

23 February 1989

Meeting called to order at 7:05 p.m.

Members present: Brundschub, Siegmund, Carrier, Shackelford, Kirkman and Poor.

Minutes of the 15 December meeting were read and approved. (Note: the regularly scheduled January meeting was cancelled due to weather and the make-up meeting could not be conducted due to lack of a quorum).

Old Business.

1. The Chairman reported that the Raymond School expansion plans were still in the alternate site acquisition stage. The only very likely site would be on 25 acres on N.E. Fitzwilliam Road offered to the Town by the Royalston Academy. If no new site can be acquired, the original expansion plans would be reactivated and the Commission would then have to deal with that problem.

2. The Chairman proposed and it was agreed that a letter be sent to James Kelley summarizing what transpired and was agreed to at the 15 December meeting in respect to his correcting the roofing color problem associated with Certificates of Appropriateness #4-88. The Chairman will do this.

3. The matter of Diane O'Connor's chronic non-attendance at meetings and non-responses to the Chairman's telephone calls was discussed. All present agreed the time had come to seek her removal or resignation. It was recommended

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that the Chairman write her and provide her a resignation letter for her to sign in the hopes she'd respond to that initiative. (After the meeting Beth Carrier volunteered to take care of this letter-writing.)

4. The matter of the incomplete application from Come-La France was discussed at length. The Chairman advised that since he'd received said application an attempt by him and then member Coppock to get Come-La France to provide a photo or picture of their inappropriate front door had been to no avail and so the Chairman refused to act on the application in toto, the door being only one matter at issue. The rest of the application dealt with a proposed new color scheme for the house trim, including solid black side-by-side overhead ^{garage} doors that would be glaringly conspicuous to anyone approaching the Common on Warwick Road, a principal entry point to the Historic District. The proposed red for the ^{front and storm} doors and black for the shutters were considered appropriate but the black garage doors were considered unacceptable. A trade-off was proposed for Commission and Come-La France consideration, that ~~the~~ of making an exception of and approving the front door (which is now a bylaw violation) in exchange for the garage doors being painted white. This was considered worth a try but little likelihood of success was expected based on experience to date with the applicants.

In order to activate the application, Member Bineschub volunteered to take a photo of the

door in question, in the interests of all concerned. The Chairman agreed to this provided that she first obtain the property owners' permission in order to ~~present~~ ^{preclude} any complaint that the Commission was overstepping its bounds. The Chairman was assured that permission would be sought before any photo was taken. Everyone wished member Bumschuh good luck.

New Business

2. The Commission considered an application from the Schodaks relating to outside lighting fixtures. The three identical fixtures were considered appropriate and the application ^{unanimously} approved, #2-89 assigned to the Certificate of Appropriateness.

1. The Commission considered an application from Patience Bumschuh relating to one outside lighting fixture for the Bumschuh property on Drye Hill Road. The fixture itself was presented and the application approved, five in favor and Bumschuh abstaining. Certificate of Appropriateness #1-89 was assigned.

Meeting adjourned at 8:20 p.m.

J. A. Poor
Chairman

25 May 1989

Meeting called to order at 7:10, a quorum of 6 then having been attained. Present were members Brundschuh, Carnie, Siegmund, Coppock, Newton and Poor.

Minutes of the 23 February meeting were read and approved. (Note: There was no official meeting in either March or April due to the recurring absence of 5 out of the total 10 membership, alternate membership which is unacceptable, in the opinion of the Chairman.)

Old Business.

1. The Raymond School expansion problem still persists, the Chairman reported. No suitable alternative site has been found to date despite diligent efforts of the School Building Committee. The Raymond School site itself has problems that the Board of Health exacerbates by refusing (so far) to rule on officially, one way or the other. Accordingly, any expansion anywhere appears questionable as of the moment.

2. The Kelleys decided to properly re-roof the main house and met the 1 May deadline (just barely). In the course of re-roofing it was discovered that the south end chimney was in dangerous condition and had to be removed to the roofline. As of yet nothing concrete is known about replacement plans. (The Chairman will make discrete inquiry at the next opportunity.)

3. Patience Brundschuh stated she had been unable to reach Diane O'Connor about resigning.

from the Commission. Therefore the Chairman will take the problem to the Selectmen for resolution. Meantime, Beth Carrier agreed to try to recruit Lorraine Casingshins as a replacement for O'Connor.

4. The Core-La France request for ^{an} architectural detail change and new trim color scheme was dealt with for the first time as a ^{properly} completed application as a result of the Commission's initiative to obtain required backup photos of the inappropriate "fan-light" door long since, at this point, installed without authorization. (Photos were taken by member Brundschuh with the property owners' permission.)

The aforementioned initiative by the Commission was undertaken because of the lack of cooperation by Core-La France and due to the need to hopefully resolve the non-compliance on their part once and for all.

The Chairman's prior suggestion of a compromise was duly considered with positions both pro and con clearly stated. The color scheme for all but the double garage doors was considered acceptable. Black garage doors were unacceptable. Two members (Newton and Carrier) found the fan-light door unacceptable and clearly stated an unwillingness to accept the door on condition that the garage doors be painted white. (Note: the garage doors were ~~painted~~ ^{either} a light blue ^{or green} at the time the Historic District was established, so painting the doors white would be a concession on the part of ^{Core} La France required in order to retain the "fan-light" door.) The other four members present indicated a willingness to accept the "fan-light" door if the garage doors were

Painted white. It was then moved that the Cone-La Spence application be approved as written except that the garage doors must be painted white in order to retain the "fan-light" door. The motion was seconded and voted upon, the result being four (4) yeas and two (2) nays, Carrier and Newton voting against the motion, which carried. It was subsequently agreed that the approval motion also set a 30-day deadline for painting the garage doors white. The Chairman stated he would take the extra step of writing a letter of explanation to accompany the application as it was approved (#3-89).

New Business

1. In view of a persistent low attendance experience which has resulted in several meetings' being unable to achieve the necessary quorum of six members (nearly the case with this meeting as well) the Chairman proposed that the Commission consider reducing the quorum to five at least until O'Connor's replacement can be found. A motion was made and seconded to temporarily reduce the quorum to five and was voted upon favorably, 5 to 1, Member Siegmund against.

2. The matter of an inappropriate window recently installed in the front of the Waters' barn was discussed. Wayne Newton accepted some responsibility for the owners' having done this and stated he would see that a proper sash be installed.

3. The Chairman then chided certain members for not having noticed roof vents (shiny aluminum)

that had been installed along the ridgepole
of the Byers property, i.e., the house, without
approval from the Commission. Member ~~Clayton~~^{Newton}
said she'd seek to explain the Historic District
implications to the owner of that property and
see if the problem could be rectified without
muss or fuss.

Meeting adjourned at 8:15 (approximately) ~

J. H. For
Chairman

6 July 1989
Special Meeting

Meeting called to order at 7:34 p.m. Members present were: Brundschuh, Coppock, Siegmund, Bowers, Newton, Carrier and Poor.

Reading of the May meeting minutes were dispensed with due to the special nature of this meeting during which only the Cone-La France non-conformance with the terms of Certificate of Appropriateness #3-89 would be dealt with.

— The Chairman announced that as of 3 July and again 6 July 1989 the double garage doors had not been painted white and the "fan-light" door remained in place ^{after 30 days}, contrary to the terms of C. of A. #3-89.

— The Chairman then presented an oral chronology of events pertaining to Cone-La France, the first one being his initial letter to them dated 11-28-88.

— Following the chronology a general discussion resulted in a motion directing the Chairman to send a brief notification to Cone-La France that they had not complied with the terms of C. of A. #3-89 and a second motion directing him to obtain authority from the Board of Selectmen to have Town Counsel's participation in the application of the penalty provisions of H.P.C. By-Laws in particular and all other aspects of the Cone-La France matter as necessary.

Meeting adjourned at 8:05 p.m.

J. H. Poor
Chairman

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27 July 1989

Meeting called to order at 7:03 p.m. Members Newton and Bowers were not present at that time but did arrive in time to participate, making it "all present" for all members and ^{our one} alternate. New alternate Lorraine Casingshins and prospective alternate Larry Meier were introduced by the Chairman.

Reading of previous unread minutes was left to ~~later~~ in order to proceed at once with the matter of the Com-La France outstanding violation for failure to meet a painting deadline of 30 June 1989, which violation(s) existed from 1 through 14 July 1989.

Old Business

1. Mrs. Signé La France appeared before the Commission in connection with the violation mentioned above. The ensuing exchange was primarily between Mrs. La France and the Chairman.

The Chairman briefly stated the case: Com-La France had been given a 30 June 1989 deadline for painting their double-garage doors white in exchange for being allowed to retain their architecturally inappropriate front door, installed in November 1988 without Commission approval or knowledge.

He read the 11 July 1989 letter he'd received from Brian Cone offering numerous reasons why the deadline had been missed, including "on-going pet emergency" and vacation (letter on file) and assurances the doors would be painted that very next weekend. The Chairman stated for everyone's benefit that the tone of Cone's letter was markedly different from the tone of the two previous early letters which he characterized as belligerent,

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and totally uncooperative. The Chairman reckoned that ~~the~~ ^a recent careful reading of the penalty clause by Com had caused the sudden change in attitude, the Chairman having recommended such a reading early in July.

Mrs. La France made several statements of particular interest, some of which clearly conflicted. Early on she seemed to claim they didn't know they were buying a house within the Historic District, suggesting to the Chairman, anyway, that they'd have preferred not to be so located. Later she stated it meant a lot to them to be so located because they favored keeping things the way they were in Roxelston. But then they proceeded to change the front door and the trim color scheme. She claimed ignorance of By Law requirements and non-receipt of informational pamphlets distributed to everyone in the district until Member Siegmund told her that she (Siegmund) had personally given her one (the first edition). And then, after being confronted with their first two different violations they proceeded to change their color scheme a second time without approval.

To her credit, Mrs. La France did state early on that they had in fact missed the 30 June deadline and did not equivocate on that point. The Chairman was compelled to point out that as a case in point in respect to their uncooperative attitude they had yet to state for the record that they had finally painted the doors and when they did it. She then stated the doors had been painted on 15 July, whereupon the Chairman declared, without

objection from anyone, that the penalty period involved was 1-14 July, inclusive. (He failed to point out that made for fourteen separate penalties).

Some discussion then occurred amongst various Commission members as to whether the ultimate goal of the Commission had been achieved at this point without the need for applying a penalty. The Chairman contended that the Commission had already made a major concession in allowing a significant architectural deviation. Member Sigmond contended that we'd done the same in respect to John Rix's barn roof when we allowed corrugated roofing (in order to keep the barn from being torn down altogether and which he requested following proper procedures). Member Bowers cited a case regarding a small section of lattice fencing at the rear end of Mrs. Cole's terrace in respect to which the Commission, under Member Bendschuh's chairmanship, never received a request nor officially took notice and which lattice was not part of a main frame structure.

Member Bendschuh pleaded that the Commission should consider the Certificate of Appropriateness (#3-89) and the terms thereof as having been complied with and that we had learned a lesson in communications. The Chairman went so far as to declare that the Commission had failed outright, informational fliers notwithstanding, i.e., providing everyone with fliers doesn't equate to their being read, or if read, heeded, Core-La Drance being a glaring example.

At about this point the wording of the penalty clause was ascertained as to whether a penalty was mandatory for an established violation or

discretionary. "Whoever violates any of the provisions of this by-law shall be punished by a fine, etc." should have removed any question of discretion due to the use of "shall". (Mr. La France conceded the violation, as previously pointed out.)

By-law regarding and Mrs. La France concession notwithstanding, Alan Bowers moved that in relation to the violation pertaining to Certificate of Appropriateness 3-89 no penalty be applied. The motion was seconded, no further discussion ensued. The motion carried 5 for, 2 against (Newton and Poor).

The Chairman then thanked Mrs. La France for attending a meeting finally after having declined to do so repeatedly earlier on.

Old Business (cont'd)

2. Prior to taking up the Com-La France case, the Chairman accepted, at his suggestion, a motion to re-mistate the quorum of 6, which motion was seconded and approved unanimously.

3. It was noted that the Water's inappropriate barn window had not been replaced with a period window. Member Newton accepted blame for that and was admonished by the Chairman to replace it by the time of the next meeting, or else —!

4. The Chairman advised that the Stanton's tennis court tree/bush/whatever planting had been contracted for and would supposedly soon be accomplished.

5. The Raymond School is still not eliminated as a site for the school expansion program.

6. The Chairman advised that the Kelley's chimney would be rebuilt in the near future.

7. One more recruit is needed to fill out our ranks. Member Kichman was asked to see if his niece or her husband might be interested, which he agreed to do.

8. As to the Byer's roof-rents, the Chairman agreed to write the owner a letter requiring that corrective action be taken.

New Business

1. The Chairman announced election of officers at the August meeting and that he wouldn't be one of them.

2. He also called for a review of outstanding/incomplete action on certificates of appropriateness.

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Awarded during the past two years or so.

Meeting adjourned at 8:25.

John
Chairman