

## Mark Purple

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**From:** Brian Shea  
**Sent:** Monday, June 11, 2018 11:51 AM  
**To:** Mark Purple  
**Subject:** FW: Appointment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Brian Shea, Selectman  
Town of Southborough

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**From:** Brian Shea [bshea1772@gmail.com]  
**Sent:** Monday, June 11, 2018 11:47 AM  
**To:** Brian Shea  
**Subject:** Fwd: Appointment

----- Forwarded message -----

**From:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Date:** Sat, May 26, 2018 at 9:35 AM  
**Subject:** Re: Appointment  
**To:** Brian Shea <[bshea1772@gmail.com](mailto:bshea1772@gmail.com)>

Thanks Brian, I will be there on the 7th.

Sent from my iPhone

> On May 26, 2018, at 9:29 AM, Brian Shea <[bshea1772@gmail.com](mailto:bshea1772@gmail.com)> wrote:

>

> Hi Bill. Just giving you a heads up that I whacked the hornets nest by stating my opposition to reappointing Weishan at our last meeting. I expect him to lash out - hopefully not too badly. Committee appointments will be made June 7. Brian

>

> Sent from my iPhone

## Mark Purple

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**From:** Brian Shea  
**Sent:** Monday, June 11, 2018 11:50 AM  
**To:** Mark Purple  
**Subject:** FW: Appointment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Brian Shea, Selectman  
Town of Southborough

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**From:** Brian Shea [bshea1772@gmail.com]  
**Sent:** Monday, June 11, 2018 11:46 AM  
**To:** Brian Shea  
**Subject:** Fwd: Appointment

----- Forwarded message -----

**From:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Date:** Sat, Jun 9, 2018 at 7:57 PM  
**Subject:** Re: Appointment  
**To:** Brian Shea <[bshea1772@gmail.com](mailto:bshea1772@gmail.com)>

Brian,

I wanted to thank you again for your support. I know that you will catch some grief from this as will other members of the Board. However, Weishan certainly continued to show his true colors and it was recorded for everyone to see. As I am sure you were, I was brought up with the understanding that you treat others as you would like to be treated. I take that to heart and clearly you do as well. Please thank the other board members for me. I truly believe that this is bigger than just his actions and the actions of your Board on this issue will certainly make others understand what is expected from elected and appointed officials which will have a very positive impact on our community.

Best regards,

Bill

Sent from my iPhone

> On May 26, 2018, at 9:29 AM, Brian Shea <[bshea1772@gmail.com](mailto:bshea1772@gmail.com)> wrote:

>

> Hi Bill. Just giving you a heads up that I whacked the hornets nest by stating my opposition to reappointing Weishan at our last meeting. I expect him to lash out - hopefully not too badly. Committee appointments will be made June 7. Brian

## Mark Purple

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**From:** Mark Purple  
**Sent:** Monday, June 11, 2018 10:43 AM  
**To:** 'Michael Weishan'  
**Cc:** historical; Kate Matison; Kate Battles; Joseph Hubley; Michael Weishan  
**Subject:** RE: open meeting document request for upcoming SHC meeting

Michael:

Thanks for your request. I will do a search through the Town's email, and try to provide you what I have that is responsive to your request within your requested timeframe.

Mark

**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

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**From:** Michael Weishan [mailto:michael.weishan@southboroughhistory.org]  
**Sent:** Sunday, June 10, 2018 11:12 PM  
**To:** Mark Purple <mpurple@southboroughma.com>  
**Cc:** historical <historical@southboroughma.com>; Kate Matison <kate.matison@live.com>; Kate Battles <katebattles19@gmail.com>; Joseph Hubley <joehubley@verizon.net>; Michael Weishan <mdw@michaelweishan.com>  
**Subject:** open meeting document request for upcoming SHC meeting

Dear Mark,

In preparation for the next meeting of the Southborough Historical Commission, *we require from you a complete detailing of any and all communications concerning Selectman Brian Shea's dealings with 28 Boston Post Road and Mr. William Poutre. This includes any and all communications received or sent by you or Mr. Shea in respect to this matter; as well as any communications you or he or any other BOS member may have had with any entity, board, commission, individual, corporation, or religious entity concerning this matter. This also includes any and all evidence introduced by William Poutre during the 7 June Selectman Meeting, while the SHC was in open session.*

**Please consider this an official request under the Open Meeting Law and under Section 8D of Massachusetts General Law, which reads in part:**

### ***HISTORICAL COMMISSION ESTABLISHMENT, POWER AND DUTIES***

*"The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section."*

We would appreciate your answer no later than Tuesday 12 June 2018. Please forward all this correspondence to Chairman Joseph Hubley, and cc'd to all of us.

Thank you.

Michael Welshán  
Member, Southborough Historical Commission.

## Mark Purple

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**From:** Mark Purple  
**Sent:** Monday, June 11, 2018 10:52 AM  
**To:** Board of Selectmen  
**Cc:** Vanessa Hale; Lori Esposito  
**Subject:** FW: open meeting document request for upcoming SHC meeting

Good morning.

See below from Mr. Weishan. I will do a review of the Southborough email accounts, but if you have anything else to add, please send it to me as soon as possible. You will note that there is no timeframe on the information being requested, but given the incident, it would have to be November 2016 to today.

Also, there were letters/emails that Mr. Poutre provided to the Board at our meeting last Thursday. They did not reach my end of the table, so I am hoping that one of you has them and can provide them to me either today or tomorrow. Since they were submitted, they are public documents and part of the meeting record.

Not sure where Historical is going with this. Appreciate the help. Thanks.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Michael Weishan [mailto:michael.weishan@southboroughhistory.org]  
**Sent:** Sunday, June 10, 2018 11:12 PM  
**To:** Mark Purple <mpurple@southboroughma.com>  
**Cc:** historical <historical@southboroughma.com>; Kate Matison <kate.matison@live.com>; Kate Battles <katebattles19@gmail.com>; Joseph Hubley <joehubley@verizon.net>; Michael Weishan <mdw@michaelweishan.com>  
**Subject:** open meeting document request for upcoming SHC meeting

Dear Mark,

In preparation for the next meeting of the Southborough Historical Commission, *we require from you a complete detailing of any and all communications concerning Selectman Brian Shea's dealings with 28 Boston Post Road and Mr. William Poutre. This includes any and all communications received or sent by you or Mr. Shea in respect to this matter; as well as any communications you or he or any other BOS member may have had with any entity, board, commission, individual, corporation, or religious entity concerning this matter. This also includes any and all evidence introduced by William Poutre during the 7 June Selectman Meeting, while the SHC was in open session.*

Please consider this an official request under the Open Meeting Law and under Section 8D of Massachusetts General Law, which reads in part:

***HISTORICAL COMMISSION ESTABLISHMENT, POWER AND DUTIES***

## Mark Purple

---

**From:** Mark Purple  
**Sent:** Monday, May 14, 2018 4:08 PM  
**To:** Lisa Braccio; Brian Shifrin  
**Cc:** Brian Shea  
**Subject:** FW: Commission member conduct  
**Attachments:** SKMBT\_22316111111540.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Lisa/Brian:

Good afternoon. Hope your meeting with CH this afternoon goes well. Looking forward to hearing the results.

Attached and below is some information that Brian Shea asked that I send you about a situation that occurred with a Historical Commission member before you came on the Board. You may already be aware of this through other means, but Brian wanted to make sure, given that annual appointments to boards and committees is upon us.

Any questions, feel free to reach out to either Brian or me.

Thanks.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Brian Shea  
**Sent:** Friday, November 11, 2016 12:07 PM  
**To:** Mark Purple <mpurple@southboroughma.com>  
**Subject:** Commission member conduct

Mark,

I wanted to follow up on some email correspondence that was shared with me last night regarding properties at 28 Boston Road, and St. Anne's Church. I don't have the emails electronically, but attached are scans of the correspondence shared with me.

Of note is the message from Michael Weishan addressed to Tom Bhisitkhul, parishioner and member of St. Anne's Finance Committee (and former ZBA member), and Paul Reuter, Deacon at St. Anne Parish. Please also note Deacon Paul's reaction to the email's "threatening tone".

Perhaps I am sensitive to this, based on my knowledge of the integrity of the individuals that Mr. Weishan directed his email towards, but I am of the opinion that the last email by Mr. Weishan is of an abrasive and threatening nature, and is completely out of line with correspondence that any Board or Committee member should send to anyone or any business/institution in Town. It is not the merits of the matter that Mr. Weishan addresses that concern me, rather, it is the intimidating tone he takes in his communication.

This was shared with me during a meeting I had with Tom, Deacon Paul, and Fr. Albert last night at St. Anne's. Deacon Paul and Fr. Albert are quite concerned about this, and question whether they need to involve legal help from the Diocese. I asked them to hold on that for now.

I followed up with Mr. Poutre this morning (an individual referenced in the emails), and he and I engaged in a lengthy discussion. The dealings Mr. Poutre relayed to me with the Historical Commission, and Mr. Weishan in particular, regarding the demolition delay issue at hand were difficult for me to believe. During my conversation with Mr. Poutre, he characterized his dealings with Mr. Weishan as "troubling", "appalling"; that he has been slandered, and that his (Mr. Weishan's) behavior is "over the top bad". Mr. Poutre indicated that he will forward me email correspondence between Mr. Weishan and him to document this.

Again, I may be biased in this, but please take a look and if you agree with my reaction towards this, feel free to share with the full Board. I will forward the other emails once received.

Brian

Brian Shea, Selectman  
Town of Southborough

Dear Deacon Paul,

Thank you so much for taking my call yesterday. Unfortunately I was driving when we spoke and unable to take notes, so I would like to just summarize what I understood from you yesterday to make sure this is your recollection as well:

From your account, Mr. Poitre approached St. Annes immediately after purchasing the property in May or June, and inquired whether the church was willing to sell a sliver of land that would allow for the separation of the existing structure onto a new 25,000 square foot lot. He informed you that he was planning a development on the land, which was going to happen regardless. Either he would demolish the house and build his development, or, if the Archdiocese of Worcester were willing to sell him a sliver of land, he could preserve the structure on the new lot and still do the development behind. As this seemed a reasonable proposition, and mindful of conserving the existing historical structure, this offer was forwarded on to the bishop, approved, and the 94 sq. feet of land was subsequently sold to Mr. Poitre.

My call to you yesterday was the first time you had heard of the potential demolition of the historic house at 28 Boston Road, and that the Church's motivation in selling the land was to accommodate both the new development as well as the existing structure.

If this seems correct, please simply reply to this email; otherwise feel free to amend or correct my recollection.

Thanks again.

**Cheers, Michael**

**Michael Weishan  
Member, Southborough Historical Commission**

On Nov 7, 2016, at 12:15 PM, Paul Reuter <[deaconpaul@stannesouthborough.org](mailto:deaconpaul@stannesouthborough.org)> wrote:

Paul

Mr. Weishan—good evening. By way of brief introduction, I am a parishioner at St. Anne Church and a member of the Parish Finance Committee, and in that capacity work closely with Deacon Paul and Fr. Albert on various parish matters. Deacon Paul forwarded your email (below) to me and other members of the Finance Committee, which I understand followed a telephone conversation with you earlier this week regarding the same subject.

Deacon Paul was happy to chat with you informally regarding the Parish's dealings with Mr. Poutre. However, as he mentioned to you during the conversation, he has reservations about providing you with an "official" position regarding the matters currently before the Historical Commission. Deacon Paul has conferred with me and other members of the Church Finance Committee on this subject, and we share his reluctance to have the Parish take any official position on those matters. We also have serious reservations about having details of our private dealings and communications with Mr. Poutre made part of the public record. We hope that you can understand these concerns and will respect the Church's posture in this regard.

I do feel the need to address an undercurrent in your email below, which seems to suggest (as, perhaps, your interpretation Deacon Paul's account), that Mr. Poutre may have acted in a dishonest manner with respect to the property at 28 Boston Road. That would be an unfortunate, and inaccurate, inference. Mr. Poutre and his family are longstanding and valued parishioners of St. Anne, who (like all parishioners) have a personal interest in the well-being of their church and have personal friendships and relationships with many others in the St. Anne faith community. In his dealings with the Church regarding the 28 Boston Road property, he has been extraordinarily fair and respectful, and has been forthright about his intentions. We would be very disappointed if any representation was made to the Historical Commission (or otherwise) that Mr. Poutre has acted in an unfair or deceptive manner with respect to the Church.

Again, I hope and trust that you will respect the Church's wishes and position on this subject, and in particular its desire not to become involved in the pending matters before the Commission. If you would like to discuss this matter further, please direct your communications to me. Thanks very much for your understanding and cooperation in this regard.

--Tom Bhisitkul

----- Forwarded message -----

From: **Michael Weishan** <[michael@michaelweishan.com](mailto:michael@michaelweishan.com)>

Date: Mon, Nov 7, 2016 at 1:52 PM

Subject: Re: 28 Boston Road

To: Paul Reuter <[deaconpaul@stannesouthborough.org](mailto:deaconpaul@stannesouthborough.org)>

Cc: historical <[historical@southboroughma.com](mailto:historical@southboroughma.com)>, Joseph Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>, Maria Romero Vagnini <[maria.vagnini01@gmail.com](mailto:maria.vagnini01@gmail.com)>, Rebecca Deans-Rowe <[rdeansrowe@gmail.com](mailto:rdeansrowe@gmail.com)>, Kate Mattison <[kate.mattison@live.com](mailto:kate.mattison@live.com)>, Amanda Martinot <[amandamartinot@gmail.com](mailto:amandamartinot@gmail.com)>, Mark Robidoux <[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)>

Dear Tom and Deacon Paul,

I am extremely disappointed to hear that you and the Parish Finance Committee have reservations about clarifying the sale of church land to Mr. Poutre, for as I mentioned to Deacon Paul, the optics of this appear *very* poor. Though only a tiny sliver of frontage, this transfer directly affects the historic fabric of Southborough and should have been made entirely transparent, especially as to a reasonable person this could easily appear to be an insider using inside information to thwart the zoning laws of Southborough. Is Saint Anne's in the habit of selling bits of itself for the benefit of its parishioners? And if so, who determines who receives this largesse? You are aware, are you not, that had you not sold the frontage to Mr. Poutre, and had he been unable to demonstrate that there was no other buyer for the property, there would have been no development, period, and the historic home and its original acreage would have remained intact? In my opinion, and I am speaking for myself personally as a member of the Commission, St. Anne's agreement to sell this parcel of land very much damages the historic nature of the neighborhood and is detrimental to the Town.

As for the credibility and intentions of Mr. Poutre, you should be aware that he directly lied to us not once but three times in his public presentation before the Commission, claiming that he had no plans for the property and was interested solely in the "future expansion needs of the St. Annes" — only to present an ANR to the planning board for development of the parcel less than a week later. Our chairman and I happened by chance to be at that meeting, and were shocked - to say the least - to see such a blatant example of misrepresentation. According to what Deacon Paul told me on the phone, one of the reasons for St. Annes selling the frontage to Mr. Poutre was in fact the parish's desire to preserve the historic building at 28 Boston Road. To my way of thinking, this brings St. Annes and your committee very much into the public record, for if Mr. Poutre did in fact make those representations to you, than he should be expected to abide by them. One of the basic tenets of our Demolition Delay By-Law is that the owner of an historic property seeking demolition make "*continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building.*"

"Bona fide" has certainly not been the case to date, and your unwillingness to clarify matters makes our task even harder.

I will be reading this email exchange in its entirety into the public record. There may or may not be members of the press present.

Michael Weishan  
Member, Southborough Historical Commission

HINCKLEY ALLEN <http://www.hinckleyallen.com/>

28 State Street<x-apple-data-detectors://0/0>

Boston, MA 02109-1775<x-apple-data-detectors://0/0>

p: 617-378-4110<tel:617-378-4110><tel:617-378-4110<tel:617-378-4110>> | f: 617-378-4111<tel:617-378-4111><tel:617-378-4111<tel:617-378-4111>>

TBhisitkul@hinckleyallen.com<mailto:TBhisitkul@hinckleyallen.com>

<mailto://TBhisitkul@hinckleyallen.com<mailto:TBhisitkul@hinckleyallen.com>>

On Nov 7, 2016, at 2:45 PM, Paul Reuter

<deaconpaul@stannesouthborough.org<mailto:deaconpaul@stannesouthborough.org>

<mailto:deaconpaul@stannesouthborough.org<mailto:deaconpaul@stannesouthborough.org>>> wrote:

Hi,

And here is the reply from Michael Weishan. He is disappointed and concerned with the "optics" of this deal.

Tom, is there any reasonable reply to this message below? I really don't like his threatening tone.

Thanks,

Paul

----- Forwarded message -----

From: Michael Weishan <michael@michaelweishan.com<mailto:michael@michaelweishan.com>  
<mailto:michael@michaelweishan.com<mailto:michael@michaelweishan.com>>>

Date: Mon, Nov 7, 2016 at 1:52 PM

Subject: Re: 28 Boston Road

To: Paul Reuter <deaconpaul@stannesouthborough.org<mailto:deaconpaul@stannesouthborough.org>  
<mailto:deaconpaul@stannesouthborough.org<mailto:deaconpaul@stannesouthborough.org>>>

Cc: historical <historical@southboroughma.com<mailto:historical@southboroughma.com>  
<mailto:historical@southboroughma.com<mailto:historical@southboroughma.com>>>, Joseph Huble  
<joehubley@verizon.net<mailto:joehubley@verizon.net>

<mailto:joehubley@verizon.net<mailto:joehubley@verizon.net>>>, Maria Romero Vagnini  
<maria.vagnini01@gmail.com<mailto:maria.vagnini01@gmail.com>

<mailto:maria.vagnini01@gmail.com<mailto:maria.vagnini01@gmail.com>>>, Rebecca Deans-Rowe  
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<mailto:rdeansrowe@gmail.com<mailto:rdeansrowe@gmail.com>>>, Kate Mattison  
<kate.matison@live.com<mailto:kate.matison@live.com>

<mailto:kate.matison@live.com<mailto:kate.matison@live.com>>>, Amanda Martinot  
<amandamartinot@gmail.com<mailto:amandamartinot@gmail.com>

<mailto:amandamartinot@gmail.com<mailto:amandamartinot@gmail.com>>>, Mark Robidoux  
<mrobidoux@southboroughma.com<mailto:mrobidoux@southboroughma.com>

<mailto:mrobidoux@southboroughma.com<mailto:mrobidoux@southboroughma.com>>>

Dear Tom and Deacon Paul,

I am extremely disappointed to hear that you and the Parish Finance Committee have reservations about clarifying the sale of church land to Mr. Poutre, for as I mentioned to Deacon Paul, the optics of this appear very poor. Though only a tiny sliver of frontage, this transfer directly affects the historic fabric of Southborough and should have been made entirely transparent, especially as to a reasonable person this could easily appear to be an insider using inside information to thwart the zoning laws of Southborough.

## Mark Purple

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**From:** Brian Shea  
**Sent:** Wednesday, July 5, 2017 10:16 AM  
**To:** Mark Purple  
**Subject:** RE: AHTFC meeting

I called Bill Poutre.

He is willing to attend the meeting next week, but cannot make it on the 11th. He can make it the 12th or 13th, and is also willing to take people to the house to show it to them.

I can make it on the 12th.

Brian

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Brian Shea, Selectman  
Town of Southborough

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**From:** Mark Purple  
**Sent:** Tuesday, July 04, 2017 9:25 AM  
**To:** Brian Shea  
**Subject:** RE: AHTFC meeting

Happy to call. Bonnie already filled me in on the reason. Sounds like Historical is out of options with the demo delay, so this is the next avenue. Not an easy decision for a number of reasons.

Enjoy the Fourth. Talk to you tomorrow.

Mark

*Sent from my Verizon 4G LTE Droid*

On Jul 4, 2017 8:43 AM, Brian Shea <bshea@southboroughma.com> wrote:  
Hi Mark,

Can you give me a call Wednesday morning? The meeting request might be related to a request from one of the Historical Commission members asked of me. Wanted to fill you in on that.

Brian

Brian Shea, Selectman  
Town of Southborough

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**From:** Mark Purple  
**Sent:** Monday, July 03, 2017 4:20 PM  
**To:** Daniel Kolenda; Brian Shea; Lisa Braccio; Bonnie Phaneuf; brian@shifrinlaw.com  
**Cc:** Vanessa Hale  
**Subject:** AHTFC meeting

Good afternoon.

Bonnie wanted me to poll the Committee to see if members would be available for a quick meeting on the morning of either July 11 or 12. Probably 8 or 8:30am.

Please let me know at your earliest convenience.

Thanks.

Mark

**Mark J. Purple**

**Town Administrator**

**Town of Southborough**

**P: 508-485-0710**

**F: 508-480-1061**

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## Mark Purple

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**From:** bonnymac@aol.com  
**Sent:** Wednesday, July 5, 2017 6:52 PM  
**To:** Mark Purple  
**Subject:** FYI

Sent to my home account.  
bonnie

-----Original Message-----

**From:** historical <historical@southboroughma.com>  
**To:** Bonnie Phaneuf <bonnymac@aol.com>  
**Sent:** Wed, Jul 5, 2017 9:03 am  
**Subject:** Fwd: Tonight

FYI

**Joseph Hubley, Chairman**  
**Southborough Historical Commission**

**This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited and may be the subject of legal action. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.**

Begin forwarded message:

**From:** Joe Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>  
**Date:** July 3, 2017 at 5:11:53 PM EDT  
**To:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Subject: Re: Tonight**

Hello Bill,

I appreciate your cooperation by allowing the commission to find funding, if available. After several inquiries, there does seem to be money available from the Affordable Housing Trust Fund (AHTF) and Town interest, if your price can be sustained. The first part of the process is a mandatory appraisal, which the AHTF will pay for. The AHTF Committee needs to meet asap, which the chair is currently arranging. We will try to get that appraisal arranged this week, but with the holiday tomorrow that will be tight. I will know more soon. Enjoy the 4th!

Thank you,

Joe

On Jun 30, 2017, at 4:28 PM, William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)> wrote:

Joe,

While I believe I have done more than required during the nine month delay period, I am willing to do more to show additional good faith.

I will delay my request for the signing of the demolition permit for 14 days from last night's meeting to allow the Town the opportunity to purchase my property located at 28 Boston Road. Although the house is currently listed for \$400,000, I have spoken to the listing broker and he will reduce his commission by \$10,000 and I will reduce my asking price by \$10,000. Therefore, the town can buy the property for \$380,000 by executing a mutually acceptable purchase and sale agreement within 14 days. If the town does not move forward, I will request the town to issue the demolition permit.

Regards,

Bill Poutre

Sent from my iPhone

On Jun 29, 2017, at 10:04 AM, Joe Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)> wrote:

---

Bill,

Aldo and mark will not be attending tonight. I'll see you tonight.

Joe

**Joseph Hubley**  
**508-922-6101 cell**  
[Joehubley@verizon.net](mailto:Joehubley@verizon.net)

Sent from iPhone

## Mark Purple

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**From:** Joe Hubley <joehubley@verizon.net>  
**Sent:** Monday, November 28, 2016 1:05 PM  
**To:** Mark Purple  
**Cc:** Brian Shea; John Rooney  
**Subject:** Re: Commission member conduct

**Follow Up Flag:** FollowUp  
**Flag Status:** Completed

Thanks Mark.

I'm available most evenings, but not this Thursday.

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Joe

**Joseph Hubley**  
**508-922-6101 cell**  
[Joehubley@verizon.net](mailto:Joehubley@verizon.net)

Sent from iPhone

On Nov 28, 2016, at 10:11 AM, Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)> wrote:

Joe:

Here is what Brian Shea originally sent me on 11/11, regarding the complaint, which he has authorized me to send to you. There are several more emails documenting the conversation between Mr. Poutre and Mr. Weishan, but I think this gives you a good basis for the issue.

I understand you have spoken with John Rooney about some additional information regarding this issue, and both John and Brian would like to meet with you to discuss this prior to any larger meeting. Please let me know what your availability would be for such a meeting this week.

Thanks.

Mark  
**Mark J. Purple**  
**Town Administrator**  
**Town of Southborough**  
**P: 508-485-0710**  
**F: 508-480-1061**

---

**From:** Brian Shea  
**Sent:** Friday, November 11, 2016 12:07 PM

To: Mark Purple <[mpurple@southboroughma.com](mailto:mpurple@southboroughma.com)>

Subject: Commission member conduct

Mark,

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Of note is the message from Michael Weishan addressed to Tom Bhisitkhul, parishioner and member of St. Anne's Finance Committee (and former ZBA member), and Paul Reuter, Deacon at St. Anne Parish. Please also note Deacon Paul's reaction to the email's "threatening tone".

Perhaps I am sensitive to this, based on my knowledge of the integrity of the individuals that Mr. Weishan directed his email towards, but I am of the opinion that the last email by Mr. Weishan is of an abrasive and threatening nature, and is completely out of line with correspondence that any Board or Committee member should send to anyone or any business/institution in Town. It is not the merits of the matter that Mr. Weishan addresses that concern me, rather, it is the intimidating tone he takes in his communication.

This was shared with me during a meeting I had with Tom, Deacon Paul, and Fr. Albert last night at St. Anne's. Deacon Paul and Fr. Albert are quite concerned about this, and question whether they need to involve legal help from the Diocese. I asked them to hold on that for now.

I followed up with Mr. Poutre this morning (an individual referenced in the emails), and he and I engaged in a lengthy discussion. The dealings Mr. Poutre relayed to me with the Historical Commission, and Mr. Weishan in particular, regarding the demolition delay issue at hand were difficult for me to believe. During my conversation with Mr. Poutre, he characterized his dealings with Mr. Weishan as "troubling", "appalling"; that he has been slandered, and that his (Mr. Weishan's) behavior is "over the top bad". Mr. Poutre indicated that he will forward me email correspondence between Mr. Weishan and him to document this.

Again, I may be biased in this, but please take a look and if you agree with my reaction towards this, feel free to share with the full Board. I will forward the other emails once received.

Brian

## Mark Purple

---

**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:53 PM  
**To:** Mark Purple  
**Subject:** Fw: St Anne Church and 28 Boston Road

other emails referenced will follow separately  
Brian

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:11 PM  
**Subject:** Re: St Anne Church and 28 Boston Road

Brian,

Thank you for taking the time to speak regarding my interactions with the Historical Commission and it's members. As discussed, I am very troubled by the way I have been treated by the Historical Commission and even more troubled by the way Mr. Weismann has defamed me in the community. In addition to his slander, he has participated in tortious interference involving The Roman Catholic Bishop of Worcester. His actions have troubled the church and St. Anne's parish and I do not believe members in the town should be treated in such a way by a member of our town government.

My goal is to come to a swift friendly conclusion and to make sure that nobody is ever treated the way I have been treated by the Historical Commission. Per your suggestion, I will be forwarding documents outlining my interaction with the Commission. There are many details which I don't believe we need to get into at this point so that we can focus on the real issues.

I will forward a copy of the draft meeting minutes and my response to those minutes. I will also send you a copy of the far reaching action plan which clearly exceeds the authority of the Commission. As you will find out, the Commission reached out to Aldo after the meeting to help in the determination of the age of the structure. This alone is not allowed to be done after a public meeting has been closed as no new evidence should be introduced. Additionally, the Commission did not file their decision with the Town Clerk within 20 days of their decision thus it is my position that the meeting was closed and there was no legal decision made. I will also forward an email from the Town Clerk stating that no decision was filed with his office within 20 days of the meeting. I may need to file an appeal with the Board of Appeals to protect my rights but I have not been given a clear answer as to whether this needs to be done as I am not sure how to appeal a "non-decision".

Brian, I love this town and this is my family's home. Although I have been consulted to file a suit, it would NEVER be my intention to do this against the town that I love. However, I do firmly believe that Mr. Weismann must answer for his actions and should never be allowed to participate on any town commissions or boards due to his actions.

As I stated, I would be glad to have an in person conversation with you, Mr. Weismann and any other town officials who you feel would be appropriate with the goal of ending this troubling situation. I am always available via telephone or in person to supply any additional information.

I thank you for your sincere introduction and email and I look forward to getting to a resolution to this issue and later getting a chance to meet on a more personal level.

Sincerely,

Bill Poutre

Sent from my iPhone

On Nov 11, 2016, at 9:02 AM, Brian Shea <[bshea1772@yahoo.com](mailto:bshea1772@yahoo.com)> wrote:

Good morning Mr. Poutre,

By way of introduction, my name is Brian Shea, and I have been referred to you after a meeting I had at St. Anne's rectory last evening with Tom Bhisitkul, Deacon Paul, and Fr. Albert. My wife and I joined St. Anne's parish when we moved to town 21 years ago, and I was at the rectory last night for a meeting on the upcoming golf tournament.

Following our meeting last night, Tom, Paul, and Fr. Albert asked me to stay to discuss an issue that has arisen between them and a Town Commission member (Michael Weishan, Historical Commission). I am also a Selectman in Town, and they reached out to me in that capacity, to make me aware of the situation. They shared with me email correspondence that in my opinion was of an abrasive tone, to state it mildly.

That any Board of Commission member would send correspondence to any other party in town with the tone shown in the letter is disturbing to me. In thinking more about this overnight, I am curious if you have also received correspondence or had conversations with this individual relative to your property on Boston Road that in your opinion is out of character from what any citizen in Town would expect from a town official.

If yes, and if you would like to share this with me, I would be happy to pursue this further, in conjunction with the email sent to Tom and Deacon Paul. To be clear, my involvement is not related in any way to the merits of the matter between you and St. Anne's – that in my opinion is business between you two parties, and it is not appropriate for me to be involved in that. Nor is it related in any way towards plans that you have for property that you own. I am solely focused on making sure that correspondence sent from a town Board or Committee member (or employee, for that matter), or conversations that are held, are professional and courteous.

I can be reached at this email address, or you can call my cell # anytime: 617-549-5451.

Thank you,  
Brian

## Mark Purple

---

**From:** Brian Shea  
**Sent:** Friday, November 11, 2016 12:07 PM  
**To:** Mark Purple  
**Subject:** Commission member conduct  
**Attachments:** SKMBT\_22316111111540.pdf

Mark,

I wanted to follow up on some email correspondence that was shared with me last night regarding properties at 28 Boston Road, and St. Anne's Church. I don't have the emails electronically, but attached are scans of the correspondence shared with me.

Of note is the message from Michael Weishan addressed to Tom Bhisitkhul, parishioner and member of St. Anne's Finance Committee (and former ZBA member), and Paul Reuter, Deacon at St. Anne Parish. Please also note Deacon Paul's reaction to the email's "threatening tone".

Perhaps I am sensitive to this, based on my knowledge of the integrity of the individuals that Mr. Weishan directed his email towards, but I am of the opinion that the last email by Mr. Weishan is of an abrasive and threatening nature, and is completely out of line with correspondence that any Board or Committee member should send to anyone or any business/institution in Town. It is not the merits of the matter that Mr. Weishan addresses that concern me, rather, it is the intimidating tone he takes in his communication.

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I followed up with Mr. Poutre this morning (an individual referenced in the emails), and he and I engaged in a lengthy discussion. The dealings Mr. Poutre relayed to me with the Historical Commission, and Mr. Weishan in particular, regarding the demolition delay issue at hand were difficult for me to believe. During my conversation with Mr. Poutre, he characterized his dealings with Mr. Weishan as "troubling", "appalling"; that he has been slandered, and that his (Mr. Weishan's) behavior is "over the top bad". Mr. Poutre indicated that he will forward me email correspondence between Mr. Weishan and him to document this.

Again, I may be biased in this, but please take a look and if you agree with my reaction towards this, feel free to share with the full Board. I will forward the other emails once received.

**Brian**

**Brian Shea, Selectman  
Town of Southborough**

---

## Mark Purple

---

**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:53 PM  
**To:** Mark Purple  
**Subject:** Fw: Fwd: Draft public hearing minutes  
**Attachments:** SHCPublicHearing (1).pdf; ATT00001.htm

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** "bshea1772@yahoo.com" <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:13 PM  
**Subject:** Fwd: Draft public hearing minutes

---

### Meeting Minutes

Sent from my iPhone

Begin forwarded message:

**From:** Joe Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>  
**Date:** October 18, 2016 at 7:24:30 PM EDT  
**To:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Subject:** Fwd: Draft public hearing minutes

FYI

Joe

**Joseph Hubley**  
**508-922-6101 cell**  
[Joehubley@verizon.net](mailto:Joehubley@verizon.net)

Sent from iPhone

Begin forwarded message:

**From:** Rebecca Deans-Rowe <[rdeansrowe@gmail.com](mailto:rdeansrowe@gmail.com)>  
**Date:** October 17, 2016 at 7:16:01 PM EDT  
**To:** Joe Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>  
**Subject:** Draft public hearing minutes

**SOUTHBOROUGH HISTORICAL COMMISSION (SHC)**  
**☒ DRAFT Minutes of Public Hearing ☒**

<b>Meeting Title</b>	: Southborough Historical Commission
<b>Date</b>	: October 3, 2016
<b>Time</b>	: 7:00 P.M.
	: Senior Center
<b>Chair Person</b>	: Joseph Hubley
<b>In Attendance</b>	: Joseph Hubley, Maria Romero, Michael Weishan, Rebecca Deans-Rowe, Kate Matison
<b>Absent</b>	: Amanda Martinot
<b>Agenda</b>	: 28 Boston Road
<b>Minutes Submitted By</b>	: Rebecca Deans-Rowe
<b>Minutes Submitted On</b>	:
<b>Next Meeting:</b>	:
<b>TBD</b>	<b>Time:</b> <b>Place:</b> TBA

**Decisions:**

#	Decision
1.	SHC Commission voted to establish that 28 Boston Road is preferentially preserved.
2.	

SOUTHBOROUGH HISTORICAL COMMISSION (SHC)

🔒 **DRAFT Minutes of Public Hearing** 🔒

3.	
4	
5.	

**Action Items:**

#	Action Item	Owner	Status	Due Date	Comments

The public hearing was closed at 8:22 pm

## Mark Purple

---

**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:53 PM  
**To:** Mark Purple  
**Subject:** Fw: Fwd: Meeting Minutes Document  
**Attachments:** Staples Scan.pdf; ATT00001.htm

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** "bshea1772@yahoo.com" <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:14 PM  
**Subject:** Fwd: Meeting Minutes Document

---

Response to Draft Meeting Minutes

Sent from my iPhone

Begin forwarded message:

**From:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Date:** October 25, 2016 at 2:53:09 PM EDT  
**To:** "[historical@southboroughma.com](mailto:historical@southboroughma.com)" <[historical@southboroughma.com](mailto:historical@southboroughma.com)>, "[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)" <[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)>, "[joehubley@verizon.net](mailto:joehubley@verizon.net)" <[joehubley@verizon.net](mailto:joehubley@verizon.net)>, "[kate.matson@live.com](mailto:kate.matson@live.com)" <[kate.matson@live.com](mailto:kate.matson@live.com)>, "[maria.vagnini01@gmail.com](mailto:maria.vagnini01@gmail.com)" <[maria.vagnini01@gmail.com](mailto:maria.vagnini01@gmail.com)>, "[michael@michaelweishan.com](mailto:michael@michaelweishan.com)" <[michael@michaelweishan.com](mailto:michael@michaelweishan.com)>, "[rdeansrowe@gmail.com](mailto:rdeansrowe@gmail.com)" <[rdeansrowe@gmail.com](mailto:rdeansrowe@gmail.com)>  
**Subject:** Fwd: Meeting Minutes Document

Good afternoon,

Attached is a document response to the Draft Meeting Minutes received earlier in the week.

Respectfully,

William J Poutre

From: Bill Poutre  
Scanned Meeting Minutes Document

William J. Poutre  
8 Red Gate Lane  
Southborough, MA 01772  
[bill@primefinancialllc.com](mailto:bill@primefinancialllc.com)

October 25, 2016

Mr. Joseph Hubley, Town of Southborough Historical Commission

---

17 Common Street

Southborough, MA 01772

Mr. Hubley,

I have received a copy of your "DRAFT Minutes of Public Hearing" for the Historical Commission Meeting which took place at 7:00pm on October 3<sup>rd</sup> in the Town Senior Center. There are a few discrepancies and I am requesting that the appropriate changes are reflected in the final minutes.

The entire 80 minute meeting discussed my property located at 28 Boston Road and dealt with a potential decision under the Demolition Delay bylaw. The bylaw is clear in its definition of the criteria for determining if a structure is a "Historically or Architecturally Significant Building" eligible to be deemed as eligible to be "Preferentially Preserved" by the Historical Commission.

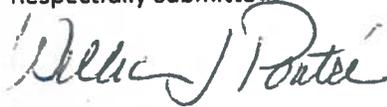
***"HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDING- Any BUILDING, in whole or in part, which WAS CONSTRUCTED PRIOR TO 1925 and is included in the Southborough Massachusetts Historic Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk's office." From Chapter 63-2 of the town's Demolition Delay Bylaw.***

The Commission dealt with two contested issues. In the public meeting, the first issue was the age of the structure in question. In the public meeting, the applicant supplied evidence in the form of deeds and records from the Town of Southborough's Assessors office while no evidence was provided by the Commission to the applicant. Prior to the vote by the Commission to determine whether the Board agreed that buildings at 28 Boston Road would be Preferentially Preserved, the applicant asked Commissioner Joe Hubley to poll the Board to determine if enough evidence existed to determine the age of the structure based on the evidence provided by the applicant and Mr. Hubley agreed to do so. The Board voted 3-2 that there was **NOT** enough evidence to determine the age of the house and additional information would be needed. Commissioner Hubley said that he would consult with the town attorney to make the determination on the age of the structure.

At this point, the applicant asked for a continuation of the public hearing until the necessary information was gathered. Commissioner Hubley *denied the continuation request* at which point the applicant stated that new evidence can not be obtained once a public meeting is closed. Mr. Hubley again denied the applicant's request to continue the public hearing and made a motion to "determine that 28 Boston Road be Preferentially Preserved pending an answer from the Town Counsel as to the age of the structure." This motion passed 5-0.

I am requesting that the evidence presented, the applicant's continuation request and the proper motion be added to the minutes. Additionally, please add the action item for Commissioner Hubley to work with Town Counsel to determine the age of the structure be added.

Respectfully submitted,



William J. Poutre

## Mark Purple

---

**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:53 PM  
**To:** Mark Purple  
**Subject:** Fw: Fwd: Historical Meeting Minutes Document.docx

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** "bshea1772@yahoo.com" <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:15 PM  
**Subject:** Fwd: Historical Meeting Minutes Document.docx

---

Response from Mr. Weishan to my Meeting Minutes Respose

Sent from my iPhone

Begin forwarded message:

**From:** Michael Weishan <[michael@michaelweishan.com](mailto:michael@michaelweishan.com)>  
**Date:** October 25, 2016 at 2:38:06 PM EDT  
**To:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Cc:** "[historical@southboroughma.com](mailto:historical@southboroughma.com)" <[historical@southboroughma.com](mailto:historical@southboroughma.com)>, "[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)" <[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)>, Joseph Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>, Rebecca Deans-Rowe <[rdeansrowe@gmail.com](mailto:rdeansrowe@gmail.com)>, "[maria.vagnini01@gmail.com](mailto:maria.vagnini01@gmail.com)" <[maria.vagnini01@gmail.com](mailto:maria.vagnini01@gmail.com)>, Kate Mattison <[kate.matison@live.com](mailto:kate.matison@live.com)>  
**Subject: Re: Historical Meeting Minutes Document.docx**

There is no attached document and as the minutes have yet to be finalized, the point is moot until the minutes are read and accepted at our next meeting.

M

On Oct 25, 2016, at 2:34 PM, William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)> wrote:

Good afternoon,

I have received the Draft Minutes requested from Joe Hubley. Please see the attached document.

Respectfully,

William J. Poutre

Sent from my iPhone

Begin forwarded message:

**From:** William Poutre <[william.j.poutre@gmail.com](mailto:william.j.poutre@gmail.com)>  
**Date:** October 25, 2016 at 2:19:24 PM EDT  
**To:** William Poutre <[bill@primefinancialllc.com](mailto:bill@primefinancialllc.com)>  
**Subject:** Historical Meeting Minutes Document.docx

<https://web1.zixmail.net/s/attachment?name=SGlzdG9yaWNhbCBNZWV0aW5nIE1pbmV0ZXMgRG9jdW1lbnQuZG9jeA%3d%3d&b=marlboroughsavings>

---

Sent from my iPhone

Cheers, Michael

-----  
Michael Weishan  
**Principal: *Michael Weishan & Associates***  
**PBS/ NPR Host, Author & Historian**

-----  
189 Cordaville Road  
Southborough, MA 01772  
508.481.2244  
[www.michaelweishan.com](http://www.michaelweishan.com)

*Michael Weishan & Associates – We Wrote the Book on Good Garden Design!*  
A Division of the MDW Group, Ltd

## Mark Purple

---

**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:54 PM  
**To:** Mark Purple  
**Subject:** Fw: Fwd: Action Plan for 28 Boston Road  
**Attachments:** Scan 2016-10-19 23.01.43.pdf; ATT00001.htm; Bylaw Rules and Guidelines.pdf; ATT00002.htm

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** "bshea1772@yahoo.com" <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:16 PM  
**Subject:** Fwd: Action Plan for 28 Boston Road

Action plan from Historical Commission

Sent from my iPhone

Begin forwarded message:

**From:** Joe Hubley <[joehubley@verizon.net](mailto:joehubley@verizon.net)>  
**Date:** October 19, 2016 at 11:06:30 PM EDT  
**To:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Cc:** Mark Robidoux <[mrobidoux@southboroughma.com](mailto:mrobidoux@southboroughma.com)>, Historical Commission  
<[historical@southboroughma.com](mailto:historical@southboroughma.com)>  
**Subject:** Action Plan for 28 Boston Road

Hello Bill,

Please see the attached doc's.

Joe

# TOWN OF SOUTHBOROUGH



## Historical Commission

TOWN HOUSE - 17 COMMON STREET - SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
PHONE (508) 485-0710 - FAX (508) 480-0161 - EMAIL: [historical@southboroughma.com](mailto:historical@southboroughma.com)

October 19, 2016

To: William Poutre, Owner  
Cc.: Mark Robidoux, Building Commissioner  
RE: 28 Boston Road, Demolition of Single Family Home and Garage.

Dear Mr. Poutre,

On behalf of the Historical Commission and in compliance with By-Law Guidelines (attached below) the Commission has formulated an action plan for 28 Boston Road.

PLAN:

Before any demolition permit can be issued, you will need to demonstrate the following:

1) No other buyer can now be found for the property at or above the price you paid for it who is willing to preserve the structure.

And/or:

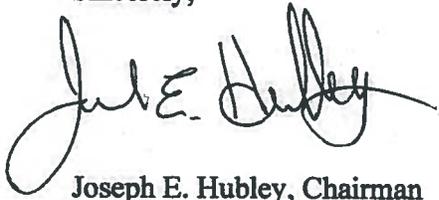
2) That the structure is compromised to such a degree that it is unable to be renovated *in situ*. Please note that "unable to be renovated" does not mean that you are unable to renovate it, but rather that the structure is unable to be renovated for structural reasons. To that end, we would require a report from a certified structural engineer stating it. The Commission reserves its right to require (at your expense) a second opinion from an engineering firm of our choosing. However, given the fact that the property was occupied until your purchase, it would seem unlikely that this line of argument would be viable.

Please be aware that if the Commission feels that you have not worked with us in good faith to resolve the above issues, our recommendation to the Building Commissioner may

be that the permit be declined, at which point you would be free to re-apply, with similar conditions to the above.

We will be placing 28 Boston Road on the Commission agenda for our next meeting (will advise once date is set) and we highly suggest you attend with whatever plans you wish to present.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe E. Hubley". The signature is written in a cursive style with a large initial "J" and "H".

Joseph E. Hubley, Chairman

# Demolition Delay By-Law, Southborough Massachusetts

## Rules and Guidelines

- Step 1:** When a property owner decides to demolish a structure in Southborough, the property owner files an application for demolition with the Building Inspector. The person who files the application is known as the "Applicant."
- Step 2:** Within 7 business days of receiving the Application for Demolition, the Building Inspector forwards the application to the Historical Commission. The application must contain, in addition to the paperwork required by the Building Inspector, photos showing all sides of the building to be demolished, and a plot plan showing its location.
- Step 3:** Within 10 business days of receiving the Application, the Historical Commission must make an initial determination if the structure to be demolished is "significant."\* This will require members of the Commission to visit the property at a mutually agreed time with the building inspector to assess the property's condition. The Commission members then inform the chairman whether or not they feel the property is significant. If the majority decide:

**NO, it is not significant**



The Commission then notifies the Building Inspector that a demolition permit may be issued.



The building may be demolished.

**YES, it is significant**



The Historical Commission then notifies the building inspector that no demolition permit shall be issued.



The Commission will next hold a public hearing within 15 business days, and will post, at the applicant's expense, notice of such hearing in the local newspaper and at the Town Hall. If after a public hearing the Commission determines that significant building should not be "preferentially preserved" the Commission shall notify the Building Inspector, and the Building Inspector may issue a demolition permit upon receipt of the written decision.



If however the Commission determines the structure to be "Preferably Preserved" the Historical Commission notifies the Applicant and Building Inspector. No demolition permit may be issued for a period of 9 months. Within 10 business days, the Commission will issue to the applicant an action plan, which will outline the efforts the Commission expects the applicant to take.



During the 9-month delay period the Applicant must make continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and show that such efforts have been unsuccessful. If no alternative solution can be found, the Historical Commission will notify the Applicant and the Building Inspector, who then may issue a demolition permit.

\* A "significant structure" may meet one or more of the following criteria: built in or before 1925; on, or eligible for the National Register; important to the history of the town; of significant architectural importance

## **Frequently Asked Questions**

### ***What properties does this by-law affect?***

This by-law only affects properties that possess buildings or structures that were constructed prior to 1925 that are included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015). A copy of this report is on file at the Town Clerk's office and at the Southborough Public Library.

### ***What is the difference between demolition and demolition by neglect?***

Demolition is defined as "any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial exterior destruction with the intent of completing the same." Demolition by neglect is defined as "a process of ongoing damage to the fabric, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures." Demolition by neglect of potentially significant structures is signaled to the Commission by the Building Inspector, who will have first contacted the owner in an attempt to rectify the situation through mutually agreeable means. Should that fail, the Commission will hold a public meeting to determine whether the building is in fact both "significant" and "preferentially preferred." If that is determined to be the case, the Commission will then work with the Building Inspector to secure the structure.

### ***The by-law mandates access to the property by the Historical Commission. How is that arranged?***

Typically, the building inspector will contact the owner to set up a mutually agreeable time to visit the property. The owner does not need to be present; members of the Commission simply need full access to the property, inside and out. It is in the interest of the owner to make expeditious arrangements for this inspection, as no demolition permit will be granted until access to the structure is achieved.

### ***What happens if the structure is determined to be "preferentially preserved?" How do you define "continuing, bona fide, reasonable efforts" on the part of the applicant?***

When the Commission makes the judgment that a property is preferentially preserved, the Commission shall, within 10 business days, provide the applicant with an action plan, which shall vary from property to property but may include placing notices in local and regional publications, meeting with various interested parties engaged in restoration and/or exploring alternatives to demolition as well as allowing access to the property by various experts and consultants recommended by the Historical Commission to assess rehabilitation options.

### ***Who pays for the costs of these efforts?***

Like other permitting charges and fees, these costs are borne by the applicant.

### ***Does this process always take 9 months?***

Not necessarily. If at any time the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, and/or the Commission is satisfied that the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful, the Commission can recommend that the Building Inspector grant the demolition permit.

### ***What happens if the applicant doesn't make these bona fide efforts?***

If the Commission determines that the applicant has not made continuing, *bona fide*, and reasonable efforts as outlined in the property action plan supplied to the applicant by the Commission, the Commission may recommend that the Building Inspector not grant a demolition permit, in which case the applicant may re-apply. The applicant should also be aware that demolishing a structure without the proper authorization may result in a substantial fine, legal action or the refusal of building permits on adjacent parcels, as outlined in section 63.7 of Southborough's demolition delay by-law.

# Demolition Delay By-Law, Southborough Massachusetts

## Rules and Guidelines

- Step 1:** When a property owner decides to demolish a structure in Southborough, the property owner files an application for demolition with the Building Inspector. The person who files the application is known as the "Applicant."
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- Step 3:** Within 10 business days of receiving the Application, the Historical Commission must make an initial determination if the structure to be demolished is "significant."\* This will require members of the Commission to visit the property at a mutually agreed time with the building inspector to assess the property's condition. The Commission members then inform the chairman whether or not they feel the property is significant. If the majority decide:

### *NO, it is not significant*

The Commission then notifies the Building Inspector that a demolition permit may be issued.

The building may be demolished.

### *YES, it is significant*

The Historical Commission then notifies the building inspector that no demolition permit shall be issued.

The Commission will next hold a public hearing within 15 business days, and will post, at the applicant's expense, notice of such hearing in the local newspaper and at the Town Hall. If after a public hearing the Commission determines that significant building should not be "preferentially preserved" the Commission shall notify the Building Inspector, and the Building Inspector may issue a demolition permit upon receipt of the written decision.

If however the Commission determines the structure to be "Preferably Preserved" the Historical Commission notifies the Applicant and Building Inspector. No demolition permit may be issued for a period of 9 months. Within 10 business days, the Commission will issue to the applicant an action plan, which will outline the efforts the Commission expects the applicant to take.

During the 9-month delay period the Applicant must make continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and show that such efforts have been unsuccessful. If no alternative solution can be found, the Historical Commission will notify the Applicant and the Building Inspector, who then may issue a demolition permit.

\* A "significant structure" may meet one or more of the following criteria: built in or before 1925; on, or eligible for the National Register; important to the history of the town; of significant architectural importance

## **Frequently Asked Questions**

### ***What properties does this by-law affect?***

This by-law only affects properties that possess buildings or structures that were constructed prior to 1925 that are included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015). A copy of this report is on file at the Town Clerk's office and at the Southborough Public Library.

### ***What is the difference between demolition and demolition by neglect?***

Demolition is defined as "any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial exterior destruction with the intent of completing the same." Demolition by neglect is defined as "a process of ongoing damage to the fabric, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures." Demolition by neglect of potentially significant structures is signaled to the Commission by the Building Inspector, who will have first contacted the owner in an attempt to rectify the situation through mutually agreeable means. Should that fail, the Commission will hold a public meeting to determine whether the building is in fact both "significant" and "preferentially preferred." If that is determined to be the case, the Commission will then work with the Building Inspector to secure the structure.

### ***The by-law mandates access to the property by the Historical Commission. How is that arranged?***

Typically, the building inspector will contact the owner to set up a mutually agreeable time to visit the property. The owner does not need to be present; members of the Commission simply need full access to the property, inside and out. It is in the interest of the owner to make expeditious arrangements for this inspection, as no demolition permit will be granted until access to the structure is achieved.

### ***What happens if the structure is determined to be "preferentially preserved?" How do you define "continuing, bona fide, reasonable efforts" on the part of the applicant?***

When the Commission makes the judgment that a property is preferentially preserved, the Commission shall, within 10 business days, provide the applicant with an action plan, which shall vary from property to property but may include placing notices in local and regional publications, meeting with various interested parties engaged in restoration and/or exploring alternatives to demolition as well as allowing access to the property by various experts and consultants recommended by the Historical Commission to assess rehabilitation options.

### ***Who pays for the costs of these efforts?***

Like other permitting charges and fees, these costs are borne by the applicant.

### ***Does this process always take 9 months?***

Not necessarily. If at any time the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, and/or the Commission is satisfied that the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful, the Commission can recommend that the Building Inspector grant the demolition permit.

### ***What happens if the applicant doesn't make these bona fide efforts?***

If the Commission determines that the applicant has not made continuing, *bona fide*, and reasonable efforts as outlined in the property action plan supplied to the applicant by the Commission, the Commission may recommend that the Building Inspector not grant a demolition permit, in which case the applicant may re-apply. The applicant should also be aware that demolishing a structure without the proper authorization may result in a substantial fine, legal action or the refusal of building permits on adjacent parcels, as outlined in section 63.7 of Southborough's demolition delay by-law.

## Mark Purple

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**From:** Brian Shea <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:54 PM  
**To:** Mark Purple  
**Subject:** Fw: Fwd: Historical Commission Decision re 28 Boston Rd

----- Forwarded Message -----

**From:** William Poutre <Bill@primefinancialllc.com>  
**To:** "bshea1772@yahoo.com" <bshea1772@yahoo.com>  
**Sent:** Friday, November 11, 2016 12:18 PM  
**Subject:** Fwd: Historical Commission Decision re 28 Boston Rd

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Response from Town Clerk stating no decision was filed with his office within 20 days of the Historical Commission Meeting

Sent from my iPhone

Begin forwarded message:

**From:** Jim Hegarty <[jhegarty@southboroughma.com](mailto:jhegarty@southboroughma.com)>  
**Date:** October 27, 2016 at 5:13:27 PM EDT  
**To:** William Poutre <[Bill@primefinancialllc.com](mailto:Bill@primefinancialllc.com)>  
**Subject:** RE: Historical Commission Decision re 28 Boston Rd

Hello,

This email is sent pursuant to your Public Records Request dated 10/27/2016 seeking a copy of a Historical Commission Demolition Permit Decision re 28 Boston Road made at a 10/3/16 meeting. That document was not filed with the Town Clerk.

Jim

James F. Hegarty  
Southborough Town Clerk

[jhegarty@southboroughma.com](mailto:jhegarty@southboroughma.com)  
P: (508) 485-0710 x 3007  
F: (508) 480-0161