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**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

Anita Rogers, Vice-Chair

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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: