

MINUTES
Hamilton Historic District Commission
December 14, 2017

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

Staff Present: Dorr Fox

Tom Catalano opened the meeting at 6:30 p.m. It was noted that Richard Boroff was taping a portion of the meeting.

MINUTES

Jack Hauck made a motion to approve the minutes of the November 8, 2017 meeting. Ed Howard seconded the motion and it was unanimously approved.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS: 587 BAY ROAD – SOLAR PANELS

Mr. Catalano opened the public hearing at 6:33 p.m. He noted that the hearing involved the installation of solar panels on the rear barn building at 587 Bay Road on the south facing side of the roof, facing Town Hall. Jeff Allsopp explained that he was presenting two schemes for the project. The first scheme fills the roof below the cupola. The second scheme fills more of the roof and sweeps around the cupola. Neither plan has the panels going to the edge of the roof. Mr. Catalano noted that this is due to the geometry of the panels, and the fact that the roof has been constructed and has a fixed shape. Mr. Allsopp noted that the panels are black.

Mr. Catalano requested the cut sheet for the panels. He asked about the frame of the panel. Mr. Allsopp stated that it would be black to match the panel. Mr. Hauck inquired about the material of the frame. Mr. Allsopp stated that it was made of metal. The panels clip over the mounting system.

Stefanie Serafini stated that she would not be voting on the proposal because she is an abutting property owner.

Mr. Hauck noted that the Historic District Commission had jurisdiction over the project because it was visible from a public road. It is visible from the road that circles behind Town Hall and is also barely visible from Bay Road. He noted that this is the first application for solar panels that the Commission is reviewing. He stated that their decision will be a landmark decision. He believes that because it is a landmark decision, the abutters in the district should have input into the decision. Ms. Serafini and Dorr Fox noted that all of the abutters were notified of the hearing.

Mr. Catalano stated that he would like to see the cut sheets for the panels. Mr. Allsopp stated that he would go and get sheets. Ms. Serafini inquired why the panels

could not cover the entire roof. Mr. Catalano noted that the panels come in fixed sizes and that Mr. Allsopp could not find a size that would allow for the coverage of the entire roof. The Commission took a break from the hearing to discuss the proposed demolition delay bylaw.

PROPOSED DEMOLITION DELAY BYLAW

Mr. Catalano stated that he will give a report on the meeting that he and Mr. Fox had with the Planning Board. He will also discuss comments from Patrick Reffett, Director of Planning and Inspections. He noted that the Town Manager has concurred with Mr. Reffett's concerns. Mr. Reffett is concerned that the demolition delay bylaw would require more hours from the staff in his department. He believes that there will be more work, but not an increase in funding.

He noted that Mr. Boroff has raised a concern about the number of buildings in the Town will be affected by the bylaw. Mr. Catalano stated that the bylaw would affect 751 buildings within the Town, all built before 1940. Mr. Hauck inquired whether the bylaw would apply to more than primary residences. Mr. Fox clarified that the list is a list of lots. There could be more than one building on the lot that was built before 1940.

Mr. Catalano noted that there was also a concern that the timeframe for the delay was greater than one year if the administrative time before the Historic District Commission was added. He noted that the most recent draft of the bylaw has been changed so that the entire timeframe is one year.

An opt-out provision was also suggested at the Planning Board meeting. This provision would allow property owners to select to not be subject to the bylaw. Mr. Catalano stated that it is his opinion and the opinion of Town Counsel that this would not be a good provision.

Mr. Hauck inquired whether anyone had checked to see how much time it takes other towns to implement demolition delay. Mr. Catalano stated that he does not believe that there will be a lot of additional staff time; however, Mr. Reffett believes that there will be. Mr. Fox noted that the most recent version of the bylaw provides for a public meeting process where the Historic District Commission could make a decision whether the demolition requires a public hearing, similar to a Certificate of Non-Applicability. He noted that there were eight demolitions that happened last year in town. He believes that the largest amount of time will be spent putting together public hearings. He stated that Mr. Reffett is concerned that the Town will approve the bylaw, but not provide any funding to implement it. Mr. Catalano stated that Mr. Reffett is proposing to increase the building permit fees. Some of this additional money could be used to implement the demolition delay bylaw.

Mr. Catalano stated that the Historic District Commission could request CPA funds to create an inventory of historic buildings built before 1940. He stated that the Town could do an inventory to determine which buildings should be preferably preserved. He believes that only twenty percent of the buildings that were built before 1940

would be considered preferably preserved. He stated he is concerned that the bylaw would be opposed by property rights advocates. He noted that most of the towns in Eastern Massachusetts have a demolition delay bylaw. He noted that an example of a building that should be preserved, but has no protection, is 13 Essex Street.

Mr. Catalano stated that he believes that the next step is to take the bylaw to the Board of Selectmen. He encouraged the Commission members to read the draft bylaw again to determine whether there should be any further changes. Mr. Fox stated that the Town Manager has stated that it will come before the Selectmen in the end of January. Mr. Hauck stated that he believes they should know how much time it will take town staff to implement the bylaw. Mr. Fox stated that they could look into this. Mr. Catalano stated he will talk to similar towns in the state.

Mr. Catalano explained that Chris Skelly from the Massachusetts Historical Commission could come in and provide a presentation in support of the proposed bylaw.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS: 587 BAY ROAD – SOLAR PANELS

The Historic District Commission resumed the hearing on the solar panels proposed for 587 Bay Road. Mr. Allsopp handed out the cut sheets for the hardware for the panels. He noted that the panels would have a black outer frame.

Mr. Howard stated his concern for solar panels in the historic district. He is concerned that approval of the solar panels could set a precedent for future applications. He would like to see the historic district keep its historic character. He has seen solar installations in other towns and does not believe they are attractive. Mr. Hauck stated that it appears that the residents of the district do not object to the solar panels, since they have not attended the hearing.

Mr. Allsopp stated that he shares similar concerns with the Commission since he is a resident of an historic district. While he believes that it is important to retain the historic character, he does not believe that the district needs to be frozen in time. He noted that the Commission has approved new buildings within the district. He also stated that he believes that they are safe from multiple applications in the district because the older buildings cannot handle the load of the solar panels. He stated that the frame of the post office building could not hold solar panels on the roof. His new building was designed to carry that load.

Mr. Catalano noted that most of the historic buildings in the district do not have the gable ends facing east/west and the roof surfaces facing north/south, which is the more desirable orientation for placing solar panels on a building. In addition, many of the historic buildings have trees surrounding them, which hinder the ability of the panels to collect the solar rays. In the case of the application, the building is new, which allow the Commission to have some latitude to approve the solar panels. It is

not a significant historic building within the district, such as Town Hall or the First Congregational Church.

Mr. Howard noted that he has concerns over the impacts to the district in general. He gave the Patton Homestead as an example of abutters being concerned over what happens on a site.

Mr. Catalano showed a picture of a building he designed with a solar panel on the roof, where the panels go around the cupola. Mr. Allsopp stated that he liked the 'landscape' design option that has the panels going around the cupola.

Mr. Catalano stated that he believes that the proposed solar panel project is worthy of approval because they will be located on a new building, Hamilton is officially a "Green Community" and the Commission should not be placing a huge burden on people trying to use renewable resources, and the approval will not open the floodgates to subsequent applications.

Mr. Hauck stated that it does not appear that the neighbors are upset about the project. He stated that they should not allow the past to rob them of what is needed now. He believes that the appearance of the panels is acceptable.

Mr. Howard stated that he is glad to hear that there should not be a lot of subsequent applications because the historic buildings in the district cannot handle the structural load of the panels.

Ms. Serafini stated that as an abutter, she believes that the proposed project will not have a significant impact on the neighborhood.

George Connolly made a motion to approve the Certificate of Appropriateness for the 'landscape design' of the solar panels. Mr. Howard seconded the motion. Mr. Allsopp will submit a dated plan and cut sheets for the panel and mounting system to attach to the decision. Four members voted in favor and Ms. Serafini abstained. The hearing was closed at 7:22 p.m.

PROPOSED DEMOLITION DELAY BYLAW

Ms. Serafini inquired about the \$100 fine for demolition of a building without the approval of the Historic District Commission. Mr. Fox will speak to Donna Brewer about this issue. Mr. Catalano stated that there needs to be a punishment for someone who demolishes a building without permission, however, the fine on a daily basis may not work.

Ms. Serafini inquired about a system that assumes that a building has been constructed before 1940 when there is no evidence to the contrary. Mr. Catalano stated that he believes this system will mostly work. There may be some oddball projects, such as the Quonset hut. He noted that the next step will be going to the Selectmen to discuss the proposed bylaw.

The meeting was adjourned at 7:27 p.m.

