



**LEGISLATION AND PRESERVATION TOOLS SUBCOMMITTEE
MEETING MINUTES**

Boston City Hall Boston, MA, 02201
Held virtually via Zoom

APRIL 10, 2024

Commissioners Present: Kenzie Bok, Alison Frazee, Amanda Zettel, Lynn Smiledge, Jean-Luc Pierite, Jesse Purvis for Council President Ruthzee Louijeune

Commissioners Absent: Rosanne Foley, Michael Creasey, Senator Mike Rush, Lydia Lowe, Mariama White-Hammond, Maureen Garceau, Arthur Jemison

Staff Present: Genesis Pimentel, Commemoration Commission Manager; Murray Miller, Director of Historic Preservation; Chelsea Blanchard, Joe Cornish, Director of Design Review

Public: Alison Pultinas, Jun Lee

A full recording of the meeting is available on boston.gov/commemoration-commission

SESSION BEGINS - 1:00 PM

I. WELCOME

- a. Commemoration Commission Manager Genesis Pimentel welcomed attendees.

II. ORDER OF BUSINESS

- a. Meeting minutes were approved by present members.

III. ARTICLE 80 BPDA UPDATE

- a. Genesis Pimentel shared that she connected with Kevin Crossley of the BPDA, and he shared a number of materials about Article 80. She let the Commissioners know Crossley asked for a write up on Article 85, its issues, how Article 80 is connected to it, and more. She presented the [BPDA's Article 80 Story Map](#). She mentioned that the timeline states it would release an Action Plan in July. She also showed the [Squares and Streets Zoning District Timeline](#) and how it is slated to be implemented at the end of April.
- b. Chair Alison Frazee commented that it seemed the BPDA was having focus groups that did not include members of the historic preservation community. She raised the question of whether the Article 80 Steering Committee had met with anyone in the preservation community, not including the Office of Historic



Preservation. No one in the meeting answered in the affirmative. Frazee stated that she finds this lack of engagement from the BPDA with the preservation community on Article 80 unacceptable. She stated that the preservation community deserves a focus group and more transparency on what the BPDA plans to do. She noted that the Article 80 Timeline moves directly into an Implementation phase and she would like to know where the public engagement process is prior to that.

- c. Discussion on Zoning Amendments for Plan Downtown Meeting
 - i. Chair Frazee would like someone who deals with Article 80 to come speak with this subcommittee.
 - ii. Chelsea Blanchard discussed how sometimes Downtown building projects do not always trigger Article 80.
 - iii. Chair Frazee discussed how the threshold for Article 80 is being lowered to 20,000 feet and that there is a proposal for a historic character study for Downtown, but it is unclear if that is a suggestion for how development should work. Blanchard stated that it is not a full historic survey of Downtown as was requested.
 - iv. Murray Miller clarified that consultants would be involved. He stated that there was discussion on the appropriate level of study of baselines conditions. He noted that there is significant pushback on doing a full-fledged historic resource survey, so he suggested a preservation-based character appraisal to inform recommendations on appropriate zoning and height because it is necessary to inform decisions.
 1. Chair Frazee responded that she agreed with its necessity but based on how the information was presented, it seemed that the survey would not be done until the zoning changes were already approved and thus would not influence zoning decisions.
 2. Murray stated he was told that there is a schedule that prevents those working on Article 80 from doing things in an appropriate order, but he believes that another 6 months to implement the study could help align zoning and preservation in Downtown better.
 3. [\[Public Comment A\]](#)
- d. Commissioner Kenzie Bok stated that Nupoor Monani of the BPDA would be attending this subcommittee's May meeting as long as there are no scheduling conflicts. She also stated that the Article 80 Team is going to do another round



of stakeholder outreach, so Commissioner Bok asked about the inclusion of preservation community leaders.

- e. Commissioner Jean-Luc Pierite recommended the creation of a flowchart to understand upcoming points of intervention and where to be most effective.
- f. Chair Frazee mentioned that at this meeting, there was discussion of some aspects of the Midtown Cultural District being placed into Article 85, which she would like clarification on how and why they would add more language to Article 85.
 - i. Commissioner Pierite asked if the removal of the Cultural District was a rebrand and asked what the utility of removing a Cultural District would be. Chair Frazee was unsure. She stated her understanding was so that this could streamline zoning and reduce overlay districts while having historic overlay districts. Blanchard replied there are so few overlay districts anyway.
- g. Chair Frazee gave an update on Squares + Streets planning on doing cultural resource mapping including historic, cultural, character, and contributing resources with resident input on planning.

IV. ARTICLE 85 DIALOGUE

- a. Genesis Pimentel began the discussion by updating the subcommittee on the Article 85 Group that existed inside the City that was being spearheaded by Susan Cascino prior to her retirement. Cascino was working on a deconstruction ordinance for the Zero Waste Boston Initiative, and she knew that Article 85 would be crucial to deconstruction.
 - i. Chair Frazee added that Cascino was working on a pilot program encouraging demolition projects to do deconstruction instead. Frazee also added that MassDEP has a working group focused on deconstruction and salvage. The idea is to look at policies in other cities that work and adapt it to Boston, then present draft policy recommendations.
 - ii. Genesis Pimentel stated that there is a need to identify City partners willing to work with this subcommittee on Article 85 as a deconstruction and climate change tool. She added that [Chapter 772](#) includes that BLC Staff shall determine if a building is significant using the Landmarks Commission Comprehensive Preservation Survey, which does not currently exist. Outside of demo delay not being sufficient, Pimentel stated, the BLC finds it much more difficult to determine significance in such a short time frame.



- b. There was a discussion of previous iterations of Article 85 groups in the BLC and in the BPDA that did not cross pollinate.
- c. Chair Frazee shared a document the Boston Preservation Alliance worked on for Article 85.
 - i. There was an agreement that short-term modifications to the existing Article 85 will be necessary as the more comprehensive changes to Article 85, with climate change and cultural/historic resource survey inclusions, will happen later. Commissioner Smiledge noted that BLC Commissioners recognize the futility of Article 85 in its current form.
- d. [\[Public Comment B\]](#)
 - i. Blanchard responded that there is some logic in asking applicants to have a real set of drawings prior to approving demolitions.
- e. Commission Pierite raised the concern that there needs to be genuine equity coming from the new angle of A85. He asked if there are perceived or real disparities when it comes to low-income communities and places stewarded by people of color or women.
 - i. Genesis Pimentel responded that she believes there is definite disparity based on the fact that there is a previous survey from the 70s that is incomplete means communities were left out intentionally. She added that extra research needs to be done when buildings are up for demolition in these communities. For that reason, she said, demolition delay is important for communities and people who want to save an important at-risk building because when people do not have money, they need time to research, to fundraise, to do the work to save the building. She added that the BPDA itself found that community members don't feel part of the BPDA process and because their usual engagement methods are ineffective in communities of color, residents realize a building was at-risk after it's gone, and that before you can achieve parity, you must overcorrect for the issue.
 - ii. Chelsea Blanchard added that a strong argument for clear disparity is the fact that the majority of historic districts are mainly whiter and wealthier neighborhoods, so an effective Article 85 won't give parity but it will be a critical tool for neighborhoods to do preservation. She finished by saying that we should be alarmed at how much we are losing in neighborhoods like East Boston, Roxbury, and West Roxbury.
 - iii. Joe Cornish stated that in addition to making Article 85 stronger, Boston needs to have more historic districts because demolition within local historic districts don't have to go through the Article 85 process and



instead through their district commissions, and that is why the Highland Park District has been such a win for Roxbury.

- f. Chair Frazee shared a document the BPA worked on.
 - i. She shared the idea of changing the phrase demolition delay since the goal is not delay but alternatives to demolition.
 - ii. Joe Cornish shared other towns in Massachusetts have done similar rebrands that have a genuine effect on their processes.
 - iii. Words like historic preservation ordinance are controversial but words like rehabilitation review or reuse review might work well.
 - iv. She also shared the issue with proponents presenting historic resources and alternatives to demolition poorly. Commissioner Smiledge noted that proponents are not historians, so their research is not often thorough and many times they are trying to argue that the building is not historic.
 - v. Does staff have the bandwidth to present the history and significance in an A85 process?
 1. Chelsea Blanchard said that staff can and has done it before, but they are only given 10 days to do so.
 2. Joe Cornish stated that it is hard to find realistic alternatives to demolition through these processes because sometimes the alternative they're given is just "we're not going to demolish," which does not clarify what they *will* do.
 - vi. Chair Frazee stated that if the demolition delay is extended to 2 years, then people would be compelled to find acceptable alternatives and could be approved right away when they have them. She noted that some of this work has to be done in Article 80, meaning when one files a PNF, they will need to include alternatives to demolition for all buildings from an environmental, affordability, and historic preservation standpoint.
 - vii. Commissioner Amanda Zettel brought up taking inspiration from Section 106 Review for establishing historical significance since 106 Form B requires research and would document the building for the preservation community.
 - viii. [[Public Comment C](#)]
 1. Blanchard agreed that something like the CARES tool should be used by the applicant, and Chair Frazee discussed that CARES should be part of Article 80 for all projects.
 - ix. Commissioner Bok noted it might be useful to provide 10 tools that are useful to evaluate the history of a site.



1. Chair Frazee noted that the BLC has some resources but there could be a video guide.

V. OPEN DISCUSSION

- a. Commissioner Pierite commented that hearing how skewed the process is where burden is being placed on community organizations, he wants to interrogate what is the overall vision when looking towards Boston's 400th anniversary.
 - i. Chair Frazee said that the BPA always says they are not there to stop change but mitigate effects and promote thoughtful design, but that the Commission will have to ponder what the long term goals are.
- b. Commissioner Zettel added to Pierite's point asking: "What do we want? What do we want this to look like? Who do we want to be at Boston 400 and beyond?" She reiterated that deconstruction belongs with Article 80. She expressed concern that the affordability crisis is tied up in how developers change environments.
 - i. Chair Frazee said it's directly related to naturally occurring affordable housing because when something like that gets torn down, what replaces it is always more expensive.
 - ii. Chelsea Blanchard also discussed how what she reviews for Article 85 will often build things right below the threshold of being required to offer affordable housing units.
- c. Murray Miller commented about his Vision for Historic Preservation presentation because he thinks that it will be important to consider how to align preservation objectives with other initiatives. He stated that considering Article 85 a preservation tool instead of a climate action tool will render it ineffective.

VI. PUBLIC COMMENT

- a. Alison Pultinas asked whether the Office of Historic Preservation would be moving to the new Planning Department and that if it were, there would be much more focus on preservation in planning for neighborhoods.
 - i. Murray Miller responded that there are a number of options with pros and cons currently being discussed with no final decisions.
 - ii. Chair Frazee asked if it would be appropriate for the Commission to make a recommendation. Murray Miller stated his belief that the recommendation comes from the fifth floor.
 - iii. Commissioner Lynn Smiledge responded that it would be perfectly appropriate for the Commemoration Commission to recommend the OHP to move to the new Planning Department, given the mandate to recommend improvements to the Mayor and relevant departments.



- b. Alison Pultinas raised the issue that the timing of when Article 85 occurs has to change. Article 85 has to happen in the prefile before the Zoning Board and community process. That may be more significant than the delay. She states that Article 85 feels doomed because everything precedes it.
- c. Alison Pultinas commented that she was thinking about the environmental cost of demolition in respect to the idea of combining Article 85 into Article 80 because assessed carbon value, unique qualities of stone work could be part of the application. She commented that Article 85 might not work as a one size fits all policy and instead have categories for project or parcel sizes to have specific evaluation metrics and better climate change tools.

VII. ADJOURNMENT - 3:04 PM

- a. Chair Alison Frazee made a motion to adjourn the meeting.
- b. Commissioner Lynn Smiledge seconded.