

January 21, 2023

Historic Districts Commission  
141 Keyes Road  
1st Floor  
Concord, MA 01742

RE: Opposition to Plan for Development 615 Lowell Road

Dear Commissioners,

We are writing again to express our strong continued opposition to the developer's new proposed plan for another large structure at 615 Lowell Road. This new plan again completely ignores the conditions of denial determined by the HDC in its June 16, 2022, February 3, 2022, November 11, 2021 meetings.

We are incredibly frustrated and disappointed that the developer is proposing yet another plan that clearly does not address the HDC's concerns and the concerns of now over **260 Concord residents**. Most concerning is that this new application has been submitted under the threatening cloud of pending litigation filed by Mr. Bushnell and Archstone Builders against the HDC related to the last HDC denial in June 2022, seemingly intended to pressure the HDC in approving a new application which doesn't satisfy the conditions of previous public denials and the acceptable development standards the HDC has repeatedly proposed.

- **In each of the now eight HDC meetings since August 2021, the HDC has consistently told Mr. Bushnell that due to the narrow lot with its small buildable area and neighboring historic structures, that he needs to dramatically reduce the size and scope of the residence and its total building volume and not include a garage (since a garage has been considered inappropriate in every instance that he's presented) for a plan to be appropriate for this location.**
- At its June 16th meeting, the HDC denied the developers application finding that *“the size, scale and massing of the proposed structure is not appropriate to the land area, and shape of the lot, despite considerations of the lot width exception provided under the Town's Zoning Bylaw, existing neighboring structures, and the surrounding streetscape; and the structure as proposed disrupts the pattern of the historic streetscape. Further the Commission determined that a garage on this parcel remains inappropriate for the same reasons.”*<sup>1</sup> In its February 3rd meeting, the HDC denied the developer's application finding that *“the size, scale and massing of the proposed structure is not appropriate to the land area and shape of the lot, even with a lot width exception, neighboring structures and surrounding streetscape, that the structure as proposed disrupts the pattern of the historic streetscape, and that the inclusion of a garage is inappropriate, given the configuration of the site and its context.”* Prior to this, in its November 11th meeting, the HDC similarly denied Mr. Bushnell's application, and found similarly that *“the size, scale and massing of the proposed structure is not appropriate to the land area and shape of the lot, even with a lot width exception,*

---

<sup>1</sup> The HDC Guidelines note that **“garages in any form may not be appropriate.”** In each iteration of the developer's plans, the location of the garage creates major problems - either in front, side or in the back. **Since all locations for a garage are problematic - this logically demonstrates that given the shape and lack of buildable area for this lot, no garage is appropriate.**

*neighboring structures and surrounding streetscape, that the structure as proposed disrupts the pattern of the historic streetscape.”<sup>2</sup>*

- **The developer is again proposing just as large of a structure in building volume as what was denied (multiple times) by the HDC.**
  - For context, Bushnell’s plans most recently denied in June 2022 showed an approximately 45’ wide x 91’ long 3500 sq. ft. structure.
  - The plans denied by the HDC in February 2022 showed a roughly 46’ wide x 87’ long 3600 sq.ft 4 bedroom house.
  - The plan now submitted for this January application shows a roughly 50’ wide, 108 ft long, 3900 sq.ft 4 bedroom house.
  - All of his proposed plans that have been denied have been roughly between 3400 - 3800 sq.ft. We note that this new application does NOT include a calculation of total building volume (which is much larger than 3900 sq.ft), and neglects to list the maximum height of the structure.
  
- **By both increasing the total building volume of the development and including a two car garage, Mr. Bushnell has again (for the 8th time) not attempted to address the HDC’s concerns and the concern of over 260 Concord residents.**

**Additional points for consideration:**

- 1) In both sets of plans included in the new application, the garage and the size of the house (visible from Hildreth Corner, Lowell Road, taking up the entire visible width of the lot) - **will lead to the destruction of the border of trees so essential to the landscape of these lots. Please see the letter from a certified arborist attesting that the placement of a garage/driveway will lead to the death of these trees.** These trees are additionally subject to a covenant between the lots to preserve the trees - which these plans do not do.
- 2) In all of his plot plans, renderings, and other visuals, the developer intentionally leaves out many structures of our property (including our large sweeping historic stone patio) as well as the relations to the other historic structures in the area.
- 3) Note also that the full “frontage” the developer claims is actually in front of the house of 625 Lowell and is not accessible to him for building due to a building restriction easement. **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.**
- 4) The developer also intentionally leaves the calculation of total building volume out of all of his applications. **The HDC has already done multiple site visits - and have seen with their own eyes that construction in this manner and scale would result in a direct and negative impact on the streetscape and the historic, scenic nature of Hildreth Corner, removing all open space between structures, leaving the visual impact of a wide, large building, densely developed with no open space between structures.** 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. The structure needs to be smaller and there has not been a suitable size/location found for a garage. **This new plan is inconsistent with the rural agrarian streetscape and preservation goals of the Barrett Farm Historic District and impacts not only the front of the lot, but also the view-shed at Hildreth Corner.**

---

<sup>2</sup> 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 of 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 *in passing upon appropriateness 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 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 preserve and protect the historic district and its neighboring historic homes.*

- 5) **The architectural elements and design of the proposal (e.g. the bloated gambrel roof, mishmash of architectural elements, etc.) are not historically appropriate within this immediate vicinity and do not relate to this architectural time periods demonstrated by Hildreth Corner.**
- 6) Mr. Bushnell continues to say that due to the shape and narrowness of this lot, there are “trade-offs”. The current owner of this lot (Archstone Builders) created this situation for themselves by making such a narrow, odd shaped lot, basically self-restricting the size of a house that would be appropriate. Mr. Bushnell also knows and understands this, but continues to try to shoehorn an inappropriate building into this lot.
- 7) Given the long history of these applications (since August 2021) over 8 meetings and two site visits, and the lack of materials that are still publicly available, I thought it important for the Commission to have all key facts and guidelines that the HDC evaluated in its past hearings in one place (particularly for new commissioners). Please see Attachment A to this letter with further detail.

**We strongly urge that the HDC deny this application to maintain the faith and trust of the Concord community who have worked tirelessly to make sure that if something is built on this lot, that it is appropriate for this historic and scenic area in the Barretts Farm Historic District. The decision-making authority of the HDC and its public service to Concord citizens and Historic Districts cannot be undermined by separate town actions and willingness to appease potential litigants.**

If not, this will set a **concerning precedent** that a developer can brazenly disregard the HDC and the community interest by filing lawsuits and continuing to reapply to the HDC without addressing conditions of previous denials in an attempt to wear the HDC and community down so that something inappropriate is built in our historic districts so integral to the character of our Town.<sup>3</sup> Most importantly, this issue is not just about Hildreth Corner and the Barrett’s Farm District. The HDC is entrusted to preserve Concord, unrivaled in its historic significance, scenery and charm. For Archstone Builders and Mr. Bushnell to question the integrity of the HDC is to challenge the very bodies that Concord residents have authorized and relied on for decades. In the HDC, Concordians see how their local government reflects their values; it has been entrusted with protecting some of the most cherished and important monuments of American history.

We are are saddened that the volunteer members of our HDC have to shoulder this burden in the midst of the immense pressure from this litigation. We thank you again for your continued time and consideration of this matter of importance to both this neighborhood and the Town of Concord, and want to reiterate that the community supports the HDC’s previous determinations and the consistent application of the guidelines to deny this new application, even in the face of pending litigation.

Sincerely,

Erika and Richard Santoro  
625 Lowell Road  
Concord, MA

---

<sup>3</sup> The Historic Districts Commission Guidelines for Administration state that “given the wide variety of issues and interests that the HDC must balance, **as well as the sensitivity of the public to the outcome of their rulings, the Commission needs to exercise care and sensitivity in making its determination while also maintaining and enforcing the Act for the long term interests of the Town as a whole. Clear expectations, consistency and a holistic mindset are important.**”

## Attachment A

### Further Background Information

#### **Background of 625 Lowell and Hildreth Corner**

625 Lowell Road, directly abuts the parcel that the developer seeks to develop. 625 Lowell was originally constructed by Theophilus Mason, a prominent Concordian. The Concord Historic Commission in both its Historic Resources Masterplan and its Survey of Historical and Architectural Resources specifically identify the architectural significance of the house as one of two 19th century Queen Anne style extended farmhouses that comprise Hildreth Corner.

As the HDC noted in an early August HDC meeting, Hildreth Corner is a prime example of Concord's town character, anchored by the brick Georgian style Hildreth House (1750) and flanked by antique 18th and 19th century farmhouses and open former agricultural land on Lowell and Barretts Mill Roads. This historic corner of town acted as a second "town center" in the late 18th and early 19th centuries, with a general store, inn, blacksmith shop, cooperage and houses. The corner witnessed neighboring town militias passing through on the way to North Bridge and the initial fight for independence. Later, this area comprised a farming community in Concord known as "the Plain." Hildreth Corner is part of the Barretts Farm Historic District and an important part of Concord's history and character.

The HDC is well aware of the more recent history of the purchase, subdivision and attempt by the current owner, Archstone Builders, to develop the 4 acres that was part of 625 Lowell for decades (including the lot in question). Due to the HDC's willingness to prohibit development of large proposed structures in Hildreth Corner inconsistent with the history and nature of this important location in Concord, along with the community's conservation efforts, Archstone decided not to build, sold the two Barretts Mill lots to our neighbors, the Rosses, for conservation purposes, and subdivided and held the parcel in question unbuilt for over seven years. Now a new developer (Bushnell Construction) entered a contract to purchase the lot from Archstone Builders (a purchase which has not yet closed) and intends to develop a massive building, again inappropriate and inconsistent with HDC guidelines, which has forced the HDC to again intervene to protect and preserve the history, architecture and scenery of this most historic corner from damaging development.

#### **615 Lowell - an oddly shaped, incredibly narrow and long lot.**

- **The front of the lot (the widest part) is not as wide as Bushnell claims.** 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.**
- The lot quickly narrows from the effective 106.22' width at the front to a narrow strip beyond the fields in Barretts Mill.
- The result is that the back half of the lot is so narrow that it is unbuildable and virtually unusable. The front, buildable half is narrow, small and situated so close to our historic, architecturally significant structures that it poses challenges to construct so as not to affect the historic nature of our house and land that surrounds it. **This is why the HDC has consistently told the builder that he needs to substantially reduce the size of the house and that a garage is not appropriate for this lot. One .92 acre lot is not the same as another .92 acre lot - the configuration of the lot matters!**

- In all of Bushnell’s application materials, plot plans, renderings, and other visuals, the developer intentionally leaves out many structures of our property (including our large sweeping historic stone patio) as well as the relations to the other historic structures in the area. The developer also intentionally leaves the calculation of total building volume (including outbuildings), maximum heights and other key facts out of all of his applications.
- It is also important to recognize that the current owner of this lot, Archstone Builders, created this situation for themselves by creating such a narrow, odd shaped lot. Archstone knows they basically self-restricted the size of a house that would be appropriate for this lot. Mr. Bushnell also knows and understands this as well, but continues to try to shoehorn an inappropriate building into this lot.

**2. The size, massing and scale of the proposed structure is not appropriate in relation to the awkward narrow size of the lot, the neighboring structures (importantly our historic farmhouse, patio and cooperage) and the surrounding streetscapes.**

- Page 9 and 10 of the HDC guidelines the HDC notes in its **preservation goals for the Barrett Farm Historic District** that although much of the 20th century construction in the district is undistinguished, **large lots are typical of the district, and generally, both antique and contemporary houses occupy a lesser rather than greater portion of the lot size**, that it is important for “building scale” to be preserved and maintained and building, lighting and landscaping plans be carefully reviewed to be consistent with a rural agrarian landscape. It further states that the relationship of *open fields, cultivated farmland*, trees, rivers are integral to the Barrett Farm Historic District landscape. Visual density is to be avoided.
- Additionally, on page 47 and 48, the New Construction and Structures guidelines state that **the size, scale and massing of the building must be appropriate in relation to the land area, neighboring structures and the surrounding streetscape and new structures must not detract from the preservation and protection of the Historic Districts**, and should be in harmony with the existing site and surrounding streetscape.
- These proposed structures - no different in size or scope than previous incarnations that were denied by the HDC (and in fact, larger in total building volume) - **take up the entirety of the width and buildable area of the lot.**
- **The height, size, scope, and location of the proposed structures will have a direct and negative impact on the streetscape/viewsheds (both from Lowell Road and from Hildreth Corner/Barretts Mill Road) and the historic, scenic nature of Hildreth Corner, removing all open space between structures.**
- **What will be left is the visual impact of large building/garage, densely developed with no open space between buildings.**
- **This is incongruous and inconsistent with the rural agrarian streetscape and preservation goals of the Barrett Farm Historic District and impacts not only the front of the lot, but also visually from the side of the lot from Barretts Mill Road.**
- Mr. Bushnell incorrectly attempts to narrow the HDC’s focus to a discussion solely about “massing” of the house. He also tried to make a false comparison of the size of his proposed house to the size of other historic houses in Hildreth Corner - houses built over 125 to 225 years ago on much larger tracts of land - and confuses the discussion around square footage and massing.
- The HDC guidelines state that for the construction of new structures in a historic district, not only does massing need to be taken into account, but also that ***the size and scale of the building must be appropriate - and this evaluation needs to be in relation to the land area of 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 ***in passing upon appropriateness 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, total buildings volume (including detached garages) and the overall dimensions of the house, garage and other features of the house are directly relevant to this evaluation.

### **3. Garages (attached or detached) and outbuildings are not appropriate for this lot**

- The HDC's rulings determined that *"the inclusion of a garage is inappropriate, given the configuration of the site and its context."*
- For garages, pages 33 and 34 of the HDC Guidelines state that **garages should be located so as to have minimal impact on the streetscape, and that it is important to view the garage in terms of its impact on the overall site. In addition to considering the proposed size, scale and placement of any new garage, the HDC will also consider its relationship to the size of the overall lot, other structures, and adjacent and nearby lots. Visually filling a site by situating the garage in a prominent location adjacent to the main structure can detract from the landscape component of the historic streetscape.** The guidelines additionally note that **"garages in any form may not be appropriate for prominent and highly visible sites."**
- The developer has tried garage locations in the front of the house, on the side of the house, and in the back - they have all been inappropriate. **Since all locations for a garage are problematic - this logically demonstrates that given the shape and lack of buildable area for this lot, no garage is appropriate.** For this particular lot - both placements are inappropriate, as they would visually fill the site and will lead to the destruction of the border of trees so essential to the landscape of these lots.

### **4. The construction of the structure and creation of the driveway and garage will cause radical alteration to the site and is in conflict with the HDC guidelines.**

- The HDC guidelines instructs that construction of a new structure should never be accompanied by radical alterations to the site.
- **Extensive cutting of existing trees and vegetation such that the essential form and integrity of the historic property and the surrounding district would be impaired is inappropriate in the Historic Districts and should be avoided.**
- On page 38 of the guidelines, the HDC notes that before removing vegetation careful consideration should be given to the role of such vegetation in the appearance of the site and the historic character. **The guidelines further state that the HDC strongly encourages the preservation of mature trees whenever possible, and urges property owners to take such trees into consideration when planning any significant alterations or additions to the site.**
- Visible from both Barretts Mill/Hildreth Corner and Lowell Roads are a series of 7 old growth trees that line the border between the lot at 625 Lowell Road and 615 Lowell Road. Half of these trees (towards the front of the lot and visible from both Lowell and Barretts Mill Roads) are located on the 615 Lowell lot, the other half on ours. **These trees are essential to the existing form, integrity and visual interest of these lots, and the landscape of Hildreth Corner and Barrett Farm Historic District.**
- In both sets of plans included in the new application, the garage (in both plans entirely visible from Hildreth Corner, Lowell road and, together with the house, taking up the entire visible width of the lot) - **will lead to the destruction of the border of trees so essential to the landscape of these lots. Please see the letter from a certified arborist attesting that the placement of a garage/driveway will lead to the death of these trees.** These trees are additionally subject to a covenant between the lots to preserve the trees - which these plans do not conform with.
- Pages 51 and 51 of the guidelines note that applicants should minimize the amount of paving - and should be both discrete in placement and conservative in amount of paving required. The guidelines note that **existing**

**trees should never be removed to expand parking areas. The driveway and garage continue to fail in all regards.**