

From: Erika Santoro

Sent: Wednesday, June 15, 2022 10:17 AM

To: Planning <planningdivision@concordma.gov>; Hayleigh Walker <hwalker@concordma.gov>

Subject: Letter for the HDC

You don't often get email from erikasantoro@gmail.com. [Learn why this is important](#)

Hi Hayleigh, Will you please add the following letter to public comment regarding the 615 Lowell Rd application and forward to the HDC members?

Dear Members of the Concord Historic District Commission,

We support your work and we value the important role you have in protecting our historic areas. The HDC's purpose is to promote the general welfare of the public through the preservation and protection of buildings, places and districts of historic or literary significance. Hildreth Corner is one of those areas and is located in the Barrett Farm Historic District. The HDC preservation goals specific to the Barrett Farm Historic District include that "**houses occupy a lesser rather than greater portion of the lot size**, that building scale and diversity be preserved and maintained and building, lighting and landscaping plans be carefully reviewed and consistent with a rural agrarian landscape" and that there is consideration of the "relationship of open fields, cultivated farmland, tress, rivers are integral to the Barrett Farm Historic District landscape."

Mr. Bushnell has complained that the HDC has been biased against him because he is a developer. But your message has been clear and in accordance with your guidelines and regulations. The HDC guidelines state that for the construction of new structures in a historic district, the size and scale of the building must be appropriate - **and this evaluation needs to be in relation to the land area and the lot, the neighboring historical structures and the surrounding streetscape**. This is further supported by Article 9 of the Historic District Act itself, **which states that the commission shall consider the appropriateness of the size and shape of the building or structure in relation to the land area upon which the building or structure is situated**. Square footage, building volume and the overall dimensions of the house, garage and other features of the house and other structures are directly relevant to this

evaluation. **The HDC has clear authority to implement additional setback, height, massing and dimensional requirements in addition to zoning requirements in order to preserve and protect the historic district and its neighboring homes.**

At the November 11th meeting, this HDC unanimously denied Mr. Bushnell's application and found that the "***size, scale and massing of the proposed structure is not appropriate to the land area and the shape of the lot, even with its width exception, neighboring structures and surrounding streetscape, and the structure as proposed disrupts the pattern of the historic streetscape.***"

At the February 3rd meeting, all but one HDC member voted to deny the developer's application finding that similarly "***the size, scale and massing of the proposed structure is not appropriate to the land area and shape of the lot***" and added that "***the inclusion of a garage is inappropriate, given the configuration of the site and its context***".

We, as a neighborhood and community (260 Concord residents), support this HDC. We believe that you have repeatedly and fairly applied your guidelines, during 7 meetings and 2 site visits, to advise and inform Mr. Bushnell that given the narrowness of the lot and its proximity to neighboring historic structures, that a house of this size and a garage is inappropriate for this lot and this historic district. **This is not about anti-developer bias - this is about what is appropriate here in this historic district.** This committee has already stated numerous times that a house of this size is not appropriate here. We again want to clarify that we do not oppose any development on this lot, only one of inappropriate size with a garage.

This new application includes a house that is roughly the same size (likely larger in total building volume including garage) and includes a 2 car garage. In this design, the viewshed from the historic corner will still change from mature trees to asphalt, cars and garage. **This committee has already deemed this inappropriate.** The change in design, the angle of the drawing/view and the omission of surrounding structures may give the perception that the structure will appear smaller. But the numbers don't lie. You have all seen the lot. The structure needs to be smaller and there has not been a suitable size/location found for a garage.

This is not bias against a developer, rather a developer that has been unwilling to adhere to the important limitations of building in a historic district. We all have limitations set by the HDC when living in a historic district.

On Monday, June 13, neighbors met with Marcia Rasmussen, the director of town planning. We learned that after his last application was denied, Mr. Bushnell wrote a letter to the Select Board claiming anti-developer bias on the part of the HDC and threatening litigation.

Subsequently, a member of the Select Board, the Town Manager, Town Counsel and the chair of the HDC met in a closed meeting. There was non-public outreach by a member of the Select Board to the HDC, which we believe is inappropriate and an attempt to put pressure on the HDC, an independent town commission.

The Town Planning Division distributed a letter to the HDC. This letter listed properties in Concord with similar technical frontage to 615 Lowell, the square footage of these homes and whether they include a garage. There was also an opinion shared by a member of the town planning division. She stated that they encouraged Mr. Bushnell to utilize architectural design elements to "make the house look less cookie cutter new construction". She stated that Mr. Bushnell "has listened to the feedback received during the HDC meetings" and that he "has designed a house that is compatible architecturally with the streetscape and the surrounding buildings".

There are numerous inaccuracies and possible dangerous misleading statements here:

1. **The list of "comparable" lots given to the HDC is misleading and irrelevant.** Only 5 of the 24 houses listed are in the Barrett Farm District, and the overwhelming majority of these are "in-town" addresses in either the American Mile or Main Street Historic Districts. As you well know, the character and preservation goals of these historic districts, where houses were "larger, older and closer together," "provide a "village setting, as well as the siting of its structures both close to the road and to each other," and where "buildings are "generally close together" and a "visual density" is a goal to preserve, are all contrary to Barrett Farm's preservation goals.
2. **Listing the frontage comparisons is also misleading due to the unique nature of this lot.** Although technically the lot has 150' of frontage, 44.28' of this frontage is directly in front of our historic property at 625 Lowell Road and is not available for ingress, egress or building by the developer due to an easement that is granted solely for the benefit of 625 Lowell Road. **This dramatically impacts the width of the lot - particularly visually. Subtracting the easement area, the lot at 615 Lowell effectively has 106.22 feet of frontage - which would be a nonconforming lot for this Historic District.** Comparing acreage is also

misleading because 615 is a long, narrow lot, most of which is unbuildable.

3. **Mr. Bushnell has done the opposite of listening to the HDC guidance and recommendations.** The denials were based on size of the structure and the garage, not on architectural style. The structure in this application is roughly the same size and includes a 2 car garage, not satisfying the conditions of denial in the last two hearings.
4. We do not believe that the town planning division should offer an opinion to the HDC, particularly on misleading rationale. We believe instead that they should support the HDC. The HDC has made it clear that a house of this size with a garage is not appropriate here. **The HDC decisions should not be pressured or influenced by outside town committees or developers threatening legal action.**

This HDC has said clearly and repeatedly, in accordance with the HDC guidelines, that you would not approve a structure of this size with this garage. Approving this now would set a dangerous precedent that these important HDC decisions can be overturned if a developer ignores HDC rulings and advice and uses threats and outside influence to overturn a decision.

While we are disheartened at the actions of the developer and the recent concerning interference, the ignoring of facts and the judgement and pressure placed on the HDC, we reiterate our support for the HDC and encourage this committee to uphold its independence and keep the trust of the community.

Sincerely,
Erika Santoro
625 Lowell Road
Concord