TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
hdc@acton-ma.gov

23 October 2012

Walter Foster, Chair
Community Preservation Committee

Re: Theater III Rehabilitation

On Thursday, October 4, 2012, Acton Historic District (HDC) member David Honn, a licensed architect on the Committee, performed a site inspection of the CPC funded project at Theater III. Theater III's representative, Jamie Watt was in attendance. According to your letter to Richard Grossman of April 28, 2011 (attached), the HDC was following the directive: "e) (3) Certification from the Acton Historic District Commission or its agent that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68. This CPA Fund award may be used to pay for such certification if prepared by a qualified outside professional."

The application submitted by Theater III was categorized as a "Rehabilitation" under the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68 as distinguished from the other categories of "Preservation", "Restoration" or "Reconstruction". The completed work was compared to the 50 some-odd pages of criteria in the Standard for "Rehabilitation."

Relevant milestones and dates involving this project include:

CPC award letter	April 28, 2011
Application to the HDC	June 24, 2011
Amended applicationto the HDC	July 11, 2011
Public hearing	August 9, 2011
HDC Certificate of Approval (COA)	August 15, 2011

The inspection noted that:

- In general, the workmanship was of high quality.
- The historic character of the building has been preserved and enhanced by this work.
- Design and construction decisions were based on historical research and precedents.
- Substitute materials (such as PVC trim) were used judiciously where original wood materials would have been subject to failure.
- Decisions regarding original materials which were indeterminate (such as the steeple covering) were researched, discussed and agreed upon with the HDC for appropriateness to the building and the historical era it seeks to preserve.

- Due to cost considerations, a granite retaining wall described in the HDC application was omitted on the south side of the building. A grade change was substituted.
- Due to cost considerations, a wooden platform and railings were omitted at the front entrance. A concrete step was substituted as an interim solution. It is anticipated that the front entrance will be revised to become handicapped accessible under a future landscaping project.
- As described in the HDC application, the new exterior light fixture over the door at the north emergency exit stair was expected to be historically appropriate. The installed fixture does not meet this criterion. It was noted that this exit stair is non-code conforming (incorrect railings, etc.). The HDC suggests, preferably, that this fixture be changed to a fixture similar to the other exterior light fixtures as part of this project or be changed when the stair is upgraded to be code compliant.
- It is suggested that documentation (photos, correspondence, meeting minutes, etc.) of the project design and construction be assembled by Theater III and submitted to the appropriate town historical archives.

To the best of Mr. Honn's knowledge, the Theater III work meets the intent and was completed according the "Rehabilitation"" category of the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68.

If you need any additional information, please contact the HDC.

Sincerely,

Kathy Acerbo Bachmann, Chair
Acton Historic District Commission

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36 C.F.R. PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Title 36 - Parks, Forests, and Public Property

Title 36: Parks, Forests, and Public Property

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PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Section Contents

§ 68.1 Intent.
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§ 68.3 Standards.

Authority: The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Source: 60 FR 35843, July 12, 1995, unless otherwise noted.

§ 68.1 Intent.

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The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on "certified historic structures" as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

§ 68.2 Definitions.

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The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

§ 68.3 Standards.

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One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation.* (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation.* (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

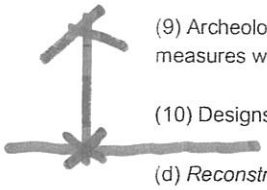
(4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

(7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.



(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary re-creation.

(6) Designs that were never executed historically will not be constructed.

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Community Preservation Committee

TOWN OF ACTON
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April 28, 2011

Mr. Richard Grossman, President
Acton Community Center, Inc. (dba Theatre III)
c/o 19 Captain Brown's Lane
Acton, MA 01720

Re: 2011 CPA Project Funding – Theatre III
Building Preservation and Restoration – up to $229,500

Dear Mr. Grossman:

Congratulations to the Theatre III on being a recipient of 2011 Community Preservation funds (CPA funds). Theatre III's effort and cooperation during this year's project selection process helped secure the necessary support at the Annual Town Meeting of all the Community Preservation Committee's (CPC) spending recommendations. Voters agreed that each funded project is worthwhile and now they expect that each will be well executed. Before you move forward with the project, please pay close attention to the following important instructions and funding conditions:

- The Town staff person assigned to this project is Roland Bartl, Planning Director. All necessary documentation and communication with the Town regarding this project shall be directed to him.

- CPA funding for this project is available immediately following the release date of this letter, and after:

  a) The issuance by the Acton Historic District Commission of a Certificate of Appropriateness or Determination of Non-Applicability for the proposed preservation work; and

b) Execution, conveyance to the Town, and recording of a new or revised historic preservation restriction for the property that is in form and substance acceptable to the Community Preservation Committee and Town Counsel. The historic preservation restriction shall be perpetual to the extent permitted by law, subject to review after casualty damage or destruction. This requirement shall be considered fulfilled, if Town Counsel deems the existing historic preservation restriction to be adequate.

- CPA funds shall be disbursed to Theatre III in accordance with the following rules:

a) No disbursement of CPA funds shall be made until after Theatre III has paid $22,950 for work that is part of this funded project, and the Planning Director has received proper documentation of such payment, including contractor invoices and proof of payment.

b) All CPA fund disbursements shall be made as reimbursements to Theatre III for expenses incurred by Theatre III in connection with this project.

c) CPA fund disbursements may be made after receipt by the Planning Director of Theatre III invoices. The number of invoices shall not exceed ten (10) in total.

d) All invoices shall include:

(1) Supporting contractor invoices for the completed work; and

(2) Statements from you certifying that all work items listed in the invoice have been completed to the satisfaction of Theatre III and consistent with the project scope presented in your funding application.

e) In addition, the final CPA Fund disbursement of not less than $39,500, or the balance of the CPA Fund award, shall be made after full project completion and receipt by the Planning Director of:

(1) Certifications from the contracting and supervising architect that all work in connection with this project was completed in compliance with the Massachusetts Building Code;

(2) Certifications from the contracting and supervising architect that all work in connection with this project was completed in compliance with the Acton Historic District Commission's Certificate of Appropriateness, so far as applicable; and

(3) Certification from the Acton Historic District Commission or its agent that the completed work meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. Part 68. This CPA Fund award may be used to pay for such certification if prepared by a qualified outside professional.

f) No reimbursements shall be made until after the Planning Director has verified that the expenses are consistent with the project scope presented in your funding application and that the conditions of this award letter have been met.

- Any significant changes to the project from what was presented in the funding application and during the project selection process shall require CPC approval. Please contact Roland

Bartl, Planning Director (978-264-9636; rbartl@acton-ma.gov) to discuss whether or not a change must be considered significant, and if necessary to schedule an appointment with the CPC.

- Upon completion of the project and payment of all bills, you must certify completion in writing to the Planning Director. Once he receives your certification, your project account will be closed and no further funds shall be available thereafter for this project.

- Any CPA funds awarded to this project and not used upon project completion shall be returned to the general CPA fund of the Town and made available for future appropriation by Town Meeting for other projects.

- Good publicity for your project is very important. It is important for Acton citizens to know where their CPA funds are being spent. Therefore, the CPC asks that you make every effort to credit the source of this funding at any meetings and in any written materials related to this project. Upon completion, please submit a letter to the CPC detailing how the funds have benefited your project. The CPC has signs that give funding credit to the Acton CPA program. Please post on such sign at the project site while work is ongoing.

The Community Preservation Committee would appreciate a notice when work on the project has commenced, periodic updates concerning the progress of your project, and especially notification upon completion. For updates or general questions please contact the CPC via email - cpc@acton-ma.gov, or by calling the Planning Department at (978) 264-9636.

Finally, please sign and return to Roland Bartl the attached acceptance form. Thank you for working in partnership with the CPC to make a significant and lasting difference in our Town.

Sincerely,

Walter Foster
Chairman
Community Preservation Committee

cc: Board of Selectmen
Roland Bartl, Planning Director
Lisa Krause, Town Accountant
Pamela Furnace (233 Old Beaverbrook Rd., Acton, MA 01718)
Historic District Commission

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Re: 2011 CPA Project Funding – Theatre III
Building Preservation and Restoration – up to $229,500

The Acton Community Center, Inc. (dba Theatre III) accepts the foregoing grant of Community Preservation funds and agrees to be bound by the conditions stated in this award letter.

Dated: _____, 2011

_____

Richard Grossman, President
Acton Community Center, Inc. (dba Theatre III)
c/o 19 Captain Brown's Lane
Acton, MA 01720