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**TOWN OF ACTON**  
**HISTORIC DISTRICT COMMISSION**  
472 Main Street, Acton, MA 01720

**AMENDMENT TO DENIAL of CERTIFICATE #2347 CORRECTED**

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the Town of Acton, the Acton Historic District Commission hereby issues a

**CERTIFICATE OF APPROPRIATENESS**

For the work described in Application 2347 requiring approval.

Applicant or (Owner): Ronald Mullen, G.C. (Owner Infante Property Management)

Address: 17 Granite Street, Medway MA 02053 (392 Union Avenue Framingham, MA)

Applicant's Telephone: 508-294-4483 Email: ronmullen17@gmail

Location of Work: 111-113 School Street District: Center \_\_\_ West \_\_\_ South X

**Description of Proposed work:** Removal of pressure treated stair posts, railings and guards installed without an HDC COA certificate and, in their place, the installation of black aluminum posts, railings and guards that meet the following specifications:

- All 4x4 PT posts and PT railings that are visible from the street must be removed.
- New RDI black aluminum Avalon Series Railing system.
- New black aluminum Corner posts to be maximum 2 ½" square
- Install new black aluminum ¾" square balusters
- Install Tristan Railing profile that is integral with the RDI system

**Findings, conditions, requirements, recommendations:**

**Findings:**

1. The governing way is School Street.
2. The existing pressure treated decking and stairs may remain.
3. This installation must conform to all building codes regarding both selection and installation.  
If the Acton building inspector requires changes from the specified materials above, the HDC must be consulted for additional approval before the replacement is installed.

When completed, the work outlined above must conform in all particulars to the Application approved on August 13, 2024. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Building Permit where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension or renewal of the Certificate may be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application received December 1, 2023

Certificate approved by Anita Rogers  
for Historic District Commission

Date of Public Hearing N/A

Date September 9, 2024

**HDC vote on 12/10/2024 to correct  
Location of Work Address**

Copies to: Applicant, Building Commissioner, Town Clerk, Zoning Board of Appeals, HDC File

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2024 SEP 12 PM 1:50

**TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION**  
472 Main Street, Acton, MA 01720

**AMENDMENT TO DENIAL of CERTIFICATE #2347**

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the Town of Acton, the Acton Historic District Commission hereby issues a

**CERTIFICATE OF APPROPRIATENESS**

For the work described in Application 2347 requiring approval.

Applicant or (Owner): Ronald Mullen, G.C. (Owner Infante Property Management)

Address: 17 Granite Street, Medway MA 02053 (392 Union Avenue Framingham, MA)

Applicant's Telephone: 508-294-4483 Email: ronmullen17@gmail

Location of Work: 250 Central Street District: Center \_\_\_ West \_\_\_ South X

**Description of Proposed work:** Removal of pressure treated stair posts, railings and guards installed without an HDC COA certificate and, in their place, the installation of black aluminum posts, railings and guards that meet the following specifications:

- All 4x4 PT posts and PT railings that are visible from the street must be removed.
- New RDI black aluminum Avalon Series Railing system.
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- Install new black aluminum ¾" square balusters
- Install Tristan Railing profile that is integral with the RDI system

**Findings, conditions, requirements, recommendations:**

**Findings:**

1. The governing way is School Street.
2. The existing pressure treated decking and stairs may remain.
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If the Acton building inspector requires changes from the specified materials above, the HDC must be consulted for additional approval before the replacement is installed.

When completed, the work outlined above must conform in all particulars to the Application approved on August 13, 2024. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Building Permit where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension or renewal of the Certificate may be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application received December 1, 2023

Date of Public Hearing N/A

Certificate approved by Anita Rogers

Date September 9, 2024

for Historic District Commission

Copies to: Applicant, Building Commissioner, Town Clerk, Zoning Board of Appeals, HDC File

RECEIVED  
TOWN CLERK  
TOWN OF ACTON, MA  
2024 JAN 25 PM 2:13

**TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION  
472 Main Street, Acton, MA 01720**

**RE: APPLICATION 2347**

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the Town of Acton, the Acton Historic District Commission hereby issues a

**DENIAL OF CERTIFICATE OF APPROPRIATENESS**

**For certain work described in the Application 2347 requiring approval.**

Applicant: Ronald Mullen

Telephone: 508-294-4483

Address: 17 Granite Street, Medway, MA 02053      Email: ronmullen17@gmail.com

Owner: Infante Property Management, 392 Union Avenue, Framingham, MA 01702

Location of Work: 111-113 School St., Acton, MA    District: Center \_\_\_ West \_\_\_ South X

Description of Proposed Work: Replace Rotted Deck and Stairway, including Railings and Guards.

**Pertinent Provisions governing Determination of the Application:**

**Local Historic District Bylaw, Ch. P, Sec. P6. Alterations and Construction Prohibited Without Certificate**

P6.1 No BUILDING or STRUCTURE, or any part thereof, which is within a DISTRICT shall be CONSTRUCTED or ALTERED in any way which affects the EXTERIOR ARCHITECTURAL FEATURES visible to the unaided eye from any point at a five (5) foot elevation above the surface of the public way, on which the underlying lot or property has frontage, that is no closer to the BUILDING or STRUCTURE than the closest edge of pavement, or paved sidewalk if any unless the COMMISSION shall have first issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION, except as this Bylaw otherwise provides

**Local Historic District Bylaw, Ch. P, Sec. P8. Criteria for Determinations:**

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such

EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

**Local Historic District Bylaw, Ch. P, Sec. P9. Exclusions.**

9.2 Nothing in this Bylaw shall be construed to prevent the following:

**9.2 Ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not Involve a change in design, material or the outward appearance thereof.**

**CRITERIA FOR HISTORIC DISTRICT COMMISSION DECISIONS:**

In making a determination for a Certificate of Appropriateness, the Acton Historic District Commission will use the following general standards as a basis for its decisions:

1. The historic character of a property, and its contribution to the character of the district as a whole, shall be retained and preserved. The removal of historic materials or alteration of features that distinguish a property diminishes its integrity, and shall be avoided. Distinctive details, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved. ...

**Findings:**

1. The replacement of the wooden deck and stairs and of the metal railings and guards requested in the Application have already occurred under a Building Permit mistakenly issued by the Building Department. Applicant had neither sought nor been issued a Certificate of Appropriateness from the Commission prior to the replacement. Applicant here seeks to cure that omission by seeking a Certificate of Appropriateness for the project after the proposed construction has been completed.
2. The replacement of the wooden deck and stairs constitutes "ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not Involve a change in design, material or the outward appearance thereof" and is thus beyond the jurisdiction of the HDC, requiring no Certificate of Appropriateness. See Bylaw P, Sec. 9.2, Exclusions.
3. The replacement of the metal railings and guards on the deck with pressure-treated, flat-stock wooden railings and guards, however, involves a change in material, design and appearance that requires a Certificate of Appropriateness prior to construction.
4. The metal railings and guards on the deck were removed and replaced with such wooden railings and guards without a Certificate of Appropriateness.
5. This removal and replacement of the metal railings and guards with pressure-treated, flat-stock wooden railings and guards inappropriately altered the appearance of the deck, diminishing the architectural integrity of that feature of the house.

Denial of Application for Certificate of Appropriateness:

Following a discussion of this matter and for the reasons set forth above, the Commission by a vote of 4-0 DENIES that part of the Application seeking a Certificate of Appropriateness for the removal and replacement of the railings and guards and DENIES a Certificate of Hardship. Within a reasonable period of time, and consistent with the safety of those who might have access to the deck, the wooden railings and guards must be removed, and any replacement of those railings and guards, including either of those suggested below, must be approved by the Commission. As provided in Bylaw P, Sec. 7.7.C, what follows is a recommendation of the Commission that, in a subsequent application, might be acceptable to the Commission regarding the replacement of the railings and guards.

Any appeal from any part of this decision must be in accordance with the procedures set forth in Bylaw P, Section P12.

Recommendation:

Replace the railings and guards with (1) metal railings and guards that are both Code-compliant and consistent with the style and general appearance of the previous (now removed) metal railings and guards on this deck or with, for example, (2) a Code-compliant millwork wood railing with shingle-style turned balusters and top and bottom rails. In this regard, the Commission invites Applicant to contact the Commission and arrange to meet with the Commission to informally discuss possibilities in that regard before filing another application for a Certificate of Appropriateness.

Application received December 1, 2023  
Certificate denied by HDC Vote (4-0)

Public Hearing: NA  
Date January 9, 2024

Copies to: Town Clerk, Applicant, Building Commissioner, Planning Board, Board of Selects, HDC file

*Anita Rogers*

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Anita Rogers, Vice-Chair

RECEIVED  
TOWN CLERK  
TOWN OF ACTON, MA  
2023 DEC -1 AM 10:52

Application # 2347

**TOWN OF ACTON  
HISTORIC DISTRICT COMMISSION**

472 Main Street, Acton, MA 01720

**APPLICATION FOR CERTIFICATE**

**This information will be publicly posted on the Town of Acton website docushare.**

Pursuant to Ch. 40C of the General Laws of Massachusetts, application is hereby made for issuance of the following Certificate for work within a Local Historic District (please check one):  
Cert. of Appropriateness (Building Alteration/Sign/Fence/Change of Ownership) Fee: \$10 5  
Cert. of Appropriateness (Building Addition other than deck/New Bldg/Demolition) Fee: \$50 X  
Cert. of Hardship (for either category of Appropriateness) Fee: \$10 or \$50 (as appropriate)       
Cert. of Non-Applicability No Fee     

**Fees waived for non-profit or municipal applicants.**

Applicant: Ronald Mullen

Telephone: 508-294-4483

Address: 17 Granite St., Medway, MA 02053

E-mail: ronmullen17@gmail.com

Property owner and address: Infante Property  
(if different from applicant) Management  
392 Union Ave, Framingham, MA 01702

Contact information: 508-598-3978

Location of Work: 111-113 School St.  
No. Street

District: Center      West      South     

Description of Work: (See website Instructions regarding information that is here required)  
Replace rotted deck and stairway

The undersigned hereby certifies that the information on this application and any plans submitted herewith are correct, and constitute a complete description of the work proposed. By my signature below, I acknowledge that this application and all its data will be publicly posted on the Town of Acton website docushare.

Signature of applicant  Date: November 30, 2023

Application received by                      for HDC Date:                     

COA approved/CNA issued by                      for HDC Date: