

Historic District Commission Meeting Minutes 03/15/2016

Historic District Commission March 15, 2016 Minutes

Members in Attendance

Jason Berger (JB); Ken Fowler (KF), chair; Pat Jaouen (PJ), alternate; Mark Smith (MS)

Members Absent with Notification

Elaine Steinert (ES)

Staff in Attendance

Gwen Miller (GM), Town Planner

KF called the meeting to order at 5:30 pm.

Approval of minutes

Several sets of minutes were presented for approval (PJ not present):

- December 1, 2015. KF moved approval; MS seconded. Approved unanimously.
- December 15, 2015. With minor amendments, KF moved approval; MS seconded. Approved unanimously.
- January 15, 2015. Tabled; no action taken.
- Jan 19, 2016. With amendments, MS moved approval; JB seconded. Approved unanimously.
- March 2, 2016. Tabled; no action taken.

Review of HDC bylaw and guidelines

JB distributed two draft documents for discussion – the Lenox Historic District Bylaw and the Lenox Historic District Guidelines. Most of the changes he has proposed were made to ensure that the town documents align with current state law (MGL 40c), to improve clarity, or to clean up/streamline language. Text in black represents the language currently in the bylaw and guidelines; strikethroughs represent suggested deletions; text in red represents proposed additions.

GM noted that MGL 40c is the enabling legislation, a framework for what a town bylaw should contain. She said towns can be more restrictive in their bylaws than the enabling statute, but not less restrictive. She noted that the HDC bylaw was voted in back in 1975 and residents have not been asked to revisit it since then.

The group went through the bylaw document, focusing on those sections in which JB had suggested additions or deletions. JB made notes on his copy to enable him to provide another revision based on the discussion.

Among the themes that came from the discussion were the following needs:

- to provide documents that clearly state the circumstances under which an applicant needs or does not need HDC approval
- to bring the bylaw into conformance with the state bylaw (MGL 40c) (e.g., adding language about solar energy systems in Section 8.1)
- to continue the use of two separate documents (bylaw and guidelines): the bylaw is a binding document, while the guidelines are not; the guidelines were developed initially because the bylaw often does not address specific issues or details raised by applicants in the past (e.g., the bylaw does not address demolition so it needs to be included in the guidelines, spelling out the beliefs and values of the HDC)
- to update/revise the guideline to be in alignment with changes being made to the bylaw (so the two documents are in synch)
- to ensure that the HDC is following proper procedure (e.g., filing a form indicating disapproval of an applicant's certificate, including the reasons for the disapproval, as well as filing a form when a certificate is approved)
- a clearer definitions section, either in the bylaw itself (Section 5) or as an appendix; if, in reading the bylaw there is something that seems to warrant a definition, one should be developed and added (MS agreed to tackle this)

Items for continuing discussion included whether these items should be in the bylaw or guidelines:

- color of exterior paint and color of roof
- portable window ACs
- driveways
- temporary signs

The group also discussed filling vacancies on the HDC. PJ currently is an alternate member; if she becomes a permanent member, then two alternates will need to be named. (The discussion came about because Section 4.1 a of the bylaw states that if the HDC asks for a nominee from another town board or committee and that committee doesn't appoint someone, the BoS has the latitude to appoint someone from outside that board or committee to the HDC.)

The group decided that continuing discussion of the bylaw and guidelines will be the topic for the next HDC meeting (April 5). Members were encouraged to thoroughly review both documents and bring all comments and observations to this meeting.

The group agreed that the bylaw changes should be readied for public presentation in the fall of 2016, rather than for the May 2016 town meeting.

In the meantime, JB will continue to work on the guidelines (he has time to do this now, before the busy summer season).

As there was no other business, KF called for a motion to adjourn. MS moved adjournment; JB seconded. The meeting was adjourned at 7:40 pm.