



Historic District Commission

Meeting Minutes

2023-1-10

7:00 PM

Online, Town Hall, 472 Main St, Acton, MA 01720

Present: David Honn (DH), Art Leavens (AL), Zach Taillefer (ZT), Anita Rogers (AR), Fran Arsenault (FA) (Select Board Liaison), Barbara Rhines (Cultural Resource Planner)

Absent: David Shoemaker

Opening:

Chair David Honn opened the meeting at 7:02 pm and read the “remote meeting notice” due to COVID-19.

1. Regular Business

- A. Citizen's Concerns – Michaela Moran sought information on the HDC treatment of solar panels. DH directed her to the HDC Solar Guidelines posted in the Resources section of the HDC website.
- B. Approval of Meeting Minutes – December 13 Meeting Minutes: AL moved their adoption, seconded by DH. AL, AR, and DH voted to approve. ZT abstained due to his absence at that meeting. Minutes approved.
- C. Review Project Tracking Spreadsheet / Chair Updates: None
Outstanding COA updates: App. 2213, 75 School St. (CoA approved for erection of wood fence) Applicants stated they would seek to amend application to include arbor, but never did so; App. 2220, 53 Windsor St. (CoA approved for installation of casement window but not issued). AR stated will issue; App. 2224, 603 Mass. Ave. (App to replace windows) DH and AR inspected house, suggesting to Owner that some windows should be restored rather than replaced. Owner did not follow up with the HDC, mistakenly thinking the application was denied. DH will contact and ask if the Owner wants to go forward with the application or withdraw it.

2. New/Special Business [or other applicable agenda items]

- A. 7:15 Continuation of Public Hearing for App. # 2218, 267 Central Street: Demolition of a house and garage to build a new 4-unit structure. DH: Opens the public hearing.



Applicant Mark Foster (MF) and Architect Dan Barton (DB) present. DH: The purpose of this session is to see where we are. MF: We are looking for direction. We believe we have a great design for the location. We understand that there is an agreement to dismantle the garage for materials, but we are hung up on demolition of the building. The only part possibly suitable for use is the front part, but the left part of the building has no foundation, only a dirt crawl space. We want to know where things stand on the demolition question. DH: All of the HDC members agree that, as part of an approved overall plan, the garage can be dismantled and its materials salvaged for use, by sale or otherwise, on suitable projects. As for the main building, demolition has two options: (1) demolish the whole structure, using the granite foundation in some way, or (2) demolish the back wing, that has little or no historic importance, but rehabilitate the front part, perhaps with additions, and incorporate it into the project. The HDC members agreed to come to this meeting prepared to discuss their current thinking on the project. David Shoemaker (DS) is unable to attend but sent an email, which I'll read for the record. DS: Convinced that, due to the many nonhistorical changes, the main building can no longer be considered original and thus protected from demolition. Moreover, it is not in use. The ideal solution is reconstruction of the original building, but not sure that there is sufficient information to make that possible. Any replacement should work towards the same massing, etc., and the proposed replacement needs to come closer in that regard. But, we should not seek to construct an architectural museum. In sum, supports demolition followed up with a replacement that is closer to the scale and massing of the current building.

AL: Appreciates the time and effort of MF and DB but remains unconvinced that demolition of building should be granted. Pertinent historical facts: House is a Federal/Greek Revival built around 1840 and moved to Acton in 1856. Home of prominent Acton citizens and located close to the center of West Acton, being one of the oldest of those houses built from 1940 to 1900. It has significant historic value both by itself and as a part of Acton's West Historic District. The building has what appear to be original features, including roof rafters and sheathing, granite foundation and at least some of the wall framing, but it also has non-historic exterior features. The building is structurally sound though in need of significant repairs. In view of what appear to be its original components, shape and location, the fact that its exterior features are non-historic does not strip the building of its status as an "historic building" protected by the strong presumption against demolition. Although MF and DB have asserted that rehabilitation of the building is not practical due to its costs, they have not submitted the documentation of that assertion required by the Demolition Guidelines. In the end, the apparent reason for seeking demolition of the building is that it would permit the construction of new, larger buildings without which the project is not economically viable. That may be true, but it is not recognized by the statute, Town By-lawP or Demolition Guidelines as a permissible ground for demolition. DH: Do you agree that demolition of the ell is appropriate? AL: Yes. The ell is a non-historic add-on.

AR: Majority of the demolition already done by replacement of the exterior features, reframing of the floor, etc. What is needed for a new building? Like to think of this as a project to renovate the front building and add on to the back. HDC has approved additions in other cases, and I would like to see that happen here. It does feel like the



scale of the current proposal is beyond that of the current building. It seems to swallow up the space like the development across Pearl Street. Not opposed to a new foundation and a new building with a new foundation, but want it to be the right scale. Want to build for future generations. OK with demolition of the front. Nothing there worth saving.

The original framing is just pieces of the whole.

ZT: There is history here, but this historic building was dismantled, piece by piece, before the HDC entered the picture. Agree with AR re: massing. New buildings should reflect the history of what was. AR right – to save old foundation would affect the building from jump, and not sure what we're saving. Correct decision is to demolish. Want plans to reflect appropriate size and massing. Noteworthy that haven't yet seen the costs of rehabilitation, but OK with dismantling of building.

DH: In the camp of retaining the front of the building and letting rear of the building be demolished. Concerned about precedent. In the proposed demolition of 25 School Street, HDC let the developers demolish the garage, but made them use the main building even though it had been screwed over. 267 Central is in the same boat, and I do not think we should let them demolish the front part of the building. Wary of applying two different standards. Would approve retaining and reusing the front but demolish the ell. What do you think?

AL: Agree that consistency in applying our rules is very important.

AR: Agree that consistency is important. Not recall that 25 School had a bad foundation.

DH: This house is in good structural shape. Approved for business use. Consistency is, and has to be, the hallmark of our decision making.

AR: Willing to agree with that.

ZT: Consistency is important. That's why I wanted the financial data required by the Guidelines. Not willing to overlook that. I hear what you are saying.

DH: Brought this point up with DS, who said that he was still OK with demolition.

DH: It appears that at present, one member would support demolition of the front part of the main house and four would not, requiring the front part of the house to be recycled.

MF: Understand your position, but struggle with the foundation issue. And, just for the record, a preponderance of the walls have been reframed. Respecting the size and massing of the proposed buildings, not sure what we can do with that. Given construction costs, we need four units. We want to bring more housing into the village.

AR: Whether or not the front of the building comes down, the space is the same, and for us, scale is important across the board, demolition or not.

MF: That affects the number of units, and we know what rentals bring. As we go forward, we'll have and will provide more information.

DB: Appreciate the information you have provided. Re: the failure to submit cost data, we haven't done exhaustive cost analysis yet. Agree with AR that scale is important with re: the front building. Let me remind everyone that the scale in comparing the new building and the old are almost identical. The concern re: scale was with the proposed back buildings. When we come back, if that's what MF decides to do, we may propose the use of different colors, etc., or changing the way the barn roof faces to address this concern.

DH: Consider this a "gentlemen's agreement," not a final decision. Public comment: One email from Terra Friedrichs: Hope HDC does not approve a larger footprint than



already exists. Greenspace, including the view over roofs, is precious. Keep building sizes the same. If affordable housing, I might feel differently.

- B. 8:02 Annual HDC Property Owner Letter. Members reviewed a proposed draft of the 2023 HDC Property-Owner Letter, making modest changes and corrections to it. BR noted the changes and corrections and will prepare and circulate an updated copy to members for final approval. The members agreed that the letter could go out in February, and BR said she would circulate an updated copy for comments before mailing it to property owners in the three Historic Districts. DH and BR proposed including a flyer in the mailing, a version of the postcard earlier prepared by BR for mailing to historic-district property owners, succinctly describing the three Historic Districts and the role of the HDC in working with property owners to maintain the districts' integrity. Members agreed with that proposal, and BR agreed to circulate a copy of the proposed enclosure to the members for their review.
- C. 8:20 HDC Discussion: Violation Enforcement Procedures. DH: Received an inquiry from Terra Friedrichs encouraging HDC to pursue complaints re: violations of the Town Historic Bylaw. At DH's request, AL reviewed the enforcement provisions of Bylaw P and the HDC Rules & Regulations. Bylaw P, Section 11 provides that the HDC is to report Bylaw violations to the Building Commissioner, who enforces them either by proceedings in Superior Court seeking injunctive relief or by daily fines ranging from \$10 to \$500. Section 7 of the HDC Rules & Regulations provides that the HDC shall determine whether a particular activity violates the terms of Bylaw P and, if so, how to proceed. In discharging its enforcement duties, Section 7 provides that the HDC may act on a "written complaint of any Acton resident or property owner, or upon its own initiative" to "institute any appropriate action or proceedings" Under Section 7, if it decides not to act on a written complaint by a resident or owner concerning a possible Bylaw violation, the HDC shall so notify the resident or owner in writing within 21 days of its receipt of the complaint. After discussion, the members agreed that such a "written complaint" must be signed by the complainant, giving his/her address. While agreeing that the HDC is free to investigate anonymous and oral complaints, such complaints are not, by themselves, an appropriate basis for enforcement actions. Members further agreed that enforcement of the Bylaw should be limited to significant violations. AR: But, when we know about a significant violation, we have to send a letter to the violator. We can't ignore it, leaving the impression that we are not paying attention.
- D. 8:35 Continuation of Public Hearing: Categorical Re-Roofing Approvals. AL: At our last meeting we reviewed the proposed amendment to Section 3.2.3, **Categorical approval**, of the HDC Rules and Regulations, which would amend Sec. 3.2.3 to allow an application to re-roof an asphalt-shingle-covered roof to be categorically approved and issued a Certificate of Non-applicability following a cursory review by an authorized HDC member. The proposed amendment would exempt the application from review by the full HDC and from the requirement of a Certificate of Appropriateness, saving time and unnecessary effort. AL: The concern raised at the prior meeting was with the description of the replacement shingles set forth in the proposed amendment. As



described in the proposal, replacement architectural shingles have to be “high definition (not ultra-high definition),” a description that was thought to be too narrow and potentially out of date with reference to modern architectural shingles. AR: Maybe we should describe them as “architecturally suitable.” It’s hard to be more specific than that. DH: Under the proposed amendment, there will be review by a knowledgeable HDC member, and the type of shingle can vary depending on its proposed use. If the proposed use is non-standard or unusual for the building in question, the reviewing member could decline to issue a CNA and refer it to the HDC for review in the regular course at the next meeting. AL: That might work, but the theory of categorical approval is that the category of work is easily identified and so straightforward that HDC review is unnecessary, the only issue being whether the proposal fits the identified category of work. Proposes that, in view of the time and the other matters awaiting the HDC’s attention, the hearing be continued to the next meeting for further discussion and vote, and so moves. DH: second. Vote: AL yes, AR yes, ZT yes, DH yes.

- E. 8:52 # 2236: 525 Massachusetts Ave Sign Application. Applicant Kyra Matino (KM) present. DH: Could you describe your application? KM: I’m moving a branch location of my business, Revolution Community Yoga, to 525 Mass. Ave, Unit 102, in February and would like to replace the current sign with one of identical size and style for my business. The proposed sign, depicted in the attachment to the application, is 13’ by 1.5’, as is the current sign. It will be painted board, as is the current sign. DH: Members’ comments or questions? AL: I’m fine with the proposal. AR: It looks good. ZT: Will the sign be lit? KM: The lighting is already there. No change. DH: This is part of the WAVE development? KM: Yes. DH: It looks good. Asks ZT to be the liaison and write the CoA. BR: The NOW was mailed 12/29/22, so the CoA can be issued when it is ready. ZT: Moves to approve the application for a sign at Unit 102, 525 Mass. Ave, 13’ by 1.5’, painted board, replacing the current sign of that dimension and location, with lighting as now exists. AL: Seconds motion. Vote: AL yes, AR yes, ZT yes, DH yes.
- F. 9:00 Discussion: Morrison Farm – Preservation Easement Endorsement. Patrick Hearn (PH), Acton Agricultural Committee, present. PH: Seeking HDC support for a warrant article for this year’s Town Meeting establishing a Conservation Restriction re: Morrison Farm, protecting the land’s present use and restricting the buildings and any future replacements to their current use, respective footprints, and outward historic appearance. Under the CR, the buildings would not be open to the public. The barn is currently used by the cemetery workers and the tree warden to store equipment, but it is not open to the public. There is a proposal for a historical corridor placed on the national register linking the East Acton Green to the Woodlawn Chapel. DH: Would the Conservation Restriction be 501(c)(3) eligible? Friends of Morrison Farm? PH: We would probably start a new one. The Friends of Morrison Farm has not been used. We would like to unburden the Town of the maintenance of these old buildings. If the farm is part of a Concord Road Historic Corridor on the National Register, maybe the Town would be more open to the idea. DH: To whom should a letter of support go? PH: The Select Board. DH: There is a huge advantage if the project is private. If public, any work on the buildings would be more expensive. If you “mothball” a building, you can’t just lock



it up. Decommissioning a building involves a lot of work and expense. If a private project, you are free of all of the bidding requirements, etc. that go with public projects. Maybe the buildings could be open for semi-annual tours.

Members of the HDC expressed their support for the letter of support to the Select Board.

Public Comments: Ann Forbes (AF): Restricting the buildings to current use seems very limiting. PH: We don't want to have modern buildings, but we want to keep using the barn for equipment storage. What would be the alternative, "residential" use? AF: Look at the red house on Main Street, next to Town Hall. It's not residential. Consider some expansion beyond current use. PH: We will revisit this "use" question, but want it to be consistent with an agricultural setting. AF: I don't think you want to cripple the use of the house. DH: The key on any use is not to let the public in. The cost is enormous. It is a scheme killer. There is a category in the Code for historic buildings with limited days to be open. PH: We will need the letter a few days before our meeting with the Select Board on January 23d.

- G. 9:30 Continuation of Public Hearing for 267 Central Street: Demolition of a house and garage to build a 4-unit structure. DH moves to continue the public hearing for Application 2218 to January 24, 2023. AL: Seconds the motion. Vote: AL: yes, AR: yes, ZT: yes. DH: yes. Motion passes.

3. Consent Items

None

1. Adjournment

At 9:33 DH moves to adjourn the meeting, AL seconds. DH takes a roll call vote: AL, AR, DH, ZT all approve.

Documents and Exhibits Used During this Meeting

- #2218
- #2236
- HDC Draft Amendment to HDC Rules & Regulations, Sec. 3.2.3
- HDC Draft Annual Property-Owner Letter
- Acton Agriculture Committee Briefing re: Morrison Farm Conservation Restriction

Additional materials can be found here: [Docushare HDC Folder](#)