



HISTORIC DISTRICTS COMMISSION
Public Meeting Minutes
Thursday, June 16, 2022
First Floor Conference Room, 141 Keyes Road

Pursuant to notice duly filed with the Town Clerk's office, the Town of Concord Historic Districts Commission held a virtual public meeting via Zoom on Thursday, June 16, 2022 at 7:00 P.M.

Commission Members Present: Luis Berrizbeitia, Peter Nobile, Melinda Shumway, Paul Ware

Associate Members Present: Dennis Fiori, Henry Moss

Commission Members Absent: Abigail Flanagan, Katharine Mast, Kate Chartener

Staff: Marcia Rasmussen, Director of Planning and Land Management
Elizabeth Hughes, Town Planner
Ann Clifford, Senior Planner
Heather Carey, Administrative Assistant
Hayleigh Walker, Administrative Assistant

Chairperson, Luis Berrizbeitia called the meeting to order at 7:00 P.M. Voting Members for the meeting were Peter Nobile, Melinda Shumway, Paul Ware and Dennis Fiori and Luis Berrizbeitia

CONTINUED PUBLIC HEARINGS

52 Main Street - Main Street Historic District, to remove, replace, and install new lighting

The applicant requested a continuance to the July 7th meeting. Mr. Nobile made a motion to continue the application to the July 7th meeting as requested. Mr. Ware seconded the motion. The motion passed (5-0) by a roll call vote.

8 River St - Main Street Historic District, to extend Certificate of Appropriateness (# 21-46)

The Chair opened the hearing and reviewed the application. Mr. Ware, Ms. Shumway, Mr. Nobile, Mr. Fiori and Chair. Berrizbeitia stated they had no objections.

Chair Berrizbeitia opened the hearing for public comments and there were none.

Mr. Nobile moved to extend the Certificate of Appropriateness (COA# 21-46) for 8 River St. until January 16th, 2023. Mr. Ware seconded the motion. The motion passed (5-0) by a roll call vote.

615 Lowell Road - Barrett Farm Historic District, to construct a single-family dwelling and detached garage on a vacant lot

The Chair opened the hearing and reviewed the application, its previous submittals and gave a brief overview of HDC bylaws and public comments that were received. Richard Harrington appeared for the hearing on behalf of the applicant Mike Bushnell who was also in attendance. Mr. Harrington gave an overview of the existing zoning and setbacks. He stated that thought and consideration were given to the surrounding Historic District. The current conditions would allow for installation of a septic system and flexibility in architectural design as everything currently is at grade. Mr. Harrington noted the memorandum from former Senior Planner Heather Gill dated May 27th, 2022 concerning this project. The memorandum listed a few similarly sized lots within the district for the sake of comparison. Mr. Harrington gave an overview of the revised project which consists of a single entrance driveway and a detached garage in rear. He stated that this work was in character with many properties around town. Consideration was also given to screening and privacy with additional plantings. Mr. Harrington

explained that he and Mr. Bushnell have tried to work with abutters in anticipation of the proposed construction. An alternative plan was presented for consideration with a footprint similar to other properties in the neighborhood and included a shorter driveway. Mr. Harrington reviewed the proposed elevations as well as the roofline which he stated was lower than that of abutting properties. The proposed one-car detached garage is traditional in style and will be hidden by screening. Mr. Harrington also reviewed the layout of the 1st and 2nd floors of the proposed dwelling. The house will be approximately 3,500 sq ft with a depth of approximately 90 ft and width of 40 ft. The proposed lighting is traditional farmhouse-style lighting which Mr. Harrington stated was dark-sky compliant. With regard to the vegetation on the property, Mr. Harrington noted that the applicant is looking to preserve screening and the proposed work does not invite clear cutting. He concluded that for this application, massing and scaling were reduced and the lot is comparable to others in Concord.

Mr. Fiori stated he was not in favor of the proposed dwelling. He did not feel that the applicant made a substantial effort to reduce the size of the house as requested by the community. The square footage was reduced only by about 100 ft. He stated that list of properties in the former Senior Planner's memorandum should not be taken into consideration as there is too much variety in the lots listed therein. The location of the proposed dwelling has more density than anywhere else on Lowell Road which greatly concerns him.

Mr. Moss stated that the parcel size is small compared to other sites at the intersection. The landscape design addresses frontage, but he noted that one maple tree in front of the proposed dwelling deserves special protection. Mr. Moss gave a brief summary of the history of the Barrett's Farm district and how it has changed over the years. He stated that the district will not be adversely impacted by proposed design. The proposed dwelling is one story lower than other houses nearby. The placement of features is thoughtful, Mr. Moss concluded that he was in favor of the proposed work on the condition that the applicant submit a tree protection plan as well as any proposed paint colors for review.

Mr. Nobile stated he would build on what has been said before. He noted that it is a well thought out design; however, one issue that remains is the way the buildings are massed on the site. The mass of the proposed dwelling, while conforming with all appropriate zoning setbacks, dramatically changes the open space relationships between structures in the area and therefore appears to be too close to the abutting house. He explained that existing spacing between buildings is integral to maintaining the essential historic character of this area. Mr. Nobile, like Mr. Fiori also believes that it would be unwise to ignore the community's wishes. Since the site is so narrow, the proposed design is just too crowded into the lot and is therefore inappropriate to the area.

Ms. Shumway referred to the historic guidelines as to what is to be considered for review by the HDC. She noted that the guidelines can be interpreted in many ways. Ms. Shumway stated that in her opinion the building does not meet the standards of the district. At a previous meeting, the Commission had asked for the garage to be removed from the design and it was not. She could not approve this design.

Mr. Ware stated that he did not disagree in principle with the comments that were made; however, the importance of the corner in modern sense cannot be ignored. Hildreth Corner, he noted, is a busy, crowded area and 21st century view is relevant. He disagreed with the comment that the applicant has failed to downsize as he feels that the builder has made a substantive effort in that regard. He stated that a house of less than 3500 sq ft is not realistic. Mr. Ware remarked that the property owner has a right to build on the land and that this design is a significant step forward in addressing the concerns raised at previous HDC meetings. He commended the work of the Town Planning Division and noted that it would be unfair of the Commission to impose a standard for a lot that has not been imposed in other Historic Districts. He felt that previous Senior Planner's memorandum should be considered and that the community would not be happy with anything besides open land in this area. Mr. Ware agreed with Mr. Moss's assessment and was in favor of approval with conditions regarding lighting, paint and landscaping.

Chair Berrizbeitia stated that his opinion was based on the HDC guidelines outlined by Ms. Shumway – in particular paragraphs 3.4 and 3.5. The Commission’s role is to preserve the historic resources of Concord. There must be a balance when it comes to the rights of property owners, the interests of community and historic resources. Taking those factors into account, Chair Berrizbeitia feels that this application is not appropriate. He explained that the reduction in size is small and not meaningful. Furthermore, the proposed structure is too long and its modularity makes it difficult to accept. The new design doesn’t comply with guidelines. Chair Berrizbeitia reviewed the memorandum by the former Senior Planner that expressed the opinion that size of the proposed dwelling is appropriate based on comparable lots in Historic Districts. He explained that he reviewed the data noted in the memorandum and nothing therein can be used as a comparable reference. This design is substantially different from other structures on Lowell Rd and is not appropriate to the area or shape of the lot, lacks context with neighboring structures and surrounding streetscape and, lastly, the garage contributes negatively to the massing.

Chair Berrizbeitia opened the hearing for public comments.

Bill Page of 72 Lowell Road thanked the HDC. He reiterated that Concord’s citizens have expressed concerns regarding this project and made it clear that abutters disapprove. He reviewed the HDC’s previous comments and addressed Mr. Ware’s comments. He stated that previous exceptions in other Historic Districts should not be used as future precedent. He agrees that a new building is possible. Concord’s unique history differentiates this community from others.

William Gregory read a letter that he had composed, reiterating Hildreth Corner’s historical significance and need to be preserved. He disagreed with Paul Ware’s statements. He feels that the applicant is not paying attention to the opinions of the Commission as the issue of massing has always been very clear and remains unchanged. He stated that the gambrel roof is a means of visually reducing the size of the house.

Kristen Tyson of 204 Hubbard Street stated that her family grew up on Lowell Road. She noted that the applicant has applied three times with essentially the same proposal and disagreed with Paul Ware’s comment that a house with less than 3,500 sq ft would be unrealistic. She felt that the size of the proposed dwelling would be out of proportion to the narrow lot. and could think of many examples of houses appropriately sized for their lots, including 45 Elm Street, and 685 and 699 Lowell Road. She is worried about the precedents that this could set for the HDC both in terms of an applicant reapplying time after time, while ignoring recommendations of the HDC, and the independence of the HDC. She stated that the decision should rest with HDC and not with Town employees or planners. There is a right to build on the property; however, the applicant does not have a right to maximize profits at the expense of the rules that the community has established.

Jason Myler of 1007 Lowell Road acknowledged his appreciation for the work of the HDC. He asked about the number of times the applicant had appeared before the HDC and asked if they have looked at surrounding properties. The history of the corner and the town need to be remembered.

John Igoe of 44 Barrett’s Mill Road agreed with previous comments, since the lot size is not conducive to this kind of build. He stated that the HDC works with applicants in a manner that is fair. The community is not opposed to building. He did not agree with the data contained in the letter from former Senior Planner.

Martin Lueck of 8 Barrett’s Mill Road stated that he would not be not opposed to building in the area since it is a buildable lot. He referenced the petition that was submitted by many Concord residents opposing the proposed dwelling. He thanked the HDC and the Planning Division and stated that there needs to be smaller properties in the area. The applicant should heed the HDC.

Erika Santoro of 625 Lowell Rd referenced another new construction project in a Historic District where an HDC denial prompted the applicant to build a smaller structure in keeping with the small size of the

lot. She reviewed limitations of the lot, noting that there are other lots available and emphasized the historical importance of this community.

Paul Van der Wanssem of 597 Lowell Road gave a brief history of previous owners of 625 Lowell Road, the house abutting the property in question. Those individuals sited their house about 125 feet back from Lowell Road, with careful consideration of the views of the corner house on Hildreth Corner. He feels that the proposed dwelling would obstruct important views of the corner house. He recommended that, if any structure were to be built on the lot, that it be set further back from the street so that it does not infringe on the views at this historically significant intersection. He praised the HDC. During the public comment portion of the meeting, the applicant's representative, Richard Harrington, asked to speak. Chair Berrizbeitia noted that if there were no additional public comments, he would be happy to allow the applicant to speak and noted that the applicant already was given the opportunity to speak without time limitations prior to public comments. He requested that the applicant focus on new comments of substance.

Mr. Harrington thanked the public and the HDC and indicated that they would like to seek a continuance based upon the recommendation of Mr. Moss and Mr. Ware of substantial conditions to seek a Certificate of Appropriateness. Mr. Harrington stated that he and the applicant would like to memorialize their comments in a letter along with draft conditions to see that, with substantial conditions, the Commission would seek a continuance. Chair Berrizbeitia questioned the rationale for a continuance since a continuance would be for the current design and not a new one. The current project is not substantially different from previous projects which have been rejected by the Commission. Mr. Harrington explained that the applicant had met three times with staff and it was thought that the 1.8 Hardship provision of the HDC's rules and regulations would allow him to come back with the application that is before the Commission tonight. He stated it is a common courtesy to allow an applicant to prepare a rebuttal based on new information that was given to them in a public forum. Chair Berrizbeitia stated the Commission would always approve and always grant that opportunity, but also that he does not want to establish precedent that is not relevant to the deliberations of the Commission. His interpretation of the HDC rules is that the applicant does not qualify for economic Hardship. Mr. Harrington respectfully requested on behalf of his client the opportunity to reply back and rebut and allow the board to decide whether or not there is a Hardship. Chair Berrizbeitia stated that the consensus generated by the members of the public and the commission shows that the proposed dwelling is not something that the HDC would be able to approve. Chair Berrizbeitia requested the advice of Town Counsel Mina Makarious as to how to proceed.

Mr. Makarious stated he had a few observations with regard to what was discussed and where the Commission might go from there. He noted that the applicant requested a continuance and, since nothing can be built at this time, the delay is most detrimental to them. Mr. Makarious referenced the comments regarding the size of buildings and structures on other lots within the Barrett Farm Historic District and others. Based on the Historic District Act and the HDC guidelines, the size of other structures in the district is relevant. He stated that there is nothing inappropriate about town staff advising a board. Mr. Makarious stated that the decision rests with HDC as to how to go forward. He noted that it was not clear to him as to whether the continuance would be for the purpose of raising a new issue which he agreed would be inappropriate after public comment has been closed, or for the purpose of addressing lingering concerns and noting potential mitigating conditions that might be proposed. However, as two members of the Commission have acknowledged, even that may be insufficient. Chair Berrizbeitia stated he was unsure about what the applicant would be continuing in this case as there was no substantial difference in the plans from previously denied iterations and no need for further discussion. Chair Berrizbeitia requested a motion to continue, to approve the application, to approve with conditions, or to reject it.

Mr. Ware stated that he had a question regarding due process, acknowledging that it is time to vote on the project. He asked if the applicant could submit something for consideration after a vote has been made for the Chair to consider. Chair Berrizbeitia stated that he was also concerned with due process. Mr. Makarious stated that it is not atypical for boards, committees, and commissions to hear public comment

and then to consider if there are issues that remain open regarding the applicant, other commenters and members of the Commission that need to be clarified. However, it would be uncommon for the Commission to have a provisional vote as it assumes a reconsideration. If the commission closed the matter at this meeting, it would be considered complete; anything submitted afterward would take the form of a request for reconsideration. Mr. Makarios asked Chair Berrizbeitia if, now that initial comments from Commissioners and the public had been made, there would be further deliberation from the Commissioners. Chair Berrizbeitia stated that he would follow the rules and regulations of the Historic Districts Commission and ask for a motion, that there would be a vote, and that vote would carry by a majority of three. Mr. Makarios stated that it would be atypical to have the comments of the commission happen before the testimony is completed. Chair Berrizbeitia clarified that the process had been completed: the applicant presented the project, Commissioners commented, there was a period of public comment, the applicant made additional comments, and after that the Chair has the responsibility of calling for a vote to continue, approve, approve with conditions or reject. He did not see the need for further clarification since the project was very well presented and clear. He also stated that recommendations made by Town employees can be considered but not necessarily followed by the HDC.

Chair Berrizbeitia noted that the applicant has a perfectly defined venue to continue this process. The application be approved, rejected, etc. If the application is rejected, the applicant has 20 days to appeal that decision and can gather all the necessary data to support their appeal during that time. Mr. Makarios clarified that an appeal would take this matter to the Superior Court, not the Commission. Chair Berrizbeitia shared that the applicant had received a substantial amount of information, feedback and community opinion in a fair hearing. Mr. Makarios agreed that this has been a fair hearing but also explained that individual Commissioners may decide whether they have heard enough or would like to hear more before making their decision. Chair Berrizbeitia agreed and asked Commissioners to make a motion either: to continue, to approve, to approve with conditions or to reject the application.

Mr. Fiori moved to deny the Certificate of Appropriateness for the proposed new single-family dwelling and detached garage on the vacant lot at 615 Lowell Road based on the size, scale, and massing of the proposed structure which is inappropriate to the land area, configuration of the lot, neighboring structures, and surrounding historic streetscape. He continued to justify his motion by stating that the proposed garage on this lot remains inappropriate for the same reasons. Ms. Shumway seconded the motion. The motion to deny the Certificate of Appropriateness passed unanimously (5-0) by a roll call vote.

Documents used at public hearing: Landscape plan, plot plans, floor plans, elevations, photos of existing conditions, axonometric drawings

NEW PUBLIC HEARINGS

350 Main Street - Main Street Historic District, to repaint house and garage and replace lighting

The Chair opened the hearing and reviewed the application. Fawn Hardison appeared for the hearing along with her husband David Mayer and discussed the color scheme for their repainting project as well as and lighting fixture changes. They intend to custom color match the existing paint color of the house and garage, except the trim which they propose to lighten to a custom cream. Placement of all colors, clapboards, trim, doors, sashes and shutters will match existing treatment. Ms. Hardison also explained that they intend to replace exterior lighting pendants at the front and side entrances with lantern pendants that would match the existing sconces on the garage.

Chair Berrizbeitia asked if the lighting was dark-sky compliant. Ms. Hardison confirmed that it was, as the bulbs have a maximum wattage of 60.

Mr. Nobile stated he liked the color and asked if the lighting was located under the porch. Ms. Hardison confirmed that it was. Mr. Nobile confirmed that dark-sky compliance would not be an issue for this application and he had no objections.

Mr. Ware, Ms. Shumway, Mr. Moss, Mr. Nobile, Mr. Fiori stated they had no objections to the proposed changes.

Chair Berrizbeitia opened the hearing for public comments and there were none.

Mr. Nobile moved to approve the application of Fawn Hardison to repaint the house and garage and replace lighting as proposed. Mr. Ware seconded the motion. The motion passed (5-0) by a roll call vote.

Documents used at public hearing: photographs of house, (digital) color samples, light fixture cut sheets, detailed elevation drawings to illustrate the proposed entrance lighting in place.

OTHER BUSINESS

Certificate Amendment: 1 Sudbury Road Paint Color

Sue-en Wong presented her request to change their chosen paint color of Benjamin Moore “Wickham Gray” to “Stonington Gray.” She explained that the color initially chosen for the trim appeared white in natural light. Ms. Wong also stated that they would like to change the initially approved asphalt driveway to one of gravel with a cobblestone apron to be more in keeping with historic appearance of the house.

Mr. Ware, Ms. Shumway, Mr. Nobile, Mr. Moss, Mr. Fiori and Chair Berrizbeitia stated they had no objections to the proposed changes.

Mr. Moss asked if the color currently shown on the building is the primer color. Ms. Wong confirmed it was. Mr. Moss agreed that the changes make sense for the style of the house.

Chair Berrizbeitia opened the hearing for public comments and there were none.

Mr. Nobile moved to approve the Certificate Amendment to reflect the paint color and driveway changes. Mr. Ware seconded the motion. The motion passed (5-0) by a roll call vote.

Approval of Minutes

Documents:

1. Minutes from 05/19/2022 Historic District Commission Meeting
2. Minutes from 06/2/2022 Historic District Commission Meeting

Mr. Nobile moved to approve minutes of 5/19 and 6/2. Mr. Ware seconded the motion. The motion passed (5-0) by a roll call vote.

Other

Mr. Fiori moved to adjourn. Mr. Ware seconded the motion. The motion passed (5-0).

The meeting was adjourned at 9:27

The next Historic District Commission meeting is scheduled for Thursday, July 7, 2022 at 7:00pm.

Respectfully submitted by:
Hayleigh Walker
Administrative Assistant

Minutes Approved on: 8/4/22