



**LEGISLATION AND PRESERVATION TOOLS SUBCOMMITTEE  
MEETING MINUTES**

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

**AUGUST 13, 2024**

**Commissioners Present:** Amanda Zettel, Jean-Luc Pierite, Lynn Smiledge, Alison Frazee, Chelsea Blanchard

**Commissioners Absent:** Michael Creasey, Chief of EEOS Cabinet, Senator Mike Rush, Kenzie Bok, Margaret Dyson, Rebecca Tomasovic, Jean Luc Pierite, Cyerrah Walker, Lydia Lowe

**Staff Present:** Genesis Pimentel, Commemoration Commission Manager

Public: Alison Pultinas, Frank O'Brien

Press: Alison Pultinas

A full recording of the meeting is available on [boston.gov/commemoration-commission](https://boston.gov/commemoration-commission)

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**SESSION BEGINS - 2:00 PM**

**I. WELCOME**

- a. Commemoration Commission Manager Genesis Pimentel welcomed attendees.

**II. ORDER OF BUSINESS**

**a. APPROVAL OF MEETING MINUTES**

**b. COMMEMORATION COMMISSION DEBRIEF**

- c. Meeting minutes approval was held off until the September meeting.
- d. Discussion Summary with main ideas
- e. Chair Alison Frazee discussed that the Progress Report has to emphasize the need for funding across all subcommittees, and that this subcommittee needs dedicated funding for its goals.
- f. Action Item: Come up with studies, their scope, who should undertake them, and the costs (AF, AZ, LS)
  - i. Concerns: Will be met with resistance due to older surveys and whether the process will be through OHP or MHC
  - ii. Next Steps: Narrow down topics the studies should look at and put out an RFP, ask for a dedicated project manager/staff person to walk through vision and recommendations, and figure out a monetary ask, figure out if



working with MHC is a legal requirement or if something like cultural mapping can be accomplished (AF, AZ, LS).

- iii. Timeframe: TBD
- g. Chair Frazee stated that a study might cost \$50-100,00 or more. She also discussed how developers target larger lots with older buildings to demolish, so an assessment of where those larger lots are and what buildings sit on them could help with proactive advocacy and collaboration with advocacy groups working on reducing tree canopy loss and reducing adverse effects of heat. She also discussed combining efforts with other departments doing studies that would aid this subcommittee.
- h. [Public Comment A](#)
  - i. Genesis Pimentel stated that she could reach out to the project manager to see if there are any historic preservation considerations or if there are any proposals that highlight historic preservation.

### III. ARTICLE 80/85 LETTER

- a. Chair Frazee transitioned the conversation towards discussing Article 80 reform.
- b. Commissioner Lynn Smiledge asked who on the Article 80 Steering Committee represents a historic preservation voice. Chair Frazee stated that the seats mostly represent developers, and she does not know of anyone who does and that she wrote a letter to the Mayor asking for a preservation seat, which did not come to fruition.
- c. Action Item: Commissioner Lynn Smiledge stated that the Commission should recommend the Planning Department create a position for a preservation person. Chair Frazee stated that she would love a Cultural Resource Manager role potentially in the Office of Historic Preservation.
  - i. Next Steps: Put these recommendations into an official letter or memo with the subcommittee's recommendations and goals.
  - ii. Timeframe: TBD
- d. Commissioner Smiledge asked about the Boston Landmarks Commission's move to the Planning Department, to which Pimentel responded that this is not currently in the plans.
- e. Genesis Pimentel gave an update on the hiring process for the Director of Historic Preservation and the Executive Director of the Landmarks Commission and the new role that the department is developing.
- f. Chair Frazee discussed that Article 80 currently provides no good opportunity to engage Article 85 earlier since many decisions are made prior to A85. She continued that Article 85 should not be limited by buildings that are 50 years old



and that every building should be reviewed to see if they are viable for reuse and then reviewed for historic preservation and climate action, and that Article 80 should require embodied carbon, demolition, waste salvage analysis.

- i. Key Questions: How would this analysis be required? What tools are available for these analyses? What tools would need to be created?
- g. Commissioner Chelsea Blanchard commented that the Planning Department, formerly the BPDA, is not good at enforcing that the historic resources portion of PNFs are completed, but that there is movement towards a new process. She discussed how the Office of Historic Preservation was told that it can no longer ask for ZBA applications to be completed. She expressed that this was a loss because Article 85 comes into the process too late even though it is meant to avoid vacant lots, and that now she will have to make judgements on demolitions without having a project in place to replace it.
- h. [Public Comment B](#)
  - i. Commissioner Smiledge responded that the lawyers assigned to work with OHP are not informed on historic preservation and are working to avoid lawsuits.
  - ii. Commissioner Blanchard said that without developers having to go through Article 80 first, the discussion around historic resources might come up sooner.
  - iii. Commissioner Zettel asked if that means the BLC might review additions before ZBA, to which Commissioner Blanchard replied she did not think so.
- i. Chair Frazee stated that this situation is all the more reason to add these ideas into the Article 80 regulatory processes and to rethink Article 85.
- j. Multiple commissioners commented on how ineffective Article 85 has been in saving buildings, and most buildings saved are not through Article 85 but through landmarking.
- k. Discussions around what the subcommittee wants Article 85 to accomplish took place. These ideas include extending the Article 85 delay, making sure demolition is disincentivized, budgeting for a citywide survey and budgeting for its updating every 5-10 years, and then removing Article 85 and replacing it with something more effective, and to build preservation into Article 80.
- l. Chair Frazee asked about MHC, and Commissioner Blanchard responded that it would depend on who funded the project while Commissioner Smiledge responded that this would have to go through MACRIS at some point.



- m. Chair Frazee also discussed how if the ultimate goal for Article 80 is to have an assessment of the overall impact of a project proposal, it is easier if that information can be found in one place.
- n. Discussions around using existing data and mapping and adding missing information would be easier than starting from scratch.
- o. [Public Comment C](#)
- p. Action Item: A small group of people get together to write up something to present to the Chief about Article 80 and 85
  - i. Next Steps: Genesis Pimentel will set that meeting up.
  - ii. Considerations: People can provide comments during earlier meetings, there is a political component, and it is more high level thinking currently
  - iii. Timeframe: Ahead of October meeting
- q. Commissioner Blanchard was told there was no appetite for new historic districts, but she knows that residents do want to protect their neighborhoods.
  - i. Chair Frazee got the same impression from the City, and that there needs to be some rebranding around historic districts. She noted that people want historic districts to protect their neighborhoods because of development, and that if that can be solved through Article 80, that might alleviate desire for historic districts.

#### IV. PUBLIC COMMENT

- a. Alison Pultinas discussed the Planning Department's RFP around land use and how the scope is large and the topic is undefined, but it could be useful for this subcommittee.
- b. Frank O'Brien discussed how the Hyde Park Historical Society and other organizations ask for positions to follow the rules for parks, wetlands, or historic preservation regulations and a proactive developer will use their attorney to say that the City doesn't have the right to enforce its legislation and City attorneys will concede instead of enforcing the legislation or upholding its interpretation, but that the lawyer's interpretation of Article 85 is not law.
- c. Frank O'Brien discussed community organizations meeting with Chief Swett about a Fenway proposal, and a question that arose is how does review from Parks fit with overall review from Article 85. O'Brien stated that Chief Swett stated that there is a reason for the sequence even though there are deficiencies, and that we need to advocate to Chief Swett to have meaningful consideration at the earliest possible part of the process and to have that written in the legislation and be part of the City's culture.



**V. ADJOURNMENT - 3:26 PM**

- a. The meeting was adjourned.

DRAFT