

Historic District Commission

Meeting Minutes

2023-11-14

7:00 PM

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

Present: David Honn (DH), Zach Taillefer (ZT), Anita Rogers (AR), Art Leavens (AL), Barbara Rhines (BR) (Acton Cultural Resources Coordinator)

Absent: David Shoemaker

Opening:

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

1. Regular Business

- A. Citizen's Concerns – Miria Atkinson inquires re: a proposed “in-law” addition to home at 82 River Street. DH: Need to file an application. If you want to discuss before you do, you can ask for a time slot on the agenda for the November 28 HDC meeting.
- B. Approval of Meeting Minutes – 24 October 2023: DH moved their adoption, seconded by AR. AR, DH, AL, ZT approve. Minutes approved
- C. Review Project Tracking Spreadsheet / Chair Updates:
 - Outstanding and Completed COAs/CNAs/Denials
 - 53 River Street Park Elements – AR will complete CoA in next two weeks
 - CoA outstanding for #2332 590 Mass. Ave. masonry repair. Deadline is 11/28/2023
 - CoA outstanding for #2337 590 Mass. Ave. window infill. Deadline is 12/09/2023; Applicant requests both CoAs for 590 Mass. Ave. by 11/28/2023 so work can be coordinated.
 - CoA due for #2337 on 11/25/2023 543 Mass. Ave. Sign for Danny’s Place (ZT)
 - CNA outstanding for #2345 Acton Women’s Club historic marker placement – DH, not yet.
 - CoA #2333 525 Mass. Ave. Signage (ZT) Completed
 - CoA # 2313 615 Mass. Ave. Window Renovations/Replacement (DH) Completed
 - New Site Visit Date for Town Hall Fountain Review – 9:00 am, 11/21/2023

- HDC Letter to HC (DH) re: Concord Road HD – DH, not yet.

Upcoming Public Hearings and Discussions:

November 28, 2023

- Public Hearing for # 2341 450 Main Street Solar Installation
- Discussion of #2343 66 School Street installation of gutters and downspouts
- Discussion of 2344 77 Nagog Hill Road siding replacement

2. New/Special or other applicable agenda items

- A. 7:15 Application # 2339 12 Concord Road (Acton Congregational Church). Public Hearing re: Proposed Solar Installation. BR: Reads Notice of Public Hearing. Rod Kunz (RK), Member, Board of Trustees of Acton Congregational Church, present for Applicant. Bob Clarke (BC), associated with 621 Energy, solar contractor, present for Applicant. BC: Reviewed the application, noting that he and RK had earlier attended an HDC meeting to discuss solar installation and had prepared the proposal taking into account the HDC suggestions and recommendations. Reviewed the slides attached to the application that show the placement of the solar panels are exclusively on roof elevations of the 1990 Addition to the Church. The slides show that panels are only visible from Concord Road, the governing way, from side views at the entrance to the Church parking lot and on the northern spur of Concord Road. There are no panels on the historic Church itself and none visible from a 5' vantage point on Concord Road looking at the front of the Church. Except for a wall-mounted disconnect panel, which will be screened by shrubs, all equipment associated with the solar panels will be inside the building. DH: For purposes of what is visible from the governing way, we always pretend that any trees or other foliage does not exist, so there are some panels, currently hidden by existing trees, that are on the 1990 Addition that would be visible from Concord Road without the trees. The HDC adopted Solar Guidelines in 2020, which govern its decision making in this regard. Guideline 1 provides that the primary factors to be considered regarding the installation of solar panels is the building's age, historic significance and unique architectural character. Here, there are no panels on the historic Church itself, the panels being confined to the 1990 addition to the Church, located behind the Church. Guideline 2 prohibits solar panels on a roof surface that fronts on (faces) the governing street. Here, there are no panels on a roof surface that fronts on Concord Road. Guideline 3 allows solar panels on roof surfaces of an accessory building if the size, shape and location of the panels do not dominate the roof surface visible from the governing way. The proposed panels in this application nicely fit into this category, the 1990 addition on which the panels are to be located being a newer building which serves as an accessory building for the Church. AL: Agrees and is comfortable with the proposal. ZT: Does the proposal minimize the number of visible panels necessary to make the project viable? BC: Yes, if we had to take panels off the roof with the southerly exposure and put them on the northerly side, it would not be nearly as effective. ZT: Agrees that the proposal fits within Guideline 3. AR: Are there vent pipes on the roof surfaces in question that affect the panel array? BC: No. AL: Will the panels be all black, no white trim installed parallel to the roof no more than 3 inches from the roof. BC: Except for panels on a flat roof not visible from Concord Road, all panels will be as described. DH: Guideline 5 provides discretion in setting the distance of panels from the roof edge. Will these be at

least 12 to 18 inches from the roof edges? BC: They will be at least 18 inches from the edges. No Public Comment. AL moves that the project be approved as described. AR seconds the motion. Vote: AL yes, ZT yes, AR yes, DH yes. That Application is approved, AL to write the CoA.

- B. 7:46 468 Main Street No Application – Preliminary Discussion. Nora Masler, (NM) Town Planning and Sustainability Office appearing for the Town. NM: Town is exploring ways to make the Town-owned building – the “pink building” – more inviting and exemplary from a sustainability perspective. No changes are planned for the building’s exterior. Presents a diagram of the rough siting of the proposed elements, most of which are changes to landscaping. AL: HDC has no jurisdiction over landscaping, but likes the idea and the proposal. AR: Agree. ZT: Excited to see the landscape being refreshed. DH: Will the building be accessible to the public? NM: Yes. There is an elevator in the rear of the building to address accessibility issues. DH: Suggests deleting proposed road access from Main Street, leaving access to that off Newtown Street. Cut down on curb cuts. NM: Would need to remove asphalt in front of building. DH: Maybe have a walk-off parking lot, avoiding cars on the property altogether. NM: It will come down to resources, but good idea. DH: Sign out front? NM: Not now but good idea; making clear this is a public space. DH: No front door? NM: Not handicap accessible. DH: Like the whole idea. HDC jurisdiction covers any structure one foot tall or taller and any signage.
- C. 7:59 Gardner Field Violations Remedy Discussions. Qui Rui Pang, Town Engineer: Consultant still working on proposed remedies. Nothing concrete to report at this time. DH: Put the discussion off until November 28 HDC meeting.
- D. 8:00 3-27 School Street Discussion. John Perkins (JP), Design Associates, Owner of 9 School Street. JP: Inquires re: status of the proposed renewal of building at 27 School Street. DH: Not a candidate for demolition. Owner of 27 School Street applied for a CoA to renovate the building, creating six condos. HDC approved. Nothing happened. Owner came back with second, smaller proposal to renovate building for 3 condos. HDC approved, a building permit was issued and renovation started, but then stopped. The CoA and building permit have both expired. JP: The smaller building in back? DH: HDC allowed demolition of the newer parts of that building, which were in serious disrepair. Never came to a resolution re: plans for the original part of the structure, which still remains. JP: Has a structural engineer looked at that building? DH: Don’t know; don’t think so. JP: Was the idea to fix up or replace back building with a new look-alike? DH: No determination made. JP: Can’t believe a structural engineer would approve renovation. DH: Check HDC Demolition Guidelines. JP: Talking with the Owner of 27 School, but not interested in rehab. That would be a major project. DH: If a rebuild were approved, not bound by setbacks. Can rebuild on or within the original site. JP: Pictures of the original building? DH: Check Macris.
- E. 9:00 526 Massachusetts Avenue. Hardship request for replacement of windows denied in Application #2322. Applicant Marjorie Norman (MN) not present. DH: Reviews the background, noting that in this application, MN originally sought approval to replace 14 double-hung, original windows with Marvin Infinity double-pane windows, citing the noise from the renovated playground at Gardner Field (sited immediately west of her condominium) as the reason for the window replacement. At its July 25 meeting, the HDC considered her application, approving the replacement of six windows but

disapproving the replacement of eight, those located on the front facade and the west-end gable. Although MN did not apply for a Certificate of Hardship, Bylaw P, sec. 7.6.1, required the HDC to then consider whether a Certificate of Hardship should issue for the eight windows it disapproved. The HDC found that the hardship requirements set forth in Bylaw P, sec. 7.6.1 were not met. The HDC thus denied the application for the eight windows in question. On October 25, MN filed Application 2342, seeking a Hardship Certificate for the eight windows in question. Because Bylaw P does not provide for such an application in the face of a prior denial, the HDC treated Application 2342 as a request under the original application for reconsideration of that denial. MN attached a letter to this application setting out her argument for such a Certificate. DH: Playground noise is not unique. Although the Gardner Field Playground has been renovated in a manner that was not authorized, it was operating as a playground before that renovation. AL: Sympathetic to MN's concerns regarding the unauthorized renovations, noting that the HDC is pursuing possible steps to remediate the problems and with such remediation, hopefully, remediate some of the noise. However, the noise cited does not satisfy the strict requirements of Bylaw P, sec. 7.6.1 for a Hardship Certificate. First, there has been no showing that increased noise especially affects MN's condo but that noise does not affect other buildings in the Historic Districts. Changes in noise levels are not uncommon in these mixed-used environments, and the HDC has seen at least one similar request for window replacement based on noise, which it denied. Second, there has been no showing of substantial hardship, no showing that the replacement windows would abate the noise more effectively than other possible solutions suggested by HDC members who inspected the windows in question. Third, even if a qualifying hardship could be shown, for the reasons cited in the earlier denial, approval of a Certificate of Hardship would be in substantial derogation of the intent and purposes of Bylaw P. For these reasons, I cannot support the issuance of a Certificate of Hardship in this case. AR: Agree with AL. It is not infrequent that folks have to learn to live with changes, including noise. Noise may create unhappy neighbors, but that is not a hardship unique to this building. No showing that the noise issue applies to the front five windows. Shouldn't do such changes piecemeal. Windows in question are in pretty good shape and are amenable to restoration and installation of interior storms if restoration is not enough. ZT: Agree with AL and AR. Sympathetic with MN, but not appropriate to use Bylaw P's hardship clause to address this issue. To do so would be a terrible precedent, opening the door to hardship requests which are not valid. The HDC members suggested options which MN could try, but she did not. The remedy for this problem lies with changes to Gardner Field, and could use more voices from the public joining in on seeking a solution. I vote to deny this hardship application. DH: Much of the noise problem lies with issues beyond HDC jurisdiction. E.g., the use of the playground after dark. Remedies are beyond HDC control. Serves on the Design Review Board, which is working with Corey York to mitigate the unauthorized design flaws in the playground. Need a wood fence between the playground and MN's building as well as plantings to dampen noise. Such mitigation will be far more effective than the requested window replacement. As suggested to MN earlier, installation of interior storms, with a substantial air barrier, would be more effective than the double-pane replacement windows. There is not the kind of solid evidence, like the structural engineering reports and specific price quotes that were provided in 446 Main replacement of the slate roof.

Hardship is not an ordinary basis to overcome a finding that an architectural change is inappropriate. Need hard evidence. Public Comment: Sandra Grund (SG): Has anyone done a site visit to check the noise now that the playground is open? This playground is not what the CPC intended in approving funds. This noise does not impact other residences in the immediate area; most of those buildings are commercial, not residential. This was not an appropriate use of state funds. ZT: Would do a site visit, but the problem is scheduling it for the right time, or even the right season. Plus, there is no baseline for comparison. Noise is scientifically measurable. Decibel levels can be measured, but again we have no baseline. AR: Would do a site visit, but agree that it would be hard to identify an appropriate time to do it. Noise levels change. That is part of living in this kind of area. AL: Have visited the playground since its renovation and see that it is busy at certain times, but do not think a site visit would change my mind. Agree that noise levels change and do not think that such changes constitute the sort of unique hardship provided for under Bylaw P. Don't think we want to start down that road. ZT: Remediation of the playground, including landscaping yet to be done, will hopefully address some of the noise problem. Motion to deny MN's application for a Certificate of Hardship was made and seconded. Vote: AL yes, AR yes, ZT yes, DH yes. Al to write the Denial.

- F. 9:30 Application # 2325 37 Windsor Avenue windows (continued). Applicant not show. Will inquire re: continued interest.

3. Consent Items

None

1. Adjournment

At 9:35 DH moves to adjourn the meeting, AR seconds. DH takes a roll call vote: DS seconds. AL, AR, DH, ZT all approve.

Documents and Exhibits Used During this Meeting.

- All relevant Applications and Documents, in Docushare