

Amherst Historical Commission
MINUTES OF PUBLIC HEARING and MEETING
Tuesday, February 19, 2013
Town Room, Town Hall
6:30 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, Patricia Stacey, Rolf Karlstrom, Tina and Michael Berins, Priscilla White, Maurianne Adams, Paige Wilder, Denise Barberet, Jim Wald

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 remand process
- ~ Minutes from Sept. 4, 2012 Demolition Hearing
- ~ Letter from Maurianne Adams to Hist. Comm.

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 6:30 p.m., explaining that this is the continuation from February 5th and that the Commission will begin with public testimony followed by questions and then the hearing will be closed. After the hearing the Commission will deliberate and make findings.

Public Testimony:

Rolf Karlstrom, 73 Fearing Street—Mr. Karlstrom thanked the Commission for its vision in re-hearing the case and said it is important in establishing a historical basis. He summarized what Patricia Stacey had stated at the previous hearing and said that there is compelling evidence that the barn satisfies criteria in Article 13, particularly 13.4121 and 13.4103 because the barn has character (the Swiss Chalet style) and is important to the Town, and exemplifies urban/agricultural farming. With regard to 12.4103 he said the barn was representative of the Swiss Chalet style; it was part of the heritage of the community and representative of a certain time period. With regard to 12.4121 he said the barn was an established visual feature and a landmark for him that helped to define the neighborhood. For those reasons he would like to see the demolition rescinded. He was also intrigued by the irony of this process because a demolition can only be appealed after the permit is issued. He repeated what Ms. Stacey said, that the neighbors were in communication with Mr. Morra for weeks and that Mr. Morra was well aware of the appeal and the situation. He said the system is broken and urged the Commission to proceed as if the barn was not demolished. He also asked the Commission to change the appeal process.

Tina and Michael Berins, 272 Lincoln—The couple has lived on Lincoln for many years and were neighbors to 290 until Ms. Stacey's house was moved from Kendrick Park in the 1970s. Their children played in the woods behind their house and the Brown's house. Mrs. Behrens said her daughter had liked visiting Mrs. Brown and her daughter Alma as the house had not been renovated so there was a Franklin stove and many other original features. The couple passed around drawings and photos of their house and its garage/stable from 1911. In their case the house and garage were built as a piece. They said that perhaps the Brown barn was also designed as a garage/stable, and it looked as though the house and barn were also constructed to reflect each other. Mrs. Behrens said she appreciated how Brown was able to take his ideas and integrate them into his homestead; he manifested his teachings on the property. They expressed regret that the barn at 290 came down, but said that its absence does not affect the streetscape, unless you were a neighbor who knew about the structure.

Priscilla White, 318 Lincoln Ave—She is learning a lot about this process and lives 3 doors down from the property. She said there is a change taking place in the neighborhood. She talked about how she likes to walk in the neighborhood and after hearing Ms. Stacey's presentation at the last meeting she thought more about how the house and barn were of one piece. She also felt that Brown brought education and agriculture together. She was struck by a comment of Mr. MacConnell who said the streetscape was not affected by the loss of the barn; one would notice the barn if you were a neighbor and that is what this is all about, the neighborhood. It's the neighborhood that is affected. She cited 13.4121 that the barn was a familiar feature. She does not generally speak in public but felt moved to.

Maurianne Adams, Beston Street—She spoke of the irony of how this barn has galvanized the neighborhood, and given it a reason to fight with energy and cohesion to fight for preservation (of barn and neighborhood) while mourning the loss of the barn. She discussed 2 statements given by Mr. MacConnell on Feb. 5 when he said his client was unaware of the appeal and that he had voluntarily offered to wait 12 months to demolish the barn. She said that she met with Mr. Morra, the Building Commissioner after Feb. 5 to clarify these points. She said the Mr. Morra had informed the owner of the pending appeal and that he had not heard about this voluntary delay by the owners. Ms. Adams admires the effort in Hadley to catalogue and restore their barns, saying that there is now clear evidence and support that barns are an important part of a community's history. She said there are very few barns in Amherst that are a visual representation of the 'backyard' farming done by Mr. Brown. She said it was another irony that the loss of this barn was reminding us all of the importance of barns and that we should pay attention to Mr. Gillen's willingness to move the barn. She said it was an Arts and Crafts barn and claims it fits all of the criteria because of its connection to Brown, who was rooted in the earth and who was a spokesperson/writer for urban agriculture.

Paige Wilder, Fearing Street—She said she repeats what's been said already and pointed out that Mr. Tzeng's LLC consists only of him and he is using the LLC for anonymity and in many cases is violating the town's bylaws. He engages in deceptive practices to do things in Town that are otherwise prohibited.

Denise Barberet, N. Whitney Street—She was on the CPA committee in 2009 and 2010 when the Commission granted funds to inventory outbuildings in Amherst. She said this is a tool that can help save barns and is not sure if the survey has been completed.

Chair Mike Hanke assured her that this inventory is underway and being completed by the Pioneer Valley Planning Commission.

Jim Wald, Select Board—He said that this is a difficult decision to make because there many emotions involved, but reiterated that the Commission judgment is confined to the bylaw and that their authorities are grounded in MGL. He said that the public should know the Commission works very hard and diligent to preserve Amherst. However, the Commission has limited powers and that preservation is both very simple and very complicated, and is quite subjective. The criteria in the Town’s bylaw come from the National Park Service and Amherst has added some cultural nuances to make relevant to the community’s history. He said it is tempting to find everything significant and that each person has their own unique perspective and interpretation. He pointed out that for Massachusetts, this type of house constructed in 1910 the house was not unusual, but if this were in the Midwest it may be significant. The criteria and significance depends on the location and are unique to each area. He said that when it comes to individuals, often something significant is where the person was most productive (i.e. house or studio), while outbuildings are thus difficult to judge. There is some subjectivity inherent in the system, but outbuildings have been and continue to be a priority for preservation for the Commission and the Town. He also discussed the Integrity Thermometer which examines how much has a building been altered and how much of it has been retained; not all structures are intact. He referenced the recent preservation and renovation of the Isabella Steward Gardner Museum in Boston, during which the carriage house was removed. He said that even in Historic Preservation, a building can be found significant and still be torn down. It usually takes a crisis to raise public awareness. He said that the demolition delay bylaw focuses on structures while a local historic district also considers context, but that there is no silver bullet to preservation. He hopes the public will understand how tricky this process is.

Chair Mike Hanke addressed the architecture of the house and barn by referring to photographs of the property hanging on the wall, which showed the interior of the barn, exterior details and features of the barn and house, and images showing context. With regard to the Swiss Chalet style term which has been floating around in relation to the barn, he stated that the house is a fairly sophisticated example of the Arts and Crafts style, but showed details that the back and front porch on the house and the porch and sliders on the barn were added at a later date, perhaps in the 1970s. The footings for the house porch are poured concrete in sonotubes, the ledger board for the house porch runs across a basement window, and the brackets are more modern material. He said that the balustrades (which are plywood) doe echo a Swiss Chalet, but no other features on the barn or house relate to that architectural style. The barn roof did echo the dutch gable roof of the house and much of the exterior appeared to be original siding. However, the interior was dramatically altered into a workshop and loft with stick style framing, an electric heater, insulation and plywood sheathing. There was no evidence that the barn recently housed livestock, but it could have soon after it was constructed. This structure was similar to another building lost to neglect on Lincoln Ave., Henke stated.

Chair Mike Hanke asked if there were additional comments or questions. There were none. The Public Hearing was closed at 7:27 p.m.

Chair Mike Hanke began by pointing out that there are two parts to the proceeding. The first is to determine significance and the second to impose a demolition delay if the barn is significant. He noted that at the first hearing there were some dissenting votes on certain criteria when determining significance.

The Commission began the discussion and review of Article 13.

Review of Criteria:

13.40 : The barn was not listed on the National Register nor was it included in the National Register District. It was not under consideration for eligibility. Meg pointed out that in the last 30 years of inventorying the town's historic structures and in the most recent Preservation Plan for Amherst, compiled by Martha Lyons in 2005, the house and barn at 290 has never been considered.

13.41 Historical Importance

13.4100: Has character, interest or value as part of the development, heritage or cultural characteristics of the Town of Amherst, the Commonwealth of Mass. or the nation: Judith found this criteria somewhat compelling with strongest possibility for the Town, but not for the state or nation. Lynda did not feel the barn rises to this stature for the town as a whole, state or nation; it was likely a garage/stable. She said the neighbors find it has character and interest but on a town scale it does not. Meg referenced the tax records that indicated it was first called a garage and five years after construction was labeled a barn. Matt struggled with this criterion, saying that any structure could fit because of its vagueness. He said it is important to step back and seriously consider if the barn had significance for the Town. Meg referenced the public's argument about the agricultural nature of Amherst, but did not feel that this barn, which was set amidst trees on a busy residential corner could be seen as reflecting that agricultural character. Properties in north and south Amherst have this intact quality. Mike said the Hawthorne property is the only in-town farm that exemplifies urban agriculture. Meg referred to materials submitted by Ms. Stacey about the preservation of barns which stress the agricultural setting as a key piece of barn preservation and noted that this barn did not fall into that category. Meg concluded that barn does not have significance but perhaps the house would; the house is more visible and was the home of Mr. Brown. Lynda noted that the Commission is very aware of the value of outbuildings and has been a driving force in getting a survey of such structures done for the town. But recognizing them through surveys does not necessarily save them.

13.4101: The site of an historic event. The commission voted unanimously that the barn is not related to a historic event.

13.4102: Identified with a person or group of persons who had some influence on society. Lynda began the discussion saying she has learned a lot about Warren Brown from the neighbors, but the fact that he lived in that house does not make the *barn* significant. She said that when the demolition delay bylaw was written, it meant to capture structure and properties at a certain level of significance, not every structure. She said that Mr. Brown was a writer and businessman, but at that time, everyone wrote (in journals, newspapers, etc.) because there was no email or blogs. The Commission discussed Brown's influence and whether that influence could be extended to the barn. Meg pointed out the irony that one of his major contributions to the town was in the buying and selling of properties for development (Cottage Street for example) as is evident in the Tax Records; he was a developer. His writings do discuss gardens and nature in the area, and he was friends with other important figures in the town, but this is not necessarily reflected in the barn. Lynda said that individuals like the Boltwood, a number of Dickinson's, Gaylord—they are individuals, some writers, and some developers, who shaped the community and had an influential impact. Matt said that the even if Mr. Brown is historically significant, the barn as a structure is not associated with him. Meg said he was not a farmer and in the *Essays on Amherst* cited by Ms. Stacey, the author mentions Brown's drives in the country which were more about visiting a property than about nature itself. Meg argued that perhaps the house in which Brown lived should be inventoried

and included in the preservation plan, given what we now know of Brown, but that she was not convinced that his influence was in any way reflected in the barn itself. Mike said the house and barn visually relate to each but it is hard to place Brown in Amherst's history—when the house was for sale for many months it was never referenced as the Brown house. As a writer Mr. Brown is not part of the broad literary history of Amherst like so many other authors. He said there has been no evidence linking Brown to the barn. Judie said it sounds as though Mr. Brown's influence on Amherst is more as a developer and real estate agent and less a writer. Meg said his writings could also be seen as a business move to promote Amherst, but there is no connection to the barn. Mike said that Mr. Brown had a presence in Amherst because he wrote for the local paper and was a businessman.

13.4103: Exemplifies the cultural political, economic, social or historic heritage of the community:

Lynda said she doesn't believe the barn exemplifies these thresholds. Meg said she appreciates the work the neighbors have done and the work they presented about the preservation of barns in the state and the nation. But in reading this material Meg said she found two quotes from Ms. Stacey's materials particularly relevant:

“Preserve MassBarns is a program dedicated to advocating the preservation of Massachusetts historic barns and their outbuildings in their agricultural settings.”

“Setting is one of the primary factors contributing to the historic character of a barn... barns belong on farms, where they can be seen in relation to surrounding fields and other structures in the farm complex. *A barn crowded by suburbs is not a barn in the same sense as is a barn clustered with other farm buildings, or standing alone against a backdrop of cornfields.*” Michael Auer

Both these quotes come from Ms. Stacey's materials. Meg argued that if there had been an agricultural setting surrounding the barn it was long since lost to houses and large trees. Thus while the members agreed that agriculture was important to Amherst's history, the barn itself and the setting it was in were not representative of that agricultural heritage.

Lynda said that the barn does not exemplify farming. Rather, the barn at UMass that is being moved for the new agricultural center exemplifies and embodies the social and economic heritage of Amherst.

The Commission noted that the house could be threatened as well as other properties in the neighborhood.

13.411 Architectural Importance

13.4110: Portrays the environment of a group of people in an era of history characterized by a distinctive style: Mike said that although the house in the Arts and Crafts style, it is not distinctive enough. The Swiss Chalet on Route 9 is an example of a structure that portrays the style and environment. He said that Mr. Brown as part of the progressive era, which is not embodied in the Arts and Crafts style. The other members could find no support for this criterion.

13.4111: Embodies those distinguishing characteristics of an architectural type: With regard to this criterion, the neighbors had claimed that the barn was typical of the Swiss Chalet style. Ms. Stacy submitted an article about the chalet style. Again, Meg referenced this article, where the author refers to features typical of this style: Typical are:

“wide overhanging eaves, big brackets and knee braces, whimsical balustrades, exposed rafter tails, corbel and bandings.” She goes on: “*All have a style defining low-pitched roof with wide eaves, supported by decorative brackets or exposed rafter tails. The homes often look as though the galleried second floor is the main floor*”. The dutch gambrel roof of the barn bore no resemblance to a Swiss chalet style and the barn did not have the deep eaves or low pitched roofs which characterize the style. Meg showed illustrations of characteristic houses and barns in this style and it was clear to the Commission that the barn was not in this style. Lynda also noted that the house would fit a certain style, not the barn.

13.4112: Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the town: the architect of the house is not known and no evidence has been presented that an architect or master builder designed the barn, even though it was mentioned that Mrs. Brown designed the barn.

13.4113: Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation. While the barn was well built, the Commission found no significant innovation.

13.412 Geographical Importance:

13.4120: The site is part of or related to a square, park or other distinctive area: The Commission heard no evidence in support of this.

13.4121: The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or community as a whole. The commission struggled with this criterion for some time. Lynda Faye noted that the neighbors felt it was an established feature and spoke clearly about the loss of the barn. Matt pointed out that he rides his bike along there regularly (to work) and had not noticed the when it was there or when it was gone, in part because of the trees, the color of the barn, and it was not as captivating as other structures in the neighborhood. Mike said that when the barn was originally constructed it was probably much more visible. Now with the overgrown vegetation and mounds of debris it was really not visible except for a narrow window down the driveway. Meg pointed to the trees which sheltered and obscured the barn, thus making it a rather unobtrusive feature for most people. When first driving by this property after getting the demolition application, she had to drive by twice to locate the barn. Judie said every structure has its own unique location, but if it were along a Town Common or other prominent area it would fit this criterion. But it was visual feature of the neighborhood. Matt said you would not use this barn as a directional landmark because it was not visible. The wording of the criterion was helpful in making the decision. Members were not convinced that the barn was in a ‘unique location’ to be a visual landmark for many in the neighborhood. Similarly, the phrase ‘of the neighborhood’ convinced some members that the barn was just not visible enough to have been a significant feature of the neighborhood. The general features of the area are residential homes and the relative obscurity of the barn behind the house and within the trees made it very difficult to see from the street.

	Y	N	Abstain	
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13.40	0	5	0	It is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register, or;
13.410	Historical Importance			The structure meets the criteria of historical importance if it:
13.4100	0	4	1	Has character, interest or value as part of the development, heritage or cultural characteristics of the town of Amherst, the Commonwealth of Massachusetts or the nation, or;
13.4101	0	5	0	Is the site of an historic event, or;
13.4102	0	3	2	Is identified with a person or group of persons who had some influence on society, or;
13.4103	0	5	0	Exemplifies the cultural, political, economic, social or historic heritage of the community.
13.411	Architectural Importance			The structure meets the criteria of architectural importance if it:
13.4110	0	5	0	Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style, or;
13.4111	0	5	0	Embodies those distinguishing characteristics of an architectural type, or;
13.4112	0	5	0	Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town, or;
13.4113	0	5	0	Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.
13.412	Geographic Importance			The structure meets the criteria of geographic importance if:
13.4120	0	5	0	The site is part of, or related to, a square, park, or other distinctive area, or;
13.4121	1	3	1	The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.

Thus the barn was determined not to be historically significant and there will be no demolition delay on the barn; the Commission upheld its earlier decision. Chair Mike Hanke concluded the discussion saying that the developer, Mr. Tzeng has struck a cane into a hornets' nest and that this property is in a neighborhood with many intact historic structures. The Commission reiterated that a Local Historic District offers more protection of structure during the demolition proceedings.

The Commission asked Joel Bard, legal counsel, how to respond to the remand from the ZBA. He said the Commission must write up a decision supported by findings to be returned to the ZBA. He noted that it is important to be thorough in our findings, and explaining the decisions for each criterion. There was also a general discussion about the review by the ZBA and their options for resolving the appeal, which range from a standard of review to ensure that the Commission's proceedings and decision were not

arbitrary or capricious to determining new findings. Joel said that there are no grounds to issue fines to the owner because the barn was demolished with a valid building permit.

The Commission was reminded that a Local Historic District is not a restrictive tool, but one that seeks to preserve a neighborhood and does allow changes.

New Business:

- a. Discussion of Preservation Restriction for the Tiffany Window and the Unitarian Universalist Society of Amherst. The question before the Commission is whether to attach a permanent deed restriction on the west façade of the building. Caroline Cave, the president of the Universalist Society, expressed thanks for the support of the HC. She agreed that the Tiffany window is quite beautiful and is of value to the community as a whole. The Society wants to make the window visible to the public and provide access and they are committed to the center of Amherst, but they cannot predict how they might grow and object to a permanent deed restriction that could inhibit their growth, especially as their sanctuary is very small. They can agree to changes that would be architecturally sympathetic and can cite other examples where CPA funds have been used for windows in religious institutions.

Alan Seewald, legal counsel for the Universalists, said it is worth protecting the window, but forever is a long time and he objects to this permanent restriction. The church community needs to be able to grow and change without the forever clause. He argued that this is not a one-size fits all process and the Society will have to leave their downtown location if they cannot expand in the future.

Mike asked why they are not adding to the sanctuary at the same time as they are building another addition at the moment. Ms. Cave said they ran out of funds and their religious education and community needs are greatest right now. Mike and Lynda pointed out that it is important that the HC be consistent. Meg suggested that the 99 year restriction be placed only on the window itself, not the actual façade of the building. That way the window stays protected and accessible to the public, but the Society has the flexibility to grow as needed.

The Historical Commission and UU Society came to an agreement about a preservation restriction on the property if CPA funds are awarded for the restoration of the Tiffany window. The agreement was for a 99-year restriction on just the window, with the condition that it remain in its current location on the western façade of the church during the term of the restriction, that it remain visible to the public along North Pleasant Street (and backlit at night), and that any changes to the western façade of the building be in an appropriate Arts and Crafts style (that integrates and blends with existing church) and that any changes to the western façade be reviewed and approved by the Amherst Historical Commission and Design Review Board. The restriction would also have the ability to be renewed at the end of the 99 years. In addition to the restriction it was agreed that a public access easement would be granted to the Town that allows the public into the building to see the window from the interior. The details of this easement were not discussed, but it was the intention of the Commission that the public access would fit as seamlessly as possible into the current programs and operations of the UU Society.

- b. Discussion of the CPA request from Amherst Media: the CPA wanted the Commission to discuss with Amherst Media the money requested for hardware and salary. For the hardware, Jim Lescault said the maintenance and cleaning of the equipment will be extensive because the work the hardware has to do is heavy duty. The CPA wondered if this equipment will be available for the public to use when the project is complete. Mr. Lescault said that if the equipment survives the archiving, it will be used to continue archiving public video; and that the equipment would be owned by Town. Given these reassurances, the Commission voted unanimously (5-0) to recommend the full amount of approximately \$54,000 requested by Amherst Media for CPA funding.
- c. Jones Library Railings: George Hicks at the library told staff that the library is considering railings at the front entrance. The Commission wants to see images of such railings before giving its approval.
- d. Changes to the demolition delay bylaw. If the commission agrees to change the bylaw, it is too late for Spring Town Meeting and will likely move forward at Fall Town Meeting. Many questions still remain, such as whether an 18 month delay is advantageous. Lynda wants to have incentives for property owners to find alternatives and some process in place to help guide owners to alternatives to demolition.
- e. The CPA Committee would like to put a time limit on projects given CPA funding to ensure that they are completed in a timely manner. This will be discussed at the Feb. 28th CPAC meeting. CPAC has also said that they do not think that the North Common can be rehabilitated with historic preservation CPA funds.

The next meeting is scheduled for March 12th at 7:00 pm

The meeting was adjourned at 10:30.