



Historic District Commission

Meeting Minutes

02/23/2021

7:00 PM

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

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

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

1. Opening

Chair David Honn opened the meeting at 7:00 pm and read the “remote meeting notice” due to COVID-19.

2. Regular Business

- A. Citizen's Concerns – DH noted getting a lot of inquiries from prospective buyers of 615 Mass Ave. The dilapidated garage was a popular topic. A COA was granted in 2014 to demolish the garage but maintain the foundation. A permit was pulled, but the demolition never happened. The property was subdivided since then and the line may overlap the garage or be next to it. It was determined that a new application process would be needed versus a transfer of ownership of the application because the original expired.

FA noted that Ryan Hunt, the town Tree Warden, received 7 responses for trees in the district relating to the Tree Replacement Notice that went out with the Homeowner letter.

AL would like us to add an agenda item to the next meeting for final application and instructions changes approved so we can put the changes on the web site.

- B. Approval of Meeting Minutes – AL makes a motion to approve the minutes from February 9th. RR seconds, DH takes a roll call vote: ZT – Y, FA – Y, AR – Y, AL – Y, RR – Y, DH – Y, the motion passes 6-0.
- C. Review Project Tracking Spreadsheet – no new applications, spreadsheet up to date.

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

- A. Discussion: Proposed Setback Bylaw Modification for the Districts

AL gives an overview: If a structure of contributing historic significance is destroyed and the owner wishes to rebuild on or within the original footprint, when the footprint encroaches upon the zoning setback, the owner must appeal to the ZBA for a variance. Under the Zoning Bylaw, the ZBA’s authority to grant a setback variance is limited to those required by specific circumstances such as soil condition, lot shape, and topography, and there doesn’t seem to be a legal basis for adding to that. Instead, if we look at section



5.3.1 of the bylaw, there are a set of exceptions that may encroach upon the setback. The idea is to add an exception for historic structures:

“; or, within a Local Historic District, a STRUCTURE that (1) has been granted a Certificate of Appropriateness by the Acton Historic District Commission and (2) replaces a similar STRUCTURE of contributing historic significance on or within the original site of the of such STRUCTURE.”

In the Zoning Bylaw STRUCTURE is defined broadly to include buildings.

DH – maybe we want to include language regarding the existing foundation or dimensions. For example, the new garage on Chadwick St. using part of the old foundation.

AR – what if we say “existing or part of existing STRUCTURE” so as to not be specific to the foundation.

AL – what about “replaces in whole or in part” a similar STRUCTURE.

RR – What if someone is rebuilding where they only need a Certificate of Non-applicability, should we cover that case? It's not clear in this proposed exception if rebuilding is by right in zoning. The HDC has that clause permitting rebuilding of a structure destroyed by a disaster within one year without a COA. Either way, the exception should require one of our certificates.

Next step is to present to DC to introduce to BOS and then to the planning board.

For next meeting AL will update the text, write a cover letter, and go through the zoning bylaw for any reference to rebuilding a structure.

DH to me this is really a character issue in the districts. Buildings don't line up with the streets, outbuildings don't line up with the property lines, it has an informality to it. All the little quirks are characteristic of the districts.

No motion was made.

B. Discussion: Acton Chapter P Coordination with M.G.L.40C

DH gives an overview from the last meeting, comparing exclusions in our bylaw to what is allowed in 40C. Interest to regulate paint color and paving materials was low last week. We want to further explore the governing way. In Acton we have a single governing way, and while 40C allows this, it does not limit to only a single governing way. AR – It varies from town to town, in Concord houses with views across the river fall under HDC jurisdiction for all four sides. DH – In South Acton along Main St. there are a few houses with Fort Pond Brook Reservoir behind them. FA – The Assabet River-Rail Trail runs along behind there. DH – That is a public way with pedestrians and bicycles. One issue we need to consider is that we've used back of those houses to hide things from Main St view, for example a generator. If the pond view is in play, we'd have a harder time with things like that. AL – It would be within our jurisdiction to allow it in the least detrimental place and if needed add screening. RR – recently we've allowed solar on River and Main St such that it isn't visible from the governing way. For School St. where the roof is



visible on all sides from River St. there isn't a way to hide it. To AL's point, we could allow it and pick the view we determine to be least impactful. DH – the barn near me has a south facing roof that would be good for solar, that faces River St. We'd have to make a determination if that is okay. RR – do vantage points need to be in the district? For example, the houses on the odd side of Windsor Ave are visible from Central St. outside of the district. DH – I think any public way, in the district or not counts. AL – in the bylaw it doesn't specify that public ways have to be in the district.

DH – Can anyone think of objections that may come up at town meeting relating to this change? RR – In the past with applications I've worked on, owners would make changes in the back out of view to get around the COA process. I think if we try to make the back of houses part of the process, we will get pushback that it's intrusive.

DH – maybe if we modify it to the case where a house is on a corner, we don't have to choose which view is more relevant.

ZT – what is the approval process for the change to the bylaw? Could we propose the more general language and if there is pushback, propose just the corners?

The change would need to be approved at town meeting with a 2/3rd vote.

FA – We've talked about adding to the districts, would we do these changes separately or at the same time?

Doing it all at the same time may make sense as it is a lot of work to get articles through town meeting.

AR – maybe there are changes we can make that appeal to homeowners to offset some of the stricter changes being proposed so homeowners see an overall benefit to the changes. For example, opening up to new materials so homeowners aren't always pushed to the most expensive options.

DH – for the next meeting let's look through chapter P for other things we may want to change and make a determination if we should move forward.

No motion was made.

C. Discussion: Enlarge and/or Create Additional Historic Districts

DH - If we're going to do something in town that has a lasting impact, the most important thing is trying to save as many historic properties as possible. It is an arduous process to create or expand the districts. You must go through the Massachusetts Historical Commission and hire consultants to evaluate all the properties and create MHC inventory forms for each. We'd need to get CPC funds, put together an RFP for the consultants.

We should test the waters first with a survey or questionnaire to see if homeowners are receptive to the idea. We can find out from the planning department how they put together surveys. I think people may be surprised that the districts aren't that big and there are unprotected properties. MHC offers seminars and materials for creating districts.

AL – according to 40C sec. 3, the MHC is involved and there would need to be public hearings, so that may be the way to test the waters.



ZT – What happens in the case where there are newer houses between historic houses? Do they become part of the districts? DH – We have examples of that in South Acton where there are some ranch style houses in the districts.

Somerville has single building districts and that may be a way to go for people that invest a lot in restoration and would like the homes protected.

Members come up with places to look at for the next meeting for ideas to expand existing districts or adding new districts.

No motion was made.

1. Adjournment

At 8:19p.m., AL makes a motion to adjourn the meeting, AR seconds. DH takes a roll call vote: ZT – Y, FA – Y, AR – Y, AL – Y, RR – Y, DH – Y, the motion passes 6-0.

Documents and Exhibits Used During this Meeting

- Minutes from February 9th,
- Proposed Amendments to Chapter P6,
- Proposed Zoning By-law Amendment.