

974 CMR 7.00: HISTORIC DISTRICT

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7.01: Purpose

To establish processes for permitting within the Historic District.

7.02: Applicability

- (1) The Historic District is shown on a map dated September 10, 2002, produced by MassDevelopment Engineering and attached as 974 CMR 7.09 figure 1.
- (2) The Devens Enterprise Commission shall issue Certificates of Appropriateness, Certificates of Non-applicability, or Certificates of Hardship for building alterations or new construction to all structures within the historic district except those structures listed in the 974 CMR 1.06 Programmatic Agreement between the Army and the Commonwealth of Massachusetts. 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 until the Certificate of Appropriateness has been issued by the Devens Enterprise Commission. For any of the building or structure listed in the Programmatic Agreement, the actions of the State Preservation Officer/Massachusetts Historical Commission shall be deemed the Certificate of Appropriateness by the Devens Enterprise Commission.
- (3) Level One/Level Two Permits. Level One permits are approval of minor architectural modifications of a structure or building within an historic district. All other permits are Level Two.

7.03: Definitions

These definitions apply to 974 CMR 7.00 only, as follows:

Altered - includes rebuilt, reconstructed, restored, removed, and demolished.

Constructed - includes built, erected, installed, enlarged and moved.

DEC (Devens Enterprise Commission). The Commission established by St. 1993, c. 498, § 11 and authorized to review and approve Submissions for Unified Permits, other approvals and certain licensing responsibilities at Devens.

Exterior Architectural Feature - means such portion of the exterior of a building or structure that 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.

Structure - means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

7.04: Submission Requirements for Certificates of Appropriateness

- (1) All applications for a Certificate of Appropriateness shall include the following:
 - (a) The completed application form and fees.
 - (b) Photographs of the building or site before the proposed alteration.
 - (c) Elevations of the proposed building or structure with colors and materials clearly indicated.
 - (d) Scale drawings sufficient to describe in detail the work proposed.
 - (e) Paint color samples if the work includes repainting.
 - (f) Roofing samples or manufacturer's literature if the work includes roofing.
 - (g) Samples, colors and/or literature on all other proprietary materials or products that will be used and visible in the alteration.
- (2) In the case of demolition or removal, a statement of the proposed condition and appearance of the property after demolition or removal, as may be reasonably deemed necessary by the DEC to enable it to make a determination on the application.

7.05: Review and Decision

- (1) Review. The DEC shall follow 974 CMR 1.04 to process and review the application for a Certificate of Appropriateness.
- (2) Review Criteria. The DEC shall approve a Certificate of Appropriateness if it meets the following criteria:
 - (a) The Submission complies with 974 CMR 7.00 and with the applicable provisions of the By-laws.
 - (b) The Submission is Complete.
 - (c) The proposed work recognizes the historical and architectural value and significance of the structure or building and the district.
 - (d) The general design arrangement, texture, and material of the features involved in the proposed work are compatible with adjacent historic structures and buildings.
 - (e) The size, shape, and massing of the structure or building is suitable in relation to the site and in relation to the structures and buildings in the vicinity.

7.06: Process

974 CMR 1.00 describes notice requirements, hearing procedures, decisions, fees, time limits, reconsiderations, enforcement, and other procedural matters.

7.07: Exemptions, Certificate of Non-applicability, and Certificate of Hardship

- (1) The DEC shall not review the following, provided such structures, buildings, or features comply with the Vicksburg Square Historic Preservation Plan, the Devens Housing Historic Preservation Plan as further modified by the Devens Development Project, The Estates at Harvard Hills:
 - (a) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.
 - (b) Walls and fences, or either of them.
 - (c) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.
 - (d) The color of paint.
 - (e) The color of materials used on roofs.
 - (f) 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.

7.07: continued

(2) 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, landscaping with plants, trees or shrubs, and emergency work necessary for public safety because of an unsafe or dangerous condition shall be exempt from 974 CMR 7.00.

(3) An Applicant may request the DEC determine whether, owing to conditions especially affecting the structure or building involved, but not affecting the historic district generally, that compliance with Article X. Section D of the By-laws will involve a substantial hardship, financial or otherwise, to the applicant and whether the proposed work or improvements are not substantially detrimental to the public welfare and do not substantially derogate from the intent and purposes of the By-laws. After rendering such determination, the DEC shall issue a Certificate of Hardship.

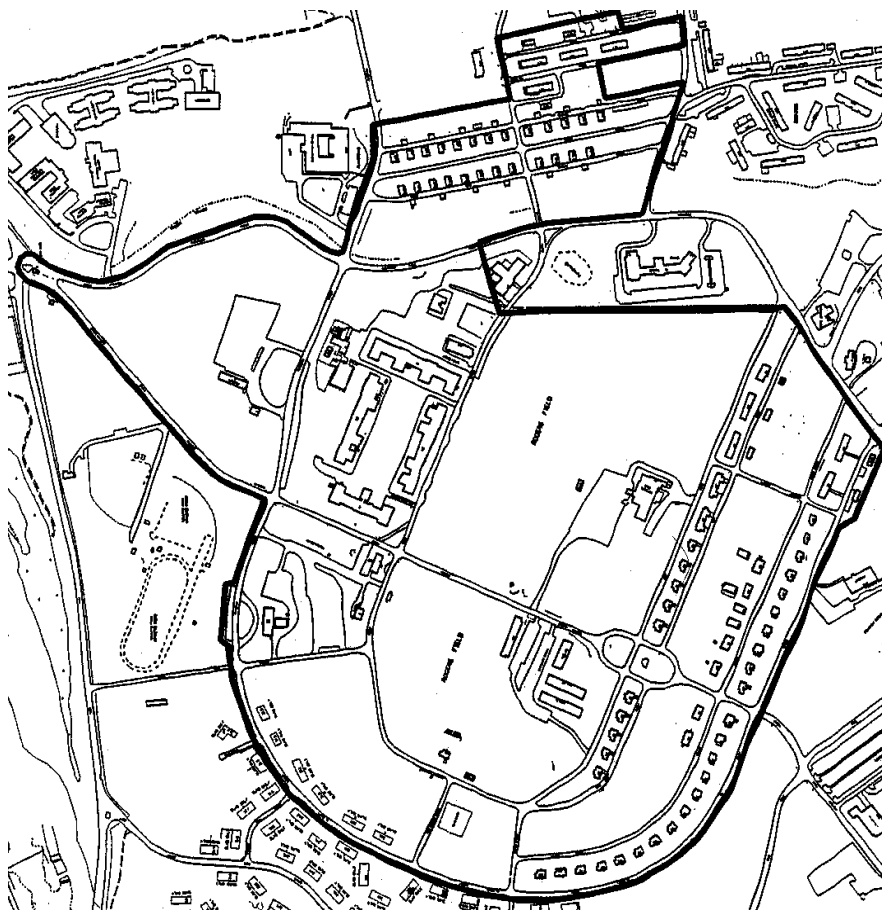
(4) In the case that the proposed work does not involve any exterior architectural feature or involves exterior architectural features not subject to review, the DEC shall issue a Certificate of Non-applicability. The Director shall determine within 21 days of a submission that an application does not involve any exterior architectural feature or involves exterior architectural features not subject to review. This determination is valid upon ratification by the DEC at a public meeting. The DEC may ratify, modify or disapprove the Director's decision.

7.08: Severability

If any provision of 974 CMR 7.00 or the administration thereof shall be held unconstitutional, invalid or void, it shall not affect any other provision of 974 CMR 7.00 or the administration thereof.

7.09: Appendix

Figure 1, Map.
Devens Historic District



Map produced by MassDevelopment Engineering, September 10, 2002

NON-TEXT PAGE