



TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
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5 July 2013

Comments from the Acton Historic District Commission re: 56 Windsor Avenue

Dear Members of the Planning Board,

The Acton Historic District Commission (HDC) is in receipt of the “Preliminary Subdivision Plan of Land for Windsor Heights” dated 1 June 2013 and the revised plan dated 1 July 2013 and accompanying documents and offers the following comments. For all of the reasons stated below, the HDC respectfully requests the Planning Board vote to deny the Windsor Heights Subdivision Plan.

Application for Approval of Preliminary Plan

Item No.23: The property contains two of the most important buildings in the West Acton Historic District- a Queen Anne residence and carriage house- constructed by notable Acton builder John Hoar in 1892. These buildings are emblematic of why Windsor Avenue was designated part of an historic district- they represent a distinct pattern of early suburban development characterized by a clear pattern composed of a street with sidewalks on both sides, individual residences with detached garages or carriage houses, with front doors and/or porches and usually with gable ends oriented directly to the street. The repetitive nature of these features and the spacing between dwellings and/or garages or carriage houses are critical to the neighborhood’s character. We also note that the residence and carriage house constitute an inseparable entity which must be preserved. The insertion of a large diameter turnaround with houses splayed at an angle constitutes a pattern of development completely incongruous and ruinous to the historic character of Windsor Street.

Item No.24: The HDC is perplexed by the answer “Not known.” Clearly the property and its buildings are within and contiguous to other historic buildings with the West Acton Historic District. In addition, the buildings are eligible for the National Register as noted in the Massachusetts Historical Commission’s written report for 56 Windsor Avenue.

Item No. 48: The subdivision plan clearly shows the demolition of both the residence and the carriage house; yet the applicant states “every effort be made to retain the features.” This is an impossibility given the submitted plan and should be clearly described as such.

Draft Decision 13-# “Windsor Heights”

2 FINDINGS and CONCLUSIONS

Under item 2.3 it should be noted that the property is subject to The Historic Districts Act M.G.L. Chapter 40C. In addition there is a glaring omission from the Draft Decision which should be included under “3.1 CONDITIONS and PLAN MODIFICATIONS,” namely, **The plan will require a Certificate of Appropriateness (COA) from the HDC permitting demolition of both the residence and the carriage house in order to accomplish the proposed plan as well as the addition of any structures.** The HDC has not been presented with a formal application for this project. No vote has been taken by the Commission on such demolitions or new construction. Furthermore, the likelihood of the HDC awarding a COA for demolitions of two architecturally significant structures, both in excellent condition, is exceedingly unlikely. Pursuant to G.L. c. 40C, § 6, “no building within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.” We further respectfully note that the Planning Board does not have the statutory authority to approve demolitions in the historic districts, and that the HDC must approve any new construction- including massing, scale and siting of said construction- within the district.

MEMORANDUM (dated 3 July 2103 from Kristen Domurad-Guichard to Acton Planning Board)

The memorandum notes “The Planning Department understands the applicant filed this preliminary subdivision plan with the intention of protecting existing zoning on the site and does not intend to construct the plan.” The HDC questions why substantial time, effort and expense are being devoted to this review effort by various boards and committees to comment on a plan that is clearly unviable and unachievable without first obtaining a COA from the HDC. The HDC submits that the mere satisfaction of the dimensional and other requirements of the Subdivision Control Law in an abstract sense are not sufficient to protect the existing zoning. More importantly, they are not sufficient to warrant an approval from the Planning Board. The submitted plan is not an abstraction nor should it allow to be so- it was drawn on a particular parcel involving particular buildings within the West Acton Historic District and requires approvals by various boards and committees in a particular sequence to in order to be accomplished. Further, the Commission notes that both the Subdivision Control Law and the Subdivision Handbook published by the Commonwealth are mute concerning the confluence of the responsibilities and the sequence of decisions of Historic District Commissions and Planning Boards in regards to Subdivision reviews and

approvals. The HDC requests clarification from the Planning Board of the legality of this through citations of case law or other statutory requirements.

At this time, for all of the above stated reasons, the HDC requests the Planning Board disapprove the Windsor Heights Subdivision Plan.

Sincerely,

Kathy Acerbo-Bachmann, Chair
Historic District Commission