

From: Bernadette Feeney

Sent: Tuesday, January 24, 2023 12:41 AM

To: Ann Clifford <aclifford@concordma.gov>; Hayleigh Walker <hwalker@concordma.gov>

Subject: 615 Lowell Road

■ To the members of The Concord Historic District Commission,

Several months ago, I wrote to you to express my numerous concerns regarding by Archstone Builders' proposed development at 615 Lowell Road. Since my writing, Archstone and their representatives have acted in a manner that conspicuously validates the concerns that I raised, both as resident of 616 Lowell Road and as a community member inspired by the advocacy of those organizations and individuals who have now had to spearhead multiple (to this point) successful efforts to protect Hildreth Corner and Concord. Archstone's behavior exhibits not only an indifference to the aesthetic and historic character of Hildreth Corner, as I wrote last, but likewise for the system that our community created and relies on to defend Concord from irresponsible development. That Archstone has continued in the line of action it has despite all the letters, conversations, and active opposition that Concord has shown demonstrates a patent disregard for the town, the property's neighbors, and the municipal systems we have assembled for a good reason. While I never expected developers to put the interests of the community over profits, I could not have imagined that they would behave in such an abjectly entitled manner. As I sought to express in my last letter, this decision is not about Hildreth Corner or even Concord alone. At the risk of seeming melodramatic, the Court is now entrusted to preserve the character of a small town unrivaled in its historic significance and charm. Through the diligent work of its public servants and the principled vigilance of ordinary residents, we've been able to preserve both the physical monuments to Concord's historic events and people as well as a community culture that knows the value of its historic and aesthetic inheritance. For Archstone Builders to question the integrity of the Historic District Commission, to allege "malicious" or "prejudicial" treatment, is to challenge the very bodies that Concord residents have authorized and relied on for past decades. In the Historic District Commission, Concordians could see how their local government reflected their values. In a broader sense, the Commission reflects the interests of the broader nation. The Historic District Commission has literally been entrusted with protecting some of the most cherished and important monuments of the American Revolution, something we should not take lightly. For Archstone to suggest that the Commission or our community members are some 'prejudicial' NIMBY bumpkins is both preposterous considering the facts of the case, but also indicative of the distance between Archstone's ambitions and the interests of the town and its residents. With Concord's wealth of landmarks and aesthetic beauty, with what our town represents to its residents and the tourists it welcomes, the claims that Archstone is making demand a stricter application of legal scrutiny. When it comes to Concord, we're not talking about "not in my backyard," we're talking about "not on the first battlefield of the American Revolution." The developers either do not see what is at stake, or simply do not care. In my last letter, I spoke about my concern for the future, should the Archstone be rewarded for their stubborn unwillingness to accept the multiple decisions that have been handed down against their proposed development. There is a clear future-focus in their current action, a desire to

overturn the expressed wishes of the public and establish an easier route for more ostensibly legal development down the line. Not to speak of the arrogance of such a plan, we should be sure to identify the motivation where it exists. Archstone Builders are not going through all this effort because they are concerned with one building or because they actually perceive 'malice' or 'bad faith' from the Historic District Commission. Instead, Archstone is willingly undertaking all of this effort (and, presumably, significant legal expense) because they have a business interest in establishing a convenient legal precedent stripping municipal authorities of their right to defend a town's aesthetic and historic character. The only reason Archstone would pursue this line of action is if they intend on building more developments in the future that the Historic District Commission would deem inappropriate. Do the builders actually feel like victims of 'anti-developer prejudice' or are they worried about losing money? Past Massachusetts court decisions on similar topics, including *Sleeper v. Old King Highway*, affirmed the legitimacy of Historic District Commission's rulings and authority when it conflicted with private citizen's innocuous hobbies, like amateur radio broadcasting. Let's not pretend that Archstone Builders will stop here. Please remember the stakes of this decision, the significance of Concord's scenery and history to its residents, tourists, and our nation. The future relies on it.

Sincerely, Bernadette Feeney