

# Lowell Historic Board Minutes

**April 12, 2021 6:00 P.M.**

**Note:** These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at [www.LTC.org](http://www.LTC.org).

**Members Present:** Chairmain Harris, Vice Chairman Jenness, Member Lockhart, Member Villaras, Member Wilde, Member Erickson,

**Members Absent:** Member Cassidy, Member Depeiza

**Others Present:** Eric Slagle, Director of Development Services; Fran Cigliano, Senior Planner; Jess Wilson, Associate Planner; Christine McCall, Director of Economic Development

*The following represents the actions taken by the Historic Board at the 4/12/2021 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom video conferencing platform.*

*Chairman Harris called the meeting to order at 6:05pm.*

## **Continued Business**

None

## **New Business**

None

## **Other Business**

### **Vote – Delegation of Administrator Authority**

**Proposed Language – The LHB authorizes the Director of Development Services to appoint a staff member to act in the Historic Board Administrator’s place in the case of the Administrator’s absence, unavailability, or in the case of a vacancy at the position.**

### **On Behalf:**

Eric Slagle, City of Lowell Director of Development Services

E. Slagle explained that Stephen Stowell, the Historic Board Administrator, is away for an unspecified extended period of time due to a personal matter. In his absence, E. Slagle has been filling in as needed in an informal capacity, and feels that it is appropriate in this circumstance to vote on official authorization. The pandemic has highlighted some shortcomings with the current board administration process and more long-term contingency planning, including possible by-law amendments, may be in order to accommodate future situations where an administrator is away for an extended period.

E. Slagle stated that he is appointing Jessica Wilson, Associate Planner for the City of Lowell, to act as historic board administrator until the position is no longer vacant. J. Wilson has a background in

Architecture and Landscape Architecture and experience working in the private sector. E. Slagle noted that more issues than typical may be brought before the board for review and guidance.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

K. Jenness noted that this situation has highlighted a flaw in the system. When a single person is tasked with all of the responsibilities of administering the board, it creates a problem when a situation arises that prevents that person from fulfilling their duties for an extended period of time. K. Jenness asked for clarification about whether E. Slagle was proposing to vote just on this one instance or make a more permanent change that a stand-in would be appointed if the administrator is away for more than X number of days.

E. Slagle stated that he would defer to the board. He explained that it would be a similar request, but that this language was put together quickly to address the immediate situation and that more thorough consideration may be warranted. He suggested that it may make sense to vote on the temporary solution for now and review the proposed amendment in more detail at the next Historic Board meeting before voting on a permanent change.

J. Harris agreed with K. Jenness. He stated that it makes sense to make the proposed change a more permanent arrangement, but agreed that it makes sense to limit to just a one-time issue for now. J. Harris stated that he is not familiar with the steps needed to change the bylaw and would need more guidance on that process.

K. Jenness expressed that she supports the proposed authorization.

Motion:

J. Wild motioned, and G. Villares seconded the motion to approve the Director of Development Services to appoint a staff member to act in the Historic Board Administrator's place in the case of the Administrator's absence, unavailability, or in the case of a vacancy at the position. The motion passed unanimously, (5-0).

**Vote - Proposed Mural Policy**

**Proposed Language – The LHB endorses the proposed Mural Policy as submitted to the Board.**

On Behalf:

Christine McCall, City of Lowell Director of Economic Development

C. McCall presented the latest draft of the mural policy. She explained that the language is a combination of the Historic Board's policy and the City-wide policy. She shared a map depicting national and local historic locations in the downtown area and another map that showed the whole City. She noted that there are 605 properties listed on the maps, which would be highly restrictive to a mural program. These locations would be reviewed by the Board on a case-by-case basis.

Speaking in Favor:

LZ Nunn, Executive Director of Project LEARN, Inc.

L. Nunn thanked the Historic Board for considering this awesome opportunity. She stated that it has been a pleasure speaking with C. McCall and City Staff. She expressed her support of the thoughtful changes proposed by the department.

Speaking in Opposition:

None

Discussion:

R. Dei stated that he did not have any questions.

K. Jenness noted that the last sentence of the second paragraph appears incomplete. It says “entrance located” but does not say where the entrance is located.

*“...Buildings located on a block corner with the primary customer entrance located shall be reviewed by the Cultural Affairs & Special Affairs (CASE) Office.”*

C. McCall clarified that the City does not want a mural located on the same façade as the primary building entrance.

K. Jenness pointed out that the language about commercial messages is repeated a couple of times as is the first amendment language on page one and two. K. Jenness asked for clarification that locks and canals would be outright prohibited, while structures classified with the “A” or “B” designation (referring to the maps) would be considered on a case-by-case basis.

C. McCall clarified that there would be an extra level of review by the board for those properties but that they would not be given special consideration.

K. Jenness noted that bullets 1, 3, and 4 under the “Lowell Historic Board” section describe locations that would require additional review by the Historic Board, while bullet #2 describes an outright prohibition of murals within the National Historical Landmarks Locks & Canals Historic District. K. Jenness suggested that bullet #2 be removed from the list and the language revised to improve the clarity of which locations trigger a review and which are just not allowed outright.

C. McCall explained that the way it is currently written is a typo.

K. Jenness said that otherwise she thinks the policy looks great and makes sense. She stated that it is smart, makes sense, is clear, and is encouraging murals within appropriate guidelines.

C. McCall stated that the City received feedback that the ordinance was so complicated that it would discourage murals. She explained that only the ordinance language is somewhat complicated, but the application itself will be much clearer.

A. Erickson expressed hesitation toward voting on the policy that night since there has not been enough time for a thorough review. She stated that she is representing the Historical Society and would

normally distribute a document like the mural policy to the rest of the society members for feedback. She also noted that the agenda was not properly posted for this meeting and feels that there needs to be more opportunity for public input.

C. McCall said that she can't speak to the posting of the agenda and stated that everyone who worked with the City on this policy was sent the Zoom link and invited to the meeting. She feels that public engagement efforts have been sufficient and also reiterated that there will be future opportunities for public input.

J. Harris asked for clarification that C. McCall was seeking the Board's endorsement for approval that night.

C. McCall said yes and elaborated that this policy will be voted on by the City Council. She does not know where this item will fall on their schedule, and that any direction from the Board would be helpful.

A. Erickson stated that she had not yet attended a Historic Board meeting where a policy such as this has been voted on. She said that this is a new draft and that she likes this draft a lot. She asked if the policy gets approved in its draft form and requested council on the standard process.

E. Slagle clarified that this would go before the City Council as an Action. He explained that this is not and adoption of new Historic Board guidelines and therefore is not a Historic Board enactment but rather will be enacted by the City Council. The Historic Board is only one of the several subcommittees reviewing this policy and providing comments. E. Slagle elaborated that the Board would not be taking a vote to change the bylaw, it would just be considered an action. The Board would be voting to approve sending this draft to City Council with an endorsement along the lines of "the Historic Board has reviewed this policy and are comfortable with the draft."

C. McCall stated that there would never be a mural erected without Historic Board approval.

R. Dei agreed with C. McCall.

J. Harris stated that the Board still has the ability to establish its own policy as has been discussed.

C. McCall confirmed.

A. Erickson asked if this policy covers both the City-wide regulations and the Historic Board regulations for murals, or if this is just the City-wide policy and the Historic Board would be responsible for developing "the other half" of the policy.

C. McCall clarified that this is an "umbrella" policy that provides a framework and baseline parameters. She explained that the Board can go into much more detail with their policy that would not go into the City-wide ordinance.

E. Slagle apologized for not realizing that there were two different mural policies and said he should have made it clear that this is the City-wide policy and not the Historic Board policy.

K. Jenness said that the regulations are to be determined by the Historic Board and stated that the purposed of the discussion is to provide the Historic Board with an opportunity to review the City-wide policy.

C. McCall said that the policy will go before another subcommittee on April 13 before going to the Law Department for review, and then finally being published. She stated that there will be further opportunity for community members (including members of the Historic Board) to comment and that there will be plenty of time to make minor tweaks to the policy language.

J. Harris said that from what he has read, the City has done a good job crafting the language. He stated that rather than prohibiting certain locations, the policy provides a path forward through Historic Board review.

K. Jenness asked if one of the areas (referring to the map) was prohibited would the policy be too restrictive. She expressed that she had concerns about it being too prohibitive and likes the new structure and heightened scrutiny by the board.

R. Lockart asked if C. McCall could provide an overview of the differences between the original proposal and the changes being discussed that night.

C. McCall explained that the original mural policy language prohibited murals in all residential neighborhoods. It was found that many parks are located in residential areas and would be desirable areas for murals so that language was modified. She stated that language about the content of murals had been strengthened and given careful consideration as it relates to the first amendment and freedom of speech. This involved coordination with the Lowell Cultural Council so that the City would not become the arbiter of art. C. McCall stated that requirements for information on artist's qualifications had been added and that the Appeals section had been altered. She clarified that the Historic Board will have its own Appeal process. She said that a section had been added for fees and that the City wanted it to be clear that the Historic Board has a separate application fee. She stated that there will be no fee to apply, only fees incurred for City services which the Artist would be responsible for. C. McCall reiterated that gatehouses, canals, and locks would all be prohibited and that projects drawing on nationally and locally significant federal or state rehabilitation monies has to come before the Historic Board for review.

J. Harris stated that he was still unclear about prohibitions related to historic sites and asked what is meant by "historic mill structures."

C. McCall clarified that this language refers to the rehabilitated historic mill buildings downtown. She provided the example of Loft 27 which does not face the street, but would not be an appropriate location for a mural given its historical significance.

J. Harris asked if prohibiting tax credit projects in the NHL district would eliminate too many sites.

C. McCall clarified which properties would be prohibited.

J. Harris asked if historic mill structures could be mapped. He stated that it is a little confusing as to what would not be allowed vs. what would need review and that the language needs to be tightened up.

J. Wilde asked if any of the buildings are not brick.

C. McCall said yes.

A. Erickson asked if temporary installations would be allowed.

C. McCall stated that if the Historic Board has a regulation relating to temporary installations, it would not be superseded by the City-wide policy.

A. Erickson requested confirmation that in this policy a mural is considered paint on a wall surface and that a separate artwork adhered to a wall would not be considered a mural.

C. McCall confirmed that is correct.

E. Slagle noted the definition of historic mill structures is unclear and suggested that the Historic Board work toward an amendment that would explicitly state which mills would fall into the prohibited category.

J. Harris agreed that the definition could be further refined and wants to ensure that there isn't any contradictory language.

K. Jenness noted that if a location is prohibited all together the proposal should not come before the Board. She said that ideally the City would have one policy that would cover everything but she understands the time constraints and agreed with the approach to develop a more detailed Historic Board policy.

E. Slagle mentioned that there is a known quantity of historic mill properties within the Historic District and that a list of these exists but may not be immediately available (at that night's board meeting.)

J. Harris asked if there would be time to tweak the language of this policy if the board voted to endorse it that night.

A. Erickson stated that now half of the policy (the half specific to Historic Board review) is missing.

C. McCall suggested that a sentence be removed to ensure that every project comes before the Board. She stated that the Board has the right to deny applications outright even without a mural policy.

J. Harris asked what the anticipated timeline is.

A. Erickson stated that she wants to make sure the public can weigh in on the Historic Board's policy.

C. McCall asked if the Board would like to leave in the language about prohibited structures as it is.

K. Jenness stated that she felt it should be left in and said that the Law Department will make sure the language is specific.

Several other Board members expressed agreement.

E Slagle acknowledged that he has a draft of the Historic Board's mural policy from S. Stowell and that he can review it over the next month.

K. Jenness stated that it needs a lot of work and more review.

A. Erickson agreed.

J. Harris stated that there has been no formal discussion about a second draft yet and suggested adding it to the agenda for the next Historic Board meeting.

Motion:

G. Villaras motioned, and R. Lockhart seconded the motion to approve Historic Board endorsement of the proposed Mural Policy as submitted to the Board. The motion passed unanimously, (5-0).

**Minutes for Approval:**

None

**Announcements**

None

**Adjournment**

A. Erickson motioned, and R. Lockhart seconded the motion to adjourn. The motion passed unanimously, (5-0). The time was 7:00 PM.