

**Historic District Commission
Minutes
Landuse Meeting Room
April 4, 2017**

Members present: Chair Ken Fowler, (KF) Jason Berger, (JB); Mark Smith, (MS); Kameron Spaulding, (KS); Pat Jaouen), (PJ)

Absent: Elaine Steinert, (ES);

Staff present: Gwen Miller, Land Use Director/Town Planner, (GM); Peggy Ammendola, Land Use Clerk, (PA)

The meeting was called to order at 5:30 PM.

Members of the public who were present: Tom Johnson, Drew Davis, and Nate Winstanley

Public Hearing to share proposed amendments to the Historic District. The Notice was posted on March 16, 2017 and advertised in the Berkshire Eagle on March 21st. Notices were also mailed to all property owners in the District.

JB has worked on the original document for the HDC for a year. Copies of the bylaw with the proposed changes were provided. He explained that this effort is intended to correct inconsistencies and be in line with MGL Chapter 40C, the state statute. It is believed that there have not been any changes in the bylaw since District was designated.

Mr. Davis, who owns some properties in the District proposed a hypothetical question about making exterior changes to a building. The Commission responded that an applicant is encouraged to provide to the Commission what the applicant feels is appropriate and to provide something to back up what they wish to accomplish. The sitting members determine the appropriateness of that particular proposal. JB said that with regard to the question posed by Mr. Davis, there is no change in the proposed amendments.

Mr. Johnson asked about the borders of the District and if they could change. JB said that the demarcation for the District have not changed since the District was established, but could change but it would require the vote of the Town.

Another question Mr. Johnson asked was in regards to the following proposed amendments in Section 9.1 which states the following:

The following shall not be subject to review by the Commission;

- a. Ordinary maintenance, repair or replacement of any architectural feature which does not involve a change in design, material, or the outward appearance thereof;*
- b. Meeting safety requirements certified by a duly authorized public officer to be necessary for public safety because of unsafe or dangerous condition;*

Mr. Johnson said that he had recently come before the HDC because the front porch was rotting and the deck had to be replaced. He also wanted to make a change in the steps, but learned that he couldn't have 8 foot wide steps without a rail. The Building Inspector advised Mr. Johnson that he could not do the repair unless he brought it up to code even though his building, which is commercial, was not ADA compliant. He was given the option to either put a ramp up to the porch or take off the steps. The latter he considered to be an abomination to a historic building. He asked if the required ramp would fall under

Section 9.1 b. As written, it indicates a building owner would not have to have the HDC review. The Commissioners discussed and agreed that some language should be added to Section 9.1 b. so that it is understood that an owner of a building in the District would have to have the change reviewed by the Commission.

KS left the hearing at 6:03 PM.

The public portion of the hearing was closed at 6:20 when the last of the three members of the public left.

JB made a motion to amend 9.1b to say *meeting requirements certified by duly authorized public officer to be necessary for public safety because of unsafe or dangerous condition, subject, however, to such conditions as to location, style and materials as the Commission may reasonably specify*; KF seconded the motion. The Commission 4-0

JB made a motion to amend 9.1 I to read *storm doors and storm windows, screens, window air conditioners, antennae and similar appurtenances*; KF seconded the motion and the Commission voted to approve 4-0.

Note: A document was received from Jim Biancolo on today's date with questions and comments regarding proposed changes. This was provided to JB who advised that he would be willing to discuss the content with Mr. Biancolo who was not at the hearing.

Approve minutes:

February 7, 2017-PJ made a motion to approve the minutes, and MS seconded the motion. The Commission voted to agree 4-0.

February 21, 2017- MS made a motion to approve the minutes as presented and JB seconded the motion. The Commission voted to agree 3-0-1. PJ abstained as she was not at that meeting.

GM advised that she had provided the Building Commissioner with a list of the violations mentioned in the February 21st minutes and that she had met with both the Commissioner and Sotheby's attorney, Lorie Robbins. Attorney Robbins pointed out that both Piretti and Barnbrook had similar window displays, but agreed to conform to the Zoning Bylaw by turning off the lights. GM said that Attorney Robbins was advised that Sotheby's had received approval of their main sign, but not the window display. GM will follow up with the Building Commissioner.

MS made a motion to submit the following list of potential violations to the Building Commissioner for review and enforcement:

Judy Bates, for an illuminated sign "413", 27 Church St. An application for this sign has not been presented.

Barnbrook, 27 Housatonic Street, internally lit window display sign

PJ seconded the motion and the Commission voted to approve 4-0.

GM will follow up on these as well.

Respectfully submitted,
Peggy Ammendola