



**TOWN OF NORTHBRIDGE
OFFICE OF THE TOWN CLERK**

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**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NORTHBRIDGE
PROCEEDINGS FOR FALL ANNUAL TOWN MEETING
TUESDAY, OCTOBER 22, 2019 - 7:00 P.M.
NORTHBRIDGE MIDDLE SCHOOL
171 LINWOOD AVENUE
WHITINSVILLE, MA**

ARTICLE 7:

Moved and seconded that the Town vote to dispense with and waive the reading of Article 7.
No opposition, reading is waived.

Voted

APPROVED

Secret Ballot: YES 51 NO 22
2/3 vote attained

Moved and seconded that the Town vote to amend the General Bylaws by adopting a new section entitled Whitinsville - Downtown Crossroads Historic District Bylaw, as printed in the warrant, and inserting said section in the Code of Northbridge as follows:

WHITINSVILLE -DOWNTOWN CROSSROADS

Historic District Bylaw

Introduction. The Town of Northbridge hereby creates and establishes the Whitinsville Historic District, entitled "Whitinsville - Downtown Crossroads" to be administered by the Whitinsville Historic District Commission as provided for under Massachusetts General Laws ("MGL") Chapter 40C, as amended, and as prescribed herein.

Section 1. Name

The Whitinsville Historic District shall be known as Whitinsville-Downtown Crossroads. The Commission name shall be the Whitinsville -Downtown Crossroads Historic District Commission.

Section 2. Purpose

The purpose of this Bylaw is to aid and encourage the preservation and protection of the historic Buildings, Structures and Sites within the Whitinsville -Downtown Crossroads Historic District.

Section 3. Definitions

As used in this Bylaw, the following terms shall have the following meanings:

ALTERATION, TO ALTER -the act of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING -a combination of materials forming a shelter for persons or property.

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

COMMISSION -the Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT -the act of building, erecting, installing, enlarging, moving and other similar activities.

DISTRICT -the Historic District as established in this Bylaw.

EXEMPTIONS, EXCLUSIONS -items, features, materials and other similar attributes that may be excluded from the purview of this Bylaw and review by the Commission.

EXTERIOR ARCHITECTURAL FEATURE -such portion of the exterior of a Building or Structure as is open to view from a public way, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture or exterior building materials, and the type and style of windows, doors, lights, and other appurtenant exterior fixtures.

PERSON AGGRIEVED -the applicant, an owner of adjoining property, an owner of property within the same District area, an owner of property within 100 feet of the District area; and any local charitable corporation one of the purposes of which is the preservation of historic places, structures, buildings or districts.

PUBLIC VIEW -shall be limited to and determined by a property's street address (e.g. 7 Main Street, public view is Main Street). Exterior alterations to the rear of a property or not viewable from the property's address street shall be considered exempt from review.

SIGN -any symbol, design or device used to identify or advertise any place or business, product, activity or person.

SITE -an area of ground, which may or may not include a Building or Structure.

STRUCTURE -a combination of materials other than a Building, including but not limited to a Sign, fence, wall, terrace, walk or driveway.

TEMPORARY BUILDING OR STRUCTURE -a Building or Structure not to be in existence for a period of more than two years.

Section 4. District

The "Whitinsville - Downtown Crossroads Historic District" shall consist of the twelve (12) properties listed below and as identified on the map entitled "Whitinsville - Downtown Crossroads Local Historic District Map" included as Appendix A of this Bylaw.

1. Col. James Fletcher Home, 1 Elm Place, Assessor Map 4A Parcel 46 (Building)
2. Whitinsville Brick Mills & Forge (Paul Whitin Mill), 54 Douglas Road, Assessor Map 2 Parcel 7 (Building)
3. Whitinsville Cotton Mill, 17 Douglas Road, Assessor Map 5 Parcel(s) 77 & 75 (Building)
4. Stephen F. & Mary Ann Batchelor House, 31 Church Street, Assessor Map 15A Parcel 136 (Building)
5. Memorial Town Hall, 7 Main Street, Assessor Map 2 Parcel 9 (Building)
6. Aldrich School (original High School), 14 Hill Street, Assessor Map 15A Parcel(s) 133 & 131 (Building)
7. Town Common/Memorial Park, Church Street, Assessor Map 14A Parcel 34 (Site)
8. Village Congregational Church, 5 Church Street, Assessor Map 15A Parcel 134 (Building)
9. Whitinsville Savings Bank, 1 Memorial Square, Assessor Map 15A Parcel 132 (Building)
10. Whitinsville Social Library, 17 Church Street, Assessor Map 15A Parcel 135 (Building)
11. George Marston Whitin Memorial Community Center, 60 Main Street, Assessor Map 7 Parcel 223 (Building)
12. Trinity Episcopal Church, 31 Linwood Avenue, Assessor Map 14A Parcel 35 (Building)

Section 5. Commission

- 5.1 The Commission shall consist of five (5) members to be appointed by the Board of Selectmen, one (1) member initially to be appointed for one-year, one (1) for two-years, and two (2) for three-years, and each successive appointment to be made for three (3) years. The Board of Selectmen shall also appoint two (2) alternate members to one-year terms. All members shall serve without compensation.
- 5.2 The Commission shall include among its members, if possible, one (1) property owner who owns property located in the District, one (1) resident chosen from two nominees put forward by the local Board of Realtors or similar organization whose territory includes Northbridge, one (1) resident chosen from two (2) nominees put forward by the Central Massachusetts Chapter of the American Institute of Architects, one (1) resident chosen from two (2) nominees put forward by the Northbridge Historical Society and one (1) nominee put forward by the Northbridge Historical Commission. Alternates shall be appointed from nominees put forward by the Northbridge Historical Society and the Northbridge Historical Commission. If within thirty (30) days after submission of a written request for nominees to any said organization insufficient nominations have been made, the Board of Selectmen may proceed to make appointments in accordance with Section 5.1.
- 5.3 Each member of the Commission shall continue to serve after his/her appointment term until such time as a successor is duly appointed.

Section 6. Duties

- 6.1 The Commission shall exercise its powers in administering and regulating the Construction and Alteration of Structures or Buildings within the District as set forth under the procedures and criteria established in this Bylaw and MGL Chapter 40C. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure and District area.
- 6.2 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 necessary for the regulation of its affairs and the conduct of its business, including but not limited to requirements for the contents and form of applications for Certificates, fees, hearing procedures and other matters. Said Rules and Regulations and amendments shall not take effect until approved by a majority vote of the Board of Selectmen. The Commission shall file a copy of any such Rules & Regulations with the Office of the Town Clerk.
- 6.3 The Commission shall, at the beginning of each fiscal, year hold an organizational meeting to elect a Chair, Vice Chair and Clerk, and shall file notice of such organization with the Office of the Town Clerk.
- 6.4 The Commission shall keep a permanent record of its resolutions, decisions and determinations and votes of each member participating.
- 6.5 The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of the District.

Section 7. Application Fee

There shall be no application fee associated with Commission review in accordance with this Bylaw; but the applicant shall be required to pay the costs associated with the public hearing notice (mailing and legal advertisement).

Section 8. Clerical and Technical Assistance

The Commission may, subject to fiscal year appropriation, employ clerical and technical assistants and incur other expenses appropriate to carrying out its work as needed.

Section 9. Alterations and Construction

- 9.1 No Building or Structure, or any part thereof, within the District shall be Constructed or Altered in any way which affects the Exterior Architectural Features as visible from a public way (public view)

unless the Commission issues a Certificate with respect to such Construction or Alteration, except as otherwise provided for in this Bylaw.

- 9.2 No building permit for exterior Construction of a Building or Structure or Alteration of an Exterior Architectural Feature within the District and no demolition permit for demolition or removal of a Building or Structure within the 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.

Section 10. Procedures for Review

- 10.1 Application -Any person who desires to obtain a Certificate from the Commission shall file with the Office of the Town Clerk, Building Department and the Commission an application for a Certificate of Appropriateness, Certificate of Non-Applicability or Certificate of Hardship.
- 10.1.1 The application shall be accompanied by such plans, elevations, specifications, materials, photographs, 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.
- 10.2 Date -The date of the filing of an application shall be the time/date stamp recorded by the Office of the Town Clerk.
- 10.3 Initial Determination -The Commission shall determine within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.
- 10.3.1 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 which is not subject to review (Exemptions, Exclusions) by the Commission under the provisions of this Bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.
- 10.3.2 If the Commission determines that such application involves any Exterior Architectural Features subject to review under this Bylaw, it shall hold a public hearing on the application and render a decision as provided for in this Bylaw.

Section 11. Criteria for Administrative Review

- 11.1 The Commission may authorize the Chair, or the Vice Chair (in the absence of the Chair) to review and approve certain applications, as described herein.
- 11.2 The Chair shall evaluate the application based on the existing conditions of the property and may make a finding that a Determination of Non-Applicability is appropriate. Absent such a finding by the Chair, the applicant must appear before the Commission at a public hearing.
- 11.3 If the applicant represents that the proposed work is not visible from the public way (public view), he or she may request that the Chair review the application administratively. Any administrative review shall only apply to the work described at the time of application.
- 11.3.1 The burden of proof is on the applicant to demonstrate that an Exterior Architectural Feature or Building elevation is not visible from the public way (public view). In reviewing visibility, the Chair shall consider plans and photographic documentation. The Chair may conduct site visits as necessary. The Chair shall issue a Determination of Non-Applicability for any proposed work that is not visible from the public way.
- 11.3.2 All work approved administratively by the Chair shall be identified by the applicant's name and property address on the next available public meeting agenda of the Commission. Furthermore, a letter describing the scope of the approved work shall be filed with the Office of the Town Clerk with a copy to the Inspector of Buildings, Planning Board and Board of Selectmen.
- 11.4 The Commission shall not consider applications for, nor be required to issue, Certificates of Appropriateness for details of design, interior arrangements, ordinary repairs to and maintenance of existing Buildings or Structures.

- 11.4.1 If the applicant represents that the Commission is not required to issue a Certificate of Appropriateness based on Section 11.4, the applicant may request that the Chair review the application administratively. Any administrative review shall only apply to the work described at the time of application.
- 11.4.2 The burden of proof is on the applicant to demonstrate that the proposed work is either a: design detail, interior arrangement, ordinary repair, or maintenance.
- 11.4.3 The request for administrative review must contain photographic documentation of the existing condition of the building.
- 11.4.4 The request must clearly define and specifically list all proposed items, including, but not limited to: materials, dimensions, colors, and manufacturer, if applicable.
- 11.4.5 The Chair shall issue a Determination of Non-Applicability for any proposed work that he/she finds is not subject to this Bylaw.
- 11.4.6 All work approved administratively by the Chair shall be identified by the applicant's name and property address on the next available public meeting agenda of the Commission. Furthermore, a letter describing the scope of the approved work shall be filed with the Office of the Town Clerk with a copy to the Inspector of Buildings, Planning Board and Board of Selectmen.

Section 12. Public Hearing

- 12.1 When required, the Commission shall hold a public hearing within thirty (30) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in the Town. Such notice shall identify the time, place and purpose of the public hearing. A copy of the public hearing notice shall be mailed to the applicant, the owners of all other properties within the District, any local charitable corporation one of the purposes of which is the preservation of historic structures or districts, to the Planning Board, and to any person filing a written request for notice of hearings.

Section 13. Decision

- 13.1 The Commission shall grant a Certificate or issue a written denial within forty-five (45) days from the date the application was filed unless the applicant consents in writing to a specific extension of the time by which such decision must be made
- 13.2 In the absence of any such extension of time, should a decision not be made within the prescribed time, the applicant is entitled as of right to a Certificate of Hardship.
- 13.3 Vote of the Commission -The concurring vote of at least three (3) members of the Commission shall be required to issue a Certificate.
 - 13.3.1 In the event at least three (3) members were not present throughout the entirety of the public hearing the applicant is entitled as of right to a Certificate of Hardship.
- 13.4 In the case of a denial of an application for a Certificate, the Commission shall set forth the reasons for denial and may include specific recommendations that would make the application acceptable to the Commission. If, within fourteen (14) days of receipt of the denial, the applicant files a written modification of the application in conformity with the recommended changes of the Commission, the Commission shall cause a Certificate of Appropriateness to be issued to the applicant.
- 13.5 Certificate of Appropriateness -If the Commission determines that the exterior 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.

- 13.5.1 Upon the adoption of this Bylaw the Commission shall issue a Certificate of Appropriateness for all Buildings, Structures and Sites within the Whitinsville -Downtown Crossroads Historic District.
- 13.6 Certificate of Hardship -In the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions affecting the Building or Structure involved, but not affecting the District generally, failure to approve the 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 purpose of this Bylaw. Hardship shall be determined with reference to assessed value of the Building or Structure and cost of proposed alteration.
- 13.6.1 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.
- 13.7 Certificate -Each Certificate or written decision by the Commission shall be dated and signed by the Chair or such person as the Commission may designate and shall be deemed issued upon filing with the Office of the Town Clerk.
- 13.7.1 Each Certificate or written decision by the Commission shall be filed with the Office of the Town Clerk and provided to the applicant at the address shown on the application with a copy to the Inspector of Buildings, Planning Board and Board of Selectmen.
- 13.8 Persons Aggrieved; Appeal -A person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Office of the Town Clerk, 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 designated by the Central Massachusetts Regional Planning Commission. If the Town ceases to be a member of the Commission, the Massachusetts Department of Housing and Community Development shall select the appropriate regional planning agency.
- 13.8.1 The finding of the arbitrator making such review shall be filed with the Office of 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.

Section 14. Criteria for Determinations

- 14.1 Consideration -In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the Building, Structure or Site; the general design, proportions, detailing, massing, arrangement, texture, and materials of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structures in the District.
- 14.2 New Construction, Additions -In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape and proportion 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.
- 14.3 Nothing in this Bylaw shall be deemed to preclude any person contemplating construction or alteration of a Building or Structure within the District from consulting informally with the Commission, at a public meeting, before submitting an application. Nothing in this Bylaw shall be deemed to preclude the Commission from offering informal advice to a potential applicant prior to receiving an application. However, such preliminary advice offered by the Commission shall not be deemed to set a precedent nor in any way limit the Commission in the exercise of its functions under this Bylaw.
- 14.4 Not in Public View -The Commission shall consider only Exterior Architectural Features as seen from the public way (public view) as provided for in this Bylaw. The Commission shall not consider interior arrangements or architectural features not subject to public view.

Section 15. Exemptions, Exclusions

- 15.1 The Commission shall exclude from its review the following elements and features:
- a. AC Units & Alarms
 - b. Chimneys & Chimney Caps
 - c. Fences
 - d. Flags (Flag Poles)
 - e. Gutters & Downspouts
 - f. Handicapped Accessible Access
 - g. Lighting Fixtures
 - h. Garage Doors & Loading Docks
 - i. Mailboxes & Mail Slots
 - j. Mechanical & Plumbing Vents
 - k. Monuments & Memorials
 - l. Paint Color, Color of Buildings or Structures
 - m. Ramps, Railings & Stairs
 - n. Roofing Materials
 - o. Shutters & Hardware
 - p. Sidewalks & Walkways
 - q. Signage (Banners)
 - r. Solar Panels
 - s. Storm Doors & Screens
 - t. Storm Windows & Screens
 - u. Street Number signage or identification
 - v. TV Antennas & Satellite Dishes
 - w. Temporary Buildings or Structures
 - x. Window Replacement(s)
 - y. Windows, Window Treatments
 - z. Wires & Cables
- 15.2 Under State Law, routine maintenance, repair, replacement, and landscaping are exempt from review.
- 15.3. The Commission shall not consider interior arrangements or architectural features not subject to public view from a public way as provided for in this Bylaw.
- 15.4 Nothing in this Bylaw shall prevent any exterior Construction or Alteration under a permit duly issued prior to the adoption of this Bylaw or be construed to prevent work satisfying requirements certified by a duly authorized public official deemed to be necessary for public safety.
- 15.5 Nothing in this Bylaw shall restrict or be a cause for review of exterior Alterations that may be required by State or Federal Building Codes.
- 15.6 Nothing in this Bylaw shall restrict or be a cause for review of the point of access serviced by handicapped access ramps designed solely for the purpose of facilitating ingress/egress of physically handicapped persons, as defined in MGL.

- 15.7 Non-traditional materials, providing that the difference between such material(s) and traditional materials cannot, upon the review by the Commission, be reasonably discerned by the unaided eye shall be exempt from this Bylaw.
- 15.8 The reconstruction, substantially similar in exterior design of a Building, Structure or Exterior Architectural Feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within two years thereafter shall be exempt from this Bylaw.
- 15.9 Nothing in this Bylaw shall restrict or be a cause for review of exterior Alterations to any accessory structures, including sheds and detached garages.
- 15.10 Nothing in this Bylaw shall restrict or be a cause for review of use(s) of properties within the District; the Northbridge Zoning Bylaw shall govern all land uses within the District.
- 15.11 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.

Section 16. Categorical Approval

- 16.1 The Commission may determine from time to time, after a public hearing duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Northbridge, that certain categories of Exterior Architectural Features, Structures or Buildings under certain conditions may be Constructed or Altered without review by the Commission without causing substantial derogation from the intent and purpose of this Bylaw.

Section 17. Enforcement and Penalties

- 17.1 Building Permit -No building permit shall be issued for the exterior Construction or Alteration of any Building or Structure within the District unless a Certificate has first been issued by the Commission when such Certificate is required by this Bylaw.
- 17.2 Conditions of Certificate -No Construction or Alteration of any Building or Structure within the District for which a Certificate is required shall deviate from the conditions of such Certificate issued by the Commission.
 - 17.2.1 The Commission shall be charged with the enforcement of this Bylaw.
- 17.3 The Commission, upon a written complaint of any resident of Northbridge, or owner of property within Northbridge, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Northbridge to prevent, correct, restrain or abate 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 therefor, within twenty-one (21) days of receipt of such request.
- 17.4 Whoever violates any of the provisions of this Bylaw may be punishable by a fine of up to \$300.00 for each offense, in accordance with the provisions of MGL Chapter 40C Section 13. Each day during any portion of which such violation continues to exist shall constitute a separate offense.
- 17.5 Enforcement Agent -The Commission may designate the Inspector of Buildings to act on its behalf and to enforce this Bylaw.

Section 18. Amendments

- 18.1 Historic District Boundaries - The District may be expanded or reduced in size. Any changes involving the boundaries (properties) of the District must follow the procedures for the initial establishment of a local historic district, in accordance with MGL Chapter 40C. In such cases, the Commission is responsible for conducting the study, drafting the preliminary study report, and holding the public hearing.
- 18.2 Historic District Bylaw -This Bylaw may be amended, by a 2/3 vote of Town Meeting, provided the amendment is not inconsistent with the intent of MGL Chapter 40C. Before an amendment may

be brought to vote, the amendment must first be submitted to the Commission, for its formal recommendation. The Commission has a maximum of sixty-days to make a recommendation on a proposed amendment, after which time the amendment may be acted upon by Town Meeting, per MGL Chapter 40C, section 3.

Section 19. Severability and Validity

- 19.1 The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences, or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.
- 19.2 This Bylaw shall not become effective until the Bylaw and Historic District Map setting forth the boundaries of the District have been filed with the Town Clerk and a copy has been recorded in the Worcester Registry of Deeds.

A TRUE COPY ATTEST

Doreen A. Cedrone, CMC, CMMC
Town Clerk
Northbridge, MA