

City of Northampton
Local Historic Districts
Final Report
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I. INTRODUCTION

Local Historic Districts are one of the oldest and strongest tools for protecting historic properties. A local Historic District protects the historic resources of the Commonwealth through a local review system that encourages and ensures compatible maintenance, improvement and development. The preservation through local Historic District can provide the City with a continuing sense of its past and can limit the destruction of historical and architectural legacies. Local Historic Districts offer the public a visual example of the City's historic and cultural heritage.

Historic Districts have served as a preservation tool in the United States since 1931, when the City of Charleston, South Carolina enacted a local ordinance designating an "Old and Historic District" to be administered by the Board of Architectural Review. In 1937 the Louisiana legislature extended the review to the historic French Quarter in New Orleans. These districts served as models for the local protection of historic areas throughout the country.

Massachusetts first made use of this preservation tool in 1955. Districts were created in Beacon Hill and Nantucket. Special districts were later created in Lexington and Concord. In 1960, a statewide enabling statute was enacted to empower municipalities to establish local Historic Districts. Mass. General Laws Chapter 40C, the Historic Districts Act, was enacted to preserve and protect the historic resources of the Commonwealth. The constitutionality of these districts has been upheld by the Massachusetts Supreme Court.

II. NORTHAMPTON LOCAL HISTORIC DISTRICT STUDY COMMITTEE

A. Historic Preservation Initiatives

THE 1970'S: The Northampton Historical Commission, created under Massachusetts General Law in October 1973, was charged with preserving Northampton's historic architectural resources and encouraging public awareness of the City's remarkable cultural heritage. The main work of the Commission during the decade of the 1970's was to compile an inventory of significant commercial and residential structures of many different types from all periods of Northampton's history prior to World War II. An outstanding inventory including photographs and architectural authentication forms was completed under the chairmanships of Dr. Keith Wilbur and Professor Helen Searing with the fine services of historical preservation scholars and survey consultant Edmond Lonergan.

A phased plan for the establishment of historic districts was drawn up. A major achievement in 1976 was the creation and placement of a Downtown Historic District on the National Register for Historic Places (roughly bounded by Hampton, Pearl, Strong, Bedford, Elm Streets, MA Route 66 and the railroad tracks). Many individual buildings were also placed on the National Register. These are the following:

The Academy of Music
274 Main Street (1986)

The Calvin Coolidge House
19-21 Massasoit Street (1976)

Dimock Estate (Grove Hill Mansion)
Florence Street and Front Street, Leeds (1982)

Graves Avenue 8-22 (1985)

The Manse
54 Prospect Street (1976)

Smith College Alumnae Gymnasium
Smith College Campus, Green Street (1976)

Veterans Administration Medical Center (1980)

West Farms Chapel
West Farms Road (1987)

In 1978, the City Council established the first Historic District Study Committee under M.G.L. Ch. 40C for the purpose of placing an Elm Street district under state preservation protection. The proposal, with research prepared by Professor Eleanor Lincoln, was not acted upon.

THE 1980's: In 1985 the National Downtown Historic District was extended to include an adjacent area of 2-10 Bridge Street and 1-30 Market Street. Structures on Graves Avenue (8-22) were placed on the National Historic Register. A small district consisting of seven 18th Century houses on South Street from Lyman Road to Monroe Street was established in 1989, known as the Fort Hill National Historic District.

In January 1990 the Historical Commission recommended that a second Historic District Study Committee be established to review previous preservation initiatives and research materials, determine preservation priorities and make recommendations to the City Council for the long term protection and enhancement of the important architectural resources within the City. With two National Register Historic Districts, but no local districts protected by Commonwealth statute, it was anticipated that the Committee would determine areas within the City in which any demolition, new construction or architectural alteration that is visible from a public way would require approval by the City under Ordinance of the City Council. (M.G.L. Ch. 40C.)

B. Purpose Of The Local Historic District

As defined by Mass. General Law Ch. 40C, the designation of local historic districts has three major purposes:

1. To preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns;
2. to maintain and improve the setting of those buildings and places;
3. to encourage new designs compatible with existing buildings in the district.

The Northampton Historic District Study Committee has worked with these mandated objectives in mind. However, our aim was certainly not to prohibit growth nor impede progress, but to encourage growth and adaptation that would be harmonious with the existing character of the proposed district.

C. Methods And Criteria For Establishment Of Proposed Historic Districts

The Committee members spent many weeks in the Spring and Summer of 1990 discussing the merits of a number of districts originally proposed by the Historical Commission. After inventory review and physical site visits, the group decided to limit its recommendation to four districts: areas within the Downtown, Florence, Baystate, and Leeds districts. Bearing in mind that the purpose of its efforts was to safeguard those distinguished built resources within

Northampton that reflect the architectural and social heritage of the community at large, the Committee chose areas prominently shared and perceived by everyone. We defined this public domain in terms of the streetscapes visible to many in daily life in Northampton.

Other considerations included the volume of use of the thoroughfares designated, the development pressure that existed by virtue of present commercial use, and the degree of legal protection deemed necessary to preserve the historic aspects of the visual fabric of the area.

The Downtown District was defined according to the major arteries of entry and exit from Northampton, conceived as the spines leading to and from a core downtown public arena. Downtown is everyone's neighborhood and is the most accessible area of Northampton for out-of-town visitors. It is also true that the earliest historical development of Northampton lies visibly along these avenues of access, as Section III(a) of this Report indicates.

III. FOUR PROPOSED DISTRICTS

DISTRICT A: DOWNTOWN NORTHAMPTON DISTRICT

Northampton's Downtown area reflects a rich and varied history through its built resources. The architectural legacy spans over three centuries and provides the city with its unique identity. The story of Northampton's creation and development is evident throughout the built environment of the downtown. Buildings representing virtually every period of the town's rich and colorful history remain, from 17th and 18th century domestic architecture found along Bridge, South and Elm Streets, through the parking garage erected in 1989 on Hampton Avenue. The broad and eclectic collection of structures that define the downtown area create a unique link with Northampton's heritage. The architectural fabric and the history of Northampton are inseparable.

The local Historic District designation proposed for the downtown area follows years of research, documentation and initiatives following the compilation of a comprehensive inventory of resources. The downtown area was designated a National Register Historic District in 1976. In 1985 the district was expanded to include a section of Market Street. The proposed Downtown Local Historic District will include all of the National Register District, as well as key corridors leading into the district. They include section of Bridge to state fairgrounds, Pleasant to Holyoke, Conz to Smith Street, Old South and South Street to Fairview, Elm Street to Childs Park and King Street to North Street. Northampton, which was settled in 1654, was one of the earliest and most significant of the Connecticut River Valley towns. The proposed Downtown District is located in what has always been the heart of the city, and the center of commercial and institutional activities. The area also serves as the seat of Hampshire County. Northampton's downtown graphically illustrates the evolution of a small New England village into a thriving victorian commercial center. The rich mixture of commercial, institutional and religious buildings is enhanced by prestige residential areas that developed along major entry corridors.

The Downtown Core:

The proposed downtown local Historic District includes all of the primary commercial blocks, public buildings and churches; and primarily reflects the tremendous growth and economic activity that took place in the last half of the 19th century. A wide range of architectural styles compose the fabric of the streetscape, including Greek Revival, Gothic Revival, Second Empire, Italiante Richardsonian, Classical and Renaissance Revival, Second Empire, Queen Anne, Colonial Revival and Contemporary. It is this eclectic mix of buildings of distinction that justifies the architectural importance of the district. Many buildings designed by local architects are located throughout the district. Local architects

of note included Isacc Damon, Thomas Pratt, his son William F. Pratt and R.F. Putnam. Other architects and architectural firms of note whose work remains include Gardner, Pynne, and Gardner, William Brockelsby and Peabody and Stearns.

Buildings of Note:

Moving from east to west along Main Street many important buildings illustrate the rich diversity of style and function. The Masonic Building of 1898, designed by Putnam, was executed in an "Academic Revival" style, reflecting the vocabulary of Renaissance Italy. Composed of beige roman brick, it is embellished with elaborate terra cotta trim. Calvin Coolidge practiced law in this building. Next door at 39 Main Street, is the Hammond Block, also constructed of yellow roman brick in a Renaissance fashion. The facade is enlivened with arches and projecting bay windows. The Smith Charities building at 51 Main Street, dates from 1865-66 and is yet another version of the Renaissance Revival designed by William F. Pratt. By contrast, its neighbor at the corner of Main and King Streets is the Bank of New England, erected in 1928, in the "Art Moderne" or "Art Deco" style. The flat facades are ornamented with bronze doors and carved geometric patterns. The Hampshire County Courthouse dominates the corner of King and Main Streets and stands at the site of the original meeting houses. It was designed by Henry Kilbourn of New York City in the ruggedly massive Richardsonian Romanesque style, and was completed in 1886. The composition is polychromatic with the granite masonry contrasting with bands and trim of brownstone. The Forbes Library, built on West Street in 1891-3 and designed by Brockelsby, is the other high example of the style located in the proposed district.

Crossing Gothic Street from the Courthouse is the Heritage Bank (1916) executed in a Classical Revival motif. Moving west is the soaring First Church of Christ Congregational, a Victorian Gothic Church designed by the firm of Peabody and Stearns of Boston. The slender stone steeple serves as a primary focal point of the downtown.

The next section of the north side of Main Street is defined by relatively uniform three and four story commercial buildings erected in the 1860's and 70's. The Morrison Optician Building (Northampton National Bank) built in 1865, is of particular note as it has a deeply detailed cast iron front.

The south side of Main Street is also composed of numerous victorian commercial blocks, many with upper facades embellished with corbelled brick cornices and elaborate window surrounds. The Columbian Building, 160 Main Street (now Whalen's Store) at the corner of Old South Street is an excellent example.

Moving west on this side of the street is a series of free standing institutional buildings. First is the architecturally unique City

hale, designed by Pratt and built in 1845-49 in a picturesque "Castellated" style. Adjacent to City Hall and set back from the street are the Unitarian Church and Memorial Hall. The church was built in 1903 and replaced an earlier church in the same Greek Revival style. Memorial Hall is an example of the Second Empire style and was built in 1867 to honor Northampton's veterans.

Beyond Pulaski Park is the famed Academy of Music, noted as the first municipal theater in America. It was designed in 1891 by William Brockelsby. Highlights of the Renaissance composition are a prominent pediment supported by elaborate pilasters and cast terra cotta trim. Similar in style across Old South Street are the old Sullivan/Hawley schools, built in 1848. Other commercial areas defining the downtown core include Pleasant Street, with numerous late victorian structures, and Market Street, which historically housed activities that supported the downtown and were railroad related. A number of late victorian warehouse/wholesale buildings have recently been converted for commercial/residential use.

Primary Corridors; Residential Areas

Bridge Street extends northeastward from the core area and contains primarily residential architecture that ranges from 18th century structures to elaborately executed victorian designs. Heading out from Market Street one first encounters the trio of historic houses under the stewardship of the Northampton Historical Society. The Isaac Damon House (1812), Joseph Parsons House (c.1658 and early 18th century) and the Georgian-style Shepherd House (1792) set the colonial tone of this early major thoroughfare. Opposite the Parsons House is the elegant Lathrop-Butler House (1848). Other noteworthy buildings include the 1895 Draper Mansion at the corner of Bridge Street and Pomeroy Terrace, executed in the Queen Anne style; the 1859 Seth Hunt House, an Italianate villa with Gothic Revival overtones, and a single story bungalow (1915). The proposed district terminates at the entrance of the Three County Fair, one of the oldest continuing fairs in America. First held at the corner of Main and King Streets in 1819, the fair moved to the current site around 1860.

Extending west from the core area is the Elm Street corridor. This primary thoroughfare is composed of two major elements: Smith College and the residential area. The Smith College campus contains a significant grouping of institutional buildings that date from the late 19th century. The proposed district would include only those buildings that line Elm Street. The main buildings were erected predominantly in the Gothic Revival style. College Hall (1874-75) was designed by Peabody and Stearns of Boston, and crowns the hilltop where Main Street ends. Across from College Hall on Elm Street is St. Mary's Church (1881), also Neo-gothic in style. The New Haven - Northampton canal, completed in 1835, terminated at the base of the church property.

As Elm Street extends northwest to Childs Park it exhibits numerous distinguished and diverse examples of residential architecture from the 18th century through the present. Late Victoriana prevails. Among buildings of note are the Jewett House, an 18th century saltbox, Hankins House (1730), and the Hunt Sessions House (1732). Other representative styles include Greek Revival, Gothic Revival, Italinate Villas, Second Empire and exuberant Queen Anne.

The last corridor proposed for local district designation in the downtown is South Street and the Fort Hill area. The grouping of colonial houses at Fort Hill has been listed on the National Register. Buildings of note along this major approach into the city (Route 10) include the Ferry house (1704); a saltbox with overhanging 2nd story and the Eleazer Strong Homestead (1717). As South Street evolved numerous other styles were executed, including the important Queen Anne Locke House (1885).

This report is but a sampling of this rich architectural heritage and diversity represented throughout the downtown area. Much comprehensive documentation has been acquired over the last two decades. For more detailed information refer to the bibliography.

III.

DISTRICT B. FLORENCE DISTRICT

The proposed boundaries of the Florence Historic District reflect the history of the Village and are defined by Trinity Row to the south, The Seventh Day Adventist Church to the north, Florence Grammar School to the west, and the old railroad bed (now the bikepath) to the east. Included in the district are stores, mills, schools, churches, the library, cemetery and parks which serve as focal points for the community. The first settlements were along the Boston-Albany stagecoach route, now Bridge Road, and in the meadows beside the Mill River. Taverns along the route provided gathering places for visitors as well as townspeople. Before 1867 when the railroad came through town, most of the houses were located between the river and Main Street and the oldest mills were along the river. The railroad led to the development of the section between Main Street and Bridge Road. The principal streets were developed at this time. Newer 20th century homes are generally tucked away on side streets and in cul-de-sacs, so that the character of the town remains homogeneous consisting primarily of modest late 19th century worker's homes and more elaborate homes of community leaders from the same period.

Besides the rich variety of the 19th century residences which still stand, the district includes many important community buildings, such as schools and meeting places, churches, and several mill and commercial buildings from the 19th century.

Florence remained primarily a farming community through the early part of the 19th century. In 1835 an entrepreneur named Samuel Whitmarsh built the first silk factory which enjoyed great success until 1840, at which time Whitmarsh's holdings were sold to the newly formed Northampton Association of Education and Industry, otherwise known as The Community. It was one of several experimental communities in New England at the time, rejecting sectarian religion and preaching universal brotherhood and the dignity of work. The quality education at the school attracted students from the town at large. The Community was a center of abolitionist and feminist sentiment.

The brick house at 21 Park Street was built in 1846 for Hall Judd, the man who had day to day responsibilities for The Association. It was a Victorian Gothic cottage with Flemish bond brick and a delicate balustrade. It has a hidden stair and is presumed to have been a stop on the underground railroad. The little house at 67 Park Street was the one provided for Sojourney Truth, the former slave who worked with The Community.

The Community had a profound influence on the subsequent history of the town although it lasted only five years. One of its founders, Samuel Hill remained and invested in new industry as well as

continuing a philanthropic interest in the town. An outgrowth of The Community was a new organization called the Free Congregational Society of Florence which erected a grand brick hall in 1873-74, known as Cosmian Hall held 700 people. Cosmian Hall was demolished in 1948 with only the bell from its tower remaining. In 1876 the Hill Institute was erected at 98 Pine Street to house the first free kindergarten and continues to function today. It is a three story wood frame structure with regular fenestration and unadorned clapboarded facade. Similar in its intended use, the Little School (1883) on Pine Street is a modest well-built brick building with ridge roof and brick window surrounds. It was built as a pre-school and is now used by the Knights of Columbus.

Another Florence industrialist who returned his wealth to the community was Alfred T. Lilly. As well as contributing to Cosmian Hall he founded the Lilly Library. It was erected in 1890 and is reminiscent of the H.H. Richardson Romanesque Revival with its heavy masonry, turrets, rounded arches and bowed front. It was designed by C.H. Jones.

The last quarter of the 19th Century was a golden time for all kinds of clubs and lodges. One of the most important buildings which has survived was the meeting place of the Father Matthew Temperance Society dedicated in 1884. William F. Pratt was the architect of this hipped roof brick building with arched window openings and horizontal decorative brick banding on Pine Street.

On Maple Street is the home of Samuel Hill built around 1850 with picturesque alterations and additions in 1865. It is one of the most fully elaborated Gothic Revival style buildings in the district, yet is a cottage rather than a mansion.

The Isaac Parsons house at 4 Park Street, built in the late 1860's from plans by E.C. Gardner is an example of High Victorian Gothic style with a triangular pediment, iron filigree, hip roof and windows recessed by arches. Isaac Parsons was the first postmaster of Florence. His home sat amid elaborate gardens.

A few doors away at 18 Park Street is the Kyle Estate, originally built as a Gothic cottage in 1850 and substantially remodeled in 1865. A three-story octagonal tower was added at the side and the original board and batten siding was retained.

Nelson Davis, the town druggist, had a home built in 1870 on North Main Street. It is an imposing structure in the French Mansard style. Most interesting is the fancy filigree work denoting a "puckist" quality. It is presently used as a nursing home.

Another noteworthy home is that of William Latham, built around 1870 on Maple Street. Constructed of large blocks of rough faced granite, and influenced by the Richardson Romanesque, the Latham House belongs to a later period in Florence's development when

brick and stone were available for residential construction.

Now used as a nursing home, the S. Porter House built in 1885 was designed by W.F. Pratt and Son. It is a brick structure with black brick banding, cut stone lintels, and three story bays. In the mid 20 th century the building was altered with two story brick additions to the front.

MILLS

Norwood Engineering Company purchased the old Sheffield Manufacturing Company building on North Maple Street in 1892. They manufactured water purifying systems used by towns, mills and factories. They declared bankruptcy in 1947. The building was then purchased by New England Fire Door Company and in 1974 sold to a Smith College professor named William Arnold. Presently there is a carpenter's shop, a small machine shop and a second hand furniture business located in the renovated building.

In 1861, Florence Sewing Machine Company was organized. In 1876 the company began manufacturing oil stoves and in 1890 a merger created the Central Stove Company. In 1904 Calvin Coolidge bought the property and formed a company which made wood and glass display cases for retail stores. In 1920 International Silver bought the building and began making knife blades.

The building features modest Italianate styling characteristic of E.C. Gardner's early work in Florence. Added to the main factory is a square-based tower with brick detailing. The major historical landmark on Main Street today, the factories housed Florence's first nationally known industry and presently contain a variety of industrial concerns.

CHURCHES

The Florence Congregational Church was built by the Florence Church Society in 1862. It was the first church built in Florence. William Pratt of Northampton, designer of many important churches and homes locally, was the architect.

The design includes a church body with wheel window flanked by towers of uneven height. Bold moldings define each story and strongly shape the round-headed windows. A Queen Anne style chapel with shingled surfaces adds to the beauty of the Church.

The Methodist Episcopal Church was built between 1874 and 1884 in the stick style. In 1951, the church merged with the First Methodist Church of Northampton. Today the Veterans of Foreign War Post 8006 owns the building.

Annunciation Church was dedicated in 1880. A well preserved, late, Victorian Gothic Church of considerable charm designed by Patrick Ford of Boston. The church is of timber-frame construction, basilican in form, with a tower centered over the building's southern end. The tower culminates in a broached spire over the gabled roof.

In 1915, Seventh-Day Adventists purchased the former Church on Main Street from the Free Congregational Society of Florence who later became members of the Unitarian Church.

The Cottage Hotel is important from an architectural perspective in that it is exemplary of the Second Empire Mode; its prominent design element being the mansard roof. The latter feature was the rage in the Paris of the nineteenth century; a culmination of the Romantic Classical Motif. The Cottage Hotel was built in the 1800's by a Mr. Parker and sold in 1901 to Mr. Frank Twiss. In 1918 the hotel was partially destroyed by a fire and closed. In 1923, Cornelius Reardon reopened the hotel for the intent of housing both permanent and transient borders.

The Cottage Hotel is known today as the Cottage Kitchen. It is still a delightful place that has retained the air prevalent in early inns and taverns.

The Parson's Block, a brick commercial building, was the most important and commodious business block in Florence. It was built by Charles Parsons. Parsons, a prominent Florence businessman sold hay and grain as well as clothing and gentlemen's furnishings. He also was an attorney and head of the Florence Fire Department.

When originally built, the Parsons Block contained the Florence Post Office at the corner, four retail firms on the first floor, three retail firms, a poolroom and a bowling alley in the basement and five up-to-date flats on the second floor.

Today the building remains much the same as it did with small retail stores occupying the first floor and apartments on the second floor.

STORES

Oncutt and Hussey hardware store was erected in 1872. The original sign for this small one story building acts as a "fake front" covering the front gable and extending above it. This is believed to be the oldest sign in New England attached to an existing business. It was only uncovered in 1979 and has been cleaned and preserved.

The store continued in the hardware and plumbing business until the mid 1890's. For four years there was a Chinese laundry located in the building. In 1897, George Churchhill and George Busch ran a

painting and decorating store at the site. They stayed until 1937. In that year Francis LaMontagne took over the business and ran it until 1976.

The oldest established business in Florence is the Florence Savings Bank, which was first incorporated as the Workingman's Savings Bank on February 14, 1873. In April 1873, the name was changed to Florence Savings Bank. The bank was located on the Davis Block in the law offices of Henry Herrick Bond, the first treasurer, until a separate building was built in 1891.

Conclusion

Florence is an interesting community with its own unique history. The heyday of the town was the period from 1850 - 1900 and most of the structures in the district date from this period.

III.

DISTRICT C. LEEDS DISTRICT

The proposed Leeds Historic District includes Main Street, Water Street, Mulberry Street, the Hotel Bridge, the dam above the Mulberry Street Bridge, a section of the Mill River, a section of the abandoned railroad line from Northampton to Williamsburg which runs parallel to the River, a section of Florence Street, the Dimock Estate (Grove Street Mansion) and the adjacent Col. Shepherd House.

Leeds was first settled as a cluster of large farming homesteads at the end of the 18th century. Notable among these original settlers were James Smith (1790), Calvin Clark (1792) and Luke Day (1794). Their properties were located along the then main road to Williamsburg in an area that was known as Rail Hill and is now Audubon Road. These large tracts have been subdivided and the few remaining 18th century structures are far outnumbered by 20th century homes. Therefore they were not included in the proposed historic district.

The Mill River district was developed very early in the 19th century. The narrow valley and swiftly flowing river made the site ideal for constructing dams and utilizing the power supplied by the water.

In 1800 Joseph Burnell built the first mill - a sawmill. In 1808 Job Cotton added a cotton mill and in 1812 Col. James Shepherd erected a woolen mill. Col. Shepherd's first home, built in 1809, was a Georgian style clapboard house with a central chimney (now Nos. 104-106 Water Street) and is the earliest remaining house in the district. His second home, a Federal style house built in 1812 is located next to the Dimock mansion on Grove hill overlooking the factory village.

Col. Shepherd took his cousins, James, Thomas and Charles Shepherd as partners. The new company was known as the Northampton Cotton and Woolen Manufacturing Company. In 1819 the company was chartered and the name changed to Shepherd Woolen Manufacturing Company. Shepherd had received a patent for a power loom in 1816. The loom was constructed in 1822 greatly reducing the cost of producing the fine broadcloth for which the company was famous. In order to obtain superior quality wool, Thomas Shepherd imported a small flock of Merino sheep, and later experimented with raising Saxony sheep. The company's expenses were further reduced by replacing the original all-male workforce with women and girls whose wages were less by about one third.

A small community grew up around the mills consisting of boarding houses, private dwellings, a school house and a store. The general store at the corner of Mulberry and Front Streets was originally

the site of a company-owned store. In 1827, Phillip Ridgeway, Col. Shepherd's son-in-law, purchased the store and operated it himself. Benjamin North, a weaver who had come from England to work in the mill, succeeded as store owner in the 1830's. In 1842, North built the present store which was also the site of the Leeds post office from 1850 until the new post office was built in the 20th century. The first postmaster was Thomas Musgrave, who had emigrated from Leeds, England. The name for the village, Leeds, was chosen in his honor.

In 1831, the Shepherd factory was incorporated as the Northampton Woolen Manufacturing Company. At this time the firm employed approximately 120 workers, most of whom were women. In the 1850's, the demand for woolens decreased and in 1857 the company was closed. Part of the property was purchased by the Nonotuck Silk Company of Florence, and part by the Ivory Button Company.

Alfred P. Critchlow was in the horn button business in Birmingham, England in 1843 when he met Josiah Hayden of Haydenville. Hayden persuaded him to emigrate to Haydenville and start his business there. After two years he moved to Florence and developed a successful company which manufactured buttons from the locally available laurel wood. In 1857 he sold the Florence company and bought one of the old woolen mills in Leeds. There he made buttons out of a plant seed imported from South America which were referred to as vegetable ivory buttons. He withdrew from the business in 1870, and was away when the building was destroyed in the flood of 1874. However, after the flood he rebuilt the factory and remained in business until his death in 1881.

The Nonotuck Silk Company thrived and it purchased a great deal of land on Grove Hill in Leeds which was then sold to its employees outright, or used to build homes which were leased to them. The tenements at 7-9, 15-17 and 25-27 Water Street were built in this way in the 1860's.

In 1874 the dam in Williamsburg burst, sending a wall of water down the narrow valley. The flood swept away all of the wooden mill buildings, as well as many of the residences in the village. Most of the solid brick and stone buildings in the district were built during an era of rapid expansion following the flood.

The new Nonotuck Silk Mill, an imposing five story brick structure, was designed by the prominent local architect E.C. Gardner and completed in 1880. Gardner was born in Ashfield and grew up in Florence. He maintained a practice in Springfield from about 1860 to 1911. The mill has been successfully remodeled for present day use as an apartment building.

The Northampton Emery Wheel Company was started in 1867 in Florence and moved to Leeds in 1870. After the flood a one and one half story brick factory building was built. Toward the end of the

century, an adjacent two story structure was added. This factory is located between Water Street and the Mill River not far from the Mulberry Street Bridge.

The Nonotuck Silk Company boarding house at 11 Mulberry Street just east of the River was built about 1880. It is an imposing structure in Queen Anne style of brick with stone trim.

It was at this time (1879-80) that the Dimock mansion on Grove Hill, which was known as Eastlake, was built. The house was designed by E.C. Gardner, the architect of the Nonotuck Silk Mill. It was built for Lucius Dimock, director of the Corticelli Silk Company. Like the factory, the residence includes a tower as a prominent element in the design. It is of brick with stick style wood trim on the porch, framing the entrance and on the window hoods. The estate was once considerable; in addition to the residence a greenhouse, barns and stables and fine trees graced the property. The Dimock mansion is presently one of the few houses in Northampton which is listed on the National Register of Historic Places.

The influx of craftsmen from Europe to work in the factories in Leeds resulted in an ethnic diversity from an early date. In 1845 the first Roman Catholic mass in Northampton was held in the home of John Foley in Leeds. Father Fitten of Hartford presided. In 1877 the Gothic Revival style Church of St. Catherine was built on Main Street.

Floods in December of 1878, four years after the great flood of 1874, resulted in the isolation of the residents of the western side of the Mill River. Local citizens petitioned the Town of Northampton for a bridge and a new road. The bridge now known as the Hotel Bridge was built by the Canton Wrought Iron Bridge Company in 1880. Writing in 1988, S.J. Roper, historic Bridge Specialist of the Massachusetts Department of Public Works said that the Hotel Bridge is the "earliest known example in the MDPW data base of an important truss type built by an innovative and prolific company and incorporating several of their characteristic features."

In summary, Leeds is a largely intact late 19th century factory village in a unique setting - the narrow gorge - which has effectively isolated it from modern intrusions. Hence, it is particularly appropriate for designation as a local historic district.

III.

DISTRICT D. BAY STATE DISTRICT

Bay State Village Industrial area is one of the early industrial settlements on the Mill River remaining pretty much intact in its scope, character and lack of major infiltration of newer construction. The district will document the growth of 19th century small hardware and agricultural industry. It will include the Northampton Cutlery, the former Clement Cutlery, a brick block of worker's housing, and six modest wooden frame houses constructed for mill workers. These four elements well illustrate the vital relationship between New England water power and early industrial development, and the impact of the factory system on the lives of factory workers.

The boundaries of the proposed district are as follows: starting upstream at the dam which powered the first Bay State Tool Company (1854-58), the boundary follows the high southern bank of the Mill River, including the Clement Street bridge up to Bottom Road and continues downstream just short of the intersection of Federal Street. The line continues diagonally to the north across Hinckley Street, Norwood Avenue, Liberty Street and Lexington Avenue to the dam again, including three houses which do not front on Riverside Drive. The boundary for this district is kept to the main thoroughfares as seen from Riverside Drive and Ladd Avenue. While many houses of similar age and quality exist deeper into the neighborhood, the district concept is maintained to protect the greater travelled common area of Bay State Village.

The architectural and historical significance of the district is illustrated by inclusion of the following structures:

Upstream on the river is a bell-towered small structure known as the Bay State Engine House; built in 1840 it is a simple stone building on Riverside Drive backing up to the river. It was first a single story, then in 1870 a second level was added to become a firehouse for the area.

The next buildings, forming the largest structural mass in this district, are called the Cutlery (c. 1850-1918). It consists of a grouping of structures enclosing a rectangular courtyard. Known first as Bay State Hardware Company (1859-1870), Northampton Cutlery produced fine quality knife blades.

Next to the Cutlery at 15 Ladd Avenue, there is an example of a fine Gothic Cottage (c. 1865-70). It was built by Edward Foster and sold to Maslow Ladd in 1871.

The Clement Street Bridge crossing the Mill River for Clement Street to abut Ladd Avenue was built in 1894 and was recently saved from destruction by efforts by the community and the city. The

structure is an ornate steel truss beam system with circled wind braces.

Across Clement Street south and further downstream is a simple country cottage built by Bay State Hardware Company C. 1860-67. The House was part of a subdivision filed in 1867 by Bay State Hardware. It is a classical style yet modest in detail.

The Clement Cutlery was first built as the International Screw and Nail Company of New York. Designed by E.C. Gardner on land purchased from Bay State Hardware in 1866, it was later sold to the W.T. Clement Cutlery Company. It is sixteen bays by four, with a two-story wall supporting a deep mansard roof with dormers creating three stories in height. Much detail in the arches, keystones, surface columns and polychrome capitals embellish the skin which is nicely proportioned in concert with a cupola tower on the south. E.C. Gardner's architectural career started in Florence and he went on to Springfield. Many of his fine buildings have been destroyed.

Workers housing still remains in a quaint orderly row to the north on Riverside Drive, the six structures were built C. 1860-66. They are 1 1/2 story wood frames very modest in trim. They were built by Bay State Hardware Company and remain as a strong elucidation of the social relationship between mill owners and the mill worker in the 19th century.

164 Riverside Drive was built in 1920 in the economical "bungalow" style. It complemented a summer house on the property dated from 1910.

On the corner of Liberty Street is 291 Riverside Drive a two story brick flat roof Victorian, across the street from the workers housing. It was built in 1860 by a millwright named William Holiday and later sold to Christian Markle a Northampton Cutlery Company inspector.

On a hill overlooking the Cutlery factory is a brick block (known as "The Block") built earlier (c. 1835-40) by the paper mills that predated the existing factories, yet was used by all the subsequent companies to house workers.

Number 13 Lexington Avenue a simple wood frame house with ornate porch was typical of and part of the Bay State Hardware subdivision.

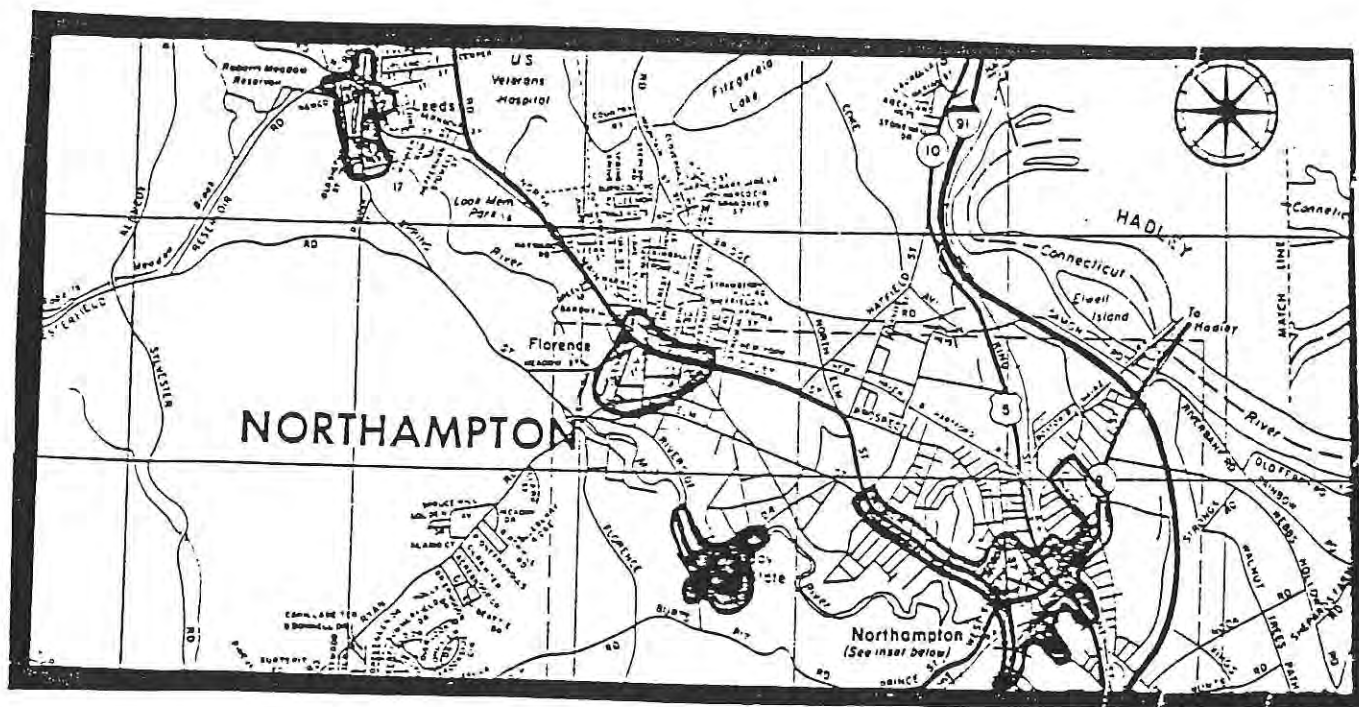
15 Liberty (formerly Maple Street) was part of the Riverside Drive (formerly Main Street) fronting lot. As Bay State developed, the deep lots were subdivided to have houses built on the side streets. This clapboard house has two fronts - the current on Liberty and the original facing south to Riverside. Fancy columns and a hipped porch form the newer entrance, yet match the columns supporting the original 2nd story gabled above the entry porch below.

14 Liberty Street also once fronting on Riverside Drive now has a Liberty Street address like #15 across the street. This house has cut shingles in the gables with clabboard below but appears to have altered window openings due probably to the frontage change.

APPENDIX

BIBLIOGRAPHY

- Massachusetts Historical Commission Reconnaissance Survey Report
July, 1982
- Northampton Historical Commission - Recommendations for Historic
Districts 1975
- Northampton Downtown Historic District Proposal 1975
- National Register of Historic Places Nomination Form 1975
- Market Street Amendment - National Register Application 1984
- The Northampton Book, published in 1955 by the Tercentenary
Committee - Burke, Ruth K., "Early History of Leeds", Ch. 40. -
Benson, Lucy Wilson, "Floods and Disasters", Ch. 41.
- The Hampshire History, published in 1964 by the Hampshire County
Commissioners - Dean, Charles J., "Northampton", Pp. 158-186
- The Look of Paradise, published by the Northampton Historical
Society
- Northampton Building Inventory
- Massachusetts Historic Bridge Inventory, No. 19-27, Old Shepard
Road/Mill River/Main Street, Northampton (Leeds)
- Chronicle of Industry on the Mill River, Smith College Studies in
History, Volume XVI, Nos. 1-4, p. 22
- The Northampton Book, 2333 - 2339
- Daily Hampshire Gazette, 5/30/1854; 4/11/1895



INVENTORY FORMS

Note:

The Building Inventory was completed by the City in 1978 - the Historical Commission is in the process of updating the inventory forms. Part-time workers are presently identifying each property in the proposed local historic districts and preparing inventory forms for each property. Inventory forms are being completed for each property.

V. STANDARDS

A.	Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings	V-1
B.	Elements of Design Criteria	V-19
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1.	Signs	V-23
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A. Secretary of the Interior's Standards for Rehabilitation

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. 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 in the future, the essential form and integrity of the structure would be unimpaired.

GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

Building Exterior:

<u>Recommended</u>	<u>Not Recommended</u>
Masonry:	
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves; door pediments, steps, and columns; and joint and unit size, tooling and bonding patterns, coatings, and color.	Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing or rebuilding a major portion of exterior masonry walls that could be repaired so that, as a result, the building is no longer historic and is essentially new construction.
	Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance.
	Removing paint from historically painted masonry.
Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled to create a new appearance, thus needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry surface cleaning tests after it has been determined that such cleaning is necessary. Tests should be observed over a sufficient period of time so that both the immediate effects and the long range effects are known to enable selection of the gentlest method possible.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Recommended

Cleaning masonry surfaces with the gentlest method possible, such as low-pressure water and detergents, using natural bristle brushes.

Inspecting painted masonry surfaces to determine whether repainting is necessary.

Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand-scraping) prior to repainting.

Applying compatible paint coating systems following proper surface preparation.

Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.

Removing deteriorated mortar by carefully handraking the joints to avoid damaging the masonry.

Duplicating old mortar in strength, composition, color, and texture.

Not Recommended

Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.

Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.

Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.

Applying high-pressure water cleaning methods that will damage historic masonry and the mortar joints.

Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.

Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high-pressure waterblasting.

Failing to follow manufacturers' product and application instructions when repainting masonry.

Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.

Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.

Repointing with mortar of high Portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with a synthetic caulking compound.

Recommended

Duplicating old mortar joints in width and in joint profile.

Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.

Repairing masonry features by patching, piecing-in, or consolidating the masonry using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters.

Applying new or non-historic surface treatments such as water repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

Replacing in kind an entire masonry feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute may be considered.

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation, or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Using a "scrub" coating technique to repoint instead of traditional repointing methods.

Changing the width or joint profile when repointing.

Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.

Replacing an entire masonry feature such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.

Applying waterproof, water-repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

Removing a masonry feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Creating a false historical appearance because the replaced masonry feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new masonry feature that is incompatible in size, scale, material, and color.

Wood:

Recommended

Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and colors.

Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.

Retaining coatings such as paint that help protect the wood from moisture and ultra-violet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.

Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.

Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.

Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.

Not Recommended

Removing or radically changing wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood, then reconstructing the facade with new material in order to achieve a uniform or "improved" appearance.

Radically changing the type of finish or its color or accent scheme so that the historic character of the exterior is diminished.

Stripping historically painted surfaces to bare wood, then applying clear finishes or stains in order to create a "natural look."

Stripping paint or varnish to bare wood rather than repairing or reapplying a special finish, i.e., a grained finish to an exterior wood feature such as a front door.

Using chemical preservatives such as creosote which can change the appearance of wood features unless they were used historically.

Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.

Removing paint that is firmly adhering to, and thus protecting, wood surfaces.

Using destructive paint removal methods such as propane or butane torches, sandblasting, or waterblasting. These methods can irreversibly damage historic woodwork.

Using thermal devices improperly so that historic woodwork is scorched.

Recommended

Using chemical strippers primarily to supplement other methods such as hand-scraping, handsanding, and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.

Applying compatible paint coating systems following proper surface preparation.

Repairing wood features by patching, piecing-in, consolidating, or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets, moldings, or sections of siding.

Replacing in kind an entire wood feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples of wood features include a cornice, entablature, or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Designing and installing a new wood feature such as a cornice or doorway when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Architectural Metals:

Identifying, retaining, and preserving architectural metal features such as columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building; and their finishes and colors.

Not Recommended

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.

Replacing an entire wood feature such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible.

Removing an entire wood feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Creating a false historical appearance because the replaced wood feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new wood feature that is incompatible in size, scale, material, and color.

Removing or radically changing architectural metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Recommended

Protecting and maintaining architectural metals from corrosion by providing proper drainage so that water does not stand on flat horizontal surfaces or accumulate in curved, decorative features.

Cleaning architectural metals, when necessary, to remove corrosion prior to repainting or applying other appropriate protective coatings.

Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.

Cleaning soft metals such as lead, tin, copper,terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.

Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low-pressure dry gritblasting may be used as long as it does not abrade or damage the surface.

Not Recommended

Removing a major portion of the historic architectural metal from a facade instead of repairing or replacing only the deteriorated metal, then reconstructing the facade with new material in order to create a uniform, or "improved" appearance.

Radically changing the type of finish or its historic color or accent scheme.

Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters.

Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin, and aluminum.

Exposing metals which were intended to be protected from the environment.

Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.

Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.

Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.

Cleaning soft metals such as lead, tin, copper,terneplate, and zinc with grit-blasting which will abrade the surface of the metal.

Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron, or steel; or using high-pressure-grit-blasting.

Recommended

Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.

Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.

Evaluating the overall condition of the architectural metals to determine whether more than protection and maintenance are required; that is, if repairs to features will be necessary.

Roofs:

Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

Not Recommended

Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.

Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.

Failing to undertake adequate measures to assure the preservation of architectural metal features.

Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material in order to create a uniform or "improved" appearance.

Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.

Stripping the roof of sound historic material such as slate, clay tile, wood, and architectural metal.

Applying paint or other coatings to roofing material which has been historically uncoated.

Replacing an entire roof feature such as a cupola or dormer when repair of the historic materials and limited replacement of deteriorated or missing parts are appropriate.

Recommended

Replacing in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. Examples can include a large section of roofing, or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Designing and constructing a new feature when the historic feature is completely missing, such as a chimney or cupola. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Installing mechanical and service equipment on the roof such as air conditioning, transformers, or solar collectors when required for a new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by a new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Windows:

Identifying, retaining, and preserving windows—and their functional and decorative features—that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.

Not Recommended

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.

Removing a feature of the roof that is unrepairable, such as a chimney or dormer, and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new roof feature that is incompatible in size, scale, material, and color.

Installing mechanical or service equipment so that it damages or obscures character-defining features; or is conspicuous from the public right-of-way.

Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.

Removing or radically changing windows which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Changing the number, location, size, or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash which does not fit the historic window opening.

Recommended

Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, i.e., if repairs to windows and window features will be required.

Repairing window frames and sash by patching, splicing, consolidating, or otherwise reinforcing. Such repair may also include replacement in kind of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.

Replacing in kind an entire window that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute may be considered.

Designing and installing new windows when the historic windows (frame, sash, and glazing) are completely missing. The replacement windows may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building.

Not Recommended

Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which radically change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.

Obscuring historic window trim with metal or other material.

Stripping windows of historic material such as wood, iron, cast iron, and bronze.

Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.

Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse serviceable window hardware such as brass lifts and sash locks.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.

Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.

Creating a false historical appearance because the replaced window is based on insufficient historical, pictorial, and physical documentation.

Introducing a new design that is incompatible with the historic character of the building.

Recommended

Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.

Entrances and Porches:

Identifying, retaining, and preserving entrances—and their functional and decorative features—that are important in defining the overall historic character of the building such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades, and stairs.

Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to entrance and porch features will be necessary.

Repairing entrances and porches by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs.

Not Recommended

Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.

Inserting new floors or furred-down ceiling which cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.

Removing or radically changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Stripping entrances and porches of historic material such as wood, iron, cast iron, terra-cotta, tile, and brick.

Removing an entrance or porch because the building has been re-oriented to accommodate a new use.

Cutting new entrances on a primary elevation.

Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights, and sidelights.

Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are appropriate.

Using a substitute material for the replacement parts that does not convey the visual appearance of the surviving parts of the entrance and porch or that is physically or chemically incompatible.

Recommended

Replacing in kind an entire entrance or porch that is too deteriorated to repair—if the form and detailing are still evident—using the physical evidence to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Designing and constructing a new entrance or porch if the historic entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building.

Designing enclosures for historic porches when required by a new use in a manner that preserves the historic character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.

Designing and installing additional entrances or porches when required for a new use in a manner that preserves the historic character of the building, i.e., limiting such alteration to non-character-defining elevations.

Storefronts:

Identifying, retaining, and preserving storefronts—and their functional and decorative features—that are important in defining the overall historic character of the building such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures.

Not Recommended

Removing an entrance or porch that is unrepairable and not replacing it; or replacing it with a new entrance or porch that does not convey the same visual appearance.

Creating a false historical appearance because the replaced entrance or porch is based on insufficient historical, pictorial, and physical documentation.

Introducing a new entrance or porch that is incompatible in size, scale, material, and color.

Enclosing porches in a manner that results in a diminution or loss of historic character such as using solid materials such as wood, stucco, or masonry.

Installing secondary service entrances and porches that are incompatible in size and scale with the historic building or obscure, damage, or destroy character-defining features.

Removing or radically changing storefronts—and their features—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Changing the storefront so that it appears residential rather than commercial in character.

Removing historic material from the storefront to create a recessed arcade.

Introducing coach lanterns, mansard overhangings, wood shakes, nonoperable shutters, and small-paned windows if they cannot be documented historically.

Recommended

Protecting and maintaining masonry, wood, and architectural metals which comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.

Evaluating the overall condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Repairing storefronts by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs.

Replacing in kind an entire storefront that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

Designing and constructing a new storefront when the historic storefront is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building. Such new design should generally be flush with the facade; and the treatment of secondary design elements, such as awnings or signs, kept as simple as possible. For example, new signs should fit flush with the existing features of the facade, such as the fascia board or cornice.

Not Recommended

Changing the location of a storefront's main entrance.

Failing to undertake adequate measures to assure the preservation of the historic storefront.

Replacing an entire storefront when repair of materials and limited replacement of its parts are appropriate.

Using substitute material for the replacement parts that does not convey the same visual appearance as the surviving parts of the storefront or that is physically or chemically incompatible.

Removing a storefront that is unrepairable and not replacing it; or replacing it with a new storefront that does not convey the same visual appearance.

Creating a false historical appearance because the replaced storefront is based on insufficient historical, pictorial, and physical documentation.

Introducing a new design that is incompatible in size, scale, material, and color.

Using new illuminated signs; inappropriately scaled signs and logos; signs that project over the sidewalk unless they were a characteristic feature of the historic building; or other types of signs that obscure, damage, or destroy remaining character-defining features of the historic building.

Recommended

Building Site:

Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features can include driveways, walkways, lighting, fencing, signs, benches, fountains, wells, terraces, canal systems, plants and trees, berms, and drainage or irrigation ditches; and archaeological features that are important in defining the history of the site.

Retaining the historic relationship between buildings, landscape features, and open space.

Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying unknown archaeological materials.

Surveying areas where major terrain alteration is likely to impact important archaeological sites.

Protecting, e.g., preserving in place known archaeological material whenever possible.

Planning and carrying out any necessary investigation using professional archaeologists and modern archaeological methods when preservation in place is not feasible.

Not Recommended

Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the building site so that, as a result, the character is diminished.

Removing or relocating historic buildings or landscape features, thus destroying the historic relationship between buildings, landscape features, and open space.

Removing or relocating historic buildings on a site or in a complex of related historic structures—such as a mill complex or farm—thus diminishing the historic character of the site or complex.

Moving buildings onto the site, thus creating a false historical appearance.

Lowering the grade level adjacent to a building to permit development of a formerly below-grade area such as a basement in a manner that would drastically change the historical relationship of the building to its site.

Introducing heavy machinery or equipment into areas where their presence may disturb archaeological materials.

Failing to survey the building site prior to the beginning of rehabilitation project work so that, as a result, important archaeological material is destroyed.

Leaving known archaeological material unprotected and subject to vandalism, looting, and destruction by natural elements such as erosion.

Permitting unqualified project personnel to perform data recovery so that improper methodology results in the loss of important archaeological material.

Recommended

Protecting the building and other features of the site against arson and vandalism before rehabilitation work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.

Repairing features of buildings and the site by reinforcing the historic materials. Repair will also generally include replacement in kind—with a compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as fencing and paving.

Replacing in kind an entire feature of the building or site that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

Designing and constructing a new feature of a building or site when the historic feature is completely missing, such as an outbuilding, terrace, or driveway. It may be based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building and site.

Not Recommended

Permitting buildings and site features to remain unprotected so that plant materials, fencing, walkways, archaeological features, etc., are damaged or destroyed.

Stripping features from buildings and the site such as wood siding, iron fencing, masonry balustrades; or removing or destroying landscape features, including plant material.

Replacing an entire feature of the building or site such as a fence, walkway, or driveway when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or site feature or that is physically or chemically incompatible.

Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new building or site feature that is out of scale or otherwise inappropriate.

Introducing a new landscape feature that is visually incompatible with the site or that destroys site patterns or vistas.

Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features or be intrusive to the building site.

Recommended

Not Recommended

District/Neighborhood:

Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.

Retaining the historic relationship between buildings and streetscape and landscape features such as a town square comprised of row houses and stores surrounding a communal park or open space.

Evaluating the overall condition of building, streetscape, and landscape materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Repairing features of the building, streetscape, or landscape by reinforcing the historic material. Repair will also generally include the replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving

Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color, and texture or which destroys historic relationships on the site.

Removing a historic building in a complex, a building feature, or a site feature which is important in defining the historic character of the site.

Removing or radically changing those features of the district or neighborhood which are important in defining the overall historic character so that, as a result, the character is diminished.

Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots.

Removing or relocating historic buildings, or features of the streetscape and landscape, thus destroying the historic relationship between buildings, features, and open space.

Stripping features from buildings or the streetscape such as wood siding, iron fencing, or terra-cotta balusters; or removing or destroying landscape features.

Failing to undertake adequate measures to assure the preservation of building, streetscape, and landscape features.

Replacing an entire feature of the building, streetscape, or landscape such as a porch, walkway, or streetlight, when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Recommended

prototypes such as porch balustrades, paving materials, or streetlight standards.

Replacing in kind an entire feature of the building, streetscape, or landscape that is too deteriorated to repair—when the overall form and detailing are still evident—using the physical evidence to guide the new work. This could include a storefront, a walkway, or a garden. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Designing and constructing a new feature of the building, streetscape, or landscape when the historic feature is completely missing, such as row house steps, a porch, streetlight, or terrace. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the district or neighborhood.

Energy Retrofitting:

Installing freestanding solar collectors in a manner that preserves the historic property's character-defining features.

Designing attached solar collectors, including solar greenhouses, so that the character-defining features of the property are preserved.

Installing passive solar devices such as a glazed "trombe" wall on a rear or inconspicuous side of the historic building.

Placing solar collectors on non-character-defining roof or roofs of non-historic adjacent buildings.

Not Recommended

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building, streetscape, or landscape feature or that is physically or chemically incompatible.

Removing a feature of the building, streetscape, or landscape that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new building, streetscape or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character, e.g., replacing picket fencing with chain link fencing.

Installing freestanding solar collectors that obscure, damage, or destroy historic landscape or archaeological features.

Locating solar collectors where they radically change the property's appearance; or damage or destroy character-defining features.

Installing passive solar devices such as an attached glazed "trombe" wall on primary or other highly visible elevations; or where historic material must be removed or obscured.

Placing solar collectors on roof when such collectors change the historic roofline or obscure the relationship of the roof to character-defining roof features such as dormers, skylights, and chimneys.

Recommended

Utilizing the inherent energy-conserving features of a building by maintaining windows and louvered blinds in good operable condition for natural ventilation.

Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and, if historically appropriate, blinds and awnings.

Installing exterior storm windows which do not damage or obscure the windows and frames.

Utilizing the inherent energy-conserving features of a building by maintaining porches and double vestibule entrances in good condition so that they can retain heat or block the sun and provide natural ventilation.

Placing new additions that have an energy-conserving function such as a solar greenhouse on non-character-defining elevations.

New Additions to Historic Buildings:

Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

Not Recommended

Removing historic shading devices rather than keeping them in an operable condition.

Replacing historic multipaned sash with new thermal sash utilizing false muntins.

Installing new exterior storm windows which are inappropriate in size or color, which are inoperable.

Replacing windows or transoms with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy-conserving potential.

Using tinted or reflective glazing on character-defining or other conspicuous elevations.

Enclosing porches located on character-defining elevations to create passive solar collectors or airlock vestibules. Such enclosures can destroy the historic appearance of the building.

Installing new additions such as multistory solar greenhouse additions which obscure, damage, destroy character-defining features.

Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-defining interior spaces.

Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.

Recommended

Designing new additions in a manner that makes clear what is historic and what is new.

Considering the attached exterior addition both in terms of the new use and the appearance of other buildings in the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.

Placing new additions such as balconies and greenhouses on non-character-defining elevations and limiting the size and scale in relationship to the historic building.

Designing additional stories, when required for the new use, that are set back from the wall plane and are as inconspicuous as possible when viewed from the street.

Not Recommended

Duplicating the exact form, material, style, and detailing of the historic building in the new addition so that the new work appears to be part of the historic building.

Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages.

Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.

Using the same wall plane, roof line, cornice height, materials, siding lap or window type to make additions appear to be a part of the historic building.

Designing new additions such as multi-story greenhouse additions that obscure, damage, or destroy character-defining features of the historic building.

Constructing additional stories so that the historic appearance of the building is radically changed.

B. Elements of Design Criteria

Connecticut's enabling statute identifies the following as considerations in determining appropriateness: architectural style, design, arrangement, texture, and material of architectural features and their relationship to the style and features of other buildings and structures in the immediate neighborhood. It is possible to further break down these factors into specific design elements which can be used to formulate design criteria. These elements together create or destroy the architectural cohesiveness and harmony of a streetscape. An understanding of them is vital, particularly in considering applications involving new construction and design.

Throughout the country, many preservation and landmark commissions have developed criteria similar to those presented here, which are a modification of those first developed for Savannah, Georgia, in 1966. Some commissions group criteria to "weight" particular factors and require applicants to meet a certain number of criteria within each group. This idea is a sound one. While design principles are universal, local applications may require emphasis of some design elements over others. For example, in a rural area where buildings are widely and irregularly separated, a consideration of the rhythm of spacing of buildings will be of less concern than the relationship of open space to structures.

The design elements may be grouped into five broad categories: qualities of the building form, qualities of the facade, relationship to neighboring structures, relationship to the district as a whole, and environmental factors.

CHAPTER 40C

HISTORIC DISTRICTS

SECTION

1. Name and Citation of Chapter.
2. Purpose of Chapter.
3. City or Town May Establish Historic Districts: Procedure, Enlargement or Reduction of District; Amendment to ordinances and By-Laws.
4. Study Committee and Historic District Commission: Membership; Terms; Vacancies; Compensation.
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6. Alteration, etc. Forbidden in Absence of Certificate of Appropriateness, Non-Applicability, or Hardship; Application; No Permit to be Issued without Certificate.
7. Factors to Be Considered in Making Determination upon Application for its Certificate.
8. Exclusion of Certain Structures from Review by Commission.
9. Ordinary Maintenance or Repairs; Landscaping; Changes Required by public Safety; Construction, Alteration, etc. under Prior Permit.
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13. Jurisdiction of Superior Courts; Injunction; Violations; Penalties.
14. Commissions May Have Powers and Duties of Historical Commission Established under GLM 40:S.D.
15. Documents to Be Filed With Massachusetts Historical Commission.
16. Districts Established Under Special Law.

17. Severability.

40C:1. Name and Citation of Chapter

Section 1. This chapter shall be known and may be cited as the Historic Districts Act.

40C:2. Purpose of Chapter

Section 2. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

40C:3. City or Town May Establish Historic Districts; Procedure; Enlargement or Reduction of District; Amendment to Ordinances and By-Laws.

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions: - Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, or the city or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the executive director of the Massachusetts office of business development, the secretary of communities and development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or

districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

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An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

40C:4. Study Committee and Historic District Commission; Membership; Terms; Vacancies; Compensation.

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not

less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of

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Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides, or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provided. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman

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and vice-chairman from its own number and a secretary from within or without its number.

40C:5. Definitions.

Section 5. As used in this chapter the work "altered" includes the words "rebuilt", "reconstructed", "restored", "removed", and "demolished" and the phrase "changed in exterior color"; the work "building" means a combination of materials forming a shelter for persons, animals or property, the work "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "build", "erected", "installed", "enlarged", and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes in the preservation of historic structures or districts and the work "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

40C:6. Alteration, etc. Forbidden in Absence of Certificate of Appropriateness, Non-Applicability, or Hardship; Application; No Permit to be Issued without Certificate.

Section 6. Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no building or structure within an historic district shall be constructed or altered in any way that affects

exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonable determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance.

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of the property thereafter, as may be reasonable deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

40C:7. Factors to Be Considered in Making Determination upon Application for Certificate.

Section 7. 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, material and color of the features involved, and the relation of such features to similar 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. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in section one A of chapter forty A, the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access. The commission shall not consider interior arrangements or architectural features not subject to public

view.

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 historic district.

40C:8. Exclusion of Certain Structures from Review by Commission.

Section 8. (a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the.

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historic district, and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

- (1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.
- (2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.
- (3) Walls and fences, or either of them.
- (4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.
- (5) The color of paint.
- (6) The color of materials used on roofs.
- (7) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly, and one sign in connection with the nonresidential use of each building or structure which is not more than twelve square feet in area, consist of

letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly, or either of them.

- (8) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

(b) A Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this chapter.

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(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b), or (c).

40C:9. Ordinary Maintenance or Repairs; Landscaping; Changes Required by Public Safety; Construction, Alteration, etc. under Prior Permit.

Section 9. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change by design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public

officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the applicable historic district ordinance or by-law.

40C:10. Additional Powers, Functions, and Duties of Commission.

Section 10. The Commission shall have the following additional powers, functions and duties - (a) If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design,

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arrangement, texture, material and similar features. Prior to the issuance of any disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves and exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of non-applicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but

not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a

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copy of any such rules and regulations with the city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(h) The commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The commission may administer on behalf of the city or town any properties or easements, restrictions or other interests

in real property which the city or town may have or may accept as gifts or otherwise and which the city or town may designate the commission as the administrator thereof.

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

40C:11. Meetings of Commission, How Called; Quorum; Determination of Application for Certificate; Public Hearing; Notice: Waiver.

Section 11. Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the

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commission. If a commission determines that such application involves any such features which are subject to approval by the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application,

or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

40C:12. Initial Review of Commission's Decision by Person or Persons of Competence, Appointed for the Purpose.

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person

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or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in section twelve A.

40C:12A Appeals to Superior Court; Remedy as Excluding; Costs.

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the

filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

40C:13. Jurisdiction of Superior Court; Injunction; Violations; Penalties.

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior

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architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

40:C14. Commissions May Have Powers and Duties of Historical Commission Established Under GLM 40:8D.

Section 14. If the city council or town meeting so votes a commission established hereunder shall have the powers and

duties of an historical commission as provided in section eight D of chapter forty and, in this event, a commission may be entitled an historical commission.

40C:15. Documents to Be Filed With Massachusetts Historical Commission.

Section 15. All ordinances or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts historical commission.

40C:16. Districts Established Under Special Law.

Section 16. A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act.

40:C17. Severability.

Section 17. The provisions of this chapter 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.