

# Town of Lunenburg



## Architectural Preservation District Commission Guidelines

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## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>4</b>
<i>The APDC's Mission .....</i>	<i>4</i>
<i>Purpose of this Document .....</i>	<i>5</i>
Figure 1 - Architectural Preservation District Map .....	6
The meaning of Historical Value .....	7
Definitions .....	9
<b>DESIGN STANDARDS/REQUIREMENTS.....</b>	<b>13</b>
<i>Site Features .....</i>	<i>13</i>
Windows & Doors .....	13
Sheathing & Trim .....	14
Roofing .....	15
Chimneys & Other protrusions.....	15
Cellars & Foundations .....	16
Temporary Buildings.....	17
<i>Extension of exempt status.....</i>	<i>18</i>
<i>Demolition by Neglect.....</i>	<i>18</i>
Criteria of evaluation.....	18
<b>DETERMINATION OF APPLICABILITY AND APPLYING FOR A CERTIFICATE TO ALTER.....</b>	<b>20</b>
<i>Submission of Determinaton of Applicability Form .....</i>	<i>20</i>
Certificate to Alter Application .....	20
Submission Requirements .....	21
<i>Hearings .....</i>	<i>22</i>
Notice .....	22
Hearing Procedure.....	22
Representation .....	23
Actions by the APDC .....	23
Withdrawal .....	23
Reapplication .....	23
<i>APDC Approval Decision Process.....</i>	<i>23</i>
Approval .....	24
Inspections.....	24
Certificate of Completion .....	24
<i>Amendments .....</i>	<i>25</i>
<i>Effective Date .....</i>	<i>25</i>
<i>Validity .....</i>	<i>25</i>
<b>APPENDICES .....</b>	<b>26</b>

<i>Appendix A -Determination of of Applicability Formw .....</i>	<i>27</i>
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<i>Appendix B - Application for Certificate to Alter.....</i>	<i>30</i>
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## INTRODUCTION

Lunenburg has long been a desirable home for farmers, craftsmen, and industrial magnates alike. Today, the downtown streetscape presents layers of history in the shade of majestic trees. Its arrangement of historic buildings, monuments and spaces constitute a specimen of that quickly-vanishing species known as the New England Town. Lunenburg's membership in this category is a source of pride for residents, and a standard by which they identify themselves. The historic town center is not only pleasing to the eye and a comfort to their souls, but also an assurance of future prosperity. Some nearby towns have regarded their centers as obsolete; by neglecting their historic cores, they have rendered themselves obsolete. Without the preservation of their historic centers, how are these places different from any other place? What makes them unique or desirable for businesses or residents? By discarding its heritage, a town loses that which is ultimately most valuable to it, and sadly, irreplaceable. The citizens of Lunenburg recognized this by their approval of both the Village District and the Architectural Preservation District (APD).

The APD is an overlay of the Village District and it mirrors the National Register Lunenburg Historic District that was identified and approved by the National Park Service in 1988 and is presented in Figure 1. Within the boundaries of the APD are many different types of homes that date back to the late eighteenth century. The newer houses surrounding these early homes form a streetscape which highlights the importance of our town and the importance of preservation.

Structures that meet the definition of "Contributing Property" within the District are protected. They cannot be demolished nor changed in major ways, or can new buildings be erected without the review and approval from the Architectural Preservation District Commission (APDC) and the issuance of a Certificate to Alter (CTA).

The kinds of proposals for CTAs will be many and varied. No set of rules or guidelines could anticipate all, or offer guidance for every situation. Therefore, when evaluating an application for CTA, the APDC must always consider if its rulings are in concordance with its mission.

### THE APDC'S MISSION

The mission of the APDC is to preserve and enhance the historic character of the APD, and of the town in general. Specifically, the APD bylaw (Chapter 113: Architectural Preservation District) authorizes the APDC to regulate the alteration or demolition of Contributing Properties. Any building or structure (including stone walls) within the APD that is greater than 75 years old is a Contributing Property. The APDC shall ensure that, whenever possible, the historic value of Contributing Properties is preserved or increased, but never diminished. While a proposal to alter a property may compromise some aspect of its historical value, renovations and alterations may enhance the value in other ways. The APDC shall grant a CTA so long as the proposal preserves the property's overall historic value, and shall always encourage restoration and improvement of overall historic value.

Something historical may be of special interests to an individual, or one could argue that it has value in and of itself. However, the APD bylaw is principally concerned with historical value to the community. Therefore, the APDC shall concern itself mostly with those alterations that are

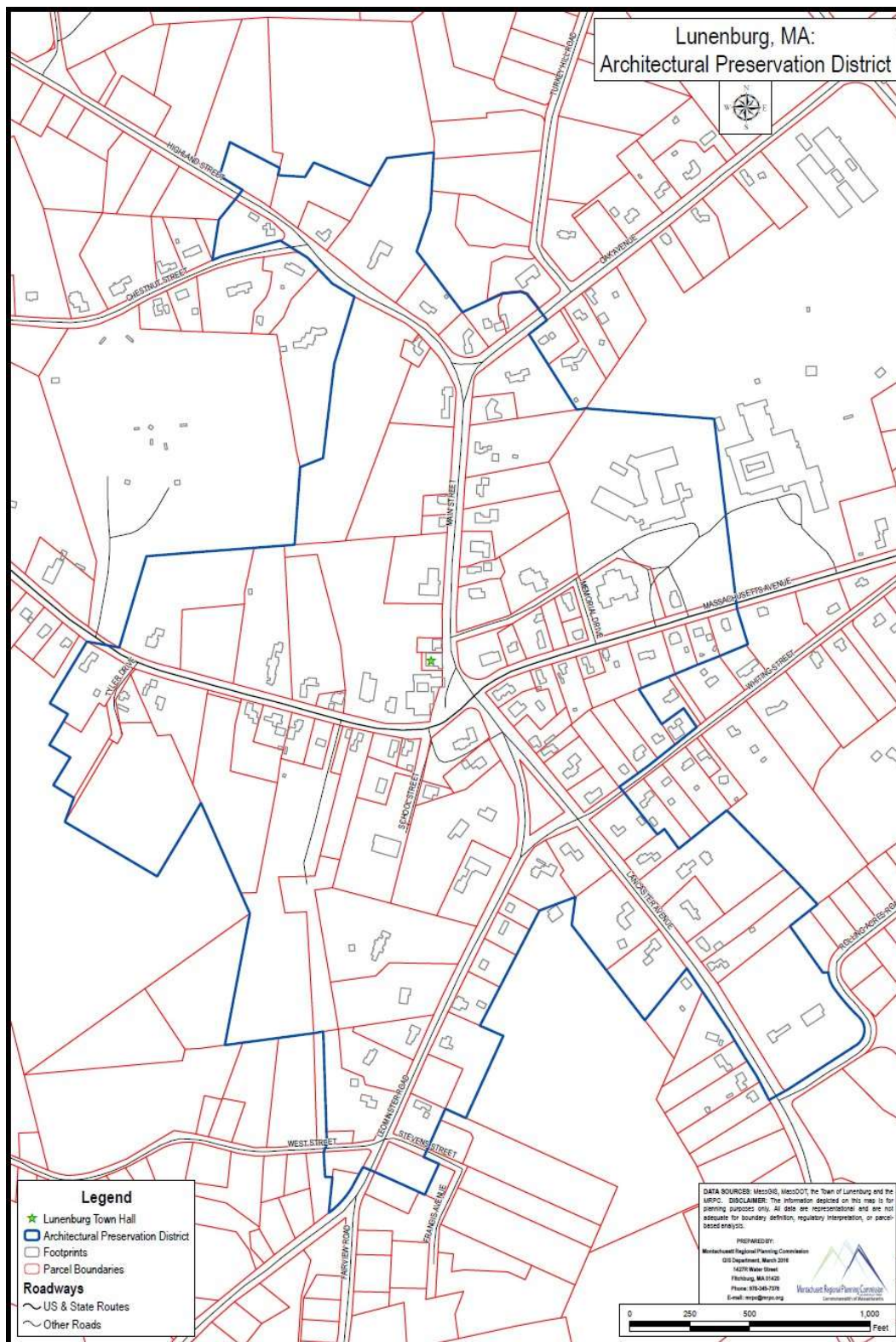
visible from the public right-of-way. Features on building facades are of heightened importance, and will contribute (or detract from) historical value more than those features hidden from view.

## PURPOSE OF THIS DOCUMENT

This document has been drafted by the APDC to explain how the APD bylaw will be implemented. It explains the procedures for determining the impact of changes on a property in the APD and if deemed necessary obtaining a CTA. It identifies those actions required by the property owner to make alterations to a Contributing Property. It explains how applications for CTA's will be handled and evaluated, on what criteria they will be accepted, and remedies for rejected applications.

These guidelines and regulations are designed to provide clarity for those wishing to build, alter, or restore properties within the Architectural Preservation District (APD). There are references to historic styles, their prominent characteristics and the criteria on which proposals will be evaluated.

**FIGURE 1 - ARCHITECTURAL PRESERVATION DISTRICT MAP**



### *THE MEANING OF HISTORICAL VALUE*

The APDC will evaluate proposed alterations and projects as a whole to determine whether the proposal maintains or enhances the current historical value as discussed below. Refer to section below entitled APDC Approval Decision Process.

The historical value of a Contributing Properties, or features thereof, is based on the following five factors, which may be used in evaluating any proposed alterations.

- **The known history associated with the property**

The known history of a property includes known people or significant events associated with the property that have contributed to our town's heritage. For example: the Captain Jones house is historically important because it consists of one of Lunenburg's early school houses, and its barn is Lunenburg's first meeting house. Furthermore, we know much about Captain Jones, and other people that have lived in that house, including Luther Burbank. The people are known to have made important contributions to our town and to the course of history generally. Therefore, the history associated with that property gives it historical value that must be preserved. The history of associated events and persons is particularly important to consider in cases of proposed demolitions. The APDC recommends property owners familiarize themselves with the history of their property by reviewing the book *"Lunenburg: the Heritage of Turkey Hills"* by the Lunenburg Historical Society and to contact the Historical Society or the Historical Commission.

- **Originality**

In some cases, there is good reason to believe that the property or features of the property in question are original. That is to say that it was crafted, constructed and installed in the distant past, and has never been replaced since then. Original wooden members might be hewn from the now-vanished American Chestnut. Original foundation stones may have been dragged in place by oxen from the famous Rollstone Quarries. Or features may bear the marks of craftsmanship from long-lost technologies. These features are of historic value and shall be preserved when possible.

- **Antique value**

Even if some feature of a property is not original, it may have historical value by virtue of being antique. Whether the antique feature was added in historical or modern times, it contributes to the historical value of the property. This value may be enhanced or diminished depending on how appropriate the antique feature is to the overall style of the property and neighborhood (see below).

- **Authenticity of materials and methods of construction**

Features of a property are deemed authentic if they are made from materials and crafted by methods appropriate to the historical period and style of the property. Addition or replacement of authentic features are generally the next best thing to antique ones. Newly-built features generally fall somewhere on a very broad spectrum of authenticity. Modern methods of manufacture may produce articles that are practically

indistinguishable from original and antique ones, or they may produce articles that only bear a cursory resemblance. CTA applicants and APDC members must be familiar with historical materials and methods of construction in order to properly evaluate the historical value of elements based on authenticity.

- **Appropriateness within the context**

The historic value of a property and its features largely depends on how it fits into the context of the property and the surrounding neighborhood. Contributing Properties generally have characteristics of one or more historical architectural styles, that bear witness to the historical period(s) in which they were constructed. Some properties have preserved all the features that make it readily identifiable as belonging to a certain historical architectural style, and have few or no features which do not belong to that style. These properties are of high historical value. Other contributing properties have been severely altered in ways that do not contribute to their original architectural style. This is not to say that they are not examples of any historical style, but that the alterations may have rendered the stylistic expression practically unrecognizable, and diminished the property's historical value. CTA applicants and APDC members must be familiar with historical architectural styles represented in the APD to properly evaluate the historical value of properties and features thereof based on appropriate context.

Certain elements of a property may contribute historical value based on visual appearance alone. A feature with no historical value based on originality, authenticity etc. still has historical value in so far as it resembles an appropriate historical feature and/or fits within the context of the property and/or neighborhood. As with historical value based on authenticity, value based on appearance alone falls within a broad spectrum: from highly appropriate to the context, to totally inappropriate. Again, an understanding of architectural styles is important to properly evaluate.

To that end, the APDC recommends using the following as a "style guide" for houses as the APDC will use this guide when evaluating the application:

- *"A Field Guide to American Houses: The definitive guide to identifying and understanding America's domestic architecture"* by Virginia Savage McAlester (available through the Lunenburg Public Library and can be purchased from Amazon.com. Copies will also be available with the APDC.)

*Note: Additional guides may be reviewed and suggested by the APDC to be added to the APDC website, including the following:*

- *"American House Styles: A Concise Guide"* by John Milnes Baker *"The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings"* by United States Department of the Interior (website: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>)

## DEFINITIONS

<b>Bay:</b>	a section of a building's facade that may contain a window or door on each story. For example, a house with five bays would typically have a front door in the center bay, and a window in each of the two bays to either side of the door; the second floor would have a window in each bay directly above the window or door on the first floor. The spacing and symmetry of bays enforce the regular appearance of the building and reflect the layout of the interior rooms.
<b>Bay Window:</b>	a projecting window with at least three sides, facing different directions. They may be supported at the base by corbels (as in an oriel window), or the footprint of the protrusion may extend to the ground and/or upwards to matching bay windows on the upper stories. They are most appropriate for Victorian-style buildings.
<b>Brick Mold:</b>	Wooden molding used to cover the gap between masonry and the framing of a window or door at the head and jambs.
<b>Casement Window:</b>	An operating window hinged on one side which swings either in or out.
<b>Clerestory:</b>	a series of windows placed high on a wall.
<b>Cross-Gable:</b>	The front and rear facing gables at right angles to the main axis on an end-gabled structure.
<b>Demolition By Neglect:</b>	<p>Demolition by neglect is defined in §113-2 of the bylaw. It describes situations in which the neglect of one aspect of maintenance could cause a "snowball effect" leading to the degradation of other aspects of the structure, and thus endanger the property as a whole. Demolition by neglect is not just the end-state of total destruction, but also the stages of neglect that mark the process leading to total destruction. The owner of a contributing property is in violation of the APD bylaw should said structure be in any stage of demolition by neglect.</p> <p>Any sort of demolition of a contributing property in the APD requires the ADPC to issue a Certificate to Alter. The Design Guidelines in this document are mostly concerned with how a property owner would go about obtaining such a permit. The APDC will not issue a Certificate to Alter permitting Demolition by Neglect. Demolition by Neglect is by its very nature a situation that violates normal procedure. This section of the guidelines describes how the APDC will handle these special situations.</p>
<b>Dormer:</b>	A structure with its own roof on top of a main roof containing a window or windows. It usually forms the continuation of an interior upper portion wall.
<b>Double-hung sliding-sash:</b>	a window typical of historic buildings in New England, consisting of two sashes: one set in the frame slightly in front of the other, so that they are able to slide past each other, allowing the window to slide open from the

top or bottom. The sashes are usually suspended by chords slung over pulleys and attached to counterweights set in boxes on either side of the window frame. The overall dimensions are usually almost twice as tall as wide. Small, individual panes of glass are traditionally held in place with dividing wooden muntins.

<b>Eave:</b>	The lower edge of a roof that extends beyond the side wall.
<b>Eyebrow Dormer:</b>	A small arched dormer having no side walls and its roof curves to follow the arch of the window.
<b>Fan Window:</b>	a type of transom window where the panes are arranged in a fan shape.
<b>Fenestration:</b>	See "Window"
<b>Fixed louver shutter:</b>	a cover consisting of slats set at a 45-degree angle, which pivots on the vertical axis to cover a window or door.
<b>Frieze:</b>	a horizontal band which is often decorated and set above a doorway or near the top of a wall, supporting a deeply molded cornice.
<b>Gable:</b>	A vertical wall with a triangular top that forms the end of a pitched roof.
<b>Gambrel Roof:</b>	A ridged roof having two slopes on each side where the lower slope is steeper than the upper.
<b>Hipped Roof:</b>	A roof with four sloped sides starting at the same level.
<b>Lunette Window:</b>	a half-moon-shaped window typical of Greek Revival period architecture, often set in a pediment, gable-end or above a doorway.
<b>Mansard Roof:</b>	A roof that has two slopes on all four sides. The lower sloped can be curved, but the upper portion almost always has a much shallower pitch close to the horizontal.
<b>Mullion:</b>	a non-load-bearing vertical divider between windows or portions of a window.
<b>Muntin:</b>	the dividers that separate and support the individual panes of a multi-paned window.
<b>Parapet:</b>	The extension of a wood or masonry wall above a roof line.
<b>Pilaster:</b>	a feature resembling a column, which however is not free-standing, but instead incorporated into a wall.
<b>Rafter:</b>	A sloping roof beam.
<b>Rake:</b>	The slope or pitch of the gable end of a roof or rafter.
<b>Sash:</b>	a frame of stiles and rails in which the panes or "lights" of a window are set. Sashes are often movable components of a window.

<b>Shutter:</b>	<p>Wooden shutters with fixed louvers are a common sight in New England. They became very popular in the late Victorian period, and have remained a common feature ever since. S-shaped "Shutter Dogs" became popular in the 1920's and 30's and have historical value of their own. Older houses that originally were constructed without shutters may have had them added in historical times. So even if shutters are not original to a building, they may remain a historical enhancement. Shutters add depth and contrast to the otherwise rigid facade of many buildings.</p> <p>To remain and maintain the historical nature and accuracy of the use of shutters, they would have the following features:</p> <ul style="list-style-type: none"><li>• Be made of painted or stained wood.</li><li>• Be constructed of dimensions appropriate to the window or door they would cover so that, were they in fact operable, they would cover the window or door. Even if they are not operable.</li><li>• Be mounted on hinges, and not fixed flat against the facade of the building. The hinges should hold the edge away from the building while the shutter is open: allowing for the width of the shutter when it is closed flush.</li><li>• The louvers should be oriented so that, when the shutter is closed, water will be shed away from the building.</li><li>• Be (as much as possible) original, antique, historically authentic in materials and methods of construction, and appropriate to the architectural style of the building.</li></ul>
<b>Shutter dog:</b>	a device that holds a shutter in the fully open position
<b>Side-lights:</b>	usually fixed windows flanking a door or central window.
<b>"Six over Six", etc.:</b>	a phrase used to describe the arrangement and number of panes in a double-hung sliding-sash window, meaning "six panes in the upper sash and six in the lower one". Such formulae are often noted as hallmarks of particular periods and styles of architecture.
<b>Temporary Building:</b>	<p>Temporary buildings include but are not limited to tents, tepee's, yurts, "tumble-weed houses", portable toilets, performance stages, construction trailers, trailer homes, mobile homes, sheds, cold-frames, greenhouses, recreational vehicles, busses, campers and trailers.</p> <p>Buildings set on foundations that incorporate more than 7 cubic feet of concrete or mortar, or on posts or pylons set more than 18 inches below grade, or that are connected to the land by sewer, septic system, permanent plumbing, or permanent electrical wiring are not considered temporary, and are therefore not exempt under §113-6.</p>
<b>Transom window:</b>	A window set above a door, usually consisting of fixed panes.

**Window Surround:** the portion of a window frame visible on the exterior of the house, that may serve structural and/or decorative purposes. The surround includes molding, trim, crowns, pediments and aprons.

## DESIGN STANDARDS/REQUIREMENTS

The APDC will evaluate projects as a whole, as previously discussed in the section above regarding historical value, for the site features listed below.

### SITE FEATURES

#### *WINDOWS & DOORS*

The construction of original doors include important historical details: such as the arrangement of panels, the type of glass used in the transoms, the inclusion of side-lights, and the possible inclusion of friezes, cornices, pediments or other decorative elements. The APDC requires that all such details be preserved.

New windows and doors may be installed in places that formerly had no windows, including new additions to a contributing property. Windows and/or doors being installed shall match the historical design standards of those existing on the building. Windows removed from another part of the building may be reused in a new location, as stylistically appropriate. The antiquity, authenticity of materials/construction, and stylistic accuracy are all critical elements in the review of window and/or door replacement or inclusion in a proposed addition or renovation.

#### *Energy efficiency*

When considering an alteration, property owners are rightly concerned with heat loss and energy conservation. To improve the energy efficiency of historically-valuable windows and doors, the APDC looks favorably on the installation of interior features that do not alter or obscure the antique doors and fenestrations. Atria and mud rooms are useful and energy-saving features inside of doors, and removable frames are easily fitted inside interior window jams to improve the insulation of old windows.

If windows must be replaced, it is preferable that new, double-paned windows that are made of wood and crafted in a similar way to antique windows are installed. While not preferable certain non-wood construction double-paned windows may be approved provided they meet the historical design standards of those windows currently installed on the building.

#### *Sliding glass doors*

Sliding glass doors, and glassed-in porches are not historically accurate features. The APDC may allow the installation of new sliding glass doors or solariums in areas of the property that are not visible from the public right-of-way.

#### *Green Houses*

Green Houses started to be more widely seen in residential development during Victorian times. The installation of a Victorian-style green house may be successfully integrated with a Victorian-period structure, or an older structure as it may have been altered in Victorian times. All green houses that will be visible from the public way will require review and/or approval by the APDC. Modern-style greenhouses will not be permitted in plain view from the public way. Similar to sliding glass doors, those currently in existence will not be penalized but alteration or

replacement will require a review to ensure that the new or altered structure meets the requirement outlined in these regulations.

### *Commercial Front windows and doors*

The boundary lines of the APD are closely linked with the Lunenburg Village Center District, which allows properties to be used for commercial and mixed use development. The installation of store front doors, windows and display case windows present special difficulties in regard to the retention of historic character. Such features have existed in historical times, and may be replicated and added to a contributing structure with the understanding that they must match or complement the existing architectural style.

Store front windows constructed in contemporary style will not be permitted. The necessarily large size and proportions of such features are not in keeping with historic proportions and would damage the existing character of contributing structures and the District as a whole. For well-preserved dwellings of high historical value, the APDC will view such alterations negatively.

### *SHEATHING & TRIM*

Decorative elements such as window moldings, doorway pediments, frames, pilasters, cornice trim, type of shingle or siding, as well as shutters can be informative in terms of era when a structure was constructed, or of a time in a structure's history when items may have been altered. Trim elements began as simple, utilitarian applications in First Period structures and eventually became increasingly ornate, particularly throughout the various styles of the Victorian era.

Trim elements are surprisingly resilient, even those that are battered and/or rotted can be resurrected with some tenacity. Trim elements that have witnessed the ages may not have the same smooth character as when they were new, but carefully tended, they can add a level of patina and value to the structure. All efforts should be made to retain existing period trim. Should the retention of existing trim not be an option replacement pieces shall match the style and character of that which is being replaced.

### *Siding*

Siding is one architectural component that tends to get replaced most often due to its exposure. When replacement is required, replication of the original style, materials and dimensions is required. Shingles of the Queen Anne and Stick Styles come in a variety of decorative shapes, such as diamond, hexagonal, and scallop patterns. When repair or replacement is required for siding, the newly installed materials must be of the same shape, style and size appropriate to the architectural style of the contributing property.

In some instances modern replacement, materials other than wood, in the original size and shape may be permitted by the APDC. The APDC will review each such proposal on a case by case basis.

### *Brick*

Sheathing and trim brick, stone, stucco, brick and stone structures, and decorative elements, in spite of the permanence and durability of materials, require maintenance. Contributing

properties built of structural brick and stone and properties with brick and stone veneer must be maintained in their original condition.

- Brick and stone work may not be painted. Brick and stone need to breathe. Painting these natural materials can suffocate them, trapping moisture and leading to deterioration, as per the US Department of Interior's specifications on Masonry
- Dirty brick and stone can be cleaned with a detergent and a stiff brush. Brick and softer stones shall not be sandblasted. Sandblasting removes the hard, outer surface of the brick leading to deterioration and is antithetical to the purpose of these regulations.
- Painted brickwork may be stripped to reveal its natural surface.
- Pointing of mortar joints shall be done matching the original jointing style, matching tooling, and mortar color. Modern mortars may be used and samples made with natural pigments to approximate the present color of the mortar. Lime mortar with pigment in it is also acceptable and is a good choice in maintenance and restoration of joints and stucco.
- Deteriorated brick or stone shall be replaced with matching material of similar age or a modern replica made for restoration purposes.
- Stucco repairs shall match existing material in color and texture.
- Proper repairs of brick, stone, and stucco must blend in with the existing work.

### *ROOFING*

Roofs typically bear the brunt of nature's elements and eventually succumb to the test of time. Early structures were sometimes thatched, but this gave way to hand hewn shakes of oak, cedar or pine. Wooden shakes were used throughout the Georgian, Federal and Victorian eras, with increasingly wider use of slate over time. In later post-Civil War Victorian structures, polychrome slate roofs became a feature of the era. Asphalt shingles came into development and wider use in the early 20th Century, and remain perhaps the most used roofing material for domestic-scale buildings.

Roof types and pitches are a significant feature of any structure. When considering an addition, new adjoining or adjacent roofs shall be of the same style and pitch, or otherwise harmonize, in the opinion of the APDC with the roof of the principal structure.

Given the inevitability of roof replacement, an array of modern materials are both valid and widely available. The APDC requires that the color and style remain consistent with the historical nature of the structure.

With any reconstruction or addition to the existing roof, the APDC shall consider the following standards described in §113-9 of the Bylaw:

- Height and Proportions
- Relation of Structures and spaces
- Shape

### *CHIMNEYS & OTHER PROTRUSIONS*

Historically chimneys served as essential vents for heating and cooking in period homes, were made in different shapes/sizes and have become iconic components in character of historic styles. For example chimneys in Colonial and Victorian homes could be quite ornate. Chimneys were constructed of brick and stone to stand against the weather. Carefully designed and skillfully constructed, it is not unusual for a chimney to stand and be useful for hundreds of years provided it is properly maintained.

Chimneys shall meet the following standards:

- Brick, stone, and stucco chimneys shall be maintained in original condition.
- Pointing and replacement materials must match the existing materials in color, size, texture and style.
- Construction shall use quality of materials and methods
- 

The APDC may withhold a Certificate to Alter if proposed changes to chimneys include:

- Permanent removal of chimneys;
- Repair of chimney flashing with tar;
- Covering of brick or stone with stucco or other materials.

### *CELLARS & FOUNDATIONS*

The structure of all buildings starts with the foundation or Cellar, thus they are important in identifying and retaining the buildings character. Most cellars and foundations of historic buildings in the town of Lunenburg were originally hand dug with the walls being hand built from materials readily available, mostly surrounding field stone, or locally fabricated brick. The top portion of the walls where the sills of the structure would rest were topped with leveling material such as brick or granite.

This type of foundation construction is very time consuming and costly for current building techniques, and is very rarely used today.

When renovating or restoring an historic property, it is encouraged to maintain or refurbish current foundations/cellars when possible, and in accordance with current building code regulations. These walls when renovated or maintained have a unique and appealing look. However, most important is to maintain or install a strong foundation, such that the current building historic or not, remains around for generations to enjoy.

Maintaining a strong foundation and dry cellar is accomplished by keeping water away from foundation walls. This is done by:

- sloping the grade away from walls,
- adding gutters with down spouts moving water away during rain storms.
- keeping vegetation back away from the structure so that air can circulate and keep the soil dry.

### ***TEMPORARY BUILDINGS***

Temporary buildings are defined by the APDC above and are referenced in §113-6(C) of the bylaw. This Section exempts temporary buildings from the rules set forth in the APD bylaw within the time and size limitations defined by the APDC. The purpose of this section is to clarify what a temporary building is, and under what situations it is exempt from the APD bylaw according to §113-6(C).

#### **Permanently Exempt Temporary Buildings**

The following Temporary Buildings shall remain permanently exempt from the APDC Guidelines and Regulations:

- Temporary Buildings that are not easily visible from the public right-of-way
- Small, temporary buildings of less than 25 square feet in area and 6 feet in height
- Temporary buildings that do not stand in relation to contributing properties
- Vehicles that act as buildings (such as motorhomes, recreational vehicles, busses, coaches, trailers, etc.) which do not block the facade of a contributing property and are parked on land that has been cleared and graded for use by motor vehicles.

#### **Short-Term Exempt Temporary Buildings**

The following temporary buildings shall remain exempt from the APDC Guidelines and Regulations for a short term of not more than seven (7) consecutive days, and not more than thirty (30) days in a 12-month period:

- Large, temporary buildings of up to 2,000 square feet in area and up to 20 feet in height, placed in a position that blocks the facade of a contributing property
- Vehicles that act as buildings (such as motorhomes, recreational vehicles, busses, coaches, trailers, etc.), parked on land not cleared and graded for use by motor vehicles, and blocking the facade of a contributing property

#### **Medium-Term Exempt Temporary Buildings**

The following temporary buildings shall remain exempt from the APDC Guidelines and Regulations for a medium term of not more than thirty (30) days, and not more than ninety (90) days in a 12-month period.

- Medium-sized temporary buildings up to 300 square feet in area and 11 feet in height, placed in a position that blocks the facade of a contributing property
- Large temporary buildings of up to 2,000 square feet in area and up to 20 feet in height standing in relation to contribution properties but not blocking the facade
- Vehicles that act as buildings (such as motorhomes, recreational vehicles, busses, coaches, trailers, etc.), parked on land cleared and graded for use by motor vehicles blocking the facade of a contributing property.

## **Long-Term Exempt Temporary Buildings**

The following temporary building may remain exempt for a term of one year:

- Vehicles that act as buildings (such as motorhomes, recreational vehicles, busses, coaches, trailers, etc.) not blocking the facade, and not parked on land cleared and graded for use by motor vehicles

## **EXTENSION OF EXEMPT STATUS**

If a temporary building does not meet the requirements described above, the person(s) responsible for said building may request an extension of exemption. The request may be submitted in writing by mail, electronically, or in person at a scheduled meeting of the APDC. The APDC shall reply to the request within thirty (30) days. The reply shall be remitted to the applicant and also to be filed with the Town Clerk. At its own discretion, the APDC may deny the request, or grant an extension of exemption by extending time limits, extending allowed dimensions, or waiving any of the guidelines listed above. The APDC shall grant time extensions for not more than one year. The APDC is only authorized to grant extensions of exemption to those structures that already meet the definition of temporary building.

The APDC shall be responsible for determining if a structure fits the definition of a building, whether or not the building is temporary, and whether or not a temporary building meets the requirements for exemption described in the guidelines above.

No temporary buildings outside of the aforementioned guidelines and the APD Bylaws will be permitted.

## **DEMOLITION BY NEGLECT**

Any sort of demolition of a contributing property in the APD requires the ADPC to issue a CTA. The Design Guidelines in this document are mostly concerned with how a property owner would go about obtaining such a permit. The APDC will not issue a CTA permitting Demolition by Neglect. Demolition by Neglect is, by its very nature, a situation that violates normal procedure. This section of the guidelines describes how the APDC will handle these special situations.

The APDC requires that property owners take due measures to preserve not only the structure as a whole, but also to preserve original features and historic elements of the structure that would be difficult or impossible to replace or restore.

## **CRITERIA OF EVALUATION**

§113-2 of the bylaw describes some situations that would be considered demolition by neglect. The list in §113-2 is not exhaustive, for example rotten chimneys are not listed, but certainly contribute to the definition of Demolition by Neglect. Access to disused buildings by people could lead to a fire, and must be prevented. Malfunctioning gutters, broken windows, and admittance of wildlife might also be considered violations. Peeling paint and overgrown landscaping are not considered demolition by neglect unless they somehow threaten to destroy the structure. The APDC will judiciously consider each instance, and will not resort to enforcement measures until due examination of the suspected violation has led it to believe that the both of the following conditions are met:

1. The neglect is deemed likely to diminish the property's historic value or necessitate alterations that would diminish the historic value.
2. The degradation is avoidable by reasonable measures.

### *Enforcement*

The reasons for demolition by neglect vary, and the APDC must deal with each instance on a case-by-case basis. In some cases, the violation might be deliberate, with an aim to demolish the structure. In other cases, the property owners may be unconcerned, unaware, or unable to correct the violation. Assistance to the owner may be offered according to the APDC's abilities and the owners' needs. Whether or not the APDC is helpful to the property owner in violation, the commission's primary concern shall be nothing more nor less than the preservation of the historical property.

Observed instances shall be discussed at the commission's regular meetings. If by majority vote the APDC finds sufficient cause to investigate the suspected violation it may request access to the property for purposes of inspection, if needed. One or more APDC members will be tasked with contacting the property owner and beginning a dialog about the properties issues, the APDC's concerns and potential course of action.

Property owners who are not responsive or are unwilling to work with APDC to resolve the identified issues will be scheduled for a public hearing.

The APDC may invoke any and all of its powers of enforcement to ensure compliance with the bylaw, as described in §113-11 of the APD bylaw. The powers include issuance by the APDC and/or Building Inspector of cease and desist orders, enforcement orders, legal action through the Town Counsel, and denial of building permits with respect to the property.

## DETERMINATION OF APPLICABILITY and APPLYING FOR A CERTIFICATE TO ALTER

### **Determination of Applicability**

Property owners considering modifications or repairs to their property can choose to ask for a Determination of Applicability from the APDC or proceed directly to submission of an application to obtain a Certificate to Alter. For work that appears to be minor in nature, submission of the Determination of Applicability form would be appropriate and in most cases provide approval from the APDC to proceed with planned work (see Chapter 113-7). The form should be submitted via email to the Lunenburg Land Use Director. The APDC will provide a response to the form submittal no later than 3 days after the next scheduled APDC monthly meeting from the time of submittal. The property owner can request an Administrative Review with the submittal of the form. This, however, is at the owner's option.

If the work is substantial in nature the property owner is strongly encouraged to request an Administrative Review with the APDC. That request should be made to the Lunenburg Land Use Department in person, phone or email (preferred). The review should facilitate the issuance of a Certificate to Alter for substantial alterations/work. The property owner can bypass the Administrative Review process and submit the application for a Certificate to Alter in accordance with Chapter 113-8 and these design guidelines.

### SUBMISSION PROCESS FOR AN APPLICATION OF CERTIFICATE TO ALTER

The Application and all materials requested on the form (and as indicated below) shall be transmitted electronically to the Land Use Director and the Town Clerk. Payment of the filing fee shall be made with the Town Clerk (or as directed by the Town Clerk) at the time the Application is submitted. The software format for submitted materials shall be pdf. If the Applicant prefers not to file electronically a single copy of all materials shall be submitted to the Town Clerk and 6 additional copies to the Land Use Director. Plans and drawings shall be full size of the indicated scale on the plans and drawings. All materials as designated on the application must be included for the submission to be considered complete. Any submission judged to be incomplete will not be scheduled for a public hearing and the time clock outlined in Chapter 113 will not begin. Applicants whose submittals are rejected for lack of information will be notified within five (5) business days of the receipt of the application by the chair of the APDC.

Applicants are welcome and encouraged to schedule one or more pre-submittal meetings with the APDC. These meetings can be to review the submittal materials or a pre-submission Technical Review

### **WAIVERS**

The APDC may, in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of Rules and Regulations, waive strict compliance with its Rules and Regulations and with the requirements herein. The request for waiver shall be included within the submission requirements with a detailed description of why the waiver has been requested and if it is granted, how it would not cause a detriment to the historic character of neighborhood.

The APDC shall give due consideration, for waivers, to existing conditions in cases of reuse/reoccupation, changes of use, and renovation or reconditioning of existing buildings. This consideration shall not overlook the general historic character of the building.

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The materials to be submitted are as follows:

1. Executed Application with Fee payment
2. Executed Certificate of Ownership
3. 300 foot Certified Abutters List, map and two (2) stamped envelopes for each unique abutter. Refer to the Assessor's Office to obtain this information.
4. Development Plans, which shall include:
  - a. Photographs showing the property in its current condition
  - b. A statement evaluating the property's current state of preservation
  - c. An evaluation of the property's historical architectural style or styles. Applicants should consult and cite style guides referenced previously to support their evaluation.
  - d. Specifications which should include a complete and detailed list of materials to be used for the alteration. Dimensions, constituent materials, age and origin of manufacture may all be relevant.
  - e. Architectural plans, elevations and a selection of appropriate details to depict the proposed scope of work as it relates to the requirements of the bylaw.

## HEARINGS

### *NOTICE*

Notice of hearings shall be advertised as required by Massachusetts General Laws, Chapter 40A, § 11. In addition, a copy of the advertised notice shall be sent by mail, at least fourteen (14) days prior to the date of the public hearing, postage prepaid, to the applicant and to those listed on the Certified Abutters List. Town Officials and other Town Boards, Committees and Commissions shall be notified of the Certificate to Alter application via email by the Land Use Director or designated assistant .

### *HEARING PROCEDURE*

The public hearing shall be held at the call of the Chair, who shall describe the rules of procedure for the hearing and then read or direct the reading of the public hearing notice to open the public hearing. After the opening of the public hearing, the order of business will generally proceed as follows:

1. The Chair shall read the legal notice and present any materials received in response to the application.
2. Presentation by the applicant, which may be limited at the discretion of the Chair. Each plan or other item used as part of the presentation shall be identified by its proper title and date. Each item shall be identified as either part of the application or a copy shall be provided for the file.
3. Questions or comments by the members of the Commission. At the direction of the Chair, responses shall be made by either Town staff or the applicant.
4. Questions or comments by staff assigned to the Commission, followed by responses by the applicant.
5. Questions or comments by members of other Town Boards, Committees or Commissions, or Town staff. At the direction of the Chair, responses shall be made by either Town staff or the applicant.
6. Questions by members of the public seeking information. Persons wishing to be heard must be recognized by the Chair and must state their name and address prior to asking a question. At the direction of the Chair, responses shall be made by either Town staff or the applicant.
7. Opponent's formal presentation (if applicable), which may be limited at the discretion of the Chair.
8. Applicant's rebuttal (if applicable), which shall be restricted to matters raised by opponents.
9. Commission members ask for any additional information needed to render a decision.
10. The Chair, upon majority vote of the Commission, continues the public hearing to a date, time and place certain that is announced at the public hearing or closes the public hearing if the Commission feels they have received sufficient information to render a decision. Upon the close of a hearing, no additional information received by the Commission may be used in the making of its decision. Members of the Commission hearing the case may, at any time, direct appropriate questions during the course of the hearing. All questions shall be directed through the Chair.

### *REPRESENTATION*

An applicant may appear on his own behalf or be represented by an agent or an attorney.

The applicant shall authorize such representation by an agent in writing. In the event of absence of the applicant or his representative at a duly scheduled hearing, the Board may render a decision on the application using information submitted or otherwise received.

### *ACTIONS BY THE APDC*

The Commission's final action, rendered in writing, shall consist of either:

1. Approval of the Certificate to Alter upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in the APD Bylaw and these regulations; or
2. Disapproval of the Certificate to Alter based upon a determination that the proposed plan does not meet the standards set forth in the APD Bylaw and/or these regulations; or
3. Approval of the Certificate to Alter subject to any condition, modification or restriction required by the APDC which will ensure that the project meets the standards set forth in the APD Bylaw and these regulations.

The Chair will sign and deliver the CTA with its decision to the Land Use Director. The Land Use Director shall distribute the CTA to the applicant and a copy to the Town Clerk and if a building permit is to be issued for the work, a copy to the Building Department. Failure of the Commission to take final action upon an application for Certificate to Alter within the time specified in the APD Bylaw shall be deemed to be approval of said application and the Land Use Director shall note such on the CTA and distribute the CTA as described above.

### *WITHDRAWAL*

An application may be withdrawn without prejudice at any time prior to the public hearing by notifying the Land Use Director in writing. After the opening of the public hearing but prior to the filing of the decision, an application may be withdrawn by mutual consent of the applicant and a majority of the Commission. Notification of the withdrawal after the opening of a public hearing must be filed with the Town Clerk.

### *REAPPLICATION*

Once a petition has been voted upon and the meeting adjourned, the Commission's vote is final and the decision will be filed with the Town Clerk. Applicants may re-apply if they chose to do so.

### *APDC APPROVAL DECISION PROCESS*

1. Proposed alterations that maintain or enhance the historical value of the structure shall be granted a certificate to alter (CTA).

If a proposed alteration degrades the historical value of the structure, the APDC shall first determine if the alteration is necessary. Necessary alterations would include those needed to preserve the structure or parts thereof. Improved energy efficiency would also be considered necessary, as would renovation of dilapidated structures or parts thereof. Legally mandated alterations are also necessary, including those as a result of code requirements and operational requirements surrounding a change of use. If an

alteration is not necessary and would degrade the historical value of a structure, a CTA will not be allowed.

2. If the alteration is necessary, the APDC must evaluate if the degradation of historical value is avoidable. Is there another way that the alteration could be done that would still achieve the necessary purpose, and maintain or enhance historical value? If so, the APDC may attach stipulations to the CTA, or recommend a revised proposal for review and approval.
3. If the alteration is necessary and the degradation of historical value is unavoidable, the APDC will assess the degree or extent to which the degradation might be minimized. The APDC will consider the cost of avoidance or minimization above the estimated cost of the proposed alteration.
4. The APDC will use Design Standards documented in the Bylaw §113-9 in considering any proposed changes.
5. When considering a proposal to demolish a historical structure, the APDC must consider alternatives to demolition. If none of the alternatives seem to justify the ultimate historic value of the resulting structure, the APDC shall issue a CTA for demolition. In such cases the APDC shall solicit public input, and act in keeping with its own mission and purpose.

### *INSPECTIONS*

Projects approved by the APDC shall be inspected during construction by the Building Commissioner as part of the issuance of the Building Permit to ensure there is compliance with the Certificate of Alteration. The APDC shall be allowed periodic inspection of the project by the applicant as well.

## AMENDMENTS

These Rules and Regulations may be amended or repealed from time to time by holding a public hearing and an affirmative vote of a majority of the Commission, provided that such amendments or repeal shall be presented in writing at the hearing. The amendment of the General Laws in respect to any matter covered by these Rules and Regulations will constitute automatic amendment.

## EFFECTIVE DATE

These Rules and Regulations were approved as revised at a regular meeting of the APDC on 12 March 2024 and will become effective as **xx April 2024** in accordance APD Bylaw Chapter 113-5, B. All Rules previously adopted and subsequently amended are hereby repealed. No action taken under said Rules shall be affected by said repeal.

## VALIDITY

The invalidity of any section of these rules and regulations shall not invalidate any other section or regulation contained herein.

Appendices

Appendix A Determination of Applicability

**Town of Lunenburg  
Architectural Preservation District Commission**



**Architectural Preservation District  
Determination of Applicability  
Chapter 113-7**

Name of Applicant \_\_\_\_\_ Date: \_\_\_\_\_  
Address Where Work Will Take Place \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Date Work Is Scheduled To Start: \_\_\_\_\_

**Chapter 113-7 Description of Work**

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**NOTE:** Include any photos, product literature (for example, window manufacturer information), sketches or plans that you may have available.

**ADMINISTRATIVE REVIEW REQUESTED** \_\_\_\_\_ **YES** \_\_\_\_\_ **NO**

**APDC DETERMINATION:**

**WORK IS EXEMPT FROM BINDING REVIEW** \_\_\_\_\_

Applicant can proceed with the work as described above. Deviation from the described work will require a new Determination of Applicability. Building Permit to accomplish the described work may still be required by the Applicant.

**WORK REQUIRES A BINDING REVIEW PER CHAPTER 113-8** \_\_\_\_\_

Applicant shall submit an Application for Certificate to Alter.

**APDC**

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**CHAIR, APDC:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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Appendix B Certificate to Alter Application

## Application for Certificate to Alter

### LUNENBURG ARCHITECTURAL PRESERVATION DISTRICT COMMISSION (APDC)

#### ACKNOWLEDGEMENT OF RESPONSIBILITY

A complete application shall include all pertinent detailed information related to the current and proposed alteration. This should include a clear concise description of the proposed change(s), with supporting information, such as pictures, drawings, elevations, plot plan, and material samples, which will help the APDC members to clearly understand the alteration details. If granted approval for alteration, you agree to adhere with all the conditions of the Lunenburg APDC.

Please submit this form to the Town Clerk and the Planning Office in accordance with Submission Requirements of the Guidelines and Regulations.

Name \_\_\_\_\_ Phone \_\_\_\_\_ Address \_\_\_\_\_ Email Address \_\_\_\_\_

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Please submit the following with each application after referring to the Architectural Preservation District Bylaw and the Submission Requirements of the Architectural Preservation District Commission Guidelines and regulations.

<input type="checkbox"/> Fee of \$65
<input type="checkbox"/> Executed Certificate of Ownership
<input type="checkbox"/> Certified Abutter's list, map and 2 stamped envelopes per unique abutter
<input type="checkbox"/> Photographs showing current condition of property
<input type="checkbox"/> Statement evaluating the property's current state of preservation
<input type="checkbox"/> Evaluation of the property's architectural style or styles
<input type="checkbox"/> Plans and specifications that show methods of construction and materials

*Please include any additional supporting information you believe would help the APDC in its deliberation.*

Signature \_\_\_\_\_

Date \_\_\_\_\_

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#### FOR OFFICIAL USE ONLY

Application Received By \_\_\_\_\_

Date Received/Stamp \_\_\_\_\_

Certificate No \_\_\_\_\_

Routed to APDC Date/Initial \_\_\_\_\_ / \_\_\_\_\_

Binding Review Date/Initial: \_\_\_\_\_ / \_\_\_\_\_

Approved /Denied Date \_\_\_\_\_

By (Chair): \_\_\_\_\_