

# CHAPTER 24: ARCHITECTURAL CONSERVATION DISTRICT BYLAW

**MAY 11, 2021**

The Town of Leicester hereby establishes an Architectural Conservation District, to be administered by an Architectural Conservation District Commission.

## **1. PURPOSE**

This by-law is enacted for the purpose of preserving and protecting groups of buildings and their settings that are architecturally and historically distinctive which constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the town and to limit the detrimental effect of alterations, additions, demolitions, and new construction on the character of the town. Through this bylaw, alterations, additions, demolition, and new construction may be reviewed for compatibility with the existing buildings, setting and neighborhood character. This bylaw seeks to encourage the protection of the built environment through regulatory review. This bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work.

## **2. DEFINITIONS**

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

**ADDITION:** A change to a building that includes additional stories, height, or floor area.

**ALTERATION, TO ALTER:** A change to a building or part thereof such as removal, construction, reconstruction, restoration, replication, rehabilitation, demolition and other similar activities. A change to a building that includes additions and other similar activities. A change to a site that includes constructing, placing, erecting, installing, enlarging, and moving a building, or other similar activities.

**APPLICATION:** The complete document(s) and supporting material(s) to be submitted by an applicant desiring to obtain a Certificate to Alter. A complete application shall include information reasonably deemed necessary by the commission to enable it to make a determination.

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

**CERTIFICATE TO ALTER:** document granted by the Architectural Conservation District Commission in order to obtain a building (or demolition) permit.

**COMMISSION:** The Architectural Conservation District Commission

**COMPATIBLE:** A project that meets the design guidelines of the architectural conservation district commission.

**DISTRICT:** The Architectural Conservation District as established in this bylaw.

**PERSON AGGRIEVED:** An applicant, an abutter, or an owner of property within the district.

**SUBSTITUTE SIDING:** Exterior building cladding such as vinyl, aluminum, or cement board.

**TEMPORARY BUILDING:** A building, necessary for a specific event, incident, or project, erected for a period of no more than 6 months, unless otherwise agreed to by the commission.

### **3. DISTRICT**

The Architectural Conservation District shall encompass the area shown on the Leicester Architectural Conservation District maps.

### **4. ARCHITECTURAL CONSERVATION DISTRICT COMMISSION**

The Architectural Conservation District shall be overseen by a Commission consisting of five members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

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

The Commission shall include the following:

- a. two members of the local historical commission.
- b. two residents of the district, or if not possible residents of Leicester; and
- c. a realtor, architect, or building contractor familiar with historic rehabilitation

Members and alternates of an architectural conservation district shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation, and enhancement of the district.

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.

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

Regulations. Three members of the Commission shall constitute a quorum.

### **5. ARCHITECTURAL CONSERVATION DISTRICT COMMISSION POWERS AND DUTIES**

The Commission shall exercise its powers in administering and regulating the alteration of buildings within the architectural conservation district as set forth under the procedures and criteria established in this bylaw.

### Adoption of Rules & Regulations

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall, may adopt and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

### Adoption of Design Guidelines

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

### Commission Organization

The Commission shall annually hold an organizational meeting and elect a Chairperson, a Vice Chairperson and Secretary, and file notice of such election with the office of the Town Clerk. The Commission shall keep a permanent record of its regulations, transactions, decisions and determinations and of the vote of each member participating therein. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of an Architectural Conservation District.

## **6. ALTERATION PROHIBITED WITHOUT A CERTIFICATE**

Except as this Bylaw provides, no building or part thereof within an Architectural Conservation District shall be altered unless the commission shall first have issued a Certificate to Alter.

## **7. ALTERATIONS EXCLUDED FROM COMMISSION REVIEW**

It shall be the responsibility of the Commission, or its delegate thereof to determine whether an alteration is exempt from review. The Commission or its delegate thereof shall have seven days to make this determination. The following projects are excluded from Commission review:

- a. Projects not requiring a building (or demolition) permit.
- b. Structures when not defined as buildings or parts of buildings
- c. Temporary buildings subject to time limits and size limits by the Architectural

Conservation District Commission.

- d. Interior Alterations
- e. Storm windows and doors, screen windows and doors.
- f. Removal, replacement or installation of gutters and downspouts.

- g. Removal, replacement or installation of window and door shutters.
- h. Accessory buildings of less than 100 square feet of floor area.
- i. Removal of substitute siding.
- j. Alterations not visible from a public way.
- k. Ordinary maintenance and repair of architectural features that match the existing conditions including materials, design, and dimensions.
- l. Reconstruction, substantially similar in exterior design, of a building, damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- m. Accessibility Improvements including ramps, rails, walkways, and mechanical equipment associated with exterior architectural barriers subject to the extent possible under MGL 40A and other applicable state or federal laws.
- n. Substitute siding
- o. Removal of architectural trim
- p. Replacement of Windows and Doors

## **8. PROCEDURES FOR THE REVIEW OF MAJOR ALTERATIONS**

The following major alterations require the submittal of an application for a regulatory review by the Commission. The decision of the Commission shall be binding on the applicant.

- a. Demolition of a building or part of a building.
- b. New construction including buildings and additions.

Within forty-five days of the submittal of an application for a major alteration, the Commission shall hold a public hearing on the application. At least seven days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall. Such notice shall identify the time, place, and purpose of the public hearing. At least seven days before said public hearing, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby all as they appear on the most recent applicable tax list.

Following the public hearing, the Commission shall determine whether the proposed alteration is compatible with the design guidelines and the purpose of this bylaw. If the Commission determines that the alteration is compatible, the Commission shall issue a Certificate to Alter. The concurring vote of a majority of the members shall be required to issue a Certificate to Alter. If the Commission cannot determine that the alteration is compatible, the Commission shall decline to issue the Certificate to Alter. The Commission shall provide the applicant with the reasoning for their disapproval including how the alteration does not meet the design guidelines or the purpose of this bylaw.

## **9. PROCEDURES FOR ISSUANCE AND FILING OF CERTIFICATES**

Each Certificate issued by the Commission shall be dated and signed by its chairperson or such other person designated by the Commission to sign such Certificates on its behalf. The Commission shall send a copy of its Certificates and disapprovals to the applicant and shall file a copy of its Certificates and disapprovals with the office of the Town Clerk and the Code Enforcement Officer (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. If the Commission should fail to make a determination within sixty 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 to Alter due to failure to act.

## **10. ENFORCEMENT AND PENALTIES**

The Architectural Conservation District Commission is specifically authorized to institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. The Commission shall designate the Code Enforcement Officer to act on its behalf and to enforce this Bylaw under the direction of the Commission. Any owner of a building subject to this bylaw that altered a building without first obtaining a Certificate to Alter in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until the alteration is corrected, the addition is removed, or a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission. If a violation of this bylaw remains

# **CHAPTER 25: PLACEMENT OF SIGNS ON TOWN PROPERTY**

**Section 1: Prohibition** - No person, group, organization, or company shall post or affix in any manner, any bill, placard, advertisement, or notice, either written or printed, upon any building, sidewalk, curbstone, traffic control signal, litter receptacle, tree, tree belt, fence, or post owned by the Town. In addition, no free standing or mounted bill, placard, advertisement or notice shall be placed upon any real property owned or leased by the Town, or on Town-owned property within or abutting a public way.

**Section 2: Removal** - Any bill, placard, advertisement, or notice placed upon Town-owned property shall be removed and discarded by the Town.