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**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

RE: APPLICATION 2205

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 the work described in the Application 2205 requiring approval.

Applicant: Acton Congregational Church (Mac Reid) Telephone: 978-263-2728

Address: 12 Concord Road, Acton, MA 01720 Email: macsnomed@yahoo.com

Owner: Same as Applicant

Location of Work: 8 Concord Road, Acton, MA District: Center West South

Description of Proposed Work: Demolition of House and Garage.

Pertinent Provisions governing Determination of the Application:

Massachusetts General Law, Ch. 40C, Historic Districts, Section 2: The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Local Historic District Bylaw, Ch. P: P1. Purpose (Bylaw P1): “The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 1990. This Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.”

Acton Historic District Commission DESIGN GUIDELINES: DEMOLITION

Demolition of any structure or portion thereof within the historic districts requires the approval of the Historic District Commission, except when ordered by the Building Commissioner or other safety officer for reasons of public health and safety. Demolition is generally discouraged unless the structure is so deteriorated that rehabilitation is not practical or the structure is of no historic value to the district. In the former instance the Commission may require that a new structure replicating the original be built in the place of the demolished structure if its value is significant to the district.

In general renovation and/or replacement in kind is preferred to the demolition of all or a portion of a historic structure. Likewise, decorative architectural elements on the structure such as trim, brackets bays and porch columns should not be removed without Commission approval.

Preference will be given to replacement in kind.

If a historic structure's location interferes with the owner's plans for the property, relocation to an appropriate site will be considered and is preferred to demolition.

CRITERIA FOR HISTORIC DISTRICT COMMISSION DECISIONS: Sec. 1 (HDC Criteria): "The historic character of a property, and its contribution to the character of the district as a whole, shall be retained and preserved."

Findings:

1. The building proposed for demolition is a Greek Revival, Italianate wood-frame house built in approximately 1855, along with its attached garage. See MACRIS, Act. 129.
2. The building is located near the intersection of Main Street and Concord Road, adjacent to the Town Common in an area constituting the core of Acton's Center Historic District.
3. Known as the John Fletcher House, the building provided housing for workers at the nearby Fletcher Boot Company (no longer in existence), and was one of many mid-19th Century Greek Revival houses for artisans and professionals clustered in this immediate area. See National Historic Register.
4. There are many historic, single-family houses in Acton's Center Historic District, of which this is one. These buildings are substantial 18th, 19th and early 20th century homes that together feature the various architectural styles reflective of their respective periods.
5. In addition to the residential buildings in the vicinity of the building's site is the historic Acton Congregational Church (the Applicant and owner of the building), the Town Hall and the Acton Memorial Library. This area has long been, and continues to be, Acton's civic center.
6. Given its location, architecture and history, the building has significant historic value both by itself and as part of Acton's Center National Register Historic District.

7. The Commission received the following information summarized in a letter from Rob Heaney, Linda Van Emburgh and Mac Reid dated March 4, 2022:

Application for a Certificate
PowerPoint Presentation
Plot Plan
Galeota Inspection Report
Termite Damage Photos
Sale Proposal
Description from the Massachusetts Historical Commission
Inventory Form from the Massachusetts Historical Commission
#8 Concord Road house listed on the National Register 1983
Landscape Estimate from Old Village Landscape

All of these materials were reviewed by the Commission prior to their deliberations.

8. All members of the Commission personally toured the house including the basement, attic and garage spaces.
9. It was noted by the Commission that the Owner stated that no local or state agency, such as the Acton Building Inspector, Health Department or other binding authority declared the house "uninhabitable". According to the Owner, that determination was made by the Board of Directors of the Congregational Church.
10. The building is in need of some repairs. The inspector's report offered by the Applicant noted as features needing immediate attention (1) that there is evidence of substantial termite damage, (2) that the roofing shows wear and tear and that it is nearing the end of its useful life, (3) that the detached garage is in poor condition, and (4) that the furnace needs to be replaced. The report noted generally that while the recommended improvements "are typical among buildings of this age and location, the number are unusual." (Galeota Building Inspection Report, p. 4). The report further notes that, "In practice, however, most homes of this nature are improved on an as needed basis only" and "Unless substantial renovation is anticipated, it is important that one have an "old house mentality" when it comes to living in a home of this nature." (Galeota Building Inspection Report, p. 5). Nowhere in the report does it suggest or recommend a whole-house demolition. Although in need of repair, the building is not so deteriorated that rehabilitation is not practical.

In regard to the Sales Proposal submitted by Dave Ellis and Melissa Cruz, the licensed architects on the Commission noted that the Sales Proposal fails to acknowledge the governing building code for a building in a Commonwealth of Massachusetts registered historic district, specifically "780 CMR 93.00 Repair, Renovation, Alteration, Addition Demolition and Change of Use of Existing One-and Two Family Dwellings and more specifically, "Section 9309.3 Partially Preserved Buildings". The Sales Proposal states several times that once a system (such as a structural system, electrical system or

plumbing system) is altered, then the entire system must be brought up to new code standards. This is erroneous and, although someone may elect to completely replace various systems that should not form the basis for, nor serve as a justification for a demolition decision on this particular dwelling. The 9309.3.11 State Building Code Provisions states,

“ 1. Existing Systems-individual components on an existing building system may be repaired or replaced in kind without requiring that system to comply fully with the code for new construction.”

11. The dwelling is located in an R-2 Zoning District which requires a 20,000 sf lot size.

The applicant presented a site plan, prepared by a licensed civil engineer that proved that a 20,000 sf lot is viable if the applicants wished to sell the property. It was noted that 8 Concord Road shares a septic system with 2a dwelling at 20 Concord Road (also owned by the Congregational Church).

Sufficiency of the Application: The HDC finds the application, including its supporting materials, to be inadequate to justify demolition of the building for the following reasons:

1. Because the Applicant has failed to show that the building “is so deteriorated that rehabilitation is not practical or the structure is of no historic value to the district,” see Design Guidelines, p. 7, the application is subject to the presumption against demolition, putting the burden on the Applicant to demonstrate that in spite of its historic attributes and character, demolition is appropriate.
2. In seeking to carry its burden to demonstrate that demolition is appropriate, the Applicant makes reference to decisional criteria set forth in the Commission’s proposed Demolition Guidelines, which are based on Bylaw P’s stated purposes.
 - a. In addressing the “significance” of the building, the Applicant states that no important events occurred there, that no important persons lived there and that, although the building is among the 19th century houses noted in the National Register’s listing of Acton Centre, little is known about it. This overlooks the significance of the collection of historic, Greek Revival buildings of which the building was a part. Moreover, the building does have a particular historic pedigree, being an identifiable house, the John Fletcher House, built for workers at the only industrial site – the nearby Fletcher Boot Company – in early Acton Centre. It is very much a part of an important piece of Acton’s history.
 - b. In addressing the “distinctive characteristics and architecture” of the building, the Applicant points out that it was built circa 1855 and was similar to other houses in the District but not of particular distinction. But that is the point. It is an example of the mid-19th century buildings – few of which are left – that together tell the story of the site, that together establish its significance. However, even considered alone, the building exhibits many architectural details that are

- authentic and original, making it a building that in current circumstances could fairly be described as “one of a kind.”
- c. In addressing the building’s setting and its contribution to that setting, the Applicant points out that it is on the Town Common, adjacent to the historic Congregational Church and across the street from a fire station, both of which come from different historical periods. However, this mischaracterizes the purpose of a Historic District. As Bylaw P makes clear, “this Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.” The point of the historic districts is not to freeze a setting at a particular point in time, but rather to preserve buildings that contribute to the ongoing story of the Town and its development. This example of a 19th century Greek Revival building that served to house workers at one of the Town’s earliest industries, located across the common, does just that.
 - d. The applicant has suggested that a landscaped park could be substituted for the dwelling and enhance the District. The Commission believes this suggestion misses the mark—the Town Common is the most important landscape in the Acton Center Historic District and it derives its importance by being surrounded by buildings lining its edges. Removal of the edge buildings weakens the significance of the Town Common.
 - e. The Applicant refers to the possibility of relocating the building, but offers no particular possibility in that regard.
3. In the end, the Applicant’s reason for seeking demolition is financial. While that is a real consideration that the Applicant well documents, it is not one that – under MGL, Ch. 40C, Town Bylaw P, the Commission’s Decision Guidelines or the Commission’s Criteria for Decisions – the Commission can consider in reviewing an application to demolish a building in a Historic District.

Accordingly, the Applicant having failed to overcome the presumption against demolition of the building located at 8 Concord Road in Acton’s Center Historic District, the application must be denied.

Eligibility for Certificate of Hardship: The applicant has neither applied for a Certificate of Hardship nor made a showing that, “owing to conditions especially affecting the BUILDING[S] .. involved, but not affecting the DISTRICT generally, failure to approve [this] application will involve a substantial hardship, financial or otherwise, to the applicant.” Bylaw P, sec. 7.6. Even if such hardship could be shown, for the reasons set forth above, the HDC finds that the approval

of the application would result in “substantial detriment to the public welfare and … substantial derogation from the intent and purposes of [Bylaw P].” The HDC therefore declines to issue a Certificate of Hardship under the provisions of Bylaw P, sec. 7.6.1.

After a public hearing and for the reasons, both procedural and conceptual, set forth above, Application 2205 seeking a Certificate of Appropriateness for the proposed demolition of the building located at 8 Concord Road, Acton, MA is DENIED.

Application received March 7, 2022

Certificate denied by HDC Vote (5-0)

David Honn, Chair

Public Hearing April 26, 2022

Date April 26, 2022