

Local Historic District Study Committee
Public Meeting
Lower Meeting Room, Bangs Community Center
Tuesday, September 7, 2010
5:30 pm

PRESENT: Jerry Guidera, James Wald, Phil Shaver, Tini Sawicki, and Wendy Kohler. Also present was Nathaniel Malloy of the Town of Amherst Planning Department. Also present were five members of the public: Robert Romer, Ed Wilfert, Tom Ehrgood, Frank Karasz and Ljiljana Karasz.

ABSENT: Bill Gillen

Jerry Guidera presided, and in the absence of Bill Gillen, Phil Shaver served as Secretary.

The meeting began with a discussion of the recent decision by the Historical Commission to halt for one year demolition of a fence on an Amherst College property and the newspaper reaction to the decision questioning historic preservation.

Distributed at the meeting were the following documents: minutes of the August 3, 2010 meeting, the proposed agenda, the text of the proposed Bylaw and the Preliminary Study Report Checklist.

The minutes were duly approved.

It was noted that in order for the Committee to present its report to Town Meeting in the spring and have it reviewed ahead of time by the public and the Massachusetts Historical Commission at the prescribed intervals, it was vital that the Committee conclude its review of the text of the proposed Bylaw and related documents by the end of September.

The remainder of the meeting was taken up with a discussion of proposed changes to the text of the Bylaw. To date no changes in language had been agreed upon.

After discussion it was agreed to add a new section 5.7 somewhat as follows:

“5.7. As an advocate for residents of the DISTRICT, the COMMISSION shall encourage the Town of Amherst to seek and provide funding and make public improvements in the DISTRICT, such as signs, sidewalks, and lighting.”

At the previous meeting the committee had approved language to clarify that the COMMISSION might waive any fines or other requirements of the Bylaw. It was noted that Section 11.3 of the proposed Bylaw provided already for fines of “up to \$300.00 for each offense.” Since the COMMISSION would have power to set fines of any amount “up to” \$300, it was decided to abandon the proposed waiver language. It was the sense of the meeting, however, that in setting or waiving fines the COMMISSION should create a written record of its reasons for setting the amount of any fines, particularly in cases of hardship, as do other land use boards of the Town of Amherst.

In answer to questions from a homeowner, the Committee discussed the possibilities that grant funding for historic preservation, such as sidewalk improvement, might be made available from the state, but for public purposes, not for the benefit of any one homeowner.

Turning to paragraph 7 of the proposed Bylaw, the Committee discussed the mechanics of the submission and review of applications. Several members of the public expressed their concerns and the Committee agreed that it would be important to minimize complexity, avoid imposing unnecessary burdens on homeowners, and shorten the time lines for processing applications where possible.

It was noted that there is no mention of the Town Building Commissioner until Paragraph 11.4 of the proposed Bylaw, which permits the COMMISSION to designate that officer to act on its behalf and enforce the Bylaw under its direction. Many of the procedures of the COMMISSION will have to be spelled out in its Rules and Regulations, which Phil Shaver was to draft, based upon the regulations of other towns.

The next meeting was scheduled for September 21, 2010, at 5:30 pm, at a location to be determined by Nate. The Bylaw package should be ready for a public forum in October or November.

The chairman thanked the members of the public for attending.

The meeting was adjourned at 6:45 pm.

Respectfully submitted,

Phil Shaver