



**MENDON  
HISTORICAL  
COMMISSION**

20 Main Street  
Mendon, MA 01756  
historical@mendon.gov

Wayne Wagner, Chairman  
Jane Lowell  
Kathleen Schofield  
Ellen Wagner  
Tony Willoughby

|              |                          |
|--------------|--------------------------|
| Meeting Date | September 10, 2012       |
| Location     | Mendon Town Hall         |
| Status       | Approved October 2, 2012 |

## Present

Wayne Wagner, Kathleen Schofield, Jane Lowell, Ellen Wagner, Tony Willoughby

## 7:02 Call to Order

Chairman Wagner called the meeting to order.

## 7:05 Housing Authority Barn

Police Chief Ernest Horn joined the meeting.

The Housing Authority Barn was razed on August 15, 2012. T. Willoughby presented the Commission with a draft report. The report described the circumstances of the demolition.

There was a discussion of the events of August 15 and how they related to the Demolition Delay By-law. In the course of the discussion, Chief Horn took on several action items.

**Action Item** ⇒ Chief Horn to determine if the fire department photographed the barn when they responded.

**Action Item** ⇒ Chief Horn to review the by-law and suggest possible amendments to it.

**Action Item** ⇒ Chief Horn to look into building department procedures.

At this point, Police Chief Horn left the meeting.

W. Wagner is concerned that there may be a conflict between the by-law and Massachusetts General laws. He believes we need a definitive decision. He'd like to discuss this with the Board of Selectmen and ask Town Council for an opinion.

J. Lowell made a motion to accept the report. The motion was seconded by E. Wagner and passed unanimously.

**Action Item** ⇒ T. Willoughby to write a cover letter for the report and deliver them to the office of the Board of Selectmen.

### **8:00 Planning Board Meeting**

The Commission moved downstairs to attend the Planning Board Meeting.

Commission discussed the upcoming meeting with the Planning Board (for discussion of 34 George Street). Different options for preserving the house were discussed.

### **8:30 Motion to Adjourn**

J. Lowell made a motion to adjourn the meeting. It was seconded by T. Willoughby. The motion passed unanimously.

The cover letter and report discussed at this meeting are below.

September 12, 2012  
Mendon Board of Selectmen  
20 Main Street  
Mendon, MA 01756

Gentlemen,

The Housing Authority Barn was razed on August 15, 2012. During the August 20 meeting of the Board of Selectmen, I was asked several questions about the razing. I provided what little information I knew at the time and I agreed to provide more information after the next Historical Commission meeting. The Historical Commission meet on September 10, 2012. All members were present and they unanimously approved the attached report. I urge you all to read the entire report. I would like to highlight some points.

- On June 7, 2012 the town paid \$3,600 (from the Community Preservation Administrative Account) to the architectural firm Chenot and Associates to determine the cost of fixing the roof of the barn.
- On June 26, 2012 a Special Town Meeting voted to approve the spending of \$16,000 from CPA funds to “shore up” the roof. This would allow the Historical Commission time to find grants to complete the project (refurbish the entire barn). This money was not spent and will be returned to the CPA fund.
- The circumstances surrounding the demolition of the barn are disturbing. The town Building Inspector violated the town’s Demolition Delay By-law in three (3) distinct ways:
  1. The Building Inspector made no attempt to contact any member of the Historical Commission to schedule an onsite inspection.
  2. No document that describes the “findings and reasons requiring an emergency demolition” has been forwarded to the Historical Commission.
  3. The Building Inspector made no attempt to inform Chairman Wagner of “his intention to allow demolition”.
- The Building Department issued an old version of the demolition permit form (that pre-dated the Demolition Delay By-law and only required sign off from the Building Inspector). When the by-law was enacted the Historical Commission worked with the Building Department to draft a new form. This new form required the sign off of the Historical Commission and has been used many times. It was not used in this case.

The Historical Commission is very concerned about this by-law violation and would like to work with the Board of Selectmen to insure that this is not seen as a precedent.

Sincerely yours,

Tony Willoughby  
Mendon Historical Commission, Recording Secretary

September 12, 2012

## **Report on the Demolition of the Housing Authority Barn**

The building commonly known as the "Housing Authority Barn" stood on 1 Maple Street Extension, behind the post office. Mendon tax records indicate that it was built in 1831, 181 years ago. The barn was razed on August 15, 2012. This report describes the circumstances of the demolition.

The barn was most likely built by J. R. Wheelock. In 1863 the brothers George, Nathan R. and Julius purchased the house and barn. The well-to-do Georges were lawyers, boot manufacturers, gentlemen farmers and bottlers of carbonated spring water ("Misquot Springwater"). The barn was part of the Mendon Center Historic District and was on the National Register of Historic Places. It provided a good example of historical building techniques. It was a simple drive-through barn with a raised center and three well-crafted horse stalls as well as another stall used for other livestock (probably a cow). Phillip Warbasse, an architect with Chenot And Associates described the first floor as a "jewel" and stated that the barn was well worth preserving.

The Mendon Housing Authority has owned the barn since 1965. In late 2009 a member of the Housing Authority approached a member of the Historical Commission. They discussed the fact that the barn roof was leaking and the Housing Authority was considering renovating the barn or replacing it. In February 2010, a member of the Historical Commission attended a meeting of the Housing Authority. At the meeting the possibility of applying for Community Preservation Act (CPA) funds was discussed, because the housing authority is one of the categories for which CPA funds can be used. After the meeting, The Historical Commission followed up with an email that described other possible sources of funds. The Historical Commission was not involved with the barn again for nearly two years.

By October 2011 the Historical Commission was concerned that the barn was deteriorating and the Housing Authority had apparently done nothing to repair it. In February 2012 the Historical Commission was given written permission by Pat Morrill of the Massachusetts Housing Authority to restore the barn. The Historical Commission decided to apply for CPC funds (in the "historic preservation" category instead of "housing authority").

On June 7, 2012 the Community Preservation Committee (CPC) unanimously approved a motion to transfer \$3,900 from the Community Preservation Administrative Account to do an assessment to determine the cost of fixing the roof on the Mendon Housing Authority Barn. On June 14, 2012 a contract with Chenot And Associates to do the assessment was approved by the Mendon Board of Selectmen. On July 2, 2012 the town paid Chenot \$3,600 for the assessment. The final cost was \$300 less than the amount approved by the CPC.

Mr. Warbasse presented the Historical Commission with the results of his assessment on June 19, 2012. He proposed two options:

Option 1: Minimal stabilization of the roof structure. This option would arrest further deformation of the structure pending a decision and funding to undertake remedial preservation work described in Option 2. The cost of this work was estimated to be between \$12,000 and \$16,000.

Option 2: Structural and exterior repairs. This option considered replacement of deteriorated post and beam structural components with contemporary materials; replacement of deformed siding on the west (front) face; replacement of all roofing materials. The cost of this work was estimated to be between \$75,000 and \$90,000.

The Historical Commission decided to implement Option 1. Our intent was to spend as little as possible to stabilize the barn. This would buy time while funding (grants) was sought to complete the repairs.

On June 26, 2012, at a special town meeting, the town approved the use of \$16,000.00 from CPC funds to implement Option 1. By this time, Mr. Warbasse had already photographed the interior and exterior of the barn. Once the funds were approved he began planning the project.

Pat Morrill, Director of the Milford Housing Authority, stated how she learned of the problems with the barn. She explained that a piece of the barn fell on the ground. A second piece fell and was hanging on the power line that supplies the barn. She called National Grid on August 14. When National Grid arrived, the fire department happened to be on a call on Maple Street. Some firemen accompanied National Grid to the site. The firemen were very concerned about the safety of the barn and contacted the Building Inspector and the Housing Authority. Later, the Building Inspector contacted Ms. Morrill and told her, among other things, that the Historical Commis-

sion had been informed of the planned demolition (note: this was not the case). The fire department were so concerned about the safety of the barn that they ordered the Housing Authority to have someone physically present to insure public safety. Ms. Morrill had a Housing Authority employee onsite overnight. The cost of paying for 24 hour supervision is what drove Ms. Morrill to act so quickly. On the same date Ms. Morrill obtained two bids for the demolition and selected the lowest priced bid. On the day of the demolition, Ms. Morrill informed the fire department and Town Hall when the demolition would commence. She delayed the demolition 45 minutes beyond that time in the hope that the fire or police department would have someone on site.

Also on August 14, 2012 Building Inspector Thomas Hackenson spoke with Historical Commission member Jane Lowell at Mrs. Lowell's home. Mr. Hackenson informed Mrs. Lowell that the barn's roof had shifted and expressed concerns about the electrical wires. Mrs. Lowell responded that she would contact the architect to look at the barn and see if it could be stabilized as planned. Mr. Hackenson acknowledged this and left. Mrs. Lowell states that at no time was the historical nature of the barn or demolition discussed. After the barn was razed, Mr. Warbasse studied photos of the shifted roof and stated that the project could have proceed as planned.

On August 15, 2012 a demolition permit application for the barn was received by the Mendon Building Department. The "Approved by:" line was signed "Thomas Hackenson" by Administrative Assistant Gail Wellman and she initialed the signature. The Barn was razed on the morning of August 15, 2012. Coincidentally, the Historical Commission had planned to meet with Mr. Warbasse at the barn at noon on the 15th. Three members of the Commission and the architect were onsite within an hour of the barn coming down.

Mendon has a Demolition Delay By-law. This bylaw defines how demolition permits are issued in Mendon. The process includes sign-off by the Historical Commission. The by-law does provide for emergency demolitions. It defines a process that must be followed for emergency demolitions. After the by-law was adopted, the Historical Commission worked with the Building Department to design a new demolition permit application. Among other changes, it includes a signature line for the Historical Commission. This new form, which has been used several times since the by-law was enacted, was not used. Instead, the old (pre-Demolition Delay By-law) form was used. This obsolete form only required the signature of the Building Inspector. Section 6 of the by-law describes the process by which the Building Inspector can order emergency demolition of a building:

#### Section 6. Emergency Demolition.

Notwithstanding the above provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector and a member of the Commission shall inspect the building. The Building Inspector shall document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No member of the Historical Commission was made aware of the planned razing of the barn. The by-law was violated by the Building Inspector in three (3) distinct ways:

1. The Building Inspector made no attempt to contact any member of the Historical Commission to schedule an onsite inspection.
2. No document that describes the "findings and reasons requiring an emergency demolition" has been forwarded to the Historical Commission.
3. The Building Inspector made no attempt to inform Chairman Wagner of "his intention to allow demolition". Chairman Wagner stated there were no visits, emails, voicemails or phone calls from the Building Department or the Building Inspector.

Had the Historical Commission known of the plans to raze the barn, they could have been onsite to take part in the decision. The Historical Commission had a right to participate in this decision. The fact that three members and the architect were onsite within an hour is evidence of the Commission's ability to react quickly. The Building Inspector's actions in this case, his violation of a town by-law, stripped the Historical Commission of this right.

Respectfully submitted,

Wayne Wagner, Chairman