

**Review Standards of the
Billerica Historic Districts Commission**

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1. **PURPOSES**

- 1.1 The purpose of the Standards is to guide rehabilitation and construction in the historic districts in the Town of Billerica in order to preserve and protect the distinctive characteristics of buildings and places-significant in the history and architectural heritage of the town through the maintenance and improvement of settings for such buildings and places, through the encouragement of design compatible therewith, and through the prevention of development which would impair or unduly detrimental to the locally or nationally significant structures of the districts.
- 1.2 The goal is to minimize reliance on the individual tastes and preferences of those who happen to be awarding permits and instead set up clear rules that everyone will understand.

2. **EXISTING STRUCTURES**

2.1 **Removal of Structures**

2.10 **Demolition**

2.101 There shall be a presumption toward retaining all existing historic buildings.

2.102 Demolition shall be allowed only when the new construction relates better to the Historic District than does the existing building, and when all the other requirements below are satisfied.

2.1021 A prerequisite for demolition shall be an application for Certificate of 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. The maximum rate of return which is theoretically possible on the land with new buildings shall not constitute such evidence if the existing buildings can generate a reasonable return.

2.1022 If an applicant's request for permission to demolish a structure or part of a structure is based upon structural instability or advanced deterioration, a technical report prepared by an architect or professional engineer registered in Massachusetts and approved by the Commission shall be submitted, detailing the nature and extent of the specific problems, and providing reasonably accurate cost estimates for their correction.

2.1023 Applications for permission to demolish existing structures shall be accompanied by complete plans for the new development proposed on the site, together with a timetable and a budget for the demolition and the reconstruction, as well as satisfactory evidence that adequate financing is available.

2.1024 A standard condition of approval for demolition shall be the documentation of the building's elevations, including details of specific notable architectural features (doors, cornices, etc.), through measured drawings and photographs. Such data shall be provided according to the procedures established by the Historic American Building Survey.

2.11 Relocation

2.111 Buildings shall be retained on their present sites. Relocation shall be considered only as an alternative to demolition. Standards 2.1021, 2.1023, and 2.1024 above shall apply.

2.112 Building shall be relocated preferably within the District or to sites where they would be compatible with the architectural, cultural and landscape surroundings.

2.2 Maintenance

2.20 Owners of all buildings should provide sufficient maintenance to keep such buildings from falling into a state of poor repair.

2.21 Owners shall therefore be responsible for providing maintenance necessary to prevent the deterioration of the following items, which could cause either 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 the architectural features is necessary:

2.211 Foundations, exterior walls or other vertical supports (exterior or interior);

2.212 Roofs or other horizontal members (including joists, beams, etc.);

2.213 Chimneys or chimney support system;

2.214 Architectural features (including but not limited to window and door trim, parapets, roof cresting, cornices);

2.215 Rainwater drainage systems (gutters, downspouts) whether exterior or interior;

2.216 Water-proofing systems (roofing, flashing, windows, doors, paint on wooden or corrodible metallic surfaces); and

2.217 Any other elements which, if not adequately maintained, would eventually cause the building to crack, bulge, buckle, sag, rot, crumble or collapse, in whole or in part.

2.22 In cases where deterioration has already progressed to an advanced stage, and where immediate removal is requested by the owner, the standards for demolition shall be applied.

2.3 Chances to Structures

2.30 General Participation

2.301 Historic Architectural Character

2.3011 The historic architectural character of each building shall be maintained or restored. Buildings shall be rehabilitated to reveal their historic materials and details. Missing architectural elements shall be recreated. Significant existing materials shall be retained by stabilizing, repairing or matching them with compatible new materials as required.

2.3012 The architectural character of each historic period is made up of several key factors. Each period interpreted these design elements in its own characteristic fashion. These factors or elements are:

Scale - relationship to human size, form and perception

Rhythm - the pattern of repeating elements such as windows, columns, arches and other facade elements, trees, other buildings, etc.

Form - overall shapes, combinations of as seen from different perspectives, skylines and contours

Massing - height, setback of major building elements, roof planes

Proportion - the relationship among the dimensions of various elements

Features - building elements such as windows, doors, cornices, roofs, porches, widow walks, balconies, cupolas, and decorative trim

Materials -- the skin of each building, consisting traditionally of brick, cast iron, steel, sheet metal, wood, glass, terra cotta, and slate.

2.302 Commercial Streets

2.3021 The commercial integrity of the Billerica Town Center District shall be protected through sensitive rehabilitation and new construction that provides a continuity of shops along the street frontages.

2.303 Mill Buildings

2.3031 Critical exterior features of the mills shall be preserved, including front facades, river and canal facades, courtyards incorporating such facades, and prominent elements, such as windows, doors, towers, cupolas, and connector buildings or bridges.

2.3032 Rehabilitation of existing interior features shall be encouraged. Uses which highlight these interiors (exposed brick walls, heavy timber framing, etc.) and/or interpret the industrial or social history shall also be encouraged.

2.304 Residential Buildings

2.3041 The viability of Billerica's residential neighborhoods shall be enhanced by restoring and preserving residential buildings while respecting the historic character created by the various architectural features defining roof and facade.

2.31 Historic Materials and Colors

2.311 Masonry - Masonry shall be returned to a serviceable and visually acceptable state by replacing missing masonry units and mortar with matching elements, repointing and stabilizing using proper techniques and materials. Cleaning shall be accomplished using the gentlest effective means possible, so as not to damage either the masonry unit or the mortar joints. Cleaning specifications shall be submitted to the Historic Districts 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, or to contribute to its long-term deterioration.

2.3111 Old mortar should be duplicated in joint size, method of application, and joint profile.

2.3112 Masonry should be cleaned only when it is necessary to halt deterioration and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes. DO NOT SANDBLAST MASONRY. UNDER ANY CIRCUMSTANCES. Chemical cleaning products which could have an abrasive reaction with masonry should be avoided.

2.3113 Deteriorated original materials should be repaired or replaced, where necessary, with new materials that duplicate the old as closely as possible. Replacement bricks should be carefully matched in size and color to the originals.

2.3114 New construction should follow traditional brick coursing and appearance; salvage brick should not be used.

2.3115 Foundations should be repaired or extended with the material of the existing foundation. The exposed portion of a foundation for a new building will be evaluated on an individual case basis.

2.3116 The original or early color and texture of masonry surfaces should be retained whenever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons. Indiscriminate removal of paint from masonry surfaces may be historically incorrect and may also subject the building to harmful damage. Masonry facades shall not be painted unless there is evidence that the building was painted originally.

2.3117 Chimneys are an important architectural feature. They should not be shortened or removed but repaired as necessary.

2.3118 Existing stucco should be repaired with a stucco mixture duplicating the original as closely as possible in appearance and texture.

2.312 Wood - Missing or deteriorated wooden features shall be sensitively replaced with new wood milled to match the original elements, and existing features shall be repaired wherever possible.

2.3121 Deteriorated material should be repaired or replaced, where necessary, with new material that duplicates the original as closely as possible. If a house is to be reclapboarded, the clapboards should line up to match the window heads and sills. Clapboards should be applied smooth side exposed.

2.3122 Aluminum or synthetic sidings (such as vinyl) are not recommended for properties in Billerica's historic districts. Their installation is discouraged because of the loss of architectural detail when it is carelessly applied; because the long term effects (such as rot or deterioration) on the underlying wooden structure are unknown; because they can create unsuspected fire hazards; and because the synthetic siding is difficult to repair and will itself need painting in time. Wood has been the most traditional siding material in Billerica. Wood is easily worked, has natural insulating qualities, and is adaptable, plentiful, relatively inexpensive and resistant to denting. It can be patched, refinished, and repainted or stained. And it has its own singular beauty. For all of these reasons every reasonable effort should be spent to keep the original siding on a building. If replacement is absolutely necessary, new wood clapboards will look better than any synthetic material and will, with care, last longer.

2.3123 Original details such as trim, cornice, brackets, corner and sill boards, quoins, window and door hoods and casings, and all other decorative elements shall be retained or replicated in-kind.

2.3124 Wood shingles are only appropriate for exterior cladding if they were used as a siding material for the style of the structure in question. Shaped shingles and shingle patterns for such a structure should be duplicated in-kind where repair and replacement are necessary.

2.313 Metals Missing or deteriorated architectural metals shall be replaced with original or substitute metal fabrications or other visually compatible and durable features manufactured from acceptable alternative materials.

2.314 Colors Architectural features should be restored with colors and finishes appropriate to the nature of the materials and to the character of the original building. Where original colors are not to be used, historic colors within the spirit of the period should be substituted.

2.315 Other Where glass, plastic and/or aluminum architectural elements are an integral part of a building's original design, and where this design is deemed to be of a high aesthetic quality, consideration shall be given to preservation of these elements.

2.32 Major Building Elements

2.321 Storefronts - Existing historic storefronts shall be retained and rehabilitated. Generally, the term "historic" in these standards shall refer to the appearance of the building fifty or more years ago. Storefronts which have been altered or removed shall be restored or compatibly redesigned. Research should be done to discover each storefront's original appearance, and to learn what architectural features might be covered by existing siding or facing material.

2.322 Doors and Entries - Existing historic doors shall be retained and rehabilitated. Where doorways must be altered to meet current building code and safety requirements, doors and entranceways shall be designed also to respect the exterior architectural integrity of the building.

2.3221 Original or historically significant entries (including reveals, doors, surrounds, vestibule sidewalls, transoms or fanlights, sidelights and other features) may not be altered.

2.3222 If replacement doors are necessary, new doors shall be appropriate to the existing surround in style, material and proportions.

2.3223 Residential doors should be made of wood. Pine and fir are most commonly used for exterior doors. Replacement doors should have the appropriate panel arrangement for the date of the building's construction. Metal doors on houses are not acceptable.

2.3224 Generally it is not appropriate to introduce a new door Opening into the principal or front elevation. The appropriateness of new side or rear doors depends on their design. (See 2.3225)

2.3225 The elaborateness of the entrance is related to the design of the house. Simple houses tend to have relatively plain doorways while more ornate houses have more highly decorated doorways. Therefore, when a replacement doorway is necessary on the principal facade or a new doorway is being added on a side or rear facade, it should harmonize with the style of the house as far as the type and extent of detail. Large sheets of glass are not generally in keeping with the character of a historic house.

2.3226 Doorways above ground floor level which provide secondary egress must be individually evaluated. In general, approval will result only when visibility from the street is minimal. The application of exterior staircases to buildings is generally not acceptable.

2.3227 Deteriorated porticos, porches, steps, and railings should be repaired with materials that duplicate the original.

2.3228 Storm doors (aluminum or wood-framed) shall be discouraged unless they were originally in use on the building.

2.3229 Replacement door hardware should replicate the original or be of an appropriate design.

2.3230 Exterior lighting shall be in traditional locations. The design of these fixtures should be of an appropriate size and not imitate styles earlier than the building.

2.3231 Front steps should be replaced in-kind with the material historically used with the particular style building.

2.323 Existing historic windows shall be retained and repaired to improve thermal efficiency 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, awning, etc.) shall be retained as shall be the appearance of the individual lights of glass formed by the muntin grid. The original width and of the individual elements (such as exterior molding and/or casing, exterior frame, exterior sash members, and exterior muntin) shall be reproduced or be closely approximated.

2.3231 Replacement windows for original wood windows should be made of wood. Aluminum and vinyl windows are generally not acceptable.

2.3232 The muntin thickness and profile of replacement windows should approximate those of the original historic windows. Also, the proportions of the frame to the sash should be preserved. Windows with removable or sandwich muntin bars are not acceptable.

2.3233 Double glazing is permitted under the following circumstances:

- a. when the use of the single-paned sash is appropriate to the architectural style of the building.
- b. when the double-glazed sash has integral (fixed) muntin bars, provided the proportions of the muntin bars suit the building.
- c. when the double-glazed sash has glued-on muntin bars of the proper proportions. Muntins must be applied with weather proof adhesive on both sides of the glass.

2.3234 Only clear-paned, non-tinted glass shall be used (except to replace original stained glass). Mirrored and tinted heat-reflective glass are not appropriate.

2.3235 The frame and decorative window trim should be retained and repaired if necessary with materials that duplicate the original as closely as possible. Application of metal or vinyl panning over original wood trim is strongly discouraged.

2.3236 Exterior window shutters may not be appropriate to every architectural style and the Commission should be consulted before action is taken to remove or install them. Where replacement shutters are installed, they shall be wood constructed and match the height and one-half the width of the window opening and replicate a traditional shutter. All shutters shall be properly secured with shutter hardware so as to be operable, not nailed to the window casing. If vinyl or metal shutters were original to a particular structure, replacement shutters may be vinyl or metal.

2.3237 Original skylights should be retained, repaired, or replaced in kind. Size, location, and materials are important determinants for the acceptability of skylights. Bubble skylights are not permitted. New skylights are permitted in new construction. Skylights should be placed on roof surfaces with the least visibility to the street. Smaller skylights are preferable to larger ones.

2.324 Roofs - Features which give the roof its essential historical character shall be preserved or restored to the extent that they are visible from the ground. The principal considerations include the original roof shape; original roofing materials or materials compatible with the old in composition, size, shape, color and texture; and architectural details such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

2.3241 Slating should be retained whenever possible. Slate should not be removed without a careful evaluation of the cost of its repair.

2.3242 Roof replacement materials should be sensitive to the original. Slate and wood shingles are preferred but may not be feasible due to cost, longevity, or fire safety considerations. Acceptable alternatives are to install one of the limited groups of products which successfully imitate slate or wood or to "render out" the roof by using a dark asphalt or fiberglass shingle which does not draw attention to this feature and the absence of original materials.

2.3243 Asphalt or fiber glass should be black, charcoal, or, in limited uses, dark brown. Only a very subtle blending of lighter and darker tones is acceptable; variegated asphalt lights and darks are unacceptable. White roofs are also not acceptable. White was not a shingle color used on historic roofs. Additionally, white is not an energy efficient color in cold climates because it reflects heat rather than absorbing it.

2.3244 Wooden or copper gutters can be an important architectural feature. In older houses they were often designed as part of the eave moldings. Therefore gutters should be properly maintained and only replaced in cases of extreme deterioration.

2.3245 New gutters and downspouts should be placed in an architecturally sensitive manner and painted the color of the surface on which they are installed; i.e. if a downspout runs down a white corner board, it should be painted white.

2.3246 Historic dormers shall be retained and repaired or restored. Expansion of existing dormers or adding new dormers may be approved on a case-by-case basis provided designs are based on historic models.

2.325 Industrial Hardware - Historically significant industrial hardware shall be preserved and more recent equipment judged to be of a significant design shall be retained.

2.326 Mechanical Equipment - 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.

3. NEW CONSTRUCTION

3.1 General Principles

3.10 Character - New construction on currently vacant sites in the town center shall be encouraged to reinforce the character embodied in the traditional New England town pattern, closely framing the road. New construction in residential districts shall follow the existing pattern of setbacks and building placement.

3.11 Continuity - New buildings should not be designed as free-standing objects, but instead shall generally conform with the tradition of continuous structures holding the lines of streets, canals and riverfronts.

3.12 Ground-Level Design - On commercial streets, ground-level building design shall generally follow existing patterns created by the type and scale of shops, street facades, sign design, shop window c and materials traditional to the town center.

3.13 Materials - New buildings shall utilize exterior materials in keeping with the exteriors seen in the Districts, with natural textures being encouraged. Colors shall generally be compatible with the surrounding streetscape.

3.14 Contemporary Approaches New buildings shall generally utilize contemporary design ideas, but shall also respect and reflect the traditional scale, proportions, rhythms, and mood of historic structures. These traditional architectural values should be interpreted into contemporary building design, but the use of imitation historic building details and ornaments is discouraged. Building design must also be internally consistent, and amalgamations of historically unrelated stylistic elements shall generally be prohibited.

3.15 Directional Expression Strongly horizontal designs shall be avoided, by dividing long horizontal facades into smaller vertically-oriented units that conform to the primary expression of the streetscape. Overly vertical or exaggerated expression in any direction shall be avoided. Proportional systems based on traditional methodology, such as the Golden Triangle, are encouraged.

3.16 Infill and Major - Different standards are applicable to infill sites and major sites because the former generally have greater impact upon their immediate neighbors, while the latter can have significantly larger impact upon the overall townscape.

3.2 Infill Structures

3.20 Harmony - Infill structures must blend in with the existing architectural fabric as seen from the street, and reinforce the feeling of continuity rather than stand out individually. The "General Principles" contained in Section 3.1. above shall also apply to infill structures.

3.21 Height - Infill structures shall generally contain at least two stories above street level, and relate very closely to the height of the immediately adjacent buildings.

3.22 Setback - Infill structures shall continue the street setback parameters established by adjacent buildings.

3.23 Roofs - Infill structures shall not introduce new roof shapes, pitches or colors not found on traditional buildings located on the same block.

3.24 Wall Openings - Infill structures shall respect the alternation of window area to wall area, and the width-to-height ratio of windows and doors, in the facades of surrounding structures. Introducing incompatible facade patterns that upset the rhythms of openings established in historic buildings in the immediate area shall be prohibited.

3.3 Major Sites

3.30 Basic Approach - New construction shall generally recreate Billerica's traditional town fabric, using contemporary designs adapted to new functional needs. Parking lots shall be located behind new and existing structures, to the greatest possible extent, so as not to be visible from streets, canals, and the river.

3.31 Height - Height control is critical along street, canal, and river frontages, and at the axis of major street vistas. Shadow and wind impacts are particularly important in active public pedestrian areas. In general, buildings in such area, within commercial or industrial districts shall generally maintain the height of adjacent buildings.

3.32 Parking Garages - Parking garages should harmonize with mill architecture by utilizing brick-faced exterior walls with window-type openings instead of the conventional designs which incorporate long horizontal openings between deck levels. On commercial streets, ground-level treatment should include storefronts.

3.33 Other - The "General Principles" contained in Section 3.1 above shall also apply to major new construction.

4.0 SIGNAGE

4.1 General

4.10 All new signs, and all changes in the appearance of existing signs displayed so as to be visible from streets, sidewalks, alleys, or canals, require a Certificate of Appropriateness. This includes changes in message or colors on pre-existing signs.

4.11 Temporary signs are those intended to be used for a period of 30 days or less, and shall not be allowed for more than 30 days. Temporary signs do not require a Certificate of Appropriateness.

4.12 If there is a conflict between these standards and the requirements in the Town Sign Code, the stricter shall apply.

4.13 Off-premise advertising signs shall be prohibited, but off-premise sign directory boards may be permitted in certain locations where visibility is a significant problem (such as within a millyard, or along a street, for example), where they can be harmoniously integrated into the surroundings.

4.131 Temporary advertising signs for charitable events, (i.e. political, religious, fund raising) are permitted in the Districts. Such signs shall not exceed 2' x 3' or 6 square feet.

4.2 Location and Size of Signs

4.20 Signs must not dominate building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.).

4.21 The size of signs and individual letters shall be an appropriate scale for pedestrians and slow-moving traffic. Projecting signs shall generally not exceed nine square feet, on first floor level.

4.22 Signs on adjacent storefronts should be coordinated in height and proportion. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged, as a unifying element.

4.23 Portable signs located on sidewalks, driveways, on top of vehicles or in parking lots are not allowed.

4.24 Wall signs shall be located no higher than the window sill line of the second story.

4.25 Signs displayed during business hours only, such as those which are removed every evening and displayed again the following morning, constitute an on-going advertising format and shall be construed as being permanent signs rather than temporary signs, if such display continues for more than thirty calendar days. The date when such sign was first displayed shall be affixed in a permanent manner to the sign so as to be readily seen.

4.3 Messages and Lettering Signs

4.30 Messages should be as simple and brief as possible. The use of pictorial symbols or logos is encouraged.

4.31 Lettering should be of a traditional block or curvilinear style which is easy to read and not incompatible with the style of the building. No more than two different styles should be used on the same sign. -

4.32 Letters shall be carefully formed and properly spaced, to be neat and uncluttered. Generally, no more than 60% of the total sign area shall be occupied by lettering.

4.4 Color

4.40 Colors should be chosen to complement, not clash, with the facade color of the building. Signs should normally contain not more than three different colors. Fluorescent colors are not permitted.

4.5 Materials and Illumination

4.50 The use of durable and traditional materials is strongly encouraged (metal and wood). All new signs shall be prepared in a professional manner. Paper signs for advertising or identification purposes shall be allowed for not more than 30 days, as temporary signage, and shall not be attached directly to the glass. The date on which a paper sign was first displayed shall be written on the sign, so as to be readily seen.

4.51 In general, any illumination used shall be external, non-flashing, and glare less.

4.52 Internal illumination is generally discouraged, but it may be appropriate in certain circumstances, such as:

4.521 individual back-lit letters which are silhouetted against a softly illuminated wall, and

4.522 individual letters with translucent faces, containing soft lighting elements inside each letter. However, such signs are generally suitable only on contemporary buildings.

4.53 Neon signs may be permitted in exceptional cases where they are custom-designed to be compatible with the building's historic and architectural character.

4.6 Other Stylistic Points

4.60 The shape of a projecting sign shall be compatible with the period of the building to which it is affixed, and shall harmonize with the lettering and symbols chosen for it.

4.61 Supporting brackets for projecting signs should complement the sign design, and not overwhelm or clash with it. They must be adequately engineered to support the intended load, and generally should conform to a 2:3 vertical-horizontal proportion. Screw holes must be drilled at points where the fasteners will enter masonry joints, to avoid damaging bricks, etc.

5.0 **OTHER DEVELOPMENT**

5.1 Pedestrian Amenities

5.10 While pedestrian amenities must be compatible with the town's historic character, variations shall be permitted in order to re the vitality and the variety of the town's different thoroughfares and neighborhoods.

5.11 Different types of public spaces should respond to the following general performance criteria:

- Commercial streets shall be treated simply with maximum open sidewalk space, minimal obstruction on the ground and pedestrian preference for street crossing.

- Historic, Non-Commercial Pedestrian Streets and Walks shall have a smaller scale, more intimate design using textures and smaller elements that stimulate interest along the path.

- Mill yards should be restored as historic to the public.

- Canal and Riverfronts were not typically pedestrian spaces in the 19th century but should be opened up to the public due to their historic interest and value as a public amenity.

Parking Areas must be carefully designed and landscaped due to their large size and first-impression impact upon visitors.

Parks should provide day-time cultural activity for the districts as well as relief from paved areas.

5.2 Streetscape

5.20 Paving and Planting

5.201 Tree corridors or canopies, stone walls, and roadside planting should be extended and strengthened.

5.202 The existing streetscape should be enriched, especially around historic buildings and heavily used pedestrian areas. Historically appropriate improvements should create some consistency while avoiding complete uniformity.

5.203 Historic paving features shall be retained wherever possible and incorporated into the streetscape improvements.

5.204 Subtle variations in paving patterns and materials shall be used to enrich sidewalks and plazas, such as by highlighting patterns in street lights, trees, furniture, street crossings, and entryways.

5.205 Planting shade trees and shrubs shall be encouraged where they would enhance the historic character or create more inviting spaces. Removal of healthy trees over 3" in diameter, measured four feet above ground level, shall be discouraged, except where they threaten existing structures and canal walls.

5.21 Street Furniture

5.211 Placement of street furniture which is appropriate to the context, attraction and durable shall be encouraged. Placement of furniture shall be based upon careful study of how people tend to use a street.

5.22 Lights, Signs, and Traffic Signals

5.221 Public signs shall utilize compatible graphics, colors, proportions, dimensions, and fabrication methods, in order to create greater consistency and improve their compatibility with their historic setting.

5.222 Street lights shall be designed to harmonize with their surroundings, and traffic signal poles and mounts shall be as unobtrusive as possible, both physically and visually.

5.3 Transportation Facilities

5.30 Parking

5.301 Parking lots should be sited at the rear of commercial structures but may be permitted to the side of the structure. This achieves three positive results: 1) a large often aesthetically barren area is avoided along a public street; 2) a building may be designed with two equally attractive "fronts" - one for pedestrians and one for passengers arriving by automobile; and 3) delivery trucks encounter fewer loading space problems and have more room to maneuver free from street traffic.

5.302 Removal of buildings to create ground level parking shall be prohibited.

5.303 Sensitivity to the surrounding landscape and the type of paving material used is important. Landscaping can greatly enhance the appearance of a yard and Ground level parking spaces proposed to be located on existing open land shall be adequately landscaped utilizing a combination of shade trees and shrubs for screening. The Commission recommends the use of crushed or washed stones, brick cobblestones, or Belgian block as surface paving materials. Asphalt or hot top is not recommended because it is not visually attractive or historically appropriate. Residential front yards shall not be converted to parking.

5.4 Open Space

5.40 Canal and River Banks

5.401 The historic character and the environments associated with river banks shall be protected.

5.402 Public pedestrian access, safety, and enjoyment shall be considered when construction is proposed adjacent to a river.

5.41 Parks

5.411 Existing parks shall be preserved and enhanced.

5.412 The removal of existing historic structures to create new parks shall be prohibited.

5.5 Fencing and Screening

5.50 Fencing

5.501 Fences are significant architectural features. Architecturally important fences should be repaired or replaced with new materials that duplicate the old. Other fences may be architecturally unimportant, the result of fence replacement in more recent years. In these cases, property owners are encouraged to upgrade their design rather than duplicate the existing fence.

5.502 Fences along the street facades of historic houses were meant serve a decorative purpose. Such fences should not block a house's view, but complement it; they should be in scale to the property and they should be open, not solid. Narrow pickets (approximately 2 1/2" in width) are preferred to wide pickets. Back and side yard fences which serve a screening purpose may be higher and solid.

5.503 The design of a residential fence should be sensitive to that of the house. Since Federal architecture stressed delicate proportions, the fence in front of such a house should also be delicate in scale, whereas the fence in front of a more massive Victorian house could be heavier. Elaborate fences are suitable for elaborate houses; simple houses should have simple fences.

5.504 If wood is to be used, picket, capped picket, or spindle fences are recommended for anywhere around the yard. Capped flat board fences are most appropriate for side and back yards. The flat board fence with a lattice top is an excellent privacy option for side or rear yards.

5.505 The Commission encourages the retention of suitable cast and wrought iron fences. Such fences should be repaired and painted as necessary. If sections are missing and it is financially feasible, replacement sections should be obtained. Otherwise it is preferable to consolidate the existing sections of the fence than to remove the fence altogether.

5.506 Historically, fences were located along the sidewalk and the continuity of such fences is an important asset to the street. The Commission generally discourages fence relocation to accommodate off-street parking. Gates may be required as an alternative to relocation.

5.507 Chain link, stockade, and wire-type fences are not appropriate in historic districts. Low brick walls and brick planters are also not acceptable unless documented to be an original design feature.

5.51 Screening

5.511 Outdoor storage areas and other uses which are to be screened from view shall be enclosed with an opaque fence or wall built of traditional materials (such as wood or brick) in a manner which is not inconsistent with the historic character of the district.

6.0 CERTIFICATES OF HARDSHIP

6.1 Where the Historic Districts Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these standards, or where there are exceptional circumstances, it may vary these standards so that substantial justice may be done. In order to issue a Certificate of Hardship, the Commission shall make specific factual findings demonstrating that:

6.10 Owing to conditions specific to a particular building or structure, failure to approve an application will result in substantial hardship, whether financial or otherwise, to the applicant, and

6.11 That granting the application will not involve substantial detriment to the public welfare or substantial derogation from the intent and purpose of the Historic Districts By-Law.

6.2 In granting waivers, the Historic Districts Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards which have been waived. A Certificate of Hardship shall then be issued.

APPENDIX: DETERMINATION OF HARDSHIP

Application for a Certificate of Hardship shall be made on a form prepared by the Historic Districts Commission. The Commission shall schedule a public hearing concerning the application and any person may testify at the hearing concerning hardship.

The Commission may solicit expert testimony or require that the applicant for a Certificate of Hardship make submissions concerning any or all of the following information before it makes a determination on the application.

1. A professional estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the standards of the Commission for changes necessary for the issuance of a Historic Permit.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; and after changes required by the Commission.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing Structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased including a description of the relationship, if any, between the owner of record or applicant and person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous two years;
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
9. Any listing of the property for sale or rent, price asked, and others received, if any, within the previous two years.
10. Assessed value of the property according to the two most recent assessments.
11. Real estate taxes for the previous two years.
12. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation limited partnership, joint venture, or other.