

Chapter 134

Machine Shop Village Neighborhood Conservation District

[HISTORY: Adopted by the Town of North Andover as Chapter 134 of the General Bylaws; May 13, 2008 Annual Town Meeting, Article 34 – Approved by Attorney General September 17, 2008]

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The Town of North Andover hereby establishes a Neighborhood Conservation District known as the Machine Shop Village Neighborhood Conservation District, to be administered by a Neighborhood Conservation District Commission. This Bylaw shall be known and may be cited as the North Andover Machine Shop Village Neighborhood Conservation District Bylaw and is adopted pursuant to the Home Rule Amendment to the Massachusetts Constitution.

§ 134-2. **Purpose.** This by-law is enacted for the purpose of preserving and protecting groups of buildings and their settings that are architecturally and historically distinctive which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of alterations, additions, demolitions and new construction on the character of the town. Through this bylaw, alterations, additions, demolition and new construction may be reviewed for compatibility with the existing buildings, setting and neighborhood character. This bylaw seeks to encourage the protection of the built environment through a combination of binding and non-binding regulatory review. This bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work.

§ 134-3. **Definitions**

As used in this Bylaw the following terms shall have the following meaning:

ADDITION: A change to a building that includes additional stories, height or floor area.

ADVISORY REVIEW: An application review procedure that provides non-binding recommendations to the applicant.

ALTERATION, TO ALTER: A change to a building or part thereof such as removal, construction, reconstruction, restoration, replication, rehabilitation, demolition and other similar activities. A change to a building that includes additions and other similar activities. A change to a site that includes constructing, placing, erecting, installing, enlarging and moving a building or other similar activities.

APPLICATION: The complete document(s) and supporting material(s) to be submitted by an applicant desiring to obtain a Certificate to Alter. A complete application shall include information reasonably deemed necessary by the commission to enable it to make a determination.

BUILDING: A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE TO ALTER: A document granted by the Neighborhood Conservation District Commission in order to obtain a building (or demolition) permit.

COMMISSION: The Machine Shop Village Neighborhood Conservation District Commission

COMPATIBLE: A project that meets the design guidelines of the neighborhood conservation district commission.

DESIGN GUIDELINES: The document used by the Neighborhood Conservation District Commission to determine whether a proposed project is compatible. The design guidelines are appended to this bylaw.

DISTRICT: The Neighborhood Conservation District as established in this bylaw.

PERSON AGGRIEVED: An applicant, an abutter or an owner of property within the district.

SUBSTITUTE DOORS: Doors consisting of materials that no longer represent the original fabric but do maintain the original architectural integrity with respect to form, fit and function.

SUBSTITUTE SIDING: Exterior covering of building consisting of materials that no longer represent the original fabric or intent.

SUBSTITUTE WINDOWS: Windows consisting of materials that no longer represent the original fabric but do maintain the original architectural integrity with respect to form, fit and function.

§ 134-4. District

The Neighborhood Conservation District shall encompass the area shown on the map titled, Machine Shop Village Plan of Proposed Neighborhood Conservation District, Appendix A, Figure 1, which is appended to this bylaw and made a part hereof.

§ 134-5. Neighborhood Conservation District Commission

The Neighborhood Conservation District shall be overseen by a Commission, which is hereby established, consisting of five members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

The Board of Selectmen may appoint up to five alternate members to the Neighborhood Conservation District. Said alternate members shall initially be appointed for terms of one, two and three years, and for three year terms thereafter. In the case of absence, inability to act, or recusal from action due to a conflict of interest of a Member of the Commission, his or her place shall be taken by an alternate member designated by the Chairperson, if available, otherwise by the Vice-Chairperson if available, otherwise by a majority vote of the members and alternate members of the Commission present.

The Commission shall include, if possible, a minimum of three residents of the district; a member of the local historical commission; a realtor; an architect and a building contractor familiar with historic rehabilitation. If possible, the Chairperson of the Commission should be a resident of the district and shall be elected by a majority of the Commission. Members and alternates of the Commission shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district, but the final decision regarding appointment of members and their qualifications shall be at the discretion of the Board of Selectmen.

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

Meetings of the Commission shall be held at the call of the Chairperson, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations. Three members of the Commission shall constitute a quorum.

§ 134-6. Neighborhood Conservation District Commission Powers And Duties.

The Commission shall exercise its powers in administering and regulating the alteration of buildings within the neighborhood conservation district as set forth under the procedures and criteria established in this bylaw.

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall, may adopt and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees, hearing procedures and other matters. Amendments to the Rules and Regulations shall be made by a majority vote of the Commission. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall may adopt and from time to time amend design guidelines which set forth the designs for certain alterations which are, in general, suitable for the issuance of a Certificate to Alter. Amendments to the design guidelines shall be made by a majority vote of the Commission. No such design guidelines shall limit the right of an applicant for a Certificate to Alter to present other designs to the Commission for approval.

The Commission shall at the beginning of each year hold an organizational meeting and elect a Chairperson, a Vice Chairperson and Secretary, and file notice of such election with the office of the Town Clerk. The Commission shall keep a permanent record of its regulations, transactions, decisions and determinations and of the vote of each member participating therein. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a neighborhood conservation district.

§ 134-7. Alteration Prohibited Without A Certificate

Except as this Bylaw provides, no alterations to any building or part thereof within a Neighborhood Conservation District shall be permitted unless the commission shall first have issued a Certificate to Alter.

§134-8. Alterations Excluded From Commission Review

It shall be the responsibility of the Commission, or its delegate thereof to determine whether an alteration is exempt from review. The Commission or its delegate thereof shall have seven days from the date of receipt of a request for Certificate to Alter to make this determination.

The following projects are excluded from Commission review.

- Projects not requiring a building (or demolition) permit.
- Structures not defined as buildings or parts of buildings
- Temporary buildings, subject to time limits by the Neighborhood Conservation District Commission.
- Interior Alterations
- Storm windows and doors, screen windows and doors.
- Removal, replacement or installation of gutters and downspouts.
- Removal, replacement or installation of window and door shutters.
- Accessory buildings of less than 100 square feet of floor area.
- Removal of substitute siding.
- Alterations not visible from a public way.
- Ordinary maintenance and repair of architectural features that match the existing conditions including materials, design and dimensions.
- Replacement of existing substitute doors, substitute siding or substitute windows with new materials that are substantially similar to the existing condition.
- Replacement of original fabric windows or doors with substitute windows or doors that maintain the architectural integrity with respect to form, fit and function of the original windows or doors.
- Reconstruction, substantially similar in exterior design, of a building, damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

§134-9. Procedures For The Review Of Major Alterations

The following major alterations require the submittal of an application for a regulatory review by the Commission. The decision of the Commission shall be binding on the applicant.

- Demolition of a building or part of a building.
- New construction including buildings and additions.
- Accessibility Improvements including ramps, rails, walkways and mechanical equipment associated with exterior architectural barriers.
- Replacement of original fabric with substitute siding
- Removal of architectural trim
- Replacement of windows and doors that alters the form, fit or function of the existing opening.

Within forty five days of the submittal of an application for a major alteration, the Commission shall hold a public hearing on the application. At least seven days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall. Such notice shall identify the time, place and purpose of the public hearing. At least seven days before said public hearing, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties

deemed by the Commission to be materially affected thereby all as they appear on the most recent applicable tax list.

Following the public hearing, the Commission shall determine whether the proposed alteration is compatible with the purpose of this bylaw and the design guidelines adopted by the Commission. Determinations shall be made by majority vote of the Commission.

If the Commission determines that the alteration is compatible, the Commission shall issue a Certificate to Alter. The vote of at least three members shall be required to issue a Certificate to Alter.

If the Commission cannot determine that the alteration is compatible, the Commission shall decline to issue the Certificate to Alter. The Commission shall provide the applicant with a written statement with the reasons for its disapproval including how the alteration does not meet the design guidelines or the purpose of this bylaw.

§134-10. Procedures For Issuance And Filing Of Certificates

Each Certificate issued by the Commission shall be dated and signed by its chairperson or such other person designated by the Commission to sign such Certificates on its behalf. The Commission shall send a copy of its Certificates and disapprovals to the applicant and shall file a copy of its Certificates and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.

If the Commission should fail to make a determination within sixty days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate to Alter due to failure to act.

§134-11. Enforcement And Penalties

The Neighborhood Conservation District Commission is specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

The Commission may designate the Building Commissioner to act on its behalf and to enforce this Bylaw under the direction of the Commission.

Any owner of a building subject to this bylaw that alters a building without first obtaining a Certificate to Alter in accordance with the provisions of this bylaw shall be subject to a fine of Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until the alteration is corrected, the addition is removed or a faithful restoration of

the demolished building is completed or unless otherwise agreed to by the Commission. If a violation of this bylaw remains outstanding, no building permit on the premises shall be issued until the violation is corrected or unless otherwise agreed to by the Commission.

§134-12. Appeal Procedure

Any applicant or person aggrieved by a determination of a neighborhood conservation district commission may appeal to a court of competent jurisdiction.

§134-13. Validity And Separability

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.

§134-14. Appendices

Appendix A. The location and boundaries of the Machine Shop Village Neighborhood Conservation District are defined and shown on the Machine Shop Village Neighborhood Conservation District Map of the Town of North Andover, Figure 1 which is a part of this Bylaw.

FIGURE 1 – MACHINE SHOP VILLAGE CONSERVATION DISTRICT



B. Design Guidelines

Appendix B Machine Shop Village

Neighborhood Conservation District -Design Guidelines

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the Machine Shop Village Neighborhood Conservation District and no demolition permit for demolition or removal of a building or structure within the Machine Shop Village Neighborhood Conservation District shall be issued by any town department until a Certificate to Alter has been issued by the Commission.

GENERAL

There are many elements that contribute to the character of both a building and a neighborhood that are considered by the Commission in its deliberations. These include architectural style, individual architecturally significant elements, and the degree of visibility for work under construction. The design strategy used in the context of the Neighborhood Conservation District recommends that changes made are consistent with the materials, scale, proportions, detailing, character, and stylistic features of the building.

In passing upon matters before it the commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, and material of the features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surrounding and of the Machine Shop Village Neighborhood Conservation District.

The Commission recommends the following general guidelines:

1. Original materials and features should be kept and not removed or altered; if a replacement is necessary it should match the original in material and design.
2. New openings on visible facades are discouraged, except to restore original or pre-existing conditions.
3. Restoration of missing design features should be documented by photographic, physical or historical evidence.
4. Deteriorated architectural features should be repaired rather than replaced, whenever possible.

5. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed at a later date, the essential form and integrity of the structure would be unimpaired.
6. The use of new materials not originally found on the building is discouraged.
7. The commission generally encourages the retention of existing original windows.

NEW CONSTRUCTION AND ADDITIONS

New construction requires much careful planning. The Commission reviews proposals on a case by case basis.

1. Additions should, if possible, be on the least visible façade. The Commission prefers the least disruption to the external appearance of the building and the streetscape.
2. Typically additions should blend or harmonize with the existing character of the building, taking into account size, scale, massing, material, location and detail. It is also desirable that the original portion of the building continues to be recognizable, apart from the addition, by means of massing, articulation, trim or other devices.
3. New construction should be compatible and harmonious with the existing historic streetscape. The historic relationship of buildings to the street, including setbacks and open spaces, shall be maintained. Attention will be given to construction materials, scale, massing, and architectural details.

WINDOWS

Windows are one of the most important design features of any structure. The material, design and placement of the windows reflect the architectural and cultural character of the building's period or style. There are several aspects to consider including the original casing, size, and number of panes, rhythm, patterns, placement, and type of window.

1. Typically the number and arrangement of panes in new windows should be compatible with similar sized and proportioned windows in the building, e.g. "two over one", "six over six", etc.
2. It is desirable to repair and retain existing elements, such as sash, casings and muntins (or mullions), whenever possible. If replacement is necessary, it should be an exact replication of the original—e.g. with the same number and size of panes and dimensions of components.
3. New window openings and changes in existing window opening dimensions are generally discouraged, especially on principal facades.
4. Where double glazing intended to look like traditional wood sash is used, for instance on new construction, the commission generally prefers sash with a single sheet of double glazing and externally and internally adhered wood muntins combined with appropriately colored internal glazing bars between the layers of glass.

5. Removable storm windows are preferred to replacement of original wood sash. We encourage storm windows that have a baked enamel finish that blends in with the paint scheme of the building or has a paintable surface.
6. Stained glass or decorative windows should be retained.

MASONRY

1. The painting of masonry, which has never been painted, is strongly discouraged.
2. Tuck pointing (laying new mortar in old mortar joints of an existing brick wall) can change the appearance and character of a brick or stone walls. Repointing should be discussed with the Commission in advance.
3. Retain the original mortar whenever possible. If it is necessary to repoint, duplicate the old mortar as nearly as possible in type, color, size, texture and joint profile.
4. New bricks should match the old brick as closely as possible in size, color, and bond.
5. The use of sealers for bricks is strongly discouraged, as it tends to trap moisture.
6. If brick needs cleaning, sandblasting is not permitted. It will destroy the brick's hard outer crust and accelerate its deterioration.

CLAPBOARD, SHINGLES, TRIM AND DETAILS

1. The covering of clapboard and shingles with any artificial siding or any other material is discouraged, except in accordance with the bylaw. The replacement of the original historic material is encouraged.
2. Existing trim should be retained and repaired wherever possible.
3. Removal of any architecturally or historically important trim is strongly discouraged. Such trim should be restored or replaced with an exact duplication.
4. The covering of trim with any artificial siding or any other material is discouraged.

ROOFS-CHIMNEYS-DORMERS

1. All distinctive roof features-patterned shingles, iron cresting, chimneys, and weathervanes should be retained.
2. The retention of original rooflines is strongly encouraged.
3. Skylights and dormers are reviewed on an individual basis. It is recommended that these elements be placed on the rear or least visible façade whenever possible.
4. Original dormers and trim should not be removed.

DOORS-ENTRANCES-PORCHES

1. Historic door openings should be retained.
2. Existing doors and door elements should be retained, including, but not limited to, transoms and sidelights.

3. Efforts should be made to replicate existing door hardware.
4. Plywood, metal, or other non-wood doors are not acceptable, except in accordance with the bylaw.
5. The replacement of original elements or features appropriate to the style and age of a building is normally encouraged, when those features have been replaced with clearly unsuitable substitutes.
6. Removable storm doors, like removable storm windows, are permitted as “reversible changes”. However, their installation should not destroy the integrity of original doorway.
7. Entrance porticos and porches shall be maintained, wherever possible
8. Enclosing porches and steps so as to destroy their intended appearance is strongly discouraged.

SIGNS

Signage within the Machine Shop Village Neighborhood Conservation District should contribute to and be in keeping with the historic character of the area. Traditional wood or wood like carved or painted signs are encouraged. Spot lighting is permitted. All new signs are subject to review by the commission. Signs made of the following types and/or materials will not be approved:

1. Plastic signs illuminated from the inside are not permitted.
2. No neon signs.
3. Existing neon signs can remain in place for a period of three years from the date that these guidelines come into effect.
4. Permanent vinyl banners will not be permitted.
5. Temporary vinyl banners or signs will be permitted for a period of time not to exceed 60 days.

SEVERABILITY

The provisions of these design guidelines shall be deemed to be severable if any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.