

Minutes of the Plympton Historic District Commission, August 3, 2020

The Plympton Historic District Commission

Minutes of Meeting of 8/3/2020

In attendance via Zoom: Jonathan Shaw, Charles Nickerson, Stuart Chase.

Agenda:

Discuss procedure for proceeding on application to build goat shed at 111 County Road

Chair Jonathan Shaw moved to open the meeting, seconded by Stuart Chase.

Shaw presented the facts:

"We have an application for a structure to be built at 111 County Road. It's a goat shed. The goats themselves are already on the property living in the barn. The goat shed is 12 by 16. It is 13 feet high at the peak. It is a peaked roof structure. It will be made entirely of unpainted rough sawn wood, including the structural members. The fence that will be going from it will be also made of wood unpainted. The roof materials will be asphalt to match both the barn and the house.

The issue is we may have to hold a public hearing and the governor has allowed meetings of committees to take place in a virtual space like this. But not hearings. And so we would actually have to convene people in a room somewhere, which is really probably not a great idea at this point unless absolutely necessary, given the pandemic."

Stuart Chase suggested holding the meeting outside on town property.

Shaw pointed out that the three of them form the quorum of the commission, the two remaining members being disqualified from voting due to conflicts of interest (inhabiting neighboring properties.) Because Stuart Chase is constrained to an evening meeting at 7 PM or later due to work commitments, an outside meeting would have to begin at 7 PM, probably not advisable given the threat level, recently raised to high, for eastern equine encephalitis.

Shaw noted two instances in which a public hearing would not be required. First, if all abutters, the planning board, and anyone else entitled to such notice waived their right to a hearing in writing.

"The second instance would be, quoting the statute, 'if the commission determines that the exterior architectural feature involved or its category, or color, as the case may be is so insubstantial in its effect on the historic district, that it may be reviewed by the Commission without public hearing on the application. provided, however, that if the commission dispenses with a public hearing on an application, notice the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected. Thereby, as above provided in 10 days shall elapse after the mailing of such notice before the commission may act upon such application."

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The group then discussed the substance of the application. Could it be deemed insubstantial in its effect on the district?

The group concluded that proposed structure was consistent with historic structures and materials, but felt that the law had not been written to exclude new structures, but rather, minor architectural details on existing structures. The consensus was that a public hearing could not, therefore, be waived under the second instance of exception.

The group then discussed the first instance, in which all interested parties waive in writing their right to a public hearing, and concluded that given the timing of the submission of the application, and the difficulty of achieving a quorum for the present meeting, and the notification requirements, that those deadlines would be difficult to meet under the current circumstances, imposed by the pandemic, within the 60 day timeframe specified by state law.

The result, an issuance of a certificate of hardship by default, was then discussed at length.

Shaw summarized the public hearing option again: "Let's say that we decide that we want to have a public hearing, I would go to the assessor's office and say, I need the names of all the abutters. And then I would go to the town clerk, and I would say I need the names of everyone who has asked for a public hearing. And then I would go to the planning board and say, when is your next meeting? And I would approach all of these. So the abutters would all have to get certified mail explaining what the project was, and inviting them to a public hearing. And then that would have to be scheduled. And then we would take a vote."

Further discussion followed.

Shaw moved that the commission members present vote on the following motion, as amended by Nickerson, and seconded by Chase:

The Commission has reviewed the application, and while ideally we would hold a public hearing to discuss the application, the current circumstances of the SARS CoV-2 pandemic militate against that approach: the governor has not seen fit to grant permission for virtual public hearings during the pandemic; and while transmission is reduced outdoors, the threat of EEE remains high in this community as the first human case was just reported in a neighboring town. We therefore move to take no action on this application at this time.

The vote in favor of the motion was unanimous.

Shaw said that he would communicate the results of the meeting to the applicant. The applicant will be issued a certificate of hardship on September 10, as the law requires, and this will be provided to the building department, which has approved the plans.

The meeting was formally adjourned at 7:20 PM