



Historic District Commission

Meeting Minutes

01/26/2021

7:00 PM

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

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

Absent: David Shoemaker (DS), Dean Charter (DC) BOS liaison.

1. Opening

Chair David Honn opened the meeting at 7:01 pm and read the “remote meeting notice” due to COVID-19.

2. Regular Business

- A. Citizen's Concerns – none.
- B. Administrative – AL connected with the clerk who will find out how to get our updated documents on the website. DH reviews the 2020 Town Report and asked for input: 53 River St. demo, updated rules and regulations, updated guidelines and added solar panel guidelines, ASA Parlin. AR added that we met with Friends of Gardner field a few times. Do we want to include information on violations?
- C. Approval of Meeting Minutes – AL makes a motion to approve the minutes from December 8th. AR seconds, DH takes a roll call vote: RR – Y, AL – Y, AR – Y, ZT – Y, FA – Y, DH – Y, the motion passes 6-0.
- D. Review Project Tracking Spreadsheet – DH got the full list for 2020 from DS for the 2020 Town Report from the HDC. There were 32 applications, 3 requests for solar, 4 houses sold in Center District.

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

- A. Application 2101 Bee's Knees signs at 562 Mass Ave by Lucinda Sears

Applicant present. Lucinda is moving her business from West Concord to the corner of Mass Ave and Windsor Ave and would like to hang an existing sign near the door on Windsor Ave and add a new directional sign to the front of the building. There is already a bracket from a previous sign. The existing sign is made of PVC.

AR - There are rules for the number of signs, you can have a primary sign and a directional sign. If you move the bracket closer to the corner would one sign suffice? Trish also of Bee's Knees noted that the corner of the building toward Mass Ave has a lot of electrical boxes.



RR – One of the shops at Village Works that is behind the blue building has two signs, one at the door not visible from Mass Ave and a directional sign visible from Mass Ave.

DH – I think it is important to have the hanging sign by the door. PVC is fine, we just don't like having vinyl letters, it should be painted.

The existing sign is 38"x24"x1"; DH and AR believe the conforming size is 36"x24" but as you already have the sign, an extra 2" is okay with us.

DH goes around the room for comments:

RR – I like the design of the sign; I'm not concerned with it being 2" over-sized. How would you feel about adding a border/frame around the edge?

DH – That would also help give it more girth; we usually like the signs to be 1" or 1 ½" thick and adding the frame would do that. Lucinda -- I like the idea of the frame and was thinking about that.

AR – I agree with adding the frame. The blue color in the sign is similar to the color of the building. What about making the shape irregular? That may not work because it is two sided.

FA – I'm glad you're coming to Acton. I agree with everything said so far, a border would finish the sign nicely.

AL – Under the town bylaw if it is 6 sq. ft. or less it's out of our jurisdiction; we have jurisdiction because it is a little wider. The bylaw also says if it is painted on wood without symbol or trademark it is outside our jurisdiction, but we are free to go beyond these jurisdictional restrictions with our review, and I think the design you have is consistent with the neighborhood and intended use. Do you intend to illuminate? Lucinda – No we have not discussed that. AL – in our requirements if you do illuminate it, it must be indirectly illuminated. I'm fine with the sign, especially with the border; I think that would make it better.

ZT – No additional comments, I think it looks great and the border would be fine.

DH – I think we are good with the sign, the graphics and lettering are fine. We would like you to come back with the design of the frame, the color and how you will mount the sign from the frame.

DH – What does the bylaw say about a second sign? AL – You need approval for additional signs, but it doesn't have more guidance than that.

Lucinda – we don't have the second sign yet so what ever you think best.

DH – I think it would be a nice addition to the Mass Ave side to have a sign with the 2'x3' size you've shown, and this may be a better sign to illuminate as you will have to compete with the light coming out of the window. DH asks for comments:

RR – I don't have any issue with the size or location. I do remember a while ago when we approved lighting for the sign on the other corner of Mass Ave and Windsor Ave that the sign warden at the time made them remove the lighting.



AL – Would this new sign be framed as well? Will the new sign be wood or PVC? Trish – If we could use PVC that would be preferable as it will last longer. AL – I would prefer a frame and similar design to the other sign; without the frame I don't think it would be appropriate for the area.

ZT – I'm fine with the additional sign as long as it matches the other sign with similar materials and framing it. Looking at the street view I see that there is a tree between the building and Mass Ave that may block the sign. If you could move the sign more to the left it could be advantageous. Lucinda – we'll look at the location more closely.

FA – I'm in agreement with the design aspects of the sign. I like the proposed location. Is this sign specifically a directional sign and will have an arrow? Lucinda – Yes, we would have an arrow pointing to the door side.

AR – I'm fine with having a sign on this elevation. I'm interested with ZT's point about the tree and the visibility issue. I don't think the directionality is as important as having it on the right side would be a good indication.

There was a discussion about re-locating the sign on the Mass Ave face of the building and trimming the tree to make it visible. Possibly using a sandwich board near the front of the parking lot. As long as you don't leave the sandwich board out 24/7.

There was a discussion about the QNails signage and if they were approved.

You will also need to go to the Planning department for the sign as well.

DH – Our next meeting is February 9th we will schedule you for 7:15 to come back with updated design.

No motion was made.

B. Discussion: Temporary Buildings and Structures

DH – A neighbor reported that someone put up a building being used as a green house in the West Acton district and asked if it was approved by us. I asked AL to review our bylaws about temporary buildings and structures for guidance.

AL – Bylaw P.2 defines a building as a combination of materials forming a shelter for persons, animals, or property. It defines a temporary building as one that does not exist for more than two years. There is nothing in this definition about the portability of the building, only a time limit. P.9.1.1 excludes from HDC jurisdiction temporary buildings, structures, seasonal decorations, or signs. However, under P.9.1.1, we would still have jurisdiction with respect to the conditions pertaining to the duration of the building's "temporary" use, location, lighting, removal, and similar matters as the HDC may reasonably specify. They may not require a COA, but we could impose reasonable conditions on the use including the duration of existence.

AR – We could ask the owner how long they intend to keep the building and if it is longer than 2 years, they would need a COA. AL – Yes because that lifetime would make it not a temporary building. AR – If they say it will only be up for two years and goes



beyond that time, then they do no longer have permission. AL – We would then have jurisdiction because it is no longer temporary, and it would be a violation. I don't think we are stuck with what they say the intent is. If the building is being used in what seems to be an ongoing use, we have jurisdiction. For example, if a garage is damaged and a structure is erected to house its contents while it is being repaired, the intent is temporary. If someone builds a structure that doesn't meet the HDC guidelines because they don't want to build a garage that does, then the intent is not temporary.

ZT – Can we impose a duration less than two years? AL – I think we could limit its use; the two years is the outside limit, but we have jurisdiction to impose a shorter limit to protect the district.

The specific structure in question is semi-circular ½ cylinder shape 20' long by 8' wide with a metal or wood framework and covered in opaque/translucent plastic similar in appearance to plastic drop cloths. It's not clear if it has a foundation.

FA – Can you see it from Mass Ave? DH – No, but it is visible from Wright Terrace, which is the governing way.

AL – I think we take the position that this is a building in violation of the HDC bylaws because it was erected without a COA. That puts the burden on the owner to justify to us that it as a temporary structure, and we can judge if it is temporary use or not.

DH and AR agree with these points; it is a building not playground equipment. The owner is aware of the HDC guidelines and requirements and has been in for a few applications and worked hard to put things out of view. If everyone is in agreement, I can have Terra send in a formal complaint and we can start acting on it.

RR – Could we send them an email that someone commented on the building and ask if they could easily move the building?

DH – I can do that. We can take the soft approach and see if they will move it out of sight or they can come in for a COA. FA to take some photos.

No motion was made.

C. Discussion: Proposed Warrant Article by the Town to Allow Single to Multi-family Dwelling Conversions by Right in the Districts

Robert Hummel, the assistant town planner, sent DH and Janet Adachi, of the Acton Community Housing Corporation, a memo about the 2020 Housing Production plan and desire to change the Zoning Bylaw to allow conversion of a single-family HDC property to multi-dwelling in the residential and village zoning districts by right instead of by special permit. The change would allow properties built before 1971 to be converted to up to four units. Outside the villages one unit per 10,000 sq. ft. of lot, inside the villages there is no lot size restriction. The intent is to increase affordable housing. DH is scheduled to



have a meeting about the topic on January 27th. DH's take is that in the districts there are about 200 properties with 160 or so are residential versus the whole town having 8500 units, why apply this to just houses in the districts? Also it is easier to add units to a Ranch style house with a walk-out basement than it is to alter with historic properties to squeeze units out of them. I think there is an underlying misconception that the districts are full of large houses that can easily be broken up to create more units.

One of the biggest concerns is parking. Four units would require parking for 8 cars. DH referred to a converted house near his residence that was converted to multiple units in the 1960's where the whole front yard is for parking. This will have a detrimental impact on the character of the districts.

The town recently added an accessory apartment dwelling unit section to the zoning bylaw allowing a property owner to add one unit to a property. This has only been used by one residence in the historic districts on Wright Terrace.

Additionally, going above two-family residences in Massachusetts the building codes change, in particular requiring a sprinkler system and every unit requiring two means of egress. In places like Cambridge and Somerville there are examples of houses with stairways added in various locations for egress. This would have a detrimental impact on the districts.

The cost of converting a historic house into multiple units would be restrictive. Each unit would need a kitchen and bathroom and those are expensive to add.

DH asks for comments:

FA – I've had many experiences hosting an open house where an antique property had added an accessory apartment and potential buyers ask how to convert back to a single family. In the suburbs single families are more desirable.

ZT – I agree with what has been said, particularly with the impact this will have in the districts to character, which is the purpose of the HDC to maintain.

AR – The accessory apartment bylaw change is more restrictive where one of the units is always owner occupied and selling the property doesn't transfer the right to rent the secondary unit. The new owner must apply for permission to rent the other unit. It's problematic to have two family residences in single family zones.

AL – I take the way this proposal is worded as limiting our jurisdiction over criteria for properties that fall into this category if the objective is to expand the dwelling capacity.

Renee Robbins of Windsor Ave asked if the HDC has jurisdiction over driveways. DH -- The HDC doesn't have jurisdiction over paving material but if there is parking for more than four cars, we have jurisdiction to impose screening to hide the vehicles. Renee -- I'm concerned with examples where front lawns and side lawns are paved over for parking. I also feel that you would lose the care taking and landscaping of yards when you move to more rental versus single family properties. Acton doesn't have a lot of historic single-family homes. It took seven years for us to get the house we live in now; conversions will make it even harder.



Terra Friedrichs of Wright Terrace -- I'm a big fan of conversion and I would like you to consider what if the footprint doesn't change. I do agree staircases popping out all over and parking would be a concern.

DH – One of the other points of the memo was limited amount of infill in the districts. I support this more than the conversions, particularly the sites in SAV near exchange hall, which would be more economically viable.

DH will produce a memo summarizing the HDC's position on the warrant article.

No motion was made.

D. Discussion: HDC Homeowner Letter and Tree Replacement Notice; HDC Participation at Town Technical Reviews; Chapter P Coordination with M.G.L.40C; ZBA Setback Bylaw Warrant Article; Violations: 124 Main St. Fan and 612 Mass Ave Fence

Selby reached out to the HDC, HC and DRB to ask for resources to attend technical review meetings. I went to one for putting senior housing at 362 Main St. I plan to attend but if other members are interested in attending, I'll let you know when the next one is.

We had two barn/garages in districts that we had approved to be located where a previous barn/garage was located that encroached on the 10-foot setback. The ZBA approved the one in the center next to the fire station, but not the one in South Acton because there is nothing in the zoning bylaw allowing for historic locations. I'd like to explore adding to the zoning bylaw a way for the HDC to specify locations to fit the historic character of the districts so that the ZBA has authority to approve such requests. AL will investigate.

Chapter P, the Town's Local Historic District Bylaw, is less restrictive than Ch. 40C, the state statute governing HDCs, for example excluding painting and paving materials from HDC jurisdiction. AL – In some instances, the Town seems to have gone beyond the jurisdictional exclusions that chapter 40C allows, and we should review that in addition to exclusions that are allowed.

DH – Did the homeowner letter go out? FA - We have 245 properties in the district, I'm about ½ way through, Acton center went out and the rest will go out in the next couple of days.

No motion was made.

4. Adjournment

At 8:58 p.m., AL makes a motion to adjourn the meeting, DH seconds. DH takes a roll call vote: RR – Y, AR – Y, FA – Y, ZT – Y, AL – Y, DH – Y, motion passes 6-0.

Documents and Exhibits Used During this Meeting

- Minutes from January 12th;
- 2020 HDC Spreadsheet of applications;
- Application 2101– Bee's Knees signs;
- Bylaw P Temporary Buildings and Section 9 Exclusions;
- Dwelling Conversion Amendment Memo;



- MGL CH. 40C Sec 6, Sec, 8 and Sec 9;
- Possible Limits on Bylaw P;
- HDC Homeowner letter and Tree Replacement Notice