Machine Shop Village Neighborhood Conservation District Bylaw

The Town of North Andover hereby establishes a Neighborhood Conservation District, to be administered by a Neighborhood Conservation District Commission. This Bylaw shall be known and may be cited as the North Andover Machine Shop Village Neighborhood Conservation District Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

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 a combination of binding and non-binding regulatory review. This bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work.

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.

ADVISORY REVIEW

An application review procedure that provides non-binding recommendations to the applicant.

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

A document granted by the Neighborhood Conservation District Commission in order to obtain a building (or demolition) permit.

COMMISSION

The Machine Shop Village Neighborhood Conservation District Commission
COMPATIBLE
A project that meets the design guidelines of the neighborhood conservation district commission.
DESIGN GUIDELINES
The document used by the Neighborhood Conservation District Commission to determine whether a proposed project is compatible. The design guidelines are appended to this bylaw.
DISTRICT
The Neighborhood Conservation District as established in this bylaw.
PERSON AGGRIEVED
An applicant, an abutter or an owner of property within the district.
SUBSTITUTE SIDING
Exterior covering of building consisting of materials that no longer represent the original fabric or intent.

DISTRICT

The Neighborhood Conservation District shall encompass the area shown on the map titled, Machine Shop Village Plan of Proposed Neighborhood Conservation District, Figure 1, which is appended to this bylaw.

NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

The Neighborhood Conservation District shall be overseen by a Commission consisting of five or seven members, to be appointed by the Board of Selectmen, two or three members initially to be appointed for one year, two or three 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 Neighborhood 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, if possible, a minimum of three residents of the district; a member of the local historical commission; a Realtor; an architect and a building contractor familiar with historic rehabilitation. If possible, the Chairperson of the Commission should be a resident of the district elected by a majority of the Commission. Members and alternates of a neighborhood 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.

NEIGHBORHOOD CONSERVATION DISTRICT COMMISS1ON POWERS AND DUTIES

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

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.

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall may 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.

The Commission shall at the beginning of each year 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 a neighborhood conservation district.

ALTERATION PROHIBITED WITHOUT A CERTIFICATE

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

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.

- Projects not requiring a building (or demolition) permit.
- Structures when not defined as buildings or parts of buildings
- Temporary buildings subject to time limits by the Neighborhood Conservation District Commission.
- Interior Alterations
- Storm windows and doors, screen windows and doors.

- Removal, replacement or installation of gutters and downspouts.
- Removal, replacement or installation of window and door shutters.
- Accessory buildings of less than 100 square feet of floor area.
- Removal of substitute siding.
- Alterations not visible from a public way.
- Ordinary maintenance and repair of architectural features that match the existing conditions including materials, design and dimensions.
- 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.

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.

- Demolition of a building or part of a building.
- New construction including buildings and additions.
- Accessibility Improvements including ramps, rails, walkways and mechanical equipment associated with exterior architectural barriers.
- Substitute siding
- Removal of architectural trim
- Replacement of Windows and Doors

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.

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 Building

Commissioner. 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.

ENFORCEMENT AND PENALTIES

The neighborhood conservation district 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 may designate the Building Commissioner 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 outstanding, no building permit on the premises shall be issued until the violation is corrected or unless otherwise agreed to by the Commission.

APPEAL PROCEDURE

Any applicant or person aggrieved by a determination of a neighborhood conservation district commission may appeal to a court of competent jurisdiction.

VALIDITY AND SEPARABILITY

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.

APPENDICES

A. The location and boundaries of the Machine Shop Village Neighborhood Conservation District are defined and shown on the Machine Shop Village Neighborhood Conservation District Map of the Town of North Andover, Figure 1 which is a part of this Bylaw.
B. Design Guidelines