ACTON HISTORIC DISTRICT COMMISSION

8.18.08 Meeting Minutes

The meeting was called to order at 7:50 PM.

Brian Bendig, David Honn, Kathy Acerbo-Bachmann, Aaron Moore and Terra Friedrichs were present. Scott Kutil, Ellie Halsey and Michaela Moran were absent.

7:50 PM (7:45 appointment):

Kimberly Connors-Hughes (KCH), 100 Main Street, Application 0816
Ms. Connors-Hughes submitted an application to replace existing roof shingles with similar at her property at 100 Main Street, and presented two alternatives. KC-H asked what colors the HDC preferred. Brian Bendig (BB) mentioned that he had sent abutter notices, and further clarified that the HDC does not have jurisdiction over color; David Honn (DH) suggested that the gray option would be the most historically accurate of the options presented. BB made a motion to approve the application with two conditions: 1) ridge vents be low ion profile and 2) drip edge shall be finished to blend with trim. Kathy Acerbo-Bachmann (KAB) seconded. All voted to approve- BB will send certificate after the abutter period runs out

KCH, as a member of the Acton Historical Commission (HC), then updated members of the HDC on the status of the Wright-Holden farmhouse on Route 2. This is an 1830's Federal farm house. The property is located in Acton but is owned by the Department of Corrections. The HC needs donations of plywood (14 full sheets, and nine half sheets) to secure the building. Cost is $25 per sheet. The goal is to stabilize the building for winter.

8:10 PM (8 PM appointment to discuss new report on condition of 81 River mill building)

Joe Levine, Lou Levine, Ed Flannery, Lynwood Prest, re 81 River Street (The Lothrop Mill). Observing the proceedings were Frank Ramsbottom, Town of Acton Building Commissioner; Anne Forbes, former member of Acton HDC; and Lauren Rosenzweig, Chair of the Acton Board of Selectmen. The purpose of this meeting is for Mr. Prest, a structural engineer, to present his recent report on the condition of the Lothrop Mill and to answer questions.

BB provided background for the presentation by Mr. Prest, who is with GPR Civil and Structural Engineering, and BB noted that the HDC had been informed that Dan Barton, project architect, could not be present this evening. BB then noted that the applicant would like to depart from the plan in the approved application, which was

granted a COA by the HDC a month prior, to restore and rehabilitate the mill building, and instead would like permission to demolish it based on the Prest report provided very recently to the HDC.

BB then noted that restoration of the Mill was a key part of the application as originally presented up to this point; and that the building had been previously represented as sound to the HDC (both last winter per a different GPR review following the collapse of the rear wing and in June-July 2008 when Lothrop Mill LLC applied for permission to rehabilitate the structure. BB introduced Frank Ramsbottom, who was present as an observer and available to answer questions. Frank briefly referred to the letter he issued last week on behalf of the Building Department to secure the building and keep it safe, after receiving the Prest report.

Lynwood Prest (LP) from GPR introduced himself and said he was visiting to present his findings in order as detailed in the report: More Detailed Structural Review of Existing Mill Building at 81 River Street, Acton, MA, August 8, 2008, Project 082075, Goldsmith, Prest & Ringwall, Inc.

BB asked why there was a different level of scrutiny in this report from the GPR structural report done in December 2007 following the collapse of the rear addition to the building into the brook. LP said that the December 2007 report was done by visual walk-through, and that the presence of a tenant and debris prevented a thorough analysis, and that it was not possible to view to the framing in depth. He told the HDC members that just by looking it seemed pretty good, but once he could get in there it was a different story.

David Honn (DH) asked if any probing was done in December; LP answered that no probing took place at that time- it was purely visual analysis. LP repeated that the building was recently cleaned of debris, and he was called in to take an in-depth look at the frame now that the building was empty.

LP went through the report page by page and described in detail the condition of the structure. LP explained that the area of the building closest to the river sustained the most consistent deterioration and damage overall, and that there was other damage elsewhere and throughout. LP noted that roof planking is gone in many areas, beams have deteriorated, and that the building is framed in Douglas Fir. LP noted that it is still not possible to determine exactly how much damage has occurred until further work occurs. He also noted that the building predates existing Building Codes.

LP specifically referred to page 3 of the report and photo #3, regarding beams, and photo #4 showing the staple method used throughout the building. LP noted that the staple method was used throughout the building, and was commonly used in the 1880's-1920's. He noted that while this was a traditional and acceptable, in this case there was a roof beam above a staple beam and no post underneath.

LP then noted on the second floor the planking was rough in places, and that there was less rot in these beams vs. on the river side (i.e. the side away from the street). He felt overall, the roof planking and second floor planking would need to be replaced. LP then noted that wood rot occurs from the inside out, and that the outside dries faster, and that visual investigations were not enough to determine with 100% certainty things such as rot, as well as insect damage. He stated again that the December 2007 was a visual walk-through. At that point the building appeared fine, but "you really need to get at it" and "could not do this until it was empty."

LP elaborated on photo #5, the first floor along the brook side. The wall is gone, partially from the collapse. LP noted that the building collapsed due to snow load and long term deterioration; it was not triggered by a specific event. BB said he recalled the applicant group reporting a tree fell on that part of the building and may have been responsible, at least partially. Joe Levine corrected BB, and clarified that it was just the snow load and progressive deterioration of a partly cantilevered structure with large quantities of material stored in it; no tree fell on the structure.

LP said the second floor was in overall better condition. Looking at framing members, LP noted that the Douglas fir had a number of knots in the beam, forming a splitting pattern. The knots appear when the wood dries out.

He next discussed photo #7. A 4 x 4 post is holding up a first floor beam. The wall to the river side is gone, or rotted out. Terra Friederichs (TF) asked whether supports should be used to shore up the river side of the structure, and would that help. LP answered "yes" and "no." He said they would help with structural integrity but would not solve the long-term neglect problem.

LP provided details on the crawl space. He found floor planking gone, and did a jack knife test, finding it sank to the hilt. There were many places in the basement where he found that, an unusually high number in his experience. Overall, on the river side, lower level and basement, about 50% is gone or would need to be replaced. He noted that there were columns in the crawl space; in the center area fieldstone piers were dry stacked. He noted that this was the first good look at this area, as it had been previously filled with some sort of debris. He then focused on a small room noted as Room #1.The ceiling is gone, there are 2 x 5 rafters which is holding the ceiling up.

In summary, LP said a lot would have to be replaced. 20% of the wall is unstable because it is not continuous. The beams are undersized underneath the floor for the load. A beam is carried by a cast iron sewer pipe in one area. A hollow-core door is holding up a floor joist. Looking at the street-side, one story appendage, the beams are undersized, no strength, needs lots of repairs. The end building, near the boilers- no asbestos. Looking at photo #8, the wall in basement, the walls are okay but could hinge. There is no horizontal plate. VP noted that the wood is absorbing a lot of energy and the building's continued survival is a testament to the resilience of wood as a building material.

The roof rafters are in good condition, with the exception of some indication of fungus on the river side. However, the rafters do not work for a 35 pound snow load. Looking at the small structure, there is little rot but it is structurally inadequate. There was rot on the second story, as well as structural issues relating to how it was built. The foundation would also need to be replaced.

Looking closer at the foundation, from visual analysis LP said it seemed like it was in good condition on that quick walk-through in December, but the field stone is unmortared and has no resistance to seismic events (i.e. earthquakes), and he thinks it would need to be replaced. The development team had initially thought to lift it and replace with a concrete foundation. A new foundation has to resist a magnitude "7" earthquake for code reasons.

Returning to the building itself, he said the roof planking must be replaced. LP noted that if the building is saved, such as it is, perhaps only 40% will be left. There is a strong safety issue. It is hard to shore up parts while you take down others. In his judgment, the building should not be restored; a new one should be built in its place. Even in good condition, much of the original parts would be hidden by finish. There is also a danger in tying old and new together, in his view, in that wood from different periods does not fit together due to wearing and aging differences.

TF asked how much of the timber and other framing members are salvageable and could be reused. LP answered that the wood could be re-used on the interior for decorative purposes, but that once wood starts to rot you need to be careful. In his estimate between one third and one half of the wood was potentially salvageable for interior and/or decorative purposes. He added that you can do it, but it's for aesthetics, not structural purposes. LP noted that 60% of the wood in his opinion is now missing or unsalvageable, structurally.

BB asked about the diagonal braces discussed on page 2, and asked whether the diagonal bracing problem could be solved by repairing or replacing the lumber. LP cautioned that if you do this with brand new lumber, the shrinkage is different inside the mortise and tenon joints for older wood as opposed to new wood. He added that the post condition is unclear, by putting in a brace; you may or may not have a post you could use.

BB asked specifically about the beams, and whether the rotten parts could be replaced with shiplap construction, i.e, with epoxy used for splits and treatment of the rot as you would a tooth(scoop out the rot and add layers of epoxy like a tooth filling). LP said yes, you could use epoxy/silica sand mixture, which is similar to wood in construction but does not react the same to moisture, and is also very expensive. BB asked about other repairs that could be done with steel- LP said you don't mix steel with wood because the two types of material behave very differently. BB asked again whether epoxy could be used, VP said yes, in small repairs, and that had been used in the repair of a Shaker barn that was timber framed- but you would not use steel.

BB drew attention to Conclusion 1, page 8, and mentioned the change in use of the building, from industrial (with machinery loads) to intended residential, as mitigating the load the structure would be under. LP said that doesn't matter: e.g., the fieldstone foundation moves because it is not mortared and this presents the earthquake risk. TF asked if epoxy or some kind of cement could be used to hold the original stones together. LP answered that you would need something very strong to bond it, but yes the stones could be mortared.

TF then asked about the market value of having an at least in part original structure vs. a replica. LP said he would not recommend leaving any of the structure since in his opinion 60% of the structure is not in good shape or missing; only 40% left, and not clear of that 40% what has structural integrity until the building is lifted and more work done. It is a structural integrity issue. If you use an old beam structurally, you need to be careful as you marry old and new as they behave differently, so he would not recommend it. Go with all new to be safest, he reiterated.

DH mentioned that if that logic were followed, you would not save any old building. He used the example of his own early 18th century house, which had been added on to and repaired over centuries. LP answered that it depends on the building and materials, and what is the breaking point- factors include money, desire of the owners, condition.

BB asked if LP had been involved in a reconstruction of a building- LP said no, only demolition. LP used the example of a mill building in Pepperell that was in similarly bad condition and had been neglected. That mill was taken down, demolished because it was too far gone.

TF asked if LP knew of anyone who specialized in restoring these types of mill structures- LP did not know.

BB mentioned barn reconstruction as a possible point of reference, since the mill has a timber frame. LP answered that in this case it would be an issue of safety during restoration, and how to marry old and new members. BB noted that part of developing a restoration is coming up with a proper plan for doing it, in a way that mitigates safety issues. LP answered that the question remains how to successfully marry old and new members. There are behavior and shrinkage issues; the connections fail, not the new members themselves.

BB brought up the example of his personal ownership of a 180-year old horse barn that was in serious danger of collapse when he bought it in 2003, and which now is structurally comprised of old and new wooden members, dating from 1828 and 2004.- He gave as examples the 1828 rear gable end and north roof slope, a partly 2004 and partly 1828 front gable, a 2004 south roof slope, etc.- a very successful combination of new and old undertaken by specialist restorers who new what they were doing. Somehow through the centuries it was made to work, this isn't new, maybe look at it

more like a barn than a mill because of the predominantly wood construction. Adding old and new wood in the past has worked over many centuries.

LP replied that you can replace certain parts or members because they are independent. If they are interdependent, the trouble starts. For reasons of physical safety and economics, sees no reason not to demolish in this instance. The safety issues and potential for lawsuits demand it.

BB asked whether restoration was a possibility, though a challenge. LP said that yes, it was possible, although not recommended in his opinion. BB added that problems exist in both new and old buildings, and restoration in older ones is often a question of quality, care, expertise and expense, and devotion to planning, making sure the building is protected and supervised, but in the end the result is an authentic, restored mill building. LP remarked that it will not be authentic. It will be 60-70% new; that is not authentic in his opinion. BB added that it is more authentic that 100% new. TF asked if there was an agreed upon standard percentage of materials that had to be original if a building were to be called "authentic"? LP did not know. TF asked if there were different amount of original materials that could be left if the building were to remain commercial rather than residential. LP thought the fieldstone foundation in that case might be retained for some commercial purposes, not for heavy manufacturing or residential. An artist work space, perhaps.

TF asked what has contributed to the building's present condition of neglect. LP answered: rot and neglect. LP said that it is possible to restore, but he would not recommend it because of two reasons- safety and percentage of original material left.

BB asked what measures could be taken to prevent further deterioration. LP- said bracing and a new roof, but that's rebuilding and just not worth it.

BB asked about wind loads, and what could be done to help on a temporary basis. LP said wind loads are helped by the original bracing, but there is danger of seismic events. LP added that you could put up additional columns and bracing and a new roof, but why would you do it? This is back to restoration. The building should be taken down. LP said that keeping any of the older sections are fraught with difficulty; why do this when you can make it look exactly the same on the outside and rebuild. A question of marrying old and new parts- can this be done safely? He did not think so. It is a question of integrity in the long run.

TF asked how much more it would cost to restore it vs. demolishing and rebuilding. LP said the cost of materials changes daily, so could not predict. LP did not look at or consider costs. However, demolishing and replacing the existing building with new materials would be cheaper than restoring it. Cannot say by how much. Joe Levine (JL) stated that cost was not the issue- safety is.

Lou Levine (LL) added that a structural engineer had to be added at this point as the report is connected with the building permit. They have to put together a plan. The

team is not happy with the results either, but it is unsafe to work on or in it given the present state. He said they would save timbers, and intend to replicate the same frame, keep the exterior the same, and replicate it on a new foundation, as much as possible given building codes.

BB asked if a second opinion on the structure had been sought- JL said no. LL repeated that this was the first time the structure was able to be examined carefully now that debris was removed. BB remarked that the request for demolition vs. restoration was a 180 degree change from plans presented in the past, including just a month earlier. LL said that they were ready to take the roof off a month ago and start work, with certificate in hand. Now with the report, it put a stop on taking off the rest of the roof.

BB brought up the fact that if the building were demolished, it would not be an exact replica, since it is too close to River Street for current codes, to use one example. BB noted there seem to be two choices, really: non-demolition, and demolition with a proposed new building, which would replicate some aspects of the old building's appearance. It will not be a straight, exact replica due to zoning. Also, if there is accelerated deterioration, that it is due to the fact that the building has been left unsecured and opens to the elements and neglected for so long, compounding problems. Up to now the HDC has looked at restoration of the Mill as part of a total project, one piece of a much larger whole, and an important piece. He noted that the HDC would need to get a concrete idea of what the applicants were asking commission members to sign off on, since no plans for a new structure had been submitted.

LL answered that the plan is demolition of the original structure, and then a replica of the mill. JL added that the team wants demolition first, now, and then do a design at a later point. LL said they are not asking for a certificate for the building right now; they are only looking for permission to demolish. The design will be forthcoming.

BB pointed out that in the case of Exchange Hall, for example, permission for limited demolition was only granted after the HDC received plans, and approved them, for the entire project. We do not want to proceed in a piecemeal fashion. We understand that this is a piece of a larger project, and that applicants would rather not be bringing to market the three houses, approved earlier, with a decrepit structure. We gave approval to demolish structures on this particular property with an application for restoration of the mill. Would like to move this thing forward to a conclusion, but cannot do that without a plan and certainly without an application to demolish the building.

JL remarked that all they want to do now is demolish- they can come back with a plan later, and they are willing to write a condition into the permission to demolish that stipulates that they will use Dan Barton for the design- willing to make that a condition. BB added that with any demolition, surveys need to be done. Ed Flannery asked that at this point, if someone gets hurt, who is liable?

BB remarked that the building has remained in decrepit condition for a long time. Part of the building collapsed in December 2007, and for the months since then has not been secure. The partial collapse was a signal of its condition back in December, a sign that the building needed detail review, the review that we are receiving now. It has been open to the elements, not protected from intruders. This is not a brand new situation. Demolition is a substantial request. This has been our first opportunity to ask questions. There has been no opportunity to deliberate. We understand the urgency implied, but there are a number of factors to consider. The town has issued an order to make the building secure and safe, which is intended to do the maximum for public safety. The collapse happened because of neglect. A large portion of the building is in a severely distressed state because of the lack of maintenance. However, up to last week, the building was going to be rehabilitated and until then we had been informed the building was sound.

LL replied that now that the report is done, the Town of Acton is aware of the true situation, now we know how dangerous it is. Once we had the report from VP, the first question for us was asking can you rebuild any of this building. We were told it was too dangerous.

BB asked VP whether the building is likely to fall down due to earthquake, hurricane or major snow load. LP said that collapse was a likely occurrence with a hurricane or earthquake. VP doesn't know if those are likely to occur in near future but heavy snow this upcoming winter is an issue.

BB noted that the HDC would deal with the matter in a way consistent with the town's laws relative to preservation, that some time was needed to absorb and consider the new information just presented. In the time between this and the next meeting Sept. 2 would need a detailed plan. This is a complicated project.

Aaron Moore (AM) asked why the HDC could not vote immediately on granting demolition. BB replied that written confirmation from Roland Bartl was required for zoning questions re: by-laws, and what could or could not be rebuilt, for example. Also, in the case of demolition of a major historic resource, a written plan is needed.

LL added that he had already spoken to Roland Bartl about the set back issues, and the development team could ask for a variance.

Ed Flannery expressed irritation and remarked that the process was taking a lot of time, and was exceedingly tiring, and that he demanded immediate action. He would like to se the mill project done and done properly. He remarked that the HDC seemed to be focused on every little thing, having a say on garage doors and windows. He felt the amount of time paid to these components was ridiculous.

Frank Ramsbottom referred to his letter, and mentioned that the earliest demolition permit possible was Sept. 2, that it could not be issued any earlier. He recommended

that the development team consult Dan Barton for specifics for the design. There were going to be questions on what could be grandfathered in, what set backs were possible, whether this would be considered new construction, and would need Roland's view for all of that. Also, a variance would take a while.

LL added that the team would be happy to build according to the existing footprint of the building. FR replied that a variance would be needed, and that it was tight. BB added that it would be extremely important to know exactly what would be proposed.

JL asked if demolition could start immediately, and LL asked if a vote could be taken that night, immediately.

BB replied that he had mentioned Sept. 2 to Dan Barton for a presentation and again requested a written plan. Anne Forbes (AF), member of the public and former long-term HDC member, mentioned that the HDC has a precedent and policy to follow in these matters. The commission, for example, has no authority by law to grant demolition without a public hearing. The commission can waive the public hearing for minor changes, but could not for anything at this level of substantiality and importance. People care what happens to the building, and demolition is not to be taken lightly.

BB announced the questions and answers portion of the meeting was over, and that the HDC needed to consider what it could and could not provide based on the by-laws. BB cited by-law 7.5.1 regarding the need to hold a public hearing, referenced the 10 day waiting period that the HDC would need to follow even if it could decide not to hold a public hearing, and that a verbal request to have the building immediately demolished could not be granted under the law (40 c and Ch. P). At the very least a public hearing would need to take place.

LL remarked on the lateness of the hour, and that if they need to go through the process, the Sept. 2 date will have to do., although this is a public safety issue.

LL asked about next steps; BB referred again to the public hearing, obtaining a list of abutters, and putting notice in the Beacon.

AM suggested again that the HDC vote now whether to demolish. In his opinion, the fact that so little of the building could be saved did not make it worth discussing further. BB referred again to the need for a public hearing, the by-laws and that demolition should be viewed as a substantive change. Also, there is absolutely no requirement in the by-law that replacement in kind be built if a building is demolished. At this point there is a lack of information about what will be built. A public hearing with details is needed; abutters need to be notified. The HDC will proceed with all due speed and will schedule one as soon as possible. BB referred to the logistics of placing the ad, notice required, publication deadlines, etc. TF asked whether the first step was an actual application vs. verbal request; BB confirmed it was so. TF asked whether a second opinion should be sought or requested, perhaps

someone specializing in 19th century timber frames. BB suggested that the applicants work with Dan Barton to put together a complete and full application, and gave it the provisional number of 817, and tentatively set a time and date of Sept. 4, 8 PM.

Frank Ramsbottom again referenced his letter, and noted that demolition was one of the possible remedies for public safety, and that the HDC should notify him if anything further came to light at the public hearing or elsewhere. He added that ideally there would be some way to save at least a corner of it. He also noted that Roland Bartl is out of the office until Sept. 2.

The meeting on 81 River then concluded after over three hours of discussion.

BB acknowledged that this was Aaron Moore's last meeting on the HDC, and thanked him for three years of dedicated service, praising his calm manner and perspective as a fellow attorney. He invited him to consider re-joining the board at some future point if time and interest allowed.

Meeting adjourned at 12:05 AM.

Respectfully submitted,

Kathy Acerbo-Bachmann