

**Local Historic District Study Committee Meeting**  
**8/3/10 5:30 p.m.**  
**First Floor Conference Room, Town Hall**

PRESENT: Jerry Guidera, James Wald, , Phillip Shaver, Bill Gillen, Lynda Faye; and Nathaniel Malloy (Planning Dept.); 3 members of the public: Lisi Armstrong, Ed Wilfert, Frank & Ljiljana Karasz

ABSENT: Wendy Kohler, Tini Sawicki

**Announcements and minutes:**

1. Minutes of 7/6/10 were approved as written.
2. Jerry Guidera announced that he would like to first discuss the results of the neighborhood survey and then take up the rules and regulations under agenda item 3A.
3. Jerry reported that this committee reviews old business. As new comments come up and responses come in regarding items discussed in earlier meetings, they are reconsidered.
4. Jerry urged the public to email comments to committee members or to the chair as well as send in the survey. Even though it was to be sent in by 8/1/2010, better late than never.
5. List of items distributed at the meeting: Local Historic District Study Committee Meeting 5:30 p.m agenda dated 8/3/2010, draft Amherst local historic district bylaw available at the public meeting held 6/15/2010, minutes of meeting 7/6/2010, a copy of the Local Historic District Study Committee preliminary study report checklist and a copy of the Amherst Local Historic District Bylaw, as annotated by Tom Ehrgood (a Lessey St. resident).

**New Business:**

1. Results of neighborhood survey as reported by Nate Malloy: 30 studies were returned out of 48 sent out. 16 in favor of continuing, 10 against, 4 undecided. These numbers indicate that we can continue to move forward with bringing a local historic district to Town Meeting.
  - a. All the surveys had comments about aspects of the neighborhood that residents like.
  - b. Much confusion over the purpose of the survey. This survey became an opportunity to talk about items not connected with the survey such as noise and student rentals, use, regulations.
  - c. Questions: why do this? One reason to do it is to enhance our ability to get funding for grants, such as streetscape improvements. Being in this district will not generally benefit people who want to be reimbursed for improvements they make to their property--it's more that improvements to the district may be funded by grants.
  - d. Another reason: the master plan mandates this kind of measure to preserve Amherst's history. It is hoped that the regulations will be seamlessly folded into the existing process without creating hardship or delays.
  - e. The largest property owner in the district, Amherst College, is not supportive. The college owns 10 properties within the district.
  - f. In response to questions from Frank Karasz, Jim Wald noted that the national register designation is an honorific with no protections other than possible protection against federal projects, such as a highway damaging the district. Certain kinds of federal projects are controlled by this designation.
  - g. There are 300 historic districts in the state, some are big, some are very small (just one building). Nantucket is one very large historic district.
  - h. Demolition delay: what good is it? Demolition applications must now include a submission for what is planned for the demolished site. A one year demo delay is an opportunity for grants and other sources of funding that might appear to save the building.

- i. Frank Karasz asked if there is a way to force or encourage members of the district to upgrade their property or finish their construction projects. It appears that under Article 11.2 any resident of Amherst, or owners of property within Amherst, may file a complaint to the commission.
  - j. It was noted that the penalties of \$300 each day for each offense seems very high and probably unenforceable.
  - k. Is there a sunset clause? Will this bylaw extinguish after a number of years? Answer: no, but it can be amended over time and can possibly be dissolved at any time by Town Meeting.
2. We reviewed the district bylaw Article 5 up to Article 7.
  - a. The committee voted unanimously to add 5.7—that the commission has the authority to waive certain items. This will be written by Phil Shaver for discussion at our next meeting.
  - b. Under Procedures and Review of Applications, it is expected that the Building Commissioner will determine whether a Certificate is required from the Commission.
  - c. Under 7.2 the commission has 14 days to make a determination if a Certificate is necessary, and under 7.4, 45 days to hold a public hearing and 60 days after filing the application to issue a certificate. These times are apparently determined by state law requirements for public hearings. Such times are a very long delay and must be expedited (in the writer’s opinion).
3. It being 6:30 pm. it was proposed by Jerry that we review Article 7 at our next meeting.
4. Frank Karasz commented on the sad condition of the public infrastructure in the district, such as sidewalks on Triangle St., that the pool is closed for lack of funding and the Cottage St. “lagoon” due to terrible storm drainage. He requested that this district committee put in its documents such items that should be improved.

This led to a suggestion by Jim Wald that we might add an “advocacy role” by this Commission in the bylaw. With this role this Commission would be supportive when the town applies for state funding to make public improvements in the district.

5. Next meeting: 5:30 p.m. September 7, 2010. We will likely have two meetings in September.

Respectfully submitted,



William Gillen, Clerk