

MINUTES
Hamilton Historic District Commission
October 12, 2017

Members Present: Tom Catalano, Chair, Stefanie Serafini, Edwin Howard, Jack Hauck, Elizabeth Wheaton and George Connolly.

Staff Present: Dorr Fox

Tom Catalano opened the meeting at 6:30 p.m.

MINUTES

Ed Howard made a motion to approve the minutes of the July 10, 2017 meeting, with an amendment. Stefanie Serafini seconded the motion and it was unanimously approved.

DEMOLITION DELAY BYLAW

Mr. Catalano noted that towns across the state have been adopting demolition delay bylaws for the past fifteen years. He stated that many towns have developed bylaws based upon a state model promulgated by the Massachusetts Secretary of States' Office. He explained that the Hamilton Historic District Commission originally voted to move forward with a demolition delay bylaw four years ago. He noted that currently the Historic District Commission has put together a bylaw that Donna Brewer, Town Legal Counsel, has reviewed. She has proposed changes. The Historic District Commission is reviewing those changes tonight.

Mr. Catalano stated that he has done work in several towns that have adopted a demolition delay bylaw. He has noted that a one year delay is much more effective than a six month delay. He relayed an experience he had in Newton where a person who wanted to demolish a house requested a shorter delay time in exchange for placing a restriction on the property limiting the number of structures to be built on the site. He explained that having one year as the delay period would allow the Historic District Commission to negotiate with applicants. He believes that the twelve month delay is the only meaningful period of time. He stated that it would take six months to permit a project, and therefore, a six month delay would have no impact on a developer.

He believes that Donna's revisions to the draft bylaw are good and they could go to Town Meeting with this draft. There was a short discussion regarding how many people needed to sign a petition to put the bylaw on the Town Meeting warrant. He stated that a demolition delay bylaw had been previously proposed and had gone to the Planning Board for review, however, it had gone nowhere after that. Jack Hauck stated that he remembers that the proposed bylaw nearly made it to Town Meeting, but was pulled due to language issues. Mr. Catalano stated that the previously

proposed bylaw had not been reviewed by Town Counsel. This draft bylaw has been reviewed by Town Counsel and the Town Manager is aware that it is being proposed. He noted that the warrant has been closed for Fall Town Meeting, however, they may be able to place it on the Annual Town Meeting warrant this spring. He suggested that they circulate the proposed bylaw to all of the Town's boards with the intention of taking it to the Board of Selectmen for placing it on the warrant.

Mr. Hauck inquired about the purpose of having the delay. Mr. Catalano explained that it allows for limited protection for historic buildings that are not within the historic district. Elizabeth Wheaton stated that the delay allows for alternatives or comprises to be made during the one year period. Such alternatives may include saving the building. Mr. Hauck inquired about the current process. It was noted that currently someone can purchase an historic structure and apply to demolish it the next day. There are no protections. Mr. Catalano explained that the current process only protects structures within the historic district. The members noted that it also notifies citizens of the Town that the demolition is happening, so that alternatives can be proposed.

It was noted that the proposed bylaw protects structures built before 1940. Mr. Catalano stated that most of the historically significant structures in Town were built prior to the Second World War.

Mr. Hauck inquired about how the Historic District Commission could sell the proposed bylaw to Town Meeting members. Mr. Catalano stated that they are proposing to protect cultural resources. For example, it allows the Town to protect a garden on Essex Street that was designed by Frederick Law Olmstead. It is also another tool for people who don't want development in their back yards to use.

Mr. Hauck stated that he had left six months in the original draft, but supports the one year period. Mr. Catalano stated that usually towns have six months because there has been opposition from realtors and other residents. They often compromise on the time period. Mr. Howard stated that he has spoken to a realtor who opposes it. Mr. Catalano stated that owners of buildings that would be affected by the bylaw may also oppose it.

The Commission members discussed the definition of the term "demolition" and the concept of 25% of the building. The Commission discussed whether to remove "of the exterior" from the draft bylaw and whether to review character defining features of the interior of buildings. It was determined that "of the exterior" should be removed.

It was noted that the majority of communities in the state have a demolition delay bylaw and that Hamilton is in the minority for not having any protection for historic structures outside of the historic district.

Mr. Catalano inquired whether they wished to create an administrative waiver system. This would allow for leeway without requiring the entire Commission to get

together to make a decision. The Commission discussed the issue and decided not to create this type of waiver system.

The Commission discussed the concept of adding a provision that would allow the Commission to lower the time frame of twelve months if a building was determined to be preferably preserved. It was noted that this would allow the Commission to negotiate with an applicant. The Commission decided to provide for this provision in the bylaw.

The Commission discussed whether an applicant should be required to obtain all development approvals, such as a variance or a special permit, prior to issuance of an approval for a demolition permit. The Commission determined that this requirement made sense and should be in the bylaw.

There was a discussion of the term "reasonably cooperate". There was a discussion about the dollar amount of the penalty for demolishing an historic building without the approval of the Commission. It was decided that \$100 (one hundred dollars) was the appropriate fine, since the penalty would be levied each day.

Mr. Catalano stated that he would contact Tim McCarthy from the Chronicle newspaper to explain why the Historic District Commission would like to have a demolition delay bylaw. There was a short discussion about the properties that would be affected by the bylaw. It was noted that there are beautiful old homes that could disappear without the bylaw.

It was decided that the bylaw would be returned to Town Legal Counsel to make the changes, and then it would be sent to the Board of Selectmen. It would be sent to the Selectmen after Fall Town Meeting. If anyone finds an issue, they should send them to Mr. Fox. The goal would be to place the proposed bylaw on the warrant for Spring Town Meeting.

Mr. Howard noted that the demolition delay bylaw would encourage the Town do complete an inventory of historic structures. He noted that Mr. Hauck had advocated for this for several years. There was a short discussion about the changing character of the town. Mr. Howard noted that he grew up in Wellesley and the character of that town has changed over the years. Mr. Catalano noted that Wellesley does not have a demolition delay bylaw.

OTHER BUSINESS

There was a short discussion of stone walls. It was noted that there was a lecture coming up at the library on October 18th.

Mr. Catalano stated that the Historic District Commission should have a liaison to the Town Hall Building Committee. Mr. Howard, Mr. Catalano and Mr. Hauck mentioned that they applied to be on the committee, but were no selected.

The meeting was adjourned at 7:30 p.m.

