

HOUSE No. 4279

By Mr. Torrasi of North Andover, petition of David M. Torrasi and others (by vote of the town) that the town of North Andover be authorized to establish a neighborhood conservation district. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

PETITION OF:

David M. Torrasi
Barbara A. L'Italien

Bruce E. Tarr
Steven A. Baddour

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A NEIGHBORHOOD CONSERVATION DISTRICT IN THE TOWN OF NORTH ANDOVER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The general bylaws of the town of North Andover
2 are hereby amended by adding the following chapter:—

3 **CHAPTER 134.**
4 **MACHINE SHOP VILLAGE NEIGHBORHOOD CONSERVATION**
5 **DISTRICT.**

- 6 Section 134-1 Establishment.
7 Section 134-2 Purpose.
8 Section 134-3 Definitions.
9 Section 134-4 District.
10 Section 134-5 Neighborhood Conservation District Commission.
11 Section 134-6 Neighborhood Conservation District Commission
12 Powers and Duties.
13 Section 134-7 Alteration Prohibited Without a Certificate.
14 Section 134-8 Alterations Excluded From Commission Review.
15 Section 134-9 Procedures for the Review of Major Alterations.
16 Section 134-10 Procedures for Issuance and Filing of Certificates.
17 Section 134-11 Enforcement and Penalties.

18 Section 134-12 Appeal Procedure.

19 Section 134-13 Validity and Separability.

20 Section 134-14 Appendices.

21 Section 134-1 Establishment.

22 The Town of North Andover hereby establishes a Neighborhood
23 Conservation District, to be administered by a Neighborhood Con-
24 servation District Commission. This Bylaw shall be known and may
25 be cited as the North Andover Machine Shop Village Neighborhood
26 Conservation District Bylaw.

27 Section 134-2 Purpose.

28 This by-law is enacted for the purpose of preserving and pro-
29 tecting groups of buildings and their settings that are architecturally
30 and historically distinctive which constitute or reflect distinctive fea-
31 tures of the architectural, cultural, economic, political or social his-
32 tory of the town and to limit the detrimental effect of alterations,
33 additions, demolitions and new construction on the character of the
34 town. Through this bylaw, alterations, additions, demolition and new
35 construction may be reviewed for compatibility with the existing
36 buildings, setting and neighborhood character. This bylaw seeks to
37 encourage the protection of the built environment through a combi-
38 nation of binding and non-binding regulatory review. This bylaw
39 promotes the public welfare by making the town a more attractive
40 and desirable place in which to live and work.

41 Section 134-3 Definitions.

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

44 “ADDITION” A change to a building that includes additional sto-
45 ries, height or floor area.

46 “ADVISORY REVIEW” An application review procedure that
47 provides non-binding recommendations to the applicant.

48 “ALTERATION, TO ALTER” A change to a building or part
49 thereof such as removal, construction, reconstruction, restoration,
50 replication, rehabilitation, demolition and other similar activities. A
51 change to a building that includes additions and other similar activi-
52 ties. A change to a site that includes constructing, placing, erecting,
53 installing, enlarging and moving a building or other similar activi-
54 ties.

55 “APPLICATION” The complete document(s) and supporting
56 material(s) to be submitted by an applicant desiring to obtain a Cer-

57 tificate to Alter. A complete application shall include information
58 reasonably deemed necessary by the commission to enable it to
59 make a determination.

60 “BUILDING” A combination of materials forming a shelter for
61 persons, animals or property.

62 “CERTIFICATE TO ALTER” A document granted by the Neigh-
63 borhood Conservation District Commission in order to obtain a
64 building (or demolition) permit.

65 “COMMISSION” The Machine Shop Village Neighborhood Con-
66 servation District Commission.

67 “COMPATIBLE” A project that meets the design guidelines of
68 the neighborhood conservation district commission.

69 “DESIGN GUIDELINES” The document used by the Neighbor-
70 hood Conservation District Commission to determine whether a pro-
71 posed project is compatible. The design guidelines are appended to
72 this bylaw.

73 “DISTRICT” The Neighborhood Conservation District as estab-
74 lished in this bylaw.

75 “PERSON AGGRIEVED” An applicant, an abutter or an owner
76 of property within the district.

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

80 “SUBSTITUTE SIDING” Exterior covering of building con-
81 sisting of materials that no longer represent the original fabric or
82 intent.

83 “SUBSTITUTE WINDOWS” Windows consisting of materials
84 that no longer represent the original fabric but do maintain the orig-
85 inal architectural integrity with respect to form, fit and function.

86 Section 134-4 District.

87 The Neighborhood Conservation District shall encompass the
88 area shown on the map titled, Machine Shop Village Plan of Pro-
89 posed Neighborhood Conservation District, Figure 1, which is
90 appended to this bylaw.

91 Section 134-5 Neighborhood Conservation District Commission.

92 The Neighborhood Conservation District shall be overseen by a
93 Commission consisting of five members, to be appointed by the
94 Board of Selectmen, two members initially to be appointed for one

95 year, two for two years, and one for three years, and each successive
96 appointment to be made for three years.

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

106 The Commission shall include, if possible, a minimum of three
107 residents of the district; a member of the local historical commis-
108 sion; a Realtor; an architect and a building contractor familiar with
109 historic rehabilitation. If possible, the Chairperson of the Commis-
110 sion should be a resident of the district elected by a majority of the
111 Commission. Members and alternates of a neighborhood conserva-
112 tion district shall by reason of experience or education have demon-
113 strable knowledge and concern for improvement, conservation and
114 enhancement of the district.

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

118 Meetings of the Commission shall be held at the call of the Chair-
119 person, at the request of two members and in such other manner as
120 the Commission shall determine in its Rules and Regulations. Three
121 members of the Commission shall constitute a quorum.

122 Section 134-6 Neighborhood Conservation District Commission
123 Powers and Duties.

124 The Commission shall exercise its powers in administering and
125 regulating the alteration of buildings within the neighborhood con-
126 servation district as set forth under the procedures and criteria estab-
127 lished in this bylaw.

128 The Commission, after a public hearing duly posted and adver-
129 tised at least 14 days in advance in a conspicuous place in Town
130 Hall, may adopt and from time to time amend, reasonable Rules and
131 Regulations not inconsistent with the provisions of this bylaw or set-
132 ting forth such forms and procedures as it deems desirable and nec-
133 essary for the regulation of its affairs and the conduct of its business,

134 including requirements for the contents and form of applications for
135 certificates, fees hearing procedures and other matters. Amendments
136 to the Rules and Regulations shall be made by a majority vote of the
137 Commission. The Commission shall file a copy of any such Rules
138 and Regulations with the office of the Town Clerk.

139 The Commission, after a public hearing duly posted and adver-
140 tised at least 14 days in advance in a conspicuous place in Town Hall
141 may from time to time amend the design guidelines which set forth
142 the designs for certain alterations which are, in general, suitable for
143 the issuance of a Certificate to Alter. Amendments to the design
144 guidelines shall be made by a majority vote of the Commission. No
145 such design guidelines shall limit the right of an applicant for a Cer-
146 tificate to Alter to present other designs to the Commission for
147 approval.

148 The Commission shall at the beginning of each year hold an orga-
149 nizational meeting and elect a Chairperson, a Vice Chairperson and
150 Secretary, and file notice of such election with the office of the Town
151 Clerk. The Commission shall keep a permanent record of its regula-
152 tions, transactions, decisions and determinations and of the vote of
153 each member participating therein. The Commission shall undertake
154 educational efforts to explain to the public and property owners the
155 merits and functions of a neighborhood conservation district.

156 Section 134-7 Alteration Prohibited Without a Certificate.

157 Except as this Bylaw provides, no building or part thereof within
158 a Neighborhood Conservation District shall be altered unless the
159 commission shall first have issued a Certificate to Alter. Except as
160 this Bylaw provides, no building (or demolition) permit shall be
161 issued by the town or any department thereof until a Certificate to
162 Alter has been issued by the Commission.

163 Section 134-8 Alterations Excluded From Commission Review.

164 It shall be the responsibility of the Commission, or its delegate
165 thereof to determine whether an alteration is exempt from review.
166 The Commission or its delegate thereof shall have seven days to
167 make this determination.

168 The following projects are excluded from Commission review:—

- 169 • Projects not requiring a building (or demolition) permit.
- 170 • Structures when not defined as buildings or parts of buildings.
- 171 • Temporary buildings subject to time limits by the Neighborhood
172 Conservation District Commission.

- 173 • Interior Alterations.
- 174 • Storm windows and doors, screen windows and doors.
- 175 • Removal, replacement or installation of gutters and downspouts.
- 176 • Removal, replacement or installation of window and door shut-
- 177 ters.
- 178 • Accessory buildings of less than 100 square feet of floor area.
- 179 • Removal of substitute siding.
- 180 • Alterations not visible from a public way.
- 181 • Ordinary maintenance and repair of architectural features that
- 182 match the existing conditions including materials, design and dimen-
- 183 sions.
- 184 • Replacement of existing substitute doors, substitute siding or
- 185 substitute windows with new materials that are substantially similar
- 186 to the existing condition.
- 187 • Replacement of original fabric windows or doors with substitute
- 188 windows or doors that maintain the architectural integrity with
- 189 respect to form, fit and function of the original windows or doors.
- 190 • Reconstruction, substantially similar in exterior design, of a
- 191 building, damaged or destroyed by fire, storm or other disaster, pro-
- 192 vided such reconstruction is begun within one year thereafter and
- 193 carried forward with due diligence.
- 194 Section 134-9 Procedures for the Review of Major Alterations.
- 195 The following major alterations require the submittal of an appli-
- 196 cation for a regulatory review by the Commission. The decision of
- 197 the Commission shall be binding on the applicant.
- 198 • Demolition of a building or part of a building.
- 199 • New construction including buildings and additions.
- 200 • Accessibility Improvements including ramps, rails, walkways
- 201 and mechanical equipment associated with exterior architectural bar-
- 202 riers.
- 203 • Replacement of original fabric with substitute siding.
- 204 • Removal of architectural trim.
- 205 • Replacement of windows and doors that alters the form, fit or
- 206 function of the existing opening.
- 207 Within forty five days of the submittal of an application for a
- 208 major alteration, the Commission shall hold a public hearing on the
- 209 application. At least seven days before said public hearing, public
- 210 notice shall be given by posting in a conspicuous place in Town
- 211 Hall. Such notice shall identify the time, place and purpose of the

212 public hearing. At least seven days before said public hearing, a
213 copy of said public notice shall be mailed to the applicant, to the
214 owners of all adjoining properties and of other properties deemed by
215 the Commission to be materially affected thereby all as they appear
216 on the most recent applicable tax list.

217 Following the public hearing, the Commission shall determine
218 whether the proposed alteration is compatible with the design guide-
219 lines and the purpose of this bylaw. Determinations shall be made by
220 majority vote of the Commission.

221 If the Commission determines that the alteration is compatible,
222 the Commission shall issue a Certificate to Alter. The concurring
223 vote of a majority of the members shall be required to issue a Cer-
224 tificate to Alter.

225 If the Commission cannot determine that the alteration is compat-
226 ible, the Commission shall decline to issue the Certificate to Alter.
227 The Commission shall provide the applicant with the reasoning for
228 their disapproval including how the alteration does not meet the
229 design guidelines or the purpose of this bylaw.

230 Section 134-10 Procedures for Issuance and Filing of Certificates.
231 Each Certificate issued by the Commission shall be dated and
232 signed by its chairperson or such other person designated by the
233 Commission to sign such Certificates on its behalf. The Commission
234 shall send a copy of its Certificates and disapprovals to the applicant
235 and shall file a copy of its Certificates and disapprovals with the
236 office of the Town Clerk and the Building Commissioner. The date
237 of issuance of a Certificate or disapproval shall be the date of the
238 filing of a copy of such Certificate or disapproval with the office of
239 the Town Clerk.

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

244 Section 134-11 Enforcement and Penalties.

245 The neighborhood conservation district is specifically authorized
246 to institute any and all actions, proceedings in law and in equity, as
247 they deem necessary and appropriate to obtain compliance with the
248 requirements of this bylaw or to prevent a threatened violation
249 thereof.

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

253 Any owner of a building subject to this bylaw that altered a
254 building without first obtaining a Certificate to Alter in accordance
255 with the provisions of this bylaw shall be subject to a fine of not
256 more than Three Hundred Dollars. Each day the violation exists
257 shall constitute a separate offense until the alteration is corrected, the
258 addition is removed or a faithful restoration of the demolished
259 building is completed or unless otherwise agreed to by the Commis-
260 sion. If a violation of this bylaw remains outstanding, no building
261 permit on the premises shall be issued until the violation is corrected
262 or unless otherwise agreed to by the Commission.

263 Section 134-12 Appeal Procedure.

264 Any applicant or person aggrieved by a determination of a neigh-
265 borhood conservation district commission may appeal to a court of
266 competent jurisdiction.

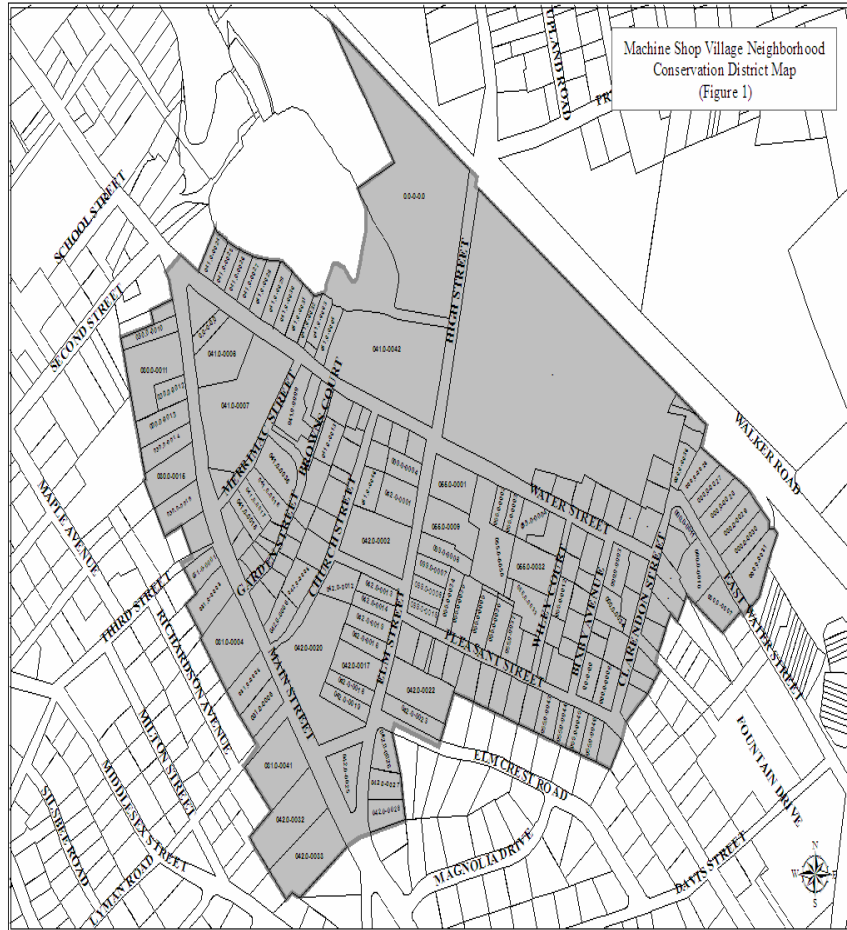
267 Section 134-13 Validity and Separability.

268 The provisions of this Bylaw shall be deemed to be separable. If
269 any of its provisions, sections, subsections, sentences or clauses
270 shall be held to be invalid or unconstitutional by any court of com-
271 petent jurisdiction, the remainder of this Bylaw shall continue to be
272 in full force and effect.

273 Section 134-14 Appendices.

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

279 FIGURE 1 – MACHINE SHOP VILLAGE CONSERVATION
280 DISTRICT



281 Appendix B. Machine Shop Village Design Guidelines.

282 Neighborhood Conservation District-Design Guidelines.

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

290 GENERAL.

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

299 In passing upon matters before it the commission shall consider,
300 among other things, the historic and architectural value and signifi-
301 cance of the site, building or structure, the general design, arrange-
302 ment, texture, and material of the features of buildings and structures
303 in the surrounding area. In the case of new construction or additions
304 to existing buildings or structures the commission shall consider the
305 appropriateness of the size and shape of the building or structure
306 both in relation to the land area upon which the building or structure
307 is situated and to buildings and structures in the vicinity, and the
308 commission may in appropriate cases impose dimensional and set-
309 back requirements in addition to those required by applicable ordi-
310 nance or by-law. The commission shall not make any
311 recommendation or requirement except for the purpose of preventing
312 developments incongruous to the historic aspects or the architectural
313 characteristics of the surrounding and of the Machine Shop Village
314 Neighborhood Conservation District.

315 The Commission recommends the following general guide-
316 lines:—

317 1.) Original materials and features should be kept and not
318 removed or altered; if a replacement is necessary it should match the
319 original in material and design.

320 2.) New openings on visible facades are discouraged, except to
321 restore original or pre-existing conditions.

322 3.) Restoration of missing design features should be documented
323 by photographic, physical or historical evidence.

324 4.) Deteriorated architectural features should be repaired rather
325 than replaced, whenever possible.

326 5.) Wherever possible, new additions or alterations to structures
327 shall be done in such a manner that if such additions or alterations
328 were to be removed at a later date, the essential form and integrity of
329 the structure would be unimpaired.

330 6.) The use of new materials not originally found on the building
331 is discouraged.

332 7.) The commission generally encourages the retention of existing
333 original windows.

334 NEW CONSTRUCTION AND ADDITIONS.

335 New construction requires much careful planning. The Commis-
336 sion reviews proposals on a case by case basis.

337 1.) Additions should, if possible, be on the least visible façade.
338 The Commission prefers the least disruption to the external appear-
339 ance of the building and the streetscape.

340 2.) Typically additions should blend or harmonize with the
341 existing character of the building, taking into account size, scale,
342 massing, material, location and detail. It is also desirable that the
343 original portion of the building continues to be recognizable, apart
344 from the addition, by means of massing, articulation, trim or other
345 devices.

346 3.) New construction should be compatible and harmonious with
347 the existing historic streetscape. The historic relationship of build-
348 ings to the street, including setbacks and open spaces, shall be main-
349 tained. Attention will be given to construction materials, scale,
350 massing, and architectural details.

351 WINDOWS.

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

358 1.) Typically the number and arrangement of panes in new win-
359 dows should be compatible with similar sized and proportioned win-
360 dows in the building, e.g. “two over one”, “six over six”, etc.

361 2.) It is desirable to repair and retain existing elements, such as
362 sash, casings and muntins (or mullions), whenever possible. If
363 replacement is necessary, it should be an exact replication of the
364 original—e.g. with the same number and size of panes and dimen-
365 sions of components.

366 3.) New window openings and changes in existing window
367 opening dimensions are generally discouraged, especially on prin-
368 cipal facades.

369 4.) Where double glazing intended to look like traditional wood
370 sash is used, for instance on new construction, the commission gen-
371 erally prefers sash with a single sheet of double glazing and exter-
372 nally and internally adhered wood muntins combined with
373 appropriately colored internal glazing bars between the layers of
374 glass.

375 5.) Removable storm windows are preferred to replacement of
376 original wood sash. We encourage storm windows that have a baked
377 enamel finish that blends in with the paint scheme of the building or
378 has a paintable surface.

379 6.) Stained glass or decorative windows should be retained.

380 MASONRY.

381 1.) The painting of masonry, which has never been painted, is
382 strongly discouraged.

383 2.) Tuck pointing (laying new mortar in old mortar joints of an
384 existing brick wall) can change the appearance and character of a
385 brick or stone walls. Repointing should be discussed with the Com-
386 mission in advance.

387 3.) Retain the original mortar whenever possible. If it is necessary
388 to repoint, duplicate the old mortar as nearly as possible in type,
389 color, size, texture and joint profile.

390 4.) New bricks should match the old brick as closely as possible
391 in size, color, and bond.

392 5.) The use of sealers for bricks is strongly discouraged, as it
393 tends to trap moisture.

394 6.) If brick needs cleaning, sandblasting is not permitted. It will
395 destroy the brick’s hard outer crust and accelerate its deterioration.

396 CLAPBOARD, SHINGLES, TRIM AND DETAILS.

397 1.) The covering of clapboard and shingles with any artificial
398 siding or any other material is discouraged, except in accordance
399 with the bylaw. The replacement of the original historic material is
400 encouraged.

401 2.) Existing trim should be retained and repaired wherever pos-
402 sible.

403 3. Removal of any architecturally or historically important trim is
404 strongly discouraged. Such trim should be restored or replaced with
405 an exact duplication.

406 4.) The covering of trim with any artificial siding or any other
407 material is discouraged.

408 ROOFS-CHIMNEYS-DORMERS.

409 1.) All distinctive roof features-patterned shingles, iron cresting,
410 chimneys, and weathervanes should be retained.

411 2.) The retention of original rooflines is strongly encouraged.

412 3.) Skylights and dormers are reviewed on an individual basis. It
413 is recommended that these elements be placed on the rear or least
414 visible façade whenever possible.

415 4.) Original dormers and trim should not be removed.

416 DOORS-ENTRANCES-PORCHES

417 1.) Historic door openings should be retained.

418 2.) Existing doors and door elements should be retained,
419 including, but not limited to, transoms and sidelights.

420 3.) Efforts should be made to replicate existing door hardware.

421 4.) Plywood, metal, or other non-wood doors are not acceptable,
422 except in accordance with the bylaw.

423 5.) The replacement of original elements or features appropriate
424 to the style and age of a building is normally encouraged, when
425 those features have been replaced with clearly unsuitable substitutes.

426 6.) Removable storm doors, like removable storm windows, are
427 permitted as “reversible changes”. However, their installation should
428 not destroy the integrity of original doorway.

429 7.) Entrance porticos and porches shall be maintained, wherever
430 possible

431 8.) Enclosing porches and steps so as to destroy their intended
432 appearance is strongly discouraged.

433 SIGNS.

434 Signage within the Machine Shop Village Neighborhood Conser-
435 vation District should contribute to and be in keeping with the

436 historic character of the area. Traditional wood or wood like carved
437 or painted signs are encouraged. Spot lighting is permitted. All new
438 signs are subject to review by the commission. Signs made of the
439 following types and/or materials will not be approved:—

440 1.) Plastic signs illuminated from the inside are not permitted.

441 2.) No neon signs.

442 3.) Existing neon signs can remain in place for a period of three
443 years from the date that these guidelines come into effect.

444 4.) Permanent vinyl banners will not be permitted.

445 5.) Temporary vinyl banners or signs will be permitted for a
446 period of time not to exceed 60 days.

447 SEVERABILITY.

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

1 SECTION 2. This act shall take effect upon its passage.