

Amherst Historical Commission
MINUTES OF PUBLIC HEARING
Tuesday, February 5, 2013
Town Room, Town Hall
7:15 p.m.

Present: Michael Hanke, chair; Lynda Faye; Matthew Cornell; Judith Moran; Meg Vickery, Secretary. Laura Lovett recused herself. Joel Bard, legal counsel; Nathaniel Malloy, Staff liaison.

Guests: Peter MacConnell, Tom Reidy, Peter Wells, You-Pan Tzeng, Patricia Stacey, Jim Wald, Michael and Tina Berins, Maurianne Adams, Steve Bloom, Priscilla White, Liz Windrover, Paige Wilder, Winnifred Manning, Joan Burgess, Jennifer Taub

Material Distributed at Hearing (available upon request at the Planning Dept., Town Hall)

- ~ Notice of public hearing
- ~ Agenda
- ~ Section 13.4 of Demolition Delay Bylaw (review criteria)
- ~ Town counsel opinion re process for remand from ZBA
- ~ Demolition application for barn at 290 Lincoln Ave.
- ~ Staff report for 290 Lincoln Ave—Assessor’s images, historic Sanborn maps
- ~ Memorandum from ZBA—information from Dec. 20 ZBA hearing, ZBA appeal application, Hist. Comm. minutes
- ~ Statement of Significance of barn at 290 Lincoln Ave., submitted by Patricia Stacey
- ~ Supporting Documents for Statement, submitted by Patricia Stacey
- ~ Memorandum from Bacon\Wilson to Historical Commission

PUBLIC HEARING: DDA2013-0002 - 290 Lincoln Ave (11C-58)

Public Hearing in response to a ZBA remand. Consideration under Article 13 of a prior request to demolish a c. 1910 wood and timber frame barn.

Chair Michael Hanke opened the hearing at 7:30 p.m. explaining the remand process by which the Zoning Board of Appeals (ZBA) voted to refer the issue back to the Commission for further review and consideration under the Article 13, the Demolition Delay Bylaw. Mr. Hanke also took this opportunity to explain that the Historical Commission was concerned that residents felt the initial hearing on September 4, 2012 was rushed, and that a direct abutter who was not notified of the hearing was not able to present critical information that could have changed the outcome in September.

Mr. Hanke stated that the individual Commission members had watched the December 20, 2012 videotaped hearing of the ZBA, and that as chair, was disappointed that the competence and qualifications of the Commission were called into question. He said that the Commission often tries to prevent demolition and that the first hearing (on Sept. 4, 2012) was measured and thorough. He asked that any criticism of the Commission be based on fact not rumor, and introduced each Commission member:

Lynda Faye: Has a Masters in Architectural History. Was a planner for the Pioneer Valley Planning Commission. She has worked for the Town of Amherst as Staff Liaison to the Zoning Board of Appeals. She has worked to create several National Historic Register Districts in Western Massachusetts and is on the Consultant list for the Massachusetts Historical Commission (MHC).

Judie Moran: Is a mathematician who taught at Trinity College in Hartford for many years. Before that she lived in Newburyport MA where she was part of a grassroots movement called "Friends of the Waterfront" which worked to preserve the town's waterfront. She has also rehabilitated her two private properties.

Matthew Cornell: Has been on the Commission about one year. He works in Computer Science at the University and has lived in Amherst since 1989. He and his wife won the Commission's Preservation Award for the restoration of their 1860s gothic revival house. He believes strongly in preserving the historic beauty of Amherst.

Meg Vickery: Has a Ph.D. in Architectural History from Stanford University. She is author of two books, one on the architecture of Women's colleges in late 19th century England and one on Smith College. She curated the exhibition, "Greening the Valley: Sustainable Architecture in the Pioneer Valley" at the University Museum of Contemporary Art at UMass in 2010. She has been on the HC a little over a year. Last fall she took the course: "History and Theory of Historic Preservation" through the Historic Preservation program at UMass. This semester she is taking "Cultural Resource Management" through the same program.

Michael Hanke: Has over 30 years experience as an Interpretive Exhibition Designer. He has worked on historic houses and designed additions to and restored historic houses. He has a particular interest in the Arts and Crafts movement with a small personal library on this style and cultural movement.

Legal Council Joel Bard began the hearing offering the Common two choices: to begin anew and hear all new testimony and make a new determination or to only allow new information to be presented to help address specific issues and concerns of the ZBA. With the first option the entire Commission would be able to sit on the hearing and vote. If the Commission were to choose the second option, only those members who sat on the Sept. 4th hearing would be to participate; this would limit the public's ability to present testimony and for members of the Commission to participate. The Commission began a brief discussion about the hearing proceedings, with Lynda saying she would like to hear only the new information. Matt was in agreement but questioned how the Commission could discern whether new information was being presented or if it was just more detailed information than previously heard. Mike said he would like to hear everything again to give the public the chance to speak because it is often the case that not many people attend demolition delay proceedings. A motion was made to begin anew and hear all information. It was seconded with no discussion. The Commission voted 2-1-1 in favor of holding the new hearing to consider the remand by the ZBA.

Chair Mike Hanke stated the ground rules for the Hearing, asking the public not to call out and to be respectful. With this new hearing, anyone who wishes to speak will be given the chance. After the Commission closes the public hearing, the public can remain to listen to the Commission deliberate, and may raise their hand to be acknowledged (to speak) but the Commission is not legally required to hear from the public during the public meeting and deliberation.

Mike then read the preamble: DDA2013-0002, 290 Lincoln Ave. (11c-58) and read through the criteria in Article 13. He asked if there were any questions regarding the hearing procedures, and none were asked. Testimony was then heard from the following:

Applicant: Peter MacConnell from Bacon\Wilson spoke on behalf of the applicant. Tom Reidy from Bacon\Wilson and Peter Wells from Berkshire Design Group were also in attendance on behalf of the applicant and the owner of the property, Mr. Tzeng. Mr Tzeng was there as well. Mr. MacConnell recapped the history of the property beginning when Mr. Tzeng purchased it in June 2012. On July 30th he submitted a request to demolish the barn. At a Historical Commission meeting (it was not official because it lacked a quorum) on August 7th it was decided to hold a public hearing about the demolition. The Historical Commission held a public hearing on September 4, 2012 and found that the barn was not significant and therefore did not even consider whether or not to issue a delay. On September 17, Mr. Tzeng received a letter from the Town summarizing the proceedings from the 4th and explaining that the demolition can proceed as long as there is demolition permit issued. At the October 9 Historical Commission meeting neighbors who opposed the demolition asked the Commission to reopen the hearing suggesting they had new information, but would not reveal the nature of this information. The Commission voted not to reopen the hearing. Mr. Tzeng completed the necessary permit applications to demolish the barn and had to travel to China for a funeral. While he was away the building permit to demolish the barn was issued on November 5th and on Nov. 7th the barn was demolished. At no point during all this time had Mr. Tzeng been made aware by the Town of a potential appeal of the demolition of the barn. It was only two weeks after the demolition that Mr. Tzeng received a notice of an appeal from the Town. On December 20, 2012 the ZBA opened the appeal hearing and decided to remand the issue back to Commission with the suggestion of new evidence.

Mr. MacConnell stated that the question is whether the barn is historically significant and if its loss has been or would have been detrimental to the neighborhood or community. He argues it is not historically significant and believes the first vote was correct because the barn was of no particular style and passer-byes cannot even notice that it was demolished. He presented information that Brown was a successful businessman, real estate agent and insurance broker, and this was the reason for his prominence as a local citizen, not because he wrote articles in the local newspaper; there were many Mr. Brown's at this time and throughout Amherst's history as an academic community who wrote and published in addition to other professional achievements; his stature was not enough to make himself or the barn historically significant. Mr. MacConnell showed photographs taken by the Berkshire Design Group which showed that the barn was not always visible from the street and thus didn't have an impact on the streetscape. He also said that the barn had been dramatically altered, especially the interior, and it was not a post and beam structure but used modern stick framing. The barn, MacConnell argued was not historically, architecturally or geographically significant and not significant in relation to Warren Brown. He urged the Commission to remain with its earlier decision.

The Historical Commission then asked questions of the owner and his representatives. Mr. Hanke took issue with the statement presented by the applicant that the barn was in poor shape. He said that it was in fine stable condition and did not need to be torn down—there relatively recent improvements including a new roof. Mr. Hanke asked if it was torn down because it was a liability or an attractive nuisance.

Mr. MacConnell countered that the barn was a liability for the owner and tenants of the house, requiring ongoing maintenance and costs. The original house lot owned by the Brown family had been subdivided into four lots, with three of lots now developed. The remaining Brown lot was big enough and had enough lot area and frontage to be subdivided (it had been previously but was never finalized as a separate building lot). Mr. Tzeng's Approval Not Required (ANR) application in 2012 to subdivide 290 Lincoln Avenue was to grandfather the zoning requirements should the Town try to change them—this is his right and has nothing to do with the barn demolition; the lot could have been split with barn on the property.

The Commission asked Mr. Tzeng why the demolition application stated that the reason for demolition was for more grass and garden area.

Mr. Tzeng responded by saying that was what was recommended by the landscape architect, and it was really not relevant for the demolition proceedings.

Ms. Vickery talked of the importance of the garden and trees, noting that the lush vegetation on the property shielded the barn from view from the street but also made it difficult for gardens. Ms. Vickery said that at the original hearing, the belief that the trees and vegetation would remain on the property influenced decisions because of its ability to shield the property and limit its visibility from the street.

Mr. Hanke asked the applicant what were the current plans for the property, noting that the neighbors would be upset if a new house was constructed.

Mr. Tzeng said that he had offered Mr. Morra, the Building Commissioner, to delay the demolition of the barn for up to one year, but that he was told he could go ahead and tear down the barn. He said he was not informed of the appeal.

Mr. MacConnell also cited Amherst's Master Plan, which encourages residential infill development in this neighborhood and promotes greater density areas with existing housing and infrastructure. He said that recent action by Town Meeting to allow two-family units in more zoning districts was an indication that the Town was encouraging infill development like the kind possibly planned by Mr. Tzeng.

Town staff: Nathaniel Malloy reminded the public to sign in so there could be a record of who attended the hearing. He also reminded the Commission and public that all the material presented in September at the original hearing and material presented to the ZBA in December were included in the reference material, as was a new packet of information submitted by Ms. Stacey and a letter by Bacon\Wilson. The public can request this information from staff.

Public Testimony: (the public was reminded to be respectful)

Ms. Patricia Stacey was the first to speak. She is the primary abutter to the property (280 Lincoln Ave.) and was not informed of the first hearing in time to attend. She said the barn is her main concern and thanked the Historical Commission. She proceeded to address how the barn met specific criteria from Article 13, citing her packet of information as a reference. With regard to 13.4103 and the cultural, political and social significance of the barn. She talked of the agricultural roots of Amherst and how the intellectual and agricultural elements of the town are represented in the town seal. She claimed the barn is a symbol of that agricultural past as well as the academic history of Amherst. She discussed the

permaculture movement at UMass and cited Amherst as a leader in local food sourcing. The barn symbolizes this farming, a direct physical connect to the community's past agricultural history and the current permaculture movement.

13.4100: Here Ms. Stacey argued that the barn had character and interest in relation to the history and culture of the development of the Town of Amherst. She cited 2 articles included in the packet prepared for the Commission which discusses statewide and national efforts to preserve barns—barns and outbuildings have an intrinsic heritage and value, and they are threatened. There are many initiatives to preserve barns, both save their value to society and because it is a cost effective solution. She cited the National Park Service which says that barns are community landmarks that embody the ethnic culture and traditions of place; they are visual cues to the past. She continued that one of the article in the packet says that architectural style of the barn is not important, rather its existence as a 'living document' of history is important. She referenced Patricia Poor, an author of historic structures, who argues that even if a structure has undergone recent alterations, they can become important features; this applies to the Swiss Chalet style of the barn, which may be the result of alterations or part of the Arts and Crafts style. Ms. Stacey said that barns are now eligible for listing on the National Register. She also said many neighbors came out in support of the barn, that it was a local landmark, and that Mr. Gillen had offered to move the barn to his property.

Further to 13.4103 she referenced how important barns are to this area and cited a recent survey by the Town of Hadley which inventoried 147 barns on half as many properties.

13.4102: She discussed the person of Warren Brown and his contribution to the town with the essays he wrote, his strong personality, his public speaking and lecturing. She cites the book, "Essays of Amherst" which places Brown as part of a tight knit community of thinkers in the early 20th century and likens him to the Calvin Coolidge of Amherst for his influence on the development of the social consciousness of the community. Ms. Stacey recounted a conversation with Fred Luddy, a trustee of the Historical Society who said that Mr. Brown was 'ubiquitous and larger than life'. She said she had spoken to Marion Brown, Warren Brown's daughter-in-law who said she remembered Brown had kept his dogs in the barn. She said he was a quintessential Amherst type, but that his friendship with Robert Frost was over-rated. Ms. Stacey reiterated that Mr. Brown's writing on the Town's agriculture, wildlife, social topics and general social milieu had an influence on the other intellectuals of the day.

13.4121: Geographical Importance: She stated the barn was well-known to neighbors as a local landmark and the passionate response indicates its significance. She also said that she and some other neighbors had numerous meetings with Mr. Morra, the Town's Building Commissioner, and that he was fully aware that an appeal would be filed.

The Commission asked Ms. Stacey what she would like to see happen now that the barn is gone.

Ms. Stacey responded that she had hoped the appeal process would have saved the barn from demolition. Since this did not happen, she expressed concern that the historical character of the neighborhood is under threat and that there needs to be more community awareness about the significance of barns and outbuildings. She said she and the neighbors are looking for some type of recompense because of the demolition trauma they have experienced. However, she does not think fining the owner or having the barn rebuilt would be the solution. She said the community should be polled to help determine what they

think would be an adequate resolution. She said that she would really want residents to be more aware about the threat of losing the Town's history and character when buildings are demolished. She urged the Commission to prevent further changes to the property and neighborhood by prohibiting the owner from cutting down trees and that if a new building is constructed, it must keep the character of the neighborhood.

When Ms. Stacey concluded her testimony at 9:30 p.m. the Public Hearing was continued to February 19, 2013 at 6:30 p.m., with the location to be determined.