



# HISTORIC DISTRICTS COMMISSION

## Public Meeting Minutes

### Thursday, January 26, 2023

### Virtual Public Meeting

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, January 26, 2023 at 7:00 P.M.

Commission Members Present: Luis Berrizbeitia, Melinda Shumway, Katharine Mast, Paul Ware, Kate Chartener.  
Associate Members Present: Henry Moss, Dennis Fiori, Walter Clay  
Members Absent: Timothy Whitney, William Huyett  
Staff: Ann Clifford, Senior Planner  
Hayleigh Walker-Kurland, Administrative Assistant

Chair Berrizbeitia called the meeting to order at 7:00 P.M. Voting Members for the meeting were Chair Berrizbeitia, Katherine Mast, Kate Chartener, Paul Ware, and Melinda Shumway.

#### NEW PUBLIC HEARINGS

**John Peterson, 24 Walden Street, Main Street Historic District**, to install new signage.

Applicant John Peterson appeared for the hearing along with shop owner Remon Karian. Mr. Peterson stated that they would like to remove and replace the existing façade and blade signs to display the new Fiorella's logo. The existing cursive letters shall be replaced with antique lettering.

The Chair requested the dimensions of the new blade sign as well as what materials were being used. Mr. Peterson confirmed that they will be replacing the existing 30-inch diameter blade sign with a 42-inch blade sign. The larger blade sign will be installed closer to the wall. Mr. Peterson also confirmed that the signs would be made of a fabricated aluminum.

Mr. Karian explained that the store rebranded a few years ago and are now looking to change the existing signage to improve legibility and reflect what has been done at other stores.

Ms. Shumway agreed that the proposed lettering was more legible but also felt that it was too large in relation to the facade. Mr. Peterson stated that the proposed wall sign would be 96 inches across, and Ms. Shumway repeated that she would like to see it smaller.

Mr. Moss, Mr. Fiori and Mr. Ware stated they had no issues with the proposed signage. Ms. Mast stated that she preferred the older cursive lettering but understands need to improve visibility.

Mr. Clay stated that the size differential would be compensated by the greater legibility of the proposed font, though you could reduce its size and still have the same effect. He noted that

cursive is no longer being taught in a lot of schools and that there are many who cannot read it.

Ms. Chartener echoed Ms. Shumway's comments about the size of the letters. She asked if the letters on the blade sign would be painted or have some degree of relief.

The Chair stated that while he also felt the proposed letters were quite large, size is not a deal breaker in this instance. He stated that he had no objections to the proposed signage.

The Chair opened the hearing for public comment and there was none.

Ms. Chartener asked if her fellow Commissioners had an issue with the sign being a flat surface. Mr. Peterson clarified that the sign will not be flat as individual letters will be installed in relief. Ms. Chartener then asked if the lettering of the blade sign would be in relief as well. Mr. Peterson stated that he would need to speak with the designer to determine if the blade sign will have some degree of relief.

Ms. Chartener requested that raised lettering on the blade sign should be a requirement for approval, following past practice.

Mr. Fiori moved to approve the application of the John Peterson, Main Street Historic District, to install new signage at 24 Walden Street on the condition that the Applicant submit a revised plan to be approved administratively showing raised lettering on the proposed blade sign. Ms. Mast seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Ms. Mast, yes; Mr. Ware; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

**Concord Art Association, 37 Lexington Road - American Mile Historic District**, to demolish rear addition and construct new two-story addition; new dormers, lighting, gutters, and downspouts; new terrace, walkways, retaining wall, handicap ramps with handrails, bulkhead, fencing, landscape lighting and other associated landscape changes.

Ms. Chartener recused herself from this hearing.

John D. Battle appeared for the hearing on behalf of Concord Art Association. He explained that this application is a resubmission of their previously approved application. They are still working on obtaining approvals for this project from other Town departments and missed the deadline to request an extension. He stated that nothing about the project has changed from their previous submittal and that they would like to obtain either an extension or a renewal.

Ms. Mast, Mr. Fiori, Ms. Shumway, Mr. Ware, and Mr. Clay all stated they had no issues with an extension or renewal rather than reviewing the project again. Mr. Moss abstained from providing comment.

Chair Berrizbeitia stated that a new application was not necessary since the application was previously approved. The previously approved Certificate of Appropriateness would be renewed.

**Mike Bushnell, 615 Lowell Road - Barrett Farm Historic District**, construct a single-family dwelling and associated site improvements on a vacant lot.

The Chair opened the hearing and reviewed the application, its previous submittals and gave a brief overview of the many public comments that were received.

Town Counsel Makarious stated that since their previous denial, the Applicant had filed an appeal in Superior Court. As in any land use appeal, there is an effort to see whether there is a more efficient means of resolving differences than litigation. He noted that the Applicant has paused the litigation for the sake of the current submittal. No members of the HDC were involved in discussions regarding the new submittal. However, staff and counsel were involved through the normal consultation process. Town Counsel also clarified that the current proposal would be reviewed under the same criteria as previous submittals; the key issue of which was the size and massing of the proposed structure in relation to the lot area and the neighboring sites, buildings or structures.

Johnathan Silverstein appeared as the attorney for the Applicant. He introduced the project team and gave a brief overview of the new design which incorporates feedback they received. He noted that the proposed structure has been pushed far back from the road and the scale and massing at the front of the lot have been reduced. A single-story structure with a gambrel roof will be placed closest to the street, transitioning to a barn-like structure in the back which will incorporate a garage. The garage will face the side of the lot rather than the street. Mr. Silverstein referenced a staff comment that the history of Hildreth Corner is not one of stasis. Mr. Silverstein requested the opportunity to address and respond to comments on the application.

The Chair reviewed how the meeting would be conducted.

A consultant to the applicant, Steve Fusco, reviewed the perspective drawings of the proposed structure as viewed from Lowell Road. He described the computer program and source documents he used to prepare them. Mr. Fusco estimated a distance of 60 ft between the road and the proposed structure. The program he uses utilizes AI to ensure that the rendering is to scale. The front of the proposed structure has a height of about 20 ft while the barn portion is 31 ft high. The Chair asked for better explanation of the distances between the proposed structure and existing vegetation and the sighting of the structure in the lot. Mr. Fusco explained that while he did not create the landscape plan submitted by the Applicant, he would attempt to speak to it as a Landscape Architect. He noted that the proposed structure has been sighted at an angle which minimizes the impact to the pedestrian and allows it to sit in the landscape a bit better.

Ms. Chartener made a motion to pause the hearing of 615 Lowell Road in light of technical issues and move on to the next agenda item of 377 Main Street. Mr. Ware seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Ms. Mast, yes; Mr. Fiori; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

At 8:17, after the public hearing for 377 Main Street and the continued public hearing for 58 Monument Square, the hearing for 615 Lowell Road resumed.

Project Architect Elise Stone appeared for the hearing and stated that the goal of the application was to reduce the massing in front and give the structure a more cottage-like appearance. She reviewed the height differences at various points of the building, noting that the front of the structure, which contains the primary living space, is a single story. They have pushed the massing to the back. The barn will be painted a dark color to so as be less noticeable from the public way. Additionally, most of the windows will be located to the rear or the left side of the structure.

The Chair asked Ms. Stone to provide the total square footage of the proposed structure. Ms. Stone stated that it would have a total square footage of 3,900.

Mr. Ware stated that the Applicant made an admirable effort to create a design that takes into account the observations of the community and committee. He felt that the proposed dwelling would only be difficult to see from Barrett's Mill Road.

Ms. Shumway stated that their previous comments regarding the massing and the garage were ignored. The proposed structure takes up the entire buildable portion of the lot, leaving little greenspace, detracting from the existing sense of openness. Although the applicant tried to make the structure more suitable from the front, the design does not meet the stated HDC goal to retain "an open, historic rural farm setting" of the Barrett Farm Historic District.

Mr. Moss stated that he had visited the site many times. Important to consider are the views of Hildreth House, one of the most important buildings on the corner. He noted the unusual lot line and how the perspective drawings show expansive view. He felt that the addition of barn works well, but he misses the shingles that were in upper portions of previous façade.

Ms. Mast disagreed with Mr. Moss's comments regarding perspective. She is troubled by the Applicants lack of consideration when it comes to their comments regarding massing. The massing of the proposed structure may be located towards the back but is still too large for the lot. She stated that the proposed structure does not maintain rural character of neighborhood.

Mr. Fiori reiterated that no changes have been made as far as massing is concerned. He voiced concerns about the view from Barrett's Mill Farm Rd.

Mr. Clay noted that the application is missing certain documents such as the narrative. He felt that the proposed structure could be appropriate on a much larger lot.

Mr. Chartener praised Ms. Stone's alterations. However, like Mr. Fiori, she was perplexed as to why they were now looking at a larger house. The Applicant has stated that they have pushed house as far back as possible but, in reality, it cannot be pushed back all that far due to other constraints.

The Chair agreed that the massing of the proposed structure has not decreased in any way and cannot be diminished by pushing the massing around the lot.

The Chair opened the hearing for public comment.

Brooke Whiting Cash of 1114 Lowell Road thanked the HDC for their service to the Town of Concord. She stated that the Application does not address reasons for previous denials. She noted that while the overall height of the structure has been changed the footprint of first floor has increased by 40%. She discussed other issues regarding the proposed grading and dimensions. She felt that the design was a frenetic blend of architectural styles and nothing in the design is relevant to 18<sup>th</sup> and 19<sup>th</sup> century. She also felt that the proposed planting does not elevate or hide the long side of the property and interferes with critical root zone of existing trees. The application does not do anything beyond the previous applications to provide an appropriately sized and scaled construction.

Hugh McCrory of 59 Lee Drive spoke in opposition to the proposed structure which he felt was not historic. He noted that the view that most residents will see is from Lowell Road. He was very concerned that the existing trees would be taken down and replaced with non-native species.

Nancy Nelson of 1695 Lowell Road echoed Ms. Whiting-Cashes comments. She stated that the graphic is much more imposing than it needs to be.

Fiona Fitzgerald of 150 Barrett's Mill Road stated that public comments should be allowed to go on for as long as needed. She relayed how she had been informed that the perspective drawings presented are not to scale. Ms. Fitzgerald noted that the interior translates to the exterior and the Applicant is adding mass for the sake of interior space. She felt that the Applicant did not provide all the necessary information in their submittal to the HDC.

Paul Van der Wansem of 597 Lowell Road stated that they were opposed to the proposed development as its too large for the lot.

John Igoe of 44 Barrett's Mill Rd stated that the Applicant should follow the HDC guidelines for the Historic District. Approval of the proposed structure would set a bad precedent and he takes issue with the statement that property would not be noticeable from Barrett's Mill Road. He did not think that the perspective drawing was realistic, noting that developers should conform with the rules that every other resident in Town is asked to follow.

Elizabeth Gibbs of 12 Elm Street stated that there are aesthetic inconsistencies with the proposed design that can lead to problems in the future including noise, traffic and landscaping.

Mark Carbeau of 325 Main Street noted the principles of consistency and efficacy when it comes to the HDC. Property owners within Historic Districts take on stewardship to protect the communities' heritage and it sets a dangerous precedent to treat developers differently from homeowners.

Kelly Crozier of 108 Barrett's Mill Road stated that the plan is not in keeping with the HDC Guidelines. She stated that it was unfortunate that the Applicant did not listen to the input given at the other hearings and asked the HDC to deny the application. She suggested that the Town of

Concord consider means of educating developers on HDC expectations.

Mark Rus of 20 Authors Rd spoke in favor of denial, noting that the key concerns have not been addressed by the Applicant.

Erika Santoro of 625 Lowell Road stated that there has been a lot of discussion on this application for two reasons. The first has to do with the historical significance of the area and the second has to do with the Applicant's unwillingness to make the changes requested by the HDC. She noted that the current proposal will be visible from Barrett's Mill Road and that the perspective drawing is misleading. The proposed design is inappropriate for the lot. She suggested that the Applicant build on a different lot that is not located in a Historic District or present a design that meets the requirements set forth by the HDC.

William Page of 702 Lowell Road stated that the current proposal is an extremely aggressive example of profit at all costs with a lack of care for community concerns and Town Guidelines.

Bernadette Feeney of 616 Lowell Rd echoed comments of neighbors and thanked the HDC. She stated that she is concerned about the behavior of the applicant and what it will mean for the future of Concord.

The Chair closed Public Comment.

Mr. Silverstein noted that many members of the public and the Commission have criticized his client for submitting an application that did not substantially reduce the size of the house or eliminate the two-car garage. He and his client were happy to work with Commission and Town staff and did incorporate feedback, but he stated that it is simply not economically viable to build a house under 3,500 sq. ft. The square footage increased because the layout and the functionality require additional hallways.

Mr. Fusco noted that there were comments stating that his renderings were not to scale and misleading. He stated that they are 100% to scale and in no way designed to deceive.

Town Counsel reviewed the standard that the HDC is reviewing under, specifically the view from a public way which is the limit of their jurisdiction. Interior features are not within their purview according to their enabling legislation. In considering size, he clarified that the Commission can only review size in relation to three factors: area, other structures, and landscaping on the property itself. He urged the Commission to keep those factors in mind as they finished deliberations.

The Chair and Town Counsel discussed how and HDC determination may very well differ from that of Zoning. Town Counsel clarified that the HDC's analysis of size is in relation to the land upon which the building or structure is situated, the landscaping and planting features and the neighboring sites, buildings or structures. It is not simply a square footage calculation.

Mr. Ware summarized that the HDC is very respectful of professional staff and boards and the quality of their work. The applicant has been encouraged to present another application. It has

been before the HDC a number of times and has been denied a number of times. He is troubled by the a focus on square footage, since it is only one of many factors the HDC considers. The HDC is concerned with views of a structure from a public way and to what extent it is inconsistent with the surrounding historic context. Reasonable minds can differ. The community feels strongly about this proposal and the Commission cannot ignore the views of the community. He hopes that each side with respect the other and feels that the entire process was carried out in good faith.

Mr. Fiori reiterated that the work the HDC does is on behalf of all of the citizens of Concord, not just neighbors, and that the community-wide input regarding this project must be taken seriously.

The Commission discussed the possibility of continuing the application.

Ms. Ware moved to deny the application of the Mike Bushnell, Barrett Farm Historic District, construct a single-family dwelling and associated site improvements on a vacant lot at 615 Lowell Road. Ms. Shumway seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Katherine Mast, yes; Mr. Ware, yes; Ms. Shumway, yes. The motion was denied (5-0) by a roll call vote.

**Jennifer and Thomas Kelly, 377 Main Street - Main Street Historic District**, to construct new side entry porch, install new windows, door, lighting and gutters

Jennifer Kelly appeared for the hearing and gave an overview of the proposed project which includes a new porch for driveway entry and interior and exterior renovations for a new kitchen at the rear of the house. Ms. Kelly noted that the proposed changes are not particularly visible from public way and the design of the proposed windows is more harmonious with the existing windows. She also explained that the existing wooden gutters are dilapidated, and they are seeking to install fiberglass gutters which would be identical to what is there now.

Mr. Ware asked for clarification on where the proposed gutters would be installed. Ms. Kelly stated that they would like to install the new gutters on the front and rear of the home as well as on the proposed porch. Mr. Ware asked for the distance from the front of the house to the public way. Ms. Kelly stated that the front of the house was located 24 ft from the public way. Mr. Ware stated that he had no issues with the proposed project.

Ms. Mast, Ms. Shumway, Mr. Fiori, Ms. Chartener and Chair Berrizbeitia all stated they had no issues with the proposed construction.

Mr. Moss stated that this project has been managed very thoughtfully

Mr. Clay noted that the windows on the front of the house are 15 over 15's while the proposed kitchen windows are 8 over 8's. Ms. Kelly stated that they focused on keeping the size of the panes comparable to what you see to what you see in the other windows. Contractor Marshall McLean explained that the number of lites differs for the downsized windows, but the scale of

each lite is similar to that of existing windows. Mr. Clay stated he had no further comments.

The Chair opened the hearing for public comment.

Ed Teidemann of 656 Barrett's Mill Road asked if the Applicant planned to install for a downspout at the front of the house. Ms. Kelly stated that the gutters would be fiberglass while the round downspouts would be painted aluminum.

Mr. Ware moved to approve the application of Jennifer and Thomas Kelly, Main Street Historic District, to construct new side entry porch, install new windows, door, lighting and gutters at 377 Main Street. Ms. Chartener seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Katherine Mast, yes; Mr. Ware, yes; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

### **CONTINUED PUBLIC HEARINGS**

**Concord Masonic Corporation, 58 Monument Square - North Bridge/Monument Sq Historic District** to install a stone bench in the front lawn.

Maynard Forbes appeared for the hearing on behalf of the Concord Masonic Corporation. He stated that he submitted three revised documents. The first is a survey plan showing the proposed location of the bench from the public way. The second document shows the elevations and dimensions of the proposed bench. Mr. Forbes noted that they will need to confer with Digsafe prior to installation as there is an underground cable that runs from the sidewalk to the Lodge. The engraving on the bench shall read "Corinthian Lodge 1797" on the front of the seat and "Chartered by Paul Revere" on its back. The third document shows the completed bench renderings.

Ms. Chartener noted that some Lodges are identified by a number and inquired if the Applicant would consider adding an "Est." between "Corinthian Lodge" and "1797" to make it clear that 1797 is a date, not a Lodge number. Mr. Forbes clarified that Massachusetts is the only group of Lodges that do not have numbers but stated that he had no objection to adding the requested "Est."

Mr. Clay echoed the comments of Ms. Chartener. Mr. Fiori, Ms. Mast, Mr. Moss, Ms. Shumway and Paul Ware all spoke in favor of the proposed bench.

The Chair opened the hearing for public comment

Brooke Whiting-Cash of 1114 Lowell Road stated that the proposed polished granite finish would not appear historic and suggested that the Applicant apply a thermal or sandblasted finish to the entire bench.

Mr. Fiori and Ms. Chartener agreed with Ms. Whiting-Cash. Mr. Forbes stated that he did not have any issues with the suggested finish.



Mr. Ware asked for more clarification on what constitutes a thermal finish. Ms. Whiting-Cash stated that it is a matte finish that is created by taking a flame to the stones.

Mr. Fiori moved to approve the application of the Concord Masonic Corporation, North Bridge/Monument Square Historic District to install a stone bench in the front lawn at 58 Monument Square subject to the following conditions: 1) The inscription on the front of the proposed bench shall read "Corinthian Lodge Est. 1797." 2) The proposed bench shall be given a thermal finish. Ms. Chartener seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Ms. Mast, yes; Mr. Ware; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

## **OTHER BUSINESS**

### **1. Certificate Amendment: 34 Main St (COA #22-47).**

Brill Crosby of Crosby Design appeared for the hearing and explained that the 18.5" x 18.5" sign for Academy Mortgage which was previously approved on August 18, 2022, was accidentally reduced to 18" x 18" due to the removal of the blue border at the HDC's request.

The Commissioners has no objections to the change in signage.

Ms Chartener moved to approve the Certificate Amendment at 34 Main St (COA #22-47). Ms. Shumway seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Ms. Mast, yes; Mr. Ware; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

### **2. Election of Officers: Chair, Vice-Chair, and Secretary for the year 2023.**

The Chair reviewed the list of current full members which include himself, Paul Ware, Melinda Shumway, Katharine Mast. He stated that Ms. Chartener will be appointed a full member after the Select Board meeting on February 13<sup>th</sup>.

Mr. Fiori suggested that Chair Berrizbeitia remain in his position as Chair for another year, Ms. Shumway take on the role of Vice Chair and Ms. Mast would serve as Secretary.

Mr. Ware moved to approve the appointments of Chair Berrizbeitia as Chair, Ms. Shumway as Vice Chair and Ms. Mast as Secretary. Ms. Chartener seconded the motion. Chair Berrizbeitia, yes; Kate Chartener, yes; Ms. Mast, yes; Mr. Ware; Ms. Shumway, yes. The motion passed (5-0) by a roll call vote.

The meeting was adjourned at 9:56 p.m.

The next Historic District Commission meeting is scheduled for Thursday, February 2nd, 2022. Documents used during the meeting are on file in the Planning Division Office.

Minutes Approved on: 4/6/23