

**AMHERST HISTORICAL COMMISSION  
MEETING MINUTES**

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**Members Present:** Jane Wald, Bob Romer, Laura Lovett, Janet Marquardt, Ted Parker  
**Staff Present:** Dave Ziomek, Asst. Town Manager, Chris Brestrup, Planning Director,  
Brandon Toponce, Amherst Historical Commission Staff Representative  
**Meeting Date:** February 26, 2018  
**Time Started:** 6:00 PM  
**Time Ended:** 9:00 PM

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**MINUTES**

Minutes of the January 22, 2018 meeting were reviewed. Mr. Romer made a motion to approve the minutes and Mr. Parker seconded the motion. The minutes passed 5-0.

**PUBLIC COMMENT**

No one from the public wished to speak

**AGENDA ITEMS**

**North Common Discussion**

Dave Ziomek, Assistant Town Manager gave an update to the commission on the progress of the North Common project. He stated that funds have been allocated for the project, which now includes the parking and the common itself. Mr. Ziomek explained that by utilizing transportation funds and CPA funds they will be able to design the entire project all at one time. Weston and Samson, which the Town has used in other projects, will be designing the proposal with work starting in the Spring of 2019. He also reminded the commission that they will be part of the committee to review the final design.

Ms. Wald stated that Ms. Marquardt has been selected as the representative with Mr. Bloom as the alternate.

Mr. Ziomek informed the commission that they could have one additional person on the committee if they so desired, with meetings beginning sometime in the next few months.

Mr. Parker expressed his frustration that a consultant was chosen, when the Commission was informed earlier that they would be part of the decision process. He added that the commission wanted to be a part of this process to ensure the design would maintain the historical integrity of the site and the project would not end up looking similar to a public works project.

Ms. Marquardt expressed dismay that the CFP was never sent out and that the HC is faced with a fait accompli.

Mr. Ziomek stated that since the work is horizontal, it does not need to go through the same process as other projects that are vertical. He said that since they were pleased with the work of Weston and Samson on earlier projects they solicited their help on this project. He believed they are well qualified by evidence of other projects they have completed in the Boston area. He is hopeful that once the Commission reviews what they have done, they will be more positive about working with them.

Ms. Wald also believed that the entire process and direction was changed from last year until now.

Ms. Brestrup responded by explaining that the Town has a new Procurement Officer that is very knowledgeable of what items need to have the full request process and what items can be reviewed and selected by a different process. She added, that again Weston and Samson were selected because the work was horizontal.

### **Article 13**

Ms. Brestrup informed the Commission that on March 21, the Planning Board has scheduled a review of Article 13. It was her suggesting that since Article 13 has so many changes, it be removed from the Bylaw and then replaced with a new Article 13, instead of reviewing each individual amendment at Town Meeting.

Ms. Wald then opened the Public Hearing on Article 13

Sarah la Cour, who was on the Historical Commission in 1999, shared a brief history on the creation of the original Bylaw and the intent of the commission at that time. She expressed her concerns for a few of the changes that were proposed, including: the use of archeological sites in a demolition bylaw, the use of the term "rules and regulations" when none have been written, section 13.43a which includes geographic locations that are overly broad, and the criteria for determining significant structures and significant alterations. She also expressed her opposition to increase the demolition delay period from 12 months to 18 months.

Tom Davies, who is employed at Amherst College, expressed concern over the Bylaw being more about alterations and not just demolitions. He explained that most buildings will now be subject to review by the Historical Commission for any minor repairs. He added that this was mainly because of the broad categories of 13.4, making it difficult for the Building Commissioner to make any determination on items that can be approved by him. This included the criteria for determining significant structures and significant alterations. Mr. Davis also expressed his opposition to the delay of 18 months, stating it was too excessive and suggested a 2-3 month review process instead.

Mr. Parker, commented that a review process may work within the Bylaw and he would suggest a six month demolition delay that could be reviewed with an additional six months added.

Mr. Toponce stated that this may be difficult for staff, and suggested it be a longer delay period with the option of a review at any time.

Ms. Wald, then explained to Mr. Davis the section he was commenting on was actually the Boards review during the demolition delay process. The Building Commissioner would only be looking at sections 13.30 – 13.32. Ms. Wald also wondered if any evidence was given that indicates a longer delay helps to ensure a structure can be saved.

Mr. Parker, said that he has never found that a longer delay makes a difference and believed that if anything could be done, it would be accomplished within the first six months.

Ms. Marquardt asked Ms. La Cour why she believed archeology should not be included

Ms. La Cour believed demolition was referring to above ground, not what was under the ground. She added that she thought it was something important to look at, just not in this Bylaw.

Ms. Lovett responded by saying the group is looking to the future and wants to be sure that any areas with archeological sites can be investigated properly.

Mr. Parker said that it was important, yet maybe it was better in a different section with review still being accomplished by the Commission. He concluded by saying the group should look at this at a later time.

Ms. Wald closed the public comment portion of the hearing and suggested that they look at the four main issues that were brought up at the last meeting and vote on a decision for each one.

The group began a discussion on requiring staff to send out abutters notices Certified Mail.

Mr. Toponce and Ms. Brestrup concluded that cost was far too expensive and that no other boards, commissions, or committees do this practice. The Planning Board and the Zoning Board of Appeals follow MGL 40A, which outlines how abutter's notices are mailed.

The Commission then decided not to include additional mailing procedures in the Bylaw or Rules and Regulations and follow the procedures found in MGL 40A.

The Commission further discussed the demolition delay period.

Mr. Parker made a motion to have it a six month delay, with a review by the Commission at which time an additional six months could be placed on the delay.

The motion was not seconded

Mr. Romer said that he did not see any reason to have 18 months if no evidence indicated that longer would be more beneficial.

Mr. Romer made a motion to leave the current demolition delay period unchanged from its current 12 months. The motion was seconded by Mr. Parker and it passed 3 – yes, 2 – abstain

The Commission discussed the maximum fine for enforcement.

Ms. Marquardt suggested it be the allowed maximum at \$300 a day, since this was the only area that the Bylaw could have teeth, discouraging demolitions.

Ms. Brestrup stated that this amount may be overlay excessive and even \$100 per day would add up rather quickly.

After further discussion by the Commission, Ms. Marquardt made a motion to keep the total maximum fine to \$100, Ms. Lovett seconded the motion and it passed 5-0

Further discussion concerning the percentage of area on a significant structure that can be altered without a review by the Commission was conducted. The Commission did not come to any conclusion and decided to move this discussion to another night.

### **CPA Projects**

Mr. Toponce updated the commission on the selection process for the West Cemetery and explained how two potential candidates are tied with their proposal.

Ms. Marquardt questioned the approval process and thought a consultant had already been selected for the project last year.

Mr. Toponce stated this may have been a discussion among the Commission, however each CPA Project stands alone and the selection process needs to be done again.

Ms. Marquardt suggested staff look into this more, and maybe it would be a horizontal project, which idea was discussed earlier in the meeting with the discussion on the North Common.

Mr. Romer observed that the reported expenses for the Thompson Memorial Stone project (a project of the Commission itself) appeared to be nearly \$2,000 greater than the expenses of which Commission members are aware. It was agreed that this discrepancy must be promptly investigated and explained to the Commission.

Mr. Toponce agreed to research the reasoning behind the discrepancy.

### **Adjournment**

The Commission decided to meet on Tuesday, March 6, at 6:00 PM to complete the review of Article 13.

The meeting was then adjourned at 9:00 PM