

**Minutes**

**Historic District Commission**

**November 16, 2005**

**7:00p.m.**

**Lower Hearing Room**

**Members Present:** Steiner  
Sternberg  
Carter  
Martocchia  
Pasulka

**Members Absent:** Carter  
Petrie  
Childs

**Staff Present:** Hayward, Collins

**Public Present:** See Attached Sign –In Form

**1. Public Hearing Continued – 120 Mount Auburn Street, CASCAP**

Sternberg informed that applicant had requested a continuance to prepare an alternative lighting sample.

Collins requested that communications about applicants come through the office to insure the Open Law is not violated. Collins informed that all meetings with applicants need to be disclosed to the office and posted appropriately (48 hours before the meeting on the Town Clerk Board) so that interested parties can obtain the information. Collins also noted that meetings other than site visits should be conducted at the Town Administration Building instead of private homes.

**Vote:** Sternberg moved to continue 120 Mount Auburn Street at the December 14<sup>th</sup> Meeting. Martocchia seconded the motion. The motion was unanimously approved.

Martocchia requested that no time be assigned on the Agenda.

## **2. Nominations and Elections of Officers**

Steiner suggested that the item be postponed until all the members of the HDC are present.

## **3. Proposed Brigham Historic District – Update**

Susan Steele, 77 Russell Avenue, reported that the Form B will be updated to be consistent with the MHC forms. In addition, she informed that a map of the district was developed color coded to indicate the properties by their age. The resulting map illustrated interesting development phases of the area.

Collins informed that the *Brigham Historic District Preliminary Study* was pending submission to the MHC upon receipt of Steiner's letter in Word format. Steiner will forward the file so that the study will be submitted on Thursday, November 17, 2005.

Steiner noted that the next meeting on this topic will be set up in a question/answer format open to both sides unlike the October meeting when it was a "free for all." Steiner indicated that he set it that way because there was a disproportionate amount of opponents at the meeting. He expected the next meetings will be scheduled in January and February.

**4. 259 Mount Auburn – Certificate of Non-Applicability HDO-05-10–  
Installation of a deck.**

Hayward reported that the applicant wanted to expand an existing deck. He noted the deck is not visible from the public-way because of a fence and vegetative hedge. He will be issuing a CNA.

**5. 18 Marshall Street – Certificate of Non-Applicability HDO-05-11 –  
Miscellaneous maintenance and repairs.**

Hayward will be issuing a CNA.

**6. 39 Marshall Street – CA HDO-05-07- Fence Installation.**

Hayward reported that the fence has been installed and completed.

**7. 39 Marshall Street – CA HDO-04-02-Residential Rehabilitation.**

Hayward reported that he spoke to the present owners at 39 Marshall Street that the air conditioners units are to be moved to the back of the property.

Sternberg requested that a letter be sent to the owner and developer stating that the violation needs to be taken care within 30 days or a fine will be instituted. The August violation notification letter is to be attached. In addition, the developer needs to submit a CA for the second air condition unit if it is not moved.

**8. 91 Mount Auburn Street - CA- Exterior Porch Enclosure.**

The HDC requested status information.

**9. 247 Mount Auburn Street – CH – Signage.**

HDC requested that a letter be sent to the applicant inquiring when they will be presenting their design plans for the sign replacement as agreed in their CH.

**10. Public Hearing – 19 Marshall Street, Certificate of Applicability, Annie Nazareth Tenkerian – HDO-05-09 – Installation of a shed.**

Hayward reported that the applicant completed the project without submitting a CA. He informed that an after-the-fact CA application lacked a plot plan. Hayward reported that he received the plot plan that afternoon. Because of the inadequacy of the application at deadline time, the applicant was requesting that the application be continued to the next meeting.

Pasulka inquired what Zoning was doing about the zoning violation and encroachment issue. Hayward responded that he had a letter from Zoning to the applicant about this issue, which is out of the HDC jurisdiction. Hayward indicated that the Ordinance limits the HDC jurisdiction to design issues visible from the public way. Pasulka wanted any design conditions made by the HDC to be conditional to remedying any zoning and abutter issues.

Steiner indicated that property owner requires a 5' set-back. He reported that the shed size does not require a permit from zoning. He noted that the property owner has received a violation letter from Zoning. Steiner indicated that it is the HDC's responsibility is to tell the applicant the size, design, and location of their project. These conditions may be stricter than Zoning.

Steiner reported that that the property owner told Hayward and Scott that the shed was a replacement. Steiner challenged this fact as the previous Rubbermaid temporary shed was at another location. He recommended that the applicant move his shed to the previous location and have the doors facing the parking lot. He wanted the HDC to vote on this recommendation and for it to be reviewed at the next meeting.

Sternberg questioned why a public hearing was being held when the applicant was not present to answer any questions. If the item was not an after the fact construction, she felt the HDC would be continuing this item under ordinary circumstances. She felt zoning should

address the zoning issues first. Hayward responded that under ordinary circumstances, the applicant would have to submit an application with the HD Office and contact Zoning to determine allowable zoning requirements. Sternberg recommended that the item be continued without further discussion. Pasulka concurred.

Based on a site visit, Martocchia noted that he did not have a problem with the project. It was not visible from the public way, except with some effort from the parking lot. Ideally, he felt, the applicant should have submitted a CA before he erected the shed. He felt that more public relations efforts were needed to the district to avoid these after-the-fact problems. Pasulka indicated that the applicant was adjacent to her and across the street from Steiner. Martocchia said he did not have a problem with the project as a member of the public and conceded that it might be different if he lived on the street. He felt Zoning violations and compliance was outside of the HDC jurisdictions. He had no problems with the shape or design of the shed.

Hayward reported that the applicant if required would consider taking down the shed because he is limited by space and public visibility conditions.

Steiner said he considered the application as though a shed that did not exist. Steiner noted that he has been requesting for a month from staff for the applicant to submit a plot plan, elevations, and project dimensions. Without these required items, it is difficult to arrive at a decision. He did not think that the project should be up against the property line and that the shed roof overhangs over the property line. He did not like the design. He would have recommended that the property owner look at a shed located at 39 Marshall Street for scale. Though not much different from the applicant's shed, in Steiner's opinion, was nicer. He felt the shed was out of scale for the property. He felt that the back of the shed facing the parking lot was crude.

Martocchia felt the shed used good materials and was better than a plastic or metal shed. Steiner questioned that the project was a replacement.

Sternberg felt that there wasn't enough information and that the item should be continued with the expectation that the applicant will provide more information. Martocchia questioned what could be gained with additional information. Pasulka suggested that a letter be issued to the applicant stating the item is continued and if he doesn't appear the item may be denied. Sternberg suggested that if he doesn't appear a vote will be taken. In addition, Pasulka suggested that an enforcement action may be taken.

Steiner wondered about his proposed recommendation to move the shed. Pasulka felt that might be an option, at the vote, among many possibilities.

**Vote:** Sternberg moved to continue the public hearing on the CA for 19 Marshall Street to December 16, 2005 to allow the applicant to submit the required information.

Steiner would not support the motion. Steiner stated that he had spent a lot of time on this application to get the applicant to show up. He felt it was not the HDC responsibility to make the applicant show up. Steiner said the HDC is a joke. He felt the HDC residents would continue to violate the Ordinance without Town support.

Martocchia asked what Steiner would propose. Steiner responded that the applicant should move and turn the shed off the property line to where the 4' x 6' previous Rubbermaid shed was located until the variances are worked out. Steiner felt the new shed was a new structure not a replacement. Pasulka was concern that the vote to temporarily move the shed might be construed as tacit approval of the design. Steiner noted that he'd vote on the motion if it was amended to move the shed. Martocchia thought that Steiner's recommendation could be considered an option at the next meeting.

Sternberg questioned why add an interim step was necessary when the HDC can either vote for or against the CA or continue it pending additional information.

Martocchia was ready to vote to approve. However, he felt to continue was a reasonable option. Sternberg suggested that the continuance was only until next meeting not indefinitely. The additional information requested by Sternberg is limited to elevations and yard dimensions.

Steiner requested that a letter be sent to the applicant notifying him about the continuance of the meeting.

**Vote:** Sternberg moved to continue the public hearing on the CA for 19 Marshall Street to December 14 with a notifying letter issued to the applicant requesting elevations and yard dimensions. Pasulka seconded the motion. The motion was unanimously **approved**.

Discussion of the content of the letter: Pasulka would like to see information of possible enforcement action in the letter if the applicant does not appear or come forward with the requested information.

Steiner felt that there were property owner who continue to disregard the HDC regulations while others who abide by them. Steiner questioned whether the content needed to be voted on. Sternberg felt that it was not necessary that it was a standard issued letter similar to the air condition letter (39 Marshall).

Meeting adjourned at 8:09pm.