

Acton Historic District Commission
Meeting January 25, 2011
Minutes

Meeting was called to order at 7:30 by Chair, Kathy Acerbo-Bachman

Present were Kathy Acerbo-Bachman (KAB), David Honn (DH), Ron Rose (RR), Terra Friedrichs (TF), Maya Minkin (MMK), David Barrat (DB) and Mike Gowing (MG) Board of Selectmen liaison.

Absent were Michaela Moran and Scott Kutil

Guests included Anita Rogers and Pam Lynn, prospective HDC members.

7:30 Citizens' Concerns-None

HDC Minutes of the meeting of January 11, 2011 were approved unanimously.

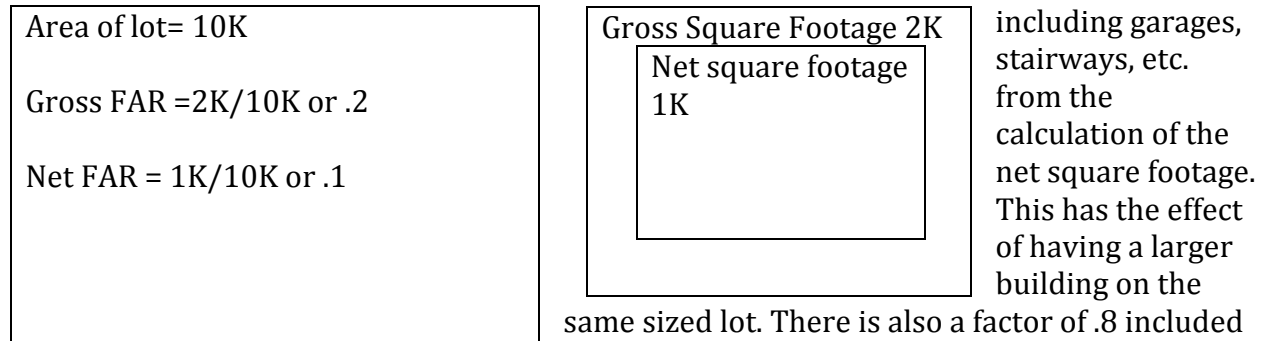
FAR (Floor Area Ratio) There are proposed changes in the determination of floor area ratio to be presented at the 2011 Annual Town Meeting for vote. Much discussion over the years. HDC interpretation differs from that of Roland Bartls. Vote bylaw at TM Vote. DH and RR discuss. South Acton Village Historic District. FAR for residences is set at .2. There is a density bonus for mixed use up to as high as .4. This has been interpreted to mean .4 for everything. This is also true for the West Acton Village Historic District except that the values are .4 for residential and .7 for mixed.

KAB Change to .2. This is clear for residential. Also clear is that we use .4 for mixed use. This was the understanding at one time. The value of .2 is more appropriate. It was propose to the Planning Board to not increase density.

DH Agrees with the foregoing that .2 is more appropriate and not .4. Tried to bring this to the Planning Board's attention and were rebuffed. Deemed to be bad policy. Roland Bartl changed the definition of gross and net square feet to be used in the calculation. We are the only town to use net square feet. All others use gross square feet. The intent is to go for clarity.

DH presents illustration of calculation of gross vs. net floor area ratio FAR as follows:

However, in Acton other factors are included such as the elimination of certain items



same sized lot. There is also a factor of .8 included in Acton's calculation, which also has the added effect of increasing the size of the building on a given lot. In a particular neighborhood like the West Acton Village Historic District, the foregoing factors serve to increase density, not a desirable result. DH says that this is not seen in other towns in Massachusetts. There should be two definitions for FAR, one for residential and one for commercial.

TF We must seek to change the definition of Net Floor Area. Objects to the matter categorized as "housekeeping." Take it out of housekeeping and clarify the language. The NFA definition currently used is for mixed use.

MMK It is difficult to stay neutral. The current wording leads to misunderstanding. There must be more awareness of the confusion. We need to address this.

KAB We need to present a paper to the Board of Selectmen and the Planning Board expressing our position concerning the definition of FAR as it applies to the South Acton Village Historic District maintaining an FAR of .2 and in the West Acton Village Historic District of .4. Footnoted statements caused the hassle.

TF The footnotes were to apply to mixed-use buildings. The .2 and .4 are to apply 100% to residential buildings. We should include for illustration pictures of business buildings with apartments. Many such buildings were razed as in the Spruce/Arlington project and will get a density bonus because of mixed use.

KAB If there is mixed use what is the appropriate assigned value? In the SAV .2 should be the only FAR for residential. This should be considered for the 20/20 Master Plan.

DH Consider mixed use by special permit. All designs at the staff level should be run by us before they go to the Planning Board.

DH will prepare the memo to the BoS and PB borrowing heavily from the memo prepared by RR.

All HDC members to read RR's treatise before the next regular meeting. There are two issues to address: The FAR and the clarification of the definition. We should also try to take it out the Housekeeping category.

RR Determination of FAR can be very complex. The variables include lot size, size of residences vs. residences in a historic district. We need to look at it globally. It is HDC vs. Planning Board. Need to separate residential from commercial. Politics also plays a part in this.

KAB We need to have a joint meeting with the Planning Board to present our concerns. We need a public relations effort to introduce the issue of FAR and the inclusion of other factors. We also need to revisit the town's by-laws. We also need to consider altering the relevant sections of the zoning by-law vs. Chapter P. We should look at the zoning codes of other communities and summarize our observations.

We should also consider providing incentives as FAR bonuses as incentive to preserve buildings such as old barns.

KAB to set up meeting with the Planning Board to present our position in the memo to be prepared by Dave Honn. We want to avoid a fight on the floor at Town Meeting.

DH We need to find a way insure that the FAR values are complied with. Offer bonuses to inspire compliance.

Violations: HDC levels of violations. So much new construction. We need a systematic treatment of violations.

1. Sign violations. Great Road has five alone. In the spring we should start in the WAV, SAV and Acton Center Village to send out notices to inform the violators to give them a chance to remove the offending material without triggering the running of the penalty period.

2. Notices must be friendly but unofficial. Once official notices are sent out, the \$300/day penalty period begins to run. The intent is to have the violators apply to HDC for Certificate of Appropriateness to cure the violation.

Consider working with the Economic Development Committee. Also consider relaxing the standards. This is more complicated and requires revisiting Chapter P. We also should consider calling a joint meeting with Scott Mutch first and then meet with the Economic Development Committee.

TF At the joint meeting we should propose changes of what the sign by-law should be.

KAB Meet with the EDC with a suggested letter concerning violations but not one that would start the penalty period running.

TF After notice is sent each day is a violation. The violations under the by-law are treated very harshly. Prepare a list of what is and what is not allowed. Otherwise the penalty clock starts ticking away.

We need to work collaboratively.

Violations #2 Building: 33 Windsor Avenue-The kitchen was altered including the moving of the rear entrance from the south side of the back part to the west facing ell section. Is it in our jurisdiction? Is this a priority?

Other violations include the window changes at 14-20 School Street by Steven Su. He has ignored our efforts to address this matter. It needs to be turned over to town counsel. Consider initiating fines.

12 School Street-David Hale He is knew in the South Acton Village district. Window changes include most windows. He had hoped we wouldn't notice. Are these windows ones that we can approve? The application is due in two weeks. RR We should all go there and have a look. Not all windows are to be replaced. The bay window is not replaced. The 6/6 windows on close view look different. The homeowner replaced some and then stopped. There was no work on the large window. Again, can we approve the new windows? He would be submitting an application after the fact.

RR The house is close to the street. The windows are single glazed 6/6 and look much different from replacement windows. Grills not noticeable. The 6/6 with triple track painted to match the color of the trim. Does not look bad. No recommendation. The choice is to repair or refurbish with double glazed under best of circumstances. Still has depth. See situation. Do we approve these windows? Divided or not-not inserts. Simulated divided lights are accepted. Use of energy panel.

Letter in Support of Towne School for low-income housing. A mile away from Isaac Davis. The developer needs financing from MHFA. He needs a letter in support of his plan for financing. TF to write a letter. We will ask the developer to come in and show us what will be done to the building. This is an advisory effort. We would not want any exterior changes.

106 Review: MHC upheld HDC's viewpoint that the South Acton Train Station design needs further design changes to offset adverse effects. The SATSAC is the direct consulting party. MHC wrote letter to the FTA as to our consulting status. Peter Berry, Paul Bradley and the MBTA need more than 24 hours' notice for meeting. SATSAC meeting on 2/3/11. Also meeting with the FLWC on 2/7. Can't go to both. We need to stress that we want to comply. Must be a joint meeting. Regarding design changes, the HDC wants to be in the loop. MHC wants an independent cost estimate. It is all about money. KAB will talk to Peter. DH and at least on other must meet jointly with SATSAC.

DH At the last SATSAC meeting DH proposed the procedure of using the "add-alternative" approach to the bidding process.

KAB Proposed that we contact ACHP who was cc'd on the last letter sent to FTA. KAB to email Louise Brodnitz.

Site Visit Policies: RR strongly advises that all HDC members visit sites that are subjects of applications for certificates of appropriateness or of non-applicability. The liaison must make a site visit. Do we all need to visit? What is a site visit? KAB This is an ad hoc matter. When a more intensive view matters then it is good for all to visit the site. Must be careful to not have what could be construed to be a public meeting because there is no posting of it. The meeting is not in a public building. There can be no trespassing. We need the owner's permission to trod upon private property.

80 School Street. Both KAB and MM are recused from this discussion. MM was absent due to illness. This was continued to February 8, 2011. Needs a public hearing.

105 School Street: David Honn, the owner of 105 School Street recused himself. The remaining commission members after discussion voted to approve the application for an Historic Commission Marker Plaque including the words "Ezra Wheeler" and the date "1760" subject to abutters' notices being sent and with the following conditions: Marker to be displayed on the right side (facing building) of the owner's house between the last shutter and the corner of the house; positioned one clapboard below the top edge of the shutter; Marker to be the larger of the two sizes available from the HC; painted white; black lettering; standard HC font.

Meeting was adjourned at 9:38 PM.

Respectfully submitted

/s/
David T. Barrat,
Secretary