

**Acton Historic District Commission**  
Meeting Minutes, October 6, 2008



Meeting called to order at 7:45 pm

Brian Bendig, Kath Acerbo-Bachmann, Scott Kutil, Michaela Moran, Ellie Halsey, and David Honn were in attendance. Terra Friedrichs was absent.

A 5.5 page letter arrived from attorney Alex Parra (AP) at 6 pm this evening via email re the 81 River St. request for demolition/new construction approval.

8PM Continued Public Hearing 81 River St., App. 0817, request for demolition of mill building. Joe Levine (JL), Bud Flannery, AP, and Eddie Flannery present for the application. Numerous members of the public attended. The PH had been continued at the applicant's request from 9/11/08 and 9/15/08. AP was invited by BB to discuss the letter which arrived to the HDC via email today. AP noted that Mr. Prest estimated additional costs of saving the building would be in the range of \$180K; i.e., \$116K plus \$65K addition foundation and construction. AP felt that the bylaw supports his position that demolition would be allowed in case of storm damage. SK asked the percentage of the total cost for saving versus the cost of construction of a new building. JL responded that the new building would cost \$1M, and the cost of 'saving' the structure would be on top of that. MM asked what the cost of demolishing the building would be; JL replied that it would be only about \$35K—a figure that was questioned as far too low by some commission members. Harbor Demolition gave an estimate of \$116K to save the front portion of the building. Members of the public are concerned about the site remaining an eyesore for some time as the building stands. KA-B asked if a condition could be placed on the motion to demolish to begin construction on the replacement building immediately following. It was thought that the condition might be placed but is unenforceable. The HDC, through BB, provided a partial correction of the AP letter's statements respecting the factual background and the scope of the HDC's authority, with an express reservation of the right to respond in writing to that letter received today. Numerous questions and comments of the public were addressed. BB indicated it was time to vote on the application. BB closed the PH at 9:45PM. To initiate a decision, BB moved to approve application #0817 based on submittals, SK seconded. BB addressed the motion in discussion. The HDC is not preventing any health or safety decisions by the building department. BB noted the limitations on the HDC's ability to act as respects safety. BB also indicated that no part of this application was covered by 9.1.8, in particular as the rear wing damage last winter was represented to have not been the result of a storm, but instead was represented by the applicant group at the 8/18 meeting to have been the result of progressive deterioration, winter snow loading, and storage of heavy items in the wing that collapsed. BB, noting historian Bill Klauer's input to the PH process regarding the historic significance of the mill, would vote to deny the motion. SK feels the building should come down due to structural engineering report and its appearance and the sentiment of the neighbors who would like to remove the eyesore. DH feels the building could be rehabilitated. Vote on the motion was as follows: three nays (BB, DH, KA-B) and one yes (SK). BB asked the remaining non-voting members of the commission how

their vote would have been cast. EH and MM both stated that their vote would have been to deny the application. EH did not vote because she was not present during the first PH session. MM did not vote because she was not present for the entire first PH session.

9:55PM Scott Nicol, 76 School St.. MM has recused herself from discussion. Amendment to change window manufacturer to Jeld-Wen (painted wood window of SDL), height of windows on front and side, and the number of windows on the dormer. BB moves to approve amendment to application #0733A, KA-B seconded, motion carried unanimously. BB will issue an amendment to the original COA this week.

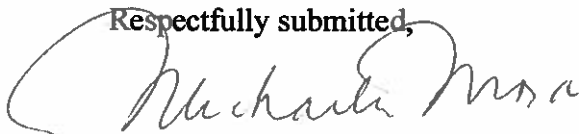
Discussion of the 53 River St. application. BB requested a site visit via email from the architect but has had no response. The dam and raceways are within the jurisdiction of the district because they are visible from the public way.

Anne Sussman of the Design Review Board and a tenant of Glenn Berger in Exchange Hall suggested having a joint meeting of all the boards which have some jurisdiction over the EH project. The meeting would be to strategize re what to do about the building, its ownership in the context of the rights and privileges of the town.

KA-B will take it upon herself to notice the HC of our public hearings.

Meeting adjourned at 10:55pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michaela Moran", written over a large, loopy flourish that starts under the word "Respectfully" and extends to the right.

Michaela Moran,  
Secretary