concrete.

G. McPherson stated that along with a policy related to the potential use of concrete, procedures would also need to be established for DPI, otherwise there may be inconsistency in placement. J. da Silva reiterated the need for DPI to seek Commission approval. G. McPherson noted that continuous review and approval would be burdensome, and therefore the proposal that the Commission should establish procedures for DPI when replacing or repairing bluestone within the District.

There was discussion related to the inconsistency of the mix of crosswalk materials as the bluestone is replaced with concrete. G. McPherson stated that due to the bluestone set in cement, the good pieces of bluestone would be difficult to remove without damage; therefore consistency would only occur over a period of time.

There was discussion regarding the plan to identify high traffic areas and historically sensitive areas. J. Lopes suggested that the assessment be conducted and that areas be identified as potential candidates for the use of concrete. Based on the assessment the Commission could then consider recommendations related to the use of concrete within the crosswalks. All members agreed with this approach.

In other business, the members discussed Commission membership with B. Barr asking if G. McPherson would become a voting member of the Commission. B. Barr stated that he felt that G. McPherson was a valuable asset to the NBHC, but would not be if she was not a voting member. D. Henry informed members that there was internal discussion regarding the Planning Department's membership on the Commission. J. da Silva expressed surprise, as she noted that the Planning Department's membership is called out within the District Ordinance and since the District's inception in 1972, there has always been a member of the Planning Department as a member. D. Henry agreed and stated that there appeared to be a question relative to applicants voicing concern over the membership role, which to her knowledge had never been an issue, which she relayed to the Mayor's Office.

Mayor Jon Mitchell entered the room and engaged the members in discussion related to the bluestone replacement in the District crosswalks. The Mayor indicated that initially he was skeptical regarding the use of concrete, but was happy with the recent execution and has grown accustomed to its use. Members then expressed their endorsement of G. McPherson to be appointed as a member of the Commission. As the Mayor left the members, he stated that he would look into the matter.

D. Henry informed members that Ana Surma had consented to become a member of the Commission, filling the long absent Architect position and that she had relayed that information to the Mayors' Office.

A. Jardin stated that Doug Mills was considering replacing the windows in his property at 89 N Water Street and had asked him for advice. A. Louro stated that the current windows on the building were not original and when considering replacement, photographic documentation is used to determine window type and muntin configurations. A. Louro and J. da Silva recommended the use of an aluminum clad wood window. A. Louro stated that she would provide specifications for the Trimline manufacturer window which is often used within the District.

**Adjourn**

**There being no further business, a motion to adjourn was moved by B. Barr and seconded by J. Lopes. The motion carried.** The meeting was adjourned at 7:41 p.m.

**Documents and Exhibits**

- Agenda
- January 8, 2018 Meeting Minutes
- Images of District Bluestone

NEXT MEETING Monday, March 5, 2018

Respectfully submitted,



Anne Louro

Secretary to the Historical Commission

Preservation Planner

*Approved 03.05.18*