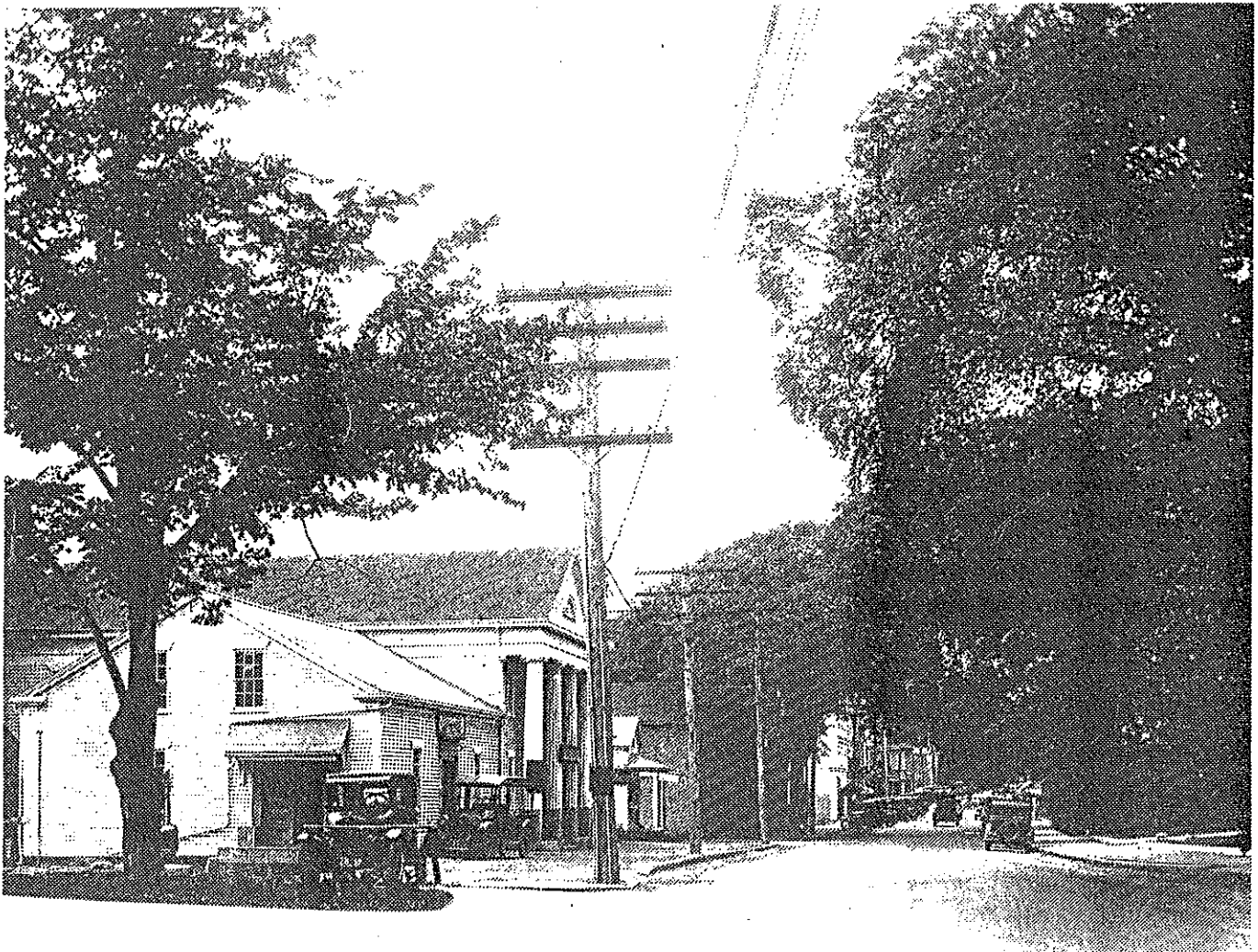
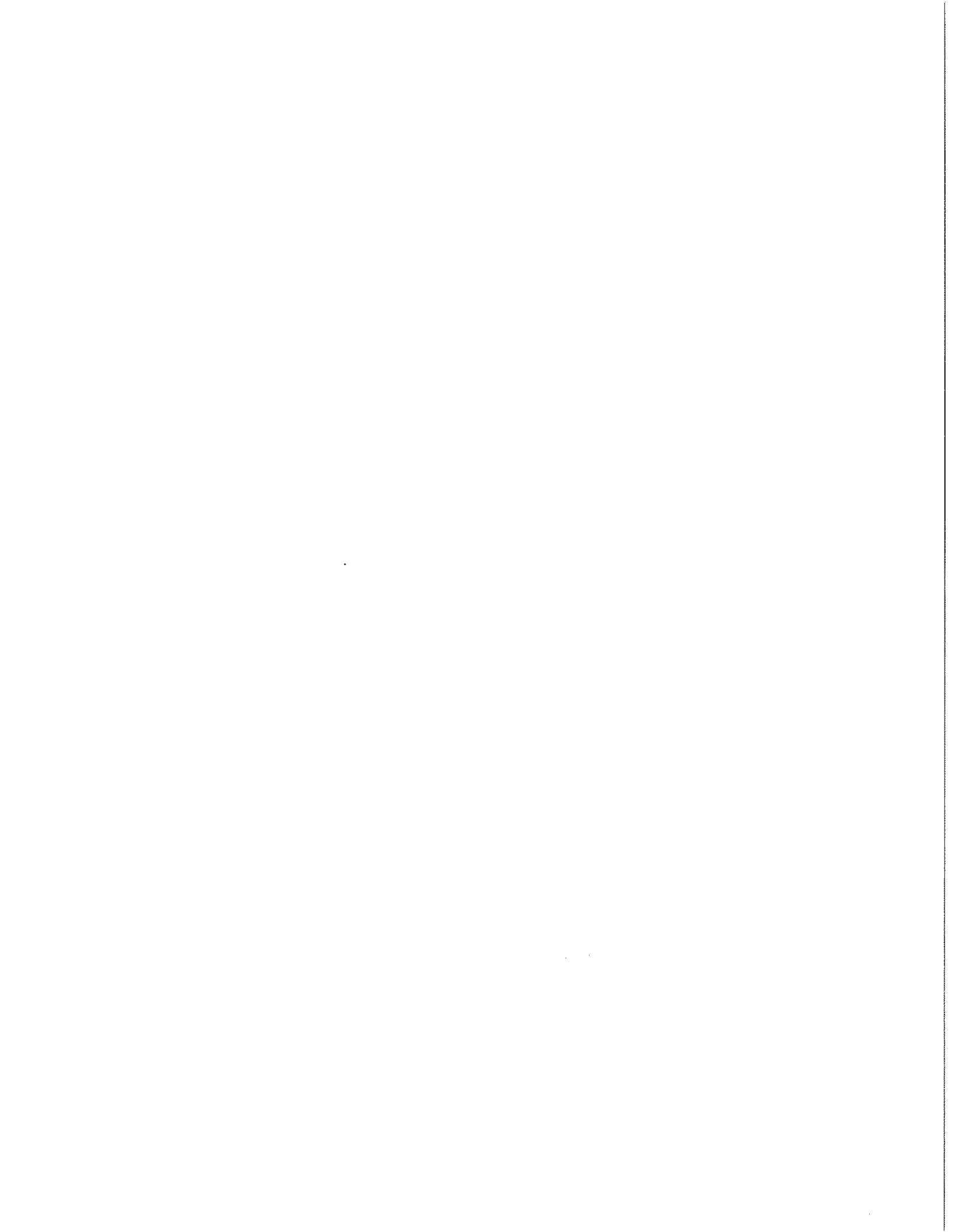


MIDDLEBOROUGH HISTORIC PRESERVATION PLAN



AUGUST 29, 1989

Southeastern Regional Planning and Economic Development District





SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT

88 BROADWAY • TAUNTON, MASS. • 02780 • (508) 824-1367

MIDDLEBOROUGH HISTORIC PRESERVATION PLAN

September 5, 1989

PRINCIPAL CONTRIBUTORS

Thomas A. Pisaturo, Comprehensive Planning Manager

Gregory J. Guimond, Principal Comprehensive Planner

Susan W. Sherman, Head of Graphics

Anne M. Dufresne, Secretary

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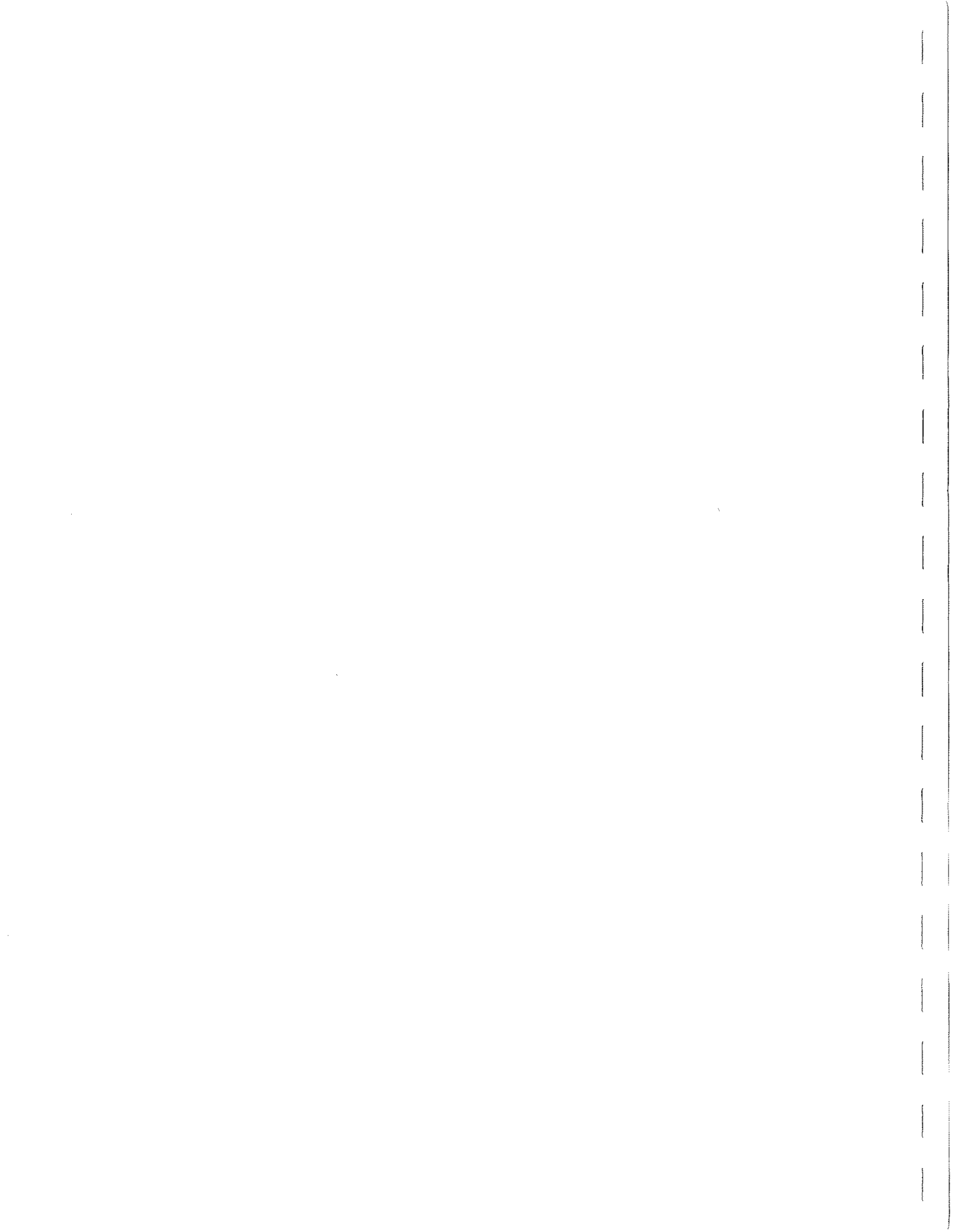


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Middleborough Historic Preservation Plan

INTRODUCTION

The purpose of this plan is to assist the Historic Commission, local elected officials and citizens of Middleborough to develop practical programs and policies to preserve the town's character and to protect its historic buildings and sites.

Middleborough is especially fortunate to have such a large number of historic sites and buildings. In general, the historic resources of Middleborough can be grouped into three broad categories. First, there are buildings and structures located throughout the town that are excellent examples of the architectural style of most periods of American history. These include structures such as the Peter Oliver House, a Federal style house built in 1769 and located on Plymouth Street, the Richard Sampson Homestead, a Greek Revival structure constructed in 1840 on Everett Street, the Tom Thumb house, a house in the Second Empire style, built in Warrentown in 1875. Secondly, there are groups of buildings in villages and surrounding greens that uniquely preserve the character of a previous era; an excellent example of this is the Titicut (North Middleborough) Green. Finally, there are archaeological sites that contain significant American Indian artifacts. While several major American Indian sites have been investigated, it is probable that many more sites have yet to be discovered.

The Middleborough Historical Resources Survey, prepared by Kay Flynn and Gretchen Schuler (April, 1985) lists over 400 properties that have architectural or historic significance. These are listed in Appendix A. In 1987, I.E.P., Inc. prepared an open space plan for the Middleborough Conservation Commission which listed a number of important historic sites and structures. That list and accompanying map (See Appendix A - reproduced here with the permission of I.E.P.), while only a very partial list of the towns resources, clearly shows how those resources are spread throughout Middleborough and how the historic resources are related to other unique natural and visual features.

PRESERVATION STRATEGY

There are five areas in Middleborough which have special significance because of the number of historic structures that are concentrated there. These areas are Titicut Green, Eddyville/Waterville, Middleborough Center, Rock Village and the Green. These areas uniquely reflect the history and architecture of Middleborough. While there are few modern buildings that intrude on their character, they are also vulnerable because they are generally surrounded by open land. The development of this open land could overwhelm the existing buildings and alter the character of the area. As a result, it is recommended that these areas should receive priority for preservation with Titicut Green having the top priority.

The principal strategy for the preservation of these five areas of is to create local historic districts (under MGL Chap. 40C) to protect the historic structures and immediately adjacent properties from alteration or inappropriate new development. It is also recommended that larger cluster overlay zoning districts (under MGL Chap. 40A, Sec. 2,9) be established to require that new development be screened from and clustered away from the historic structure.

It is recommended that several approaches be used to protect historic structures that are not concentrated in one area. The recommended approaches would include adoption of a demolition delay bylaw that would give the town an opportunity to acquire a threatened property; nominating the most significant structures to the National Register of Historic Places; and a requirement that subdivision plans and special permit applications identify know historic properties.

A similar strategy is recommended for the historic archaeological sites, of which there are three principal sites: Titicut Reservation/Fort Hill, Oliver Mills/Muttock/Nemasket Crossing, and Wapanucket. It is recommended that the cluster overlay zoning districts be extended to cover these areas. The districts would require a site survey prior to development to identify historic archaeological resources and a cluster zoning approach to keep new development away from those archaeological resources. It is recommended that,

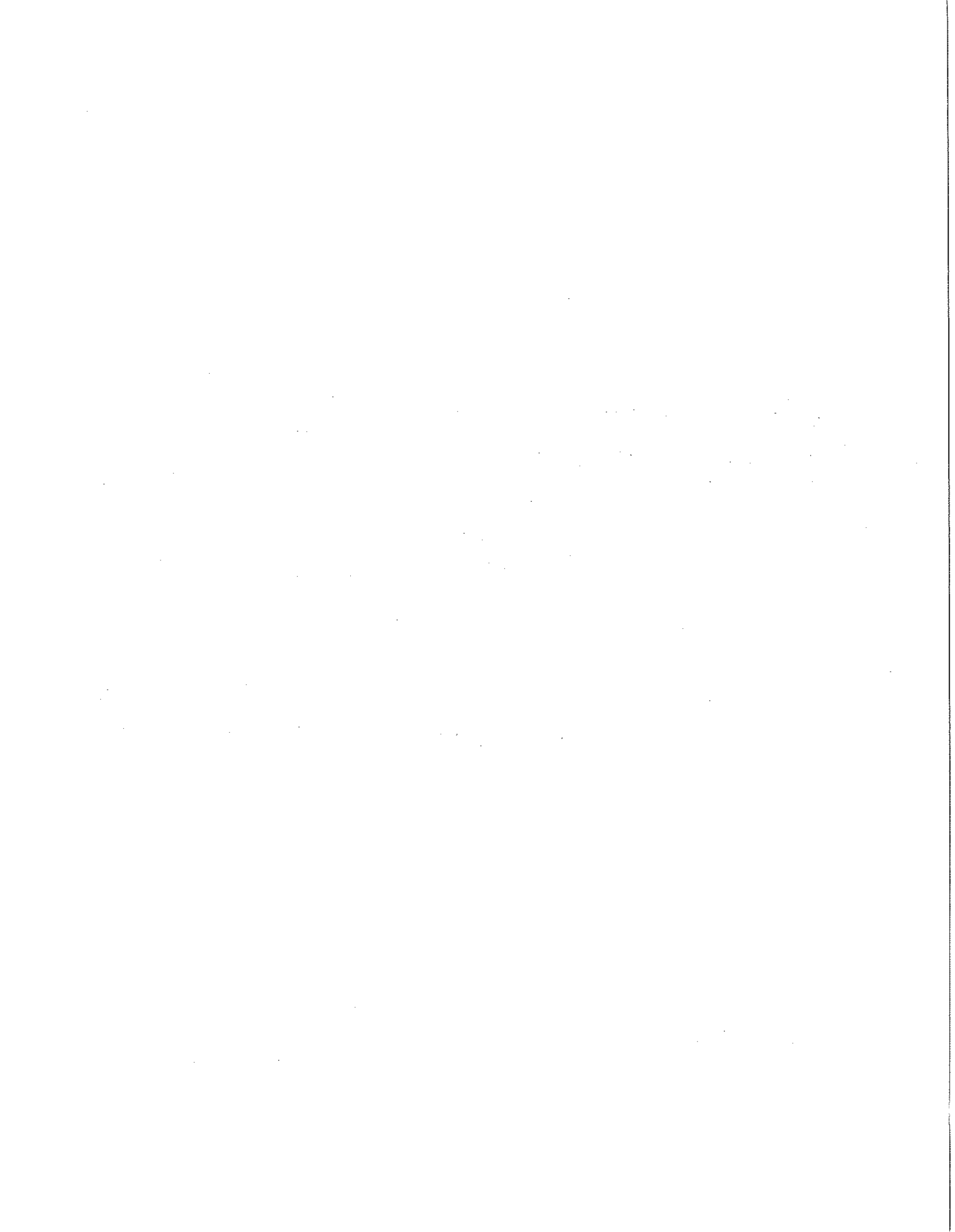
in order to protect resources in other areas of Middleborough, subdivision plans and special permit applications be required to identify known historic archaeological sites. In addition, it is recommended that more detailed survey and planning work be undertaken to identify sites that are as yet undiscovered. Finally, it is recommended that Middleborough consider preparing a scenic river corridor plan for the Nemasket and Taunton Rivers where archaeological sites are likely to be concentrated.

In addition to these specific actions, it is recommended that the Middleborough Historic Commission undertake new educational programs to inform the citizens of Middleborough about the numerous historic properties and structures in the town and what can be done to preserve them; and to inform property owners about the historic and architectural significance of their buildings and proper rehabilitation techniques.

Map 1 on the following page shows the priority areas for preservation activity. The chart on page 5 summarizes the presentation strategy. The chart is in the form of an action program with a target date for the implementation of each activity.







HISTORIC PRESERVATION ACTION PROGRAM

Y E A R
1 2 3 4 5

1. Establish Local Historic Districts and Cluster Overlay Zoning Districts
 - X a. Establish Titicut Green local historic district.
 - X b. Establish Titicut (Fort Hill) cluster overlay zoning district.
 - X c. Establish Eddyville local historic district.
 - X d. Establish Waterville local historic district.
 - X e. Establish Eddyville/Waterville cluster overlay zoning districts.
 - X f. Establish Middleborough Center local historic district.
 - X g. Establish Middleborough Center National Register Historic District.
 - X h. Establish Rock Village local historic district.
 - X i. Establish Rock Village (Wapanucket) cluster overlay zoning district.
 - X j. Establish the Green local historic district.
 - X k. Establish the Green (Oliver Mills/Muttuck/Nemasket Crossing) cluster overlay zoning district.

2. Adopt Bylaws and Regulations To Protect Historic Resources
 - X a. Amend Subdivision Regulations and special permit regulations to identify historic/archaeological sites.
 - X b. Designate Plymouth Street as a scenic road.
 - X c. Adopt earth removal zoning bylaw.
 - X d. Adopt non-zoning wetlands bylaw (inc. historic/archaeological resources as a protected value).
 - X e. Adopt demolition delay bylaw.

3. Implement Other Protection Strategies
 - X X X X X a. Establish information/education program.
 - X X X X X b. Nominate individual structures to the National Register of Historic Places.
 - X c. Conduct archaeological resources survey.
 - X d. Establish local community land trust.
 - X e. Conduct scenic river study of Nemasket and Taunton River.
 - X f. Participate in Certified Local Government Program.

RESOURCES FOR PRESERVATION

As alluded to in the previous section, there are a number of tools the Middleborough has at its disposal to protect its historic resources. The principal tool is the creation of a local historic district. Local historic districts are authorized by the Massachusetts General Laws, Chap. 40C. A local historic district would regulate renovations, additions and new construction in a way that provides for change and new construction without compromising the integrity or imagery of the district. Among the aspects of construction that could be regulated are materials, design, pattern, massing and siting. Since each building, structure or place contributes to the district's overall historic character, changes made to the exterior of any property, as well as new construction, should be reviewed for the impact on the district as a whole. The intent is to prevent the intrusion of incongruous elements that might detract from the aesthetic and historic values of the district. In spite of its broad powers, an historic district commission can only review changes to exterior architectural features that are visible from a public way.

It is important to note that each local historic district is unique and should have its own design guidelines. Appendix B contains information on design guidelines for historic districts. The success of an historic district depends on the care that is taken in developing design guidelines and on how well the guidelines are implemented.

The establishment of a local historic district requires a number of procedural steps. First, an historic district study committee must be established by vote of the Board of Selectmen. It is recommended that the study committee include representatives from the local historic society, the American Institute of Architects and the local board of realtors. Next, an investigation of the buildings, structures, sites and areas of architectural and historic significance must be made. The Middleborough Historic Resources Survey (April, 1985) is the nucleus for this investigation. A public education program, including a poll of the district's residents, should also be undertaken. It is important to know early on if the residents of the proposed district are opposed to its creation.

A major part of the work of the historic district study committee is to issue a preliminary report which describes the purpose of the proposed district, explains what a local historic district is, and describes the district itself. The description would explain the district's architectural and historic significance, justify the proposed boundaries and present a proposed bylaw. The report should be accompanied by supporting maps, photographs and inventory forms.

The report must be reviewed by the Planning Board, the Massachusetts Historic Commission and local residents at a public hearing. Following the review process a final report must be prepared for Town Meeting action (two-thirds vote required for approval). The final report must include a bylaw and district boundary map. The report must also be approved by the Attorney General and the map must be filed with the town clerk and Registry of Deeds. Finally, the Board of Selectmen must appoint a 3 to 7 member historic district commission. Local historic districts have been created in Bridgewater, Carver and Plympton. Appendix C contains a copy of the procedures for establishing a local historic district. Appendix D contains a model local historic district bylaw.

Another tool which should be utilized by the Town of Middleborough is cluster zoning (also referred to as open space zoning). Cluster zoning is a residential zoning bylaw, adopted under the provisions of MGL, Chap. 40A, Sec. 2,9, which uses a special permit and site plan review process to allow clustering of homes in return for protection of adjacent areas.

Open space or cluster development replicates the traditional New England village setting. New Englanders originally brought the concept of the village cluster with them from England, where new development is still being built this way today. There are many reasons why cluster development has continued to be used through the years including efficiency in land use and preservation of unique features or open space. These features can be natural features such as wildlife habitat or man-made features such as historic structures.

Most open space community or cluster zoning bylaws in Massachusetts allow development of single family houses on lots significantly smaller than those

normally allowed in the zoning district (e.g. 30% to 50% of the existing lot size requirement). However, in most bylaws, the developer is not allowed to construct a greater total number of houses than would normally be allowed for a given tract of land. The developer is simply given a "density bonus" on a portion of his land parcel, in return for preserving the remainder of the tract as permanent open space. In the case of the districts proposed for this plan, the open space would buffer important historic resources.

In an open space community, all land within the parcel boundaries that is not designated for homes, roads, or other development is conveyed to the community or a non-profit organization to be permanently preserved as open space.

For open space communities, it is important to adopt regulations which ensure the proper, long-term maintenance of common space areas, utilities and other shared facilities. Zoning standards should address the following issues:

- minimizing the size and environmental impact of communal septic systems (if no public sewer system exists);
- criteria for determining the allowable number of dwelling units and required amount of open space;
- lands which qualify to meet open space requirements;
- ownership and use of common open space;
- establishment of a homeowner's association to be responsible for the long-term maintenance of common open space, communal septic systems (or sewer lines), water systems, and other facilities.

The primary purpose of the cluster districts proposed in this plan is to keep new development away from local historic districts and historic archaeological sites. Another aspect of the cluster bylaw would be to give the special permit granting authority the power to vary dimensional requirements (e.g. height, front yard setback, etc.) so that new development is consistent in siting and mass with existing historic structures. Finally, the special permit process would require the developer to conduct a site survey by a professional archaeologist prior to the disturbance of any land so that archaeological artifacts and resources that are not presently known can be identified. Cluster bylaws have been enacted in Bourne, Norton, Plainville, Plymouth, Somerset, Swansea and Wareham.

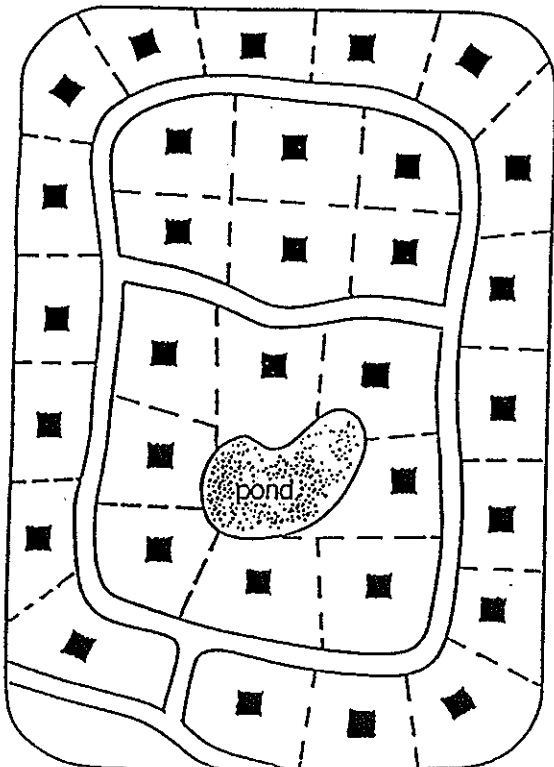
The first step in adopting a zoning proposal is to file the proposal with the board of selectmen. A proposal may be filed by a number of interested parties including, but not limited to: a board of selectmen; a zoning board of appeals; a planning board; any individuals whose land would be affected by the proposal; or ten or more registered voters.

Within fourteen days of receipt, the board of selectmen must submit the zoning proposal to the planning board for review. The planning board must hold a public hearing within 65 days of receipt to give interested parties a chance to express the views of the proposal. Following the hearing, the planning board must submit a report with recommendations to the town meeting.

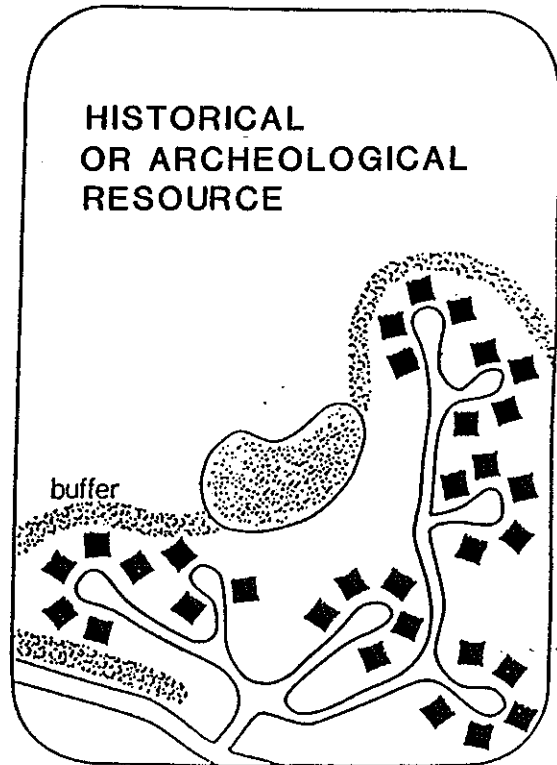
A two-thirds majority vote of Town Meeting is needed to adopt an amendment to the zoning bylaw. The bylaw must specify the zoning district(s) in which open space communities are allowed by special permit and include a map identifying the proposed district(s).

After a zoning bylaw has been adopted, the proposal, including an explanatory statement, must be submitted to the Attorney General for approval. A copy of the approved bylaw or ordinance must be posted or published in a newspaper and sent to the Department of Community Affairs by the town clerk. A model cluster bylaw is contained in Appendix D.

Standard Subdivision Development



Open Space Community Development



A National Register Historic District is a district listed in the National Register of Historic Places. Established by the National Historic Preservation Act of 1966 and maintained by the United States Department of the Interior, the National Register is the official list of the nation's historical resources "worthy of preservation." Districts, individual structures and sites which are of local, state or national significance in terms of history, architecture, engineering, archaeology or culture are eligible for listing.

Anyone may nominate property to the National Register of Historic Places. Nomination forms and instructions are available from the Massachusetts Historical Commission. The application is reviewed by the Massachusetts Historical Commission acting as the State Review Board and forwarded by the State Preservation Officer to the National Park Service for final review.

Listing in the National Register recognizes that the area is important to the history of the community, state or nation. It also allows the owners of income-producing properties to obtain certain federal tax incentives for renovation and provides limited protection from the adverse effects of federally funded, licensed or assisted projects.

Listing in the National Register in no way limits the owner's use of the property unless public funding is used. A district cannot be listed if a majority of property owners submit notarized objections.

Properties within Local Historic Districts and National Register Districts are automatically included in the State Register of Historical Places.

Listing in the State Register provides limited protection from adverse effects of state funded, licensed or assisted projects. It also provides owners of municipal or private non-profit properties the opportunity to apply for 50% matching state grants through the Massachusetts Preservation Projects Fund.

The procedures which apply to the listing of historic districts also apply to the listing of individual buildings. At the present time, only four buildings or sites in Middleborough are listed in the State Register of Historic Places.

The City of New Bedford and Town of Plymouth have a National Register of Historic Districts.

The Survey and Planning Grants Program of the Massachusetts Historical Commission provides federal pass-through funding for communities to undertake three planning activities. The first consists of survey and inventory of the built, archaeological and landscaped historic resources within a community. Second, based upon such a survey, a community can use Survey and Planning Grants to nominate structures to the National Register. Third, a community can obtain funding for the development of a preservation plan. For the past several years, the completion of community wide inventories and preparation of nominations to the National Register of Historic Places have been the primary emphasis of the program.

Eligible applicants are municipal governments, local historical commissions, local historic district commissions, Certified Local Governments, local and state agencies, educational institutions, and private non-profit organizations.

The grants are awarded on an annual funding cycle. Following the submittal of preliminary applications, the Massachusetts Historical Commission will invite certain communities to submit full applications. Grants average \$5,000 to \$6,000, with a 50% local match required. This plan was prepared with the aid of a survey and planning grant.

The Massachusetts Preservation Projects Fund is a state-funded matching grant program established in 1984 to support the preservation and maintenance of properties and sites listed in the State Register of Historic Places. Historic structures in public and non-profit use frequently suffer from deferred maintenance, incompatible use, or are threatened by demolition. By providing assistance to historic properties owned by non-profit or public entities, the Massachusetts Historical Commission hopes to ensure the continued use and integrity of such structures.

Eligible projects are research projects (the preparation of historic structure reports, investigation of innovative preservation techniques, field investigation of endangered archaeological sites), development projects (construction activities including stabilization, protection, rehabilitation, and restoration), and acquisition projects specifically allocated for endangered State Register properties.

Grants are awarded on an annual funding cycle. Research grants can range from \$2,500 to \$30,000; development or acquisition projects can range from \$5,000 to \$100,000. A unique feature of the program allows applicants to request up to 75% of total construction costs if there is a commitment to establish a historic properties maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund.

Application to the MPPF may be made by municipalities and non-profit organizations. All interested candidates are encouraged to submit a preliminary pre-application form; full applications will be selected from qualified pre-applicants.

The Division of Conservation Services in the Executive Office of Environmental Affairs administers programs which assist Massachusetts municipalities in acquiring and/or developing recreation and conservation areas and facilities.

The Massachusetts Self Help Program, established by Massachusetts General Laws, Chapter 132A, Section 11, provides up to 80 percent reimbursement to communities with conservation commissions duly established under MGL, Chapter 40, Section 8C, for the acquisition of conservation lands. To be eligible for the Self Help Program, municipalities must have an open space plan approved by the Division of Conservation Services. Middleborough has an approved open space plan.

The first priority of the Self Help program is to protect areas that contain unique natural, historical or cultural features or extensive water resources. The funds for this program may be used only for the acquisition of land for conservation or passive recreation purposes. The cost of any development which occurs on these lands must be absorbed by the municipality.

Grants are awarded annually. A complete application, including professional appraisals, must be submitted to the Division of Conservation Services before land is purchased.

A Community Land Trust (CLT) is an organization created to hold land for the benefit of a community and of individuals within the community. The Trust is a democratically structured, non-profit corporation with an open membership and a board of trustees elected by the members.

The board generally consists of residents of trust-owned land, community residents, and public interest representatives. The board members are elected for terms, so the community retains ultimate control over the organization and the land it owns.

A CLT acquires land or properties through purchase or donation with intention to retain the title in perpetuity--removing property from the speculative market. Appropriate uses are determined by members, then the land is leased for public purposes. The leaseholder must use the land in an environmentally and socially responsible manner. Leaseholders pay a lease-based use value price and not full market value, making this an attractive alternative to ownership.

CLT's may be financed by public and private grants from foundations, churches, individuals and government agencies. Gifts of labor from colleges, professional associations and other interested parties can also contribute to a CLT's success. Local sources of funding (except for government grants) are usually recommended since these sources are more likely to have an interest in the community and its future. Loans from conventional and non-conventional sources can help fund the Trust. Non-conventional sources include various community investment funds or inheritances left for community purposes. Also, community bankers may be interested in retaining the community's character, and will provide low-cost loans to the town. An important source of funding is that which is internally generated. Funds from the collection of lease fees can be used to acquire more lands.

The Plymouth County Wildlands Trust is an example of a successful land trust. Other land trusts in the area are the Dartmouth Natural Resources Trust, Land Preservation Society of Norton, Mattapoissett Land Trust, and Sippican Trust (Marion).

A preservation restriction is a legal agreement between a property owner and another party, usually a non-profit organization or government body. Such an agreement "runs with the land," governing the use of the property by the current and future owners. It is a vehicle for preserving the architectural integrity of a property by requiring maintenance of the property and preventing alterations which would compromise the property's historic character. (See Massachusetts General Laws, Chapter 184, Section 31.)

The grant of a preservation restriction may qualify the owner for certain federal tax benefits, including a charitable deduction and a reduction in estate taxes. Local property taxes may also be reduced.

A structure or site that has historical significance because of its architecture, archeology, or associations is eligible for a preservation restriction. Any property listed in the state register of historic places qualifies.

Any government body, including the Massachusetts Historical Commission, a local historic commission, or a charitable corporation or trust which has the power to acquire land can accept a preservation restriction. A preservation restriction under Chapter 184 must be approved by the Massachusetts Historical Commission or a local government agency.

There are many other programs which can be useful to the Middleborough Historical Commission in protecting the Town's resources. A brief listing of these programs, including a contact person, is presented in Appendix E.

DETAILED HISTORIC PRESERVATION STRATEGY

Historic Sites and Buildings

European settlement of Middleborough started early in the colonial period.* In 1668, the colonial legislature separately incorporated the Town of "Middleberry." The territory was accumulated by purchases from the area's Indians. The first purchase was the Twenty-Six Men's Purchase, which includes the present day Thompson Street, Eddyville and Nemasket. It was followed by the Purchase, Five Men's Purchase, South Purchase and others. While most colonists fled during King Philip's War, resettlement quickly resumed in 1677.

The First Church was established in 1694 at the Green. The Green was the junction of several paths which soon became highways due to use and was the first town center.

Other settlements developed along the highways radiating from the Green, such as Nemasket Village (an industrial site), and along the Taunton River. Titicut Green is located near an early grist mill site on the Taunton River.

By 1765, the year of the first census, there were 3,412 inhabitants of Middleborough. Turnpikes and roads connected the area to New Bedford and Boston. In 1850, the population had grown to 5,252. The extension of the Old Colony Railroad to Middleborough in 1846 and the construction of the Middleborough Railroad Corporation branch line from Bridgewater to Fall River had a great influence on the development of the area, with many factories locating in Middleborough to take advantage of freight service.

*The sources for the descriptions of Middleborough's history are the Middleborough Comprehensive Historic Resources Survey: Narrative History, Kay Flynn and Gretchen Schuler (April, 1985) and the pamphlet "Middleborough Tour Guide." For more detailed information see: History of the Town of Middleborough, Thomas A. Weston, Houghton, Mufflin and Co., The Riverside Press (1906); and History of the Town of Middleborough (1905 to 1965), Mertie R. Romaine, Reynolds - DeWatt Printing, New Bedford (1969).

The construction of the Central Congregational Church on South Main Street in 1848 reflects the shift of the town's population and civic activity to Middleborough Center. Over the years, the population in Middleborough gradually increased to the present day total of approximately 17,500. As a result of this long and continuous period of development, there are numerous sites and buildings still in existence that cover all periods of the Town's history.

The primary threat to Middleborough's historic resources is the general pattern of suburban development which is occurring in Town. New subdivisions can introduce incompatible elements in the immediate vicinity of an historic structure and can literally destroy historic archaeological artifacts. The Planning Board has maintained a record of development activity in Middleborough since 1986. During that period, there have been 53 development proposals, including 38 subdivisions, 3 condominium projects, 9 industrial/commercial projects and 3 mobile home parks. A number of these proposals are located close to historic sites.

While top priority for preservation activity should go to Middleborough's many, well-preserved villages (e.g., Titicut Green), there are many activities that should be implemented on a townwide basis. These are described below.

Amendments should be adopted to the subdivision regulations (Planning Board) and special permit regulations (Planning Board and Zoning Board of Appeals) which require that the location of all properties listed on the Middleborough Historic Resources Survey be shown on a site plan. In addition, notice of all subdivisions, site plans and special permits should be sent to the Historical Commission and Conservation Commission so they will be aware of development proposals in sensitive areas.

The process of amending rules and regulations is relatively easy. The board needs to publish a public hearing notice in a local newspaper once in each of two successive weeks. The first published date of notice must be fourteen days prior to the date of the public hearing. The notice should contain the time and place of the public hearing as well as information on the subject matter. The board, after the public hearing, may vote, by simple majority:

to approve as prepared; to amend due to comments received from the public hearing; to take the matter under study; or to disapprove the proposed regulation.

The board, unless clearly provided for in local laws, has sole responsibility for adoption or amendment to its rules and regulations. The rules and regulations may establish the size, format, contents, style, specifications, number of copies and submission procedures. The regulations cannot be inconsistent with existing state and local laws and a copy shall be provided to the town clerk. A proposed amendment to the rules and regulations of the Middleborough Planning Board is shown in Appendix F.

Another action which should be taken is to nominate important publicly owned buildings, such as the Town Hall and Library, to the National Register of Historic Places. This is particularly important for buildings that will be located outside of a local historic district. The Massachusetts Historical Commission's Survey and Planning Grant Program and the Arts Lottery can provide financial assistance to prepare the nomination papers.

Properties owned by public or non-profit entities that are listed on the National Register are eligible to receive assistance from the Massachusetts Preservation Projects Fund for rehabilitation or restoration work.

In addition to publicly owned buildings, it would be useful to list privately owned buildings so that they are protected from the adverse effects of government funded or licensed activities such as highway construction. Among the building which should receive top priority for National Register listing are the following:

Z. Leonard House (c.1860)	East Main St.	Survey Form 242
Peter Oliver House (1769)	Plymouth St.	Survey Form 140
Samuel Eddy, Jr. House (c.1730)	Plympton St.	Survey Form 116
Richard Sampson Homestead (c.1840)	Everett St.	Survey Form 52
William Barden House (c.1684)	Barden Hill St.	Survey Form 302
Joshua Shaw House (c.1750)	Bedford St.	Survey Form 1
Warren House (c.1750)	Plymouth St.	Survey Form 70

Gen. Tom Thumb House (1871/1874)	Plymouth St.	Survey Form 67
Vernacular Cottage (early 1700s)	Wood St.	Survey Form 237
Peter Vaughan House (1761)	Vaughan St.	Survey Form 222

Middleborough should also adopt a demolition delay bylaw that would give the Middleborough Historical Commission the opportunity to discuss alternatives to demolition with property owners. Alternatives could include public acquisition through a local land trust or finding buyers who would preserve historic structures.

A demolition delay bylaw is a general bylaw. The process of adopting a general bylaw is much less complicated than that required for a zoning proposal. A general bylaw must simply be placed on town meeting warrant. This can be done by the selectmen or by twenty registered voters. There are no requirements for review by the planning board, for public hearings or for public notice. Approval of a general bylaw is by simple majority. It should be noted that general bylaws must still be reviewed and approved by the Attorney General. Demolition delay bylaws have been adopted by Cambridge, Hingham, Lexington and other cities and towns. A copy of the Lexington Bylaw is shown in Appendix G.

Finally, as a longer term recommendation, Middleborough should consider applying to the National Park Service to become a "Certified Local Government." Certified Local Governments are assigned responsibility for review and approval of nominations of local properties to the National Register of Historic Places, and become eligible to apply for earmarked matching funds.

In order to be certified, Middleborough must have an historic district bylaw, an historic commission, an inventory process, and must function as a public body (i.e. comply with the open meeting law). Qualifying governments are certified by the State Historic Preservation Officer and the Secretary of the Interior.

While becoming a certified local government has advantages, it is also a time consuming process that requires a considerable local commitment. The financial rewards may not be sufficient to justify the effort and administrative burden.

While the townwide actions described above are important, it is strongly recommended that the historic greens and villages of Middleborough should receive first priority for preservation activity. Not only do these settlements contain historic sites and buildings that represent many architectural styles, but they also are in a context that shows the relationship of the buildings to each other and that helps to tell the story of the village and of the Town of Middleborough. Each village is described below along with a proposed preservation strategy.

It is a time consuming process to establish a local historic district. Because of this it is recommended that the list of potential districts be put in priority order with each district addressed during a separate year. In this regard, it is strongly recommended that Titicut (North Middleborough) Green should receive top priority. The order of priority for the other areas (in descending order) is recommended to be as follows: Eddyville/Waterville, Middleborough Town Center, Rock Village, the Green.

1. Titicut Green - This village, also known as North Middleborough Green, is located at the intersection of Pleasant Street and Plymouth Street, approximately one-half mile south of the Taunton River. The settlement was located very close to the Titicut Indian Reservation (the Indians gave land for the first parish) and developed to take advantage of the water resources of the Taunton River. Early in the 1700s gristmills, sawmills, an iron furnace and a shipyard were located along the river in this area. The crossroads of Pleasant Street and Plymouth became the location for a number of important buildings including, among others, the North Middleborough Congregational Church, Pratt House, Pratt Free School and Backus Baptist Church. The Pratt family was very important in the development of North Middleborough. Among their many early pursuits were ship building and nail producing. In later years, the Pratts (and

others) established several factories on Pleasant Street, south of the Green, to manufacture shoes.

The North Middleborough Green is unique because of the quality of the structures, their architectural and historic significance, and the "intact" nature of the village. Only a very few modern structures have intruded into the area. An immediate threat to the Titicut Green is the conversion of the Pratt Homestead by the Chamberlain School. The area is also experiencing pressure from development activity. In recent years, two subdivisions for 25 single family homes were proposed within the boundaries of the proposed cluster overlay zone.

It is recommended that the Middleborough Historic Commission pursue the establishment of a local historic district covering all the properties abutting the Titicut Green and other properties of historic significance in the immediate vicinity. It is also recommended that the Town create a larger cluster zoning overlay district. The cluster overlay zone would require a cluster zoning approach in the larger area so that new developments are separated and screened from the Titicut Green. The overlay zone would also give the special permit granting authority the power to vary dimensional standards (height, setbacks, etc.) to insure that new development is consistent in siting and mass with existing historic structure. The location of the local historic district and the cluster overlay zone are shown on Maps 2 and 3. A model historic district bylaw and cluster overlay zone are presented in Appendix D.

The western boundary of the proposed Titicut Green Historic District runs along the Taunton River. This boundary was chosen to include the Bungalow House (#11 Plymouth Street), Inventory Form #8* and the large

*See Appendix A - Middleborough Historic Resources Survey

122.8 AC



**TITICUT GREEN
HISTORIC DISTRICT
(PROPOSED)**

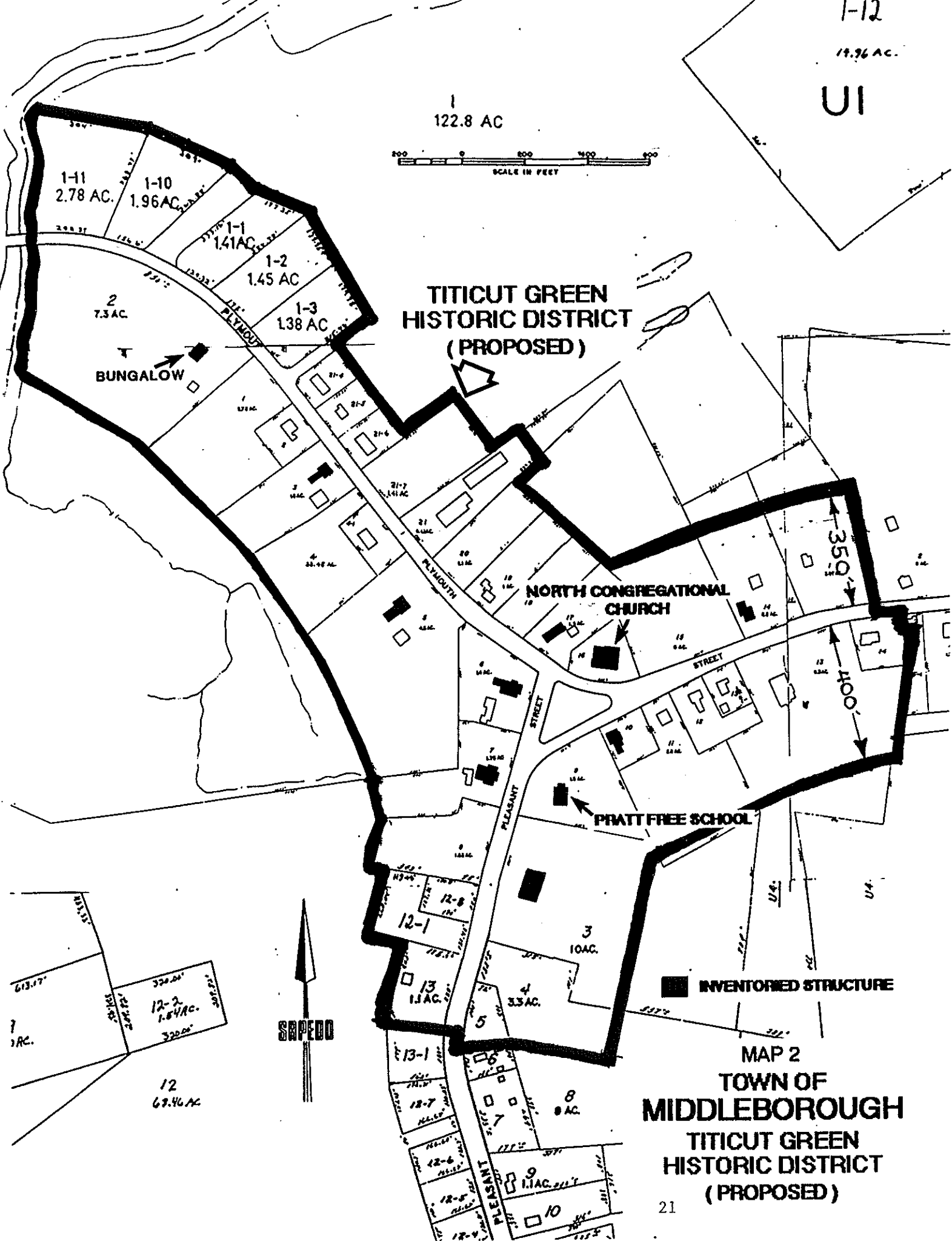
BUNGALOW

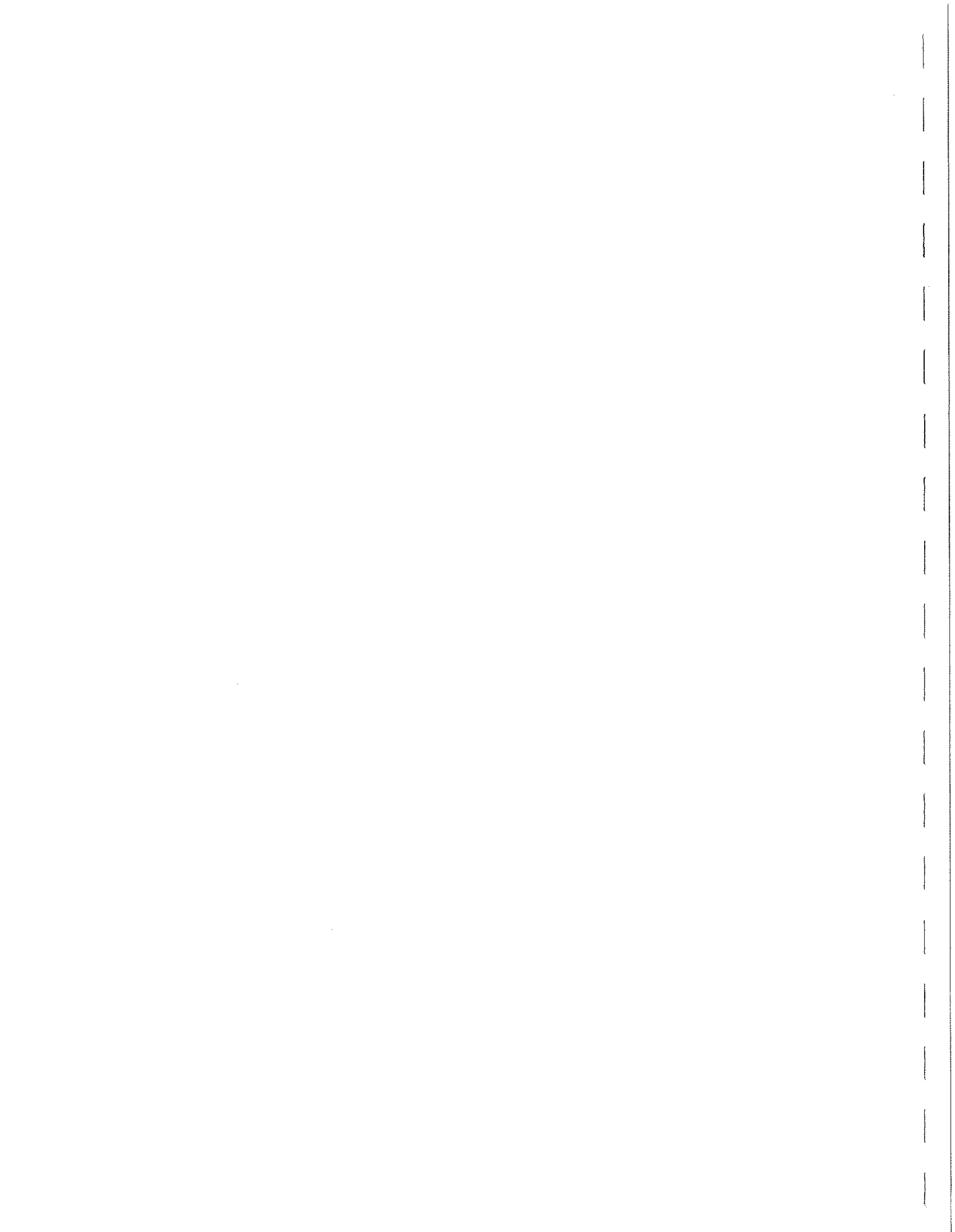
**NORTH CONGREGATIONAL
CHURCH**

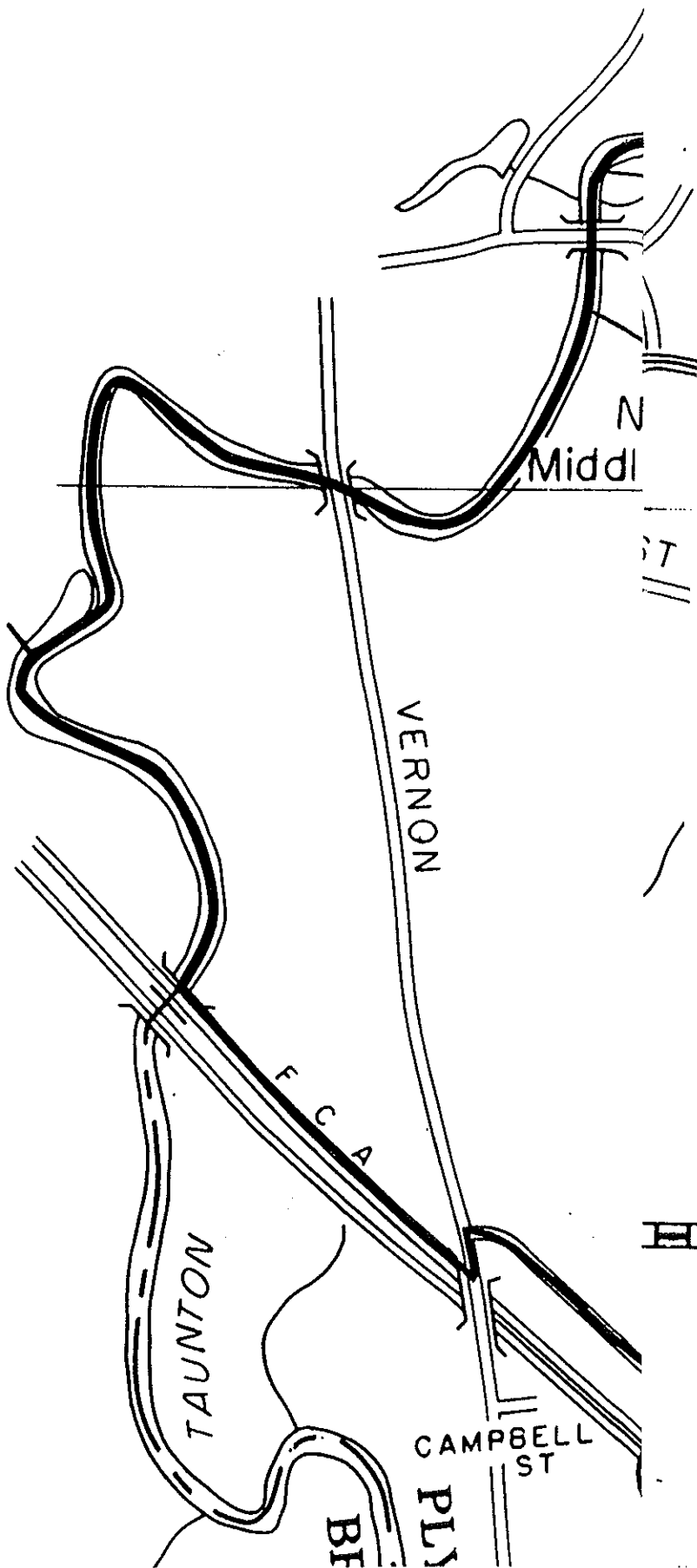
PRATT FREE SCHOOL

INVENTORIED STRUCTURE

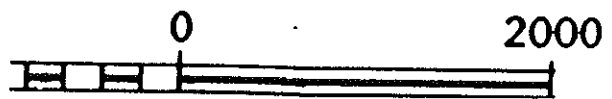
**MAP 2
TOWN OF
MIDDLEBOROUGH
TITICUT GREEN
HISTORIC DISTRICT
(PROPOSED)**







SCALE



MAP 3
 TOWN OF
MIDDLEBOROUGH
 TITICUT CLUSTER
 OVERLAY DISTRICT
 (PROPOSED)



amount of open fields between the river and the Titicut Green. The southern boundary line along Pleasant Street was drawn to include Assessor's Lot 13 and 15. These are the lots next to an inventoried property at 10 Pleasant Street (Inventory Form #20). The easterly boundary along Plymouth Street includes the Assessor Lots 1 and 14, which are one house lot to the east and southeast of 48 Plymouth Street (Inventory Form #28). The boundary line on the north varies, between 170+ and 400+ feet, and utilizes rear property lines wherever possible.

Because of the quality of the building surrounding the Titicut Green and their historic significance to the development of north Middleborough, it is likely that the area would be eligible for listing as a National Register Historic District. The principal advantage of a listing in the National Register of Historic Places would be to provide limited protection from projects that are funded or permitted by the state or federal government. The district would also make the owners of income-producing properties eligible for certain federal tax incentives for renovations. Buildings owned by non-profit groups would be eligible for assistance through the Preservation Projects Fund of the Massachusetts Historical Commission.

Finally, there are a variety of other programs which should be used to protect and enhance Titicut Green. The Self Help Program of the Division of Conservation Services and a local land bank or land trust are sources of funding for the acquisition of selected properties (or preservation restrictions) that are threatened by development or that are important to preserve in order to maintain the historic character of the area. The Town Common's program could be used to make improvements to the Green. There are several sources of assistance for preparing the surveys and studies needed for establishing a local historic district or a National Register District. These include the Survey and Planning Grant Program of the Massachusetts Historical Commission, the Design Assistance Program of the Massachusetts Council on Arts and Humanities, and the Arts Lottery. These funding sources can also be used to prepare design guidelines for the local historic district.

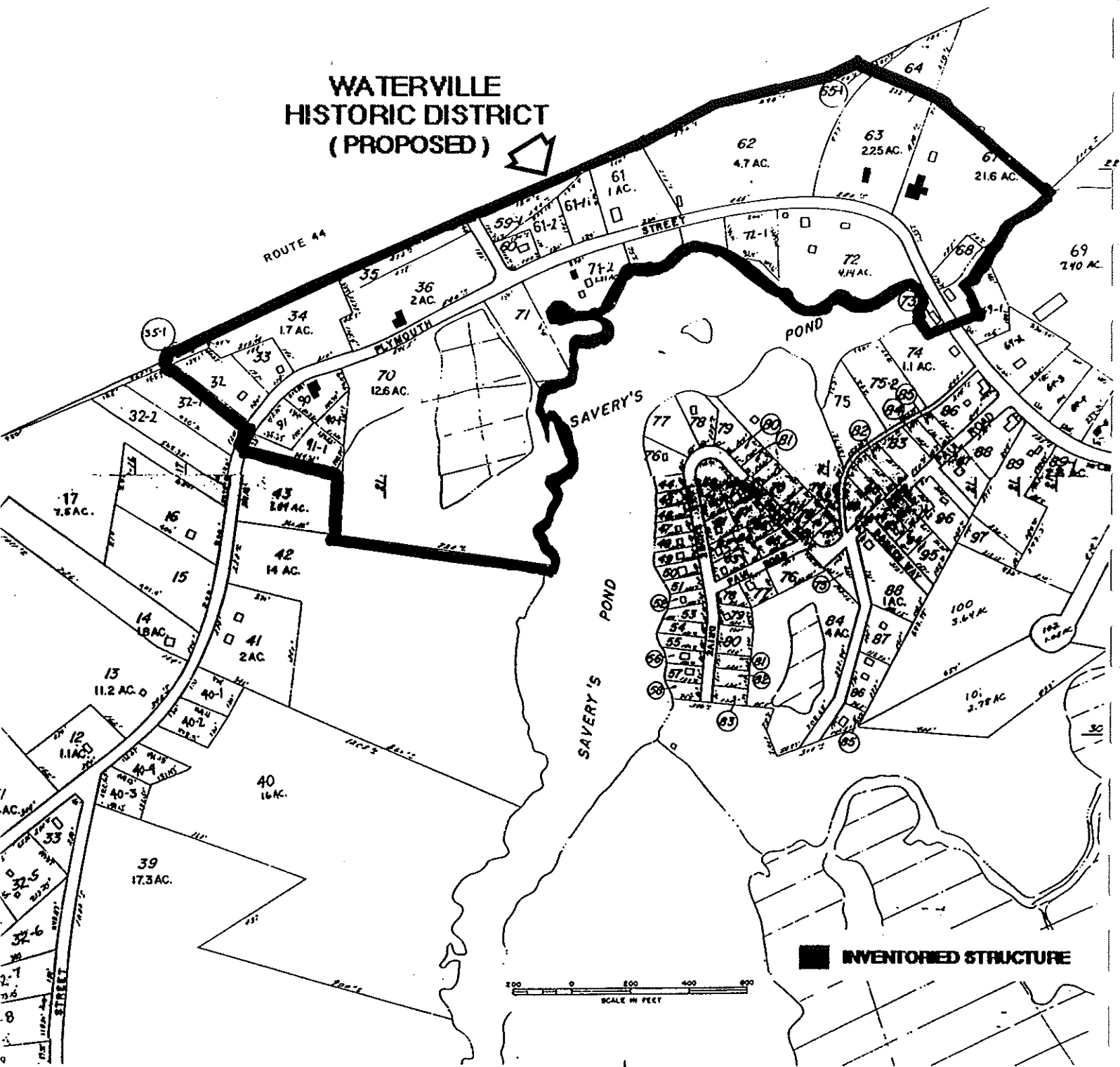
2. Eddyville/Waterville - Eddyville is located at the intersection of Plympton, Cedar and Carmel Streets. It is similar to Titicut Green in that it is a well maintained collection of historic structures surrounding a green with little in the way of new development in the immediate vicinity. The primary threat to Eddyville is the pattern of suburban development that is occurring in Middleborough in general. Since 1986, three subdivisions involving 27 dwelling units have been proposed in the area. An older subdivision with 32 dwelling units was approved in 1972 and is still active.

Eddyville is named for the descendants of Samuel Eddy, a prominent land owner in Middleborough and Halifax in the 1700s. His son, Samuel Eddy, Jr. built a house in Eddyville in 1720. Other Eddys, including Captain Joshua Eddy, a prominent ship builder, and his son, Zachariah, owned or built houses there. Joshua Eddy also built a furnace on Whetestone Brook in Waterville. Other structures in Eddyville served supporting functions such as a country store, a blacksmith shop and a post office.

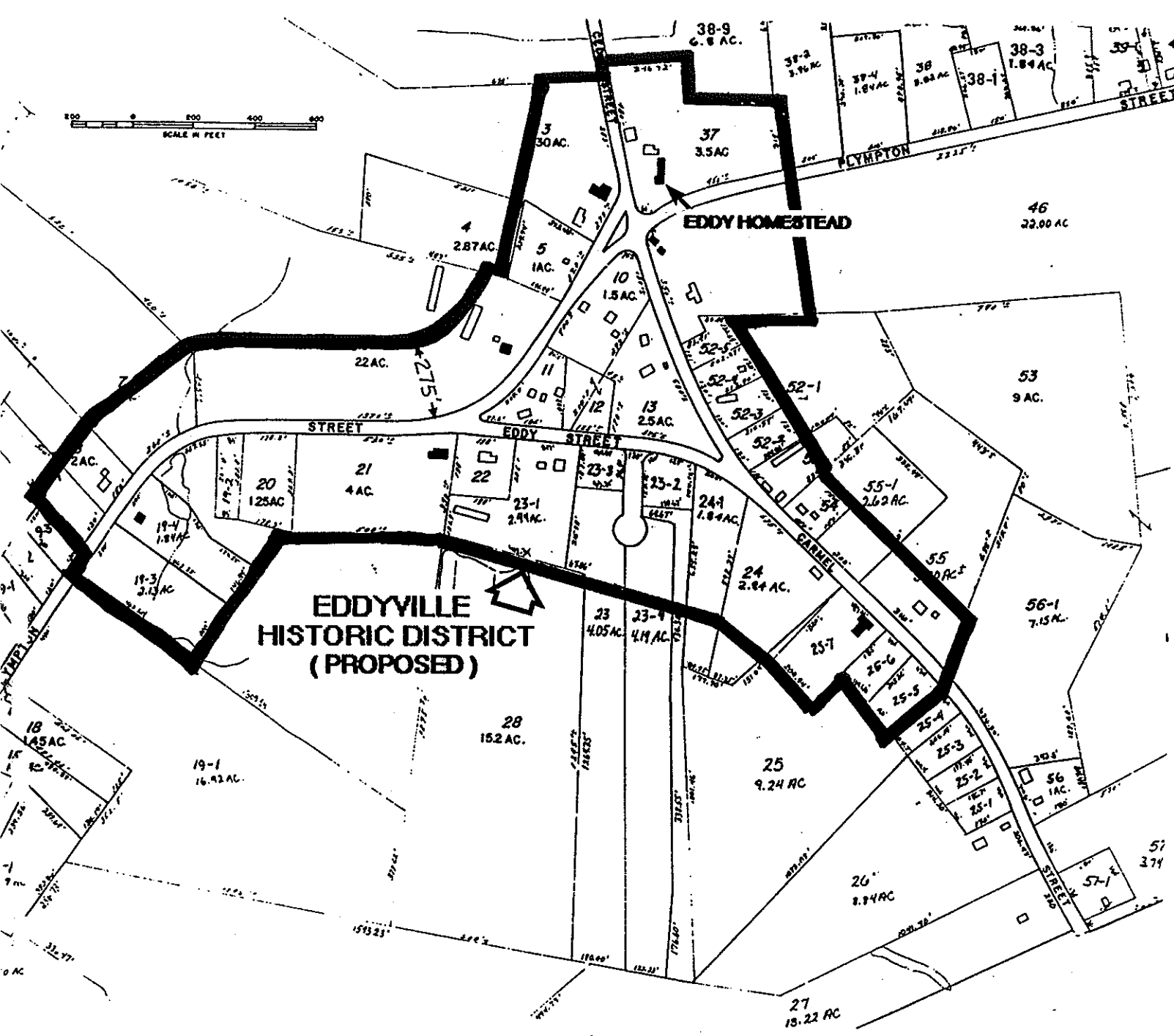
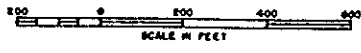
Waterville, located south of Route 44 on the stretch of Plymouth Street from Carmel Street to Wall Street, was the industrial base for the Eddys. Eddy's Furnace, which used bog iron from nearby ponds to make pots and other iron utensils, was located there. The Eddy family also operated a sawmill in Waterville.

Because of the quality and lack of disturbance of the historic resources in this area, it is recommended that Eddyville and Waterville receive a high priority for preservation. It is recommended that local historic districts be established in Eddyville and Waterville covering all properties of historic significance and other properties that are in the immediate vicinity. The two local historic districts can probably be governed by a single historic district commission. It is also recommended that a larger cluster overlay zoning district be established to keep the historic districts separated from and screened from new development. Maps 3, 4, 5 and 6 on the following pages show the location of the local historic districts and the cluster overlay zone.

**WATERVILLE
HISTORIC DISTRICT
(PROPOSED)**



**MAP 5
TOWN OF
MIDDLEBOROUGH
WATERVILLE
HISTORIC DISTRICT
(PROPOSED)**



**EDDYVILLE
HISTORIC DISTRICT
(PROPOSED)**



INVENTORIED STRUCTURE

**MAP 4
TOWN OF
MIDDLEBOROUGH
EDDYVILLE
HISTORIC DISTRICT
(PROPOSED)**

Appendix D contains a model historic district bylaw and cluster overlay zone.

The boundaries for the Eddyville area encompass all but one of the homes shown on the Middleborough Historical Commission's Form A - Area C. (See Appendix A.) The late Georgian house (Inventory Form #124) was not included into the district due to the fact that the house is over 2,000 feet away from the nearest listed structure; and the bend and rise in the road visually separate this building from the other buildings. There are also a number of incompatible structures in the vicinity.

The boundaries for the Waterville district were drawn to encompass the open back areas which include bogs, fields and a pond. These natural features tie together the line of historic structures.

It is recommended that Middleborough use an approach similar to the Titicut Green to compliment the local historic district. Among the tools which should be utilized are the Town Common's program (improvements to the Eddyville Green); the Self Help Program and/or a local land trust (acquiring selected properties); and the Survey and Planning Grant Program of the Massachusetts Historical Commission, the Design Assistance Program of the Council on Arts and Humanities and the Arts Lottery (preparing surveys and studies for the local historic district and for National Register nominations, preparing design guidelines for the local historic district).

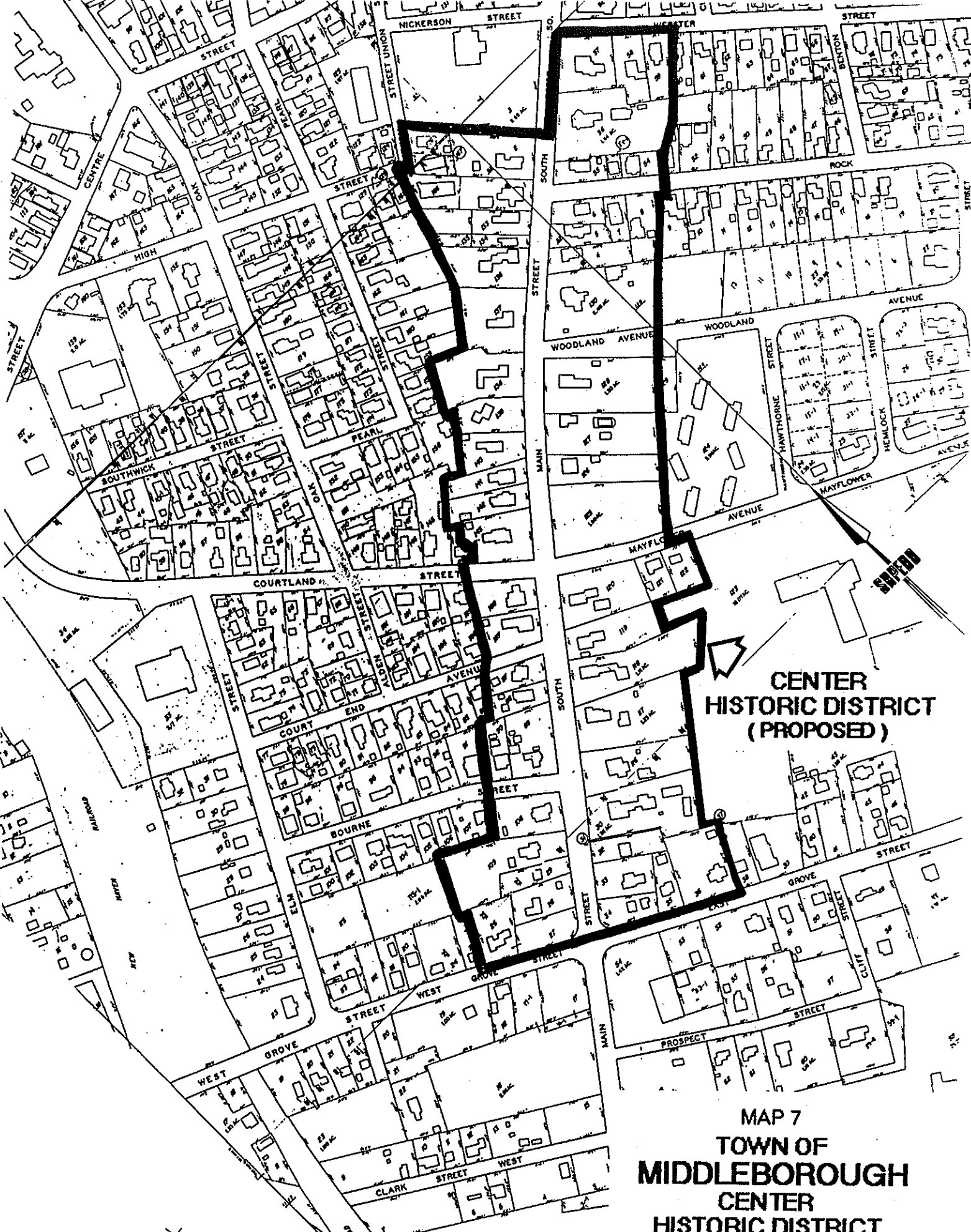
3. Middleborough Center - This area, which, until recently, was widely known as the Four Corners evolved over a period of time into the Middleborough's civic and commercial center. Early on mills were built along the Nemasket River. In 1796, the first town house was built in Morton Town at the intersection of South Main Street and Grove Street. Col. Peter Pierce operated a large store that was located at the intersection of North Main Street and Jackson Street. The store was built in 1808 and expanded in 1840. In addition, a number of vernacular cottages and federal style homes were built along South Main Street.

The extension of rail service to Middleborough Center in the 1840s played an important role in the town's development. A number of industries located near the railroad to take advantage of the freight service it provided. Among the early factories were the LeBaron Foundry (stoves), Bay State Straw Works, the Star Mills (cotton fabric), and shoe factories operated by CD Kingman (Centre Street) and Perkins, Leonard and Barrows (Centre and School Streets). In 1848 the Center Congregational Church was constructed on South Main Street.

In the 1860s and 1870s, successful businessmen built large homes in the Italianate style along South Main Street. The area's function as the Town's commercial center intensified with the construction of a number of commercial buildings. These included, among others, the Doane Block (1870) and the Savings Bank Building (1895). The present Town Hall was constructed on South Main Street in 1873.

Unfortunately, the economic viability of a number of the structures in Middleborough Center is threatened by the shift of commercial activity to Route 28. It is important that new uses be found for these buildings. At the same time it is important to avoid the mistakes of the recent past when a number of storefronts were "modernized" and a great deal of the original historic detail was obscured or lost.

Middleborough Center (Route 28 east to Town Hall) - This area contains many fine residential structures with few serious architectural modifications. Many of these structures were the homes of businessmen who were prominent in the Town's development. These include the homes of Philander Washburn (32 South Main, c.1840), Albert Alden (108 South Main, c.1860) and Augustine Sparrows (85 South Main, c.1897). A recent trend has seen some homes on South Main Street being converted to office space. If design guidelines are not in place, important exterior architectural detail may be lost in future office conversions. Therefore, it is recommended that a local historic district be created to protect this area. The location of the district is shown on Map 4. This area encompasses the structures that have frontage along South Main Street from the Town Hall to the intersection of South Main Street with West and



**CENTER
HISTORIC DISTRICT
(PROPOSED)**

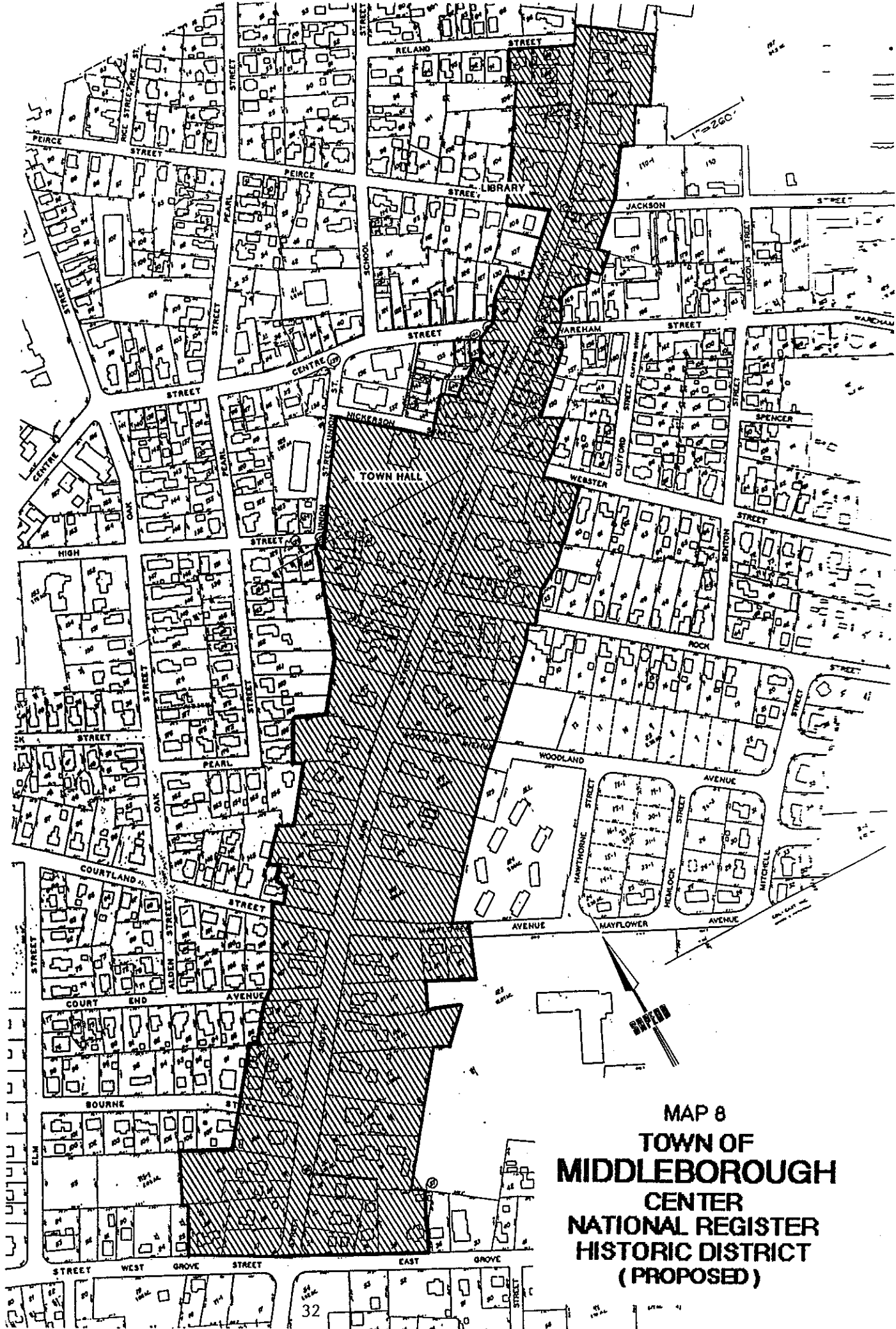
**MAP 7
TOWN OF
MIDDLEBOROUGH
CENTER
HISTORIC DISTRICT
(PROPOSED)**

East Grove Streets. Property lines are used whenever possible as the rear boundaries. A model historic district bylaw is presented in Appendix D.

Other strategies that are appropriate for this area of Middleborough Center include using funds from a local land trust to acquire title to or a preservation restriction on threatened properties; using the Massachusetts Historical Commission's Preservation Projects Fund to pay for preservation projects in buildings in non-profit ownership*; and, using funds from the Arts Lottery, the Design Assistance Program, and/or the MHC Survey and Planning Grant program to prepare design guidelines for the historic district and any other surveys or studies that are needed.

Middleborough Center (Route 28 east to Reland Street) - It is recommended that the area along Main Street from Route 28 to Reland Street be nominated for listing as a National Register Historic District. It is recommended that this be the number one priority in Middleborough for nomination as a National Register Historic District. Its location is shown on Map 8. There are several reasons why National Register nomination is preferred to a local historic district for the area between the Town Hall and Reland Street. The area has a large number of commercial buildings whose owner's might object to the restrictions of a local historic district. A National Register District would limit the owners ability to modify his property only if federal or state funds or a federal or state permit are involved. At the same time owners of income-producing properties in a National Register District are eligible for certain federal incentives for renovations. The most important reason for National Register listing, however, is that buildings in non-profit ownership would be eligible for

*To be eligible, buildings must be listed in the State Register of Historic Places. All buildings in a local historic district are listed in the State Register.



MAP 8
 TOWN OF
 MIDDLEBOROUGH
 CENTER
 NATIONAL REGISTER
 HISTORIC DISTRICT
 (PROPOSED)

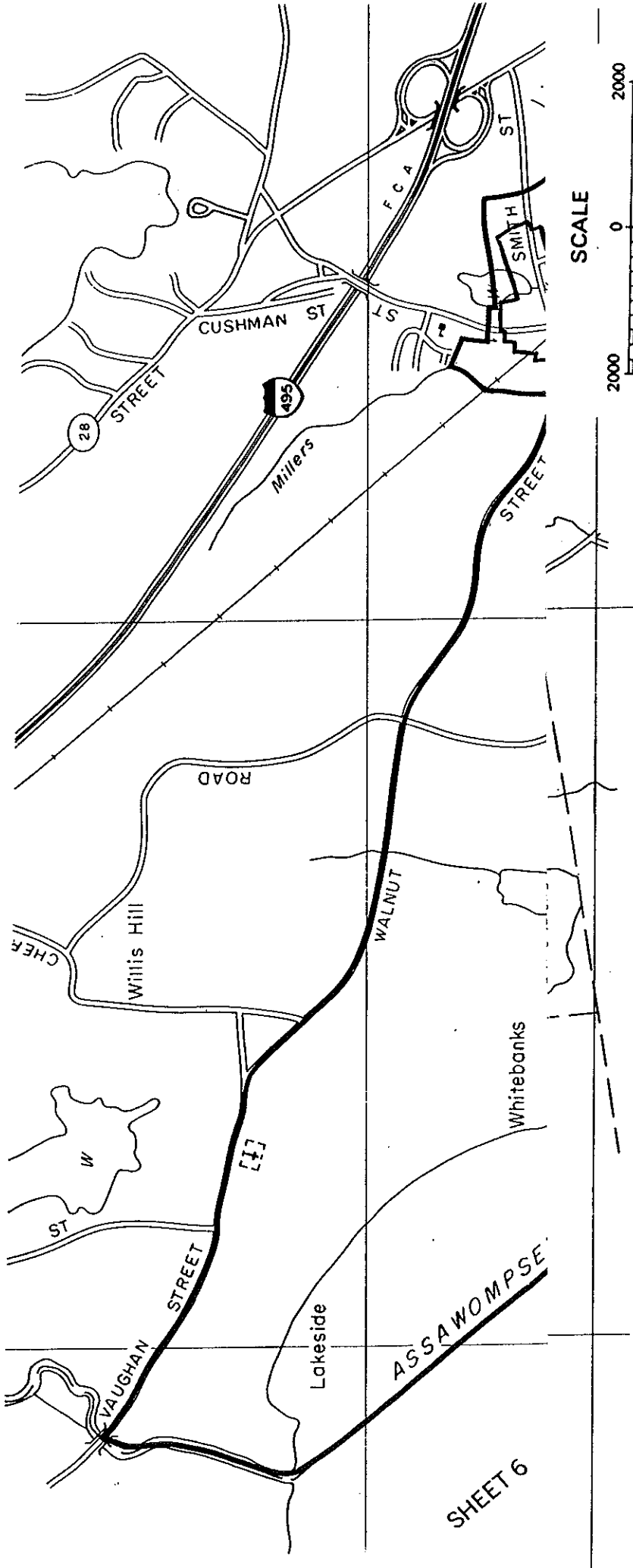
matching grants for renovations from the Preservation Projects Funds. This would apply to such important buildings as the Town Hall, Police Station (Peter Pierce Store), and Library. Funds are available from the MHC Survey and Planning Grant Program to prepare the necessary nomination forms for a National Register district.* The Arts Lottery is another potential source of assistance. It is not a problem that a local historic district and a National Register Historic District would overlap in the area from Route 28 east to the Town Hall.

4. Rock Village - This site is located in south Middleborough along Miller and Smith Streets. It is bounded by Wareham Street and Highland Street. The village derives its name from the prominent ledge along Miller Street which was the early site for camp meetings. The area was developed to take advantage of timber resources and water power. Sawmills were established very early. Icabod Atwood founded a sawmill and box manufacturing company in 1865 which provided a significant boost to the village. The closing of the Atwood Box Company in 1932 and the decline of camp meetings caused Rock Village to become less prominent.

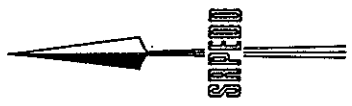
The village is threatened by the rapid growth being experienced in Middleborough. At the present time, two subdivisions with 46 single family homes are being developed in the proposed cluster overlay district. In addition, Rock Village is at risk because it is located in the General Use District. This is a zoning district which allows a wide variety of non-residential uses without significant dimensional controls. (See General Use District Study, Middleborough Planning Board, June, 1989.)

*In 1983, the Middleborough Historic Commission had preliminary discussions with the Massachusetts Historical Commission concerning the creation of a National Register District for this area.

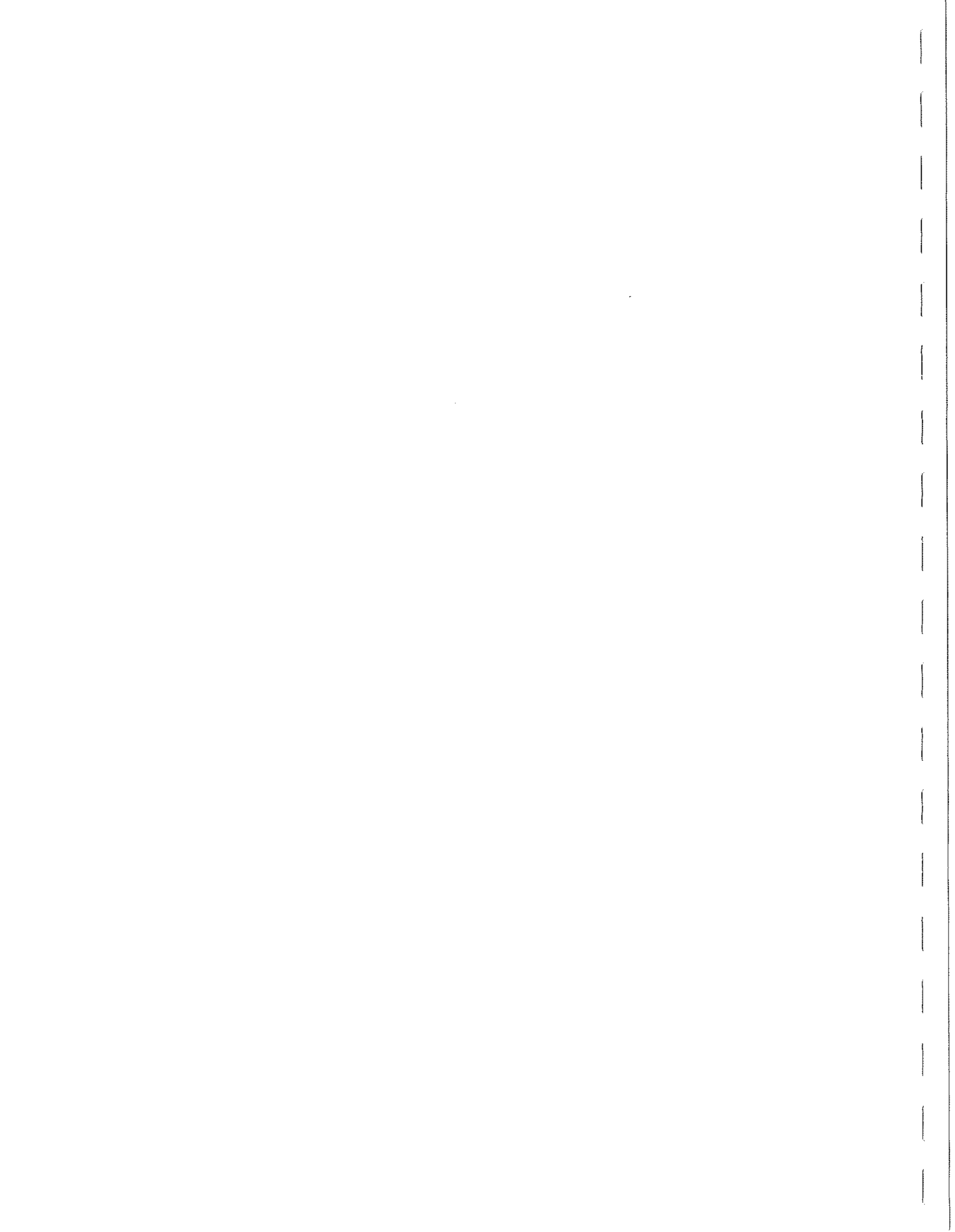




MAP 10
**TOWN OF
 MIDDLEBOROUGH**
ROCK VILLAGE
CLUSTER OVERLAY
DISTRICT
(PROPOSED)



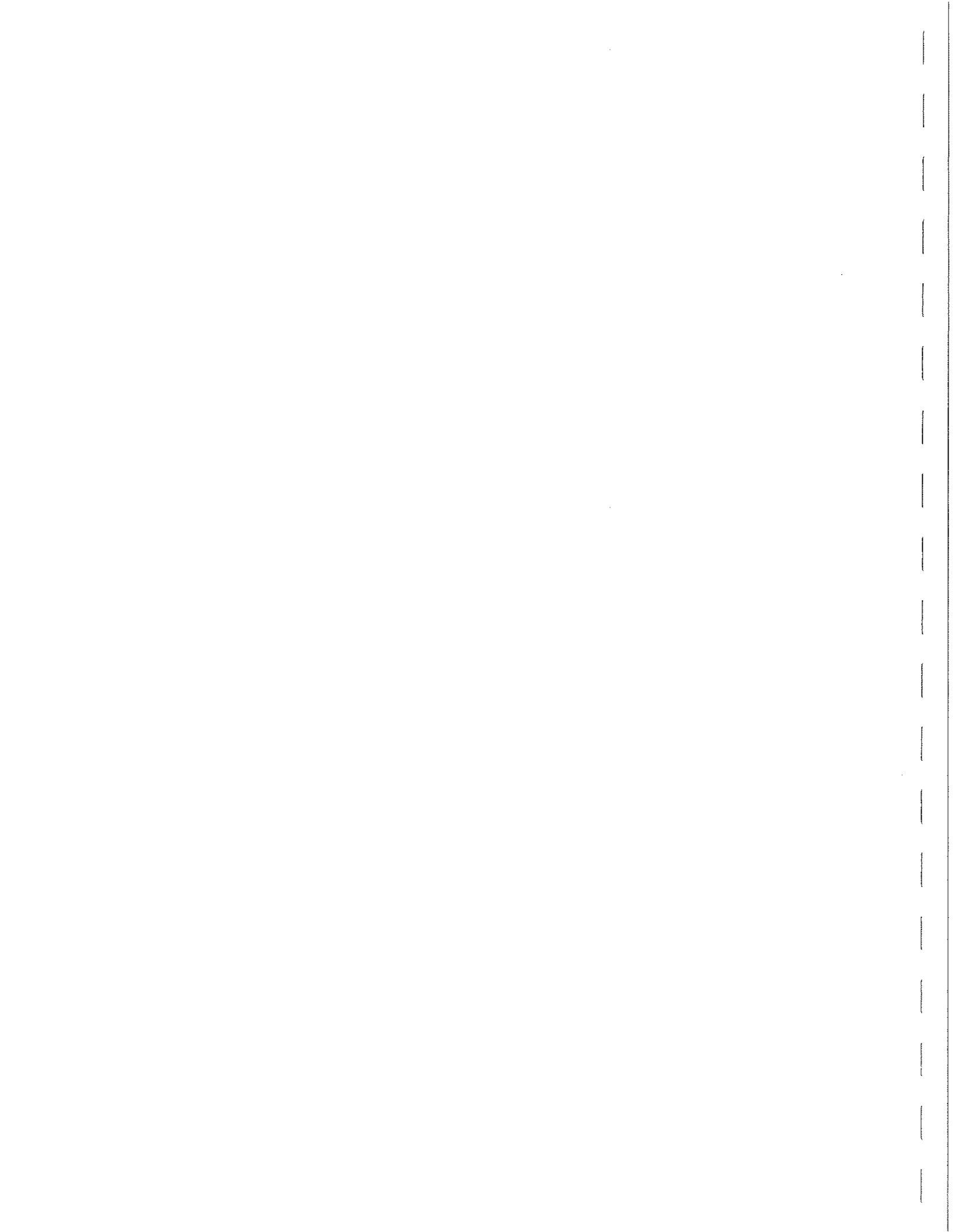
SHEET 6

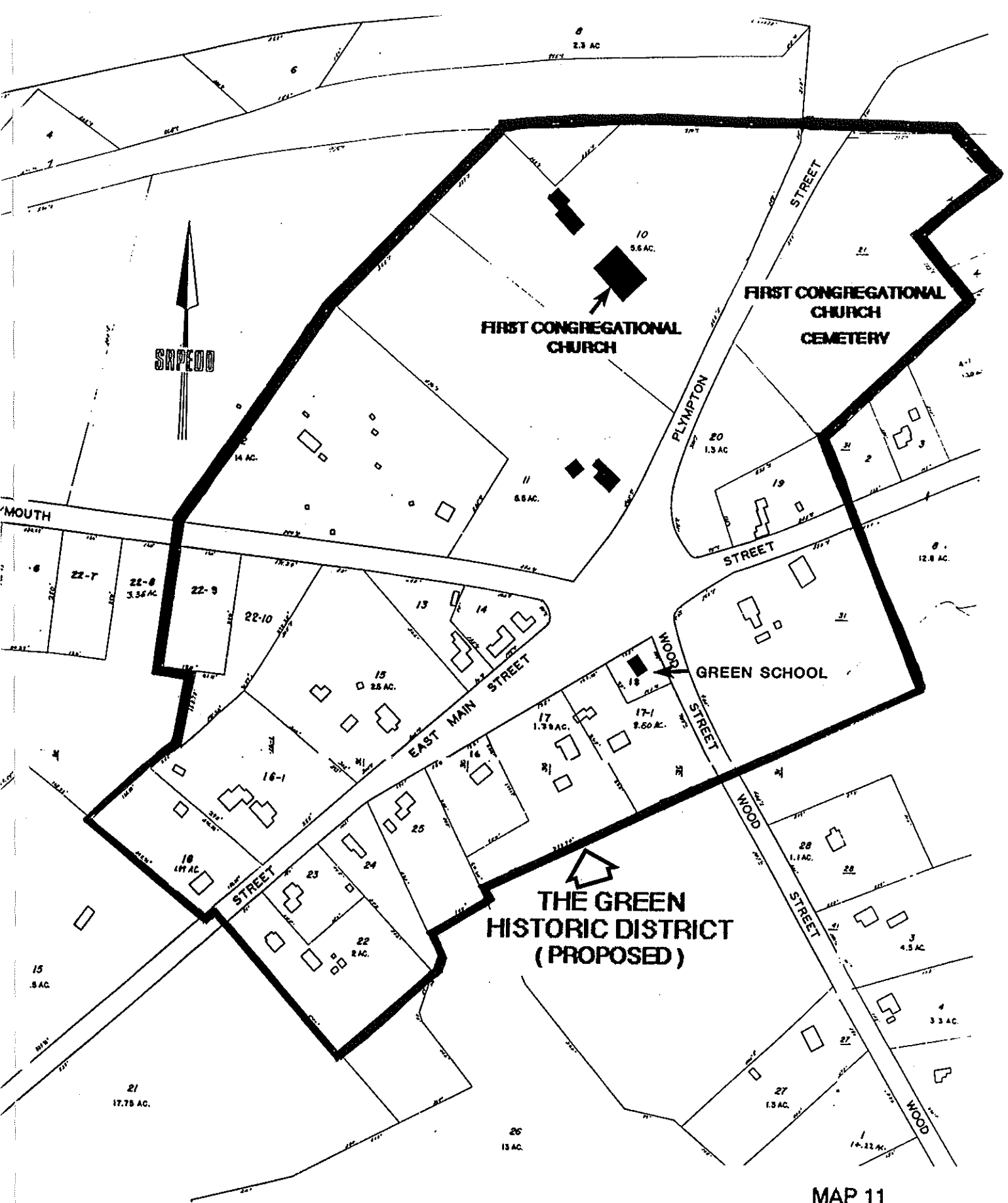


It is recommended that a local historic district be established in Rock Village. It is also recommended that a larger cluster overlay zoning district be established to separate and screen Rock Village from new development. These districts are shown on Maps 9 and 10. Model bylaws for the local historic district and cluster overlay zone are located in Appendix D. The Design Assistance Program and the Arts Lottery can be used to prepare design guidelines. Finally, it is recommended that Middleborough utilize the Self Help Program or a local land bank to acquire title to or a preservation restriction on properties threatened by development.

The proposed boundaries for the Rock Village district focus primarily on the structures along Miller Street. However, the proposed district excludes five inventoried structures around the outer fringe. The excluded structures include 33 and 34 Highland Street. (Inventory Form #183, 184.) These structures are almost 2,700 feet from Miller Street and, due to a curve in the road and topography, are not visually connected to the nearest inventoried structure, a colonial revival structure located at 8 Highland Street (Inventory Form #8). Number 8 Highland Street was also excluded because of the surrounding non-compatible structures. The other two units not incorporated into the district were 78 and 63 Miller Street (Inventory Form #202 and 203). These buildings are excluded because they are visually separated and have a number of incompatible homes around them.

5. The Green - This site, located at the intersection of East Main Street and Plymouth Street, was one of the first centers in Middleborough. The First Church, which served all of Middleborough until 1719, was constructed on the Green in 1694. Although the First Church no longer exists, other important buildings, including the First Congregational Church, the Parsonage and the Green School, are still in existence. An area known as the Lower Green served as a military training grounds for many years. The parish cemetery across from the First Congregational Church is the burial spot for many of Middleborough's founders. At the present time few historically significant residential structures are located on the Green.





MAP 11
 TOWN OF
MIDDLEBOROUGH
 THE GREEN
 HISTORIC DISTRICT
 (PROPOSED)



The area is threatened by subdivision activity. Three subdivisions, two approved and one under review, have been proposed for the cluster overlay zone. They will result in the construction of 17 homes. The development threat to the Green is compounded by the fact that there is a large amount of undeveloped land in the immediate vicinity.

It is recommended that Middleborough establish a local historic district and larger cluster overlay zoning district for this area. The location of these districts is shown on Maps 11 and 12. The boundaries around "The Green" were established not only to protect the inventoried historic structures (Inventory Form #133 to 136) but The Green itself and some additional older homes running southwest along East Main Street.

Wherever possible, property lines were utilized as part of the District's boundary. (See Appendix D for model bylaws). Because of its significance to the early history of Middleborough, The Green should be investigated for listing as a National Register Historic District. Other preservation activities previously recommended for the Titicut Green and Eddyville are also appropriate for The Green.

6. Plymouth Street - Plymouth Street is the location of a large number of historically significant structures. This area of Middleborough is also a visually attractive area. To enhance the resources along this road, it is recommended that it be designated as Scenic Roads under MGL, Chapter 40, Sec. 15C. A portion of Plymouth Street (from Route 44 to Summer Street and northerly along Summer Street to Murdock Street) is already designated as a Scenic Road. It is recommended that this designation be extended to cover the area from Summer Street to the Taunton River. (See Map 1.)

Scenic road designation provides protection by requiring a public hearing and consent from the Planning Board before trees and stone walls can be removed when a road is repaired or reconstructed. Scenic road designation is accomplished by a bylaw approved by Town Meeting vote. Prior to Town Meeting action, recommendations must have been received from the Planning Board, Conservation Commission and Historic Commission.

Historic Archaeological Resources*

Between 1500 A.D. and the King Philip's War in 1675-76, the Pokanoket or Wampanoag people occupied most or all of present Bristol and Plymouth counties, and Rhode Island east of some part of Narragansett Bay. It is estimated that there may have been 4-10,000 people in this group before the first European settlements were established. The Wampanoags had a relatively loose political identity based on recognition of local leaders and, more important, commonly recognized sachems with widespread authority for limited socio-political purposes.

Seasonal movements along major rivers, based on use of riparian agricultural lands, and hunting and gathering of freshwater and saltwater fin-fish and shellfish, wild plants, and game mammals, followed cycles probably based on long periods of prehistoric adaptation. Each village group, of tens to several hundred people, used a wide variety of locales, with shared rights to some important areas, such as fish weirs and shellfish grounds. For these reasons, permanent village group boundaries were probably not closely defined geographically.

With the onset of epidemics and competition for foreign trade goods triggered by permanent European contacts in the early 17th century, the Pokanoket and other regional groups suffered depopulation, entered more hostile interrelationships, and probably became more politically centralized.

The Middleborough area was one of several Pokanoket core areas, home of the Nemasket groups centered on the Nemasket River and Assawompset, Long, Great and Little Quitticas Ponds. Local sachems from this area, who were in some way subordinate to Pokanoket chiefs in Mt. Hope, Rhode Island, appear prominently in local records of 17th century English colonization. Two important local Pokanoket settlements are at Nemasket in Middleborough and at Wapanucket on Assawompset Pond.

*Sources: Intensive Site Survey for the Faire, Town of Lakeville, Michael S. Rabu and Leonard W. Loparto (July, 1987). The Nemasket/Plimoth Path, Maurice Robbins, The Bronson Museum (1984).

Prior to European settlement, New England was covered by a network of trails running from one native town to another or leading to a favorite hunting or fishing area. Many of these trails were later used by the English and became highways. The principal path between Nemasket and Wapanucket approximated the present day Route 105, while Route 79 probably originated as one of the region's important east-west paths.

The Taunton and Nemasket Rivers are rich in Indian artifacts. They served an important regional function as legs of the Wampanoag Canoe Passage, a trail that covers 70 miles of sewer, marsh, brooks and ponds from Scituate on Massachusetts Bay to Narragansett Bay. The rivers also provided many sites for encampments. Particularly favored were sites with high ground that provided good visibility and ready access to food sources such as woods (game), fields (corn) and the ocean (shellfish). Unfortunately, many of these sites have never been discovered. In the past, this protected them from disturbance. However, lack of knowledge now contributes to their destruction caused by land development and earth removal activities.

There are several known historic archaeological sites in Middleborough that should receive priority for preservation. These include Titicut Reservation/Fort Hill, Oliver Mills/Muttock/Nemasket Crossing, and Wapanucket. However, there are a number of actions that are applicable townwide which should also be undertaken. The town should adopt both a Wetlands Bylaw that lists historic cultural resources as a protected value, and an earth removal zoning bylaw that allows earth removal only by special permit and that specifically protects historic archaeological sites. Wetlands are likely sites of Indian artifacts and earth removal activities are very destructive of historic archaeological sites. By making earth removal a special permit activity, the town could require a detailed site survey by a professional archaeologist prior to land disturbance. The special permit granting authority could also refuse to issue a special permit for earth removal projects that result in the destruction of or damage to historic archaeological sites. A wetland bylaw is a general bylaw requiring a majority vote at Town Meeting. An earth removal bylaw would require the same process described on page 9 to amend the zoning bylaw. Sample bylaws are shown in Appendix G.

Historic archaeological sites are very fragile. The disturbance of these sites can result in irreparable harm to the resource. Unfortunately, many sites in Massachusetts have been looted or robbed. Even the well intentioned activities of amateur archaeologists can cause problems. The collection of artifacts is regulated by state law (MGL, Chapter 9, 5.26A & 26B). Prior to any field investigation of an historic archaeological site, the State archaeologists should be contacted.

Middleborough should also amend its subdivision regulations and special permit regulations to require that all known historic archaeological sites be shown on a site plan. (See Appendix F for sample regulations.)

Because lack of knowledge is an important reason why sites are destroyed, a townwide survey should be conducted over a period of time to identify additional historic archaeological sites. The Arts Lottery and the Boston University Historic Preservation Program are sources of assistance for this activity.

Finally, Middleborough should consider a Scenic Rivers Study (and follow up scenic zoning district) for the Nemasket River. The Department of Environmental Management, through the Scenic and Recreational Rivers Program (MGL, Chapter 21A, Sec. 2), provides funding for scenic river studies. The Growth Management Workbook (Massachusetts Executive Office of Communities and Development and Pioneer Valley Planning Commission, March, 1988) contains an excellent description of river protection zoning.

Beyond the townwide activities, it is recommended that priority attention be given to the following sites (listed in order of priority):

1. Titicut/Fort Hill - These settlements, located in the vicinity of Pratt's Bridge on Vernon Street, were two of the largest Indian encampments in Plymouth county. The area of settlements extended for a substantial distance along both banks of the Taunton River. Numerous burials and an Indian fort were discovered during excavations conducted between 1946 and 1951. A stone fish weir, visible at low water, is located above the

bridge. Radio-carbon dating indicates that the sites have been occupied for 5,000 years.

It is recommended that the historic overlay zoning district proposed for the Titicut Green also include these sites (see map 3, page 22). The overlay zone would include a provision for a site survey by a professional archaeologist to identify historic sites, artifacts and buildings on a site plan prior to site development. The district would also contain a cluster provision to keep new development separated from historic archaeological sites.

The Self Help Program and a local land trust can be used to acquire title to or a conservation restriction on properties that are threatened by development. A conservation restriction is similar to a preservation restriction but more applicable to open land.

2. Oliver Mills/Muttock/Nemasket Crossing - These three sites border the Nemasket River in the vicinity of Middleborough Center, stretching from East Main Street to Route 44. Oliver Mills is the ruins of Peter Oliver's slitting mill and iron foundry which dates from 1744. Muttock, slightly to the south, is the suspected site of an Indian village. There is evidence of fish weirs built on the Nemasket River by local Indians. Over time the Indians at Muttock sold their land to white settlers and moved to the Titicut Reservation. The Nemasket Crossing (also known as the Wading Place) is generally regarded as the principal place at which the river was forded by Indians.* It is recommended an historic preservation cluster overlay zoning district be established for this area. The area is shown on Map 12 (page 38). The provisions of the

*The Nemasket Path was probably the first Indian path known and used by the Pilgrims. This path led from Massachusetts Bay to an area abounding in fresh water streams and ponds known to the Indians as Namaschet "the place of fish." The English understood the name to be that of a particular Indian town located somewhere in the vicinity of the "wading place." At this shallow place on the river, the Nemasket Path connected with several trails leading north, west and south to various Pokonoket towns. (Maurice Robbins, 1984)

overlay zone would be the same as described for Titicut/Fort Hill. Appendix D contains a sample bylaw. Other appropriate resources should be used to acquire threatened sites.

3. Wapanucket - This site, which is located along Assawompset Pond in the vicinity of Vaughan and Walnut Streets, has shown evidence of human habitation for a period of 10,000 years. Post holes for lodges and artifacts such as points, sharpening stones, and scrapers provide evidence of a large village dating from the late Archaic period (2500 B.C. to 2000 B.C.).

The primary threat to this site is the development pressure being experienced generally in Middleborough. A six unit subdivision has recently been proposed for a very sensitive site. The threat is somewhat diminished by the fact that since 1973 the site has been listed on the National Register. In addition, the Middleborough Open Space Plan indicates that a large portion of this site is owned by the water departments of Taunton and New Bedford. In spite of this, it is appropriate to propose a cluster overlay zoning district for this area in case the land is transferred to private ownership. (See Map 10, page 35 and Appendix D.)

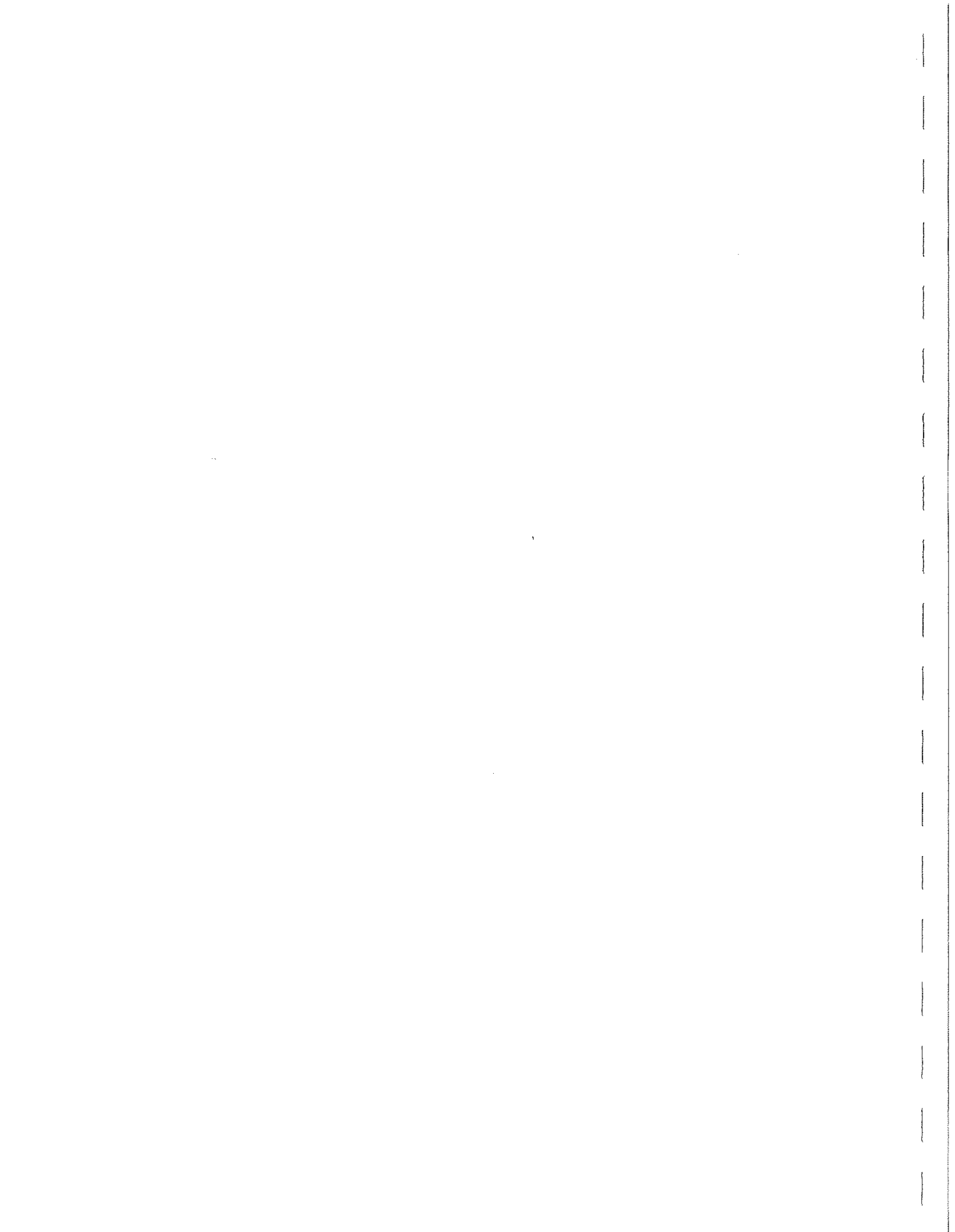
The Wapanucket area is also very important for watershed protection. Therefore, it is a very good candidate for land acquisition using Self Help funds and/or a local land trust.

APPENDIX A

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
INDEX OF INVENTORY

APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>ARCH</u> #33, 39; #43-45; #51-53; #55 (Streetscape)	Vernacular/Queen Anne and Colonial Revival	327	
<u>ARLINGTON</u> (Streetscape)	Dutch Colonial	320	
<u>BARDEN HILL</u> #10 #40	Cape Cape	302 304	
<u>BEACH</u> #36	Cape/Eclectic	154	
<u>BEDFORD</u> #138 #225	Vernacular Cottage/Cape (c.1750) Greek Revival/Shoe Shop Arch.	1 39	
<u>BENJON</u> #12	Italianate	306	
<u>BRIDGE</u> No # Ocean Spray	Industrial	225	
<u>BOURNE</u> #35,33,25,15 (Streetscape)	Colonial Revival	346	
<u>CARMEL</u> #5 #23	Cape Cape	125 126	



MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
INDEX OF INVENTORY

APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>CARVER</u> #240	Colonial ½-house	206	
<u>CEDAR</u> #45 #76 #94 #105 #122 #131	Colonial Cape Cape Cape Vernacular Transitional Federal/Greek Rev.	111 112 113 114 109 110	
<u>CENTRE</u> #25-29 #34 #38 #45 #53 #59 #111 #133 #143-147 #155 #178 #222-266 (Streetscape) #264 #372-374 #378 #395 #411 #1075, 1089, 1105, 1119 (Streetscape) #:	Commercial Commercial Italianate Vernacular/Commercial Vernacular/Commercial Commercial Commercial/Romanesque Commercial Italianate/Commercial Greek Revival/Italianate Commercial/Warehouse Commercial/Vernacular/Italianate Mill/Industrial Commercial Vernacular Italianate Italianate Vernacular/Workers' Housing	379 360 361 378 377 376 373 372 371 370 323 354 365 337 338 334 333 318	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
 INDEX OF INVENTORY

APRIL 1985

Street Address	Style	Inventory Form #	NR status
CENTRE (cont'd) #Christian Science Society Church of Our Savior Cushing Block U.S. Post Office Sacred Heart Church St. Luke's Hospital Washburn Grain Mill	Vernacular/20th century Ecclesioloical/Gothic Revival 19th Century Industrial Neo-Classical Revival Gothic Institutional Mill Construction/Industrial	325 364 366 363 368 369 324	Listed 1980
CHERRY #116 #179	Vernacular/Cape Georgian	227 226	
CHESTNUT #103	Colonial Cape	207	
CLAY #29	Georgian/Federal	57	
CLIFFORD #4,6,8,10 (Streetscape)	c.1900	305	
CORINNE #16	Cape	254	
COURT END #3, 5, 6, 7, 8, 9, 10, 12 (Streetscape)	Colonial Revival	344	
#14 #17	Vernacular/Queen Anne Bungalow	343 345	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>COURTLAND</u> #24, 26, 28 (Streetscape)	Colonial Revival	342	
<u>EAST</u> #20	Greek Revival	153	
<u>EAST GROVE</u> #55 Water Works #55 " #71 #126 #177	Colonial Revival Queen Anne Institutional Vernacular Cottage/Cape Second Empire	230 229 231 228 220	
<u>EAST MAIN</u> #24 #73 #112 #115 #238 #344 The Green School The Star Mills/Winthrop Atkin The Star Mills The Star Mills The Star Mills The Star Mills	Vernacular Cape Cape (c.1830) Italianate Greek Revival Colonial Greek Revival Modern Commercial Functional Industrial Functional Gambrel Vernacular Structure Hipped-Gambrel Vernacular Mill	249 239 242 240 241 136 248 247 246 245 244 243	
<u>ELM</u> #8 #7,9,11,13,15,17,119; 10,12,14,16,18,20. (Streetscape)	Second Empire/Mansard Vernacular Workers' Housing/ Italianate	347 332	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>EIM (cont'd)</u> #41-43 #47,49; #52-57 (Streetscape) #71	Spooener Block/Commercial Vernacular/Italianate Queen Anne/Stick	331 330 329	
<u>EVERETT</u> #75,77,79,81,83 (Streetscape) #246 #247 Richard Sampson House #301 Purchase School	Vernacular/Italianate Vernacular/Cottage Greek Revival Greek Revival	328 53 52 51	
<u>FAIRVIEW</u> No #	International	232	
<u>FOREST</u> #16 #30 Flora M. Clark School	Queen Anne/Colonial Revival Vernacular/Colonial Revival	335 336	
<u>FOSDICK</u> #2	Colonial Cape	151	
<u>FRANCE</u> #100 #173	Colonial 1/4-house Greek Revival/Vernacular	155 152	
<u>FULLER</u> #28 #89 #91 #126 #148 #170	Greek Revival - Remodelled Cape Greek Revival Cape Greek Revival Greek Revival	102 103 104 105 106 107	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>GIBBS</u> No #	Camp/Vernacular	211	
<u>HIGH</u> #3	Gothic Revival	356	
<u>HIGHLAND</u> #8	Colonial Revival	185	
#33	Federal	183	
#34	Cape	184	
#87	Italianate	174	
#94	Greek Revival	173	
#125	Greek Revival/Italianate	172	
#126	Federal	171	
#144	Federal	170	
#160	Cape	169	
<u>HILLSIDE</u> #14	Colonial Revival	313	
<u>JACKSON</u> Middleboro Historical Museum	Vernacular Greek Revival	280	
Middleboro Historical Museum	Vernacular Greek Revival	281	
Middleboro Historical Museum	Vernacular	282	
Middleboro Historical Museum	Vernacular	283	
Middleboro Historical Museum	Vernacular	284	
Middleboro Historical Museum	Vernacular	285	
Middleboro Historical Museum	Vernacular	286	
<u>LAKESIDE</u> No #	Shingle/Vernacular	224	

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Street Address	Style	Inventory Form #	NR status
<u>LOCUST</u> #1	Princess Anne	164	
<u>LONG POINT</u> No #	Colonial Revival	180	
<u>MAXFLOWER</u> Burkland Junior High School Mayflower Elementary School	Vernacular International Vernacular International	309 310	
<u>MARION</u> #60 #334 #364 #388 #400 #410	Vernacular/Cape Georgian/Institutional Vernacular/Cape Vernacular/Cape Vernacular/Gothic Revival Vernacular/Cape	221 181 179 177 176 175	
<u>MILL</u> #1	Vernacular/Cottage	5	
<u>MILLER</u> #63 #78 #84 # # #94 #96 #99	School House Italianate Vernacular Vernacular Vernacular Gothic Vernacular Vernacular Italianate	203 202 197 194 195 193 192 191	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>MILLER</u> (cont'd)			
#103	Queen Anne	190	
#109	Italianate/Queen Anne	189	
#115	Cape	188	
#125	Italianate/Gothic Revival	187	
#129	Four Square/Colonial Revival	186	
#292	Cape	182	
#340	Vernacular Cottage/Cape	178	
<u>MURDOCK</u>			
#25	Vernacular Cottage/Cape	48	
<u>MYRTLE</u>			
#8-11; #13 (Streetscape)	Italianate	268	
#12	Italianate	267	
<u>NEMASKET</u>			
#5	Federal	142	
<u>NICKERSON</u>			
Central Baptist Church	Colonial Revival	359	
Town Hall	Neo-Classical	384	
<u>NORTH</u>			
#2	Italianate	251	
#4	Second Empire	252	
#30	Greek Revival	257	
#29, 31, 33, 35 (Streetscape)	20th Century (Small House)	255	
#41	Cape	256	
#71	Cape	258	
#107	Italianate	147	
#110	Vernacular Cottage	143	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
NORTH (cont'd) #115 #119 #122	Vernacular Cottage/Cape Vernacular Cottage/Cape Greek Revival	146 145 144	
NORTH MAIN #11-15 (Streetscape) #12 #17 #49 #75 #99 Police Station #132 #153 #181 #182 #187 #288	Neo-Classical Vernacular Colonial Revival Colonial Revival Federal Greek Revival Federal Queen Anne Italianate Queen Anne Italianate Federal 20th Century Institutional Neo-Classical Colonial Revival Vernacular Neo-Classical	291 292 290 289 288 279 278 276 275 274 273 253 277 287 272 271 293	Listed 1976
FIRE STATION LIBRARY MEMORIAL HIGH NEMASKET GRANGE HALL PEIRCE BUILDING	Italianate	311	
OAK AVENUE No # #11 #25 #33 #33, 35, 37, 39, 43 (Streetscape) #55, 57, 59, 61, 63, 65, 67. (Streetscape)	Queen Anne/Colonial Revival Italianate Second Empire/Mansard Italianate/Greek Revival Vernacular/Workers' Housing	367 341 340 339 262	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>OAK</u> #78 #104	Shingle Style Queen Anne	261 259	
<u>OLD CENTER</u> #104 #190 #270	Greek Revival Georgian Federal	2 56 58	
<u>OLD THOMPSON</u> At Plympton	Italianate	101	
<u>PEARL</u> #19 #27 #30 #32 #33	Italianate Queen Anne Queen Anne/Colonial Revival Gothic Revival Greek Revival	350 351 352 353 355	
<u>PIERCE</u> #45 #100,115,118,119,122,131 (Streetscape) #151	Greek Revival Vernacular/Italianate Industrial/Mill Construction	266 264 263	
<u>PLEASANT</u> #1 #3 #10 #14 #15	Greek Revival/Colonial Revival Italianate Federal/Italianate/Colonial Rev. Vernacular/ Italianate Colonial Revival	22 19 20 17 18	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>PLEASANT</u>			
#16	Vernacular Cottage/Cape	16	
#28	Greek Revival	15	
#32	Federal	14	
#35	Maude de Maranville	12	
#47	Colonial Revival/Schoolhouse	11	
#56	Greek Revival	13	
#61	Vernacular/Greek Revival	10	
#65	Georgian/Federal	9	
#120	Federal	3	
#121	Vernacular/Greek Revival Vernacular Cottage/Cape	4	
<u>PLYMOUTH</u>			
#11	Bungalow	8	
#21	Federal/Colonial Revival	24	
#29	Italianate	23	
#36	Vernacular	25	
North Congregational Church	Shingle Style	26	
#37	Pratt Free School	21	
Parsonage	Italianate	27	
#48	Federal	28	
#60	Greek Revival	29	
#75	Vernacular Cottage	32	
#78	Greek Revival/Italianate	30	
#80	Georgian-Remodelled	38	
#87	Federal	33	
#92	Colonial Revival/School House	31	
#97	Greek Revival	34	
#103	Greek Revival	35	
#109	Federal	36	
	Greek Revival		

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
PLYMOUTH (cont'd)			
#111	Late Gothic Revival;	37	
#144	Vernacular Cottage/Cape	40	
#148	Vernacular/Cape/Greek Revival	41	
#182	Federal	42	
#192	Vernacular/Farm House	43	
#194	Vernacular/Greek Revival	44	
#204	Gambrel Roof/Cottage	45	
#227	Vernacular/Cape	46	
#262	Federal	47	
#267	Vernacular - Remodelled	49	
#269	Vernacular/Greek Revival	50	
#310	Vernacular/Cape	69	
#347	Italianate	68	
#348	Vernacular/ $\frac{1}{2}$ Cape	70	
#350	Vernacular	71	
#351	Second Empire/Mansard	67	
#354	Modern	72	
#378	Vernacular/Cottage	66	
#380	Vernacular/Cottage	65	
#384	Vernacular/Greek Revival	64	
#386	Vernacular/Greek Rev./Italianate	63	
#394	Italian Villa/Vernacular	62	
#400	Vernacular Cottage	61	
#406	Greek Revival/Italianate	60	
#410	Greek Revival/Italianate	59	
#438	Federal	141	
#445	Federal	140	
#491	Cape	138	
#679	Vernacular Cottage/Cape	132	
#799	Cape (c. 1800)	127	

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Street Address	Style	Inventory Form #	NR status
<u>PLYMOUTH (Cont'd)</u>			
#817	Greek Revival	131	
#830	Italianate	128	
#834	Italianate	129	
#841	Cape	130	
#1113	Gambrel	139	
<u>PLYMPTON</u>			
#4	Greek Revival	135	
#6	Greek Revival (Chapel)	134	
#6	Greek Revival (Church)	133	
#32	Vernacular/Greek Revival	137	
#133	Georgian	116	
#152	Queen Anne/Vernacular	117	
#153	Dutch Colonial	118	
#154	Federal/Vernacular	119	
#155	Federal	120	
#156	Georgian/Federal	121	
#157	Vernacular	122	
#158	Georgian/Federal	123	
#174	Georgian (late)	124	
<u>PURCHASE</u>			
#58	Vernacular Cottage/Cape	55	
#75	Vernacular	54	
<u>PURCHASE</u>			
#178	Cape	204	
#239	Greek Revival	205	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>RIVER</u> #6 #35 #64 #81 #87	Bungalow Greek Revival Greek Revival Vernacular/Cape Italianate/Homestead	78 79 80 81 82	
<u>ROCK</u> #26 Streetscape	Gothic Revival Italianate	307 308	
<u>ROCKY MEADOW</u> #183 #191 #198	Vernacular/Cape Vernacular/Cape Vernacular/Italianate	148 149 150	
<u>SACHEM</u> #7 #78 #112 #134 #221	Colonial Cape/½House Vernacular/Cape Vernacular/Gothic Cape Vernacular/Cape Gambrel Cape	238 235 234 233 430	
<u>SCHOOL</u> #24 #28-44 (Streetscape) #60 Central Methodist Church School Street School	Queen Anne Italianate Vernacular Vernacular/Gothic Rev./Romanesq. Colonial Revival	265 270 269 375 374	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>SHAW</u> Streetscape	Triple Deckers	326	
<u>SMITH</u> #11 #16 #20 #42	Federal Cape Vernacular Italianate	198 199 200 201	
<u>SOULE</u> #46	Italianate	115	
<u>SOUTH</u> #22	Gothic Revival	168	
<u>SOUTH MAIN</u> Savings Bank Building #9-11 #17-21 Unitarian Universalist Ch. #2 #4-10 American Hall #12 Doane Block #14 #20 Middleboro Co-Operative Bank Central Congregational Ch. #32 #46 #50	Richardsonian Romanesque Commercial Federal/Commercial Facade Shingle Style Vernacular/Commercial Commercial Italianate Italianate/1930s Commercial Second Empire/1930s Commercial Georgian Revival Neo-Classical Greek Revival Italianate/Neo-Classical Greek Revival	380 381 382 382 429 428 427 426 425 424 422 421 420 419	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
SOUTH MAIN (cont'd)			
#51	Greek Revival/Colonial Revival	385	
#53	Greek Revival	386	
#54	Gothic Revival	418	
#55	Greek Revival	387	
#56	Vernacular/Italianate	417	
#59	Greek Revival/Cape	388	
#61	Federal	389	
#64	Queen Anne	416	
#67	Federal	390	
#71	Federal	391	
#72	Italianate	415	
#76	Queen Anne	414	
#77	Gambrel/Cape	392	
#80	Colonial Revival	413	
#81	Vernacular/Gothic Revival	393	
#83	Italianate	394	
#85	Queen Anne/Colonial Revival	395	
#87	Mansard/Second Empire	396	
#91	Colonial Revival	397	
#93	Federal	398	
#94	Greek Revival	412	
#98	Dutch Colonial Revival	411	
#99	Colonial Revival	399	
#100	Greek Revival	410	
#101	Queen Anne/Colonial Revival	400	
#104	Queen Anne	409	
#107	Colonial Revival	401	
#108	Italianate	408	
#109	Colonial Revival	402	
#112	Second Empire	407	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>SOUTH MAIN</u> #117 #120 #123 #124	Federal Italianate Cape Bungalow	403 406 404 405	
<u>SOUTHWICK</u> #1	Queen Anne	349	
<u>SPROAT</u> #99	Queen Anne	260	
<u>SPRUCE</u> #28 #36 #95	Italianate Cape Cape	165 166 167	
<u>STARR</u> #10	Vernacular/Greek Revival	250	
<u>STATION</u> Freight Station Old Colony Station	Industrial Queen Anne	322 348	
<u>SUMMER</u> Weston Tavern #4 #51 #65 #146	Vernacular/Cape Vernacular/Cape Vernacular/Cape Vernacular/Cape Federal	73 74 75 76 77	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>TAUNTON</u> #122	Vernacular/Cape	315	
<u>THOMAS</u> #174	Cape	208	
<u>TILSPAQUIN</u> #9	Vernacular	213	
#25	Cape	212	
#700	Cape	210	
#700	Cape/Barn	209	
<u>THATCHERS ROW</u> Streetscape	20th Century Commercial	362	
<u>THOMPSON</u> #9	Greek Revival	83	
#21	Cape	84	
#121	Cape	85	
#139	Cape	86	
#150	Cape	89	
#169	Greek Revival	87	
#171	Federal/Colonial Revival	88	
#181	Vernacular/Col. Rev/Homestead	92	
#187	Greek Revival	94	
#216	Vernacular	96	
#217	Vernacular/Cape	90	
#231	Georgian	91	
#237	Cape	97	
#273	Greek Revival/Cape	98	
#274	Vernacular	99	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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Street Address	Style	Inventory Form #	NR status
<u>THOMPSON</u> #288 At Precinct St. School (4-H)	Colonial Revival Vernacular Greek Revival	100 95 93	
<u>UNION</u> Union Street School No #	Art Deco Greek Revival/Barn Remodelled	358 357	
<u>VAUGHAN</u> #87 #95	Vernacular Cottage/Gambrel Vernacular Cottage	222 223	
<u>VERNON</u> #42 #89	Colonial Revival Vernacular Cottage/Italianate	6 7	
<u>VINE</u> #26 Colonial Brass	Commercial /Industrial	319	
<u>WALNUT</u> #9	Industrial	196	
<u>WAREHAM</u> #5 #7 #9 #11 #12 #19 #65	Italianate Italianate Greek Revival Gothic Revival Vernacular/19th Century Indust. Italianate Greek Revival/Cottage	294 295 296 297 298 299 303	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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APRIL 1985

Street Address	Style	Inventory Form #	NR status
WOOD #253 #305	Vernacular/Cape Vernacular/Cape	236 237	

MIDDLEBOROUGH HISTORIC RESOURCES SURVEY
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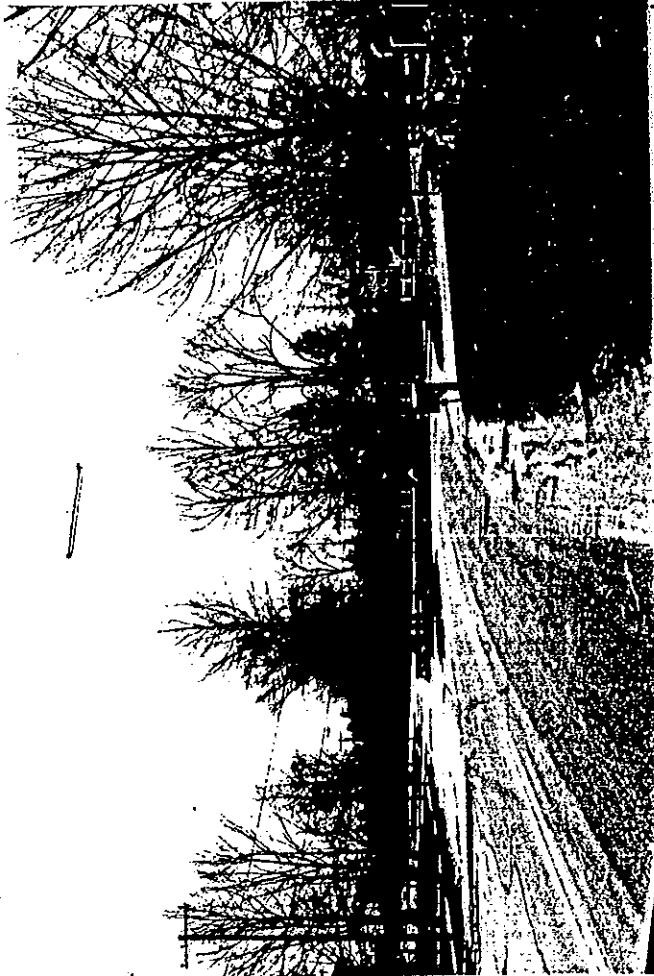
APRIL 1985

Street Address	Style	Inventory Form #	NR status
<u>WAREHAM</u> #274	Colonial Revival	219	
#278	Vernacular Cottage/Cape	218	
#285	Vernacular Cottage	217	
#290	Colonial Revival	216	
#321	Italianate	215	
#395	Gothic Revival	214	
#561	Diner	163	
#563	Romanesque Revival (Provincial)	160	
#564	Greek Revival/School house	162	
#566	Utilitarian Vernacular	161	
#567	Eclectic Gothic Revival	159	
#570	Vernacular Craftsman	158	
#576	Craftsman Bungalow	157	
#582	Georgian	156	
Maxim Motors	20th Century Industrial	300	
Municipal Light	20th Century Industrial	301	
<u>WEBSTER</u> #2	Greek Revival	423	
<u>WESTEND</u> #9	Queen Anne	316	
#13	Colonial Revival	317	
<u>WEST GROVE</u> #312	Industrial/Warehouse	312	
State Police Station	Institutional/Neo-Classical	314	
<u>WINTER</u> #32	Vernacular	108	

FORM A - AREA

MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA. 02108

Form numbers in this area	Area letter
Form B # 19-28	A
Form C # 901, 917	
Form E # 816	



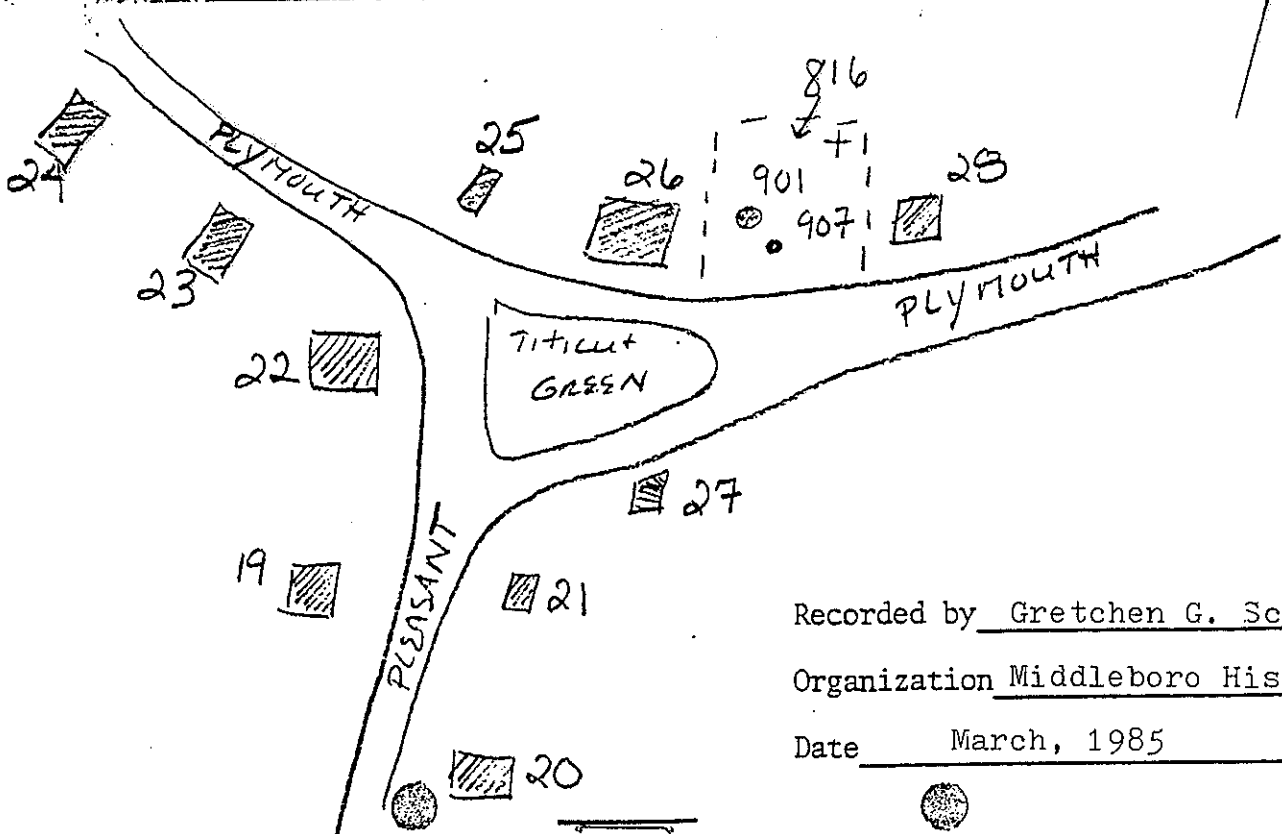
Town MIDDLEBOROUGH

Name of area (if any) _____

Titicut - North Middleborough

General date or period 19th century

of the area indicating properties within it.
individual inventory forms have been completed.
numbers, if any) and indicate north. (Attach a
not sufficient)



Recorded by Gretchen G. Schuler

Organization Middleboro Hist. Comm.

Date March, 1985

(Staple additional sheets here)

ARCHITECTURAL SIGNIFICANCE of area. (Describe physical setting, general character, and architecturally significant structures).

Buildings around Titicut Green are of the nineteenth century and demonstrate the affluence and taste of a few, predominately the Pratts, who were instrumental in the development of this area. The substantial single family dwellings are Federal and Greek Revival in massing with Italianate and Colonial Revival additions. The Congregational Church is of the Shingle Style and is reflective of the varied tastes at the end of the 19th century. Several of these buildings should be considered architecturally significant (the Church, 1 Pleasant, 3 Pleasant, 10 Pleasant and 37 Plymouth Sts.) and all are significant in terms of their context.

HISTORICAL SIGNIFICANCE of area. (Explain development of area, what caused it, and how it affected community; be specific).

The predominant link among the structures in the Titicut Green area is the role of the Pratt family in the area's development. The area is located in the northwest corner of Middleborough and is southeast of the Taunton River

Titicut, "a place of the great river", was the site of an Indian reservation and the area to which the Nemasket Indians fled in the 1700s after selling the last of their lands in the Muttok area to settlers such as Peter Cliver. (See Area Form G). The Indians in the Titicut area co-existed with the white settlers and gave land for the Titicut Parish.

The successful development of this self-contained community depended in large part on the wealth of natural resources, eg. fertile land for farming and the river which was the site of early ship building, foundries for iron work, and mills including grist and saw mills. Although the manufacturing of shoes became an important industry of North Middleborough it did not directly affect the development of the buildings surrounding the green except to bolster the economy of the community.

The Titicut Parish was formed in 1747 and in 1748 The Rev. Isaac Backus came to be pastor for the eight years before breaking away to form the First Baptist Church. Succeeding pastors played an active role in the development of the community and married into the Pratt family, those who were responsible for the architectural fabric evident today. The land for the Titicut Parish was a gift of the Praying Indians and is significant in bridging the gap between the end of the Indian population in the area and the growth of a self

BIBLIOGRAPHY and/or REFERENCES
contained and substantial white community from which there have been many prominent residents.

1. History of the North Middleborough Congregational Church, pamphlet.
2. North Middleborough Looks Back", pamphlet.
3. Romaine.
4. Weston.

FORM A - AREA (CON" T)

MIDDLEBOROUGH

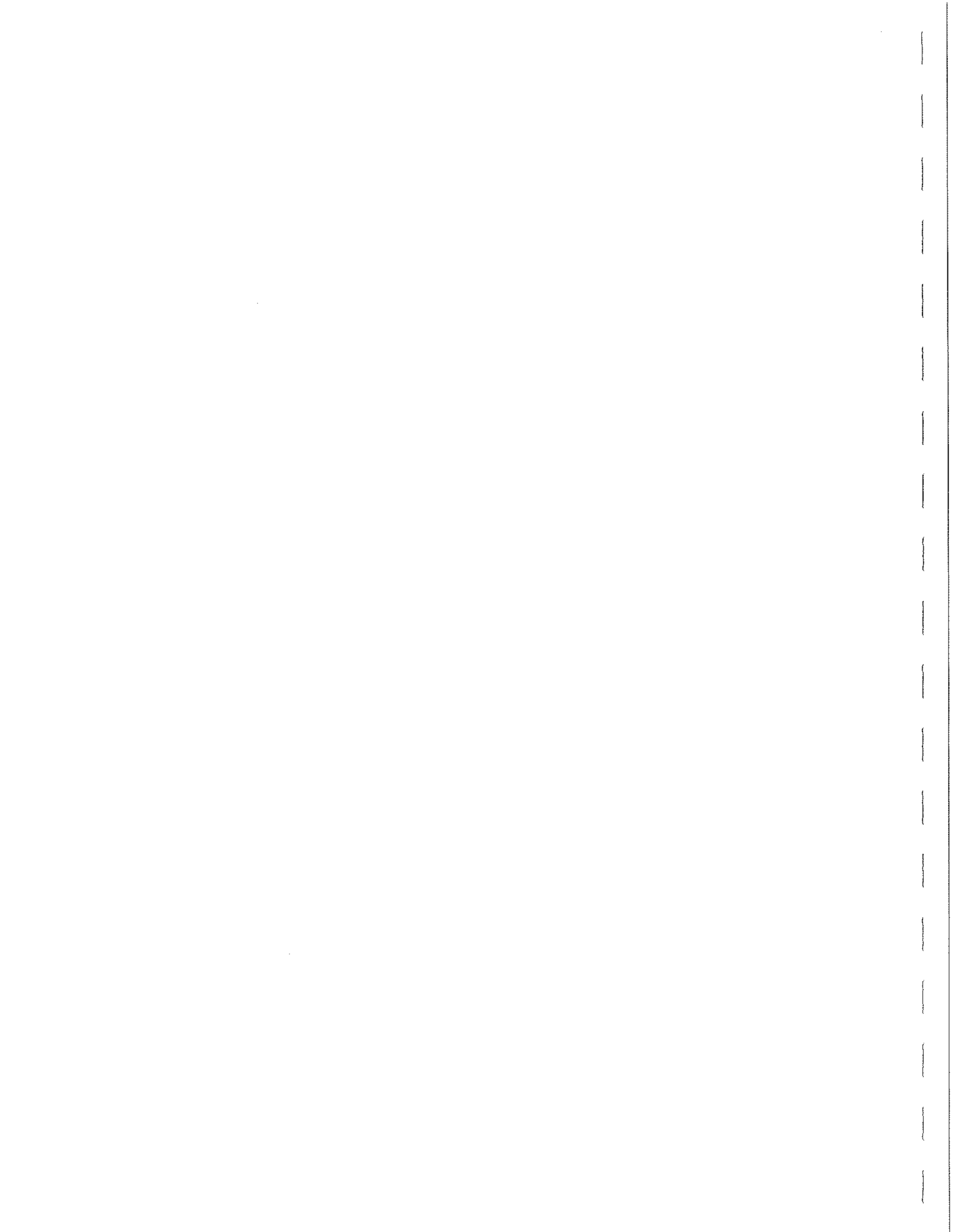
Titicut - North Middleborough

In the mid to late eighteenth century Benjamin Pratt and his sons were involved in the early ship building on the Taunton River. Benjamin and three sons died of yellow fever and the sole survivor, William turned away from ship building on the large scale and began investing in land in the Titicut area. He built his 1800 home #21 Plymouth St., developed several mills on the Titicut side of the Taunton river and accumulated 400 acres of surrounding land. The houses which we see today were built by his sons and grandsons on land inherited from William.

Isaac, son of William Pratt developed a successful general store and nail producing industry, with his cousin Jared Pratt who moved to Middleboroug from Bridgewater.

Much of the success of the Pratt family businesses required moving to other areas. Enock Pratt, great philanthopist, grandson of William and son of Isaac lived in Baltimore where he ran alucrative business of wolesale iron (Pratt and Keith and later Enoch Pratt and Brothers). It was through his generous gifts of endowment that the Pratt Free School came to be. Jared Pratt lived in Wareham and later in Harrisburg to run the successful business, Wareham Iron Works which he and Isaac had begun. Jared always maintained a home in Titicut and returned to #3 Pleasant St. to retire.

The other houses included in the area were built with the help of or by members of the Pratt family. They served on the Board of Trustees for the school, on the committees of the church, maintained the store.



FORM A - AREA

MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA. 02108

Form numbers in this area <i>116 - 126</i>	Area letter <i>C</i>
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Photo (3x3" or 3x5")
Staple to left side of form

Photo number No photo

Town MIDDLEBOROUGH

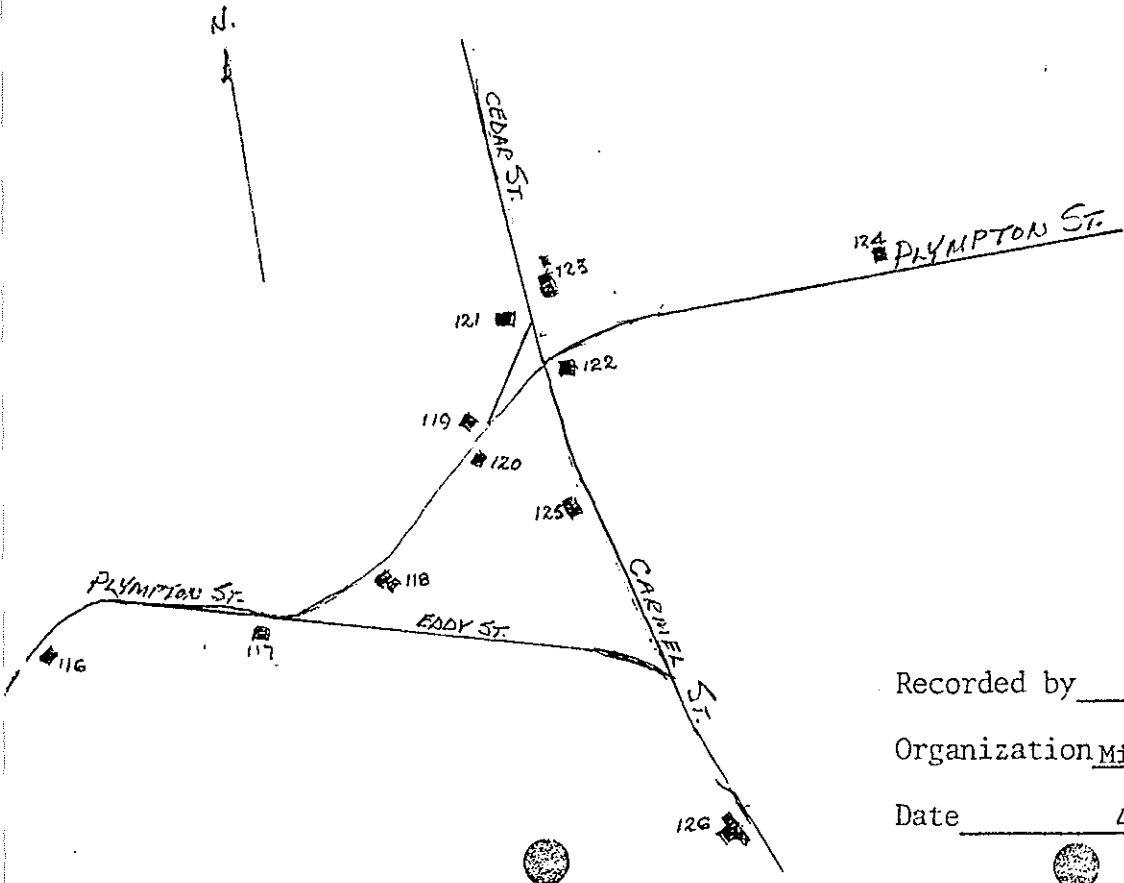
Name of area (if any) Eddyville

General date or period _____

1750 through 1850 peak period

Sketch map. Draw a general map of the area indicating properties within it. Number each property for which individual inventory forms have been completed. Label streets (including route numbers, if any) and indicate north. (Attach a separate sheet if space here is not sufficient)

R - 21



Recorded by Kay Flynn

Organization Middleborough Historical Comm.

Date 4/85

(Staple additional sheets here)

ARCHITECTURAL SIGNIFICANCE of area. (Describe physical setting, general character, and architecturally significant structures).

Located in the northeast section of Middleborough, Eddyville is an early settlement node dating back to 1661. The area is presently residential, on a small common, and pastoral in setting. The agrarian influence remains today as a chosen way of life and no longer sustaining. There are eleven structures in Eddyville that are significant architecturally or historically. Seven of these can be traced directly to a member of the Eddy family and date between 1750 and 1898. Significantly #s 133, 155, 156, 158 and 174 Plympton Street are intact Georgian/Federal houses dating between 1721-1820 and all belonged to the sons of Captain Joshua Eddy. The other six structures are ancillary to the functions of a small community from farmer, store, blacksmith shop, shoe shop, to a P. O. that was later moved.

HISTORICAL SIGNIFICANCE of area. (Explain development of area, what caused it, and how it affected community; be specific).

The origin of the name of "Eddyville" is from one of the first settlers of Middleborough, Samuel Eddy. The significant history is written in the lives of the various members of this family. Samuel Eddy's name appears in land transactions until 1662 and he owned several hundred acres in the eastern section of Middleborough - extending over into Halifax and including all of the land now known as Eddyville.

His son, Obadiah, inherited Samuel Eddy's estate in Middleborough/Halifax. However, the most influential son in terms of the settlement of Eddyville was his son, Samuel (1710-1746). Samuel, Jr. built the original sections of two houses - #133 and #158 Plympton Street. Zachariah was his son and inherited #158. Further research should be obtained on this branch of the family.

The other principal Eddy was Captain Joshua Eddy (1755-1825) who had seven sons, five of whom settled in the Eddyville area and three of their houses are extant. Nathaniel's at #155 and 154 Plympton; Samuel's at 133 Plympton; and Zachariah at #158 Plympton. All of these are Georgian/Federal and date between 1721 - 1820.

Eddyville was beginning to flourish in the 18th century, but by the early 19th century it was a thriving, self-sustained community. Six generations of Eddys and their legal and business reputations brought men to this area for social as well as business reasons. There were a wide range of dwellings from the large substantial high-style to the small modest cottage as well as the ancillary structures of the community. By the late 19th century the economic focus had changed from self-sustained settlement nodes throughout Middleborough, such as Eddyville, to the center of town which had become an industrial, commercial and rail center.

BIBLIOGRAPHY and/or REFERENCES

- Weston, pgs. 342 - 348
- Romaine, pgs. 348 - 350
- Antiquarian, Vol 5, April, 1964 - reprint of a Middelboro Gazette, 1903 article
- Notes from "Photographs" give to the Middleborough Historical Society
- Maps: 1831, 1855, 1857, 1879
- Directory - 1867

Form numbers in this area 182-203	Area letter H
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MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA. 02108

Town MIDDLEBOROUGH

Name of area (if any) _____

Rock Village

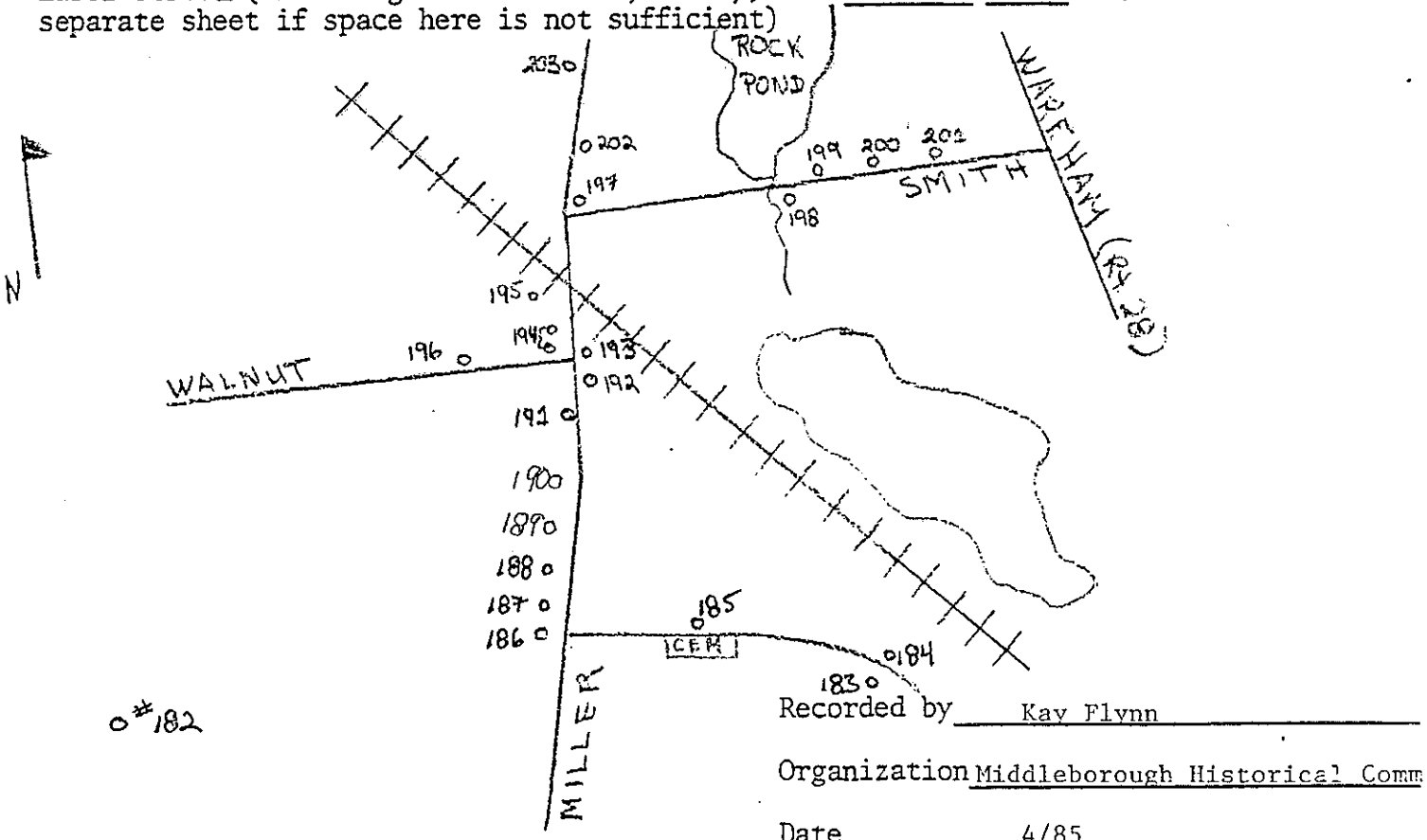
General date or period _____

1780 - 1920

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Photo number No Photograph

Sketch map. Draw a general map of the area indicating properties within it. Number each property for which individual inventory forms have been completed. Label streets (including route numbers, if any) and indicate north. (Attach a separate sheet if space here is not sufficient)



o # 182

ARCHITECTURAL SIGNIFICANCE of area. (Describe physical setting, general character, and architecturally significant structures).

Located in the southeast section of Middleborough, Rock Village encompasses a mile long section of Miller Street, from Rock School south to Highland Street. A ledge running for half a mile from "one road to another"¹ has given the name, "Rock", to this settlement node, which was called Beaver Dam. "Rock is a picturesque village with attractive houses grouped around a small, placid body of water, Rock Pond."² The village was in its prime in the early 20th century. The closing of the Box Co. (1932), railroad service (1930s) and the decline in church activities (ie. Camp Meetings), however, has halted any further growth and returned the once active village to its tranquil existence pattern.

Architecturally, the vicinity of Miller, between Highland and Smith Streets, offers the most significant structures from the school (1897), church (1879), library (1890's), store (1860's). For the most part, these are vernacular structures with the exception of two residences on Miller Street (1870's -1890's), and also a derelict Federal house on Highland Street. The ubiquitous Cape is the most prominent building style of all periods, from 1700 - 1830, followed by the simple Italianate (1860 - 1900).

HISTORICAL SIGNIFICANCE of area. (Explain development of area, what caused it, and how it affected community; be specific).

Saw mills were established very early in the history of the area, timber was a plentiful resource and rivers and ponds provided the needed water power for production which met the demands for building materials. The late 18th century was the settlement period of any sizeable population in Rock Village, and it was because of the saw mills and farming resources. A church was established in Rock Village with an edifice on Highland Street (1795 - no longer extant), as an offshoot of the South Middleborough Church. There was a training green on the "common", which was located where Rock Cemetery is today.

The 19th century saw the establishment of a school (pre 1831), a post office (1849), stores (by 1855) and the Independent Congregational Church (1880), a railroad station (1848) and the development of the Cranberry Highway (Rt. 28) as a transportation route between New Bedford and Boston in the early 19th century. The most important development as an economic factor of Rock Village was the founding of a saw mill and box company by Ichabod Atwood in 1865. This developed throughout the 19th century into "one of the most successful manufacturers of wooden boxes"³ The Atwood Box Company closed in 1932.

The prime of the village appears to be the same period that Rock Village had train service, from 1848 to 1930's. The decline of industry, rail and trolley service and church related activities brought the village to a tranquil existence of either farming or commuting by car to a place of business. The village, itself, no longer was a necessary participant for the existence of the individuals in the area. It plays an ancillary role in the lives of Rock Village folk today. "Rock is a charming New England village, and natives who have migrated to far away places, and some not so far, often declare that, in their opinion, no place in the world compares with the home of their youth, Rock Village."⁴

BIBLIOGRAPHY and/or REFERENCES

- | | | |
|-------------------------------|--------------------|--|
| ¹ Weston, pg. 334 | Maps: 1795
1831 | Basic references: |
| ² Romaine, pg. 270 | 1855
1879 | Weston, pgs. 334, 271, 363, 251, 467
477-478 |
| ³ Roamine, pg. 35 | Directory, 1867 | Romaine, pgs. 220-221, 34-35, 280,
27--271, 300, 211-213,
249 |
| ⁴ Romaine, pg. 271 | Town Reports | <u>Antiquarians</u> , Vol XX, #2, March 1980
Vol XX, #3, July, 1980 |
- 24-6/80

FORM A - AREA

MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA. 02108

Form numbers in this area <u>133-136</u>	Area letter <u>E</u>
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Photo (3x3" or 3x5")
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Photo number No photo of area possible

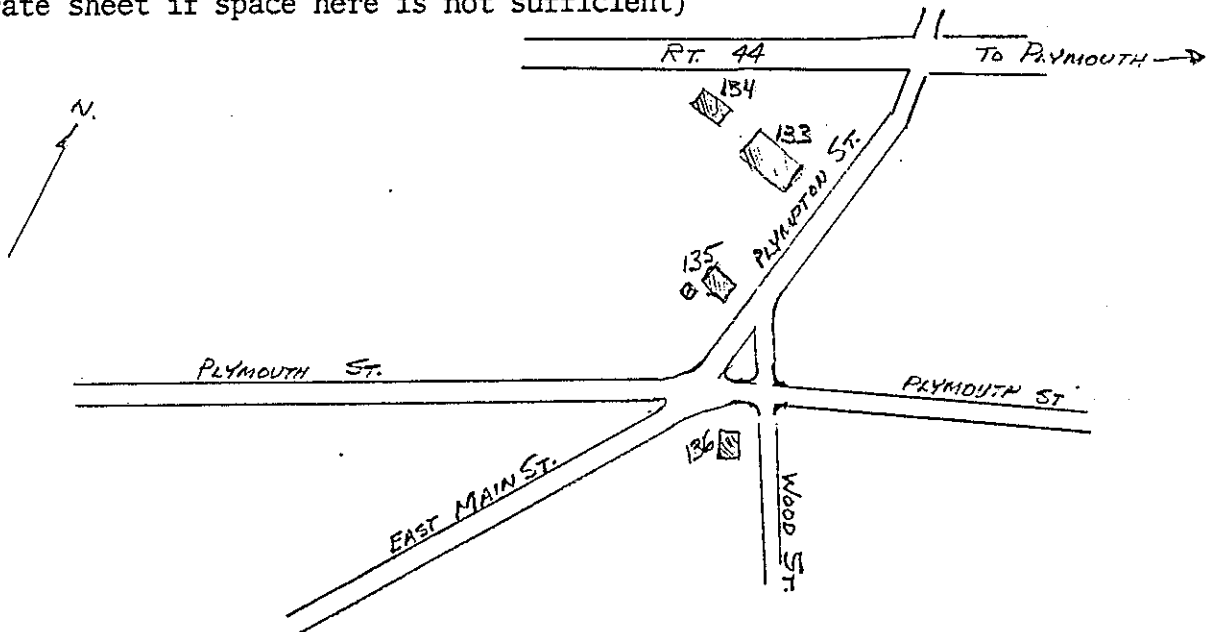
Town MIDDLEBOROUGH

Name of area (if any) The Green

General date or period _____

From Incorporation - 1669 - to present

Sketch map. Draw a general map of the area indicating properties within it. Number each property for which individual inventory forms have been completed. Label streets (including route numbers, if any) and indicate north. (Attach a separate sheet if space here is not sufficient)



Recorded by Kay Flynn

Organization Middleborough Historical Comm

Date 3/85

ARCHITECTURAL SIGNIFICANCE of area. (Describe physical setting, general character, and architecturally significant structures).

The Green is an area situated in the north central section of Middleborough. The area is bisected by East Main Street which changes to Plympton at the intersection of Plymouth Street. Route 44, which is East/West-parallel to Plymouth Street, had a major impact on the division of the area which, in fact, changed the character.

Still intact in this area are the First Congregational Church, The Parsonage, the Green School, all of these buildings dating from the mid-nineteenth century. There are few of the original houses extant in The Green area.

The Green was known as the military training area, meeting-house area, tavern (Sproat) area - generally the central location of activity in Middleborough from Incorporation (1669) to the late 19th century when the mills and business area made Main and Center Street (Four Corners) more active.

HISTORICAL SIGNIFICANCE of area. (Explain development of area, what caused it, and how it affected community; be specific).

The location of the first meeting-house and the subsequent church edifices erected on or near The Green have made it - from the date of incorporation (1669) - a significant location. The parish originally connected with the First Church included the whole town as originally incorporated. This continued until July, 1719, when it was divided into two parishes: the one embracing nearly the whole of the present area of the town, having the First Church as its place of worship and the other including the western part of the town, now Lakeville, and a portion of Taunton.

There were three meeting-houses on or near the Green before the present one. The majority of the congregation went from three to five miles, and some even a distance of eight miles to attend the services.

The first meeting-house stood on the north side of Plymouth Street, opposite the Sturtevant house, neither of which are extant. In 1690 the town built a second meeting-house which stood on the Lower Green opposite the Green School - 36 feet long and 30 feet wide. It was sold and taken down in 1754 and the materials used in building a dwelling house which stood on the site of the present parsonage. In 1717 two acres west of the cemetery, known as the Lower Green, were given by James Soule "unto military officers and military companies in Middleboro for the only proper use, benefit and behoof of the Military Company in Middleboro, successively, forever, lying near the meeting-house in Middleboro." For many years it was used for a training-green, and has since remained open for the public. Adjoining The Green at the east is the parish burying-ground, purchased in 1717 from James Soule and occupying approximately two acres

BIBLIOGRAPHY and/or REFERENCES

- Weston, pgs. 309-328
Antiquarian, Vol XII, Oct., 1970, #1 - "The Bennet House" (taken down in early 19th C)
Vol XV, April, 1974, #1, pg. 2 - "Old Training Green"
Vol VIII, Feb. , 1966 - "Church at the Green"
Vol IV, April, 1962
Romaine, pg. 30

FORM A - AREA

MASSACHUSETTS HISTORICAL COMMISSION
294 Washington Street, Boston, MA. 02108

Form numbers in this area B # 140-147 D, 921, 926, 927 F, 927	Area letter F
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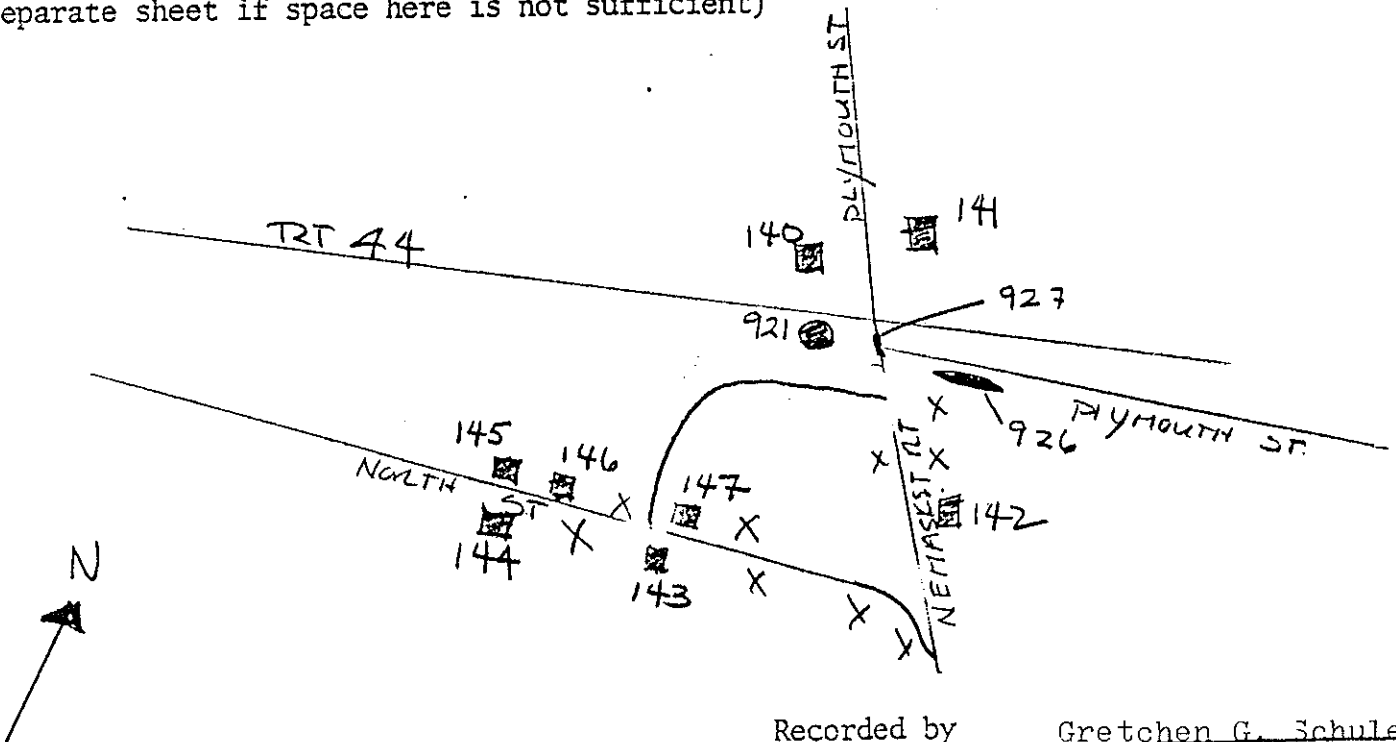
Photo number NO PHOTO

Town MIDDLEBOROUGH

Name of area (if any) Nemasket/Muttock

General date or period mid to late 1700s

Sketch map. Draw a general map of the area indicating properties within it. Number each property for which individual inventory forms have been completed. Label streets (including route numbers, if any) and indicate north. (Attach a separate sheet if space here is not sufficient)



Recorded by Gretchen G. Schuler

Organization Middleboro Hist. Comm.

Date March, 1985

ARCHITECTURAL SIGNIFICANCE of area. (Describe physical setting, general character, and architecturally significant structures).

Once the center of activity due to its 18th century industrial complex, Muttock has been divided by the intrusion of Rt. 44, a major highway. The two architecturally significant structures, the home of Peter Oliver and that of Abiel Washburn, prominent figures in the development of Muttock, are north of the highway while the mill sites and other related buildings are south of Rt. 44. The Oliver Mills site is located in the valley south of Rt. 44 and next to Nemasket St. Partial restoration of the mill site has exposed the ruins. There are several 18th century buildings, the development of which is related to the mills, which still exist with one and one-half story, five bays and central chimneys and entrances. There are three Federal houses, two of which belonged to the owners of the mills. The two and one-half story, five bay dwellings retain architectural details representative of the period and style including segmental arched pediment, ornamented pilasters and columns, twin chimneys, multi-paned sash. Other architectural styles represented and built while the industries continued to thrive include Greek Revival and L-shaped Italianate, the most common plan in the 19th century.

HISTORICAL SIGNIFICANCE of area. (Explain development of area, what caused it, century, and how it affected community; be specific).

Muttock was the home of the Nemasket Indians who had developed important fishing weirs on the Nemasket River. In the early 1700s the last of the Indian owned land at Muttock was deeded to the white men and the tribe moved north to Titicut, the last known reservation in Middleboro.

By the 1740s, a grist mill and a saw mill had been built on a previously constructed dam. In 1744 Peter Oliver, later known as Judge Oliver, came to Middleboro and developed several industries on the Nemasket including a forge, a slitting mill and an iron foundry, known as Oliver's Furnace.

Oliver built a mansion, Oliver Hall, overlooking the Nemasket. The edifice which was important because of the life style which it represented, burned in 1778 after Oliver had returned to England due to his Tory views. His son, Peter Oliver lived in the Federal house at 445 Plymouth St., which was subsequently owned by Thomas Weston, who purchased the house and part of the mills and played an important role in the continuing success of the industries at Muttock. General Abiel Washburn, who also lived in a Federal house, now north of Rt 44 (438 Plymouth St) was also instrumental in the development of the industries and economy of Muttock.

As the manufacturing businesses at Muttock grew, the need for local housing also increased. By 1800 the area had mills, forges, a foundry, shovel shop, hammer and finishing shop and four stores of which the proprietors were prominent Middleboro citizens including Washburns, Westons, and Soules.


BIBLIOGRAPHY and/or REFERENCES

1. Maps: 1831, 1855, 1879.
2. Romaine.
3. Weston.

The following list of resources was compiled by I.E.P., Inc. for the Middleborough Open Space Plan (July, 1987). The numbers on the following list correspond to Appendix Map A-1.

Trails with historic significance (designated by a dashed line):

1. Wagon Trail to Iron Mill Site
2. Indian Trail along the Nemasket River
3. Oliver's Walk; from the Oliver Estate to the town center
4. Abandoned State Coach Route; potential open space linkage to South Middleborough area

Historic sites and structures (designated by a  symbol):

1. Fort Hill
2. Second Red School House
3. Stone Fireplaces (3) from colonial cabins
4. Mill foundation
5. Oldest one-room schoolhouse
6. Eddy House
7. Smallpox cemetery and hospital
8. Tom Thumb House
9. Furnace for Oliver Mill (bog iron)
10. Oliver house and estate
11. Oliver Mill
12. Judge Oliver house
13. Green School; one-room schoolhouse
14. Sawmill
15. Colonial fort
16. Revolutionary period foundry
17. Reed Cemetery
18. Ice House
19. Hell's Blazes Tavern; iron smelting
20. North Middleborough; Pratt Free School, Pratt House, Gurney House, Congregational Church, Issac Backus House, Red School House

21. Lion's Neck; oxbow in the Nemasket River
22. Moulton Hill
23. Danson Brook; scene of early battle in King Phillip's War
24. Eddyville
25. Seven Ponds; early brickyard and factory
26. Thousand Pines
27. Indian Campground; boulder crossing of the Nemasket
28. Oliver Mill area
29. Middleborough Ice Pond
30. The Green
31. Nevertouch Pond
32. Pierce Store; Railroad Station; Central Methodist Church; Library;
Robinson Law Office, early town center
33. The Wading Place
34. Barden Hills Indian Campground
35. Tispaquin Pond Indian Camp; Indian Island
36. Assawompset Dig; Indian settlement
37. Twelve Man Purchase
38. Indian cave

Unique natural features (designated by a 0 symbol, * denotes threatened and endangered species not located):

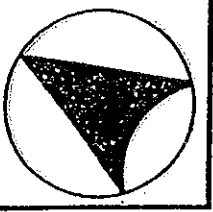
1. Great Cedar and Little Cedar Swamps; Atlantic white cedar and white pine stands
2. Geologic formation; eskers
3. Bedrock outcrop; Dedham granodiorite
4. Bedrock outcrop; Rhode Island shale
5. Geologic formation; esker
6. Geologic formation; knob and kettle topography
7. Bedrock outcrop; Dedham granodiorite with glacial striations oriented south-southeast
8. Barden Hill; geologic formation; kame
9. Indian Island; hemlock, American holly and white cedar
10. Devil's Kitchen Swamp; swamp laurel, azalea and american holly

11. Arethusa, threatened plant species*
12. Golden Club; threatened plant species*
13. Northern Parula; plant species of special concern*
14. American Bittern; plant species of special concern*
15. Upland Sandpiper; endangered animal species*
16. Pied-Billed Grebe; threatened animal species*
17. Eastern Box Turtle; animal species of special concern*
18. Common Barn Owl; animal species of special concern*
19. Spotted Turtle; animal species of special concern*
20. Wood Turtle; animal species of special concern*

Unique natural and man-made visual features (denoted by a Δ symbol):

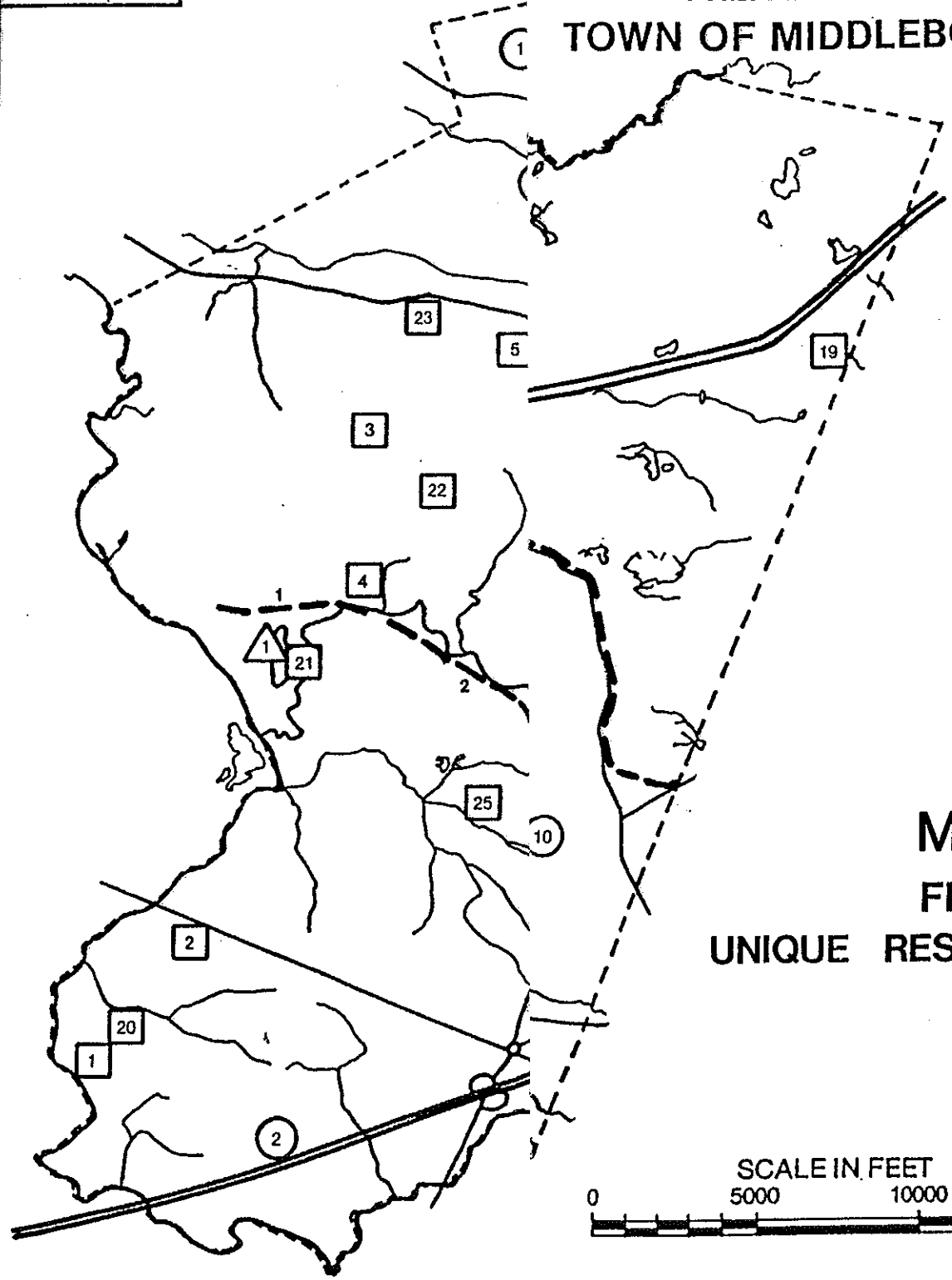
1. Lion's Neck; deciduous woodland/river edge; oxbow formation
2. Cranberry bogs
3. Nemasket Hill Cemetery; overlook to Nemasket River, footbridge access
4. Plymouth Street; old field/agricultural area; visually sensitive; Scenic Highway designation potential
5. Main Street; Grove Street (Route 28) to Nickerson Street
6. Barden Hill; lookout tower with panoramic regional view; visually sensitive
7. Stone Bridge; potential shared recreational access with Lakeville
8. Tispaquin Pond; woodland/water edge
9. Rocky Gutter Road; densely forested area
10. Cranberry bogs
11. View to Assawompset Pond; woodland/water edge
12. The Highlands; visually sensitive area
13. Marion Road; historic homes and farmsteads; Scenic Highway designation potential





OPEN SPACE AND RECREATION PLAN

PREPARED FOR THE
TOWN OF MIDDLEBOROUGH



MAP A-1
FIGURE 5:
UNIQUE RESOURCES



PROPOSED TABLE OF USE REGULATIONS

1. Any use not listed below is prohibited.

2. Residential

	HPD	RR	RA	RB	GB	VB	PDC	M
Single family detached	N	Y	Y	Y	N	Y	Y	N
Single family cluster (historic preservation)	SP	N	N	N	N	N	N	N
Duplex	SP	N	N	N	N	SP	SP	N
Attached single family townhouse	SP	N	N	N	N	N	SP	N
Mobile home park	N	N	N	N	N	N	N	N
Multi family (apartments)	Allowed in the BA/A and GB/A overlay districts by SP. See Article _____.							

3. Institutional

Churches, Synagogues	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Day Care Centers (over 6 people)	SP	SP	SP	SP	Y	Y	Y	SP
Day Care Centers (under 6 people)	Y	Y	Y	Y	Y	Y	Y	Y
Museums	SP	SP	SP	SP	Y	Y	Y	Y
Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y
Hospitals	N	N	N	SP	Y	N	N	N
Convalescent/Nursing Home	SP	SP	SP	N	N	SP	SP	N
Municipal Use	Y	Y	Y	Y	Y	Y	Y	Y
Zoo	N	N	N	N	Y	SP	SP	N

4. Agricultural

Agriculture	Y	Y	Y	Y	Y	Y	Y	Y
Forestry	Y	Y	Y	Y	Y	Y	Y	Y
Nursery/Gardening	Y	Y	Y	Y	Y	Y	Y	Y
Greenhouses (incidental to above)	Y	Y	Y	Y	Y	Y	Y	Y
Farmstands	Y	Y	Y	Y	Y	Y	Y	Y
Non-commercial saw mill	Y	Y	SP	N	Y	Y	Y	Y

5. Recreational

Club or Lodge	SP	N	N	SP	Y	Y	SP	SP
Golf Course	N	Y	Y	N	N	N	SP	N
Riding Stable	Y	Y	Y	SP	N	Y	Y	N
Rod & Gun Club	N	Y	SP	N	N	N	Y	SP
Campground	SP	SP	SP	SP	SP	SP	SP	SP

6. Business

Amusement park, water slide, etc.	N	N	N	N	SP	N	SP	N
Supermarket	N	N	N	N	SP	SP	SP	N
Specialty Retail	SP	N	N	N	Y	Y	Y	SP
Shopping Center (plaza)	N	N	N	N	SP	SP	SP	N
Convenience Market	N	N	N	N	SP	SP	SP	N
Apparel Store	N	N	N	N	Y	Y	Y	N

	HPD	RR	RA	RB	GB	VB	PDC	M
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7. Manufacturing

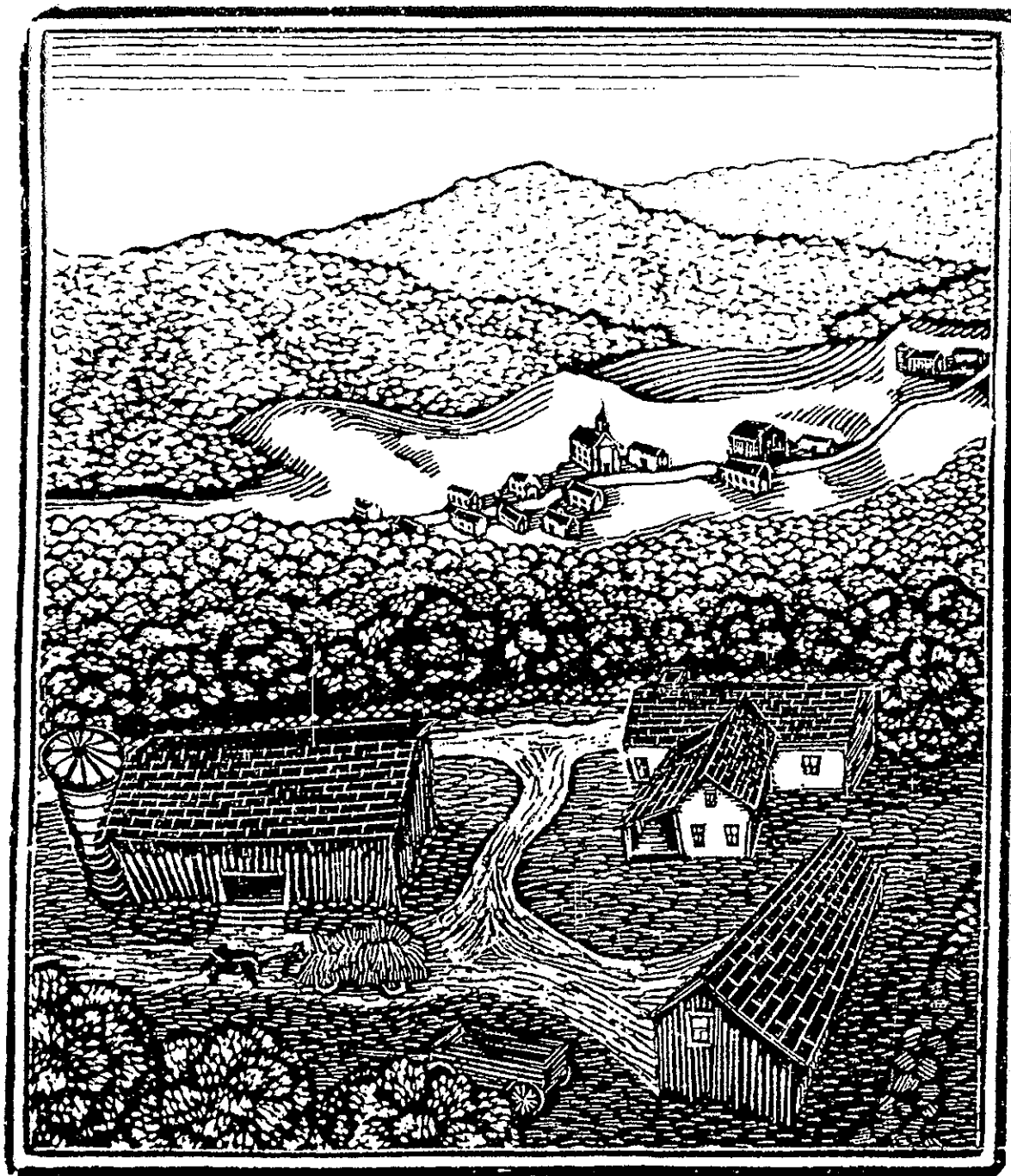
Saw Mill (Commercial)	SP	N	N	N	SP	SP	SP	Y
Food Processing	N	N	N	N	N	N	SP	SP
Food Packaging	N	N	N	N	Y	N	SP	Y
Electric Light Plant/ Power Station	N	N	N	N	SP	N	N	SP
Plating Works	N	N	N	N	SP	N	N	SP
Glass Plants	N	N	N	N	Y	N	N	Y
Ice Plant	N	N	N	N	Y	N	N	Y
Leather and Tanneries	N	N	N	N	SP	N	N	SP
Private waste water facilities	N	N	N	N	N	N	SP	SP
Fuel Storage, Delivery Business	N	N	N	N	SP	N	SP	Y
Solid Waste Recovery Facilities	N	N	N	N	N	N	N	SP
Mini Storage Warehouse	N	N	N	N	Y	SP	SP	Y
Research Center	N	N	N	N	SP	N	SP	SP
General Manufacturing	N	N	N	N	Y	N	SP	Y
Newspaper Printing	N	N	N	N	Y	N	SP	Y
Open Storage	N	N	N	N	SP	N	SP	Y
Warehousing (excluding hazardous materials)	N	N	N	N	Y	N	SP	Y
Warehousing (including hazardous materials)	N	N	N	N	SP	N	SP	SP
Radio Transmission and/or Reception	N	N	N	N	SP	SP	SP	SP

Mining (Earth Removal) See Earth Removal By-Law Middleborough General By-Laws.

8. All by-right uses excluding single family residential shall meet the development performance standards (Article _____).

APPENDIX B





PRESERVING COMMUNITY CHARACTER
Ways to Reconcile Change with the Character of a Place

NEW HAMPSHIRE ASSOCIATION OF HISTORIC DISTRICT COMMISSIONS

1988



FORMULATING DESIGN GUIDELINES

Design guidelines are critical to the successful administration of a district. They should be based on the comprehensive survey of the district and its goals, reflecting a consensus of what community residents value about the district, what their objectives are for having a district, and what degree of regulation they are willing to accept. Keep in mind that design guidelines are intended to be working tools for architects, developers and property owners; make them specific and state them clearly. When used properly, they ensure that commission decisions are defensible as being fair and equitable rather than arbitrary and capricious.

Because communities have acquired their present form over the years and for a variety of reasons, design guidelines should generally respect elements related to all periods of community development. This approach avoids the most common pitfall in design guidelines: the selection of a "theme" or a particular period in history to "go back to" or to emulate. The destruction of accretions taken on by buildings and areas over time tends to replace the district's real character with a packaged "look" which, in addition to removing significant historic fabric, creates an artificial environment soon dated as a fad. The district survey should foster understanding and prevent such capricious changes.

It is important for local historic district regulations to provide for changes and new construction within the district, without compromising the imagery and meaning of what is "old." Sympathetic new design can be a positive contribution to the character of a district and the community in which it is located. Historical, architectural and visual integrity can be maintained while present and future needs are met. The responsibility of a district commission is to preserve the historic fabric of a district while enabling life to go on.

Keep in mind that what you want to regulate is what makes the district look the way it looks and feel the way it feels. Data gathered in the survey of the district will help you frame site-specific guidelines; and the "Standards for Rehabilitation" issued by the U.S. Secretary of the Interior and cited in the model ordinance will ensure that decisions follow nationally-accepted criteria.

ISSUES TO ADDRESS IN GUIDELINES FOR BUILDINGS

Architectural guidelines for an historic district must provide for renovations, additions and new construction, and should establish criteria for appropriate materials, design, pattern, massing and siting. The sample guidelines included in the appendix give some indication of what guidelines cover. Do not, however, simply copy these. Guidelines for a district must be drawn up with reference to the specific characteristics of a given district.

Structures identified in the survey as non-qualifying are exempt from regulation of minor alteration. Additions to such structures and new construction should, however, be reviewed and regulated.

Maintenance:

Property owners in an historic district must be allowed to perform routine maintenance without having to come before the district commission for approval. Only significant change requires review. Routine maintenance is repairing/preserving original work with like materials to match what is original, so that the repair is virtually invisible. Significant change is substituting a different feature or material or adding to or subtracting from the original fabric or structure: applying a bay window, simplifying trim, removing a wing or a porch, or adding a dormer or an access ramp are examples of significant change. Reversibility is a key issue; any alteration within an historic district should be reversible.

Paint color:

Controlling paint color in an historic district can be controversial. If the property owners in a district express a desire to have the commission regulate exterior paint colors, then it may be appropriate to do so. However, most commissions have found it more satisfactory only to advise on color. Paint is reversible: it can be changed easily in the future.

Synthetic siding:

The use of aluminum or vinyl siding on older buildings should be avoided. These materials prevent the proper migration of moisture from the inside out, causing moisture-related problems such as rot and insect and fungal attack. In addition, impervious siding materials may cover routine maintenance problems, allowing them to go undetected until they become major structural deficiencies. Furthermore, original trim is often removed and discarded when synthetic siding is applied, resulting in irreversible change.

Demolition:

Control over demolition is the single most important power that an historic district commission has. There are two kinds of demolition: demolition by neglect, and demolition by force. Both must be regulated.

Demolition by neglect results from the failure to provide ordinary and necessary maintenance and repair of a structure, whether by negligence or by willful neglect or design. (Some owners may do little

or nothing to maintain a structure in hopes that it will eventually be in such poor condition that local health or building inspectors or other officials will issue a demolition order for it.)

Many district ordinances contain a provision to reduce the incidence of demolition by neglect, by stipulating that a municipality may repair a structure whose owner refuses to repair it and may treat the cost of repairs as a lien against the property. A stiff minimum maintenance requirement, if it is enforced, will reduce the likelihood that other code officials will require demolition of a building because it poses a threat to public safety.

Demolition by force should be allowed only by permit, and approval for such permit should have strong cause. Remember that the responsibility of an historic district commission is to keep what is there there.

Because demolition is the most severe change that threatens historical structures, a municipality may want to limit the jurisdiction of an historic district to demolition review, or--more comprehensively--may want to create around a conventional historic district a secondary, buffer zone to serve as a demolition review zone.

In a demolition review zone, the historic district commission may stay demolition for a stated period (such as 30 days), during which time the commission, the applicant and the community attempt to work things out so that demolition will not occur. There are a number of ways regulatory mechanisms can be developed. For more information, contact the National Center for Preservation Law (see directory at the end of this manual).

The boundaries of a demolition review zone should be determined in the same manner that boundaries of an historic district are determined, in accordance with data obtained in the local survey of historical properties. If a demolition review zone is established--whether in lieu of a more complex historic district or as a buffer to a district--property owners within such a zone must, of course, be informed of the restrictions; and a map of the zone must be included with other municipal maps.

ISSUES TO ADDRESS IN GUIDELINES FOR THE DISTRICT SETTING

Screening:

Guidelines for screening should be included in district regulations. If the goal of a district is to keep things the way they are, changes should (as much as possible) be invisible. In rural districts, for example, new construction should not disturb existing screening, or should be concealed with natural plantings and/or topographical

features. In urban or village settings, a discreet fence or modest plantings may suffice to "suggest" a screen.

Some modern appurtenances to historic properties can be visual intrusions: aboveground swimming pools, antennae, spotlights, solar collectors. Think about these when developing regulations. The commission may wish to advise on them but should not attempt to control them beyond recommending simple screening in some cases. As with paint color, these are easily reversible and do not affect the historic fabric of the district.

Open space and viewsheds:

Numerous options for protecting vistas that contribute to an historic district are presented in Section One of this manual. Because vistas may be compromised by changes in land use which are beyond the control of the district commission, urge property owners and municipal officials to consider appropriate means of protecting them.

Landscaping:

Use of traditional native plant materials should be encouraged in an historic district, as should traditional landscaping methods. However, a commission should not tell property owners how to plant their gardens.

Change to the landscape over time can be significant and should be respected. A landscape that expresses the passage of time and different tastes or land uses is usually preferable to a conjectural one representing a selected period.

In the case of a community landscaping project, the extent to which a landscape or streetscape is altered should be determined by asking: why is the plan or planting being redone? how much information is available for the site and for what eras? what is the extent of modern activity on the site? will a period look prove anachronistic?

Too often, massive improvement projects are undertaken in historic districts, trivializing what they intended to "enhance." An historically or architecturally significant area does not need brick sidewalks or quasi-Colonial street lights to make it valid. Overbearing modern treatment of the streetscape or landscape should be avoided, as should falsely "olde" design.

Parking and paving:

Streets, roads and other provisions for traffic should be considered carefully in an historic district. In both village and urban situations, parking and paving can radically change the character of a district.

Consider ways of avoiding the introduction of new pavement, and possible means of "clustering" and screening parking areas. In rural areas, existing municipal road standards can threaten the ambience of a district. Exceptions to the standards should be considered, to allow roads to remain "sub-standard" in terms of width and finish.

Signage:

Many historic districts have design guidelines for signs. These may be the same as or different from regulations governing signs in the rest of the community.

Historical sign design and technology should be respected in an historic district to avoid the loss of significant existing signs, or the introduction of unsympathetic or trendy "interpretations" of period signs. It is particularly important to avoid radical reworking of area signage, as this ignores the design relationship between a building and its signage. In and of itself, new uniform signage can destroy the character of a district. (For extended discussion of signs and suggestions for regulating them, see "Signage and Its Effect on a Town" in Dealing with Change, as cited in the bibliography.)

Lighting:

Where there is a need for additional lighting fixtures, an understated contemporary design is almost always the best solution in an historic district. This meets the actual needs of the area without making a stylistic statement of its own. Study existing lighting in the district to see whether new standards should be placed at regular or irregular intervals to preserve the character of the district.

Introduction of high pressure sodium (orange tones) and mercury vapor (blue tones) lighting is a controversial issue. See "The Orford Streetlight Caper" available from Division of Historical Resources.

SAMPLE DESIGN GUIDELINES FOR AN HISTORIC DISTRICT

These guidelines supplement review criteria incorporated in the "Granite" Historic District Ordinance, including the standards issued by the U.S. Department of the Interior, listed therein.

Purposes

The purpose of these standards is to guide rehabilitation and construction in the "Granite" Historic District so as to preserve the distinctive character and integrity of the district. The standards are intended to ensure that properties in the district are not altered inappropriately. The goal in developing these standards is to set up clear and objective rules so that decisions and permits are not based on the personal tastes and preferences of commissioners reviewing proposals for change.

Demolition

Demolition shall be allowed only when new construction would relate better to the historic district than does a subject building, and when all the other requirements below are satisfied.

A prerequisite for demolition shall be documentation of economic hardship, which shall contain a financial report detailing the costs of rehabilitation and evidencing that the existing building is incapable of producing a reasonable economic return on the investment.

If a request for demolition is based on structural instability or deterioration, a technical report prepared by an architect or professional engineer registered in New Hampshire shall be submitted, detailing the nature and extent of the specific problems and providing reasonably accurate cost estimates for their correction.

An application for demolition shall be accompanied by complete plans for new development proposed on the site, together with a timetable and a budget for both the demolition and the new construction, along with satisfactory evidence that adequate financing is available.

A condition for approval of demolition shall be documentation of the building's elevations and architectural features, through measured drawings and photographs.

Where public safety needs require the removal of part of a building or complex, the historic district commission may allow limited removal of structurally-sound construction.

Relocation

Buildings shall be retained on their present sites whenever possible. Relocation shall be considered only as an alternative to demolition.

Minimum maintenance

Owners of all buildings shall provide sufficient maintenance to keep such buildings from falling into a state of disrepair. Owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of components which could cause an unsafe condition or a detrimental effect upon the character of the historic district or which could lead to a later claim that deterioration has become so advanced that demolition or removal of architectural features is necessary.

In cases where deterioration has already progressed to an advanced state, and where immediate removal is requested by the owner, the standards for review of demolition shall be applied. In all cases, where at all practicable, non-structural architectural features shall be repaired. In situations where it is impracticable to repair these features or prohibitively expensive to replicate them, they shall be stored and not discarded.

Changes to existing structures

The historical architectural character of a building or structure--expressed by design, style, rhythm, form, massing, scale, proportions, features and materials--shall be maintained or restored. When a change is proposed, significant existing materials and elements shall be retained wherever possible.

Changes which have taken place in the course of time are evidence of the history and development of a building or structure. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

Any changes to existing masonry shall match the original in material, coursing, color, composition of mortar, joint width and tooling. Cleaning shall be accomplished using the gentlest effective means possible. Cleaning specifications shall be submitted to the historic district commission for review prior to commencement of the work. Coatings to stabilize or waterproof masonry shall be permitted only if they have been proven not to block the masonry's water vapor permeability and not to contribute to its longterm deterioration.

Missing or deteriorated wooden features shall be sensitively replaced with new wood milled to match the existing elements, and existing features shall be repaired wherever necessary.

Missing or deteriorated decorative metal elements shall be replaced with accurate replicas.

Where glass, plastic and/or aluminum architectural elements are an integral part of a building's historical architectural character, consideration shall be given to preservation of these elements.

Use of synthetic (typically, aluminum or vinyl) siding and trim shall not be permitted. These materials prevent the proper migration of moisture to the outside, causing rot and insect and fungal attack. They may conceal routine maintenance problems, allowing them to go undetected until they become major structural problems. They also conceal the historical fabric of a building and, in usual applications, result in loss of important architectural and historical trim and detail.

Any new design elements introduced shall respect the character and history of the building. The design of such elements shall not seek to create an appearance earlier than that appropriate for the building.

The choice of color is not regulated, but it is recommended that colors be compatible with those used on other historical buildings in the neighborhood.

Existing historical doors shall be retained and rehabilitated wherever possible. Where doorways must be altered, doors and entranceways shall be designed to respect the exterior architectural integrity of the building. Stormdoors and screendoors shall have plain--not scalloped or crossbuck--stiles, rails and panels and shall not have false "historical" hardware.

Existing historical windows shall be retained and repaired wherever possible. Where replacement is essential, new windows shall match the originals or be in character with the building. The original window type (hung sash, casement, pivot, etc.) shall be retained as shall the configuration of the individual panes of glass formed by the muntin grid. Multi-paned sash shall have true panes formed by through muntins and shall not utilize applied or embedded muntin grids. The original width and depth of the individual elements (such as exterior molding and/or casing, exterior frame, exterior sash members and exterior muntins) shall be reproduced or be closely approximated. If aluminum frame storm windows are applied, the aluminum elements shall be painted to match the window trim.

Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground. Principal considerations include the original roof shape; original roofing materials or materials compatible with the old in composition, size, shape, color and texture; architectural details such as dormer windows, monitors, cupolas, cornices, bargeboards, brackets, chimneys, cresting and weathervanes.

Essential outdoor mechanical equipment (ducts, fans, solar panels, etc.) shall be installed in locations which create the least disturbance to the historical appearance of the building and which involve the minimum alteration to its structural integrity.

Construction of new buildings

New construction shall be complementary to the configuration of existing buildings and streetscapes.

New buildings shall utilize exterior materials in keeping with the exteriors of buildings in the district. The choice of color is not regulated, but it is recommended that colors used be compatible with those used on other historical buildings in the neighborhood.

New buildings shall generally utilize contemporary design ideas but shall also respect and reflect the traditional scale, proportions and rhythms of historical structures. Building details and ornaments imitative of historical elements may be used when such usage can be demonstrated to be appropriate. Amalgamations of historically unrelated stylistic elements shall generally be disallowed.

New construction shall be in harmony with the height and width of adjacent buildings.

New construction shall, in general, continue the street setback established by adjacent buildings.

New construction shall, in general, not introduce new roof shapes or pitches not found on traditional buildings in the vicinity.

New construction shall respect the facade patterns of buildings in the vicinity.

Signage

All new signs and all changes in the appearance of existing signs require a permit from the historic district commission. If there is a conflict between the requirements of the historic district ordinance and the "Granite" zoning ordinance, the stricter shall apply.

Refer to "Granite" zoning ordinance for regulations regarding location and size of signs, materials and illumination.

Streetscape

Offstreet parking shall be placed to the rear of buildings where possible, and fenced or screened with appropriate plantings.

Historic paving features shall be retained wherever possible. Subtle variations in paving patterns and materials may be used to define sidewalks, roadways or plazas.

Any alterations requiring changes to the topography of any property shall require an application to the historic district commission. Where changes in the existing ground level are necessitated by installation

of foundations or sewage systems, etc., the commission may require appropriate fill, grading or planting to render the altered area compatible with its surroundings. Abandoned ruins, vestiges of public ways and potentially significant archeological sites shall not be disturbed before an assessment of historic value is made by the historic district commission.

Mature trees identified as significant trees may not be removed within the historic district except in cases where a tree is dying, dead, decayed, diseased or a safety hazard to the public; where such removal will improve other tree growth; or where approved for new construction or site work. When it is necessary in urban or village settings to remove a tree for the above reasons, the tree stump shall be removed to at least six inches below ground level.

At least one replacement tree shall be planted when a tree identified as a significant tree is removed along road or front lot boundaries. The replacement tree shall be a minimum of six to eight feet in height and shall be of a native species tolerant of salt injury, such as Norway maple, American ash, honey locust or the oaks. In other than roadside locations, any species are acceptable, especially red maple, sugar maple, white birch, white pine, red pine, willow, little leaf linden, balsam fir, spruce and hemlock.

Historical and traditional markings for property boundaries and grounds--such as stonewalls, fences and tree borders--shall be preserved. Replications or extensions may be introduced where appropriate.

Landscaping utilizing railroad ties is not appropriate in the historic district.

The visual impact of electrical wires and meters shall be minimized. Meters shall not be placed on the primary facade of a building but shall be located so as not to limit access by public service personnel.

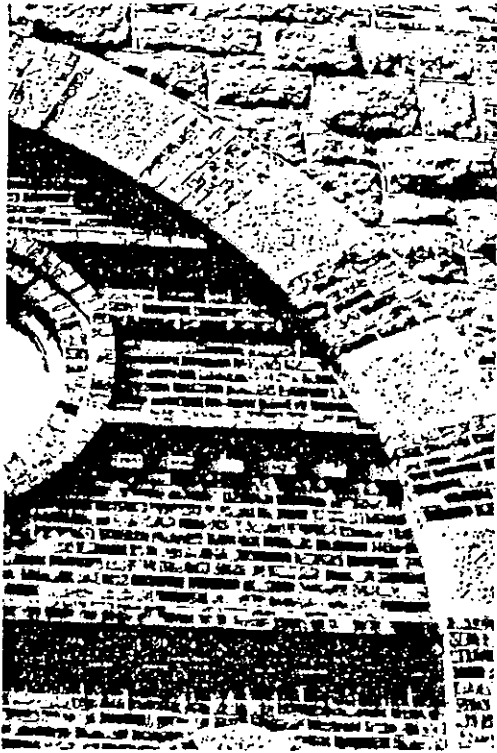
Modern appurtenances to properties in the district--such as aboveground swimming pools, tennis courts, antennae and trash receptacles--shall be sited to minimize their visual impact and shall be screened or concealed from view as possible.

Lighting

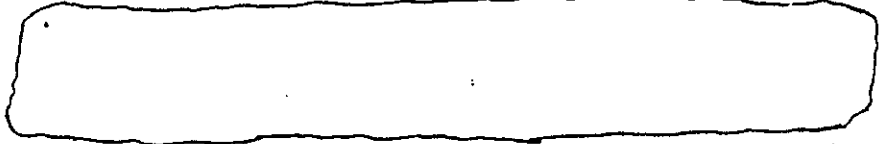
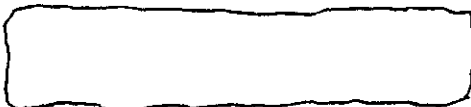
Street lights shall be designed to harmonize with their surroundings. Replicated historic street lights with cast iron or steel poles are appropriate along historic commercial and residential streets. Simple modern designs are more appropriate in parking lots and plazas.

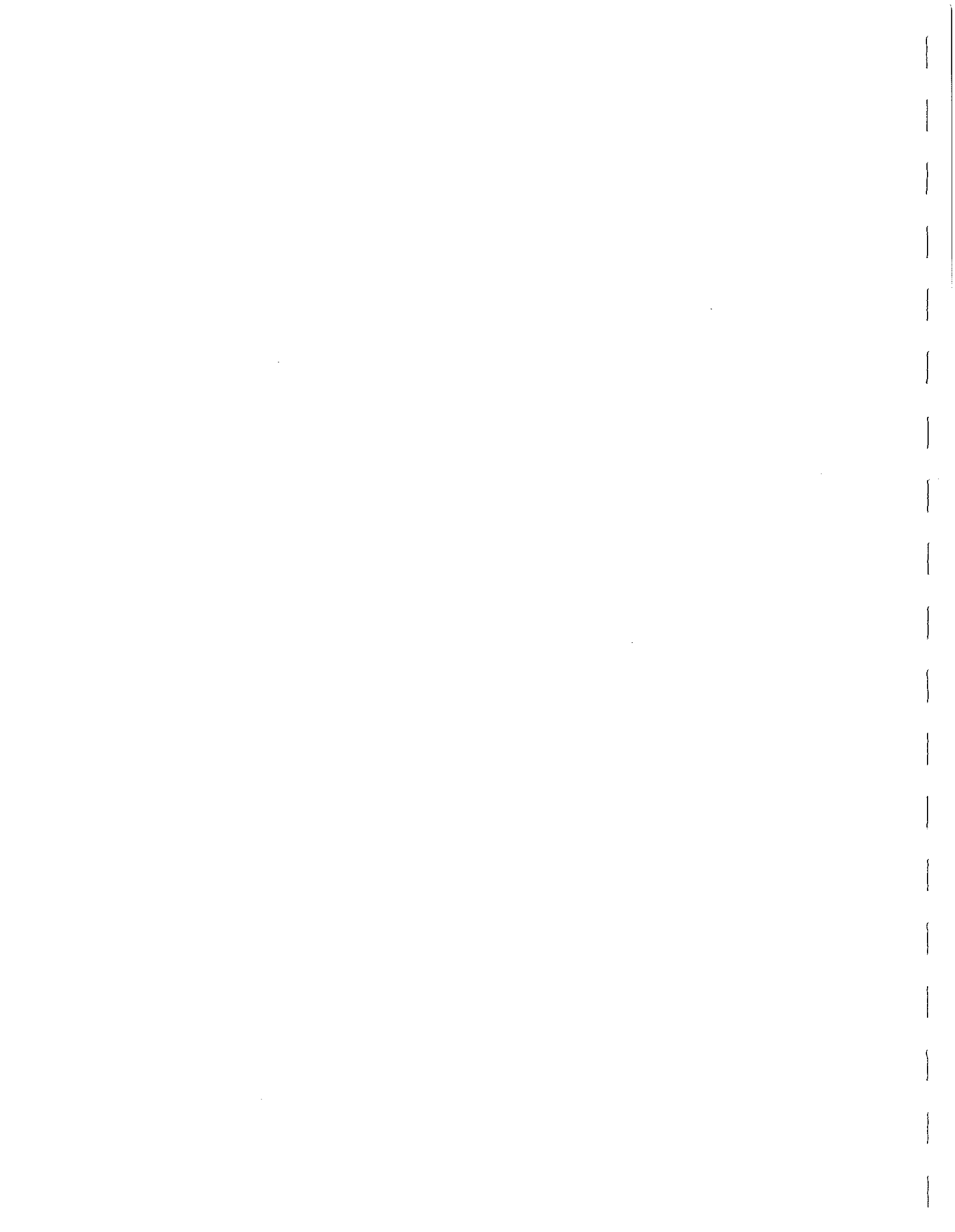
Daylight color-corrected mercury vapor lamps are recommended.

Traffic signal poles and mounts shall be as unobtrusive as possible. Poles and mounts should be black metal.



Quincy
Historic
Districts
Handbook





HOW TO BEGIN

This handbook contains recommendations for the treatment of your project. To help you get started we offer the following suggestions:

1. Before proceeding with exterior changes or new construction within the Historic Districts, you must file an application with the commission. If your project is approved, the Commission will issue a Certificate of Appropriateness, a Certificate of Hardship or of non-applicability. Commission approval is required whenever a permit from another city agency, such as a building permit, is required or if the project changes the color of paint or the appearance of the building, fences, driveways, sidewalks or other structures. Applications are available from the commission and from the Department of Planning and Community Development.

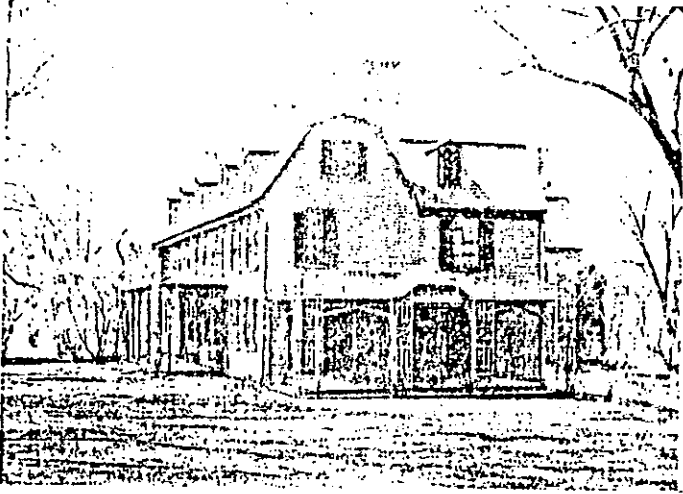
2. If you are working with an existing building, look at it carefully. Note its architectural character since its details should be preserved. Visit the Department of Planning and Community Development. Look up your building in the Commission's INVENTORY OF STRUCTURES IN THE HISTORIC DISTRICTS and note the information there listed. The style of the building will be noted. It may be assigned either Historical or Architectural Significance or both. You can check the Commission's CATALOGUE OF ARCHITECTURAL STYLES for a brief description of its style. See the Bibliography at the end of this booklet for other reference material. The inventory will note the date of construction, but you may wish to verify this date by reference to Building Department records or by checking old records in the Registry of Deeds. The Quincy Historical Society and the Public Library may have infor-

mation on your building or may be able to assist in locating records.

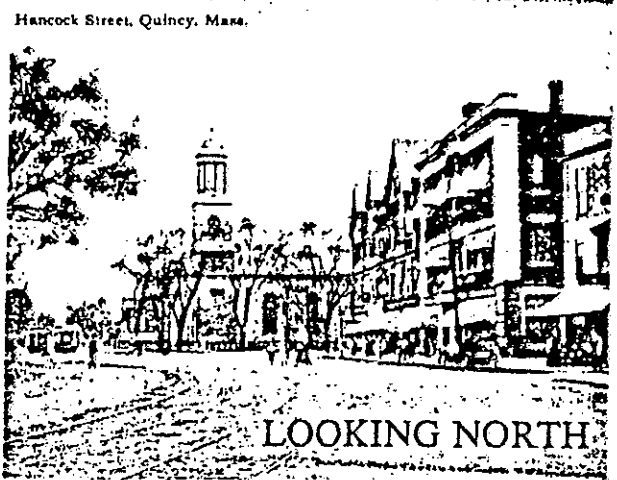
3. Take some pictures of your building. The Commission will require photographs and you can compare before and after appearance. Take pictures close-up - as you see it from the sidewalk and across the street - and from further away, an angled view seen as you approach your lot. A well-designed building and streetscape look appealing from a distance. Details catch your attention seen close-up.

4. Look at the District maps to determine whether your property falls under the Downtown or Neighborhood Guidelines. These Guidelines cover only the most frequently encountered design situations. The Commission will interpret the guidelines and make judgments on all design issues.

5. The Planning Department staff may be able to assist with design advice and particularly with the question of whether you need professional design help. If your project includes exterior changes, the Commission will require scale drawings before giving their approval. The services of an architect or designer experienced in building restoration are always recommended except for the most simple projects. Their fees will depend on the amount of work they perform. Full architectural services include preparation of the drawings, their presentation to the Commission, taking of bids, selection of a contractor and supervision of the work. If the project is a small one, it may be sufficient to have the architect or designer merely prepare the drawings, leaving to the owner selection of the contractor and management of the work.

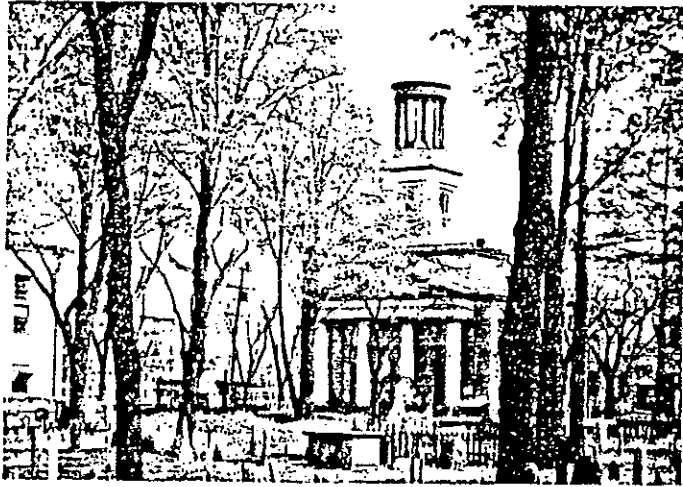


ADAMS MANSION - 1732

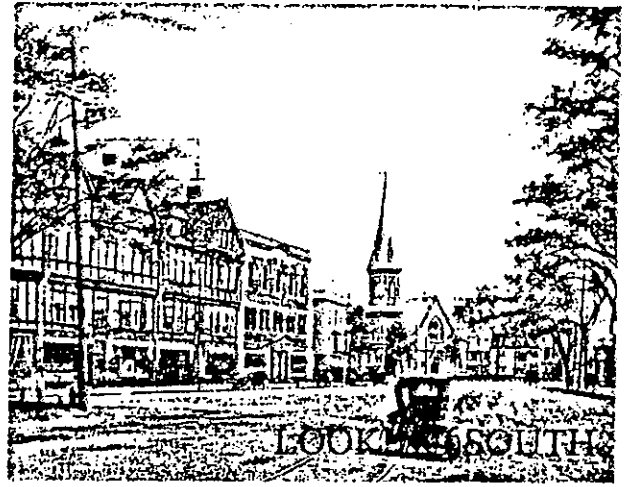


LOOKING NORTH

QUINCY SQUARE, CA, 1905



UNITED FIRST PARISH
CHURCH - 1826



LOOKING SOUTH

QUINCY SQUARE, CA, 1905

HISTORY

The history of the Quincy Center and Adams Birthplace Districts is one of continuous growth and change. Unlike many New England towns and cities, which have had their periods of great prosperity followed by depression, Quincy has always managed to remain prosperous by adapting to changing economic conditions. Significant buildings and sites remain from each period of development from the 17th century to the present.

Quincy Center has always been the center for commercial, civic and religious life. Quincy's industry has spread throughout the city, largely outside the center. Quincy center, then called Braintree, was settled at the crossing of the old Town Brook and the Boston to Plymouth Road (now Hancock Street). Houses and a meeting house were located here near a water-powered grist mill at what is now Fort Square. Subsistence farms were located outside the town center. The familiar saltbox colonial farm-houses which became the birthplaces of the Adams presidents are representative of the period. Along the shore, fishing, trading and salt production provided livelihoods.

In the mid-1700's a primitive granite industry got its start in the hills of the North and South Commons. Germantown was developed as an industrial village and produced glass, candles and stockings. The town center expanded to the north around the new Hancock meeting house which had been built on the old Training Field. In 1792, the north parish of Braintree became the Town of Quincy. The Adams Mansion and the Beale-Rice House are fine examples of the Georgian Architecture of the period.

The early 1800's saw the development of precision stonecutting and the birth of the

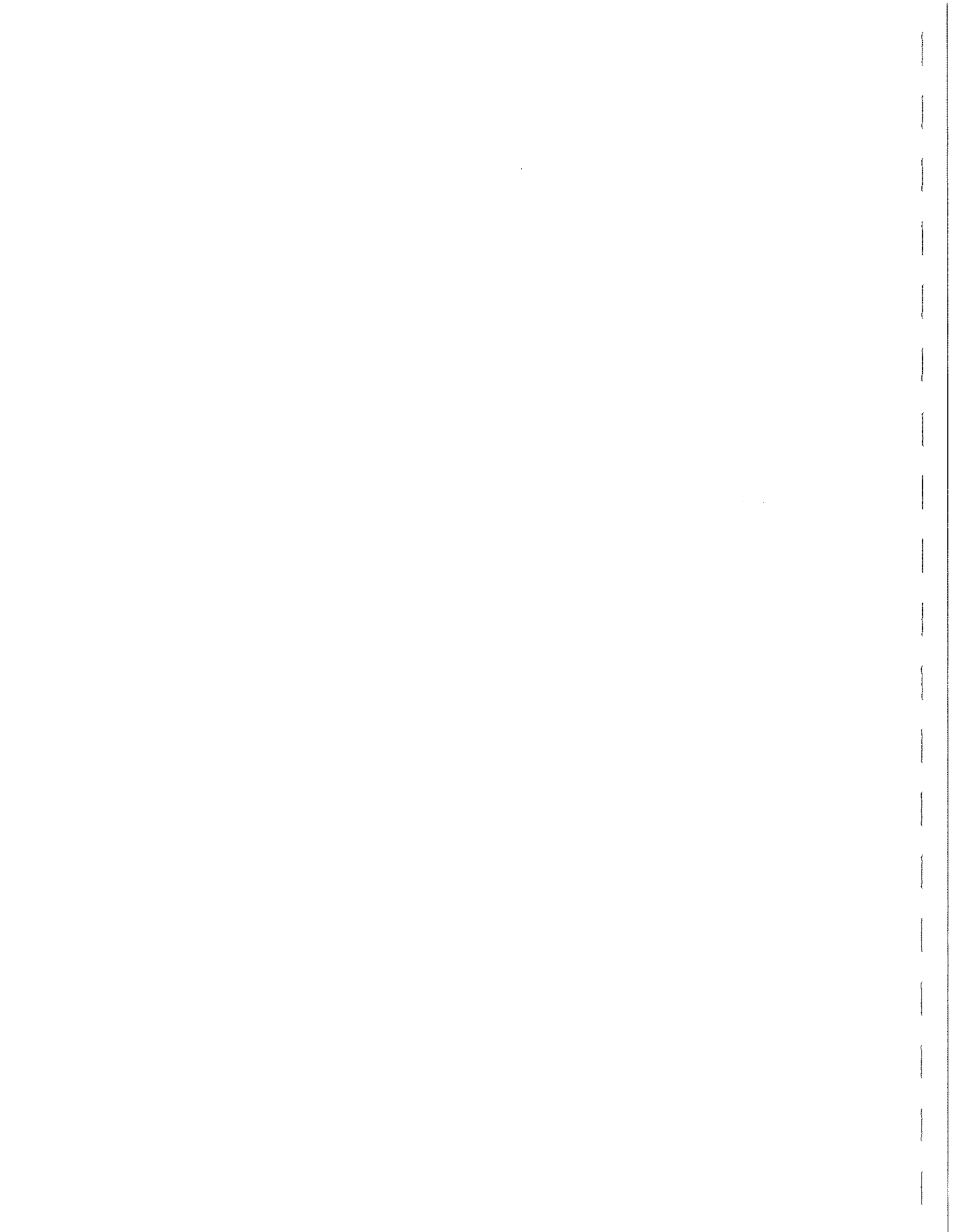
modern granite industry in the hills of West Quincy. The United First Parish Church, which replaced the Hancock Meeting House, and the City Hall, both built of this granite in the Greek Revival Style, are magnificent examples of the architecture of the period. Shipbuilding, trading and fishing activities grew along the Town River. A canal was built to bring water transportation closer to the granite finishing operations near Washington Street.

Other industries appeared by mid-century. Boot and shoe-making shops located in new or existing wood-framed buildings were spread throughout the town. The Old Colony Railroad, now the MBTA, made access to Boston easier and the town became a home for commuters. Houses in the Greek Revival style and several early Victorian styles built during this period are found in the Historic Districts.

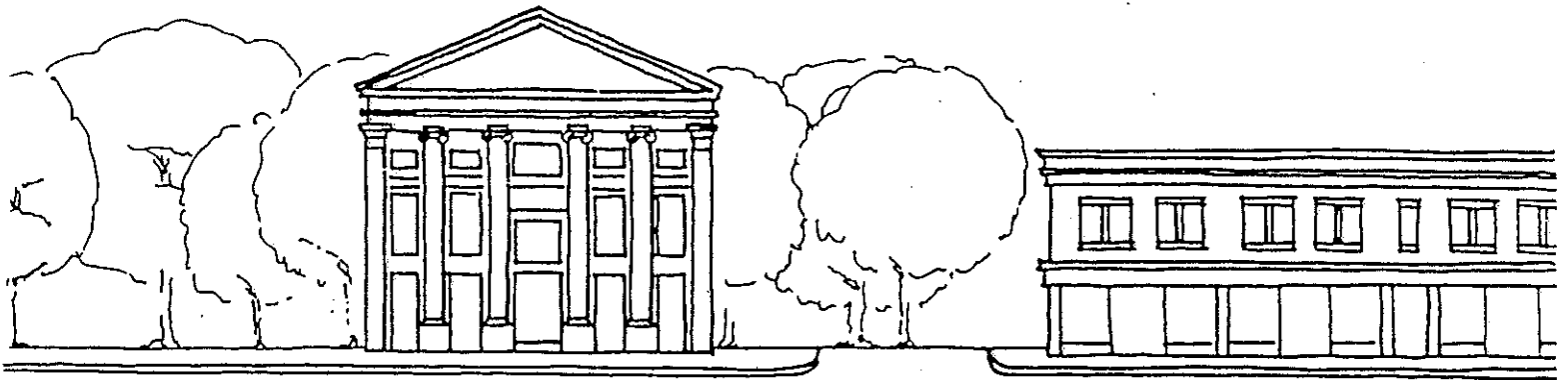
In the late 19th century metalworking industries were located in North Quincy along the railroad. Electric street railways opened up new sections of town and summer houses and hotels grew up along the undeveloped shore.

The prosperity of this period saw the start of important educational and religious institutions. The Adams Academy, neo-gothic style, the Woodward Institute, neo-georgian style, and the Thomas Crane Library, romanesque style, are landmarks in Quincy Center today.

Since the start of this century, Quincy has more than tripled its population and its center has assumed regional importance serving the commercial and service needs of people and businesses both within and beyond its borders.



DOWNTOWN IMAGE



green

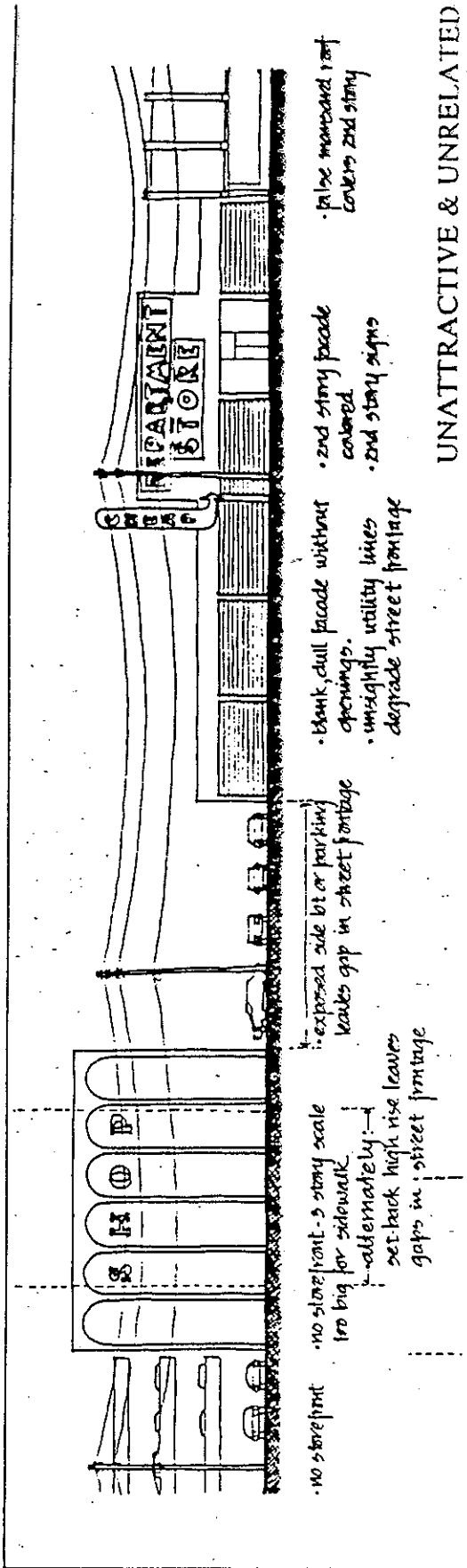
*free standing
historic monument*

green

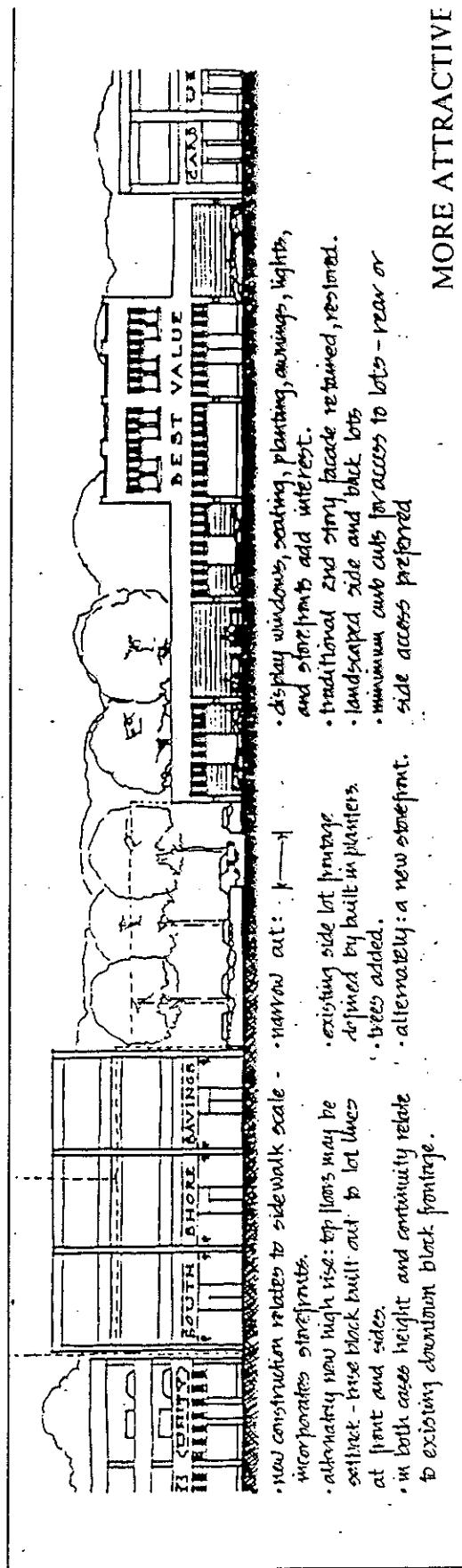
continuous commercial frontage

I. DOWNTOWN GUIDELINES

DOWNTOWN STREETSCAPE



UNATTRACTIVE & UNRELATED



MORE ATTRACTIVE

IMAGE

Downtown Quincy is a rich urban core made up of small- and large-scale businesses with public and private institutions integrated into a regional transportation network. With stores and offices, lunch counters and banks, with churches, schools and the City Hall it hosts a wide range of activities which benefit each other and the region.

Downtown is further distinguished by its continuing historical evolution that has produced a mix of old and new architecture indicating a city with roots. Its design is characterized by freestanding public buildings surrounded by landscaped spaces framed by continuous business blocks. These guidelines reinforce this urban tradition and enhance the economic values of the district.

THE STREETScape

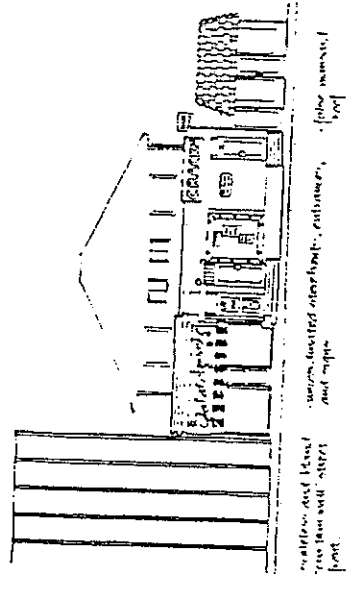
What the landscape is to the countryside the streetscape is to downtown. Everything that makes up the view you see looking down the street is part of the streetscape; buildings, trees, shop displays, utility poles - you name it! An attractive streetscape, the product of public and private efforts, will draw people to it and help to keep them there.

The unattractive streetscape is marred by utility poles, wires, large obstructing signs and blank facades, all of which speak more of the high-speed highway commercial strip than of the downtown environment. Downtown should be a place for pedestrians as well as autos. An unattractive environment discourages multi-stop shopping. One advantage of a well-designed shopping plaza is the excitement generated by closely-spaced, well-designed shops, with some new construction and imaginative reuse of older buildings, a similar excitement and greater richness can be provided in the downtown area.

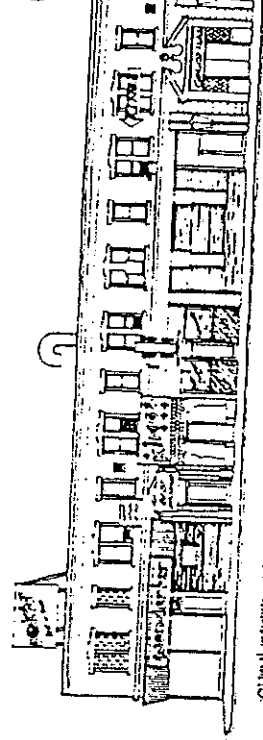
The attractive streetscape provides continuous sidewalk-level activity scaled to the pedestrian. Storefront displays add interest along the sidewalk. Planting provides needed summertime shade and protects the pedestrian from the street. Signs, while visible from passing cars, can also be read at sidewalk level. A visitor should enjoy a walk from the First Church to the Adams Mansion.

DOWNTOWN FACADES

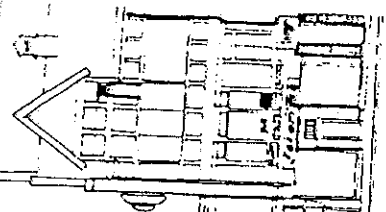
UNRELATED DOWNTOWN FACADES



uniform facade
 - uniform facade
 - uniform facade
 - uniform facade

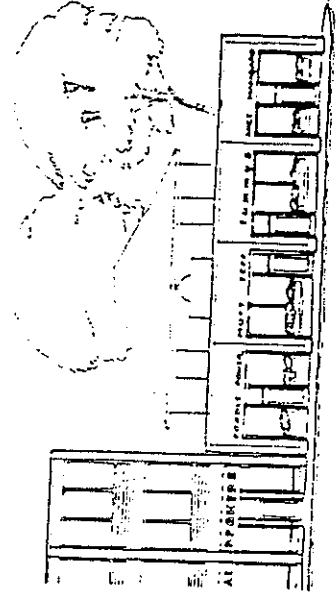


uniform facade
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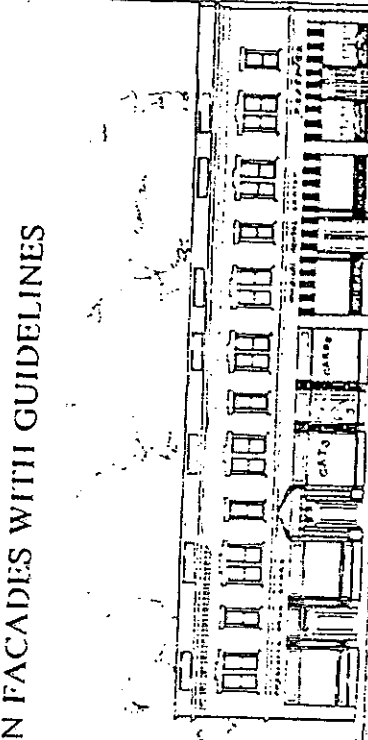


uniform facade
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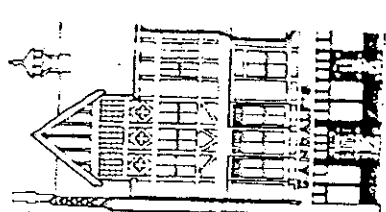
DOWNTOWN FACADES WITH GUIDELINES



uniform facade
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uniform facade
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BUILDING FACADES

A few basic guidelines govern changes to the street sides, or facades, of buildings within both the downtown and neighborhood areas.

1) Each building has a special style, or character, that belongs to its period of construction. That style should be maintained.

2) Storefronts, the facades of individual shops, must not obscure the basic architectural framework of the building they are in.

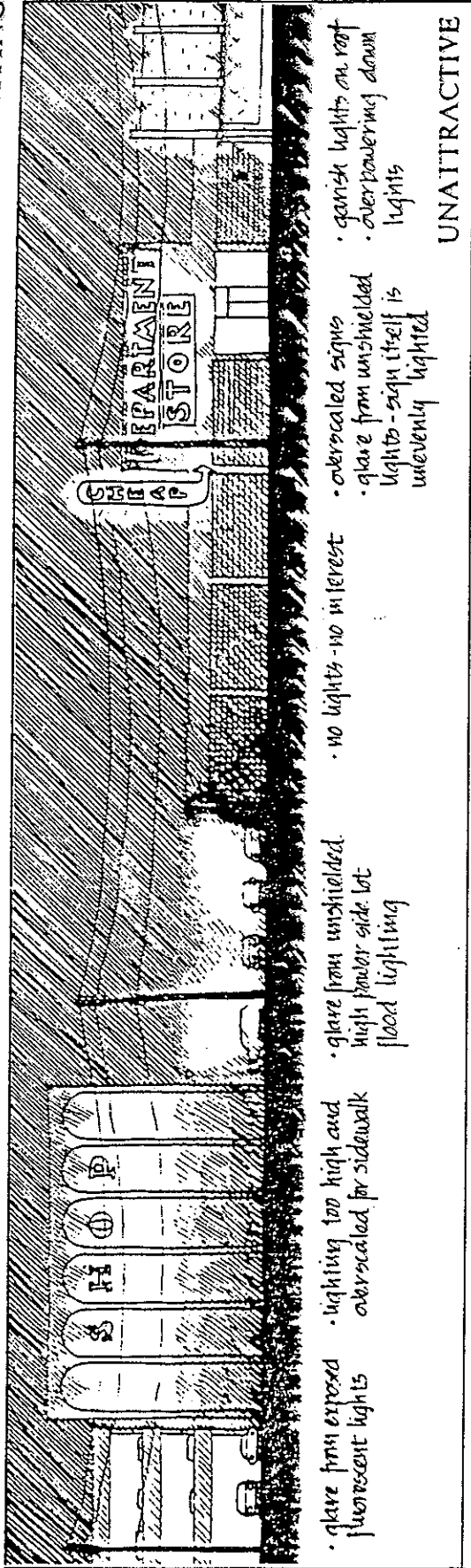
3) Storefront designs should complement each other and the overall building facade.

The unattractive block facade (see drawing) illustrates a haphazard assembly of conflicting storefronts and poorly kept business blocks - a caricature of a deteriorated streetscape. Significant architectural detail has been removed from some of the buildings and pilasters and lintels have been covered up giving the feeling that the upper and lower floors do not belong to the same structure. Storefronts and signs compete with each other for our attention at the expense of a coordinated effort that would draw people to the whole block. Masonry infill at the sidewalk level conceals the activity inside.

With better building maintenance and more attention to design, the streetscape can be improved. With overlarge and inappropriate signs removed, with columns and lintels exposed, the building facades above now seem to rest on the ground. Signs can be integrated with the architecture and yet identify individual shops. Storefronts in every bay, while differing in individual design, look good together and provide a sense of activity the entire length of each block. Shop air conditioners and alarm

boxes are concealed behind louvers and roof-top equipment is hidden from view. Roof-top signs are inappropriate in an Historic District. Awnings sized to fit the windows and storefronts behind them can add color and variety.

LIGHTING



- glare from exposed fluorescent lights
- lighting too high and oversized for sidewalk

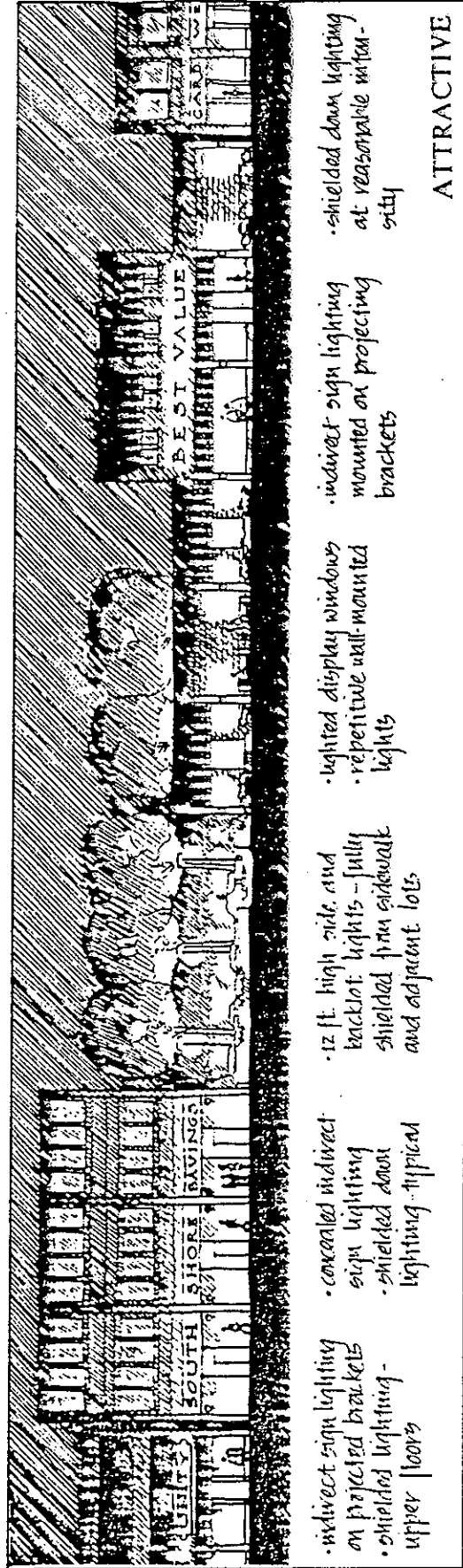
- glare from unshielded high power side lot flood lighting

- no lights - no interest

- oversized signs
- glare from unshielded lights - sign itself is unevenly lighted

- garish lights on roof
- overpowering down lights

UNATTRACTIVE



- indirect sign lighting on projected brackets
- shielded lighting - upper floors

- concealed indirect sign lighting
- shielded down lighting - typical

- 12 ft. high side and bracket lights - fully shielded from sidewalk and adjacent lots

- lighted display windows
- repetitive well-mounted lights

- indirect sign lighting mounted on projecting brackets

- shielded down lighting at reasonable intensity

ATTRACTIVE

LIGHTING

Like a good building, lighting requires design attention at several different scales. The city usually provides the streetscape with high-level lighting for street illumination and lower level for sidewalk lighting. These drawings illustrate the small-scale lighting provided by building and shop owners. When properly used, this lighting enhances textures of the facade, adds a sense of rhythm and provides an attracting night-time sparkle. Several guidelines should be observed:

1) Lighting of entire building facades should usually be reserved for government, religious and institutional buildings - structures which are community landmarks.

2) Landscape and parking area lighting should be glare-free standard not more than 12' high. Light bulbs should be concealed from adjacent buildings, pedestrians and motorists.

3) Storefront (outside) and display (inside) lighting is encouraged. Try switching on your lights with a timer so your shop display will be seen in the evening. Unless low wattage bulbs are used they should be concealed. See downtown storefront drawing.

4) Signs should either be lighted internally (letters only, not the background) or with fixtures with bulbs shielded from view. See downtown storefront drawings.

STOREFRONTS

Since the storefront is one means of expressing the individuality of a shop and since different types of businesses must be accommodated behind storefronts in the same or adjoining buildings, the Commission encourages variety in their design. General guidelines for storefronts have been discussed under the Streetscape heading.

Style and Design

Storefronts present a special design problem. In single-story buildings, the storefront and a panel above often largely filled with signage constitute the entire building design. In older multi-story buildings, a row of storefronts provides a continuous horizontal band of glazed openings in the ground story. Above there is usually a band of signage. The second and upper floors are of heavy masonry into which discreet openings are cut to accommodate separate smaller windows. The typical storefront is a one-story opening extending the full width between the columns which support the roof or the floors above. It is glazed with large sheets of glass set in wood or metal frames and often includes a recessed entrance doorway. If the store window is not to be used for display and privacy is desired, privacy can be provided by installing blinds on the inside of the glass. This solution can add to the variety of the streetscape while retaining the character of a storefront. Replacing the broad glazed store window with solid panels of masonry or wood into which small windows may be inserted is usually inappropriate.

In modernizing a storefront, it is usually appropriate to retain the general design of the original though some of the members may be narrowed and some of the details simplified.

The plane of the storefront should be the same as in the original. Entrances may be recessed so that the outward swing of the door does not interfere with the sidewalk.

New storefronts should retain their original width and height within the architectural framework. Window sills may be raised or lowered and window heads dropped by inserting solid panels. The new horizontal lines, however, should conform with similar lines in other storefronts in the same building.

Storefront designs should not reproduce styles of a period earlier than the building they are in. Store windows divided into small panes and bayed store windows are seldom appropriate unless they were part of the original design in an early building.

Materials to use:

Wood framing painted to match building trim or preserved with a natural finish.

Wood panels constructed of smooth-finished tongue and groove boards or smooth-surface plywood finished same as wood framing.

Dark, anodized aluminum or painted metal. Colors should approximate those used elsewhere for building trim. Silver-colored metal is usually inappropriate.

Matte-finished metal or composition panels in a subdued color to match or complement building wall surfaces or trim.

Materials to avoid:

Wood shingles and shakes, T-111 plywood, concrete block, glass block, cast-in-place concrete, rough-sawn boards, simulated wood, stone or brick.

Brick, stone or stucco are usually inappropriate unless an exact match of original building facade materials and should then be used only below the store window sill level.

The short "mansard" roof, whatever type of shingles are used is inappropriate in an historical district.

Colors:

Colors should match or complement those used elsewhere in the building facade. Use traditional colors for large areas (See "Colors" in the Neighborhood Guidelines). Special colors may be used in small areas for accents.

Building Equipment:

Bare-bulb lighting whether on the interior or exterior should be concealed from sidewalk view unless low wattage incandescent bulbs are used.

Edges of suspended ceilings dropped below window heads and visible from outside must be finished with a smooth continuous surface. Set-in ceiling panels are not acceptable on these surfaces.

When possible, locate air conditioners at the rear or sides of the building or on the roof. If located at the front, shield units behind louvers set flush with the storefront or the entrance doors.

Paint exterior electric conduit to match wall or trim behind.

STOREFRONTS

The drawing shows a storefront with a prominent sign that reads 'GARFIELD'S' in large, serif letters. The sign is mounted on a stone course. Below the sign is a set of double doors with transoms, flanked by windows with multiple panes. The entire storefront is framed by a decorative architectural structure.

- lines and materials of architectural framework are strong elements of storefront
- projecting stone course
- stone spandrel
- projecting stone course
- stone plaster or pier
- painted wood mullions and sash
- sash of small glass panes
- granite sill

- raised letters mounted directly on masonry
- operable transom coils slim; adding (not steam) does also
- paneled doors with brass hand-
white and mottled glass stops

ORIGINAL STOREFRONT

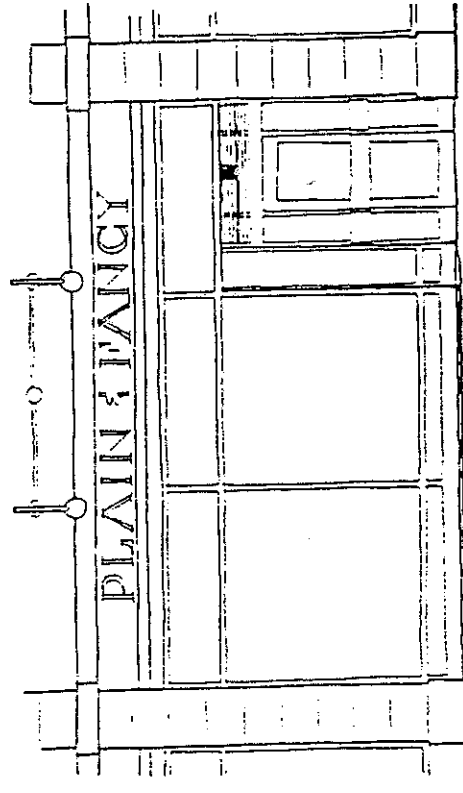
The drawing shows a storefront that has been poorly modernized. The original architectural details are obscured. A large, stylized sign is mounted on the wall, and a modern window is installed. The original structure is visible but largely hidden behind the new elements.

- lines and materials of architectural framework obscured
- spandrel obscured by signboard
- dropped ceiling exposed directly behind glass
- exposed fluorescent lights are unattractive and glaring
- original pilaster or pier has been covered or painted

- messy exposed conduit and junction boxes
- awkward infill around air conditioner and in soffit
- air conditioner projects and makes unpleasant noise
- mil finish (silver) aluminum does not match traditional materials
- low sill not traditional

POORLY MODERNIZED

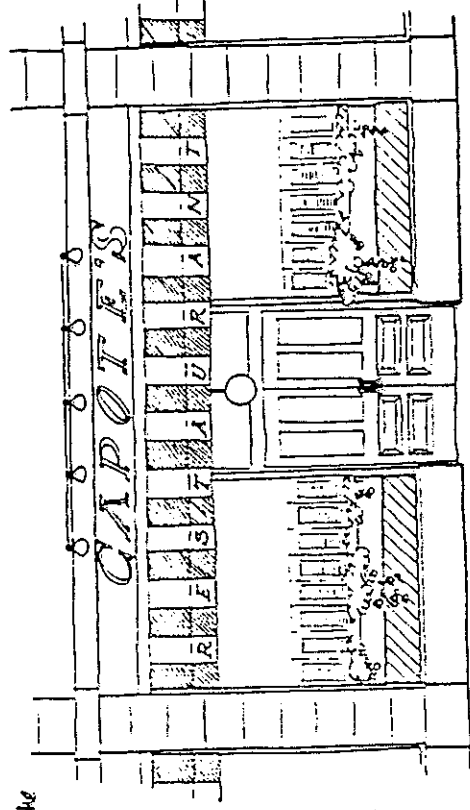
FITTING & SIMPLE RENOVATION



- shielded lights for sign mounted out from wall on brackets - conduit to nearby lead out and painted to match storefront design.
- sign fits within structural panel
- soffit over recessed entry fits simply with facade materials
- air conditioner and alarm box concealed behind open louvers
- soffit mounted cylinder down-light - shielded light source
- standard door with push rail added

- basic lines and materials of the architectural framework can be seen
- dropped ceiling concealed behind chrome upper panels
- standard glazing system of aluminum - colors: anodized, medium to dark tones
- interior light sources shielded from street
- window panel raises frame to appropriate sill height

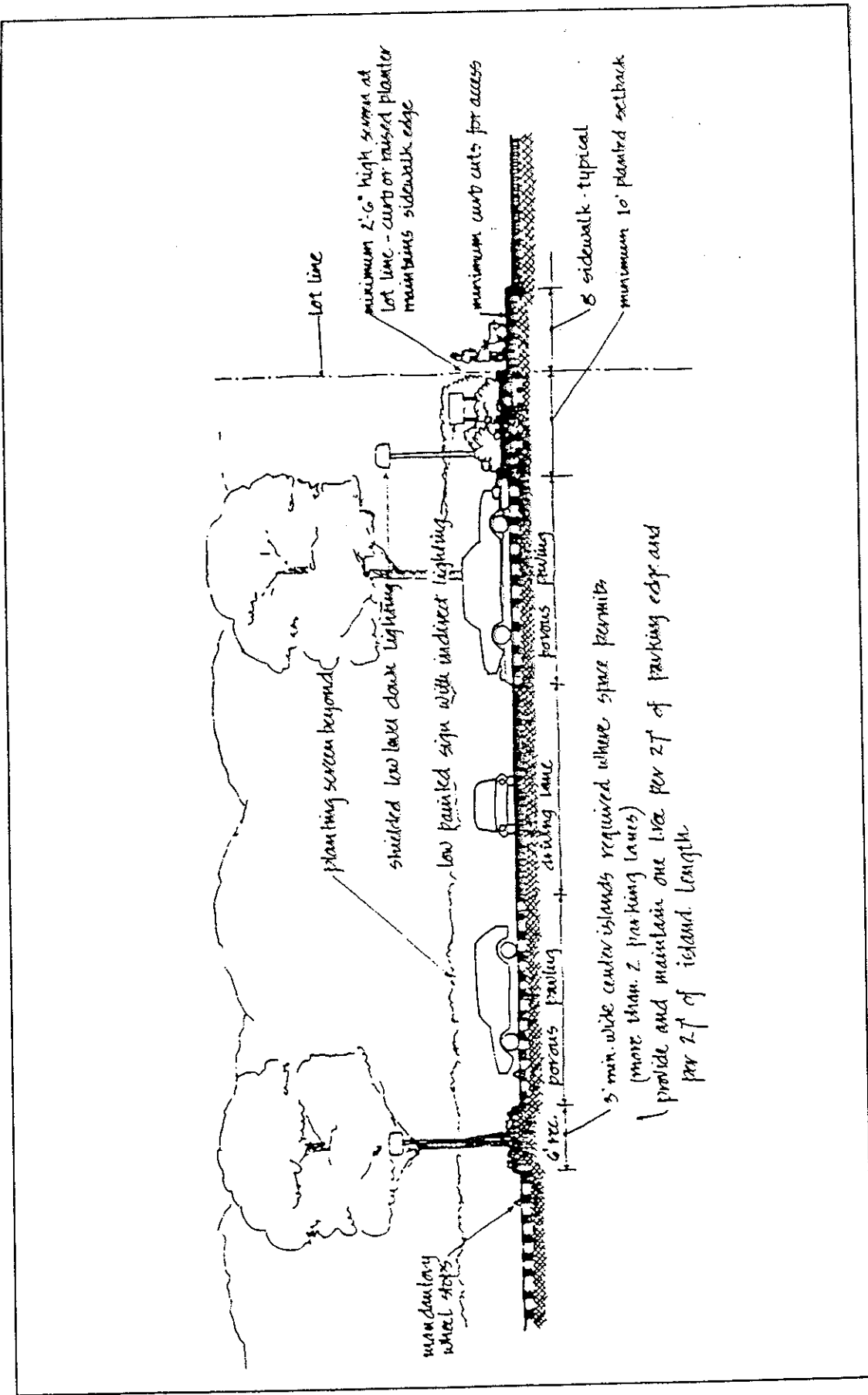
FITTING & ELABORATE RENOVATION



- shielded incandescent light fixtures for sign - concealed on-duit, subdued color
- sign fits within structural letters finished in gold leaf - mounted directly on masonry
- remove air conditioner
- soffit over entry - raised wood paneling or similar
- light fixture hung from soffit
- interior privacy shutters of stained wood - eared finish
- raised panel wood doors with glass lights and brass thumb latch

- basic lines and materials of the architectural framework can be seen
- canvas awning set within lower spandrel - same height as adjacent stores
- storefront framing and trim of natural or painted wood to complement original
- wood planters, interlock with architectural framework
- solid panels of smooth finished cedar or similar - oil or varnish
- restored granite sill

REAR & SIDE LOT PARKING



AWNINGS

Awning shapes and locations should match facade openings and not obscure columns, walls or architectural details. When installed at the first-floor level, a minimum clearance of seven feet above the ground must be maintained. For recommended materials and colors, see Neighborhood Guidelines.

MASONRY

Quincy is justly famous for its granite and has made beautiful use of this durable material in its public buildings. Granite has also had wide use in foundations beneath brick and frame construction. There is no better foundation material.

Whether your masonry is granite, some other stone or brick, it should be maintained as it originally looked. While stone and brick are usually extremely weather-resistant, the mortar joints between deteriorate as water, ice and temperature changes work on them. Chimneys are particularly vulnerable because flue gases condense within them. Both outside and inside surfaces should be checked.

Maintenance requires several tasks:

1. Make certain that no water can get into the work from the top or the bottom. Gutters and downspouts must be in good condition. Roof drainage cannot be allowed to back up and flow down the walls either inside or outside. Window and door trim should be flashed at the top and caulked all around to prevent entry of water. Yard areas must be drained

away from the foundations to prevent pools of water at the walls. Elimination of such pools will also lead to a drier basement.

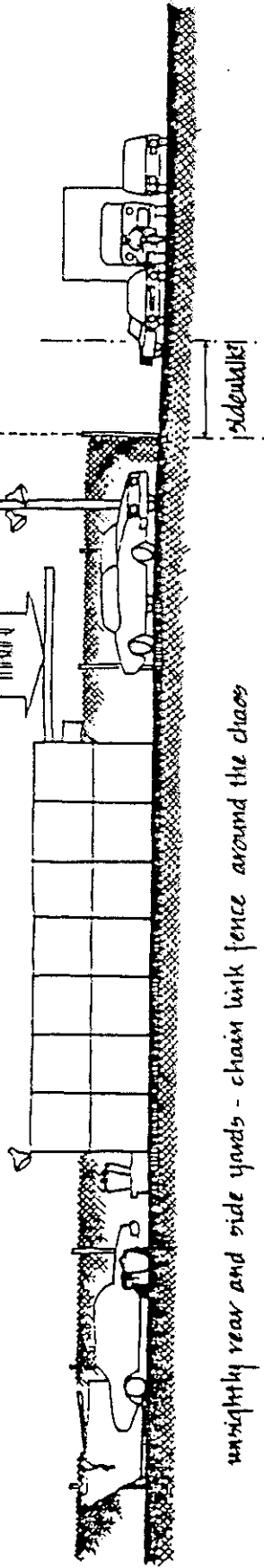
2. If cracks have developed or if mortar joints have weathered more than 1/2" behind the surface, repointing is advisable. The joints should first be raked out to remove all loose and sandy material. This requires care so as not to damage brick or stone. Mortar colors should be consistent and match the original. Mortar should have a high lime content. Too much portland cement will shrink to form new cracks and may cause surrounding brick or stone to crack, thus doing more harm than good. The reading of MASONRY CONSERVATION TECHNOLOGY is recommended (see Bibliography).

Painting of previously unpainted brick, stone or concrete masonry is discouraged. If the aim is waterproofing, colorless treatments are available. Existing painted masonry may be repainted in a subdued color that fits well with adjacent buildings. Removal of existing paint or dirt by steam-cleaning or other non-damaging method is encouraged. Sandblasting is usually not recommended since it damages the surface of the masonry.

AN UNCOMFORTABLE LANDSCAPE

serviceable building at sidewalk edge has been demolished.
 setbacks and low silhouette of new structure damage
 the streetscape's edge - windows and other
 human-scaled elements are missing -
 wall materials not sympathetic
 to neighboring buildings.

automobile environment
 dominates people -
 sidewalk is poorly defined
 and interrupted by
 excessive curb cuts



unsightly rear and side yards - chain link fence around the chaos

a blistering summer environment:

- heat absorbing roof, walls, and asphalt paving.
- excessive storm water run-off.
- lack of built or grown shading.

(cold in winter also - minimal protection from wind and rain)

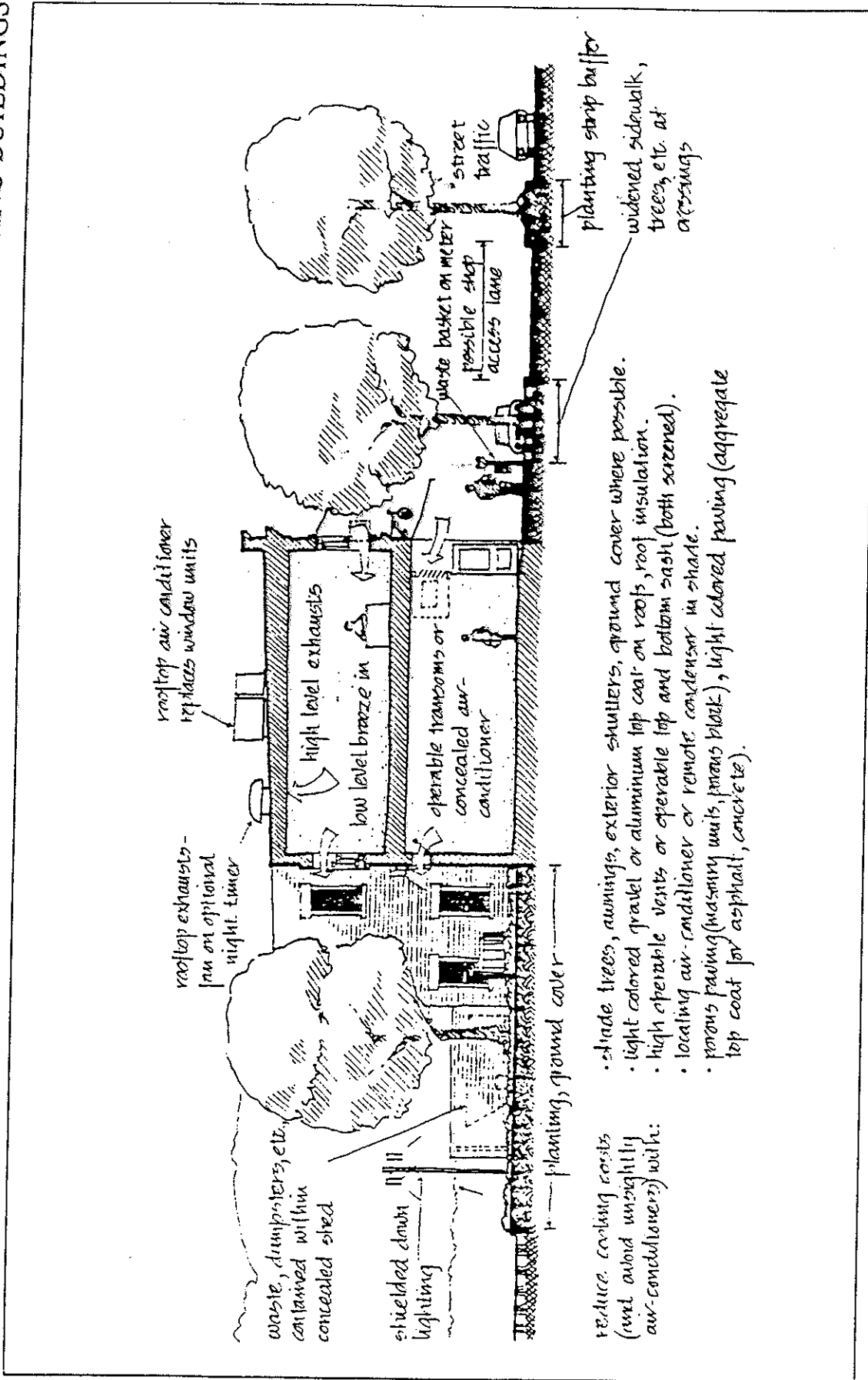
LANDSCAPING

The Downtown situation provides little opportunity for landscaping. Therefore, such opportunities as exist should be used to the fullest. Typically, the fronts of existing buildings are at the sidewalk line and the sidewalks are too narrow to accommodate street trees. In Downtown, the Commission wishes to encourage continuous facades with the fronts of all buildings in one block in the same plane. There will, however, be occasional opportunities for wider sidewalks with extra width located on the front of the lots and all buildings in one block set back a few feet from the lot line.

In these situations, pockets of rich loam can be provided and street trees planted. The loam pockets can be topped with loose-laid paving blocks or beach stones. The topping must be permeable to allow rain water to reach the roots. Surrounding trees with high curbs both protects the trees and provides a catchment to hold rainwater until it can leach into the ground.

When several adjoining buildings can be treated in the same manner, the upper stories can be built to the lot line while the storefronts are recessed, thus providing a wider sidewalk and the weather protection of an attractive arcade.

AN IMPROVED LANDSCAPE FOR EXISTING BUILDINGS



The requirements of modern transportation and building services place new burdens on the traditional townscape appearance which the Historic Districts seek to maintain. See the illustrations for applications of the following guidelines.

1. In Downtown, parking will not be permitted between the principal street front of a building and the street. All parking must be to the side or rear and screened as called for in the Zoning Ordinance.

2. The Commission encourages basement and underground parking structures to preserve useable open space. Other parking structures can be appropriate if screened from view and well-related to adjacent buildings.

3. Large parking lots should be divided into aisles by planting islands containing shade trees planted not more than 27 feet apart.

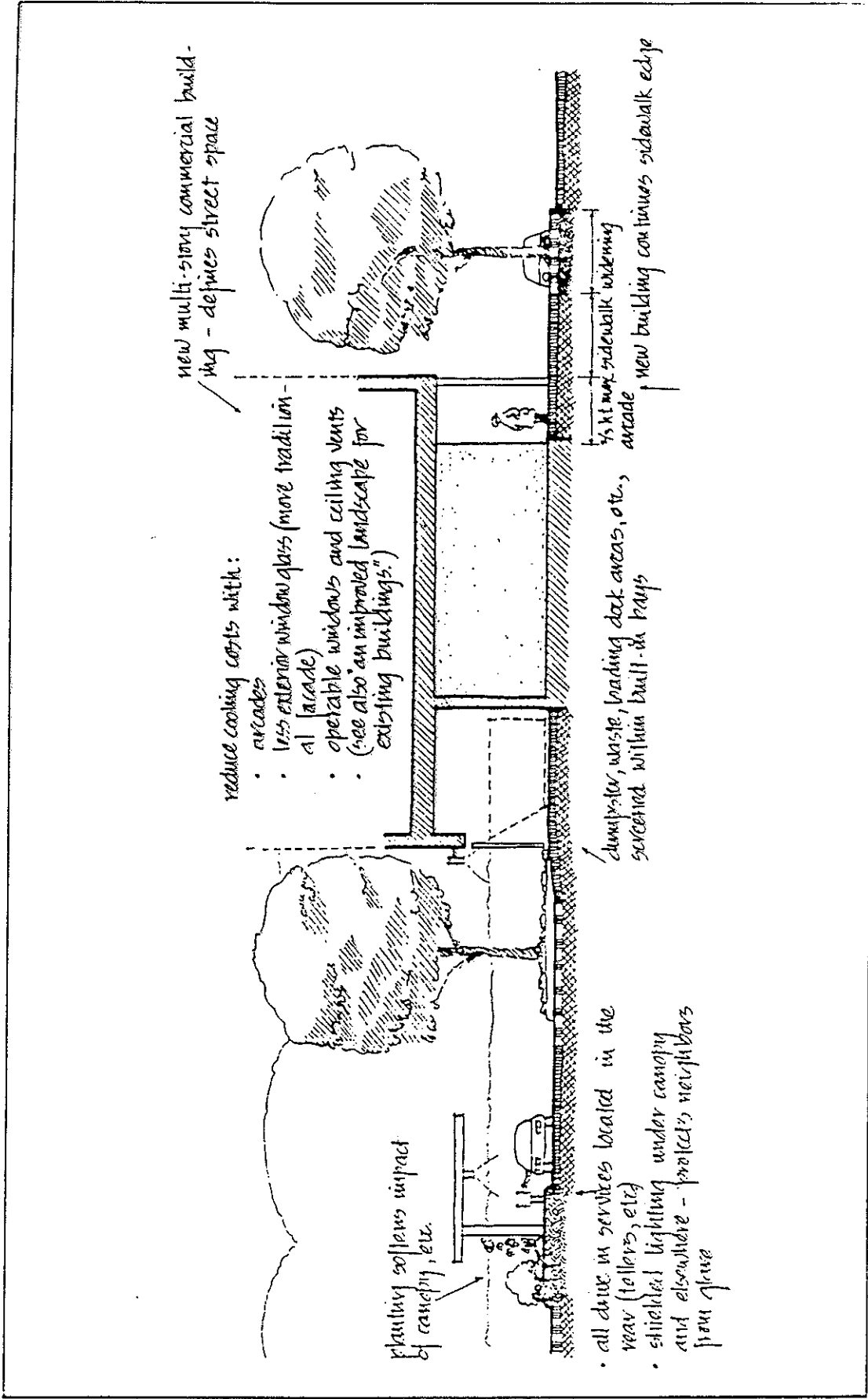
4. Parking lot lighting must be shielded from the street and from adjacent properties. Fixtures not more than 12 feet high are recommended.

5. Loading and trash disposal facilities shall be located behind the building and be shielded from eye-level view by doors, fencing or planting.

6. Drive-up service facilities shall be located behind the building.

7. Ground-mounted air conditioning units and electrical transformers shall be fenced in and shielded from eye-level view. Place air conditioning condensers in a shady location for greater efficiency.

COMFORTABLE LANDSCAPE FOR NEW CONSTRUCTION



NEW CONSTRUCTION

New buildings are expected in all parts of the Historic Districts including the Downtown area. Several guidelines apply to their design:

1. It is intended that any new construction represent an improvement in architectural character over the building or buildings being replaced. Existing buildings of significant historical or architectural significance should be preserved.

2. New construction should closely approximate adjacent buildings as to floor heights, size and spacing of window openings, width of structural bays and, if practicable, cornice height.

3. Wherever new proposals are to be neighbors of the historic landmarks, every effort should be made to keep the size and height of new projects from overpowering the older buildings.

4. Scale in architectural design refers to the relationship of a building's parts, its floor heights, windows, doors and trim to the dimensions of the human figure. City Hall and the Church of the Presidents establish a large scale which is reflected in the two Quincy Savings Bank buildings, one neo-classic and the other International style. This is the scale to be encouraged for use in the Downtown area.

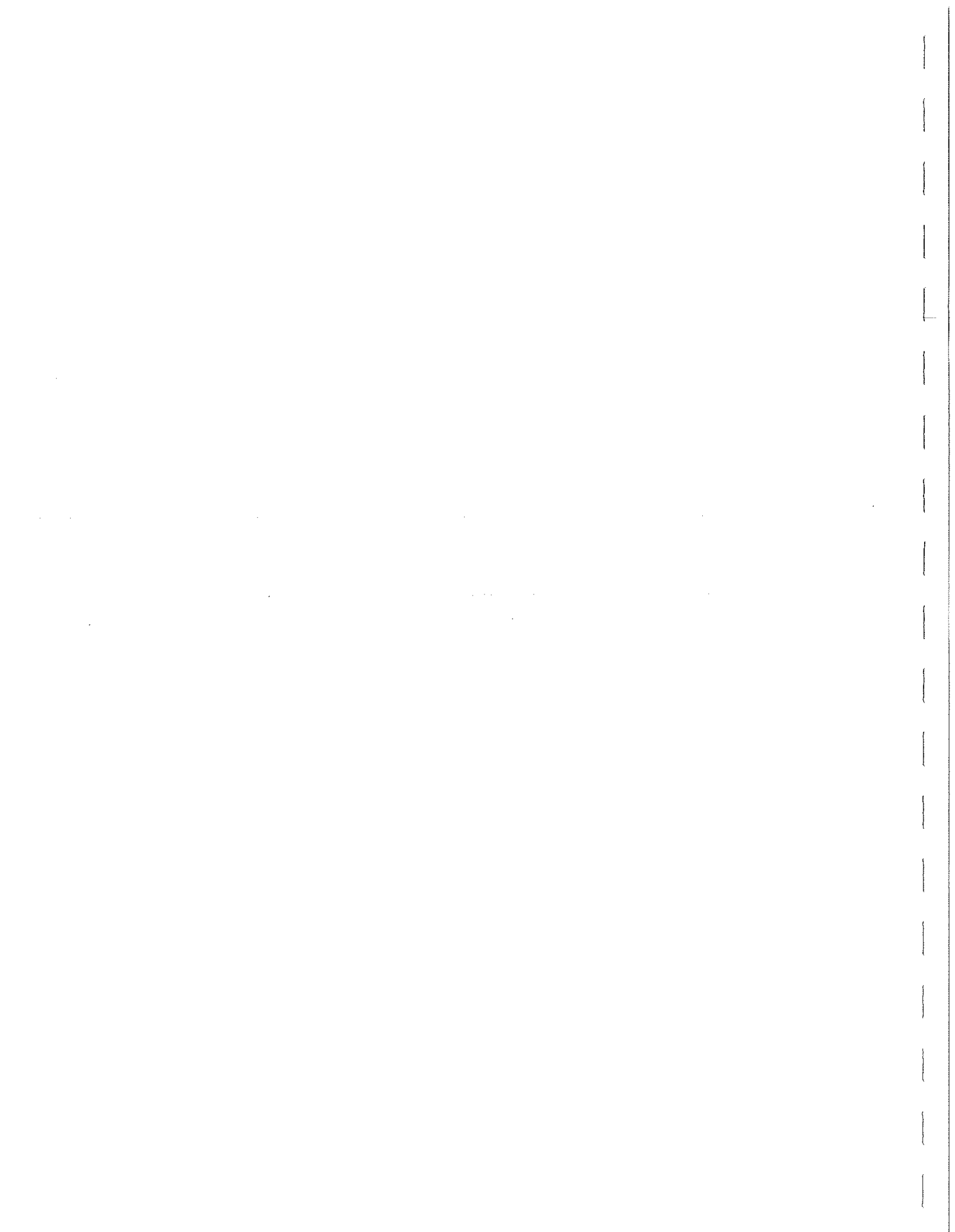
5. Where Downtown buildings now form a continuous facade at the sidewalk line, building to the same line is encouraged in order to maintain the sense of a continuous facade. Where a wider sidewalk is desired, it may be appropriate to recess the storefronts behind the facade line.

6. Continuous storefronts or glazed areas at street level are encouraged to provide activity along the sidewalk edge.

7. Materials should be harmonious with the colors and textures of adjacent buildings. Use of facing materials common in earlier periods such as red brick and Quincy granite provide continuity with the past and compatibility with existing structures.

8. In Downtown, it is expected that most new construction will be in a contemporary style. All designs can be classified as being either relatively-recessive or relatively-aggressive. The recessive approach is encouraged. Recessive designs are characterized by simple forms and quiet roof lines with regularly-spaced windows and door openings. In historic districts, traditional materials are used. Color schemes are quiet.

Aggressive designs often use complex forms both in plan and silhouette. Odd projections may rise above the roof line. Color contrasts may be extreme. The intent of the aggressive design is to draw all attention to itself and to dominate the streetscape. In general, aggressive designs are not encouraged. Towers and other projections may rise above the roof line. Cantilevered balconies may project and there may be deep arbitrary openings in heavy walls. Color contrasts may be extreme. The intent of the aggressive design is to draw all attention to itself and to dominate the streetscape.



NEIGHBORHOOD IMAGE & STREETScape



free standing houses surrounded by green

II. NEIGHBORHOOD GUIDELINES

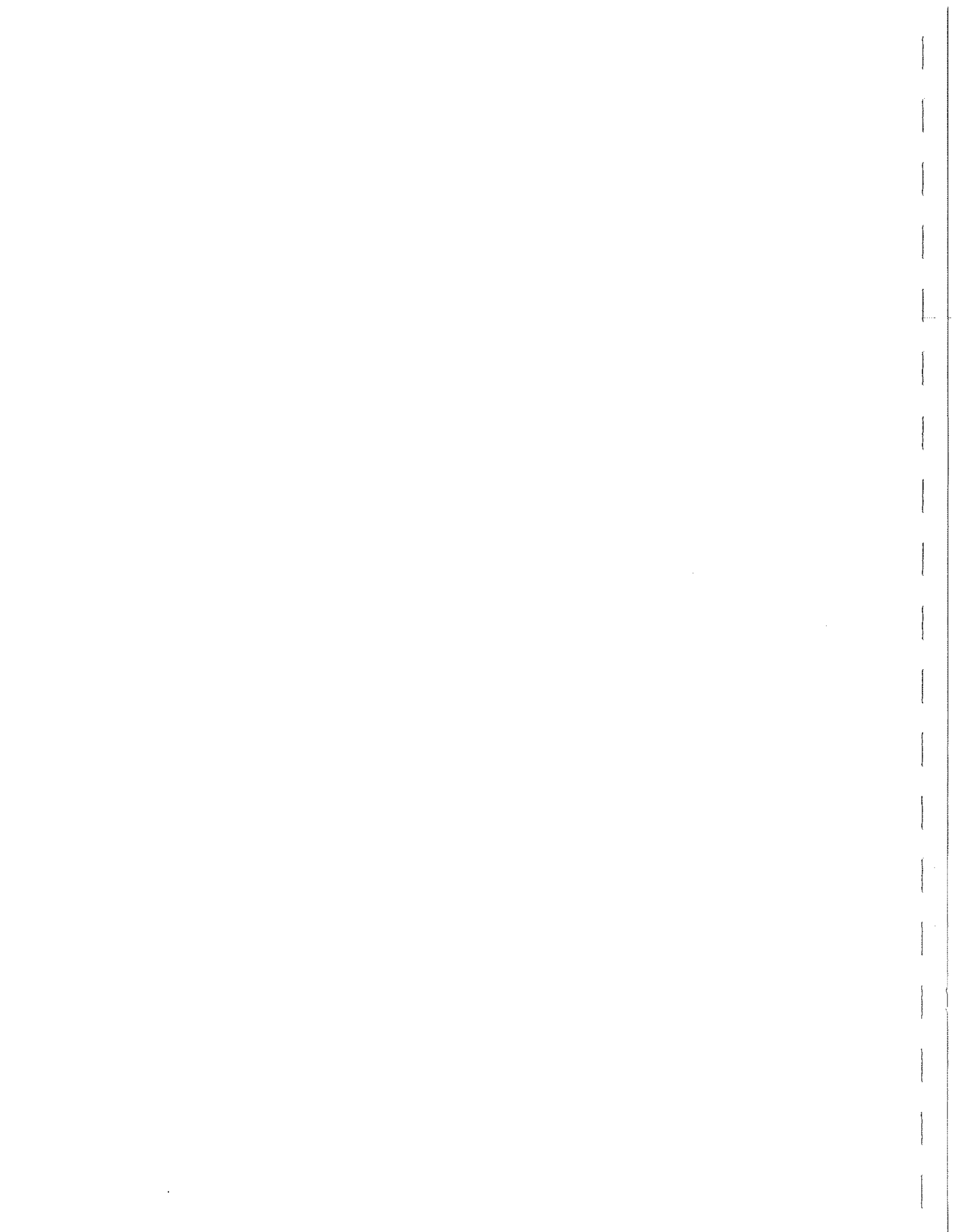


IMAGE AND STREETScape

Early Quincy houses were set in large lots which provided space for gardens and livestock. As the economy shifted from farming to industry, houses were built closer together, clustered around places of work or transportation, but the ideal of a house surrounded by green remained. This town ideal is the image of Quincy neighborhoods.

The drawings illustrate several wood houses of different dates and styles set in landscaped yards. This is the image of the neighborhood streetscape. The Commission wishes to preserve this pattern, but recognizes that changes in uses and increases in density of development must be accommodated. The sections which follow provide guidelines for buildings and sitework which will be compatible with the neighborhood streetscape.

HOUSE FACADES

Two basic rules govern changes to the outside of your house whether you are performing routine maintenance or contemplating major rehabilitation or addition.

1. Each house has a special style or character which belongs to its period of construction. Within the districts that style must be retained. Older houses in particular are much prized today now that costs force so many new houses to be smaller and sparsely detailed.

2. A house and its landscaping should respect their surroundings. A house on a street of handsome houses is considerably more valuable than one surrounded by inharmonious buildings.

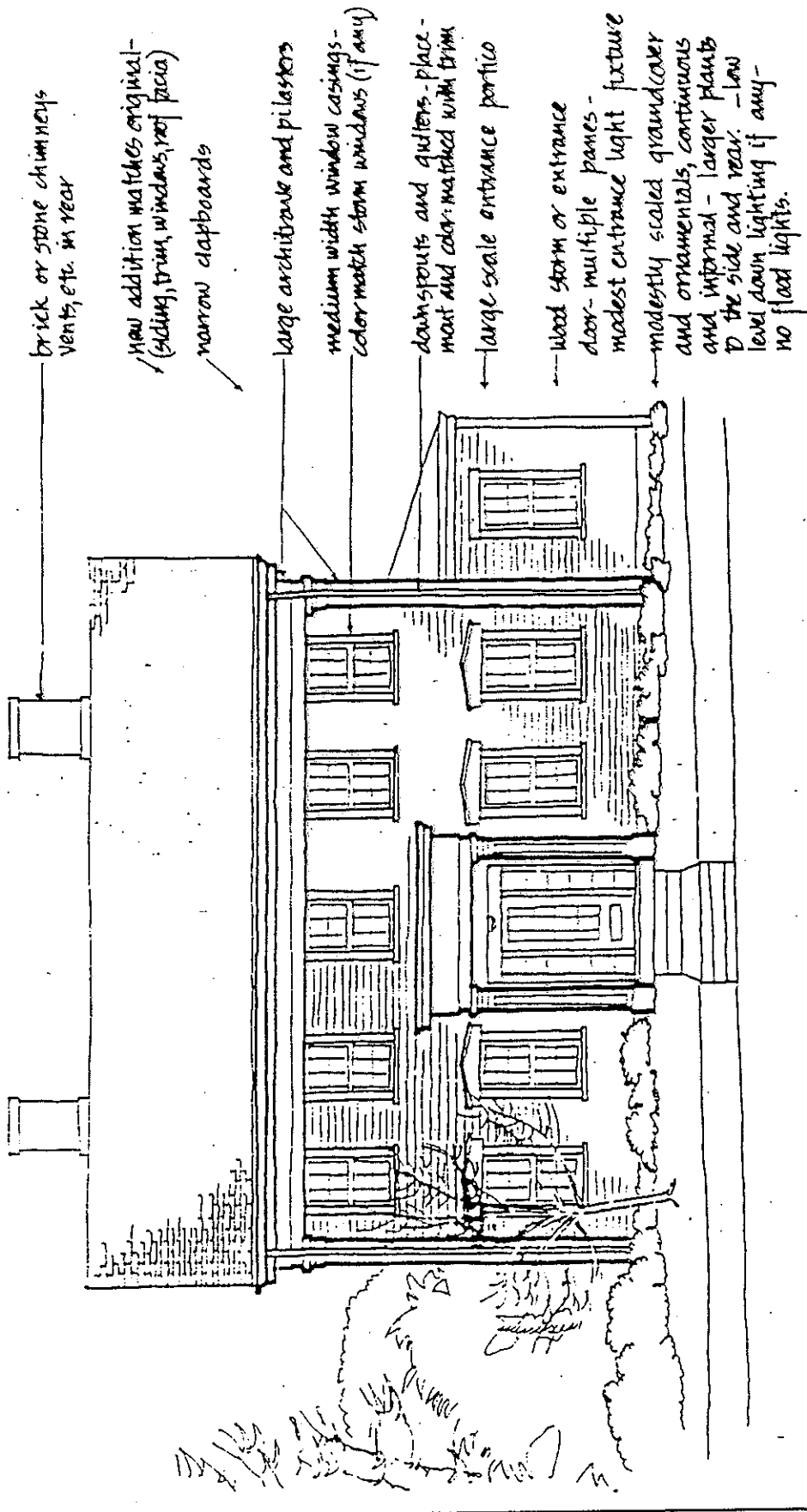
All repairs should duplicate the original as closely as possible. Do not strip the details from your building. If original details have been removed, an attempt should be made to find out what was there originally and that should be reproduced. Never attempt, though, to make your building look older than it really is. If the Commission finds financial hardship will result if original details are reproduced exactly, it may allow some simplification of the design provided the original proportions of members are kept.

If you want to make major changes to the appearance of your house, do these at the rear where they will not be prominently visible from the street. Changes to existing facades and new additions visible from the street will be carefully reviewed by the Commission to assure harmony of form, materials and color with the building being altered, and its neighbors. Usually the same materials and colors already in use on the property will be most appropriate. In situations where the building code requires masonry construction, we suggest that walls be surfaced with materials, such as wood clapboards, already used on the property. Front and side yards must, of course, be respected.

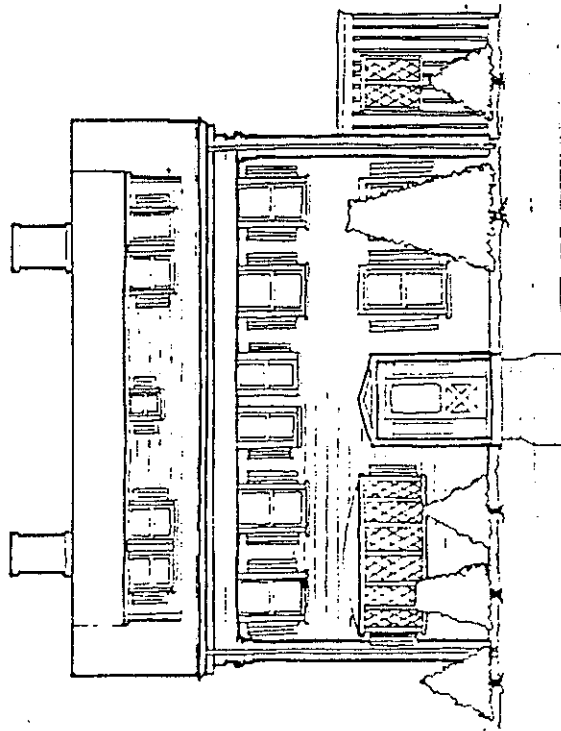
The drawings illustrate a typical house as it should be maintained, or restored, followed by several examples of changes that are not appropriate in the historic districts.

HOUSE FACADES

ORIGINAL OR RESTORED - YES



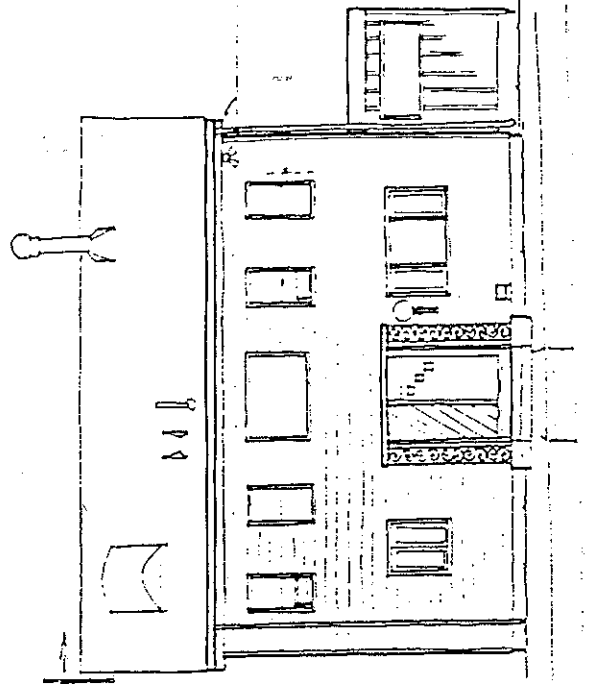
"COLONIALIZED" - NO



oversized dormer

- oversized shutters
- clapboard siding too wide
- inappropriate key windows and aluminum pipe mesh
- first entrance reduced to insignificant scale and proportions - unsymmetrical swing door
- mismatched siding
- overly formal Jacobean porchway, staid, too tall

"MODERNIZED" - NI



--- plastic "birch" skylight - shiny aluminum case

--- off center metal chimney

--- conspicuous appendages

--- glass from flared lighting

--- random down-pipe location

--- major trim reduced to

--- missing cornice by aluminum siding

--- window casing - lost or under

--- sized conspicuously A.C.

--- window proportions changed

--- and mismatched unproportioned

--- entry porch stripped and

--- reduced to unwhimsical

--- proportions iron trellis

--- unattractive light fixture

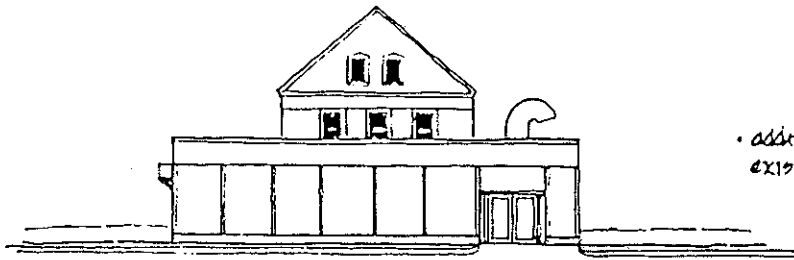
--- unpainted aluminum down-pipe vent

--- off center and mismatched

--- entrance & shutters

CONVERSIONS

INAPPROPRIATE



- addition obscures existing house

APPROPRIATE



SIDE VIEW



FRONT VIEW

- tree is kept
- addition matches existing house
- sympathetic window proportions

CONVERSIONS

Neighborhoods, the quality of which depend on traditional houses on ample lots, face particular problems when houses are converted to commercial uses. Unsympathetic renovations and additions erode the neighborhood character. These problems can be acceptably resolved by adherence to a few simple rules. The character of an older structure is frequently an asset to a new commercial use.

1) The preferred approach maintains the original building and yards, and adds a small sign and parking as required for the new use. Many distinguished offices and shops have been created in this way.

2) If additional space is required, it is most attractively provided at the sides or rear of the original building, preserving the shape and character of the original front facade.

3) If no other solution is possible, an addition in the front yard may be approved, provided it does not extend to the right or left beyond the corners of the house.

4) The addition of a street front shop to a building where apartments are located creates a conflict of entrances. Entrances should be separated so there is a clear distinction between business and residential entrances. One solution is to locate the residential entrance on a side driveway or walk.

5) Commercial uses usually increase the parking requirements. The layout and screening of the parking as well as the landscaping of the entire lot, deserve thoughtful consideration.

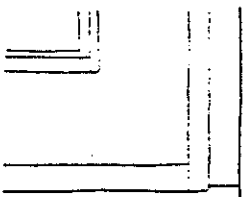
SIDING

Because wood has for many years been the cheapest and the most plentiful building material in this area, most houses have been built and covered with it. Its long life, insulating qualities and workability have long endeared it to builders. It remains, today, the best of siding materials. If properly maintained it will last for generations and it is always available for repairs if needed. It is resistant to denting and breaking and you can refinish it any time you want to change the color of your home.

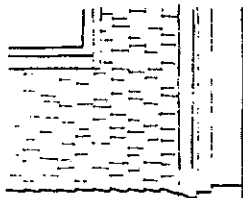
The drawings show several siding materials and methods of treating corners. Since most houses were sided with wood clapboards or shingles, we recommend continued use of these materials when repair or replacement is necessary.

Except on buildings of historic significance, you may use smooth-finish aluminum or vinyl siding applied horizontally with a 4-inch face. "Grained" panels are not acceptable since they are an obvious fake. All existing wood details, such as corner boards, window and door trim and cornices, must be retained unless it is possible to provide formed aluminum or vinyl members which reproduce the original trim with accuracy. Aluminum gutters and downspouts are acceptable. When using aluminum or vinyl siding, unless you have a complete and effective vapor barrier on the inside of your building, select one of the siding brands with holes or slots along the bottom edge of each panel for vapor release. Otherwise, condensation may occur within the wall and dry rot will follow.

appropriate

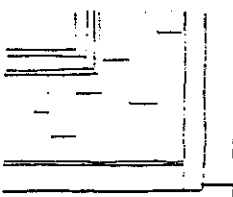


- original wood clapboard siding with trim



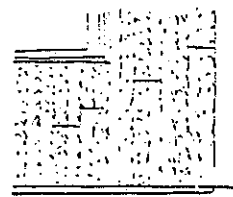
- original wood shingle siding with trim

acceptable

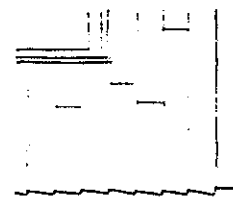


- smooth finished aluminum or vinyl siding with original wood trim

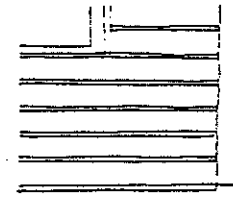
inappropriate



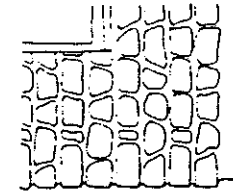
- wood shingle siding trim removed



- original too large



- vertical siding



- original trim or brick

Also illustrated are several siding materials which do not conform to the historical character of the districts and are therefore inappropriate.

WALL SIDING MATERIALS

Material	Period of Use	Maintenance	Life Expectancy
Wood Clapboard	1630 - present	Paint - every 6-8 years	Indefinite if well maintained
Wood Shingle	1630 - present	None if untreated Paint or Stain every 6-8 years	30 years Indefinite
Asbestos Shingle	Not Appropriate	None	40 years
Asphalt Shingle or Siding	Not Appropriate	None	25 years
Wood Shakes	Seldom Appropriate	None if untreated Paint or Stain every 6-8 years	40 years Indefinite
Aluminum or Vinyl Siding	1950 - present Appropriate only when installed as recommended	None, but may trap moisture in wall if unvented	Untested
Artificial Stone or Brick	Inappropriate	None	Unproven

ROOFING MATERIALS

Material	Period of Use	Life Expectancy
White Cedar Shingle	Not Recommended	15 years
Red Cedar Shingle	1640 - present	25 years
Wood Shakes	Early Colonial 1950 - present	30 years
Slate	1870 - present	Indefinite when well maintained
Asbestos Shingle	1890 - 1930 Not Recommended	50 years
Terne Plate Tinned Sheet Galvanized Sheet	1840 - 1940	70 years if painted, every 8-10 years
Copper, lead or Monel Sheets	Seldom used	Indefinite with occasional maintenance
Aluminum Sheets	Inappropriate	30 years

ROOFING

Many roofing materials have been used on Quincy's buildings in the centuries of its development. Handsplit wood shakes were the common material until the end of the eighteenth century. They were replaced by sawn wood shingles and on finer buildings by slates. Slates provide an almost permanent roof provided the roof is given occasional maintenance, checking flashings and replacing broken slates.

Occasional use has been made of sheet copper, an expensive material but particularly suited to roofs of low pitch. Tinned and later galvanized sheet iron have been used, but have short lives. Sheets of aluminum and steel alloys have their purposes but are seldom appropriate in the urban setting of the historic districts.

Tile roofs, while appropriate in Florida and California, are seldom appropriate in Quincy and are not recommended for the severe climate of Massachusetts.

The asbestos and formed-enameled sheet-metal shingles currently available are imitation materials often advertised to "improve on nature" but to provide the "beauty of wood." These fake materials may provide sound roofing, but are obvious fakes unacceptable in the Historic Districts.

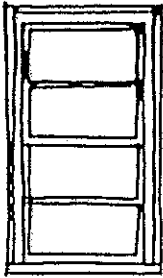
Wood shingles may be required for restoration work and may be desirable for new designs. However, untreated wood shingles are not acceptable to the Building Department. Cedar shingles and shakes with a fire-retardant treatment are acceptable both to insurance companies and the Building Department. This treatment also extends the life of the roof from 20 to perhaps 30 years.

For many years the asphalt shingle has been the popular material for pitched roofs. Originally it was made to simulate slate. The standard weight shingles have an expected life of 20 years. Investment in the heavier weight Class A shingles are recommended because they double the expected life of the roof. The color should be medium to dark in tone. Avoid solid black, the whites and light grays, and the bright chemical greens, blues and reds. Some mottling or mixing of colors can be attractive.

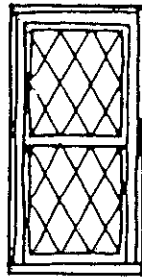
Think about the way your roof color goes with the wall and trim colors of your house and how it looks beside the neighboring houses.

One drawing shows a distinctive mansard-roof house. The original slates can be repaired or replaced, or an asphalt shingle can be installed. Never use siding of any sort on a mansard roof. Although the slopes are nearly vertical, they deserve to be treated as a roof.

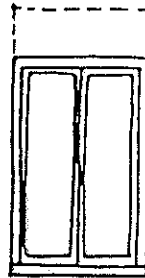
Windows that are not appropriate on the street side(s)



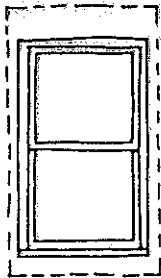
horizontal lights



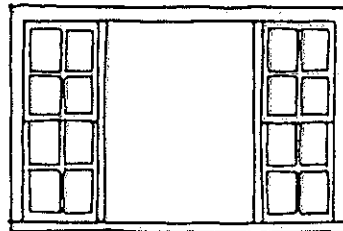
diagonal panes



window too small
for original opening



window too small
for original opening



picture window

ENTRANCES, WINDOWS AND TRIM

The treatment of entrances, windows and trim are important determinants in identifying the style of a building. Entrances and windows complement other features of the architectural design. The Georgian doorway is embellished with delicate mouldings sometimes topped with a fan light and often capped with an entablature or pediment. The federal doorway is refined and dignified. In the Victorian styles, doorways are exuberant. In each style these details conform with the scale, size and character of the trim used elsewhere.

Flush doors are appropriate in contemporary designs and often in older houses of little or no architectural significance. Complicated or irregular layouts of panels or glass lights are seldom appropriate.

Glass sizes in colonial days were small. As glass techniques improved, the size of the window panes increased. Throughout the first half of the nineteenth century, the standard window was the 12-light 6 over 6 double-hung sash. Following the Civil War, the standard window became the 4-light 2 over 2 double-hung sash, but there were variants. In the Queen Anne and shingle styles, the upper sash was often divided into 16 panes while 2 lights were used in the lower sash. Toward the end of the nineteenth century and in the early years of the twentieth, the large-paned 2-light 1 over 1 double-hung sash competed in popularity with the 4-light and the colonial 12-light sash. One attribute of contemporary styles is the use of single panes whatever the size, shape, type, or proportion of the window may be.

The invariable rule when replacing doors or windows is to determine what was used orig-

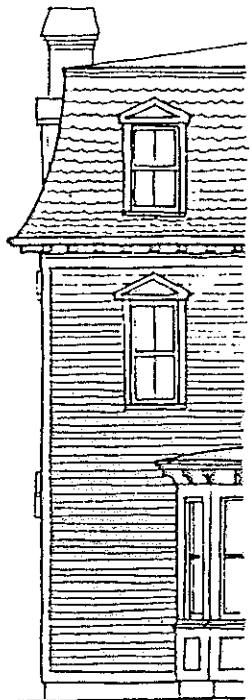
inally and to copy that design and layout. Do not attempt to "colonialize" a Victorian design by substituting 12-light sash for 4 light. However, do not be misled by assuming that all 4-light sash now in place were there originally. Windows which are not well maintained rot and require replacement about once a generation. Sash replacement was often used as an opportunity to modernize. Many buildings that now have 4-light sash were built with 12 light. One rule of thumb is that if you find in the window catalogues a stock size of 12-light sash which fits your openings, it is probably appropriate to use 12-light sash if you prefer the sparkle of the small panes to the verticality of the 4-light sash. Whenever the proportions of the frame are truly vertical, 12-light sash are inappropriate.

The size and scale of architectural trim increased throughout the nineteenth century. Some Victorian mouldings are difficult and expensive to reproduce. When restoring an architecturally significant building, reasonable accuracy in reproduction of the mouldings is important. In other buildings, it may be sufficient to retain the width and projection of the original moulding while building it up from several stock mouldings and simple shapes which can be run out on a table saw.

- original patterned shingles on mansard roof

- cornice with wood brackets

- wood corner board and clapboard siding



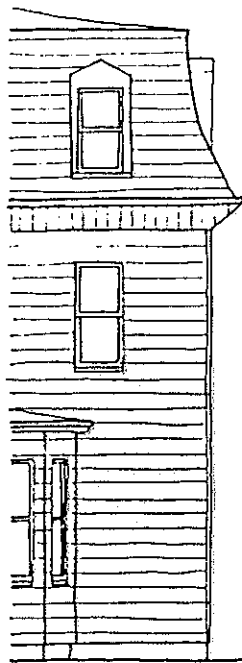
the original house

- metal or plastic siding on roof

- metal or plastic soffit

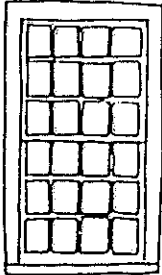
- trim and corner board removed

- siding spacing too large

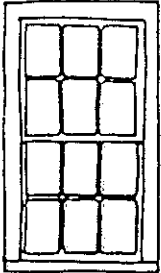


inappropriate siding on roof and walls

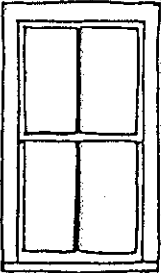
Some early double-hung window styles



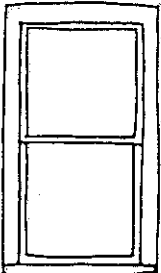
before 1600



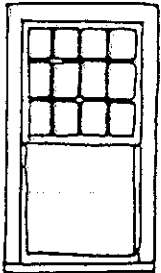
before 1850



after 1850

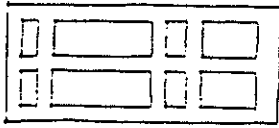

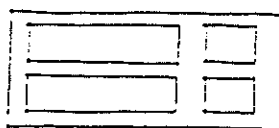
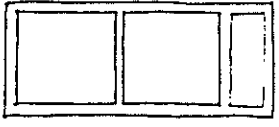
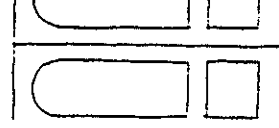

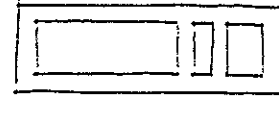

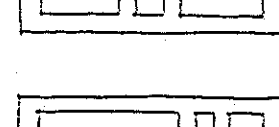



after 1860

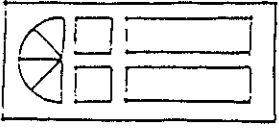
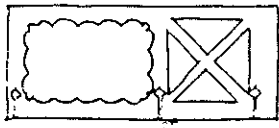
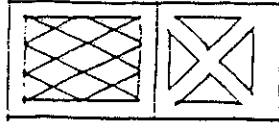
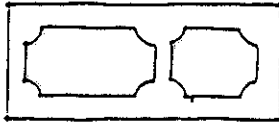
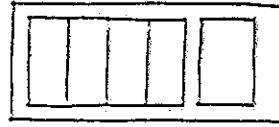
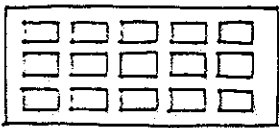

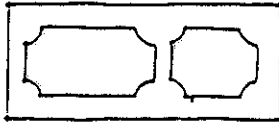
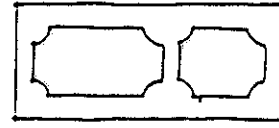
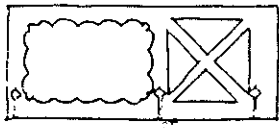


after 1875

Appropriate

traditional front door styles	storm/screen door styles
 <p>before 1820</p>	 <p>plain painted wood</p>
 <p>before 1850</p>	 <p>plain painted aluminum</p>
 <p>after 1850</p>	 <p>present</p>
 <p>after 1850</p>	 <p>after 1880</p>
 <p>after 1850</p>	 <p>present</p>

Inappropriate

front door styles	storm/screen door styles
 <p>"colonial"</p>	 <p>"dutch"</p>
 <p>"dutch"</p>	 <p>"classic"</p>
 <p>"dutch"</p>	 <p>"castalian"</p>
 <p>glazed flush horizontal</p>	 <p>"dutch"</p>
 <p>"dutch"</p>	 <p>"dutch"</p>

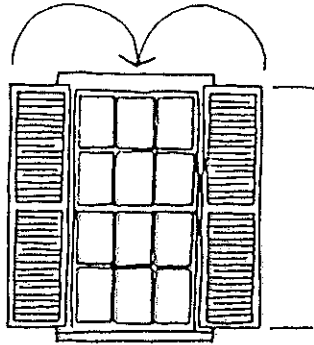


Storm Doors

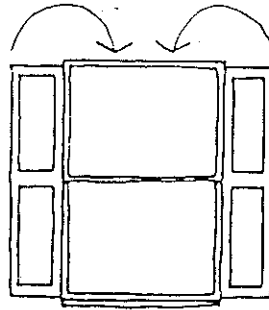
Ideally, a handsome door should be weather-stripped and no storm door used. However, the need to conserve heat energy leads to general use of storm doors. The best-looking storm doors are those designed in wood with a layout which includes interchangeable glass and screen panels. The aluminum industry has developed practical combination doors which are acceptable provided they are painted to match the house trim or the door behind them. The best designs are utterly simple with one flat panel at the bottom and one or two glass or screened panels above. The decorated designs with complex panel layouts, grilles and decal edges at the glass are inappropriate.

Storm Windows

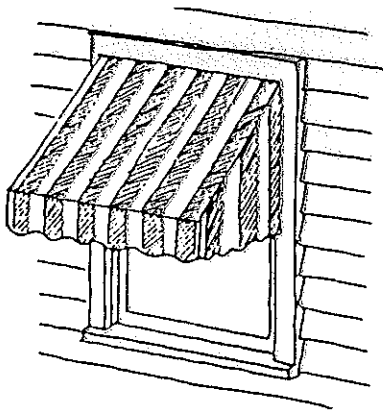
Conservation of energy requires double or even triple glazing. In new construction, double-glazed sash and full weatherstripping meet the conservation need without the bother and expense of storm sash. In older buildings, this approach is impractical without total window replacement. Considering exterior appearance, the best storm window is that installed on the inside. Such window systems are available. Some are wholly practicable. Others are less well engineered and lead to cumbersome window operation. The aluminum industry has developed a practicable exterior screen and storm sash system. It never improves the appearance of a building, but it is acceptable provided the members of the unit are narrow and unobtrusive and that the unit is painted to match the window trim.



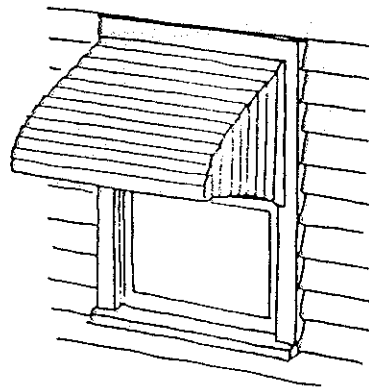
• traditional wood blinds would cover windows if closed



• blinds too narrow



appropriate canvas awning



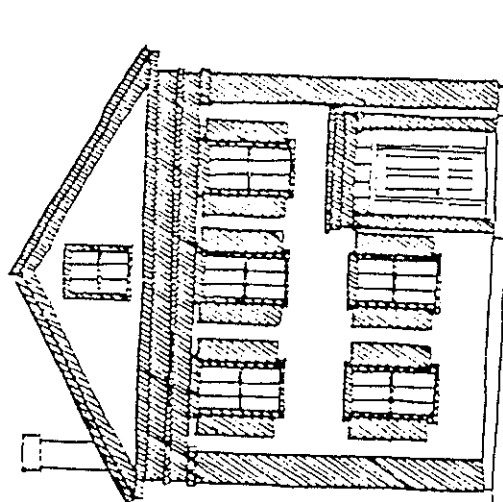
inappropriate metal or plastic awning

BLINDS AND AWNINGS

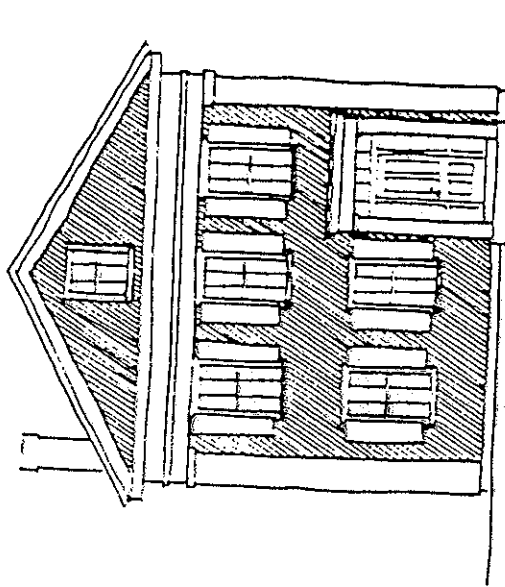
Solid or slatted wood shutters, properly called blinds, came into use shortly before 1800. They could be closed and were used to shade the window and doors from the hot summer sun. Today, they are seldom operated but are often considered attractive decorative features. They were original equipment on many buildings and were used at any opening that could easily be covered. They were not used at bay windows or at other openings where there was no adjacent wall surface against which to fold them when not in use. The width of each blind should be half that of the opening. Though not required in the districts they are appropriate when sized and located properly.

The horizontally-slatted wood blind is always preferred. However, the aluminum or vinyl type is acceptable on buildings that have no historic significance.

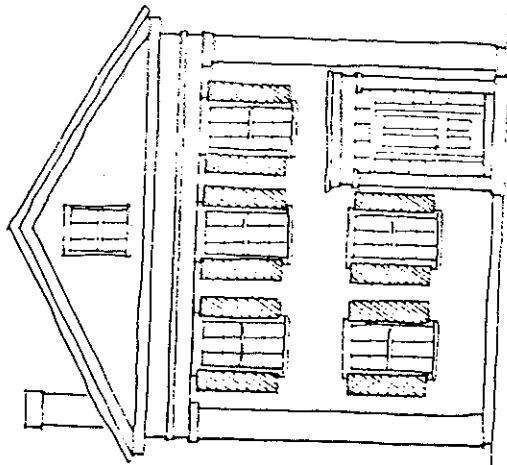
Awnings became popular in the mid-nineteenth century because they both shield the sun and admit more light and air than blinds. They provide an additional source of color and can be appropriate. The materials should be canvas or other fabrics and they must be well maintained. Metal, plastic or wood slats are not acceptable. Recommended colors include: buff brown, light gray, ochre, brick red, gray-green and medium blue. Solid colors or stripes are preferred to decorative designs.



light wall with dark trim



dark wall with light trim



light wall and trim with dark blue

COLORS

One of the advantages of paints over permanent building finishes is the possibility of expressing personal taste by changing colors. Within each architectural style or period of construction there were color choices. The Commission encourages but does not require authentic period colors or original building colors except on buildings of significant architectural or historical significance.

If you want to determine the original colors of your building, scrape carefully through later paint layers in as unweathered a place as you can find. Look especially for a place where the paint would be thick such as an inside corner or a drip where sunlight and chemical reactions would not have affected the original color. Wet the sample you find to approximate the original brilliance. You might try removing a clapboard or piece of trim to find a crack where the original paint had penetrated but had not been covered up by later coats. Early greens darken with age and even turn black.

In choosing an appropriate color scheme remember that the colors you choose should fit well with those of neighboring buildings and the landscape. Two or three colors or several tints of the same color are generally enough for one building. The wall color should usually be a muted tone or, in some cases, white. The trim, or accent, color or colors can be somewhat brighter since they cover smaller areas. Either light-toned walls with darker trim or medium-toned walls with lighter trim can be successful. Doors, sash and shutters can be the same color as the trim or a different, but related color.

LANDSCAPING

Prior to 1800, houses were set on large lots. Land was inexpensive. Space was needed for gardens and livestock. The Quincy Homestead and the Beale-Rice house are reminders of these spacious days. As Quincy changed from a rural, farming community to a suburban and urban scene, land was sub-divided into smaller lots, but the quality of its landscape still contributes to Quincy's appeal today. Where new construction is proposed, setbacks from the street and side lot lines should be ample to preserve insofar as practicable the spaciousness of the townscape.

PARKING - for parking lots see DOWNTOWN

Off-street space for parking cars is essential and usually a problem in older residential neighborhoods where lots are small and houses closely grouped. Done thoughtlessly, the side yard becomes a private asphalted "street" isolating each house from its neighbor. The driveway and parking area should be kept to a practical minimum. Its visual effect can be softened by careful planting or use of a carefully chosen screening fence. The money and effort involved in a thoughtful solution will improve the appearance of your home and add to its value.

The practicality and economy of asphalt paving has led to their overuse both for driveways and paths. There are alternatives. Where the ground is generally flat and there is no danger of washout, gravel with a peastone topping is low in cost, but does require some maintenance. Brick laid in sand is a preferred

surface for walks and sidewalks and can be used in small driveway areas. It requires a gravel base and an edging which can be bricks-on-end, stone or creosoted 2 x 4s. Flagstones are a handsome solution for paths, patios and terraces. At City Hall, there are fine granite walks of rectangular stone laid with tight joints. Bluestone and blue-gray slates are excellent if cut to rectangular shapes. They may be laid with tight joints or well separated with grass between the stones. It is, however, inappropriate to use irregular broken-edge stones or to mix purple-red stones with the blue-grays.

A new technique for bituminous paving combines the practicality of asphalt with the look of a perfectly kept estate gravelled drive. After the base coats are laid, the pavement is flooded with asphalt in which a heavy coating of peastone is embedded.

Fences, Hedges and Walls

Fences, hedges and, occasionally, walls have been a pleasant feature of older neighborhoods adding variety to the streetscape, separating public and private spaces and defining boundary lines. Hedges provide friendly lines of green but require regular trimming. Stone walls can be a reminder of early days. Brick walls can also be appropriate. Concrete block is not appropriate.

Fences should be chosen to harmonize with the house and with its neighbors. On sidewalk lines, they should be somewhat transparent, but they can still be designed to contain children and pets and to keep out unwanted dogs. Wood fences painted to match either the house color or trim color are a good choice particularly for frame houses. They can be of simple pickets

with or without a moulded cap or they can be of decorated forms appropriate to the style of the building. A plank fence with two or three rails with square posts and moulded trim can be appropriate. The white fence at the Quincy Homestead is essentially a simple wood design executed in durable steel. Old iron fences whether of wrought iron or the ornate castings of the Victorian period should be preserved for they are a splendid reminder of the past. Their high cost precludes their frequent use today.

Pipe rail and chain link fences are wholly inappropriate near the street. On back lot lines they can be acceptable if covered with ivy or vines to suppress their industrial appearance.

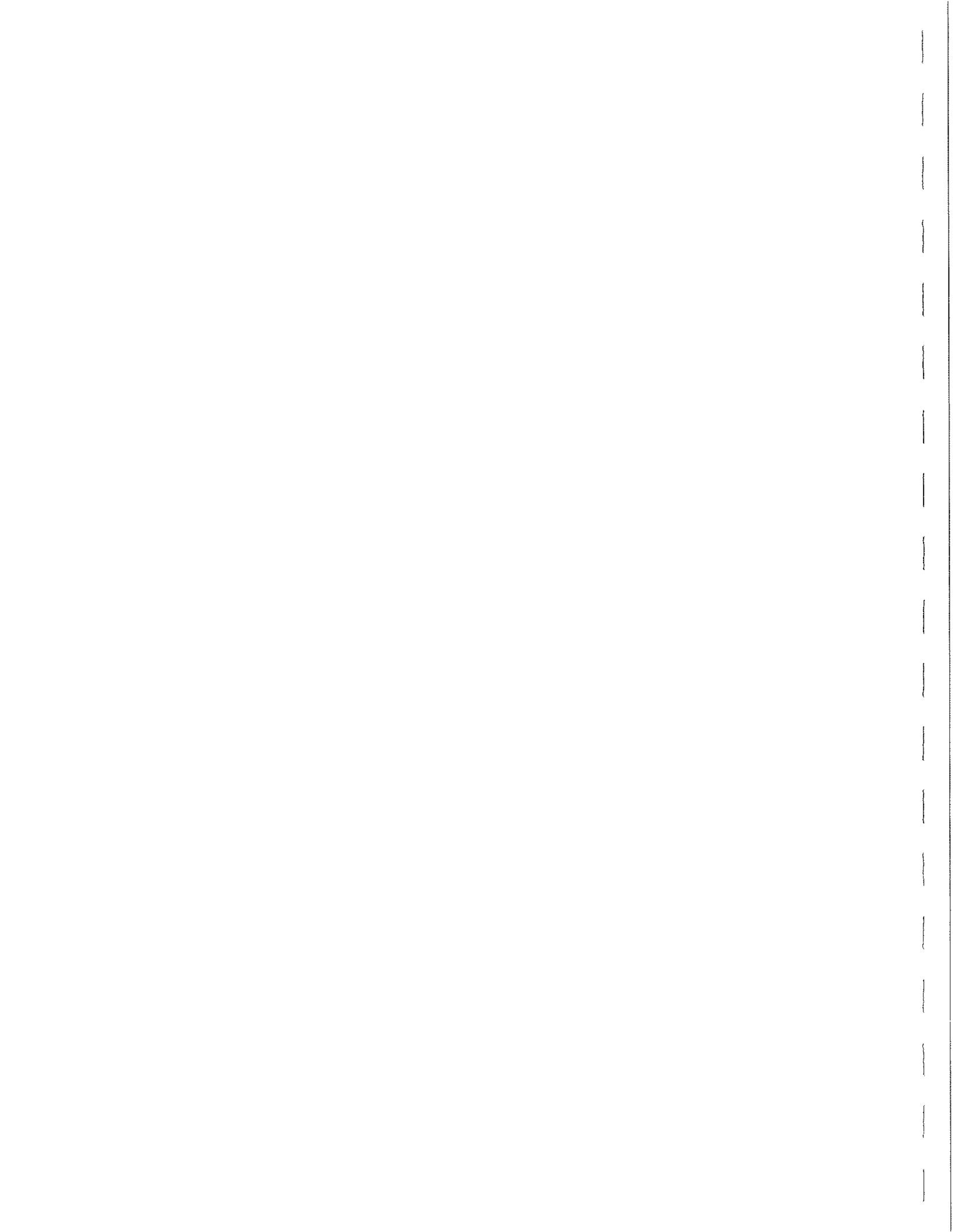
Cedar fencing with half-round palings are acceptable on side and rear lot lines and may be left to weather. However, split-cedar palings and the fence with rough round posts and split rails are too informal for the urban setting of Quincy's Historic Districts.

Trees

Where street trees do not exist, they should be planted, not in the sidewalk but in the front lawn where their roots will have room and where they will be protected from road salt. The settings of the city's historic buildings in most instances include handsome large trees. Where space permits, new landscaping should include some trees of a species which will eventually reach large size. If located to the south or west of the house, they will provide welcome summer shade. For plantings close to buildings and in constricted areas, smaller flowering species are indicated.

Foundation Planting

In recent years, heavy foundation planting has become popular to hide masonry foundations and soften the juncture of the structure with the ground. Foundation planting was not used in the early years. That may have been because our forefathers wanted sharp distinctions between their buildings and the roughness of their natural landscapes. It may be that the slow-growing shrubs and low-lying evergreens necessary for successful foundation plantings were not available. Today we should make a conscious choice. Some building designs are best presented sparsely with accent plantings only at the corners and entrances. Others are enhanced with continuous beds provided the material is low growing and well maintained. For buildings larger than residences, larger plant materials are generally more suitable.



APPENDIX C



DRAFT

ESTABLISHING LOCAL HISTORIC DISTRICTS



REVISED 3/15/89



HISTORY:

Local historic districts are one of the oldest and strongest forms of protection for historic properties. The historic district movement began in the United States in 1931, when the city of Charleston, South Carolina, enacted a local ordinance designating an "Old and Historic District" administered by a Board of Architectural Review. Following a 1936 amendment to the Louisiana Constitution, the Vieux Carre Commission was created in 1937 to protect and preserve the historic French Quarter in New Orleans. The regulations of these districts provided that no changes be made to the exterior architectural features of buildings, structures, and sites visible from a public street within the designated area without a certificate of appropriateness. These districts served as models for local protection of historic areas across the country.

Massachusetts first made use of this preservation tool in 1955. Following opinions rendered to the General Court by the Massachusetts Supreme Court that held that these districts were constitutional, Special Acts of the Legislature creating the Beacon Hill District and the Historic Districts in Nantucket were passed. Special Act Districts in Lexington and Concord were established between 1956 and 1960.

In 1960, a statewide enabling statute was enacted to empower municipalities to establish local historic districts. M.G.L. Chapter 40C, the Historic Districts Act, was created to protect and preserve the historic resources of the Commonwealth through a local review system that encourages and ensures compatible maintenance, improvement, and development. The Historic Districts Act was substantially amended in 1971, with minor adjustments made in 1983 and 1987. A bill currently pending with the legislature would further clarify and strengthen the Historic Districts Act, and would extend the protection to individual landmarks, landscapes, and archaeological sites.

Despite the need for changes over the years, the Historic Districts Act has proven to be remarkably enduring, and has served Massachusetts' communities well through almost three decades. In many instances, local historic districts can be credited with saving the character of a neighborhood or town from otherwise certain destruction. The preservation through local historic districts of distinctive areas within a community can provide a city or town with a continuing sense of its past. It can limit the destruction of the historical and architectural legacies of our ancestors and provide an assurance that they may be enjoyed by future generations. To the public, an historic district offers a visual example of our historic and cultural heritage. To its residents, it affords a means of neighborhood conservation, a way for the community to exercise control over its future.

PURPOSE:

Historic districts have three major purposes as stated in M.G.L. Chapter 40C:

- 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 settings of those buildings and places;
- 3) to encourage new designs compatible with existing buildings in the district.

An historic district may be established when a concentration of highly significant buildings exists, or when a group of buildings together form a distinct area in which the whole may be greater than the sum of its parts. Historic district controls are put in place to preserve the appearance of the area without changing ownership of the properties or curtailing their use. Since each building, structure, and place within such a district contributes to the overall historic character, changes made to the exterior of any property, as well as new construction, are reviewed for the impact they may have on the district as a whole.

Historic districts do not prevent changes from occurring, nor do they prevent new construction. The intent is to make changes and additions harmonious, and prevent the intrusion of incongruous elements that might detract from the aesthetic and historic values of the district. Historic district commissions may only review changes to exterior architectural features visible from a public way. The ordinance or bylaw creating the district may also exclude certain categories from review; most frequently paint color, storm windows and doors, and routine repairs are exempted. The purpose of a local historic district is not to halt growth, but to allow for thoughtful consideration of change. When properly established and administered, a local historic district is not unduly burdensome to property owners.

LOCAL HISTORIC DISTRICTS AND ZONING:

Historic district legislation in Massachusetts exists separately from the state zoning enabling legislation (M.G.L. Chapter 40A). Historic districts do not regulate use of properties. However, it is important to recognize the relationship between a local historic district and local zoning controls, and to make sure that the two are compatible.

LOCAL HISTORIC DISTRICTS AND NATIONAL REGISTER DISTRICTS:

Although the same area may be designated as both a local historic district and a National Register District, there are substantial differences between the two designations. The National Register of Historic Places is a listing of buildings, structures, sites, objects, and districts significant in our nation's history, culture, architecture or archaeology. It is a Federal designation, administered by the Secretary of the Interior through the Massachusetts Historical Commission as the State Historic Preservation Office. Listing in the National Register provides recognition for the property, tax incentives for owners of income-producing property, and limited protection from Federally funded, licensed, or assisted projects. National Register listing in no way limits the owner's use of the property, and places absolutely no restrictions or conditions on changes made by a private property owner unless there is state or Federal involvement in a project. Nominations to the National Register are usually initiated by a property owner or by the local historical commission, and do not require any local government approval. Property owners have the right to object to listing on the National Register; a district will not be listed if the majority of owners object.

National Register Districts and Local Historic Districts are automatically listed on the State Register of Historic Places. This listing provides limited protection from adverse effects by state funded, licensed, or assisted projects, and makes properties owned by municipalities or non-profit organizations eligible for grants from the Massachusetts Preservation Projects Fund.

PROCEDURES FOR ESTABLISHING A LOCAL HISTORIC DISTRICT:
(M.G.L. Chapter 40C, Sections 3 and 4)

1. Establishing a Study Committee

A study committee is established by vote of the Selectmen or City Council. If a local historic district has already been established in the community, the investigation, report and hearing may be carried out by the existing Historic District Commission (or by the combined historic district commissions if more than one exists), unless the Commission(s) recommends otherwise.

2. Appointment of Study Committee Members

Three to seven members may serve on a Historic District Study Committee. These are appointed in towns by the Selectmen and in cities by the Mayor or, where the City Charter so requires, by the City Manager. M.G.L. Chapter 40C, section 4 specifies three organizations that should, if possible, be represented on the study committee. They are:

1) the local historical society. If a community has no local historical society, the Society for the Preservation of New England Antiquities (141 Cambridge St., Boston, MA 02114) should be consulted.

2) the American Institute of Architects. The chapter of the American Institute of Architects covering the area can be obtained from the Boston Society of Architects (320 Newbury St.) Boston, MA 02115.

3) the Board of Realtors. The Massachusetts Association of Realtors (256 Second Ave., P.O. Box 650, Waltham, MA 02254-0650) can provide the address of the appropriate regional board.

Requests for nominees must be sent to these organizations by the Selectmen or Mayor. Each organization should submit two nominees. Nominees are not required to be from among the membership of the organizations nor to be residents of the community, but such membership and residency would normally be desirable. If any of the organizations fail to submit nominees within thirty days, appointments may be made without their representation.

A Study Committee can be most effective if its membership embraces a variety of organizations and individuals whose interests and concerns reflect those of the community. Besides those organizations specified in the Historic Districts Act, consideration should be given to the following:

- Lawyers
- Architectural Historians
- Historians
- Developers
- Business Owners
- Landscape Architects
- Public Relations Professionals
- Planning Board Members
- Conservation Commission Members
- Area Residents

3. Meetings of the Study Committee

Once all the members of the Committee have been appointed and sworn in by the Municipal Clerk, the first meeting should be called. If all of the appointees are present, the Committee can organize on a permanent basis, and a chairperson and secretary should be elected. Otherwise, temporary officers should be elected. Notice of all future meetings should be given by the secretary, who will also be responsible for record-keeping. Names of the members of the committee and its officers should be given to the municipal clerk and sent to the Massachusetts Historical Commission.

Meetings of the Study Committee should follow normal procedures, including maintaining a quorum, keeping accurate minutes and records, and ensuring orderly discussion and public comments. Adequate prior notice of meetings must be given to comply with due process requirements. The Open Meeting Law (Chapter 39, Sections 23 A-C) requires committees and commissions to hold open meetings, notice of which must be filed with the municipal clerk and posted in the city or town hall at least 48 hours in advance. Open ballots or roll calls are required and must be reported in the minutes. If a closed (executive) session is needed to protect the rights of individuals under scrutiny or allow negotiation of labor contracts, real estate purchases, or response to legal actions, the committee or commission must first meet in an open, posted session and a majority of the members must vote by roll call to go into executive session.

4. Historic Properties Survey

The Historic Districts Act requires a Study Committee to make an investigation of buildings, structures, sites, and areas of architectural and historical significance. In many communities, this work has already been done substantially or in part by the

local historical commission. The Study Committee should meet with the local historical commission early on to determine the survey needs.

MHC recommends that a comprehensive community survey be completed prior to establishing local historic districts, so that areas of significance can be placed in their appropriate context. However, it is sometimes necessary to proceed with protective measures before all of the identification and evaluation has been done. In such cases, it is crucial to complete inventory forms for all of the properties within the proposed historic district. This provides a record of the physical condition of the properties at the time the district is established, as well as a means for justifying the district's boundaries. Inventory forms will also help in the administration of the district, since they will identify the significant features of a property.

It's important that all buildings and structures within a proposed historic district be surveyed, even those that are less than fifty years old, since they will come under the regulations of the district. For such properties, a clear black and white photograph and a sketch map locating the building or structure may suffice. Current photographs of all properties should be included in the study report.

For more information on conducting a comprehensive survey and completing MHC inventory forms, contact the Preservation Planning Division of the Massachusetts Historical Commission.

5. Public Education/ Public Relations:

Community understanding of historic districts is crucial to success in efforts to establish them. Once the Study Committee has been organized, immediate consideration should be given to the development of strategies to educate the public. Newspaper articles, brochures, and informational meetings can be used to familiarize the public, both within and outside the proposed districts, with the purpose of historic district designation and the restrictions and protections involved.

The Study Committee may conduct a poll of residents and property owners in the proposed district. This will provide not only an indication of how the district would be accepted, but a chance to tailor the provisions of the district bylaw or ordinance to the needs and desires of the community. The poll should explain the options and ask for opinions on how restrictive or lenient the district should be. If there is opposition to the idea of an historic district, it is a good indication that more public education is needed before the district goes to a vote. If the poll indicates strong support for the district among the people who would be most affected by it, it will help to convince members of the City Council or town meeting to vote favorably.

6. Preparation of the Preliminary Study Report

In preparing the preliminary report, the Study Committee should first develop a statement of purpose, articulating the reasons for preserving historic resources in their community. The preliminary report will not only present the study committees findings to the public, but will inform them of what an historic district is and justify the proposed protective measures. The report should be viewed as both a legal document and a public relations tool.

The preliminary report should contain the following:

Introduction: An explanation of what an historic district is and how it will benefit the community.

Methodology: A discussion of how the study committee chose the area under consideration.

Description: A description of the district, beginning with the overall character of the area, and including a summary of the historical and architectural significance of the district. Note any intrusions or incongruous elements.

Justification of Boundaries: The boundaries can be justified on the basis of historical development patterns, natural features, architectural congruity, or use patterns, or a combination of any of these.

Options and Recommendations for the Bylaw or Ordinance: This should include a discussion of the options afforded under Chapter 40C for membership of the district commission, exclusion of certain categories from review, and appeal procedures. Recommendations should be made based upon the particular circumstances of the area under consideration and the community in general.

Appendices:

Maps: A map showing the location of the district within the city or town, as well as a map clearly showing the proposed boundaries with buildings keyed to inventory forms.

Photographs: Streetscape photographs showing the general setting are desirable.

Outline of ordinance or bylaw

Completed Inventory Forms

For examples of preliminary reports and historic district bylaws or ordinances, contact the Preservation Planning Division of MHC.

7. Submission of the Preliminary Study Report

M.G.L. Chapter 40C requires that the Study Committee submit copies of the preliminary report to the Planning Board and to the Massachusetts Historical Commission for their consideration and recommendations. Copies should also be made available for public comment.

The preliminary report submitted to the Massachusetts Historical Commission should be accompanied by two copies of a cover letter, signed by the Study Committee Chairperson, including a list of Study Committee members and the date of their appointment.

The preliminary report should be delivered by hand or by certified mail. Upon receipt of these materials, the Massachusetts Historical Commission will date-stamp both copies of the cover letter and return one copy to the Study Committee for its files.

The staff of the Massachusetts Historical Commission will review the preliminary report, and then take it before the Commission members for their comments. The MHC meets on a monthly basis; local historic district study reports will be scheduled for consideration at the next possible meeting. Once the MHC has voted, their actions and comments are relayed to the Study Committee.

8. Public Hearing

At least sixty days after the preliminary report has been received by the Planning Board and the Massachusetts Historical Commission, the Study Committee must hold a public hearing on the proposed district. At least fourteen days before the scheduled date of the public hearing, all owners of property in the proposed district must be given written notice of the hearing (sent to owner of record according to board of assessors, not to "occupant"). Property owners should also receive a copy of the preliminary report or information on where to obtain one. At the same time, notice should also be published in a newspaper of general circulation in the city or town, given to the municipal clerk and municipal officials, and posted at the city or town hall.

9. Final Study Report

Following the public hearing, the Study Committee will prepare a Final Report, incorporating comments and recommendations from the Planning Board, MHC, and the community. The Final Report may be substantially the same as the Preliminary Report, or may be modified based on response to the Preliminary Report. The Final Report must be accompanied by a map of the proposed district, suitable for recording, and a copy of the proposed bylaw or ordinance (prepared with the assistance of City or Town Counsel).

The Final Report is then submitted for consideration by the City Council or Town Meeting. The Study Committee should check with the Municipal Clerk to determine the procedure for getting the ordinance on the City Council Calendar or the bylaw on the warrant for Town Meeting. A copy of the Final Report should be sent to MHC.

10. Vote on Historic District

The ordinance or bylaw establishing a local historic district must be adopted by a two-thirds vote of the City Council or Town Meeting. MHC should be informed of the result of the vote.

11. Enactment of Historic District Bylaw or Ordinance (M.G.L. 40C, Section 32)

TOWNS:

Before the bylaw takes effect it must be approved by the Attorney General. Within thirty days of the adoption of a local historic district bylaw by Town Meeting, the Town Clerk must send to the Attorney General a certified copy of the bylaw, along with a copy of the Final Report and adequate proof that all requirements of the law have been met. If the Town Clerk fails to submit such materials within the thirty days, the Selectmen, within fifteen days thereafter, may comply with the required procedure. The Attorney General must take action within ninety days of submission; if that period elapses without such action, the bylaw may be assumed to have the Attorney General's approval.

In addition, the bylaw must be published in a town bulletin or pamphlet, copies to be posted in at least five public places (and if the town is divided into precincts, copies shall be posted in at least one public place in each precinct); or instead the bylaw may be published a minimum of two times, at least one week apart, in a newspaper of general circulation in the town.

The effective date of the historic district bylaw is the date of approval by the attorney general or ninety days after submission of the request to the Attorney General if no response is received. The Town Clerk should enter this information into the town records.

CITIES:

The ordinance creating an historic district in a city will become effective when the procedural requirements provided by local ordinance and in M.G.L. Chapter 43, Section 55 of the General Laws are met.

The effective date of the historic district ordinance is the date of the vote by City Council.

12. Recording the Historic District Map

No ordinance or bylaw creating an historic district will become effective until a map showing the boundaries of the district is filed with the municipal clerk and is recorded in the Registry of Deeds for the county or district in which the city or town is located.

NOTE: Maps of historic districts established under M.G.L. Chapter 40C do not have to comply with rules and regulations established by Registers of Deeds under Chapter 36, Section 13A.

13. Setting up the District Commission

Three to seven members serve on an Historic District Commission. The ordinance or bylaw may also provide for the appointment of alternate members, (not to exceed the number of principal members). Members are appointed by the selectmen in a town, and by the Mayor or City Manager in a city. Chapter 40C requires that, where possible, the District Commission include nominees from the local historical society, the American Institute of Architects, and the Board of Realtors. The same procedure used in soliciting nominees for the Study Committee should be followed for the District Commission. In addition to the above requirements, the District Commission must include one or more residents or property owners in the historic district, unless the Study Report recommends otherwise due to the small number of property owners or residents and the bylaw or ordinance so provides. As with the study committee, it is recommended that additional members with professional expertise be sought who can assist in the administration of the district. The terms of the initial appointments should be staggered, with one-third of the appointments made for one year, one-third for two years, and one-third for three years. M.G.L. Chapter 40C contains no limitation on the number of consecutive terms that may be served.

Members of the Historic District Commission are subject to the Conflict of Interest Law, M.G.L. Chapter 268A.

14. Notice of Establishment

Following approval of an historic district by a city or town, notice of the establishment of the district, along with a copy of the bylaw or ordinance as enacted and a map of the district boundaries, must be sent to the Massachusetts Historical Commission. Local Historic Districts are automatically listed on the State Register of Historic Places.

CHAPTER 40C.
HISTORIC DISTRICTS.

Section	Section
1. Name and Citation of Chapter.	10. Additional Powers, Functions, and Duties of Commission.
2. Purpose of Chapter.	11. Meetings of Commission, How Called; Quorum; Determination of Application for Certificate; Public Hearing; Notice; Waiver.
3. City or Town May Establish Historic Districts; Procedure; Enlargement or Reduction of District; Amendment to Ordinances and By-Laws.	12. Initial Review of Commission's Decision by Person or Persons of Competence, Appointed for that Purpose.
4. Study Committee and Historic District Commission; Membership; Terms; Vacancies; Compensation.	12A. Appeals to Superior Court; Remedy as Exclusive; Costs.
5. Definitions.	13. Jurisdiction of Superior Court; Injunction; Violations; Penalties.
6. Alteration, etc. Forbidden in Absence of Certificate of Appropriateness, Non-Applicability, or Hardship; Application; No Permit to be Issued without Certificate.	14. Commissions May Have Powers and Duties of Historical Commission Established Under GLM 40:8D.
7. Factors to Be Considered in Making Determination upon Application for Certificate.	15. Documents to Be Filed With Massachusetts Historical Commission.
8. Exclusion of Certain Structures from Review by Commission.	16. Districts Established Under Special Law.
9. Ordinary Maintenance or Repairs; Landscaping; Changes Required by Public Safety; Construction, Alteration, etc. under Prior Permit.	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. 1
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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. 1
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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 1
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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, of 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.

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 estab-
 lishing 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 Ameri-
 can Institute of 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 confir-
 mation 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 addi-
 tional organizations to submit nominees for membership and states rea-
 sons 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 provides. 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 adminis-
 tered by the commission. If within thirty days after submission of a writ-
 ten 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 of the commission, his place shall be taken by an alternate 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 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 word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "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 is the preservation of historic structures or districts; and the word "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 reasonably 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 of the property thereafter, as may be reasonably 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 permit for 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 surroundings	21
and of the historic district.	22

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

Section 8. (a) Any city or town may provide in the ordinance or	1
by-law establishing a district or in any amendment thereof that the	2
authority of the commission shall not extend to the review of one or	3
more of the following categories of buildings or structures or exterior	4
architectural features in the historic district, and, in this event, the build-	5
ings or structures or exterior architectural features so excluded may be	6
constructed or altered within the historic district without review by the	7
commission:	8
(1) Temporary structures or signs, subject, however, to such condi-	9
tions as to duration of use, location, lighting, removal and similar matters	10
as the commission may reasonably specify.	11
(2) Terraces, walks, driveways, sidewalks and similar structures, or	12
any one or more of them, provided that any such structure is substan-	13
tially at grade level.	14
(3) Walls and fences, or either of them.	15
(4) Storm doors and windows, screens, window air conditioners, light-	16
ing fixtures, antennae and similar appurtenances, or any one or more	17
of them.	18
(5) The color of paint.	19
(6) The color of materials used on roofs.	20
(7) Signs of not more than one square foot in area in connection with	21
use of a residence for a customary home occupation or for professional	22
purposes, provided only one such sign is displayed in connection with	23
each residence and if illuminated is illuminated only indirectly; and one	24
sign in connection with the nonresidential use of each building or struc-	25
ture which is not more than twelve square feet in area, consist of letters	26
painted on wood without symbol or trademark and if illuminated is illu-	27
minated only indirectly; or either of them.	28
(8) The reconstruction, substantially similar in exterior design, of a	29
building, structure or exterior architectural feature damaged or	30
destroyed by fire, storm or other disaster, provided such reconstruction	31
is begun within one year thereafter and carried forward with due dili-	32
gence.	33
(b) A commission may determine from time to time after public hear-	34
ing that certain categories of exterior architectural features, colors,	35
structures or signs, including, without limitation, any of those enumer-	36
ated under paragraph (a), if the provisions of the ordinance or by-law	37
do not limit the authority of the commission with respect thereto, may	38
be constructed or altered without review by the commission without caus-	39
ing substantial derogation from the intent and purposes of this chapter.	40
(c) A city or town may provide in its ordinance or by-law, or in any	41
amendment thereof, that the authority of the commission shall be limited	42

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 in 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, 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	19
commission shall cause a certificate of appropriateness to be issued to	20
the applicant.	21
(b) In the case of a determination by the commission that an applica-	22
tion for a certificate of appropriateness or for a certificate of nonapplica-	23
bility does not involve any exterior architectural feature, or involves an	24
exterior architectural feature which is not then subject to review by the	25
commission in accordance with the provisions of section eight, the com-	26
mission shall cause a certificate of non-applicability to be issued to the	27
applicant.	28
(c) If the construction or alteration for which an application for a	29
certificate of appropriateness has been filed shall be determined to be	30
inappropriate, or in the event of an application for a certificate of hard-	31
ship, the commission shall determine whether, owing to conditions espe-	32
cially affecting the building or structure involved, but not affecting the	33
historic district generally, failure to approve an application will involve	34
a substantial hardship, financial or otherwise, to the applicant and	35
whether such application may be approved without substantial detriment	36
to the public welfare and without substantial derogation from the intent	37
and purposes of this chapter. If the commission determines that owing	38
to such conditions failure to approve an application will involve substan-	39
tial hardship to the applicant and approval thereof may be made without	40
such substantial detriment or derogation, or in the event of failure to	41
make a determination on an application within the time specified in sec-	42
tion eleven, the commission shall cause a certificate of hardship to be	43
issued to the applicant.	44
(d) Each certificate issued by the commission shall be dated and	45
signed by its chairman, vice-chairman, secretary or such other person	46
designated by the commission to sign such certificates on its behalf.	47
(e) The commission shall keep a permanent record of its resolutions,	48
transactions, and determinations and of the vote of each member partici-	49
pating therein, and may adopt and amend such rules and regulations	50
not inconsistent with the provisions of this act and prescribe such forms	51
as it shall deem desirable and necessary for the regulation of its affairs	52
and the conduct of its business. The commission shall file a copy of any	53
such rules and regulations with the city or town clerk.	54
(f) The commission shall file with the city or town clerk and with	55
any department of the city or town having authority to issue building	56
permits a copy or notice of all certificates and determinations of disap-	57
approval issued by it.	58
(g) A commission may after public hearing set forth in such manner	59
as it may determine the various designs of certain appurtenances, such	60
as light fixtures, which will meet the requirements of an historic district	61
and a roster of certain colors of paint and roofing materials which will	62
meet the requirements of an historic district, but no such determination	63

shall limit the right of an applicant to present other designs or colors to the commission for its approval. 64

(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. 65
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(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. 74
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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. 1
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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 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. 8
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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. 17
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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 28
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the ordinance or by-law may provide, or within such further time as 30
 the applicant may allow in writing, the commission shall make a determi- 31
 nation on the application. If the commission shall fail to make a determi- 32
 nation within such period of time the commission shall thereupon issue 33
 a certificate of hardship. 34

A public hearing on an application need not be held if such hearing 35
 is waived in writing by all persons entitled to notice thereof. In addition, 36
 a public hearing on an application may be waived by the commission 37
 if the commission determines that the exterior architectural feature 38
 involved or its category or color, as the case may be, is so insubstantial 39
 in its effect on the historic district that it may be reviewed by the com- 40
 mission without public hearing on the application, provided, however, 41
 that if the commission dispenses with a public hearing on an application 42
 notice of the application shall be given to the owners of all adjoining 43
 property and other property deemed by the commission to be materially 44
 affected thereby as above provided and ten days shall elapse after the 45
 mailing of such notice before the commission may act upon such applica- 46
 tion. 47

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

Section 12. A city or town may provide in its ordinance or by-law 1
 or in any amendment thereof, for a review procedure whereby any person 2
 aggrieved by a determination of the commission may, within twenty days 3
 after the filing of the notice of such determination with the city or town 4
 clerk, file a written request with the commission for a review by a person 5
 or persons of competence and experience in such matters, designated by 6
 the regional planning agency of which the city or town is a member. 7
 If the city or town is not a member of a regional planning agency, the 8
 department of community affairs shall select the appropriate regional 9
 planning agency. 10

The finding of the person or persons making such review shall be filed 11
 with the city or town clerk within forty-five days after the request, and 12
 shall be binding on the applicant and the commission, unless a further 13
 appeal is sought in the superior court as provided in section twelve A. 14

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

Section 12A. Any person aggrieved by a determination of the commis- 1
 sion, or by the finding of a person or persons making a review, if the 2
 provisions of section twelve are included in a local ordinance or by-law, 3
 may, within twenty days after the filing of the notice of such determina- 4
 tion or such finding with the city or town clerk, appeal to the superior 5
 court sitting in equity for the county in which the city or town is situated. 6
 The court shall hear all pertinent evidence and shall annul the determi- 7
 nation of the commission if it finds the decision of the commission to 8

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 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.

40C:14. 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 ordinance 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	1
established under a special law may, upon recommendation of the historic	2
district commission having jurisdiction over such district, accept the pro-	3
visions of this chapter with respect to such district by a two-thirds vote	4
of the city council in a city or by two-thirds vote of a town meeting	5
in a town, and thereafter such historic district shall be subject to the	6
provisions of this chapter notwithstanding the terms of any special act	7
pursuant to which such historic district was created. The provisions of	8
this chapter shall not impair the validity of an historic district estab-	9
lished under any special act.	10

40C:17. Severability.

Section 17. The provisions of this chapter shall be deemed to be sever-	1
able if any of its provisions shall be held to be invalid or unconstitutional	2
by any court of competent jurisdiction the remaining provisions shall	3
continue in full force and effect.	4

APPENDIX D

MIDDLEBOROUGH HISTORIC DISTRICT BY-LAW

DRAFT

SECTION 1: NAME AND CITATION

This by-law shall be known and may be cited as the Middleborough Historic By-Law and is adopted under the authority of Massachusetts General Laws, Chapter 40C, as amended.

SECTION 2: PURPOSE

The purpose of this by-law is;

- A) to preserve and protect the distinctive characteristics of the buildings and places significant in the history of the Town of Middleborough;
- B) to maintain and improve the settings of those buildings and places;
- C) to encourage new designs compatible with existing buildings in the district;

SECTION 3: DEFINITION OF DISTRICT

There is hereby established under the provisions of M.G.L. Chapter 40C six (6) Historic Districts in the Town of Middleborough as shown on the Historic Districts Map, dated _____, 1990, attached and made part of this by-law.

SECTION 4: HISTORIC DISTRICT COMMISSION MEMBERSHIP

There is hereby established under M.G.L. Chapter 40C a Middleborough Historic District Commission consisting of five (5) members and three alternate members, appointed by the Board of Selectmen. Included among them when possible, are to be nominees from:

- A) the local historical society, Historical Commission, or the Society for the Preservation of New England Antiquities;
- B) the chapter of the American Institute of Architects covering the area;
- C) the Board of Realtors covering the area;
- D) residents of the proposed districts;
- E) lawyers;
- F) professional historians;
- G) landscape architects;
- H) members from the Planning Board or Conservation Commission.

SECTION 5: TERMS OF OFFICE

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 the unexpired term. Each member shall continue in the office after 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, vice chairman and secretary from within or without its number.

SECTION 6: DUTIES AND POWERS OF THE COMMISSION

The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, M.G.L., Chapter 40C, and of subsequent amendments thereto unless specifically limited by this by-law.

- A) Rules and Regulations: The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic District Act.
- B) Expenses: 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.
- C) General Regulatory Powers: The Commission shall have the control over new construction, reconstruction, alterations, movements, and demolitions of all exterior architectural features of buildings and structures within a Historic District which are visible from any public street, way or park within the Historic District, except as limited by this by-law. The term "structure" includes stone walls, fences, driveways, walks, terraces, steps, pavings, signs, lights and appurtenant fixtures on lots, buildings or structures. For purposes of this by-law, any structure partially within the district.
- D) Considerations: 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 of the features involved, and the relation of such features to similar features of building 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 setback requirements in addition to those required by applicable zoning by-law.
- E) The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, structures or signs may be constructed or altered without review by the Commission. The Commission may after public hearing, set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district but no such determination shall

limit the right of an applicant to present other designs to the Commission for its approval.

SECTION 7: LIMITATIONS AND EXEMPTIONS

- A) The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects of architectural characteristics of the surroundings and of the historic district.
- B) The following are exempt from the control of an Historic District Commission:
1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials.
 2. Any constructions, demolitions or alterations under a permit issued by a building inspector or similar agent prior to the effective date of the establishment of the district.
 3. Any constructions, demolitions or alterations under orders issued by a building inspector or similar agent for the purpose of public safety.
 4. Landscaping with plants, trees or shrubs.
 5. Terraces, walks, sidewalks and other similar structures not including driveways or parking lots provided that the structure is at grade level.
 6. Storm doors and windows; screen doors and windows; air conditioners, antennae.
 7. Color of paint and roofing materials.
 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.
 9. Signs which meet the requirements of the Town Zoning By-Law.
 10. Temporary signs and structures up to 30 days.

SECTION 8: ADMINISTRATION PROCEDURES

- A) Except as this by-law provides in Section 5, no building or structure within the 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. Nor shall any building permit for demolition be issued for any building or structure within the historic district until the certificate required by this section has been issued by the Commission.
- B) Applications for certificates shall be made in triplicate, one copy being filed with the Historic District Commission, one with the Building Inspector and one with the Town Clerk. Applications shall be in the form specified by the Commission, to include plans and elevations signed by an architect or draftsman, drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when application for certificates are made for improvements affecting appearances, such as walls, fences, steps and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.
- C) Within 14 days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.
- D) If the application requires the Commission's review, or at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provisions of Chapter 40C of the General Laws amended. Public notice of the time, place and purposes of the hearing shall be given at least 14 days in advance and the Commission must notify by mail, affected parties as provided in Chapter 40C of the General Laws as amended.
- E) The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.
- F) A certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the historic district. 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 therefore 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. 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 14 days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

- G) Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.
- H) If any application is deemed inappropriate or an application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the historic district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in Section 8E of this by-law.
- I) Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy of notice of certificates and determinations of disapproval with the Town Clerk and the Building Inspector.
- J) An applicant may, within twenty days of the decision by the Commission, appeal to a superior court sitting in equity. The Commission must pay costs only if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.
- K) Violation of any of the provisions of this by-law shall incur a fine of not less than ten dollars nor more than five hundred dollars, each day constituting a separate offense.

SECTION 9

The Town of Middleborough shall be subject to the provisions of this by-law notwithstanding any town by-law to the contrary.

SECTION 10

This by-law may be amended from time to time by a two-thirds vote of the town meeting subject to the procedures as set forth in Chapter 40C, Section 3 of the General Laws.

SECTION 11

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 12: EFFECTIVE DATE

Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met: (a) approval by the Attorney General of the Commonwealth; (b) filing of a map of the boundaries of the Historic District with the Middleborough Town Clerk, the Middleborough Building Inspector, and the Registry of Deeds for Plymouth County.

DRAFT

Historic Preservation District

A. Purpose

The purpose of this by-law is to maintain the historic, rural, scenic qualities of Middleborough by preserving historic structures and archaeological sites while allowing buffered clusters to be developed.

B. Required Standards

1. For the development of land within historic preservation overlay district the following conditions apply:
 - a. A site plan (see Development Performance Standards, B.1.).
The site plan shall include a site survey identifying all historic archaeological sites (archaeological reconnaissance survey), artifacts, structures and surrounding vegetation in preconstruction condition. The historical site survey shall be prepared by a professional archaeologist and a complete copy of the site plan and any necessary supporting documentation shall be submitted to the Historic Commission and/or Historic District Commission for review and comment. The site plan shall show the above mentioned historic features and buffers in relation to the clustered development.
 - b. The development shall be a cluster design away from any historic structures or archaeological sites.
 - c. The architectural style shall be in harmony with the historic structure(s) presently or historically on the site.
 - d. Front, side and rear setback requirements may equal the average distances of existing historical structures in an Historic District (otherwise refer to _____ Lot Requirements).

- e. Site density shall be established by the submittal of a standard preliminary subdivision conforming to the underlying lot area requirement and subdivision rules and regulations.
- f. The applicant (working with the Historic and/or Historic District Commissions) shall designate a minimum of thirty (30) percent of the total tract size as an area(s) of important historical significance to be preserved. This area shall be deeded to the town or covenanted (with preservation restrictions) to be maintained as part of the developments open space in private or cooperative non-profit ownership.
- g. The preservation area is owned by more than one ownership entity or converted to ownership of more than one ownership entity, a non-profit, incorporated community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all historical structures and archaeological sites. A community association agreement or covenant shall be submitted with the special permit approval application guaranteeing continuing maintenance of such common structures, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Board.
- h. Such agreements or covenants shall provide that in the event that the association fails to maintain the common land, archaeological sites and/or structures in reasonable order and conditions in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the historic values of the properties within the development and to prevent the loss of important historic sites and/or structures and to keep common land from becoming a public nuisance. The

reasonable costs of such protective measures shall be charged to the association.

- i. Conforms to the development performance standard Article _____
Section B.

C. Administrative Procedures

The Planning Board shall be the Special Permit Granting Authority (S.P.G.A.), and shall adopt rules relative to the issuance of special permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for special permits as set forth in Chapter 40A, Section 9.

D. Criteria for Review and Approval

The S.P.G.A. shall review all applications for a planned development community to determine the sensitivity of the site to the following criteria:

1. Preservation of historical sites and structures;
2. Compliance with the above mentioned standards;
3. Acceptable design and layout of ways, streets and paving;
4. That the projected traffic increase to the local road(s) is within the capacity of the existing network;
5. Compliance with environmental standards;
6. Appropriateness of building and site design;
7. Proper buffering of items of historical significance;

PROPOSED LOT REQUIREMENTS

DRAFT Lot

Zone	Lot Area	Frontage	Front Setback	Rear	Side	Open Space Requirement	Stories	Height	Lot Coverage
MPD	5)	100	20	6	6	5)	2 1/2	35	
RR	80,000	200	50	10	10	40%	2 1/2	35	
RA	60,000	175	25	10	10	40%	2 1/2	35	
GB	60,000	100	40 ⁴⁾	25 ³⁾	25 ³⁾	40% ²⁾	2	35	
VB	40,000	75	25	25	25	40%	2	35	32%
PDC	60,000	175	25	25	25	40%	2	35	32%
PDC (BUS)*	40,000	50	25	10	10	50%	2	35	32%
PDC (RES)*									
Detached	20,000	50	25	10	10	50%	2 1/2	35	--
Attached	20,000	50	35	35	35	50%	2 1/2	35	--
M	80,000	200	50 ¹⁾	50 ¹⁾	50 ¹⁾	40% ²⁾	2	35	--

NOTES:

*(BUS) Business lot requirements for PDC Special Permit Applications

*(RES) Residential lot requirements for PDC Special Permit Applications

- 1) Minimum (buffer area) setback exclusive of parking areas.
- 2) Does not include wetlands as defined by MGL Chapter 131.
- 3) Industrial and Business uses shall provide a minimum of 40 foot buffer area exclusive of parking areas when abutting existing residential uses.
- 4) See Section _____ Apartment Overlay District B., 23.
- 5) See Section _____ Historic Preservation District.

APPENDIX E

APPENDIX E



AGRICULTURAL PRESERVATION RESTRICTIONS ACT (MGL, Chapter 132A)

Allows for the purchase of the development rights of agricultural land by the state in order to preserve agricultural use. Criteria favors rapidly disappearing farmlands in areas of high development pressure. Limited by state appropriation.

Contact: Bureau of Land Use
Department of Food and Agriculture
100 Cambridge Street, 21st Floor
Boston, MA 02202
(617) 727-6632

ARCHITECTURAL CONSERVATION TRUST (ACT) FOR MASSACHUSETTS

Statewide revolving fund for Massachusetts. Acquires, rehabilitates and sells historic buildings. Proceeds from sales are returned to the Trust for use on new projects. ACT also provides technical assistance and consulting services for National Register, Tax Act certifications, and related preservation studies.

Contact: Alan Schwartz, Director
Architectural Conservation Trust
45 School Street
Boston, MA 02108
(617) 523-8678

ARTS LOTTERY COUNCIL

The Arts Lottery Council receives funds from the Massachusetts State Lottery Commission from revenues of the Megabucks game. The Council oversees the distribution of revenue from the State Arts Lottery Fund to regional and local arts councils for cultural projects.

Contact: Arts Lottery Council
State House, Room 212M
Boston, MA 02133
(617) 722-2193

CERTIFIED LOCAL GOVERNMENT

City or town certified by the Massachusetts Historical Commission and the National Park Service as meeting requirements of Section 101 (c) (1) of the National Historic Preservation Act. To qualify, a city or town must have an historic district by-law, a commission, an inventory process, and must function as a public body.

"Certified Local Governments" are assigned responsibility for review and approval of nominations of local properties to the National Register of Historic Places, and become eligible to apply for earmarked matching funds.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

CONSERVATION RESTRICTIONS (MGL, Chapter 184)

Less-than-fee-simple acquisition of development rights on land for the purpose of conservation. Often combined with preservation restrictions on buildings located on the parcel. Local conservation commissions may hold conservation restrictions on behalf of a community. Law governing the granting of conservation restrictions is administered by the Division of Conservation Services. Statewide organizations such as the Trustees of Reservations may hold restrictions.

Contact: Frederick Winthrop, Director
Trustees of Reservations
224 Adams Street
Milton, MA 02186
(617) 698-2066

Contact: Joel Lerner, Director
Division of Conservation Services
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202
(617) 727-1552

DEMOLITION BY-LAW

Locally enacted by-law designed to provide historical commission with notice of proposed demolition of historic properties. Intent is to allow time to negotiate terms to save the properties if feasible. Generally provides the local historical commission with three to nine months to explore alternatives to the demolition of properties at least fifty years old or older.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470
Fall River Historical Commission
Cambridge Historical Commission (617) 492-4090

DPW OPEN SPACE PROGRAM (Chapter 811 of the Acts of 1985)

The Massachusetts Department of Public Works has an open space program created by the 1985 Transportation Bond Issue. The program provides funds for acquiring land within or adjacent to rights of way of public ways for the purposes of restoring, preserving or enhancing areas of scenic beauty or special environmental value.

Contact: Liz Shultis
Massachusetts Department of Public Works
Bureau of Transportation Planning and Development
Boston, MA 02116
(617) 973-7313

FEDERAL INVESTMENT TAX CREDITS FOR REHABILITATION

Since 1976 the Internal Revenue Code has contained incentives to stimulate capital investment in income-producing historical buildings and revitalization of historical communities. The Tax Reform Act of 1986 made significant changes in these incentives. At present a 20% tax credit is allowed for "substantial rehabilitation of historic buildings for commercial, industrial and rental residential purposes"; a 10% tax credit is allowed for "substantial rehabilitation for nonresidential purposes of buildings built before 1936." A straight-line depreciation period of 27.5 years is allowed for residential property and 31.5 years for nonresidential property "for the depreciable basis of the rehabilitated building reduced by the amount of the tax credit claimed." The 10% tax credit is not available for rehabilitation of "certified historic structures."

Because the provisions of the Tax Reform Act of 1986 are complex, "individuals are strongly encouraged to consult legal counsel, a professional tax advisor or the appropriate IRS office for assistance in determining the tax consequences" of these provisions.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA
(617) 727-8470, or
Private Accountant or Tax Attorney

GIFT IN TRUST

Gifts and bequests are the most desirable land acquisition possibilities for a municipality, since there is little or no capital outlay involved. This option is seldom pursued as fervently as it should be by municipalities, despite the obvious advantages.

The granting of one's property during one's lifetime is a gift. Many landowners prefer this approach for personal or tax deduction purposes.

Contact: Society for the Preservation of New England Antiquities (SPNEA)
141 Cambridge Street
Boston, MA 02114
(617) 227-3956

GRAVESTONE REPAIR (MGL, Chapter 272, Section 73A)

Under Chapter 272, Section 73A of the Massachusetts General Laws, restoration and reproduction of gravestones must be approved by the Secretary of the Commonwealth and meet standards of educational value, community support, and professional competence. Permits are issued by the Massachusetts Historical Commission after approval of an application that details plans for the restoration or repair project.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

The Association for Gravestone Studies
46 Plymouth Road
Needham, MA 02192
(617) 444-6236

Sara Chase, Director
SPNEA Conservation Service
185 Lyman Street
Waltham, MA 02154
(617) 891-1985

HISTORIC STRUCTURE REPORT

An historic structure report is an analysis of the history of a building and the surviving historic fabric. It should include information about the nature and period of construction, the appropriate dates of all alterations, and a description of all significant interior and exterior features. It is always a good idea to complete an historic structure report before beginning major rehabilitation or restoration. The report should determine the physical needs of the building and define the order of priority and methods for rehabilitation work. The Massachusetts Historical Commission usually requires that an historic structure report be completed before awarding grants from the Massachusetts Preservation Project Fund.

LAND TRUSTS AND LAND BANKS

Methods for acquiring and holding lands for conservation purposes. A land trust is an organization created to hold land for the benefit of a community and its residents. It is a democratically structured, non-profit corporation with an open membership and a board of trustees elected by its members. Donations of money and property are the primary means by which land trusts are financed. Legislation has been filed that would enable cities and towns to create local land banks similar to the Nantucket Land Trust, which provided the model. Funds for land banks are derived from a local tax on real estate transfers.

Contact: Trust for Public Land
254 West 31st Street, 12th Floor
New York, NY 10001
(212) 563-5959

Plymouth County Wildlands Trust
898 State Road
Plymouth, MA 02360
(508) 224-2765
(508) 826-5050

Robert Yaro
Center for Rural Preservation
University of Massachusetts at Amherst
Department of Landscape Architecture and Regional Planning
Amherst, MA 01003
(413) 545-2255

LOCAL HISTORIC DISTRICTS (MGL, Chapter 40C)

Created by local by-law to ensure the preservation of historic areas through design review administered by a local historic district commission. Guidelines available from the Massachusetts Historical Commission. Over one hundred historic districts have been created in Massachusetts.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

LOCAL LANDMARKS (MGL Chapter 40C)

Amendments to MGL, Chapter 40C are currently under consideration by the Massachusetts Legislature that would broaden the ability of communities to designate individual landmarks. Currently only Boston, Cambridge and Somerville have created local landmark programs. The bill (s. 1365) would also allow for recognition and protection of archaeological features, interiors of public buildings and landscapes. If the proposed amendments are enacted, guidelines will be available from the Massachusetts Historical Commission.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

MAIN STREET PROGRAM

Program of technical assistance for marketing, promoting, designing, and revitalizing a community's main street. Approximately seven Massachusetts communities currently participate in the program.

Contact: Lynn Bowness, Director
Massachusetts State Main Street Program
100 Cambridge Street, Room 904
Boston, MA 02202
(617) 727-7180

MASSACHUSETTS CITY AND TOWN COMMON PROGRAM

Program designed to create, improve and/or rehabilitate or restore city and town commons.

Contact: Chris Green
Department of Environmental Management
225 Friend Street
Boston, MA 02114
(617) 727-3160

MASSACHUSETTS COUNCIL ON ARTS AND HUMANITIES - DESIGN ASSISTANCE PROGRAM

The program was established in 1984 to improve the quality of architecture, landscape architecture, urban design, and public improvements in the Commonwealth. The Community Design Assistance Program, the Council's first funding program dedicated solely to design, assisted nine cities and towns throughout Massachusetts in 1986 and 1987.

Contact: Mass Council on the Arts and Humanities
80 Boylston Street, 10th Floor
Boston, MA 02116
(617) 727-3668

MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MGL, Chapter 30, S. 62)

State legislation establishing a process for determining when environmental impact reports (EIR) are required along with guidelines for their preparation and review. The intent is to provide an orderly process for the review and evaluation of projects requiring state permits or assistance. State agencies are required to avoid or minimize damage to the environment through feasible alternatives. Process allows public comment through publication of Environmental Notification Forms in the Massachusetts Register.

Contact: MEPA
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-5830

MASSACHUSETTS PRESERVATION PROJECTS FUND

Program of matching grants for the preservation of buildings in nonprofit ownership. Buildings must be listed in the State Register of Historic Places. Annual application cycle with grant amounts ranging from \$5,000 to \$100,000. Approximately \$1 million is available statewide to fund approximately twenty-five to thirty projects.

Contact: Grants Division
Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

MASSACHUSETTS HISTORICAL COMMISSION - SURVEY AND PLANNING GRANT PROGRAM

Survey and Planning Grants provide federal pass-through funding for communities to undertake three planning activities. The first consists of survey and inventory of the built, archaeological and landscaped historic resources within a community. Second, based upon such a survey, a community can use Survey and Planning Grants to nominate structures to the National Register. Third, a community can obtain funding for development of a preservation plan.

Eligible applicants are municipal governments, local historical commissions, local historic district commissions, Certified Local Governments, local and state agencies, educational institutions, and private non-profit organizations. There is an annual funding round with grant awards averaging \$5,000 to \$6,000 and a 50% local match required.

Contact: Massachusetts Historical Commission
80 Boylston Street, Room 310
Boston, MA 02116
James Bradley, Director, Division of Preservation and Planning;
or Elsa Fitzgerald, Director, Grants Division
(617) 727-8470

MASSACHUSETTS SELF-HELP PROGRAM (MGL, Chapter 132A, S. 11)

Program of partial reimbursement for lands purchased for conservation and passive recreation uses. Priority is given to applications that protect unique natural, cultural or historic features or extensive water resources.

Contact: Joel Lerner, Director
Division of Conservation Services
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-1552

NATIONAL HISTORIC LANDMARK PROGRAM (P.L. 74-292)

Listing of properties of national significance, administered by the National Park Service. States may recommend properties for National Historic Landmark designation by checking the national level box on National Register nomination forms.

Contact: National Park Service
U.S. Department of the Interior
Washington, DC 20240

NATIONAL REGISTER OF HISTORIC PLACES (P.L. 96-515)

National list of properties significant in local, state or national history worthy of preservation. National Register nominations in Massachusetts are generally prepared by local historical commissions or property owners, reviewed and determined eligible by the Massachusetts Historical Commission acting as the State Review Board and forwarded by the State Historic Preservation Officer to the National Park Service for final listing. Nominations may be made for individual properties, historic areas, and thematic groupings, or using the multiple resources format which may include any combination of the former. In Massachusetts, properties listed in the National Register of Historic Places are automatically listed in the State Register of Historic Places. Such properties are afforded consideration in the planning of state and federally assisted projects, and owners are eligible to apply for Massachusetts Preservation Development Grants. Criteria and guidelines for the application procedure are available from the Massachusetts Historical Commission.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 01226
(617) 727-8470

NATIONAL REGISTER MULTIPLE RESOURCE NOMINATION

A community-wide National Register nomination based on a comprehensive community developmental history and including a combination of individual properties and areas meeting the National Register criteria. Procedures and contacts are noted under NATIONAL REGISTER OF HISTORIC PLACES.

NATIONAL TRUST FOR HISTORIC PRESERVATION

The National Trust for Historic Preservation is the only private, nonprofit national organization chartered by Congress to encourage public participation in the preservation of sites, buildings, and projects significant in American history and culture. The National Trust administers several funding programs, including:

- Preservation Services Fund

Program of small grants in the range of \$1,500 administered by the National Trust for Historic Preservation to assist local preservation organizations with planning and organizational development. In 1988, over \$130,000 was awarded to 110 preservation organizations in forty-one states.

- Critical Issues Fund

Supports creative approaches to major preservation problems. Over \$37,000 was provided to four projects in 1988.

- National Preservation Loan Fund

Awards low-interest loans for renovation and restoration of community historic resources and for the rescue of endangered national landmarks. Seven projects received \$1,116,000 in 1988.

Contact: Vicki Sandstead
Northeast Regional Office
National Trust for Historic Preservation
45 School Street
Boston, MA 02108
(617) 523-0885

PRESERVATION RESTRICTIONS (MGL, Chapter 184)

Less-than-fee-simple interest in property. Preservation restrictions may be held by charitable and governmental entities for public benefit in perpetuity. Local historical commissions may hold preservation restrictions on behalf of communities. Guidelines on the use of preservation restrictions are available from the Massachusetts Historical Commission. Statewide organizations such as the Society for the Preservation of New England Antiquities may hold preservation restrictions.

Contact: Marilyn Meder-Montgomery
Society for the Preservation of New England Antiquities
141 Cambridge Street
Boston, MA 02114
(617) 227-3956

PRESERVATION STUDIES PROGRAMS

Graduate and undergraduate students in historic preservation can often assist communities in the preparation of National Register nominations, adaptive reuse, and feasibility studies and related research.

Contact: Richard Candee, Director
Preservation Studies Graduate Program
Boston University
226 Bay State Road
Boston, MA 02215
(617) 353-2948

Dr. Kevin E. Jordan
Director
Historic Preservation Program (undergraduate)
Roger Williams College
Bristol, Rhode Island 02809
(401) 253-1040 Ext. 2396

SCENIC AND RECREATIONAL RIVERS ACT (MGL, Chapter 21, S. 17B)

The Act incorporates a number of stages, the first of which is classification for potential protection measures. The final step by the state is the issuance of a protective order recorded in the registry of deeds, together with a management plan. In the interim, towns are encouraged to introduce measures at the local level, such as establishment of a river protection zoning district.

Contact: Cassie Thomas
Department of Environmental Management
25 Friend Street
Boston, MA 02114
(617) 727-3160

SCENIC ROADS DESIGNATION (MGL, Chapter 40, S. 15C)

Upon recommendation or request of the planning board, conservation commission or historical commission, any road other than a numbered route or state highway may be designated as a scenic road by vote of the town meeting. Repair or reconstruction along scenic roads is reviewed by the Planning Board to ensure no unnecessary disturbance of bordering trees and stone walls.

Contact: Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

STATE REGISTER OF HISTORIC PLACES (MGL, Chapter 152)

Comprehensive listing of properties falling in the following categories: National Historic Landmark, National Register of Historic Places, Massachusetts Historic Landmark, Local Historic District, Local Landmark, or under a Preservation Restriction. Properties listed in the State Register are afforded consideration in the planning of state assisted projects, and are eligible for Massachusetts Preservation Development Grants. Annual listing of the State Register of Historic Places is available from the Massachusetts Historical Commission and from the State Bookstore.

Contact: Division of Technical Services
Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116
(617) 727-8470

TRANSFER OF DEVELOPMENT RIGHT

Method of shifting development rights from historic buildings, which usually fall under zoning limits, to adjacent land, or designated parcels acceptable for development. Experimented with in Chicago, Denver, Miami and New York City.

Contact: National Center for Preservation Law
1233 20th Street, N.W.
Washington, DC 20036
(202) 828-9611

WETLANDS PROTECTION ACTS (MGL, Chapter 131, S. 40)

Law controlling damage to wetlands by requiring permits for altering inland and coastal wetlands. Administered locally by conservation commissions. The Wetlands Protection Act can be augmented by a municipal bylaw approved under local home rule powers. Such a bylaw can add other values, such as historic archaeological sites, to those protected by Chapter 131, S. 40.

Contact: Division of Wetlands and Waterways Regulation
Department of Environmental Quality Engineering
One Winter Street, 7th Floor
Boston, MA 02108
(617) 292-5519

Southeast Region
Lakeville Hospital
Lakeville, MA 02346
(508) 946-1231, Ext. 680

APPENDIX F



SECTION III PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS

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A. Plan Believed Not to Require Approval

1. Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and seven (7) contact prints thereof and two (2) copies of a properly executed Form A Application to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. Said person shall also file a notice of said application accompanied by one (1) copy of the plan to both the Historic and Conservation Commissions. If the notice is given by delivery, the Town Clerk shall, if requested, give written receipt therefor. Any plan determined to not completely satisfy Section III, A-2 contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of Section III, A-2, such plan may be re-submitted and will be considered without prejudice.

2. Contents

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A as amended pertaining to plan size, material, lettering and related requirements. The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept and contain the following:

- a. Identification of the plan by name of owner or record and location of the land in question, the scale, north point and date.
- b. The statement "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all members of the Board.
- c. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
- d. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- e. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
- f. Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- g. Names and status of streets (private or public) and ways shown on the plan.
- h. Bearings and distances where appropriate of all lines of the lot or lots shown on the plan.
- i. Location of all existing buildings, including setback and side and rear yard designations.
- j. Location of all bounds, watercourse, fences and walls.
- k. Location of all historic structures and archaeological sites (such as buildings, foundations, stone walls, burial grounds, camp sites, etc.). The identification of said structures and/or sites shall be based on the Middleborough Historic Resources Survey or information provided by the Middleborough Historical Commission.

B. Preliminary Plan

1. Submission of a Preliminary Plan

A Preliminary Plan of a subdivision may be submitted by the applicant. The Preliminary Plan, seven (7) prints of it and the minimum filing fee (see Section II) shall be filed with the Board. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B. Notice of submission and one (1) copy of the plan shall also be filed with both the Historical and Conservation Commissions.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Superintendent of Public Works, the Police Department, the Fire Department, the Middleborough Gas and Electric Company, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed Form B Application for Approval of a Preliminary Plan, Form D Designers Certificate and Form D-1 Land Surveyor's Certificate shall be filed with the Preliminary Plans submitted to the Planning Board.

Any plan determined to not completely satisfy Section III, B-2, contents shall be deemed not to have been submitted. Such plan shall be returned to the applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of Section III, B-2 contents, such plan may be re-submitted and will be considered without prejudice.

2. Contents

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch. The applicants Engineer or Surveyor must certify on Form M-1 that the submission is complete. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan."
- b. The locus of the land shown on the plan with sufficient information to accurately locate the plan.
- c. The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- d. Major features of the land such as swamps, waterbodies and natural waterways.
- e. Location of all historic structures and archaeological sites (such as buildings, foundations, stone walls, burial grounds, camp sites, etc.). The identification of said structures and/or sites shall be based on the Middleborough Historic Resources Survey or information provided by the Middleborough Historic Commission.
- f. A general description of the surface drainage in a general manner including adjacent existing natural waterways.
- g. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.
- h. The names, approximate location, and pavement widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.

C. Definitive Plan

1. Submission of a Definitive Plan

Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in subsections III, C-1 and III, C-2 of this Section and the minimum filing fee (see Section II for a Definitive Plan to be "duly submitted" in accord with these Rules and Regulations and the General Laws of Massachusetts). Such submission shall be made to the Planning Board. If applicable, the applicant shall also file by delivery of registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan accompanied by a copy of a properly executed application Form B. Notice of submission and one (1) copy of the plan shall also be filed with both the Historic and Conservation Commissions.

- a. An original drawing of the Definitive Plan and twenty-two (22) contact prints thereof, dark line on white background. The original drawings will be returned after approval or disapproval. Where wetlands are involved on a Definitive Plan, the applicant must file their Definitive Plan with the Middleborough Conservation Commission simultaneously with the filing of the Definitive Plan with the Planning Board. A final decision by the Planning Board will be forthcoming only after the applicant has obtained a report from the Conservation Commission stating that the basic location of the roadway layout can be built without being in violation of the Wetlands Protection Act, MGL 131, Section 40.
- b. A properly executed application Form C Application for approval of a Definitive Plan; Form D Designer's Certificate.

2. Contents

The applicant's engineer or surveyor must certify on Form M-2 that the submission is complete. The Definitive Plan shall contain the following information:

- a. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision, if any; the date; scale; north arrow; the names and seals of the designer; engineer and surveyor who made the plan. See Schedule A-1.
- b. North point, whether true or magnetic, and so indicated, and the boundaries of the subdivision indicated by shading.
- c. Location and ownership of abutting property as it appears on Form E Certified List of Abutters, including all abutting land owned by the applicant not presently being subdivided. Costs incurred by the Planning Board for sending notices to abutters by certified mail shall be borne by the applicant.
- d. Major features of the land, such as existing waterways, swamps and waterbodies, natural drainage courses, walls, fences, buildings, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey. Where available, aerial photographs may be required. The limits of any vegetated wetlands including any swamp, wooded swamp, meadow, bog or marsh shall be established in the field by a qualified professional and shall be mapped through a field survey of the professional's markings and shown on the plan.
- e. Location of all historic structures and archaeological sites (such as buildings, foundations, stone walls, burial grounds, camp sites, etc.). The identification of said structures and/or sites shall be based on the Middleborough Historic Resources Survey or information provided by the Middleborough Historic Commission.
- f. Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated numerically in sequence, easements, and public or common areas within the subdivision. The letter designation of proposed streets shall be shown in pencil.

- g. Sufficient data to determine the exact location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

4.0 APPLICATIONS FOR SPECIAL PERMITS

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The Planning Board shall submit applications for special permits to be reviewed by the Board of Selectmen, the Board of Health, the Town Manager, the Chiefs of the Police and Fire Departments, Historical Commission, the Conservation Commission, the Industrial Development Commission and other Municipal Boards and Officials as the SPGA shall deem appropriate.

4.2.2 SITE PLANS

The general purpose of a site plan is to assure proper drainage, safe access and egress, adequate parking, loading areas, signs, landscaping, screening, and consideration of the needs of abutting land owners. As applicable, a site plan shall furnish information consistent with that required by the Planning Board for approval of a subdivision. Such information may be shown on one or more site plans on sheets not exceeding 24" x 36". Multiple plans shall be numbered - (Example: Sheet Number 1 of 6 sheets, etc.). Site plans shall be on the scale of 1"=40', and each site plan shall indicate the boundaries of the permit area and of the interior lots. At least one plan shall indicate the identity of the owner of each such separate parcel and of the abutting parcels as shown on the most recent tax list of the Town of Middleborough and of the applicable adjoining municipalities. Information relating to the following existing features shall be indicated on separate or combined plans:

- natural and man-made features
- wetlands
- wetland district boundaries
- roads - public and private ways
- driveways
- means of access
- parking area
- natural and landscaped vegetation
- water course
- historic structures or archaeological sites
- dwellings and other structures
- location of public water mains, hydrants

location of public sewerage facilities

location of public utilities (including Middleborough Gas and Electric Department electric and gas systems).

Proposed uses shall be indicated also, including all new structures, changes in topography, landscaping, roads and ways, parking and loading facilities, water and sewerage facilities, and such other information necessary to fully describe the proposal.

4.2.3 DATA AND SPECIFICATIONS RELATIVE TO SITE PLANS

A narrative report is suggested to explain features shown on site plans. Such a report is recommended to explain proposed conditions on completion of development and should address the following issues:

1. Compliance with the zoning bylaw: (Present and proposed future uses shall be identified as permitted or authorized by Special Permit).
2. Protection of adjoining premises from detrimental effects from the uses of Special Permits. (Open space, landscaped buffers to protect present and possible future permitted uses may be necessary).
3. Protection and preservation of historic structures, artifacts or sites.
4. Vehicular and pedestrian movement: (The present location, width, grades, drainage, driveways and as proposed must be considered. There may be changes in the direction of traffic flow).
5. Arrangement of structures: (Buildings, towers and signs must be considered in view of light, air, solar orientation, open space).
6. Parking and loading: (Number of spaces and locations must be adequate to service proposed uses without occupying too great an area).
7. Facilities: (Adequate sewerage, refuse removal, surface drainage, sub-surface drainage).

THE APPLICANT SHALL INDICATE THE MEANS PROPOSED TO ACCOMPLISH THE
FOLLOWING PURPOSES:

- a. Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against bright lights, sight, sound, dust and vibration, and preservation of light and air.
- b. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas by provision of adequate access to cope with projected traffic flow patterns into and upon the site for both vehicles and pedestrians based upon an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
- c. Waste disposal by adequate methods.
- d. Protection of environment features on the site and in adjacent areas, by use of design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
- e. Water supply from a public water supply system, or other sources of an adequate supply of potable water, together with lagoons, ponds or stand pipes, with sufficient capacity for fire protection.
- f. Prevention of the pollution of surface or groundwater, soil erosion, excessive runoff, changes in groundwater levels, and flooding.
- g. Protection of historic structures or archaeological sites against detrimental or offensive uses on the site by the use of design features which would either integrate or screen the proposed development into the existing features.
- h. Provision for the special needs of handicapped persons in all structures and common areas available to the public.
- i. Protection from adverse environmental impacts resulting from noise, vibration, groundwater pollution from chemicals used or stored on the premises, or from storage of petroleum products.

6.2 PUBLIC HEARINGS

All consideration of applications shall be at hearings open to the public. Special permits shall only be issued after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application with the Town Clerk, as the designate agent of the Planning Board. Failure by the Board to take final action by filing said decision in the office of the Town Clerk upon application for a special permit within ninety (90) days following the date of the public hearing shall be deemed to be a grant of the permit requested. No hearing shall be held on an election, primary or caucus day in the Town of Middleborough. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town of Middleborough once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the hearing. In all cases, notice shall be delivered in hand or sent by mail by the Planning Board, postage pre-paid, to the following:

Board of Selectmen

Board of Health

Town Manager

Water and Sewer Commissioners

Chief of Police

Chief of Fire Department

Conservation Commission

Historic Commission

Industrial Development Commission

Middleborough Gas and Electric Department

and such other Boards and Officials as the Boards deems appropriate.

Notice shall also be sent by mail, postage pre-paid, to parties in interest (the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters within three-hundred (300) feet of the property line of the petitioner, and the Planning Boards of Raynham, Lakeville, Rochester, Wareham, Carver, Plympton, Halifax and Bridgewater).

7.1 REFERRAL TO OTHER AGENCIES

Copies of the application, together with such information as the Board deems appropriate, shall be submitted for review and recommendations to the Board of Selectmen, the Board of Health, the Town Manager, the Water and Sewer Commissioners, the Chiefs of the Police and Fire Departments, the Historical Commission, the Conservation Commission, the Industrial Development Commission, the Middleborough Gas and Electric Department, and to such other municipal Boards and Officials as the Board determines within fourteen (14) days of the filing of the application. Failure of any such Board, Agency or Official to make recommendations within thirty-five (35) days of receipt of such notice shall be deemed lack of opposition.

APPENDIX G



Demolition Ordinance of Town of Lexington, MA
(passed by Town Meeting on April 14, 1986)

Procedures for the Demolition of Historically or Architecturally Significant Buildings outside of Historic Districts.

Section 1. Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which are outside Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes, the Lexington Historical Commission (the "Commission") is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this by-law.

Section 2. Definitions

- 2.1 "Building" - any combination of materials forming a shelter for persons, animals or property.
- 2.2 "Demolition" - any act of pulling down, destroying, removing or raising a building or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.
- 2.3 "Significant building" - any building or portion thereof not within an Historic District but which:
- a) is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or

- b) is included in the Cultural Resources Inventory prepared by the Commission including those buildings listed for which complete surveys may be pending; or
- c) has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.

2.4 "Commission" - the Lexington Historical Commission.

Section 3. Procedure

- 3.1 Upon receipt of an Application for a demolition permit for a significant building, the Building Commissioner shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.
- 3.2 The Commission shall fix a reasonable time for the hearing on any application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, to the Lexington Historic Districts Commission and to such other persons as the Commission shall deem entitled to notice.
- 3.3 If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of the conduct of the

hearing if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, rules and regulations, issue the demolition permit.

3.4 If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.

3.5 Upon a determination by the Commission that the significant building, which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Commissioner, and no demolition permit may be issued until at least six months after the date of such determination by the Commission.

3.6 Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:

- a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- b) the Commission is satisfied that for at least six months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

Section 5. Enforcement and Remedies

- 5.1 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this by-law, or to prevent a violation thereof.
- 5.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this by-law for a period of two years after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

Section 6. Severability

If any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Amendment to the Zoning Bylaw - Earth Removal

1.0 PURPOSE

To protect the public interest in the preservation of natural resources, to conserve the value of land, to prevent the destruction and irretrievable loss of historic and archaeological assets, to ensure that permanent changes in the surface contours of land resulting from the removal and alignment of earth materials will leave land in a safe and convenient condition for appropriate reuse without requiring excessive and unreasonable maintenance or danger of damage to public and private property, and also to provide that earth removal activities shall be conducted in a safe manner with due regard to safety and with minimal detrimental effect upon the neighborhood in which the activities are located.

2.0 DEFINITIONS

"Earth Removal" shall mean the moving of earth, defined as clay, gravel, loam, sand, sod, soil, stone or any other earth materials from one location to another within the boundaries of a lot or tract of land as well as the moving of earth off any said lot or tract of land.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Historic and Archaeological Assets" shall mean sites used for prehistoric and historic occupation, subsistence, industry, trade, agriculture, burial and other cultural purposes. Resource areas which are known to contain sites of historic or archaeological resources (as by being listed in the State Register of Historic Places, the Inventory of Historic and Archaeological Assets of the Commonwealth, and/or the Historical Commission's Historic Properties Inventory) are deemed to have historic value.

"Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site or origin by erosion.

3.0 ACTIVITIES REQUIRING A SPECIAL PERMIT

1. Except as provided otherwise in this bylaw, no clay, gravel, sand, sod, soil, stone or other earth materials shall be removed without the issuance of a special permit from the planning board as special permit granting authority (SPGA).
2. This section shall not apply to the moving of earth materials under the provision of a duly approved subdivision plan, to work necessary for the construction of streets and the installation of utilities, to such work in connection with the excavation and grading of land incidental to construction of a duly permitted structure, nor to work performed in normal and usual construction, maintenance or improvement of land in cranberry related activities or other agricultural use.

4.0 SPECIAL PERMIT REQUIREMENTS

1. Applications for special permits for earth removal shall be on such forms or in such manner as the special permit granting authority may specify in its rules and regulations and shall be submitted together with all required exhibits and site plans.
2. The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning and correct land use, and that the applicant has means to implement the proposal if a special permit is granted or to restore the site to an appropriate condition including grading, loaming, seeding or other alternative landscaping as may be required as a condition to the special permit. The special permit application shall include a proposal for the reuse of land upon the completion of earth removal.

operations. The applicant may be required, as a condition to the special permit, to guarantee that the land shall be in a suitable physical form by posting a suitable bond in an amount determined by the SPGA.

3. No special permit for the removal of earth shall be granted unless the SPGA finds the proposed earth removal operation is not contrary to the best public interest of the inhabitants of the City (Town) of _____ . For this purpose, a removal operation may be considered contrary to such public interest which:

- a. will be injurious or dangerous to the public health and safety;
- b. will produce noise, dust or other effects observable at the lot lines to a degree seriously objectionable or detrimental to the normal use of adjacent property;
- c. will cause an increase of sediment disposition beyond the boundaries of the site or in any wetland, water course or waterbody;
- d. will result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
- e. will have a material adverse effect on the health and safety of persons living in the neighborhood or on the use or amenities of adjacent land;
- f. will result in destruction or serious damage to historic and/or archaeological assets.

4. The SPGA shall consider the following elements of an earth removal operation and may include specific requirements relative thereto as conditions to a special permit:

- a. adequate provision for drainage during and after completion of operations;

- b. adequate provision for soil erosion and sediment control during and after completion of operations;
- c. lateral support of banks and satisfactory final slopes;
- d. maintenance of a minimum of six feet of cover over maximum groundwater levels;
- e. provision for off-street parking;
- f. siting and final removal of temporary structures;
- g. adequate posting of dangerous areas;
- h. adequate fences and barriers at work faces;
- i. adequate dust control on site;
- j. provision for stockpiles of top soil;
- k. provision for restoration of top soil to final surface;
- l. provision for the determination of surplus top soil;
- m. provision for the disposal of stumps, boulders and other residual material;
- n. provision for adequate buffer areas along historic or archaeological assets, public and private ways, and at adjoining property lines;
- o. hours of operation;
- p. designated access routes to site;
- q. regulation of suitable covers on loaded vehicles to prevent spillage and dust;
- r. dust control on access roads and such other conditions deemed appropriate by the SPGA.

5.0 SITE PLAN

1. A site plan shall be submitted in the quantities and in the form required by the rules and regulations of the special permit granting authority.
2. The site plan shall include, but not limited to, pertinent information on the following: lot boundaries, names of abutting owners, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, depth to groundwater, sewage disposal, parking,

loading areas, easements and rights-of-way, walls, fences, ditches, streams, ponds, known sites of historic or archaeological significance, and known permanent monuments, and other cross-sections, profiles, and contour maps needed to describe the proposal.

3. Such plan(s) shall be prepared by a registered engineer. The site plan shall show existing, intermediate and final ground levels with those of adjacent properties and shall indicate natural surface water flows and drainage ditches, if any.
4. The site plan also include an archaeological survey prepared by a professional archaeologist.
5. The plan shall include an erosion and sediment control plan which will be adequate to retain all sediment within the boundaries of the site and away from wetlands, watercourses and waterbodies, both during and after earth removal operations.

6.0 REVIEW BY OFFICIAL BOARDS

Applications for special permits for earth removal operations shall be submitted by the SPGA to the following officials of the City (Town) of _____ for review and recommendations:

Board of Selectmen
Board of Health
Planning Board
Conservation Commission
Historical Commission
Chief of Police

The failure of any such official to make a recommendation within 45 days of receipt shall be deemed lack of opposition thereto.

BARNSTABLE WETLANDS PROTECTION
BYLAW

Adopted at Town Meeting, 11/9/87

Att. Gen. approval 12-4-87

For more information, contact:

Barnstable Conservation
Commission, Hyannis MA
Tel. 775-1120

ARTICLE 20. To see if the Town will amend its bylaws by striking out Chapter III, Article XXVII and inserting in place thereof, the following:

TOWN OF BARNSTABLE, MASSACHUSETTS: BYLAWS
CHAPTER III, ARTICLE XXVII (WETLANDS PROTECTION BYLAW)

TITLE: This bylaw (Chapter III, Article XXVII) shall be known and may be referred to as the Wetlands Protection Bylaw of the Town of Barnstable, Massachusetts.

SECTION 1. PURPOSE.

The purpose of this bylaw is to protect wetlands, and related water resources, and their values and functions, including, but not limited to, the following: public or private water supply; ground water; storm damage prevention; flood control; erosion and sedimentation control; prevention of water pollution; wildlife habitat; shellfish; fisheries; recreation; public trust rights in trustlands; aesthetics; agricultural and aquacultural values; and, historical values, (collectively, the wetlands values protected by this bylaw.)

SECTION 2. JURISDICTION.

Except as permitted by the Conservation Commission or as provided in this bylaw in Section 3, no person shall remove, fill, dredge, or alter in or within 100 feet of the following resource areas: surface water body, vegetated wetland or un-vegetated wetland; any land under said waters; and any land subject to flooding or inundation by ground water, surface water, tidal action or coastal storm flowage.

In the event that the Commission determines that an activity occurring beyond the limit of jurisdiction noted above is having or has had a significant effect on the wetlands values of a resource area, the Commission may require a Notice of Intent or Determination of Applicability for that activity.

In determining whether a resource area is subject to the provisions of this bylaw, the origin of the wetland, whether natural or manmade, is not a relevant factor.

SECTION 3. EXCEPTIONS

The permit and application required by this bylaw shall not be required for maintaining, repairing, or replacing, (but not substantially changing or enlarging), an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunications services, sewage collection and traffic control, provided written notice has been given to the Commission prior to the commencement of work, and provided that the work conforms to performance standards, design specifications, policy guidelines and other regulations adopted by the Commission.

The permit and application required by this bylaw shall not be required for normal maintenance or improvement of land or waters in an existing agricultural or aquacultural use. Expansion of existing uses in these areas or new uses in areas within the jurisdiction of this bylaw will require a permit.

The permit and application required by this bylaw shall not apply to emergency projects necessary for the protection of wetlands values or the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof. For this work, advance notice, oral or written, must be given to the Commission prior to or within 24 hours after the commencement of work. The Commission or its agent must certify the work to be an emergency project. The work must be performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency, but in no instance shall the emergency period exceed 30 days. All emergency work must conform to the performance standards, design specifications, policy guidelines and other regulations adopted by the Commission. Within 21 days of the commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION.

Written applications shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on wetlands, resource areas, and their values. No activities shall commence without receiving a permit issued pursuant to this bylaw (except as provided in Section 3).

The Commission may, at its discretion, accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may, in writing, request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

At the time of an application or request the applicant shall pay a filing fee specified in the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency, or if the applicant can prove financial hardship, or other extenuating circumstances.

SECTION 5. NOTICE AND HEARINGS.

Any person filing an application or a request for determination with the Commission shall give written notice thereof, within 14 days of the public hearing, by certified mail or hand delivery, to all abutters in accordance with the regulations of the Commission.

The Commission shall conduct a public hearing on any application or request for determination. At the expense of the applicant, the Commission shall cause written notice of the hearing to be published at least five (5) working days prior to the public hearing in a paper of general circulation in the Town of Barnstable.

The Commission shall commence the public hearing within twenty one (21) days from the receipt of a completed Notice of Intent or request for determination. The Commission or its agents shall determine, for scheduling purposes only and in accordance with the submission regulations of the Commission, that the application or request is complete. The 21-day deadline for a hearing may be extended by the Commission or its agents only with the assent of the applicant.

The Commission shall issue its decision on the Notice of Intent in writing within 21 days of the close of the public hearing thereon. The Commission shall issue its decision on the request for determination in writing within twenty-one (21) days of receipt of the request.

The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act.

The Commission may accept the applicant's request to continue the public hearing to a date and time certain announced at the hearing, for reasons stated at the hearing, which may include the receipt of additional information offered by the applicant or others, or information and plans required of the applicant deemed necessary by the Commission.

SECTION 6. PERMITS AND CONDITIONS.

If the Commission, after a public hearing, determines that the proposed activities which are the subject of a Notice of Intent are not likely to have a significant or cumulative effect upon the wetlands values protected by this bylaw, the Commission, within 21 days of the close of the public hearing, shall issue a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those wetlands values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans required or requested by the Commission; for failure to meet the design specifications, performance standards, policy guidelines or other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetlands values protected by this bylaw; where it is deemed that the denial is necessary to preserve the environmental quality of resource areas; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

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SECTION 7. WETLANDS REPLICATION.

In order to protect the values inherent in wetland areas, it is the intent of this bylaw to preserve wetlands, surface water bodies and other resource areas as functioning natural ecosystems. Filling of wetlands is therefore prohibited except when mitigated by wetlands replication as permitted in this section. At its discretion, the Conservation Commission may permit activities involving wetlands replication that do not harm the wetlands values protected under this bylaw.

Wetlands replication in order to make lands buildable, as by fulfilling septic system setbacks, flood elevation requirements or other construction setbacks, or to achieve lot area requirements, is prohibited. Replication is prohibited in areas providing habitat for existing rare or endangered species as listed by the Massachusetts Natural Heritage Program.

Replication may be permitted to provide access to otherwise buildable uplands. Replication may also be permitted when an overriding public purpose can be demonstrated. The creation of new wetlands may be permitted, without any concomitant wetlands filling, when the applicant can demonstrate that such creation will not harm existing wetlands or their values. Purposes for creating new wetlands include, but are not limited to: the absorption of stormwater runoff, improvement of wildlife habitat, stabilization of unvegetated intertidal areas, or aesthetic, experimental, or scientific purposes.

No more than 2500 square feet of wetland may be filled in accordance with this section. The replicated wetland must be at least equal in size to the wetland that is filled and properly vegetated. Where physically possible, replicated wetlands shall be made contiguous with existing natural wetlands. When a person owns abutting properties, any applications on the properties for wetlands replication submitted within the same calendar year shall be treated as one proposal for the purposes of evaluating wetlands replication, and the combined area to be filled shall not exceed 2500 square feet.

Because replication is an experimental process and is subject to failure, the Commission may require any applicant requesting permission for wetlands replication to conduct a scientific monitoring program to last for a time period as determined by the Commission, but not to exceed five years. If said monitoring period is less than five years, the Commission shall review the results at the end of the monitoring period to determine if additional monitoring is needed within the maximum five year period. The applicant shall provide an escrow bond for duration of the monitoring period plus one year to cover correction of any deficiencies revealed by the monitoring program. Said bond shall, at a minimum, be equal to the initial cost of the replication.

SECTION 8. REGULATIONS.

After public notice and public hearing the Commission may, from time to time, promulgate performance standards, design specifications, policy guidelines and other rules and regulations to accomplish the purposes of this bylaw. Failure of the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

Any performance standards, design specifications, policy guidelines or other rules and regulations promulgated under a lawfully adopted Wetlands Protection Bylaw of the Town of Barnstable which may be superseded by this bylaw shall be considered a part of this bylaw at the time of its adoption.

SECTION 9. SECURITY.

The Commission may require the establishment of an escrow account or other security running to the municipality, and sufficient as to form and surety in the opinion of the Commission's Counsel, to secure faithful and satisfactory performance of work required by any permit, in such sum and upon such conditions as the Commission may require.

Notwithstanding the above, the amount of such escrow account or security shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such escrow account or security shall be recoverable at the suit of the municipality in Superior Court. The Commission may, at its discretion, accept as security a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Barnstable whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

SECTION 10. ENFORCEMENT.

The Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this bylaw. With the authority of the property owner or his designee, the Commission may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Board of Selectmen and Town Counsel may take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.

Upon request of the Commission, municipal boards and officers, including any police officer, natural resource officer, or other officer having police powers, shall have the authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than three hundred dollars (\$300.00). Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations or permit violated shall constitute a separate offense.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, s. 21D.

SECTION 11. BURDEN OF PROOF.

The applicant shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not have an unacceptable significant and cumulative effect upon the wetland values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 12. RELATION TO THE WETLANDS PROTECTION ACT.

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (MGL c. 131, s. 40), and regulations thereunder, except where specifically included herein.

SECTION 13. SEVERABILITY.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

SECTION 14. DEFINITIONS.

The following definitions apply to the interpretation of this bylaw. Unless otherwise defined here, definitions found in 310 CMR also apply to this bylaw.

Aesthetics - Retention or improvement of natural conditions, including natural lighting, sounds, odors and significant trees, as at the time are experienced by the general public from public ways, including waterways. Activities in or within 100 feet of any resource area shall not have significant effects on aesthetic values.

Agriculture - Any work which produces food or other products for commerce or subsistence which occurs in, on, or within 100 feet of a resource area or which is directly or indirectly dependent upon wetlands values for proper agricultural functions, such as prevention of pollution or maintenance of adequate water flow for irrigation. Agriculture includes, but is not limited to the growing of crops, including cranberries, and the raising of livestock. Non-agricultural activities in or within 100 feet of resource areas shall not have a significant effect on existing agriculture. Notwithstanding this definition, new or expanded agricultural activities shall not have a significant effect on other wetlands values identified in Section 1 of this bylaw.

Alter - To change the condition of areas within jurisdiction of the Conservation Commission. Activities presumed to alter these areas, include, but are not limited to, the following:

- Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- Drainage or other disturbance of water level or water table;
- Dumping, discharging, or filling with any material;
- Placing of fill or brush or removal of material;
- Erection of buildings, or structures of any kind; Installation of piles except in accordance with pier maintenance regulations of the Commission;
- Destruction of plant life including the cutting of trees; application of pesticides or herbicides except in accordance with agricultural exemptions set forth in Section 3;
- Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- Any activities, changes or work which pollute in any way any body of water or ground water;
- Any activities that change the aesthetics of a resource area in a significant manner and for more than a temporary period.

Aquaculture - The growing, raising, breeding, storing, or producing of specified aquatic or marine organisms at specified locations for commercial, municipal or scientific purposes as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to: shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as Irish moss and dulse; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. Activities in or within 100 feet of a resource area shall not have a significant effect on existing permitted aquaculture. Notwithstanding this definition, new or expanded aquacultural activities shall not have a significant effect on the other wetlands values set forth in Section 1 of this bylaw.

Coastal Bank - The first significant break in slope beyond the 100-year storm elevation on a seaward face or elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other coastal wetland. The slope of the bank must be greater than an 18 per cent slope and serve to contain storm flowage, rather than being inundated by it, or function as a sediment source. A coastal bank may serve one of two functions:

1) It may serve as a vertical buffer because of its height and stability which protects upland areas from storm damage and flooding. Activities shall not increase erosion of a coastal bank, either from above (by stormwater runoff, brushcutting or other means) or from below (by tidal action, wind and waves). Any project on such a coastal bank shall have no adverse impact on the stability of the coastal bank.

2) Coastal banks composed of unconsolidated sediment and exposed to vigorous wave action serve as a source of sediment for dunes, beaches, barrier beaches and other coastal landforms. Naturally-occurring wave action removes sediment from these banks to replenish coastal landforms. These landforms protect coastal wetlands and real property by reducing storm damage and flooding by dissipating storm wave energy. Any project on or within a coastal bank serving this function shall not have a significant effect on that bank's ability to serve as a sediment source.

Cumulative Effects - Activities regulated under this bylaw which may be individually minor, but when considered in relation to other past, present or future activities in a given area may be significant in the aggregate.

Erosion and Sedimentation Control - Erosion control means the ability of the wetland to buffer forces or processes which would threaten or cause to be threatened the stability of landforms and the soil and/or vegetation associated with wetlands and adjoining land areas, in particular, coastal and inland banks. Erosion can be caused by a wearing away of the surface soil or by undermining the interior portion of the landform. Activities in or within 100 feet of resource areas shall not have a significant effect on natural erosion processes.

Sedimentation control means the ability of wetlands to settle out sediments and other waterborne material by reducing water flow by passing it through vegetation or by diffusing flow and reducing velocity. Activities in or within 100 feet of resource areas shall not accelerate or impede the rate of natural sedimentation significantly.

Flood Control - The ability of wetlands to absorb, store and slowly release flood waters to minimize peak flood levels. Flooding can be caused by precipitation or a rising water table. Activities in or within 100 feet of resource areas shall not alter the flood control value of wetlands significantly.

Ground Water - All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally-occurring ground water.

Historical Values - The importance of wetlands and adjoining land areas as sites often used for prehistoric and historic occupation, subsistence, industry, trade, agriculture, burial and other cultural purposes. Resource areas which are known to contain sites of historic or archaeological resources (as by being listed on the State Register of Historic Places, the Inventory of Historic and Archaeological Assets of the Commonwealth, and/or the Barnstable Historical Commission's Historic Properties Inventory) are deemed to have historic value. Activities in or within 100 feet of resource areas shall not have a significant effect on historical values.

Person - Any individual, group of individuals, associations, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, the town of Barnstable, and any other legal entity, its legal representatives, agents, or assigns.

Private Water Supply - Any source or volume of surface or ground water demonstrated to be in private use or shown to have potential for private use, including ground or surface water in the zone of contribution around a private well. Activities in or within 100 feet of a resource area shall not have a significant effect on the quality of a private water supply.

Public Trust Rights - The right of the citizens of the Commonwealth of Massachusetts to engage in fishing, (including shellfishing), fowling, and navigation, and access from the water and access along the shore below mean high water to, on or over trustlands to pursue these rights, in accordance with the provisions of 310 CMR 9.00 and decisions of the Massachusetts Supreme Judicial Court, and subject to other state and local regulations. Also includes rights of the public to engage in activities other than fishing, fowling and navigation on Commonwealth tidelands (below the extreme low water mark). Activities in or within 100 feet of a resource area shall not have a significant effect on public trust rights.

Public Water Supply - Any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, s. 160 by the Department of Environmental Quality Engineering Division of Water Supply, or demonstrated to have a potential for public use, in addition to all surface and ground water in zones of contribution. Activities in or within 100 feet of resource areas shall not have a significant effect on the quality of a public water supply.

Recreation - Any leisure activity or sport taking place in, on, or within 100 feet of a resource area which is dependent on the resource area and its values directly or indirectly for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shellfishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values. Notwithstanding this definition, new or expanded recreational activities shall not have a significant effect on other wetlands values identified in Section 1 of this bylaw.

Storm Damage Prevention - The ability of wetland soils, vegetation and physiography to prevent damage caused by water from storms, including but not limited to: erosion and sedimentation; damage to vegetation, property or buildings; or damage caused by flooding, waterborne debris or waterborne ice.

Activities in or within 100 feet of a resource area shall not have a significant effect on storm damage prevention.

Surface Water Body - Any area where water or ice stands or flows over the surface of the ground for at least five months of any calendar year except in times of severe, extended drought as defined in appropriate sections of 310 CMR. Drainage ditches, exclusive of fish runs and intermittent streams, and impoundment areas which hold or pass water only during or for short periods following storms and which, owing to their relationship to ground water, do not support wetland vegetation are excluded from this definition.

Trustlands - Lands impressed with public trust rights protected by the Commonwealth, including Great Ponds; and tidelands, being present and former submerged lands and tidal flats lying between the natural high water mark and the state limit of seaward jurisdiction. Tidelands include both flowed and filled tidelands, and privately-owned and publicly-owned tidelands.

Unvegetated wetland resource areas - Coastal areas, such as flats and unvegetated intertidal areas; coastal and fresh water beaches, dunes and banks; and land subject to flooding. Also, inland areas subject to flooding which do not support wetland vegetation, but which store at least 1/4 acre feet of water to an average depth of six inches at least once a year, and land areas two feet or less vertically above the high water mark of any lake or pond defined by 310 CMR. Does not include swimming pools, artificially lined ponds or pools, wastewater lagoons or stormwater runoff basins, the construction of which may be regulated, but do not themselves constitute regulated areas.

Vegetated wetland - Any area of at least 500 square feet where surface or ground water, or ice, at or near the surface of the ground support a plant community dominated (at least 50 per cent) by wetland species.

Wetlands Replication - The creation of wetland, surface water body or other resource area to compensate for the filling or other loss or displacement of all or part of an existing wetland, surface water body or other resource area.

Wildlife Habitat - Resource areas that provide breeding and nesting habitats, shelter, food and water to all plant and animal species dependent on wetlands for any portion of their life cycles. Includes resource areas identified as containing rare, threatened or endangered species as listed by the Massachusetts Natural Heritage Program. Structures and activities in or within 100 feet of any resource area shall not have a significant effect on wildlife habitat.

Zone of contribution - The segment of an aquifer that contributes significant quantities of ground or surface water to a water supply well.