

Town of Lunenburg



Architectural Preservation District Commission Guidelines & Regulations

EFFECTIVE DECEMBER 1, 2017

TABLE OF CONTENTS

INTRODUCTION.....	4
<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
DESIGN STANDARDS/REQUIREMENTS.....	13
<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
APPLYING FOR A CERTIFICATE TO ALTER.....	20
<i>Submission Process.....</i>	<i>20</i>
Filing Date:	20
Fees	20
Waivers	20
<i>Submission Requirements</i>	<i>21</i>
<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>
APPENDICES.....	26

Appendix A - Application Process Flow 26
 Descriptive Workflow..... 27
Appendix B - Application for Certificate to Alter 30
Appendix C - Architectural Preservation District Bylaw 31
Appendix D – Demolition Delay Bylaw..... 39

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 consists of the Village District in combination with the Historic District 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 APDC'S MISSION

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 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

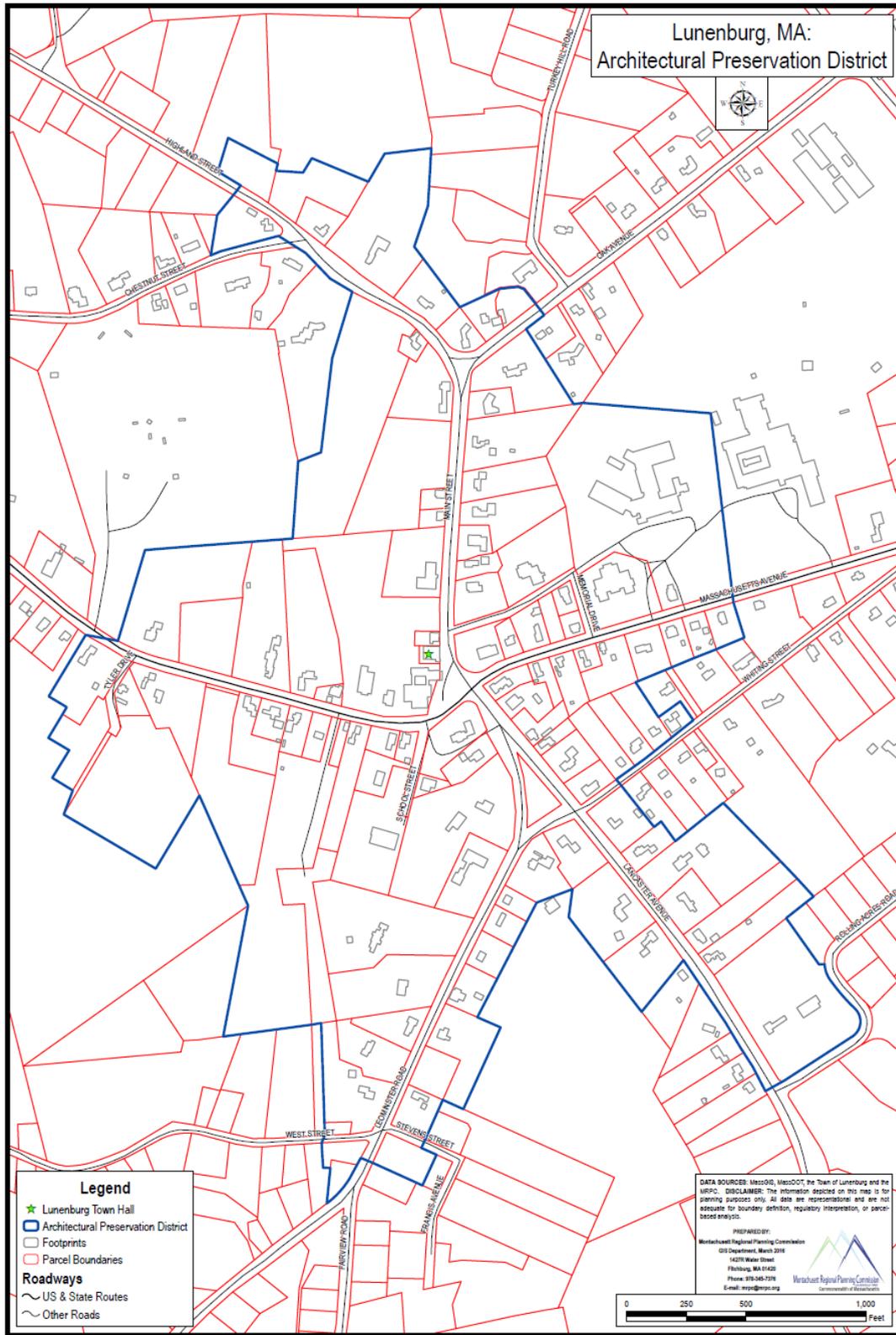
visible from the public right-of-way. Features on building facades are of heightened importance, and will contribute (or detract from) historical value more than those features hidden from view.

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 obtaining a CTA, required to make alterations to a Contributing Property. It also 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

- Bay:** 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.
- Bay Window:** 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.
- Brick Mold:** Wooden molding used to cover the gap between masonry and the framing of a window or door at the head and jambs.
- Casement Window:** An operating window hinged on one side which swings either in or out.
- Clerestory:** a series of windows placed high on a wall.
- Cross-Gable:** The front and rear facing gables at right angles to the main axis on an end-gabled structure.
- Demolition By Neglect:** Demolition by neglect is defined in §113-2of 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.
- 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.
- Dormer:** 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.
- Double-hung sliding-sash:** 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.

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

Shutter: 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.

To remain and maintain the historical nature and accuracy of the use of shutters, they would have the following features:

- Be made of painted or stained wood.
- 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.
- 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.
- The louvers should be oriented so that, when the shutter is closed, water will be shed away from the building.
- Be (as much as possible) original, antique, historically authentic in materials and methods of construction, and appropriate to the architectural style of the building.

Shutter dog: a device that holds a shutter in the fully open position

Side-lights: usually fixed windows flanking a door or central window.

"Six over Six", etc.: 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.

Temporary Building: 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.

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.

Transom window: 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.

APPLYING FOR A CERTIFICATE TO ALTER

SUBMISSION PROCESS

FILING DATE:

All submissions shall be made to the Planning Department during normal business hours. All materials as outlined below must be included for the submission to be considered complete. The applicant or their representative shall also file all application material with the Town Clerk 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 Article XXXII Section 5 of the Lunenburg General Bylaw will not begin. Applicants whose submittals are rejected for lack of information will be notified within five (5) business days of the decision.

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

FEES

All applications shall be accompanied by a check payable to the Town of Lunenburg and are subject to change

Initial Filing Fee shall be \$25.00. This must accompany all submissions. If a Binding Review is required, an additional Administrative fee of \$125.00 will be levied to cover additional administrative costs associated with such 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.

SUBMISSION REQUIREMENTS

Plan Contents

Materials shall be submitted in quantities of eight (8), unless otherwise noted. All submissions shall be collated into packets and all plan sets submitted shall be folded. Plan sets consisting of more than fifteen (15) sheets may be submitted individually rolled or in mailing tubes. A digital copy of all submission materials shall also be included, preferably in PDF and/or JPG format.

In addition to the eight (8) copies submitted to the Planning Board the applicant must submit all information to the Town Clerk.

The materials to be submitted are as follows:

1. Executed Application
2. Executed Certificate of Ownership
3. Fees for Filing made payable to the Town of Lunenburg.
4. 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.
5. 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. Additions and alterations made over 75 years ago and which represent distinct historical architectural styles should be treated separately. Applicants should consult and cite style guides referenced previously to support their evaluation.
 - d. 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, to those listed on the Certified Abutters List, Town Officials and other Town Boards, Committees and Commissions.

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 Clerk shall read the legal notice and the Chair shall 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.

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. Upon issuance by the Town Clerk of an appropriate certification that the allowed time has passed without APDC action, the required building permits may be issued.

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).
2. 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.

3. 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.
4. 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.
5. The APDC will use Design Standards documented in the Bylaw §113-9in considering any proposed changes.
6. 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.

APPROVAL

If a Certificate of Alteration is granted by the APDC, the applicant shall submit the following information after a decision is granted. The Plan set shall contain a note referencing the APDC decision.

1. Complete Plan Set (including all material cut sheets)- Two (2) paper copies
2. PDF files of entire plan set and all supporting documentation.

INSPECTIONS

Projects approved by the APDC shall be inspected during construction by the Building Commissioner as part of the issuance of the Building Permit. Additionally, the APDC may periodically inspect the project to ensure that compliance with the Certificate of Alteration is complied with.

CERTIFICATE OF COMPLETION

Upon completion of the proposed work the applicant shall request a Certificate of Completion from the APDC. This will include a final inspection by a majority of the APDC. If the work performed complies with the Certificate of Alteration and has received all required sign offs from the Building Department the APDC shall issue a Certificate of Completion.

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 adopted at a regular meeting of the APDC on November 20, 2017 and became effective as December 1, 2017 after required 10-day delay per Section 7-6 of Town Charter.. All Rules previously adopted and subsequently amended are hereby repealed. No action taken under said Rules shall be affected by said repeal.

VALIDITY

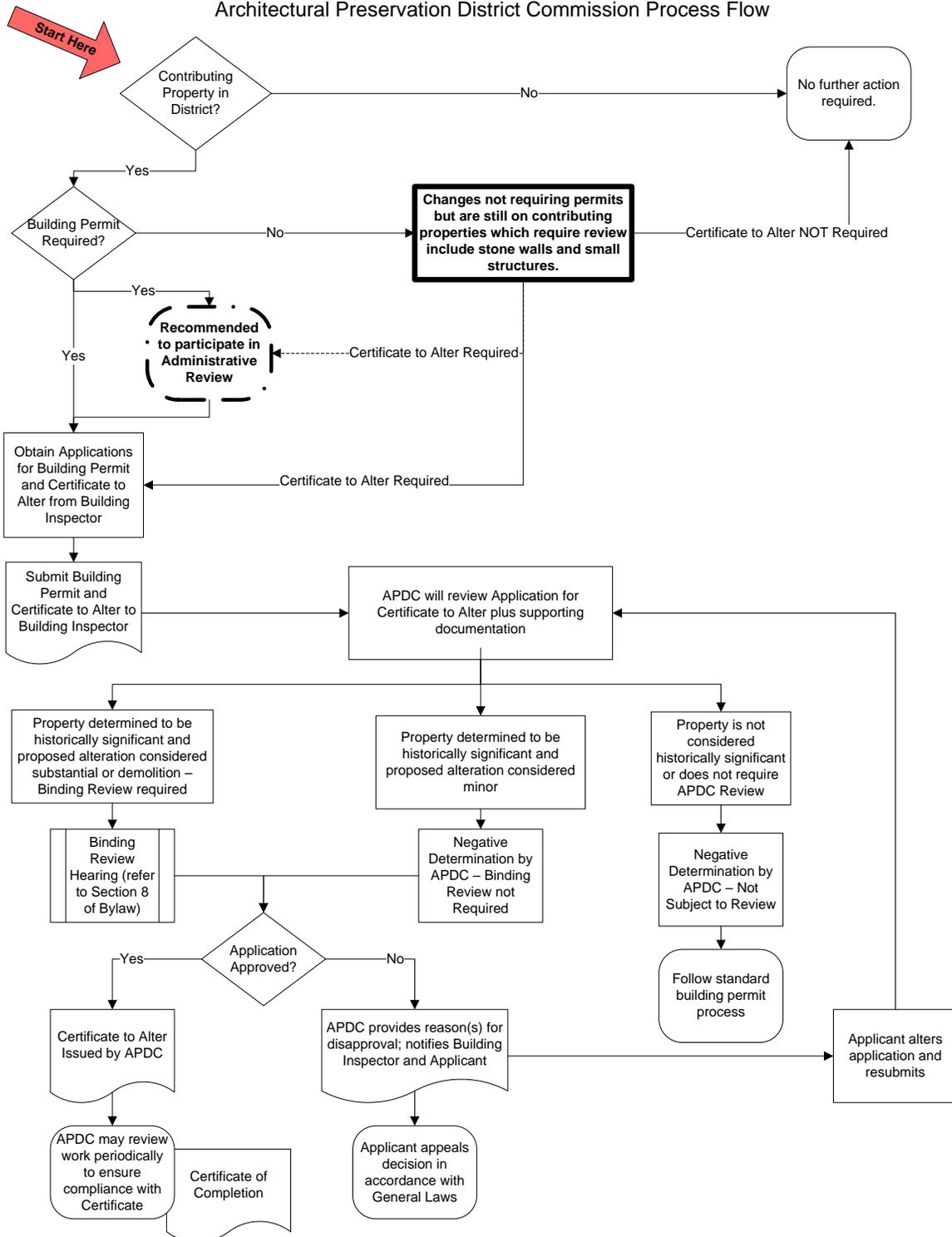
The invalidity of any section of these rules and regulations shall not invalidate any other section or regulation contained herein.

APPENDICES

APPENDIX A - APPLICATION PROCESS FLOW

Town of Lunenburg

Architectural Preservation District Commission Process Flow



Lunenburg APDC, October 2017

DESCRIPTIVE WORKFLOW

- 1) Determine if property is defined as a contributing property.
 - a. Is your property located in the District?
 - b. Is the structure affected older than 75 years old?
- 2) Does the project require a building permit?
 - a. Even if the project does NOT require a building permit, it may still be subject to APDC review and approval. For example, are you removing a stone wall or small structure? Are you adding a Temporary Building? When in doubt, contact the APDC.
- 3) Request Administrative Review of your project with the APDC. The APDC will review your application and make any suggestions that will facilitate approval of your Application for Certificate to Alter.
 - a. Within 45 days from receiving the request for Administrative Review, the APDC will provide a finding in writing as either requiring a Binding Review (see 6a below) or a Negative Determination (see 6b and 6c below).
- 4) Obtain and Complete your Building Permit and Application for Certificate to Alter ("Application") and submit to the Building Inspector and Land Use Director (as defined above in Submission Requirements).
- 5) The Land Use Director will forward your Application to the APDC
- 6) The APDC will review your Application and any supporting documentation during the regularly-scheduled meetings, which will result in one of three determinations:
 - a. The APDC determines the Contributing Property is Historically Significant and the proposed project is considered either a Demolition or a Substantial Alteration.
 - i. The APDC will notify you that a Binding Review (as defined in §113-8of the Bylaw) is required.
 - ii. A public hearing will be held on the Application and the hearing will be noticed in the Lunenburg Ledger a minimum of 14 days in advance of the hearing and a maximum of 45 days from the date the Application was submitted.
 - iii. The APDC will conduct the hearing and vote on the project with the prevailing side receiving a simple majority of the APDC member votes.
 1. If the majority votes to approve the Application, a Certificate to Alter, along with any conditions, will be issued within 20 days of the vote;
 - a. The APDC will provide their approval to you and the Building Inspector
 - b. The APDC reserves the right to periodically review the work for compliance.
 - c. The APDC shall provide a Certificate of Completion upon completion of compliant work.
 2. If the majority votes to deny the Application, a Negative Determination will be issued within 20 days of the vote, providing rationale for the denial along with suggestions for modifications the APDC would find acceptable.

- a. You may decide to modify your Application and resubmit to the APDC for approval;
 - b. You may decide to appeal the ruling of the APDC in accordance with the General Laws
- b. The APDC determines the Contributing Property is Historically Significant and the proposed project is considered a Minor Alteration
 - i. The APDC determines that a Binding Review is not required
 - ii. The APDC will vote on the project with the prevailing side receiving a simple majority of the APDC member votes
 - 1. If the majority votes to approve the Application, a Certificate to Alter, along with any conditions, will be issued within 20 days of the vote;
 - a. The APDC will provide their approval to you and the Building Inspector
 - b. The APDC reserves the right to periodically review the work for compliance.
 - c. The APDC shall provide a Certificate of Completion upon completion of compliant work.
 - 2. If the majority votes to deny the Application, you will need to go to Binding Review.
- c. The APDC determines the Contributing Property is neither Historically Significant or the project is not subject to APDC review
 - i. The APDC determines that neither a Binding Review or Administrative Review are required for the project
 - 1. The APDC issues a Negative Determination that the project is not under APDC jurisdiction and notifies both you and the Building Inspector.

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APPENDIX B - APPLICATION FOR CERTIFICATE TO ALTER

Application for Certificate to Alter

LUNENBURG ARCHITECTURAL PRESERVATION DISTRICT COMMISSION

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 Office of the Land Use Director and Town Clerk in accordance with Submission Requirements of the Guidelines and Regulations.

Name _____ Phone _____

Address _____

Email Address _____

Location of Property _____

What change would you like to make? _____



Please submit the following with each application after referring to Submission Requirements section of the Guidelines and regulations. If requesting a waiver, please initial in the space to the right of item and provide documentation why waiver requested and, if granted, how such a waiver will not cause a detriment to the historic character of the property and neighborhood.

	Applicant	APDC
<input type="checkbox"/> Executed Certificate of Ownership		
<input type="checkbox"/> Initial Filing Fee		
<input type="checkbox"/> Binding Review Administrative Fee (if known)		
<input type="checkbox"/> Certified Abutter's list, map and 2 stamped envelopes		
<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"/> Complete and detailed list of materials to be used		
<input type="checkbox"/> Plans, including designs and methods of construction		
<input type="checkbox"/> Digital copy of submission materials		

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

Signature _____ Date _____

It is highly recommended to contact the APDC for a non-binding Administrative Review prior to filling out this form.

FOR OFFICIAL USE ONLY

Application Received By _____ Date Received _____

Certificate No. _____ Routed to APDC Date _____

Initial Meeting Date: _____ Binding Review Hearing Date _____

Approved / Disapproved Date _____ By: _____

APPENDIX C - ARCHITECTURAL PRESERVATION DISTRICT BYLAW

<http://ecode360.com/30800368> (subject to change)

(scanned and signed version may be found at

http://www.lunenburgma.gov/filestorage/204/234/APD_Final_AG_Approved.pdf)

Chapter 113

ARCHITECTURAL PRESERVATION DISTRICT

GENERAL REFERENCES

Demolition delay – See Ch. 134.

Zoning – See Ch. 250.

§ 113-1. Purpose.

- A. This bylaw is enacted under the Home Rule Amendment of the Massachusetts Constitution for the purposes of:
- (1) Preserving, restoring and protecting groups of historically and/or architecturally significant buildings and the characteristics of their neighborhoods that are important to the Town's architectural, cultural, economic, political and/or social history;
 - (2) Fostering wider public knowledge and appreciation of such neighborhoods and contributing properties;
 - (3) Limiting the detrimental effect of alterations (substantial and minor), additions, and demolitions on the character of such contributing properties and their neighborhood settings;
 - (4) Reviewing proposed alterations (substantial and minor), including demolition of or to any contributing property located within the APD, for appropriateness and compatibility with the existing buildings, setting and neighborhood character; and
 - (5) Facilitating the protection of the APD through a regulatory review.
- B. To achieve these purposes, the Town of Lunenburg may designate APDs to be administered as set forth in this bylaw.

§ 113-2. Definitions.

For the purpose of this bylaw, the terms and words listed below shall have the following meanings:

ADDITION – Any addition to a principal or accessory contributing property that is enclosed by walls and which increases the existing gross floor area.

ADMINISTRATIVE REVIEW/DETERMINATION OF APPLICABILITY – Pursuant to § 113-7 of this bylaw, a process to review proposed alterations to contributing properties and identify the need for binding review.

ALTERATION, MINOR – Replacement, modification or material change to existing architectural features on a contributing property, which retains the character of the property as determined by the Architectural Preservation District Commission. Examples include, but are not limited to, windows, doors, roof material and trim work.

113:1

§ 113-2

LUNENBURG CODE

§ 113-3

ALTERATION, SUBSTANTIAL — A change to a contributing property or part thereof, such as removal, reconstruction, restoration, replication, rehabilitation, addition, or demolition; and/or a change to a site that includes enlarging or moving a building and other similar activities.

ARCHITECTURAL PRESERVATION DISTRICT (APD) — An area of historic and/or architectural significance determined by the Town's residents to be worthy of preservation.

BINDING REVIEW — Pursuant to § 113-8 of this bylaw, a mandatory process which applies to substantial alterations of contributing properties, including demolition, in the APD.

BUILDING — A combination of materials having a roof, the purpose of which is the shelter of persons, animals, property, or processes, including any other permanent structure.

CERTIFICATE TO ALTER — A document issued by the APDC allowing alterations pursuant to § 113-8 of this bylaw.

CONTRIBUTING PROPERTY — Any building or stone wall within an APD, which is older than 75 years and contributes to the Architectural Preservation District's historical character as determined by the Architectural Preservation District Commission.

DEMOLITION — The act of removing or razing structures or significant parts of structures, or commencing the work of total or substantial destruction with the intent of completing the same.

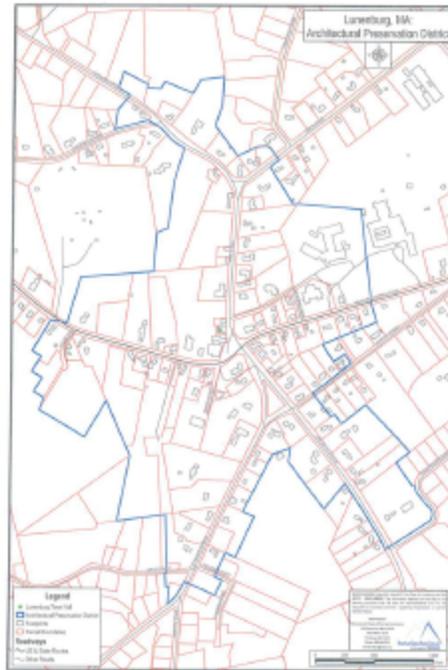
DEMOLITION BY NEGLECT: Destruction by failure to maintain roof, siding, foundation or any other aspect that requires upkeep, which could ultimately result in the Contributing Property being condemned. These include but are not limited to:

1. Facades which may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation, deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
5. Improper or insufficient waterproofing or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the Contributing Property caused by alteration or neglect of maintenance, which renders it not properly watertight or structurally unsafe.
7. Fireplaces or chimneys which list, bulge or settle due to deterioration.

§ 113-3. Designation of district. [Amended 5-7-2016 ATM by Art. 42]

The APD shall, by Town Meeting vote, encompass the areas shown on the map entitled "Town of Lunenburg Architectural Preservation District" and appended to this bylaw. Amendments to the district boundaries may be made only by vote of Town Meeting.

113:2



**§ 113-4. Architectural Preservation District Commission (APDC).
[Amended 5-7-2016 ATM by Art. 42]**

The Board of Selectmen shall appoint a five-member APDC to oversee the APD pursuant to this bylaw. Initially, two members shall be appointed for one year, two for two years, and one for three years; each successive appointment shall be made for three years. The Board of Selectmen may also appoint up to two alternate members, initially for terms of one, two and three years, and for three-year terms thereafter. If members are absent, unable to act, or recused from voting due to a conflict of interest, the APDC Chair may designate one or both of the alternate members to serve in their place. To the extent achievable, the APDC shall be comprised of the following persons: a member of the Lunenburg Historical Commission; a design professional; a craftsman or building contractor familiar with historic restoration; and one resident of the APD and one resident at large. Members and alternates of the APDC shall by reason of experience and/or education have demonstrable knowledge, interest, and ability to effectively carry out the APDC's responsibilities.

§ 113-5. APDC powers and duties.

- A. The APDC shall exercise its powers in reviewing the alteration (substantial or minor), including demolition, of contributing properties within the APD as set forth in this bylaw, and in accordance with the

§ 113-5

LUNENBURG CODE

§ 113-7

standards described in § 113-9. Within 180 days of its establishment, the APDC shall adopt design guidelines to assist the APDC in determining whether the proposal satisfies the standards described in § 113-9, as well as to facilitate owner understanding of, and compliance with, those standards. The APDC may also promulgate rules and regulations consistent with the provisions of this bylaw, or set forth such forms and procedures as it deems appropriate for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, hearing procedures and other matters. In adopting design guidelines and rules and regulations, including any subsequent amendments, the APDC shall first hold a duly posted public hearing advertised at least 14 days in advance within a newspaper of local circulation.

- B. The APDC shall not adopt or amend any design guidelines or rules and regulations until at least 35 days after the APDC has provided a copy of those proposed guidelines or rules and regulations to the Board of Selectmen.

§ 113-6. Exemptions.

The following are exempt from the requirements of this bylaw:

- A. Routine maintenance of contributing properties.
- B. Repairs or improvements which do not require a building permit from the Building Commissioner.
- C. Temporary buildings (subject to time and size limits imposed by the APDC).
- D. Interior building alterations.
- E. Exterior building colors.
- F. Installation, removal or replacement of storm windows and storm doors, screen windows and screen doors.
- G. Installation, removal or replacement of gutters, downspouts, window shutters and door shutters.
- H. Structures not defined as contributing properties.

§ 113-7. Administrative review/determination of applicability.

- A. Minor alterations such as like-for-like replacement of architectural features and other minor work (as outlined in the APDC regulations) shall be reviewed through this process to ensure consistency of the property's character and appropriateness of the proposed materials. The APDC shall make a determination that the proposed work is exempt or that it does not retain the character of the contributing property. In the case where the work does not retain the character of the

§ 113-7

ARCHITECTURAL PRESERVATION DISTRICT

§ 113-8

contributing property, it shall be determined to equate to a substantial alteration and require a binding review per § 113-8 of this bylaw.

- B. Property owners considering substantial alterations to a contributing property are strongly encouraged, but not required, to request an administrative review from the APDC. This review would focus on directing the applicant toward developing a proposal that would be compliant with the binding review process in § 113-8.
- C. Administrative review does not require a public hearing and can be requested electronically. In providing administrative review for a proposed alteration, the APDC shall make a finding as to whether or not the proposed alteration is compatible with the standards in § 113-9 and the associated design guidelines. The APDC shall provide its finding in writing, as a negative determination or a requirement of binding review, and within 45 days of receiving a request for administrative review. The requirement of binding review may include recommendations on how the proposed alteration could be made more consistent with the standards and the design guidelines.

§ 113-8. Binding review.

- A. The following alterations require the submittal of an application for binding review by the APDC:
 - (1) Demolition of all or a part of a contributing property.
 - (2) Substantial alterations to a contributing property.
- B. Applications should include a completed application form and photographs showing existing buildings and site conditions. For substantial alteration, including additions and demolition, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans which may help to demonstrate the proposed building design. Applications can be submitted electronically, but applicants shall also provide one hard copy of the application to the Planning Office. If appropriate, the APDC may waive any or all of the requirements for design submittal and review.
- C. Within 45 days of the application submittal, a copy of which shall be filed with the Town Clerk, the APDC shall hold a public hearing on the application, said hearing to be noticed by an ad published at least once in a newspaper with local circulation 14 days or more before the hearing. Following the hearing, the APDC shall determine whether or not the proposed alteration is consistent with the standards set forth in § 113-9 and the associated design guidelines. If the APDC determines by majority vote that the alteration adheres to the standards and the design guidelines, it shall issue a certificate to alter, which may be

113:5

§ 113-8

LUNENBURG CODE

§ 113-9

subject to reasonable conditions that the APDC deems necessary and appropriate. If the APDC does not achieve a majority vote that the alteration is compatible with the standards and the design guidelines, it shall make a negative determination. The APDC's written determination shall be submitted to the property owner within 20 days of the close of the public hearing, and no later than 90 days after the submittal of an application, unless granted a time extension by the owner. In making its determination, the APDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the standards set forth in § 113-9 and the design guidelines. If the APDC denies a certificate to alter, it may include nonbinding, advisory only recommendations on how the proposed alterations may be modified to satisfy the APDC. Once the applicant modifies the alterations in a manner that the APDC finds acceptable, the APDC shall issue a certificate to alter. The determinations of the APDC relative to alterations described in this § 113-8, whether positive or negative, shall be binding on the applicant. **[Amended 5-7-2016 ATM by Art. 42]**

§ 113-9. Design standards.

When reviewing an application, the APDC shall consider the following standards, which are intended to guide the property owner in the site development and building design, as well as the APDC in its review of proposed actions as described in § 113-8 above:

- A. Height and proportions. The height, proportions, and relationship of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure.
- B. Relation of structures and spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relationships in the district.
- C. Shape. The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of the building.
- D. Scale. The scale of a structure alteration should be compatible with its architectural design style and character and that of the district.
- E. Directional expression. Building facades and other architectural design elements should be compatible with those of others in the district with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- F. Garages and accessory buildings. Garages and accessory buildings shall be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.
- G. Materials and methods of construction. Materials used shall be consistent with the appearance and character of the surrounding

§ 113-9

ARCHITECTURAL PRESERVATION DISTRICT

§ 113-12

properties and contribute to the historic nature of the area. Construction methods shall meet Building Code requirements and visually resemble historic patterns but may use contemporary technology.

§ 113-10. Procedures for issuance and filing of APDC determinations.

Each certificate to alter or negative determination issued by the APDC shall be dated and signed by its Chair or such other person designated by the APDC to sign certificates on its behalf. The APDC shall send a written copy of its actions to the property owner and shall file other copies with the office of the Town Clerk and the Building Commissioner. The date of issuance of a certificate or negative determination shall be the date of its filing of other said copy with the office of the Town Clerk. If the APDC should fail to submit a written determination within 20 days of closing its public hearing, or within 90 days of the submittal of a certificate, or within such further time as the applicant may allow in writing, a certificate to alter shall be waived in favor of the property owner.

§ 113-11. Enforcement.

- A. In addition to the duties previously set forth in this bylaw, the APDC or the Building Commissioner shall issue enforcement orders, with an immediate cease-and-desist order directing compliance with this bylaw and shall undertake any other enforcement authorized by law.
- B. Upon request of APDC, and with the approval of the Board of Selectmen, the Town Counsel shall take legal action on behalf of the Town for enforcement of this bylaw, or any order issued hereunder, in any court of competent jurisdiction. In the case of demolition, including demolition by neglect, without approval of the APDC, no building permit shall be issued with respect to any contributing property within the APD that caused a demolition of its building, structure or contributing property for a period of up to two years after the date of the violation.
- C. The APDC or its designee may use any and all of the aforementioned enforcement methods to address the contributing factors of demolition by neglect for purposes of preventing a contributing property from becoming structurally deficient or economically infeasible to repair.

§ 113-12. Coordination with other Town boards and bylaws.

- A. Except as stated in Subsection B below, the APDC's authority as established in this bylaw shall not supersede or interfere with the regulatory authority of other local or state boards or APDCs.
- B. By exercise of this bylaw, the APDC assumes the authority of the Lunenburg Historical Commission pursuant to Chapter 134, Demolition Delay, of these General Bylaws, relative to the proposed demolition

§ 113-12

LUNENBURG CODE

§ 113-15

(including demolition by neglect) of buildings that are over 75 years of age and located within the APD.

- C. The APDC shall coordinate its review with that of other Town boards.
- D. The APDC shall be included as an advisory review entity in new construction projects in the APD. **[Amended 5-7-2016 ATM by Art. 42]**

§ 113-13. Appeal procedure.

Any aggrieved party may appeal the action of the APDC in accordance with the General Laws.

§ 113-14. Validity and severability.

The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

§ 113-15. Appendices. [Amended 5-7-2016 ATM by Art. 42]

Appendix A: The location and boundaries of the Town of Lunenburg Architectural Preservation District are defined and shown on the map entitled "Town of Lunenburg Architectural Preservation District," which is a part of this bylaw.¹

1. Editor's Note: See § 133-3 above.

APPENDIX D – DEMOLITION DELAY BYLAW
<http://ecode360.com/29819926>

Chapter 134

DEMOLITION DELAY

GENERAL REFERENCES

Architectural preservation district – See Ch. Zoning – See Ch. 250.113.

§ 134-1. Intent and purpose.

The intent and purpose of this chapter is to protect the historic and aesthetic qualities of the Town of Lunenburg by preserving, rehabilitating or restoring, whenever possible, significant buildings or structures which constitute or reflect distinct features of architectural or historical resources of the Town, by promoting continued private ownership and utilization of such buildings and by providing owners of significant structures with time to consider alternatives to demolition, thereby promoting the public welfare and preserving the cultural heritage of the community.

§ 134-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICATION – An application for a permit for the demolition of a building, which shall include a photograph of the building taken within the past year.

DEMOLITION – The act of pulling down, destroying, removing or razing a building or structure.

PERMIT – A permit issued by the Building Commissioner for demolition of a building pursuant to an application.

SIGNIFICANT BUILDING – Any building or structure that the Historical Commission determines, in conjunction with the Building Commissioner and Fire Chief, meets one of the following conditions:

- A. Listed on the National or State Registry of Historic Places or is the subject of a previously submitted application for listing of historic places on said registries; or
- B. Included in a local Registry of Historic Places or is on a current or previously submitted inventory prepared by the local Historical Commission; or
- C. Importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town of Lunenburg or the Commonwealth of Massachusetts; or

§ 134-2

LUNENBURG CODE

§ 134-4

- D. Historically or architecturally important in terms of period, style, or method of building construction; or
- E. Seventy-five years old or more.

§ 134-3. Procedure.

An application for a demolition permit will be made to the Building Commissioner, who shall, within five days, forward a copy of the demolition permit application to the Historical Commission. The Historical Commission shall, within five business days of receiving said application, determine whether a demolition plan review is required. If a demolition plan review is required, the applicant will supply to the Historical Commission a written narrative that includes the following:

- A. Sketch showing the location of the building or structure with reference to neighboring properties.
- B. Photographs of said structure.
- C. Description of the age, architectural style, historical association and importance of the building to be demolished.
- D. Reasons for demolishing.

§ 134-4. Demolition plan review.

- A. Within 30 days after said application is reviewed by the Historical Commission, the Historical Commission shall hold a demolition plan review meeting during its next scheduled public meeting to determine the applicability of the delay procedure or to make a determination of nonapplicability of the delay procedure. Said meeting will be advertised in the local newspaper and posted in the usual manner one week prior to said meeting.
- B. Written reports shall be presented by the Historical Commission, Building Commissioner and Fire Chief and the applicant pertaining to the applicability or nonapplicability of the delay procedure to the building or structure. The Historical Commission shall determine the status of the application based on the reports noted above. The written report of the determination taken shall be given to the Building Commissioner with seven days of the closing of the review meeting.
- C. If the Historical Commission determines the building or structure is not a significant building under this bylaw, the Building Commissioner may issue a demolition permit upon receipt of the notification.
- D. If the building or structure is determined to be a significant building under this bylaw, the Building Commissioner shall impose a demolition delay of 180 days from the date of notification, in which time the applicant must notify the Historical Commission through written documents that:

134:2

§ 134-4

DEMOLITION DELAY

§ 134-6

- (1) Bona fide, reasonable attempts have been made to sell, preserve, move, rehabilitate or restore said building or structure. Evidence shall include a listing of the building with a licensed real estate broker, an estimate of rehabilitation or restoration costs of the building or structure or an estimate for moving the building or structure.
- (2) A party or parties have been located who have agreed to preserve, rehabilitate, restore or relocate the building or structure.
- (3) The applicant has agreed to alternatives to demolition and/or accept conditions noted in the applicability determination.

§ 134-5. Emergency demolition.

Nothing in this bylaw shall restrict the Building Commissioner or the Fire Chief from ordering the demolition of a significant building determined to present a clear and present danger to the safety of the public, which only demolition can prevent.

§ 134-6. Violations and penalties.

- A. The Building Commissioner is empowered to institute any proceeding in law or equity as he deems necessary to obtain compliance with the requirements of this bylaw to prevent a violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a significant building has been demolished in violation of this bylaw for a period of two years after the date of the violation.

This page is the End of the Guidelines and Regulations