



Town of Reading Massachusetts

General Bylaw

7.3 Local Historic District

7.3 Local Historic District

The Town of Reading hereby establishes a Local Historic District, to be administered by a Historic District Commission as provided for under MGL Chapter 40C Section 1, et sequens, as amended.

7.3.1 Purpose

The purpose of this bylaw is to promote the economic, educational, cultural and general welfare of the inhabitants of the Town of Reading through:

- the preservation and protection of the distinctive characteristics and architecture of Buildings and places significant in the history of the Town of Reading;
- maintaining and improving of the settings of these Buildings and places; and
- the encouragement of building design compatible with the Buildings existing in the area, so as to maintain the historic character of residences or commercial enterprises which distinguish the town as a desirable community.

7.3.2 Definitions

The terms defined in this section shall be capitalized throughout this bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this bylaw, the following terms shall have the following meaning:

7.3.2.1 Alteration, to Alter

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

7.3.2.2 Building

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

7.3.2.3 Certificate

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this bylaw.

7.3.2.4 Commission

The Historic District Commission as established in this bylaw.

7.3.2.5 Construction, to Construct

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

7.3.2.6 Display Area

The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support Structure or bracing incidental to the sign. The Display Area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the Display Area shall be defined as the area of one face of the sign.

7.3.2.7 District

The Local Historic District as established in this bylaw consisting of one or more District areas.

7.3.2.8 Exterior Architectural Feature

Such portion of the exterior of a Building or structure as is open to view from a Public Way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

7.3.2.9 Person Aggrieved

The applicant; an owner of adjoining property; an owner of property within the same District area; an owner of property within one hundred (100) feet of said District area; and any legal entity in which one of its purposes is the preservation of Historic Places, Structures, Buildings or Districts.

7.3.2.10 Public Way

This term shall include Public Ways, public streets, public parks, and public bodies of water. The term "Public Way", however, shall not include a footpath, cart path or any easement or right of way that does not constitute a Public Way or public street.

7.3.2.11 Structure

A combination of materials other than a Building.

7.3.2.12 Temporary Structure or Building

A Building not to be in existence for a period of more than two years. A Structure not to be in existence for a period of more than one year. The Commission may further limit the time periods set forth herein as it deems appropriate.

7.3.3 District

The District shall consist of two areas as shown in Appendix A-1 and Appendix A-2.

7.3.4 Commission Composition and Appointments**7.3.4.1 Size and Terms**

The District shall be overseen by a Commission consisting of five (5) members, to be appointed by the Select Board, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

7.3.4.2 Commission Make-up

The Commission shall include, if possible, one member from one or more nominees solicited from the Reading Antiquarian Society, one member from one or more nominees solicited from the chapter of the American Institute of Architects covering Reading; one member from one or more nominees from the Board of Realtors covering Reading; one or two owners of property located within a District area; one member nominated by the Reading Historical Commission. If, within thirty (30) days after submission of a written request for nominees to any of the organizations herein named, insufficient nominations have been made, the Select Board may proceed to make appointments as it desires.

7.3.4.3 Alternates

The Select Board may appoint up to four alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a regular member of the

Commission, that member's place shall be taken by an alternate member designated by the Chair Said alternate members shall initially be appointed for terms of one or two years, and for three year terms thereafter.

7.3.4.4 Continuation of Terms

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

7.3.4.5 Meetings

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

7.3.4.6 Quorum

Three members of the Commission shall constitute a quorum.

7.3.5 Commission Powers and Duties

7.3.5.1 Exercise of Powers

The Commission shall exercise its powers in administering and regulating the Construction and Alteration of any Structures or Buildings within the District as set forth under the procedures and criteria established in this bylaw. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure, and District area.

7.3.5.2 Adoption of Rules and Regulations

The Commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or MGL Chapter 40C setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and conduct of its business, including requirements for the contents and forms of applications for Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any rules and regulations with the office of the Town Clerk.

7.3.5.3 Adoption of Guidelines

The Commission, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Reading, shall adopt and from time to time amend guidelines which set forth the designs and descriptions for certain exterior architectural features which are, in general, suitable for the issuance of a Certificate. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.

7.3.5.4 Election of Officers

The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chair, a Vice Chair and Secretary, and file notice of such election with the office of the Town Clerk.

7.3.5.5 Record Keeping

The Commission shall follow Town operating procedures for keeping its resolutions, transactions, decisions and determinations.

7.3.5.6 Community Education

The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District, to the extent that time and appropriations allow.

7.3.6 Alterations and Construction Prohibited Without a Certificate

7.3.6.1 Certificate Required for Improvements

Except as this bylaw provides, no Building or Structure or part thereof within a District shall be Constructed or Altered in any way that affects the Exterior Architectural Features as visible from a Public Way, unless the Commission shall first have issued a Certificate with respect to such Construction or Alteration.

7.3.6.2 No Alteration or Demolition without Certificate

No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within a District and no demolition permit for removal of a Building or Structure within a District shall be issued by the Town or any department thereof until a Certificate as required under this bylaw has been issued by the Commission.

7.3.7 Procedures for Review of Applications

7.3.7.1 Application to Obtain a Certificate

Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, or Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by 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. The Commission shall determine whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.2 Time to Determine if Certificate Required

The Commission shall determine within fourteen (14) days of receiving an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.3 Certificate of Non-applicability

If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature that is not subject to review by the Commission under the provisions of this bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.

7.3.7.4 Public Hearing on Application

If the Commission determines that such application involves any Exterior Architectural Feature subject to review under this bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in the bylaw. The Commission shall hold such a public hearing within forty-five (45) days from the date of receiving the application. At least fourteen (14) days before said hearing, notice shall be given by posting in a conspicuous place in Town

Hall and in a newspaper of general circulation in Reading. Concurrently, a copy of said public notice shall be mailed to the applicant; to the owners of all properties within three hundred 300 feet, and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list; to the Community Planning and Development Commission; to the Historical Commission; to any person filing a 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. The applicant is responsible for the costs of the mailing and advertising.

7.3.7.5 Waiver of Hearing

A public hearing on an application for a Certificate may be waived if the Commission determines that the Exterior Architectural Feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing. If the Commission dispenses with a public hearing on application for a Certificate notice of such application shall be given to the owners of all property within three hundred 300 feet and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application and after considering any responses.

7.3.7.6 Time to Act on Application for Certificate

Within sixty (60) days after the filing of an application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall issue a Certificate or disapproval. In the case of a disapproval of an application for a Certificate, the Commission shall set forth in writing the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the Commission in a subsequent application would make the application acceptable to the Commission.

7.3.7.7 Conditions on Certificates

In issuing Certificates, the Commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this bylaw and the Commission's Guidelines.

7.3.7.8 Issuance of Certificate of Appropriateness

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 District, the Commission shall issue a Certificate of Appropriateness.

7.3.7.9 Certificate of Hardship

If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve a substantial

hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

7.3.7.10 Filing of Decisions

The Commission shall send a copy of its disapprovals and Certificates, including any conditions or limitations, to the applicant and shall file a copy of its disapprovals and Certificates, including any conditions or limitations, with the office of the Town Clerk and the Building Inspector. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.

7.3.7.11 Failure to Act

If the Commission should fail to issue a Certificate or a disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship due to failure to act.

7.3.7.12 Signing of Certificates

Each Certificate issued by the Commission shall be dated and signed by its Chair or such other person designated by the Commission to sign such Certificates on its behalf.

7.3.7.13 Appeal for Review of Decisions

A Person Aggrieved by a determination of the Commission may, within twenty (20) days of the issuance of a Certificate or disapproval, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Commission (MAPC). The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in MGL Chapter 40C Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7.3.8 Criteria for Determinations

7.3.8.1 Criteria

In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structure in the surrounding area.

7.3.8.2 Appropriateness of New Construction and Additions

In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape, sitting and proportions of the Building or Structure both in relation to

the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

7.3.8.3 Interior Arrangements Exempt

The Commission shall not consider interior arrangement or architectural features not subject to view from a Public Way.

7.3.8.4 Uses Exempt

The Commission shall not consider uses for the Building or Structure.

7.3.8.5 Solar Energy Encouraged

When ruling on applications for Certificates on solar energy systems as defined in MGL Chapter 40A Section 1A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

7.3.9 Exclusions

7.3.9.1 Exclusions

The Commission shall exclude from its purview the following:

- Temporary Buildings, Structures, or signs, subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify.
- Terraces, walks, driveways, sidewalks and similar Structures, provided that any such Structure is substantially at grade level.
- Storm windows and doors, screen windows and doors, shutters, and window and wall air conditioners.
- The color of exterior paint or the color of materials used on roofs.
- Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, gutters and leaders, house numbers, and garden furniture.
- Buildings that are less than seventy (70) years old are exempt from review of Alterations and additions, unless the Alterations affect more than twenty-five (25%) percent of any façade visible from a Public Way or unless any addition visible from a Public Way increase such Buildings by more than twenty-five (25%) percent.
- 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 two (2) years thereafter and carried forward with due diligence.

7.3.9.2 Not Subject to Review

Upon request, the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

7.3.9.3 Maintenance

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material 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 this bylaw.

7.3.10 Categorical Approval

Additional Exclusions: Certain categories of Exterior Architectural Features may be Constructed or Altered without review by the Commission, provided such Construction or Alteration do not substantially derogate the intent and purposes of the District and of MGL Chapter 40C. The Commission may, upon conducting a public hearing, exclude from its purview Exterior Architectural Features, in addition to those listed in Section 7.3.9.1, which it determines do not significantly impact the purpose of the District.

7.3.11 Enforcement

7.3.11.1 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and MGL Chapter 40 Section 21D.

7.3.11.2 Building Inspector Authorized to Enforce

The Commission may designate the Building Inspector to pursue non-criminal disposition under MGL Chapter. 40 Section 21D, under the direction of the Commission.

7.3.11.3 Investigation of Complaints

The Commission, upon a written complaint of any resident of Reading, or owner of property within Reading, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Reading to prevent, correct, restrain or abate a violation of this bylaw. In the case where the Commission is requested in writing to enforce this bylaw against any person allegedly in violation of same and the Commission declines to act, the Commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.