



## Historic District Commission

### Meeting Minutes

03/10/2021

7:00 PM

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

**Present:** David Honn (DH), Anita Rogers (AR), Fran Arsenault (FA), Ron Regan (RR), Art Leavens (AL).

**Absent:** David Shoemaker (DS), Zach Taillefer (ZT), Dean Charter (DC) BOS liaison.

### 1. Opening;

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

### 2. Regular Business

- A. Citizen's Concerns – RR got an email from Marc Foster about wanting to replace the door at 273 Central St. and wanted some guidance on what to use to replace it. RR will follow up; the HDC would like to know what’s wrong with the door and why it needs to be replaced. It’s not clear if the door being replaced is original or a replacement. If it is original, it would be good to have it restored instead of replaced.

615 Mass Ave is under agreement; not sure if it is the person that sent DH questions recently.

FA notices a hole in the roof at 25-27 School St; not sure if that was where the chimney was.

AR talked with Chris Dallmus about windows for 9 School St. DH also discussed with Chris about the use of alternative materials, informing him that the discussion we had at the meeting on February 9<sup>th</sup> about alternative materials wasn’t an approval for wholesale use of materials discussed.

- B. Approval of Meeting Minutes –FA makes a motion to approve the minutes from February 23rd. AR seconds, DH takes a roll call vote: FA – Y, AR – Y, AL – Y, RR – Y, DH – Y, the motion passes 5-0.

- C. Review Project Tracking Spreadsheet – no new applications, spreadsheet up to date.

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

- A. Application 2102 Window Replacement at 5 Chadwick St by Mark Junghans

Applicant present. AL Liaison. Mark is doing a kitchen renovation and would like to replace the two windows in the back (west) of the house with a double casement window.



The windows will be shorter to be above counter height but match the top of the existing windows. The windows will have new trim to match the existing trim on the house. Mark noted in the photos the white material seen behind the windows is the back of existing cabinets.

The proposed windows are 48x47 Marvin Integrity double casement with 2 over 2.

DH asked AR if there would be a way to get a 2 over 1 that looks more like the other windows? AR – I'm fine with the look of the casement, but if you want it to look more like a double hung you can probably use a thicker horizontal muntin to make it look like a meeting rail on a double hung window.

Mark noted that he would like to reuse the right window being removed to replace a second door (red) added to the front of his house when it was used as a nursing home.

After the members present agreed that the governing way is Chadwick Street, DH determined this will be a CNA because the proposed alteration is in the back of the house, not visible from Chadwick Street. AL will write up the certificate and file it, no motion made.

B. Vote to Adopt Changes to HDC Application and Instructions

DH – we had already discussed the changes, but never voted. AL reviews the application and instructions changes.

There was a short discussion on certificate of hardship. Applicant can request outright, or the board can decide if one is appropriate.

There was a discussion on making an electronic application available. It was noted that the existing application is in pdf form and you can use the Adobe Acrobat Reader Fill & Sign tools to fill in the form and attach a signature and then email it to the clerk. AL will discuss with IT about making a form available.

The topic of how applicants will pay with an online form came up. They could mail a check to the clerk, or we can see about getting access to the electronic payment system the town uses for excise tax and dog licenses. AL will discuss with Town IT dept.

DH makes a motion to approve the changes to the application and instructions. AR seconds, DH takes a roll call vote: RR – Y, AR – Y, FA – Y, AL – Y, DH – Y, the motion passes 5-0.

C. Discussion: Proposed Zoning Bylaw Amendments Regarding Setbacks

DH gives an overview/review of what we are trying to accomplish. To remedy the situation where a structure replacing a historic structure that encroached on the zoning setbacks, which requires a variance by the ZBA, but the ZBA is constrained such that a new building replacing a historic building in its original location is not one of the circumstances for which a variance can be granted.



AL - After more consideration of what we are trying to accomplish, adding to the exceptions in Section 5 of the Zoning Bylaw for what can extend into a setback is not an appropriate solution. What we are talking about is a non-conforming structure.

Looking at section 8.3 in the Zoning Bylaw, the only case where a nonconforming structure may be rebuilt where it doesn't meet the dimensional requirements of the zoning setbacks is if it was damaged by disaster and the ZBA grants a special permit, but even in that case if it can be rebuilt conforming to the dimensional requirements then it should be.

Proposed Zoning Bylaw Sec. 8.8: Special Permit to Reconstruct Nonconforming BUILDING of Contributing Historical Significance. This gives the Planning Board the option to grant a special permit to rebuild a nonconforming building in a historic district if it finds the nonconformity to be appropriate to address the public interest in preserving the "building's historic architectural features and/or spatial relationship between the buildings." The application for a special permit must be filed within one year of the destruction of the original building. The Planning Board can only consider the application if the HDC has approved of the replacement building via CNA or COA.

Proposed Amendment of Zoning Bylaw 8.3: Nonconforming structures, Bylaw 8.3.5: Historic Buildings. This proposal adds a provision to Section 8.3 such that rebuilding a structure in the historic district that does not meet dimensional requirements can be granted a special permit by the ZBA to be rebuilt in the dimensions of the existing nonconformity provided it otherwise conforms to the dimensional requirements. The application for a special permit must be filed within two years of the destruction of the original building. The ZBA can only consider the application if the HDC has approved of the replacement building via CNA or COA. Finally, the ZBA must find that the new building is not detrimental to the neighborhood.

DH – In either case you can't make the nonconformity any worse than it already is.

AL – Yes, I wanted to be as narrow as we could. In section 8.7 the planning board can go beyond the original dimensions for multi-family dwelling.

DH – Does anyone prefer which proposal to try first? Through the Planning Board or ZBA?

AR – I think this situation is more typical to what the ZBA deals with versus planning. The ZBA deals with renovations and additions versus the Planning Board which deals with new construction and new lots.

DH and FA agree. DH adds that the ZBA hinted in the denial for 66 School that they understood what the HDC was asking for but didn't have a legal foundation to grant the special permit.

AL – My reasoning for proposing the new Section 8.8 was based on the existing Bylaw, Section 8.7.1, Special Permit to Reconstruct Nonconforming Two-Family or Multifamily Dwelling, which allows the Planning Board to authorize smaller or larger dimensional requirements "as it finds appropriate to address public interest considerations such as ...



historical architectural features or the spatial relationship between buildings.” The Planning Board already has the authority to do what we want, just in a different provision.

DH – Maybe we should present both proposals to the Planning Department as they review all the warrant articles regarding zoning.

The Board discussed the details regarding demolitions, dimensional requirements, and non-conforming lots. Discussion of condemned buildings versus “X” marked buildings added by the fire department indicating to first responders the building is vacant and not to be entered.

AL reads through the memo introducing proposed amendments which summarized why we are proposing the changes.

For the next meeting AL to adjust the format of the memo and AR will supply graphics showing examples to include in the memo for final review before sending to the Building Department. No motion made.

**D. Discussion: Enlarge and/or Create Additional Historic Districts**

To set the mood DH described an article, maybe on Historic New England website, about a town owned farmhouse in Framingham that was renovated and designated into a single building historic district.

FA supplied maps marking the existing districts and offered potential extensions to incorporate additional historic properties into the districts.

In South Acton including Maple St to Martin St. back to Central St. Across from the discovery museum there are a handful of antiques. There are the three nice Victorians on Central across from the train station, maybe including Central up to Martin St.

In West Acton along Central St where the district ends at Church St, extend it down towards the Mt. Hope Cemetery. There are some nice houses on Homestead St, Willow St. and Summer St. The house on the corner of Summer and Central is in tough shape.

Extending up Central St toward Idylwilde Farms. The Town’s stock of historic buildings lost some cottages on Central north of Mass Ave. Extending along Arlington St. from Spruce St. to Elm St.

The Center District encapsulates most of the historic properties in that area; maybe Wood Ln, or Newtown Rd could be extended. On Main St. past the post office there are some nice antiques.

In North Acton there are some beautiful antiques, but they aren’t grouped together.

The Historic Commission has about 600 properties on the cultural resource list that aren’t in the districts that could be potential properties. We should have a joint meeting to get some ideas from them.



Houses that are 50 years old or more qualify. We don't have a lot of mid-century modern houses from the early 1900's, but there are some post-WW2 from the 1960's forward. It would be good not to have a gap in the historic record. For example John Hancock's was demolished in the 1800's because it was "old fashioned". What are the "best types" and how would we protect those?

There was a recent law passed to encourage multi-family dwellings within a ½ mile of the train station which adds pressure to demolish smaller, old houses and replace with larger multi-unit buildings.

Two goals: expand the existing districts and making a "scattered" district of houses/styles to preserve across the town.

DH will try to get Anne Forbes and/or other historic district founders to come to a future meeting to discuss the endeavor. FA will reach out to the HC about a joint meeting.

No motion was made.

#### **4. Adjournment**

At 8:50p.m., AL makes a motion to adjourn the meeting, FA seconds. DH takes a roll call vote: RR – Y, AR – Y, FA – Y, AL – Y, DH – Y, the motion passes 5-0.

#### **Documents and Exhibits Used During this Meeting**

- Minutes from February 23<sup>rd</sup>,
- Application 2102,
- Draft changes to Application for Certificate and Instructions
- Proposed Zoning Bylaw Sec. 8.8: Special Permit to Reconstruct Nonconforming BUILDING of Contributing Historical Significance,
- Proposed Amendment of Zoning Bylaw Sec 8.3: Nonconforming Structures,
- Memo for Proposed Zoning Bylaw Amendment.