

# **MASHPEE HISTORIC DISTRICT MANUAL**

**Mashpee Historic District Commission  
Adopted 6-18-08**



**HISTORIC DISTRICT REGULATIONS & DESIGN GUIDELINES**

# TABLE OF CONTENTS

<b>1. Purposes</b>	<b>1-1</b>
<b>2. Legislative History</b>	<b>2-1</b>
<b>3. Description of District</b>	<b>3-1</b>
<b>A. Overview</b>	<b>3-1</b>
<b>B. The Setting</b>	<b>3-1</b>
<b>C. Buildings and Historical Values</b>	<b>3-2</b>
<b>D. Architectural Character</b>	<b>3-5</b>
<b>E. Map of District</b>	<b>3-8</b>
<b>4. Definitions</b>	<b>4-1</b>
<b>5. Regulatory Process</b>	<b>5-1</b>
<b>A. Historic District Commission</b>	<b>5-1</b>
<b>B. Required Certificates</b>	<b>5-1</b>
<b>C. Exemptions</b>	<b>5-3</b>
<b>D. Criteria for determinations</b>	<b>5-4</b>
<b>E. Categorical approval</b>	<b>5-4</b>
<b>6. Design Guidelines</b>	<b>6-1</b>
<b>A. Site Design</b>	<b>6-2</b>
1) Building scale and location	6-2
2) Access	6-2
3) Outbuildings	6-3
4) Grading and site work	6-3
5) Fencing	6-3
6) Parking	6-4
7) Trees and landscaping	6-4
8) Septic systems	6-5
9) Play structures	6-5
10) Signs	6-5
11) Lighting (General)	6-6
12) Original Historic Light Fixtures	6-7
<b>B. Architectural Features</b>	<b>6-7</b>
1) Additions	6-7
2) Chimneys	6-8
3) Doors and Entryways	6-8
4) Dormers	6-9
5) Fire Escapes	6-9
6) Foundations	6-9
7) Gutters, downspouts and drainage	6-9
8) Masonry	6-10

9) Modern equipment	6-10
10) Outbuildings	6-11
11) Painting / colors	6-11
12) Porches, decks and balconies	6-12
13) Roofs	6-13
14) Shutters and awnings	6-13
15) Siding	6-14
16) Skylights	6-14
17) Solar panels	6-15
18) Steps, stairways and railings	6-15
19) Storefronts	6-15
20) Trim	6-16
21) Windows	6-16
<b>C. Demolition</b>	<b>6-18</b>
<b>7. Procedures for Review of Applications</b>	<b>7-1</b>
<b>A. By-law Procedural Regulations</b>	<b>7-1</b>
<b>B. Commission Regulations</b>	<b>7-1</b>
1) Content of applications	7-1
2) Review fees	7-2
3) Application and review procedures	7-3
4) Appeals	7-5
5) Coordination with other agencies	7-6
6) Expiration of Certificate validity	7-6
<b>8. Enforcement and Penalties</b>	<b>8-1</b>
<b>9. Forms</b>	<b>9-1</b>
Certificate of Appropriateness	
Certificate of Non-Applicability	
Certificate of Hardship	
Extension of Approval of Certificate of Appropriateness	
<b>Appendices</b>	
<b>A. Mashpee Historic District By-laws (General By-laws Chapter 3, Sections 54-57 and Chapter 110)</b>	
<b>B. Secretary of the Interior's Standards</b>	
1) Standards for Preservation	
2) Standards for Rehabilitation	
3) Standards for Restoration	
4) Standards for Reconstruction	

# 1. Purposes

In Massachusetts, Local Historic Districts were first established in 1955. There are now over 220 local historic districts in 100 communities, including most of the towns on Cape Cod. They protect significant resources, maintain community character, sustain tourism-based economies and provide positive support to our quality of life.

The Town of Mashpee has a unique history, in which the cultures and heritage of the Native American Mashpee Wampanoag Tribe and European settlers have been intertwined for several hundred years. The Wampanoag heritage is reflected in the town's semi-rural landscape, low density development until well into the 20<sup>th</sup> century, and modest buildings. Mashpee's traditional town center, located along Main Street (Route 130), grew into a loose collection of public, commercial, residential, and institutional buildings by the middle of the 19<sup>th</sup> century. It continues to capture the essence of Mashpee's heritage today, but new development along Main Street has begun to erode the historic character of the built environment and its landscape setting. In addition, the Town's zoning is unable to protect the existing historic structures and the character associated with the traditional town center.

As a result, the Mashpee Historic District was established by the October 2007 Annual Town Meeting. It is intended to preserve the spirit and historic integrity of our traditional town center, in the present and for the future, and protect existing historic architectural resources within the District by assuring that exterior changes to architectural features and new construction will be compatible with the historic character of the District. Section 110-1 of the Mashpee General By-laws states that "the purpose of the District is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Mashpee, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture."

In the Historic District, any proposed changes to exterior architectural features visible from a public way are reviewed by the Historic District Commission. There is no review of interior features and variety of exterior features, including colors of residential buildings, are also exempt from review.

For example, if a building addition is proposed in the District which will be visible from a public street or other public land, the property owner must submit an application to the Historic District Commission. The Historic District Commission holds a public hearing and makes a determination on whether the new addition is appropriate. If the addition is appropriate, the Commission issues a Certificate, allowing the work to progress.

This manual is intended to offer assistance to property owners within the District in preserving both the essential features of their individual properties and the character of the Historic District in which they are located and to explain the review process required within the District. The Commission's Regulations are intended to create a uniformity of process and to clarify and define the provisions of the Town's Historic District By-law. The design guidelines contained in Chapter 6 provide specific guidance to property owners contemplating new buildings or alterations to their buildings in the District.

## 2. Legislative History

Article 12 approved at the October 6, 1997 Annual Town Meeting authorized a Historic District Study Committee, under the provisions of Chapter 40C of the Massachusetts General Laws, to investigate and report to Town Meeting regarding the establishment of a historic district in the traditional Mashpee village center area, and to provide a map of, and proposed by-law for, the proposed district. The Committee met for a number of years, but was unable to complete its work, due to Town staff shortages, until a grant was received from Barnstable County to fund a historic district consultant to assist with the work. With the help of the consultant, The Public Archaeology Laboratory, Inc. (PAL), and the Mashpee Planning Department, and after a November 20, 2006 public informational meeting for which notices had been sent to all landowners in the proposed district, the Committee completed a Preliminary Study Report in January 2007. The Report was submitted for review to the Massachusetts Historical Commission (MHC) and the Mashpee Planning Board on January 29, 2007. The MHC approved the report, with recommended amendments, at its March 14, 2007 meeting. The Planning Board voted unanimously to support the proposed district at their March 21, 2007 meeting. A public hearing was held, with a May 23, 2007 notice to all landowners within the proposed district, on June 7, 2007.

Based on the comments received from MHC and at the hearing, the boundaries of the district were reduced and a Final Study Report was completed in August 2007. The Report recommended the creation of a Local Historic District along Main Street (Route 130) between the former Melia's / Ma Glockner's Restaurant /VFW property and Cotuit Road and along Great Neck Road North between Meetinghouse Road and Main Street. The recommendations were incorporated into Article 21 approved at the October 15, 2007 Annual Town Meeting, which amended Chapter 3 of the Town's General By-laws to create a Historic District Commission to oversee the District, and added a new Chapter 110 establishing its boundaries and specifying regulations for Commission review of development within the District. The article was approved by the Attorney General on January 28, 2008.

The Town is grateful to the citizens who served on the Historic District Study Committee for their efforts in guiding its establishment. They included Earl Mills (Chairman), Curtis Frye (Vice Chairman), Chance Reichel, Gail Slattery, Lee Gurney, Walter Yarosh, Carl Heller, Joseph Polito, Russell Peters (former Chairman), Frank Hicks, Morgan James Peters, Edward Callahan, Joanne Ferragamo, Vernon Lopez and Patricia MacDougall. Assistance was provided by Virginia Adams and Holly Herbster of PAL, Town Planner Tom Fudala, former Assistant Town Planner Eric Smith, Sarah Korjeff of the Cape Cod Commission, associate member Jack McGee and archaeologist Diane Wilson of A.M. Wilson Associates.

## 3. Description of District

### A. Overview

The Mashpee Historic District is the traditional center of the Town of Mashpee, remarkable for its unique history, in which the culture and heritage of the Native American Mashpee Wampanoag Tribe and European settlers have forged a vibrant and deeply connected community for several hundred years. The area, at the south end of Mashpee Pond and convenient to the spring herring run in the Mashpee River, but sheltered from cold winter winds, had been the site of the Mashpee Wampanoag's main traditional winter village, while in summer families moved to temporary homes closer to the shellfish resources of Popponeset and Waquoit Bays. The Mashpee Historic District, located around the intersection of Main Street (State Route 130) and Great Neck Road North in the northern section of town, now includes a mixture of modest 19th and 20th century buildings, sites of important former buildings, the herring run and natural open space in a semi-rural landscape. Together these irreplaceable resources represent the town's evolution from a 17<sup>th</sup> century Indian Plantation, to to a District still reserved for Indians, and finally to a Town in 1870 in which all residents had citizenship. A historic map of 1910 by the Walker Publishing & Lithograph Co. records how turn of the century development concentrated in north Mashpee, with a few houses scattered around Popponeset Bay. Coastal tourism began about 1917, but differed from other Cape Cod towns in that few businesses were owned by Mashpee residents. Mashpee's traditional town center, located inland, grew into a loose collection of public, commercial, residential, and institutional buildings by the middle of the 19<sup>th</sup> century and continued to develop at a modest rate throughout the 20<sup>th</sup> century. Today the district captures the essence of Mashpee's heritage despite new development along Main Street.

### B. The Setting

The Mashpee Historic District rural town center arrangement is atypical of the more common densely settled Cape Cod or New England town center that often has buildings organized along a main street commercial area or around a town common. The spine of the district is the T-shaped intersection of Route 130 / Main Street and Great Neck Road North, which serve as the east-west, and north-south connectors of the town. Both are two-lanes with berm edges and few sidewalks. Green space, including sites of former historic buildings, is a significant historic and visual characteristic of the setting of the district and is expressed in the spaciousness between buildings and the designated open space lands woven throughout the district and along its edges. Distinctive green areas along Main Street include the natural and cranberry bog wetland landscapes of the Bessie Bog and Noisy Hole (Als Property) Conservation Areas and the Mills bogs on the Mashpee River, as well as the woodlands of Attaquin Park and the State's Fisherman's Landing. The Herring Run and Mill Pond on the Mashpee River has a concrete fish run and several ripple falls at the site of an 18<sup>th</sup> and 19<sup>th</sup> century grist mill, which flows from Mashpee Pond and crosses under Main Street. At the principal intersection, the carefully laid out Community Park and Veterans Garden, also known as the "Collins Lot", introduces a formal landscape design quality to the district.

The site of the Solomon Attaquin's Hotel Attaquin, one of the few tourist businesses owned by a Mashpee resident and which operated as an important feature of the traditional town center until the mid-20<sup>th</sup> century, is now a naturally vegetated area acquired by the Town in 2006 to

prevent incompatible development. The foundation of the Hotel's ice house still exists on the northwest corner of the site adjacent to main Street. The Attaquin Burial Ground at 461 Main Street, opposite Ashumet Road, contains approximately twenty graves, dating from 1849 to 1935, of members of the locally prominent Attaquin family and relatives including Conant, Oakley, and Sturgis. Among the simple granite marking stones are many with floral, urn and willow motifs. Mashpee's first town hall was built in 1888 by the Mashpee Public Hall Library Society on the north side of Main Street on a site that is now a vacant lot between Dunkin' Donuts and the Country Store. It was converted to a fire station when the Town Hall moved in 1946 and served until a new station was built in the late 1970s, at which time it burned down.

## **C. Buildings and Historical Values**

Long part of traditional Mashpee Wampanoag Indian lands, the Mashpee Historic District falls within the area deeded in 1665 by the Plymouth Colony to the "South Sea Indians" that developed into a Plantation for "praying" Indians under the control of white overseers. In 1834 the Commonwealth of Massachusetts made Mashpee a "District", with a greater level of self-governance, and in 1870 the area became a Town with a fully independent government.

By the late 18<sup>th</sup> century the Mashpee Historic District area included a gristmill on the Mashpee River at the Mill Pond and Herring Run, but few permanent houses, as most residents still lived in traditional wigwams. Settlement intensified after 1830 as the area developed more formally as the town's civic and social center. As a result people relocated to be closer to the town center and the new railroad in Sandwich. This process was accelerated with the creation of the District of Marshpee in 1834, which allowed limited self government but also set off lands separately to each resident for the first time, facilitating the construction of houses, and with the establishment of a Baptist church on the site of the current Mashpee Baptist Church, 27 Great Neck Road North (1936-37). In 1834 the first Selectmen of the District of Mashpee were Ezra Attaquin, Isaac Coombs, and Israel Amos, three frequently reoccurring Mashpee surnames. A school built in 1835 south of the district for Mashpee Indian children was moved in 1851 to the site of the Samuel G. Davis School / Mashpee Town Hall at 16 Great Neck Road North. Captain John Phinney from Nantucket built the Avant House at 414 Main Street (ca. 1830), which was sold in 1863 to Timothy Pocknet a Wampanoag Indian, then owned by Lysander Godfrey, and sold in 1919 to George Avant and Mabel Avant, Mashpee Wampanoag Tribal Historian and Town Clerk. It is now the Wampanoag Indian Museum.

In 1839 Solomon Attaquin (1810-1895), a retired mariner, built a large house with a barn on Main Street and an ice house on the Mill Pond. The property was later operated as the Attaquin Hotel and restaurant, with Mashpee's first post office from 1871. The Hotel established a social and political focus at Mashpee center for residents, travelers, and notable visitors until a fire destroyed the building in 1955. The Attaquin family has long been important in Mashpee, from the early records of Christian Indians through many generations of activity in business and municipal affairs. In 1888 Oliver M. Holmes purchased the hotel and was appointed postmaster.

An 1842 division of land continued the trend towards a relative "building boom" at the middle of the 19<sup>th</sup> century resulting in a number of new houses built along Main Street in what is now the Mashpee Historic District. The village's economy was based on cranberry cultivation, small businesses, and tourism through the end of the century.



Lisbon Johnson, from Maryland, who married Nancy Squib, a Mashpee Indian, built the Lisbon Johnson House, 278 Main Street (ca. 1841). It remained in the family until about 1900 and then changed hands several times in the 20<sup>th</sup> century.

Reported to have been built for a District overseer, the Parsonage at 431 Main Street (1849) was quickly acquired by Ebenezer and Benjamin Attaquin and then sold to the Mashpee Baptist Church and was used as a parsonage from 1852 until the late 20<sup>th</sup> century. It was later used as Mashpee Wampanoag Tribal Council headquarters and subsequently rented by the Tribal Council as a residence for community members.



The Jones/Pocknett Homestead, 262 Main Street (ca. 1850), built by a member of the Jones family, was occupied by Mary Jones for many years, and has remained in the same family and its descendants who joined with the Pocknett family by marriage in the early 20<sup>th</sup> century. Vernon Pocknett, a key leader as Chief Sly Fox of the Mashpee Wampanoag Tribe lived here until his death in 1999.



The Attaquin/Oakley/Hendricks House, 389 Main Street (ca. 1860), belonged to Solomon Attaquin at least as early as 1877, was referred to by him as the "homestead", and became his residence at age 78 when the Hotel Attaquin was sold. After his death in 1895, the house was sold to his nephew Irving C. Oakley, who built the Okry Trading Post, 387 Main Street, and was later owned by members of the Hendricks family.





The Lysander Z. Amos House/Old Post Office at 28 Great Neck Road North (1875), built by Henry Pocknett and acquired by Lysander Amos, held a grocery and a cranberry barrel manufacturing business and was the post office from 1890 to 1959.

The 1831 school moved to North Mashpee in 1851 was replaced with a larger two-story school on the same site in 1890, Mashpee's first town hall was erected in North Mashpee in 1888, and a Library was constructed in 1928, although none of the buildings remain. In the first decades of the twentieth century, as a result of tourism and an improving economy, the village grew with new businesses, houses, churches, and civic buildings. The shape of the built landscape solidified as the social and civic core of the town, where the Native American population was concentrated, while shoreline summer resort development increased in south Mashpee.

In 1915, Irving and Christine Oakley (of the Attaquin/Oakley/Hendricks House, 389 Main Street) built the Okry Trading Post, 387 Main Street as a general store and bait shop (Okry was the Pequot name of Irving's father), which was operated by several generations of the family and is currently in business as the Country Store.



Among the new homes built at this time were the Mills house at 224 Main Street (1926), childhood home of Earl H. Mills, Sr. (Chief Flying Eagle) and the Hicks House at 379 Main Street (1940), home of the late Frank E. Hicks (who served as Selectman for 28 years and held almost every Town office during his long career in Mashpee). Both houses remain in the original family ownership.



About 1930, the First Pentecostal Church of Christ at 258 Main Street was completed. In 1935, when the Baptist chapel burned, parishioners quickly built a new Mashpee Baptist Church at 27 Great Neck Road North (1936-37), designed by architects Walter F. Gaffney Associates of Hyannis.



Town population reached 434 by 1940, and with funds left by benefactor Samuel Gross Davis, the Town replaced the 1890 school with a larger building, the Samuel G. Davis School, at 16 Great Neck Road North (1939), which was enlarged in the 1960s. In 1946 Town Hall had moved to a former U.S.O. Building built in 1941 at 520 Main Street (outside the District) on a site which later included Douglass Pocknett Field (used as the Wampanoag Tribe's Pow Wow Grounds until recent years) and is now known as Heritage Memorial Park (the U.S.O. Building/Town Hall was burned down by the Fire Department as a training

exercise in 1984). In 1977 Town Hall relocated to the Davis School when the new Mashpee Middle School (now Quashnet School) was completed. The building was extensively remodeled in 1996.



## D. Architectural Character

The historic buildings in the Mashpee Historic District comprise a cohesive collection of civic, commercial, and residential structures dating from the early 19<sup>th</sup> to the mid 20<sup>th</sup> century, although there is some late 20<sup>th</sup> century residential and commercial infill development on Main Street. Buildings typically sit back 15 to 25 feet from the road on large, informally landscaped lots.

Historic residential buildings include modest examples of the Greek Revival and Classical Revival styles, as well as numerous vernacular structures with distinctive traditional architectural characteristics. Most buildings share similarities of massing, materials, and modest design qualities. The residences are typically rectangular in plan and one to two or two-and-one-half stories in height, often with a smaller side or rear ell. The earlier buildings rest on low stone or brick foundations, with concrete supporting mid-20<sup>th</sup> century and later structures. Roofs are gabled, set either end or side to the street, and sheathed in asphalt shingles. Small brick chimneys rising from the roof ridge are common, and small shed or gable dormers (often added

to the original structure) pierce the roofs of a handful of houses. The houses are clad most often in wood shingles, although several houses have wood clapboards, with very simple wood corner boards, cornices, and sill boards. The most common windows are 6/6 double hung sash with plain surrounds. Some houses have 1/1, 2/2 or 12/12 windows. Entrances may be centered or set to one side of the facade and also have simple trim treatments. Several have hoods above or sidelights flanking the entrance.



The Avant House at 414 Main Street (ca. 1830) is one of the earliest surviving residences and only example of an early Half Cape house in town. In recognition of its historic and architectural significance the Avant House was listed in the National Register of Historic Places in 1998. It now serves as the Mashpee Indian Museum and is owned by the Mashpee Wampanoag Indian Tribal Council.

The most stylistically notable historic residences are the Parsonage at 431 Main Street (1849) and the Lysander Z. Amos House/Old Post Office at 28 Great Neck Road North (1875). Both houses were built in the 19<sup>th</sup> century in the Greek Revival style with wide corner boards, gable end returns, and more elaborately detailed entrances. The Lisbon Johnson House, 278 Main Street (ca. 1841) and the Jones/Pocknett Homestead at 262 Main Street (ca. 1850), are slightly more modest versions from the same period.

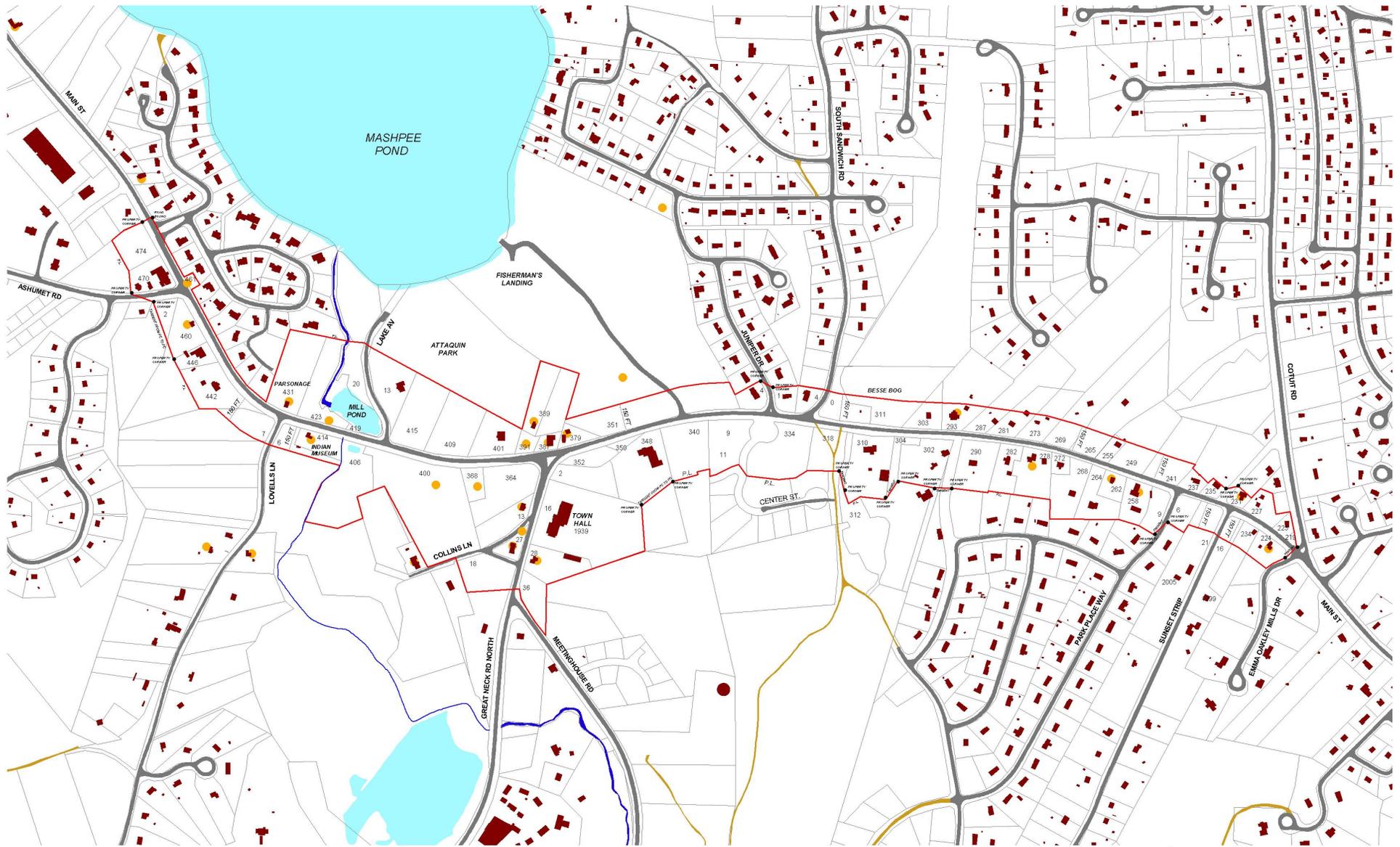
Dating from the early 20<sup>th</sup> century, the Earls H. Mills, Sr. House at 224 Main Street, is a good example of the Foursquare type of house, with a symmetrical 3-bay façade, hip roof, and a side porch.

There are several simple commercial buildings in the district, which are characterized by being residential in scale and materials, including the former Old Post Office at 231 Main Street and the Ockry Trading Post at 387 Main Street.

Outbuildings in the district consist of a number of small garages and sheds associated with residences, including a smokehouse associated with the former Flume Restaurant (now Taylor Family Restaurant) on Lake Avenue and a large, one-and one-half-story, gable-roof barn at the Lisbon Johnson House at 278 Main Street.

The public and institutional buildings in the district offer a variety of styles and materials, but maintain the relatively modest scale and design that distinguish the majority of the buildings. Like the houses, the two churches are wood frame. The Mashpee Baptist Church at 27 Great Neck Road North is an unadorned gable roofed building, clad in shingles, with an enclosed entrance vestibule. The First Pentecostal Church at 258 Main Street is Gothic Revival style with diamond pane windows, vertical board and stucco siding, and exposed rafter ends. The two public buildings in the district are designed in the Classical Revival style and executed in brick, the Samuel G. Davis School/Mashpee Town Hall on Great Neck Road North and Mashpee Public Library/Archives Building at 13 Great Neck Road North.

In addition to the historic properties in the district, there are a number of mid 20<sup>th</sup> century and modern residences as well as a few commercial buildings. This group is visually harmonious with the historic buildings, being similar in height, massing and materials, and with predominantly gable roofs. The commercial buildings include the 1937 wood frame building anchoring the east end of the District at 470 Main Street at the corner of Asumet Road, which operated as Melia's, and later Ma Glockner's Restaurant for many years and most recently served as a VFW Post, the modest 1953 gas station at 446 Main Street which has been operated since 1987 as Mr. T's Auto Repair, and the Taylor Family Restaurant, a residential-style wood frame structure built as The Flume Restaurant in 1972 and operated until recently by Earl H. Mills, Sr. Two recently-built commercial structures at 334 and 340 Main Street are wood frame with clapboard siding and were designed and approved to be compatible with the District. Among more modern residential structures, there are a few vernacular 1-story cottages and 2-story buildings as well as a range of reproduction Capes and ranch houses. These more recent houses often have attached garages.



Local Historic District Map of the Town of Mashpee - Sheet 1



- ▬ Mashpee Historic District Boundaries
- Buildings Existing 2004
- Historic Survey Buildings & Sites

## 4. Definitions

As used in the Historic District Commission By-law adopted by Town Meeting and in the Historic District Commission's review process, the following terms have the following meanings:

**ALTERATION, TO ALTER:** The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

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

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

**COMMISSION:** The Historic District Commission as established in this Bylaw.

**CONSTRUCTION, TO CONSTRUCT:** The act or the fact of building, erecting. Installing, enlarging, moving and other similar activities.

**DEMOLITION:** Removal of any existing structure or portion thereof.

**DISPLAY AREA:** The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

**DISTRICT:** The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

**EXTERIOR ARCHITECTURAL FEATURE:** Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs 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 said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

**SIGNS:** Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

**STRUCTURE:** A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

**TEMPORARY STRUCTURE, BUILDING or SIGN:** A BUILDING or STRUCTURE (other than a SIGN) not intended to be in existence for a period of more than one year, or a SIGN not intended to be in place for a period of more than thirty (30) days. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

## 5. Regulatory Process

### A. Historic District Commission

The Historic District Commission was established by Article XV of Chapter 3 of the General By-laws of the Town of Mashpee, approved by the October 2007 Town Meeting. The by-law established a seven member Commission, appointed by the Board of Selectmen, which is to include at least one member each from the Historical Commission and the Planning Board, one member each nominated by the local chapter of the American Institute of Architects and the Mashpee Wampanoag Indian Tribal Council, and at least one resident of the District. The Selectmen may also appoint up to three alternate members of the Commission, who may act and vote in the place of one regular member, upon designation by the Chairman of the Commission, or if the Chairman is unavailable, the Vice Chairman, should such regular member be absent from a meeting or be unwilling or unable to act or vote.

The powers, duties and responsibilities of the Commission are as follows:

To administer and regulate the construction and alteration of any structures or buildings within any Local Historic District established within the Town of Mashpee as set forth under the procedures and criteria established in the Town's General by-laws. In exercising its powers and duties, the Commission must pay due regard to the distinctive characteristics of each building, structure and District area. In addition, the Commission may exercise any other powers or duties designated by Town Meeting or by the General Laws.

To adopt, and from time to time amend, reasonable rules, regulations and guidelines not inconsistent with the provisions of the Town's General By-laws or M.G.L. Chapter 40C, 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 and design guidelines for construction and alterations within a District area. The Commission must file a copy of any such rules, regulations and guidelines with the office of the Town Clerk.

To keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

To undertake educational efforts to explain to the public and property owners the merits and functions of a Historic District.

### B. Required Certificates

A property owner within the District must receive Commission approval before undertaking any construction, alteration or demolition that affects exterior features of a building or structure that are visible from a public way or public property. **No building or demolition permit may be issued for such work in the District until a Certificate has been issued by the Commission.** There are three types of Certificates that constitute approval:

A **Certificate of Appropriateness** is required for changes visible from a public way. A representative of the Commission will determine that which is visible or not visible. Examples of changes include but are not limited to the following:

1. Additions, new construction, and alterations. Alterations may include changes in design, material, color (non-residential structures only) or outward appearance of the structure including, but not limited to, doors, walls, fences, entrances, gutters, railings, roofs, chimneys, porches/decks, skylights, windows and exterior staircases.
2. Removal of any features (i.e. shutters, porches, siding, windows, fences, railings, doors, chimneys, etc).
3. Demolition, including structural, walls, fences, exterior staircases, garages, sheds, etc.
4. Paint colors, including windows, doors, porches & storms, etc. (non-residential structures only), satellite dishes, solar panels.
5. Roof color (non-residential structures only) and materials.
6. Free standing light posts/fixtures. Signs and sign posts. *Note: Signs must also conform to the Mashpee Zoning By-law.*

A **Certificate of Hardship** is used for the same type of changes as a Certificate of Appropriateness. It can only be issued when a Certificate of Appropriateness would be denied as inappropriate and such denial will involve a substantial hardship, financial or otherwise, to the applicant. Approval of a Certificate of Hardship must not affect the Historic District in general, must be without substantial detriment to the public welfare and must not cause departure from the intent and purposes of the Historic Districts Act. The Commission will not approve a Certificate of Hardship in instances where the hardship was self-created (i.e. financial burden to undo work performed that had not been approved by the Commission).

A **Certificate of Non-Applicability** is a way of ratifying that a Certificate of Appropriateness is not required for the work being performed. This certificate, along with pictures to be taken of the existing structure or conditions, protects the property owner from questions about changes made without authorization. At a minimum, any work requiring a Building Permit within the District, except for work solely involving interior construction or alterations, should be reviewed for issuance of a Certificate. A Certificate of Non-Applicability is required for the following:

1. Additions, alterations or new construction not visible from a public way, public street or public park. A representative from the Commission will determine that which is visible or not visible.
2. Temporary structures or signs, subject, however, only to such conditions as to duration or use, location, lighting, removal and similar matters as the Commission may reasonably specify
3. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural features damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

4. Ordinary maintenance, repair or replacement of any exterior architectural feature which is damaged or worn provided the work does not involve a change in design, material, color (non-residential structures only), or outward appearance of the structure.

## **C. Exemptions**

The Commission has no jurisdiction over the following:

1. Temporary buildings, structures or signs subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify in a Certificate of Non-Applicability. Except for signs and other work clearly exempt from Commission review due to size or nature of the work, as listed below, temporary structures and signs require a Certificate of Non-Applicability, which may include conditions, as noted.
2. Terraces, walks, driveways, sidewalks and similar structures, provided that any such structure is substantially at grade level.
3. Storm windows and doors, screen windows and doors, and window air conditioners.
4. The color of paint on residential buildings and structures.
5. The color of materials used on roofs of residential buildings and structures.
6. Signs of not more than four (4) square feet in display area, either freestanding or attached to a building, indicating the street number or name of the occupant of the premises, or both, which may also include identification in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly.
7. One (1) real estate, "for sale" or "for rent" sign, not more than five (5) square feet in display area, and advertising only the premises on which the sign is located, provided that such sign is removed forthwith upon the signing of a legally binding purchase and sales, rental or lease agreement.
8. One building contractor's sign while a building on the premises is actually under construction or alteration, not exceeding five (5) square feet in display area, provided that such sign is removed forthwith upon completion of said construction or alteration.
9. 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.
10. Interior work that does not affect the exterior in material, design or outward appearance.

11. Most landscaping. (Note that the Commission does have jurisdiction over landscape structures and landscaping required under a Certificate of Appropriateness – see the Design Guidelines).

No Certificate is required for the ordinary maintenance, repair or replacement of any exterior architectural feature within the District which does not involve a change in design, material or the outward appearance thereof, nor for landscaping with plants, trees or shrubs, nor to meet the requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor for any construction or alteration under a permit duly issued prior to the effective date of the Historic District by-law.

Upon request, the Commission will 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.

## **D. Criteria for determinations**

In deliberating on applications for Certificates, the Commission will consider, among other things, the historic and architectural value and significance of the site, building or structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the exterior architectural features involved; and the relation of such exterior architectural features to similar features of buildings and structures in the surrounding area.

In the case of new construction or additions to existing buildings or structures, the Commission will consider the appropriateness of the scale, shape and proportions 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 or structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or by-law.

When ruling on applications for Certificates on solar energy systems as defined in Section IA of Chapter 40A, the Commission, will consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

The Commission cannot consider interior arrangements or architectural features not subject to public view from a public way.

## **E. Categorical approval**

The Commission may determine from time to time, after a public hearing, 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 Chapter.

No categorical approvals have been established at this time.

## 6. Design Guidelines

Design review by the Mashpee Historic District Commission is mandated under Chapter 40C of the Massachusetts General Laws (the Historic Districts Act) and Chapter 3, Article XV and Chapter 110 of the General By-laws of the Town of Mashpee.

These design guidelines are intended to provide specific guidance to property owners contemplating new buildings or alterations to their buildings in the District. Conformance with the guidelines will help ensure that Historic District Commission review of your proposal can be both prompt and favorable.

The guidelines have been voted on and approved by the members of the Mashpee Historic District Commission after a public hearing. While they establish the context in which new buildings, or changes to buildings, in the Mashpee Historic District will be reviewed, they are meant to be applied on a case-by-case basis. The design guidelines do not limit the right of an applicant to present other designs to the Commission for approval. Since circumstances and original architectural styles vary from property to property, the Commission allows for a certain amount of flexibility. The important thing to remember is that property owners should consult the Commission early in their planning, and certainly before making any changes to their properties. This will make the process smoother for both the applicant and the Commission.

Through these guidelines, the Commission works to preserve and protect the distinctive characteristics of buildings and sites within the historic districts, to maintain and improve the settings of these buildings, and to encourage new design compatible with existing structures. For rehabilitation of existing buildings, the guidelines are based on the Secretary of Interior's Standards of Rehabilitation which encourage the retention of existing historic materials and architectural features whenever possible. When replacement is necessary, new materials should be historically appropriate. New building elements should be designed with architectural compatibility in mind so that the harmonious exterior relationships of a given building or buildings are preserved.

In reviewing certificate applications, the Commission will give primary consideration to the following overarching issues:

1. The historical, architectural, and cultural value of the structure or site under consideration and its relationship with, and contribution to, the immediate setting and the district as a whole;
2. The general compatibility of the design and the degree to which it complies with the Commission's Design Guidelines; and
3. The overall impact of the proposal and the extent to which it will preserve and enhance the historical, architectural and cultural qualities and goals of the district.

In rehabilitation of existing buildings, the HDC encourages preservation of as much of the original character, details and materials as possible. For new construction, the Commission will encourage building design that in location, siting, scale, detail, and materials respects the integrity of the district.

## **A. Site Design**

Mashpee's traditional town center lies in a semi-rural landscape, with low density development and modest buildings. Site design, for both new development and expansions of existing structures, should be compatible with that historic character.

### **1) Building scale and location**

New construction must be considered with particular sensitivity to the character of the surrounding area. Clearly the three most critical factors to consider are the location, scale and massing of the proposed project. The scale and location will be dictated in part by the Town of Mashpee's Zoning By-law, which should be referenced carefully before proceeding with design. On occasion, the Historic District Commission may impose setback and height requirements which may be more restrictive than that found in the Zoning By-law if the context of the abutting structures suggests that the appropriate response may differ from the broader mandate. For example, setting a structure back too far can be as destructive to the streetscape as one set too close. Side yard setbacks are not as critical to maintain, therefore the Zoning By-law will typically prevail.

The scale of the structure should be appropriate to neighboring structures which, with notable exception, are largely one and two story single family residences. Several factors contribute to scale: the height of the structure; the size of window and door openings; the presence of decorative trim or other architectural elements such as porches, bays, etc.; and the size of the building's footprint. Massing specifically refers to the form of the structure and the manner in which it is articulated into primary and secondary forms such as wings, ells, garages or barns, each with its own distinctive but related form. Careful use of massing can reduce the apparent scale of a large structure, for instance, by articulating it into a composition of manageable pieces. With these concepts in mind, the owner is advised to consider the scale of neighboring structures and to relate to them on each of these levels as much as possible. Further, the applicant is advised to review the other relevant sections of these guidelines for specific information related to the features of the structure (i.e. windows, doors, siding, roofs, etc.). Established setback and spacing patterns between buildings should be maintained.

New construction should maintain similar proportions and scale to neighboring historic structures. Design should be consistent with the form and massing of neighboring historic buildings and the directional emphasis of the established streetscape.

Building reconstruction and additions should maintain similar roof form, pitch, style, and materials.

### **2) Access**

The Americans with Disabilities Act is federal legislation with guidelines to the States for providing access to buildings open to the public. In Massachusetts, the federal guidelines provide the framework for the accessibility code (521 CMR) implemented by the Massachusetts Architectural Access Board. For registered historical buildings or districts, owned or protected by the government, the Massachusetts Architectural Access Board may allow alternate accessibility.

Since the nature of accessibility is unique in its complexity, the Commission reviews proposals on a case-by-case basis with guidance from the resources listed below. No single solution for incorporating barrier-free access into historic buildings or districts is ideal for all circumstances. The Commission will work with the property owner to find a solution that incorporates the desired goals of access and preservation. Resources:

National Park Service, Preservation Brief 32  
<http://www.nps.gov/history/hps/tps/briefs/brief32.htm>

Massachusetts Historical Commission, "Access to History: A Guide to Providing Access to Historic Buildings for People with Disabilities"

U.S. Department of the Interior, National Park Service, "Preserving the Past and Making it Accessible for People with Disabilities"

### **3) Outbuildings**

Outbuildings, including garages, sheds, greenhouses, gazebos and playhouses, are subject to approval if they are visible from a public way or place. Visually filling the lot from side to side with house and outbuildings detracts from the landscape component of the historic streetscape, and is not appropriate. The Commission will consider size, scale and placement of the outbuilding itself, as well as its relation to the lot size and other structures on the lot and adjacent and nearby lots. Materials and design of outbuildings should be compatible with those of the principal structures on the property.

### **4) Grading and site work**

The existing, natural contours and topography of the landscape should be preserved to the fullest extent possible. Proposed building heights are measured from the original grade prior to any site work. For sites on which high groundwater is a factor and onsite septic systems are necessary, the Commission will take into consideration the need to raise the height of the grade.

In designing the site, natural features such as large trees, watercourses, scenic or historic spots, aquifers, floodplains, habitats of rare or endangered species and similar community assets should be preserved.

### **5) Fencing**

The design of any proposed fencing will require approval by the Commission. Fencing along the street side of properties should be open and low. It should complement the structure without obstructing the view of it and contribute positively to the streetscape. Traditional materials (wood, cast or wrought iron, granite and stone) are recommended but other appropriate materials will be considered on a case-by-case basis.

#### **Fences along a street:**

When a fence is proposed in front of a building, it should be open and low (not exceeding 42" in height) so as not to block the public view (except for swimming pool fences required under

the Massachusetts State Building Code). Fences should be compatible with the existing building in material, proportion, style and historic period and should enhance the streetscape. Architecturally significant fences should be maintained and repaired or restored whenever possible. Chain link fences are prohibited.

### **Fences remote from public view:**

More solid, taller fences are appropriate to provide privacy or safety but should be located where they have minimal visual impact from public streets, ways or places. These fences should also be appropriate to the structure and surrounding area.

Wherever fences are located, care should be taken to modulate the length so as not to create a visual barrier. Landscaping should be considered in combination with fencing to relieve the visual impact of a long fence.

## **6) Parking**

Providing off-street parking may be a significant alteration to a property. Applicants are encouraged to carefully consider parking alternatives and design options. Although changes may be necessary, designs should be discreet and conservative in the amount of open space converted to paving. Front yards and front entry walkways should not be converted to parking area. Parking should be provided to the side or rear of the principal structures on the property. Parked vehicles should not dominate the view of the structure from the street.

Landscaping should be integrated with parking areas to minimize the visual impact of the parking surface area, and especially to shield the view of stored vehicles from the street. Existing trees should not be removed to expand a parking area.

## **7) Trees and landscaping**

The following changes to landscaping features require approval:

(1) The erection or removal of any landscaping structure visible from a public way or place, such as a fence, wall, permanent bench, deck, pole light, railing, walkway, or play structure; and

(2) the removal or material alteration of any plantings which have been made a necessary condition to the granting of a Certificate of Appropriateness, (such as plantings required for the purpose of screening parking, lighting or other structures).

Except as noted above, approval is not required for planting, pruning, trimming or removing trees, shrubs, flowers and other plants. However, before removing vegetation, careful consideration should be given to the role of such vegetation in screening. For example, if a proposed new structure or an addition is shielded from public view by existing vegetative screening, it may be easier to obtain approval. Thus, the removal of existing trees and other vegetative screening may affect the subsequent approval of such new structure or addition.

The Commission encourages the preservation of mature trees, which contribute greatly to the special character of the Historic District. The Commission also suggests that native trees, plants and flowers be given preference over other varieties (exotics).

## 8) Septic systems

While health and safety regulations take precedence with regard to septic systems, the Commission does review the placement and design of vent pipes, septic mounds and other associated above-ground structures. The Commission understands the need to find a suitable site for a septic system and will work with applicants to help formulate the best location.

The Commission may request screening for walled or mounded systems which significantly disturb the existing terrain visible from the public way. Septic vent pipes should be placed in a remote location as far as possible from the public way and be screened with vegetation or other device. Dark-colored, short "stove pipe" type vents are preferred to the white gooseneck PVC type.

## 9) Play structures

The Commission has jurisdiction over permanent play structures. If possible, permanent play structures should be kept to the rear of the property and screened by existing structures and / or landscaping. The scale of the structure should not overwhelm the site, and natural materials such as wood are preferred. Muted earth tones are recommended for painted structures and awnings.

## 10) Signs

The basic design, color, size and scale of a sign help to determine whether it integrates with the architectural character of a building and the streetscape. Variety and creativity is appreciated. An applicant should note existing signs in the vicinity to retain visual harmony and enhance the visual integrity of the area. The number and placement of signs should be carefully coordinated with the building and with existing signs in the area. Architectural features should not be obscured by signs; neither should signs compete with the building for attention.

Corporate logos can contribute to visual clutter. Corporate logos also hasten the transition to a suburban or urban appearance, overpowering the more subtle historic features of a building, structure, or district. Franchised companies and organizations with registered set logos may be asked to modify their signage to comply with an appropriate appearance for the historic district.

Sign lighting is rarely appropriate. If proposed, the lighting should be in keeping with the style of the sign and appropriate to the business it represents. Lighting should illuminate the sign with as little spillage as possible. Up-lighting and colored lights are not appropriate. Internally lit signs are prohibited by Mashpee zoning. (See lighting guidelines).

Signage shall conform with these guidelines and the provisions of the Mashpee Zoning By-law.

Materials to submit with a sign application:

- Scaled drawings for proposed signs 1/2" = 1 foot minimum, including thickness of sign, specifications for materials, colors, and typeface to be used
- Actual sample of sign material with actual samples of paint and finishes proposed
- Photographs or elevations of building showing exact locations of proposed sign
- Details and specifications for proposed brackets/hangers, colors, installation methods, light fixtures, etc.
- Lighting plan, if any (*See Lighting section of these guidelines and the Town of Mashpee Zoning By-law.*)

## **11) Lighting (General)**

Any considerable increase in lighting on a parcel, exceeding 1200 watts total new exterior lighting fixtures, or the equivalent, requires a Certificate of Appropriateness hearing.

Any lighting plan and its total effect on property should be carefully considered. Give thought to the task or activity that requires illumination and to the minimum amount of light needed.

Items to be addressed include:

a) Lighting fixtures as an appurtenance to the structure (such as on a building exterior, porch, deck, pathway, driveway, post, and any area visible to the public), as elements of the landscape, and elements of architectural ornamentation.

b) Quality of illumination on the site and on building exteriors.

c) Certain kinds of interior lighting, especially if intended to be seen from the public way or place, such as advertising.

d) The intensity and distribution of light is also taken into account, particularly as it affects neighboring properties and the ambience of the district.

e) Illumination of signs.

Although state law does not permit the Commission to consider safety, convenience, or energy efficiency, the Commission will work with applicants to arrive at a solution consistent with the concerns of other regulatory boards.

### **Fixtures:**

Lamps (light bulbs), in general, should be fully shielded inside the fixture so that the lamp is not visible from adjacent buildings, pedestrians, and motorists. It may be appropriate in some cases to have a low lumen lamp (25 watts incandescent) as an alternative. Many historic-style (non-original) fixtures can be easily altered to shield the lamp. In the best case, light is ordinarily directed below the horizontal plane of the fixture (typically referred to as a "full cut-off" fixture). Light should be maintained on the property, not spilling beyond the bounds of the property line. (Also see Original Historic Light Fixtures below.)

### **Up-lighting and façade lighting:**

Up-lighting, such as for facades, signs, fountains, and landscaping, are generally not appropriate.

Lighting of entire building facades is limited to special cases of buildings that are considered community landmarks. Lighting of the landscape or "wash" lighting of buildings or trees is not permitted.

## **Pole lights:**

The Commission discourages large pole-mounted lights (over 9 feet in height) on residential properties because of glare, light spillover, and their contribution to suburbanizing Mashpee's rural character.

## **Motion Detectors:**

Wherever possible, exterior lights in the historic District should be connected to motion detectors to ensure that lights are on only when they are needed. Planned "on-allnight" lighting is discouraged.

## **12) Original Historic Light Fixtures**

Original light fixtures, where they survive, can be important and rare architectural features, contributing significantly to the structure's historic resource value. For this reason, original or later appropriate light fixtures should be retained, and if possible, repaired using recognized preservation methods. Deteriorated or missing elements should be replaced with like materials. Replacement should be based, if possible, on physical or documentary evidence.

New light fixtures should be of a design and scale that is appropriate to the style and period of the building rather than imitate styles earlier than the building or structure. Historical style lighting fixtures may appear appropriate in the daylight, but many of these authentic-looking fixtures are among the worst in creating nighttime glare from their unshielded lamps or bulbs.

## **B. Architectural Features**

In general, the intent of the Mashpee Historic District with regard to architectural features is to either maintain existing appearance, or to restore structures to their appearance in the 1920-1960 period that is the historic context that the District is intended to represent. New structures should be compatible with the structures present during that period.

The Commission does not suggest that new construction reproduce that which is found in the original historic structures within the District, but rather that new construction not detract from the character of the place that they collectively create. New construction should reflect the era of its birth, as the older structures do theirs, while maintaining a sensitivity to the scale, proportioning, and materials of these "respected elders". Indeed, false reproductions of architectural styles not common to our era or location could diminish the value of authentic examples within the District. Successive generations developed our community with a variety of styles, from Colonial to Greek Revival to Ranch to "no style", each contemporary to its time, and yet all remarkably compatible. More recent development, however, has been less compatible. The appropriate response to this, however, is not the reproduction of the past but instead a sensitive approach to new construction which adheres to the principles of the past without mimicking the architectural styles that belong to it.

### **1) Additions**

When approaching the addition to an existing structure within the district, the size of the addition relative to the original is a significant factor in determining the appropriate design. The

materials and architectural expression of the addition should not overwhelm or diminish the original.

Larger additions, especially those that are significantly larger than the original structure, require greater creativity in their design. It would be most appropriate to set back a large addition from the main façade, either to the side or to the rear if possible, to preserve the massing of the original building. The massing of large additions should also be articulated into forms of compatible scale and size to the original. As much as possible, the bulk of the addition should be screened from public view by utilizing landscaping and setbacks to the rear of the property. In no case should an addition be taller than the original and typically should be lower in height, leaving the original massing of the structure apparent. Proportioning and scale of openings should harmonize with but not necessarily match the original.

An addition, particularly one notably smaller than the original structure, should be designed, in most cases, to continue the existing use of materials, trim, windows, roofing etc. (Please refer to the remainder of the guidelines for more specific information). While it would be appropriate to simplify the architectural details found in the original, its proportioning and character should be maintained in the addition's design.

There will be occasions when additions are planned for existing structures which are themselves incongruous with the District either because of the presence of an inappropriate style or material. In this case the Commission would encourage the prospective applicant to consider alteration of the original structure to make it more compatible with the District while adding to its size. The presence of an incompatible structure should not be construed as a license to increase its incompatibility, but rather as an opportunity to improve it.

## **2) Chimneys**

Chimneys are distinctive roof features and should be retained in most cases. Chimneys should not be altered, shortened, or removed, but rather, repaired as necessary. Every effort should be made to retain the existing exterior stack. Metal chimneys inside false work are discouraged since they are not authentic and often result in loss of original historic brick materials. Details of chimney work, to scale, and samples of brick should be submitted.

## **3) Doors and Entryways**

Entries are typically focal points for building facades, and historic features such as porches, steps, railings and door hoods should be retained. Wood is the preferred repair / replacement material for entryway elements. Steps should be repaired or replaced in-kind, matching historic configurations and materials.

New openings in existing walls should be avoided, along with modifying the size and design of original door openings to accommodate stock replacements. The original entrance design and arrangement of door openings should be retained, and the arrangement of doors (single- or double-leaf) should be retained. In general, existing original or later appropriate doors visible from a public way should be retained and repaired wherever possible, including fanlights, sidelights, surrounds, canopies, transoms, and other features which the doorway comprises.

Maintenance and rehabilitation of existing doors and doorframes, including appropriate repairs to damaged features, rehangng doors, and/or rehabilitating and insulating doorframes, should

be considered prior to replacing any historic materials. When replacement is necessary, new doors should match existing historic doors as closely as possible in material, size, and details. In certain circumstances, compatible substitute materials may be considered. Entryway materials, elements, features and details shall not be sheathed or otherwise obscured by other materials.

#### **4) Dormers**

Although dormers may be installed, relocated, or removed, subject to these guidelines, the historic nature (original proportions) of the roof should be retained. Dormers should be small in scale, and facades visible from the public way should not appear as though an additional story has been added. Dormers that were part of the original design should not be altered in scale or form. New dormers should match existing ones. If placed in a visible location on a new or existing structure, dormers should be scaled appropriately to the house with either a gabled or shed roof configuration, whichever is most suitable for its size and architectural style. Where no dormers presently exist, new dormers should correspond in style with the other architectural features of the building. Any new dormers should be set back from all edges of the roof by at least two (2) feet.

When added to an existing structure, dormers should, if possible, be kept on the rear portion of the roof. Multiple small dormers are generally preferred to large single ones.

Windows used in dormers should conform to the guidelines for windows and, if possible, match the size and configuration of existing ones. Windows in dormers appear most pleasing when aligned vertically with existing windows on the wall below. Roofing and siding materials, as well as the trim details, should also match that of the existing structure.

#### **5) Fire Escapes**

Fire escapes are conspicuous features and are strongly discouraged if in public view. Generally, fire escapes visible from the public way are not appropriate. A fire escape is more likely to be found appropriate by the Commission if it is placed at the rear of the building or where it is least visible from a public way. If visible to the public, fire escapes should be designed and constructed with the same attention required for other major alterations. As part of any approval, the Commission may require vegetative screening.

#### **6) Foundations**

In new construction, foundations should be of a height consistent with the typical foundation height of the architectural style of the house, for example, 8" maximum for Cape Cod style houses. New foundations should also be in harmony with foundation heights of buildings in the surrounding area. The foundation height of an addition should match that of the existing structure. Foundations should be left unpainted.

#### **7) Gutters, downspouts and drainage**

Gutters should match the architectural features of the building. Gutters constructed of wood, seamless painted aluminum or other metal will be approved if their scale, contour, and detail are found to be compatible with the style of the building. Attachments should be concealed.

Therefore, visible hanging straps or brackets should not be used. Gutters are inappropriate if constructed of short sections, visible brackets, heavy connectors and prominent end caps, all of which are incongruous with the appearance of the historic precedent.

Installation should not involve the removal of any historic detailing such as cornice moldings, brackets, etc. Removing trim pieces from the roofline in order to more easily attach gutters is generally not appropriate. In older buildings, gutters were often designed as part of the eave profile. In these cases, the gutters become a particularly important architectural feature and should be repaired whenever possible; if they are beyond repair, they should be replaced with like materials and design. Hung gutters (those not designed as part of the eave) should be as unobtrusive as possible. Downspouts should not obstruct the view of the structure's corner wall elements

Natural stone splash beds near the foundation at the drip edge are appropriate, and should be considered.

## **8) Masonry**

Original masonry and mortar should be retained, wherever possible, without the application of any surface treatment. Old mortar should be duplicated in composition, color, and texture. New mortar should reproduce original in joint profile and size, and should be applied using the same method as the original or existing mortar. Care must be taken in repointing to match the existing joint width and to avoid overcutting of the joints. Joints should not be overfilled with mortar onto the face of brick. Replacement brick and mortar should be carefully matched in size and color to the originals, and follow traditional brick coursing if visible from a public way.

Foundations should be repaired or extended with the materials of the existing foundation.

The applicant may be required to provide a sample of proposed masonry materials.

## **9) Modern equipment**

Modern equipment includes utility and other mechanical equipment located outside a building and visible from a public way, including antennas, cellular towers, wind turbines, satellite dishes, propane and other tanks, dumpsters, utility meters, alarm systems, HVAC equipment (including air conditioners, heating units, ducts, fans, and solar collectors) and associated mounting devices, strapping, fasteners, cables, and related equipment.

Modern equipment should, in general, be as small and inconspicuous as possible. All modern equipment should be installed in locations which (a) create the least disturbance to the historical appearance of the building, (b) involve the least additional structural alterations and (c) are screened, hidden or otherwise shielded from view to the extent possible.

Modern equipment placed on the ground should be sited in the rear of the building and may be screened by vegetation, walls or fences. Front yard locations are strongly discouraged.

If modern equipment is mounted on a roof, it should be located behind chimneys, sloped roofs and parapets or placed in the central portion of flat roofs behind sight lines as seen from ground level or other portions of the roof not visible from any public way. Flues and vents

should be concealed in chimneys or cupolas. Electrical wires and other cables should be run inside the building or underground.

Modern equipment should be painted to blend in with the building and surroundings. Window air-conditioning mounting equipment should be painted the same color as the window trim. Vents should be painted to match the color of the surface on which they are installed.

Seasonal air conditioning units do not require a Certificate of Appropriateness, but the Commission encourages discreet placement at the rear or sides of the building.

Alternatives to modern equipment (attic fans instead of air conditioning units, cable TV instead of satellite dishes and antennas) are encouraged. Underground utilities are more appropriate than aerial installations.

Applications to the Commission for approval of modern equipment shall specify the location, dimensions, and describe outward appearance of all such equipment.

## **10) Outbuildings**

Some of the original homes in the District had outbuildings associated with them, such as barns, ice houses, smoke houses, garages and storage sheds. Some of these early structures still exist and offer guidance in the design of their modern counterparts. Except for very large lots, the most appropriate location for a free standing outbuilding is well to the rear of the original structure, screened as much as possible from the public way. The scale of the structure should be kept significantly smaller than the principal structure on the site and simpler with regard to massing and detail. The style, form, and use of materials can be the same as the original structure on the site, but it is equally appropriate and not uncommon for an outbuilding to take on a more rustic, utilitarian appearance. This is especially true with regard to the siding and trim, which may be more humble and understated than that found on the main structure. More contemporary structures, such as prefabricated storage sheds, pool equipment sheds and above ground pools are all within the jurisdiction of the Commission and will be considered in the same manner as all other outbuildings.

## **11) Painting / colors**

### **Residential Structures**

For residential structures, paint and stain colors are not within the jurisdiction of the Historic District Commission. Paint however, may be specified by the Commission as a surface treatment to a feature or structure which would be otherwise inappropriate without a finish.

### **Non-Residential Structures**

For non-residential structures, paint, stain, roof and building colors in general are within the jurisdiction of the Commission. The Commission may determine the appropriateness of exterior color features of non-residential buildings and structures within the historic district wherever such features are subject to view from a public street, way or place.

A hearing before the Commission is not required to repaint a building or structure the same (existing) color.

A hearing before the Commission is not required to change the color of the building or structure provided that the chosen color is on the Approved List maintained by the Commission.

If it is determined that the colors are proximate to those on the Approved List, given the architectural style, the owner will be informed in writing that a hearing is not necessary.

Any other color choices for non-residential buildings require a hearing before the Historic District Commission at one of its regularly scheduled meetings, with samples of color choices.

Color compatibility with adjacent structures should be considered in choosing colors to promote visual harmony of the streetscape.

## **12) Porches, decks and balconies**

Proposals to add, alter, remove, or enclose a porch, deck or balcony that is visible from a public street, way, or place require a hearing.

### **Porches**

Size, proportions, style, detailing, decorations, and features such as columns and railings are important elements of a porch design. Original or later porches and stoops that contribute to the historic appearance of the structure should be retained. New porches should be consistent with the period and style of the building. The porch should be integrated into the architecture of the house, remaining sensitive to its important architectural features. Porches should be supported by well proportioned columns or posts, typically square in section, or turned if appropriate to the style of the structure, and dressed with trim at the base and top. The spacing between posts and columns requires particular attention, generally never more than one and a half times the height of the column. The columns should support and be connected together by a continuous beam trimmed with painted wood in a design compatible to the fascia of the main structure. The porch roof design and materials should mirror that of the main structure

Historic porches should remain open where possible, or be enclosed with sensitivity to historic proportions, materials and elements. However, enclosing porches and steps so as to modify their original appearance is discouraged.

If an opening exists between the porch and grade it should be filled with masonry, painted wood siding, or lattice set within a painted wood frame panelized to mirror the column spacing of the porch above.

Wood is the preferred repair / replacement material for porch floors and posts, railings, brackets, and other ornamental trim, and stairs should have treads to match with closed risers. In some instances stone steps with wrought iron rails are appropriate, but cast concrete steps are discouraged.

## **Decks**

Decks (elevated, with rail) should not be sited where they detract from the historic design of the structure. Appropriate vegetative screening should be considered. They should be designed and constructed with an attention to detail that preserves the design integrity of the structure.

## **13) Roofs**

The roof shape and slope shall be preserved as integral to the period of the building. In new construction, harmonious roof pitches are a major consideration and roofs should harmonize with the older roofs in the district in both slope and material. The roof shape, slope, and materials should be appropriate to the style of building or structure. The roof slope should be kept uniform on all portions of the structure; the height and orientation of the roof should reflect the hierarchy of the structure covered, i.e. ells should have a lower roof than the main body of the house.

The most appropriate roof designs are gabled. Historic building designs in the district commonly featured gabled roofs with the gable end presented to the street, and wings or ells with gabled roofs oriented ninety degrees to the main portion. Flat roofs are rare in the district, and hence discouraged.

Repairs and re-roofing should be of like material (e.g., slate roofs repaired with slate; cedar roofs repaired with cedar, asphalt shingles with asphalt). The color and texture of the roofing material should reflect the color of the original, historic roofing material. Traditionally, roofs were clad in cedar shakes. It is encouraged, but not required, that traditional wood shake shingles be used when re-cladding a roof. In the alternative, asphalt shingles are accepted, provided that they match the approximate color, size, and shape of the original cedar shake. In new construction Asphalt shingles are common, and while not discouraged, should be dark and uniform in color.

Existing roof trim (i.e. cornice trim, fascias and rake boards) should be maintained or replaced in kind. Painted aluminum drip edges are permitted but cedar starter courses are preferred. Roof ventilation with a continuous low profile ridge vent extended fully to the ends of the roof are recommended over box ventilators. Similarly, continuous painted soffit vents are preferred to a series of individual vents. Copper, lead, or painted aluminum flashing are preferred over those with a bright or mill finish.

When using like materials and color, repairs do not require a hearing. Color of residential roofs does not require Commission approval.

## **14) Shutters and awnings**

### **Shutters**

If appropriate for the building, existing shutters shall be retained and repaired whenever possible. Shutter removal requires approval. Many older structures were not furnished originally with shutters and new ones should not be installed in their absence, unless appropriate to the period of the building. Where replacement is necessary, new shutters shall match the original or be of an appropriate type for the building. Shutters should be made of wood. Vinyl, aluminum or metal shutters are discouraged. Shutters should reflect their original

use. That is, their size should be such that they cover the entire window when closed (arched windows should have arched shutters, etc.) Shutters should be hung so as to appear operable and shutter dimensions should be based on window dimensions.

## **Awnings**

Awnings can be an enhancement to a commercial storefront if designed in manner consistent with the style of the architecture, and may occasionally be acceptable for residential structures. Historically, awnings were constructed of fabric, bracketed from the wall of the structure with a shed profile, and frequently retractable. All of those attributes would be considered appropriate in a contemporary design. The size and placement of the awning should be carefully considered so as to not obscure important architectural features or overwhelm the scale of the structure. Awnings should not detract from the form of the building, or obscure its details. Awnings should be attached in a way that permits later removal without damaging the materials to which they are fastened. Awning skirts should not be held in place to appear permanent, but should hang free.

Generally, traditional canvas awnings are acceptable. Radiused and domed awnings are discouraged, as are awnings made of metal or any coated fabrics with a glossy sheen.

New awning installations require a hearing.

## **15) Siding**

With few exceptions the predominant materials for siding in the district are either cedar shingles or painted wood clapboard. Notable exceptions are the brick Town Hall and Town Archives buildings. Accordingly, the commission strongly urges the use of natural siding materials which, in the case of most residential structures, would be cedar shingles or wood clapboards, and in the case of non-residential structures would include brick. Other siding alternatives may be appropriate dependent on the existing siding on a structure.

Properly maintained wood siding will provide excellent service in this climate for many decades. Synthetic siding, such as vinyl or aluminum, is strongly discouraged due to its incongruous detailing and appearance. The only instance in which its use is likely to be considered is in the case of an addition to a structure presently clad in the material.

Original siding material should be retained whenever possible and deteriorated material repaired or replaced, with new material that duplicates the original as closely as possible. The removal of non-original siding materials, trim and imitation wood clapboards such as vinyl and aluminum is encouraged.

## **16) Skylights**

Skylights by their very nature are not appropriate to historic structures, as they were not used until relatively recently. Therefore, if used, they should be restricted only to those portions of the roof not visible from the public way.

## **17) Solar panels**

Installation of solar collectors shall not permanently change any architectural feature. A minimum of 2 feet of roof surface should be visible surrounding the collector array. Framing, piping insulation, etc. should match the roof surface. Collectors should be mounted to match roof slope (parallel to roof and no more than 3 inches above the roof surface.) Piping should be concealed from view.

A Certificate of Appropriateness is required for all solar panel installations within the Historic District visible from a public way or place. In deciding whether to issue a Certificate of Appropriateness, the Commission will consider, among other things, a building's importance, prominence and historic significance, visual impact and glare.

## **18) Steps, stairways and railings**

Steps, stairways and railings are important features of entryways and porches. Where possible, original features and detailing should be retained or repaired in the same design and material. When existing features are not original, replacement design and materials should be appropriate to the style of the building. Deteriorated or missing elements and decorative ornamentation shall be replaced with materials and elements to match original, or be appropriate to the original.

Stonework may be repaired, replaced or extended using the existing type of stone or brick. New work should be appropriate to the period and character of the building. A drawing of railing design must be provided.

## **19) Storefronts**

Commercial buildings should be oriented with their front façades along the street front. They should maintain similar proportions and scale to neighboring historic structures. Storefronts should have more area of opening (window) than wall on the first floor and more walls on the upper floors. They should be designed on a human, pedestrian scale.

Examples of craftsmanship, ornamentation, and architectural detailing are encouraged. Detailing that relates to, and reflects the character of the area is encouraged. Storefront façades should not obscure the basic architectural framework or details of the building.

Historic or architecturally significant storefronts shall be preserved or restored to the greatest extent possible. Alterations to storefronts deemed not historic by the Commission shall use materials and be of a design compatible to the overall character of the commercial setting.

New storefronts in historic facades shall retain the essential character and design of the building as originally designed, including retention of doorways and major architectural features.

Signage must conform to these guidelines and the Mashpee Zoning By-law.

## **20) Trim**

Painted wood trim is found on nearly all historic structures within the District and its continued use is strongly encouraged. Synthetic materials are discouraged. Exterior trim, e.g. corner boards, door & window casing, fascia & soffit trim, rake boards, porch columns, etc. provide essential architectural detail that both scales the exterior and identifies its style. Property owners considering rehabilitation or renovation should preserve existing trim if possible, and replace it in kind if necessary. In the case of additions and new construction, careful attention should be placed on neighboring historic structures in the vicinity to determine the appropriate application and proportioning of trim. In these instances, greater latitude in determining the amount and type of trim will be considered, allowing for simplification or accommodation to commercially available stock. The installation of architectural elements that confuse or falsify the date of a building should be avoided.

## **21) Windows**

Recent improvements in building technology have yielded window products that are significantly more energy efficient than those originally installed during the eighteenth, nineteenth and early twentieth centuries. Consequently, many owners will be tempted to consider replacement. Windows are one of the most important architectural features on the exterior of a structure, critical in establishing the scale and rhythm of the facade. Therefore, wherever possible, the following guidelines should be observed:

Consideration should be first given to repair of historic and/or storm windows. If new storm windows are necessary, new exterior or interior storm windows should be installed with airtight gaskets, ventilation holes, and/or removable clips to ensure proper maintenance and to avoid condensation damage to historic windows. Storm windows should not damage or obscure the windows or frames. Exterior storm windows should be appropriate in size, shape, and color to the historic windows, and meeting rails should coincide with existing sash.

Wood windows are preferred over vinyl or aluminum. Retrofitting the original window sashes with weather stripping and/or insulated glass is encouraged. If not possible, replacement sashes and hardware within the original frames are preferred.

Original or later windows, trim and features should be retained and repaired except in cases when they are beyond repair. The complete replacement of all windows in a building in which only a few are in disrepair will not generally be approved. If total replacement is necessary, owners should maintain the original window size, location, material, trim and type of window.

Windows are an important feature on any building. When an application for substantial window replacement is received, an inspection by a Historical Commission representative or a site visit may be performed to determine the condition of all windows. The feasibility of the following will be assessed:

- A. Restoration of entire existing windows through repairs to sash, sills, etc.
- B. Individual sash replacement
- C. Full replacement of windows matching existing window layout.

If a glazing point job is failing prematurely, the cause should be determined. Problems due to water damage from faulty gutters or excessive moisture migrating from kitchens or bathrooms should be repaired immediately.

When a determination has been made that the window is beyond repair, the replacement must be based on physical, photographic, or documentary evidence. The replacement window should be of the same dimensions for muntin and frame, same design, including muntin profiles, and same number of panes as the original or existing window. The frame and decorative window trim should be retained and repaired with materials that duplicate the originals. Replacement windows shall not frame down the historic window openings. Where possible, altered window openings shall be returned to their historic dimensions. A rotted sash does not necessarily have to be entirely replaced. Wood elements which are partially rotted or incomplete may be replaced by wood parts pieced in with certain waterproof exterior glues. Epoxy wood fillers can repair wood elements with dents, gouges, or pockets of rot. Even totally rotted wood can be consolidated or reconstituted by proper application of epoxies.

The style of the window should be consistent with the architectural style of the building or addition. Window types or arrangements that create a large wall-area of glass are usually not appropriate. Casement windows, bow windows, and awning windows (jalousie) are not appropriate on historic buildings unless there is evidence of their historic use. Unity and harmony are usually achieved when the same window style and scale is used consistently on all visible facades.

The most common historic window type within the district are double-hung units with true divided lites, and are therefore, preferred to the more modern awning or casement types. The number of lites within a window should be consistent with the original units if present. Typically they are 6/6 or 2/2, rarely numbering less than two per sash in older structures. Applied muntins on the exterior surface of the glass are acceptable, but not inside or within the insulating unit unless truly divided or accompanied with an applied exterior muntin. Windows with snap-in or removable muntins not supporting glass will not ordinarily be approved. Simulated divided light windows and Low E tinted or reflective glass will be considered only on new additions or new construction distinguishable from original building fabric. Vinyl, aluminum or metal replacement sash, (including metal-clad or vinyl-clad) are not generally appropriate.

New window openings in the principal elevations are rarely appropriate or permitted. Window openings should not be enlarged or reduced to fit stock window sash sizes. Deletion of windows, particularly on principal facades, is rarely, if ever, allowed. Window replacement on a single facade should replicate the remaining windows on that facade. The Commission may consider phasing when the property owner is substantially upgrading.

In new construction or additions, the size, proportion, type and rhythm of windows should conform to those nearby in the district and appropriate to the style of construction. For new construction, windows should be wood, true divided light. Single-paned, historically accurate, true divided light wood windows are most appropriate, but simulated divided light windows may be considered

Greater license can be taken with windows located on walls not visible from the public way.

Storm windows and doors, and screen windows and doors, are excluded from the jurisdiction of the Historic District Commission. Although storm windows are not under the jurisdiction of the

Commission, wood storms are more in keeping with the architectural character of a historic house. The most common type of storm window is the aluminum triple track. These windows are permanently installed and have a track for the lower storm sash, another for the upper sash and a third for a screen. Aluminum storms should match the color of the house's trim or be painted to match. Aluminum mid-rails should match the meeting rails of the historic sash.

### **Window Energy Efficiency Priorities**

The following energy saving options are listed in order of the greatest effect for the least cost. The items at the top of the list also have the least damaging effects to the material or appearance of historic window sash.

1. Caulk and weather-strip to cut infiltration;
2. Upgrade existing windows by repairing loose, rotten or broken sash. Re-glaze windows;
3. Install storm windows; and
4. If replacement windows are unavoidable, install wood sash and frames that copy the original and incorporate modern energy-saving features like hidden weather-stripping and jamb liners.

## **C. Demolition**

Demolition of any structure or portion thereof within the District requires the approval of the Historic District Commission, except when ordered by the Building Commissioner or other safety officer for reasons of public health and safety.

Demolition of entire structures or partial demolition will normally be prohibited except when, in the opinion of the Commission, it is warranted due to extraordinary circumstances, or when the structure is so deteriorated that rehabilitation is not practical or the structure is of no historic value to the district. In the former instance the Commission may require that a new structure replicating the original be built in the place of the demolished structure if its value is significant to the district.

Demolition or partial demolition of later additions that are not architecturally or historically significant may be permissible and are subject to review on a case-by-case basis.

In general, renovation and/or replacement in kind is preferred to the demolition of all or a portion of a historic structure. Likewise, decorative architectural elements on the structure such as trim, brackets bays and porch columns should not be removed without Commission approval. Preference will be given to replacement in kind.

In extraordinary circumstances, relocation to an appropriate site will be considered and is preferred to demolition.

# **7. Procedures for Review of Applications**

## **A. By-law Procedural Regulations:**

Chapter 110 of the General By-laws of the Town of Mashpee specifies procedures for review of Historic District applications. The full text is included in the Appendix to this Manual.

## **B. Commission Regulations**

Section 3-57.B. of the Mashpee General By-laws also provides that "The Commission may adopt, and from time to time amend, reasonable rules, regulations and guidelines not inconsistent with the provisions of this Article or M.G.L. Chapter 40C, 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 and design guidelines for construction and alterations within a District area. The Commission shall file a copy of any such rules, regulations and guidelines with the office of the Town Clerk."

The following regulations have been adopted, after a public hearing, by the Historic District Commission, based on the provisions of Chapter 110 of the Mashpee General By-laws. The Commission may not waive the regulations specified in Chapter 110 of the Town's General By-law, but may waive, by majority vote of the Commission at a posted meeting, any of the additional regulations it has adopted under the provisions of Section 3-57.B.

### **1) Content of applications**

An application will not be considered complete unless all work items are thoroughly described on scaled drawings and include specifications regarding dimensions, materials, and any other information needed for the Commission to visualize the changes in order to make a determination.

All applications for any certificate should include the following, unless waived by the Commission:

- a. The completed application form signed by the owner or authorized agent/contractor, including the Architectural Specification Sheet. (If agent or contractor, attach a letter signed by owner authorizing agent/contractor to represent the owner with regard to this application and bind the owner with regard to any representations made about the proposed work and any approval conditions imposed by the Commission.)
- b. Scaled site plans, at a scale of 1 inch = 40 feet, on 24"x36" sheets, showing the location of any existing and proposed structures, signs and site features, including any transformers, heat pump and condenser locations, electrical entries and meters, lamp posts, stove pipes, etc.
- c. Architectural plans and other drawings sufficient to describe in detail the work proposed (for signs 1 inch = 1 foot, for construction or alteration ¼ inch = 1 foot for architectural

plans and elevations). Plans should be on 24" x 36" sheets. Sign drawings may be on 24" x 36" or 11" x 17" sheets. Architectural plans should include building details/profiles (i.e. moldings, fence caps, cornices, vents, etc.) and all dimensions (i.e. size of trim).

d. Paint color samples for non-residential projects.

e. Material samples or manufacturer's literature for siding, roof, windows, doors, awnings, light fixtures, brick and mortar samples, etc.

f. Photographs of the building or site as it currently exists. (Historic photos may also be helpful.)

g. In the case of demolition or removal, a written statement by a qualified expert regarding the condition of the structure proposed to be demolished in its current state and the reasons that demolition is justified.

h. In the case of demolition or removal, a statement and plans of the proposed condition and appearance of the property thereafter.

i. The appropriate application fee in the form of a check made payable to the "Town of Mashpee".

j. A certified abutters list and mailing labels listing all direct abutters and the owners of any other property located within one hundred (100) feet of the parcel on which work is proposed (obtained through the Mashpee Assessors Office).

k. Any other materials which may illustrate the proposed work or assist in the Commission's review.

## 2) Review fees

### Residential Projects:

**Certificate of Appropriateness\*:** \$50 per residential unit proposed to be built or modified

**Certificate of Hardship\*\*:** \$20 per residential unit proposed to be built or modified

**Certificate of Non-Applicability:** No fee

### 7.1.1 Non-Residential Projects

**Certificate of Appropriateness\*:** \$.05 per sq. ft. gross floor area, minimum \$200

**Certificate of Hardship\*\*:** \$100

**Certificate of Non-Applicability:** No fee

*\* Fee payable only after it is determined that a Certificate of Appropriateness and hearing is required. Fee waived if Certificate of Non-Applicability is issued instead.*

*\*\*Indicated fee is for direct applications for a Certificate of Hardship. For Certificates of Hardship issued as a result of a hearing on a Certificate of Appropriateness, no additional fee is involved beyond the original Certificate of Appropriateness fee.*

### **3) Application and review procedures**

Applicants should apply for approvals well in advance of commencing any exterior work. Before making any changes to the exterior of a property in an historic district, the owner should consult the Commission, the Building Department or the Planning Department to discuss proposed alterations and to determine the category of the application (Appropriateness, Non-Applicability or Hardship).

The following procedural regulations are intended to implement the provisions of Chapter 110 of the Town's General By-law:

- a. Applications shall be filed using the application forms specified by the Commission.
- b. Application forms may be obtained at the offices of the Town Clerk, Planning Department or Building Department, or from the Town's web site ([www.ci.mashpee.ma.us](http://www.ci.mashpee.ma.us)).
- c. Three copies of the application and required supporting materials shall be filed with the Commission, in care of the office of the Town Clerk.
- d. Applications must be submitted by the owner of the property. A contractor for the owner or other representative of the owner, at the owner's request and with written authorization from the owner, may submit an application on the owner's behalf and represent the owner in the Commission's review process.
- e. The Town Clerk must certify the date of receipt of said application and forthwith transmit two copies of the application and supporting materials to the Chairman of the Commission, or another person designated by the Commission, and retain one copy for record purposes.
- f. The Commission or its designee will determine within fourteen (14) days of the filing of an application for a Certificate whether the application involves any exterior architectural features which are within the jurisdiction of the Commission. The applicant will be notified of this decision verbally unless written notification is requested in writing.
- g. If the Commission or its designee 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 by the Commission, the Commission will issue a Certificate of Non-Applicability, which must be signed by at least two Commissioners designated by the Commission.
- h. If the Commission or its designee determines that the application does involve exterior architectural features subject to review, the Commission will hold a public hearing on the application, unless waived as provided in Chapter 110, within forty-five (45) days from the date of the filing of the application.
- i. For any application which is determined to be subject to Commission review, seven (7) additional copies of the application and supporting materials must be filed. Failure to file the required materials in a timely manner may be deemed a basis for disapproval of a Certificate.

- j. Any direct application for a Certificate of Hardship will be reviewed following the same procedures as a Certificate of Appropriateness.
- k. At least fourteen (14) days before the public hearing, public notice will be given by posting on the Town Clerk's bulletin board at Town Hall. The notice will identify the time, place and purpose of the public hearing. Concurrently, a copy of the public notice will be mailed, postage prepaid, to: the applicant; the owners of all adjoining properties, all properties within 100 feet of the parcel on which work is proposed and any other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list; the Planning Board; any person filing a written request for notice of Commission hearings, such request to be renewed yearly in December; and such other persons as the Commission deems entitled to notice.
- l. A public hearing on an application for a Certificate need not be held if a hearing is waived in writing by the Planning Board and the owners of all adjoining properties and all properties within 100 feet of the parcel on which work is proposed. In addition, a public hearing on an application for a Certificate may be waived by the Commission if the Commission determines that the exterior architectural feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing.
- m. If the Commission dispenses with a public hearing on an application for a Certificate, notice of the application will be mailed, postage prepaid, the owners of all adjoining properties and all properties within 100 feet of the parcel on which work is proposed and of other property deemed by the Commission to be materially affected thereby as noted above, and to the Planning Board. After ten (10) days have elapsed after the mailing of such notice, the Commission may act upon the application.
- n. At the hearing, or public meeting if the hearing is waived, the Commission will discuss the application with the applicant or his representative, hear the abutters and take a vote to approve, approve with conditions or disapprove the Certificate. Owners having professional consultants such as architects or contractors are urged to have them be present at the hearing. The application review and vote can be continued until the next or subsequent meetings if the Commission deems necessary (i.e. for reasons of incomplete drawings, to perform a site visit, etc.).
- o. Unless the applicant agrees to a longer time, in writing, within sixty (60) days after the filing of an application for a Certificate, the Commission will issue a Certificate or a disapproval.
- p. If the Commission determines that the construction, alteration or demolition 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 will issue a Certificate of Appropriateness.
- q. In issuing Certificates, the Commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of the Historic District By-law and regulations.

- r. The concurring vote of a majority of the members of the Commission (i.e. four members), including any Alternate Members designated to hear the application, is required to issue a Certificate.
- s. In the case of a disapproval of an application for a Certificate, the Commission must set forth in its disapproval the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features that, if made and filed with the Commission in a subsequent application, would make the application acceptable to the Commission.
- t. If the construction, alteration or demolition for which an application for a Certificate of Appropriateness has been filed is determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the District generally, failure to approve an 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 purposes of Chapter 110. 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.
- u. The Commission must send a copy of its Certificates and disapprovals to the applicant and file a copy with the offices of the Town Clerk and the Building Inspector. The date of issuance of a Certificate or disapproval will be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.
- v. If the Commission should fail to issue a Certificate or disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission must issue a Certificate of Hardship Due to Failure to Act.
- w. Each Certificate issued by the Commission must be dated and signed by its chairperson and at least one other Commissioner, or at least two other Commissioners designated by the Commission to sign such Certificates on its behalf.
- x. The Commission reserves the right to inspect the project to determine compliance with the conditions set forth in the Certificate issued.

#### **4) Appeals**

A person aggrieved by a determination of the Commission may, within twenty days of the issuance of a Certificate or disapproval, 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 and designated by the regional planning agency (the Cape Cod Commission). The finding of the person or persons making such review shall be filed with 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 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.

## **5) Coordination with other agencies**

No building or demolition permit may be issued for non-exempt work in the District until a Certificate has been issued by the Commission. However, applicants are encouraged to consult with the Building Department regarding other regulatory requirements or advice under the Massachusetts Building Code and with the Planning Department regarding requirements under the Mashpee Zoning by-law, as well as with the Health Department, Conservation Commission and Cape Cod Commission as appropriate.

Depending on size, signs may also require review and approval by the Mashpee Design Review Committee and issuance of a sign permit by the Building Department.

For non-residential projects in the District, involving an addition or new construction over 1000 sq. ft., a special permit may be needed from the Mashpee Planning Board, and review and recommendations will be required from the Design Review Committee and the Mashpee Plan Review Committee. For non-residential projects over 10,000 sq. ft., review and approval may also be required from the Cape Cod Commission.

Where review by other agencies is required, other than for building permits, there is no legally required sequence of permits or approvals. Historic District Commission review may take place before or after other reviews. However, applicants are encouraged to consult with the Commission, or pursue formal review and approval, at the same time as review by other agencies in order to allow for interaction and coordination between the Commission and those other agencies and to avoid conflicting permit provisions.

## **6) Expiration of Certificate validity**

If the rights authorized by a Certificate issued by the Commission are not exercised within one year of the date of filing of the Certificate determination with the Town Clerk, such rights shall lapse; provided however, that the Commission in its discretion may, as a condition of its Certificate approval, specify an additional time period for project completion; and provided further, that the Commission, in its discretion, may vote at a posted meeting to extend the time for exercise of such rights upon written request of the applicant before Certificate expiration.

The homeowner may opt not to commence the work approved (unless it relates to resolving an outstanding violation). Work commenced must be completed within one year from the Certificate date unless otherwise indicated.

Should an applicant seek and obtain Certificate approval for alterations affecting a building for which a previous Certificate was issued but never acted upon, the previous Certificate shall lapse and conditions of the most recent Certificate approval shall govern.

## 8. Enforcement and Penalties

The provisions of Section 110-10 of the General By-laws of the Town of Mashpee provide for enforcement of the Historic District by-law and regulations as follows:

"A. The Commission shall determine whether a particular activity is in violation of Chapter 110(the Historic District by-law) or not, and the Commission shall be charged with the enforcement of Chapter 110 and the regulations it has adopted pursuant to that by-law.

B. The Commission, upon a written complaint of any resident of Mashpee or owner of property within Mashpee or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Mashpee to prevent, correct, restrain or abate violation of this Chapter. In the case where the Commission is requested in writing to enforce the Historic District by-law and regulations 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 therefore, within twenty one (21) days of receipt of such request.

C. Whoever violates any of the provisions of the Historic District by-law and regulations shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

D. The Commission may designate the Building Inspector of the Town of Mashpee, or another Town Official, to act on its behalf and to enforce the Historic District by-law and regulations under the direction of the Commission."

When the Commission determines that an activity is in violation of the by-law, its District rules and regulations, or the terms of a Certificate or disapproval, the Commission may issue an Enforcement Order signed by a majority of its members (provided however, that in a situation requiring immediate action, an Enforcement Order may be signed by a single member or the Commission's designated agent if said order is ratified by a majority of the members at the next scheduled meeting of the Commission), file said Order with the Town Clerk and the Building Department and direct the Building Inspector or other designated Town Official to begin enforcement procedures as follows:

1. Issuance of First Notice of Violation and Cease and Desist Order directing owner to take corrective action to bring into compliance, including application for any necessary Certificate within 14 calendar days;
2. Issuance of Second Notice of Violation, the Commission's intent to discuss the violation on an upcoming public meeting agenda and potential enforcement proceedings through the Superior Court if corrective action is not taken within 30 calendar days of First Notice; and
3. Initiation of enforcement proceedings through the Superior Court if corrective action is not undertaken within three (3) months of the First Notice.

Violations include, but are not limited to:

1. Failure to comply with a Certificate, such as failure to observe a particular condition or time period specified in the Certificate;
2. Failure to complete work described in the Certificate; and
3. Failure to obtain a valid Certificate or extension permit prior to conducting an activity subject to the by-law or regulations.

In issuing an Enforcement Order, the Commission will consider the severity of a violation in determining an appropriate remedy. Violations may be considered either "Insignificant", "Minor", "Major" or "Egregious".

A violation that involves work that would be approvable as is and would not require a building permit (e.g. non-residential painting or roofing in approved colors, in-kind maintenance or repairs of existing conditions) may be classed as Insignificant.

A violation that involves work requiring a building permit and application to the Commission that consists of changes to existing conditions but would normally be approved, or work that is an in-kind replacement, but will likely result in approval as is, may be classed as Minor.

A Violation will be considered Major if it involves work that has resulted in an inappropriate change to the existing conditions and will require additional work to resolve. This includes work done without the issuance of a Certificate by the Commission, but may also include work approved by the Commission but not completed after (a) the time period agreed upon or (b) one year from date of Certificate issuance (i.e. the Certificate has lapsed) and in a partial state of completion and therefore not as approved, or work approved by the Commission but not completed as approved and requiring changes to make it as approved.

A violation will be considered Egregious if it involves: a) a Major violation that has been outstanding for three (3) months after the Commission notified the owner of the violation and the owner has not commenced to address the violation; b) a Major violation that has been outstanding for six (6) months after the Commission notified the owner of the violation and the owner has not completed the actions required by the Commission; or c) inappropriate changes of important features, demolition, building additions or other new construction, replacement of windows, installation of skylights, installation of exterior stairs, removal of any historic features, siding replacement or any other action which the Commission deems to have a significantly detrimental effect on the architectural features of a building.

The Barnstable County Superior Court has jurisdiction to enforce the provisions of MGL Chapter 40.C, the Mashpee Historic District by-law and the Commission's regulations, Certificates and other rulings and, in addition to fines, may restrain violations by injunction or order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

## **9. Forms**

### **Certificate of Appropriateness**

**Application**

**Required Application Materials**

**Architectural Specification Sheet**

**Commission Action**

### **Certificate of Non-Applicability**

**Application / Decision**

**Required Application Materials**

### **Certificate of Hardship**

**Application / Decision**

### **Extension of Approval of Certificate of Appropriateness**

**Application / Decision**

# Mashpee Historic District Commission

## Application for a CERTIFICATE OF APPROPRIATENESS

Application is hereby made for the issuance of a Certificate of Appropriateness under M.G. L. Chapter 40C, The Historic Districts Act, for proposed work as described below and on plans, drawings or photographs accompanying this application for:

**PROPOSED WORK - PLEASE CHECK ALL CATEGORIES THAT APPLY:**

(See Mashpee Historic District Manual for explanation and requirements)

1. Exterior Building Construction:  New Building  Addition  Alteration  
 Indicate type of building:  House  Garage  Commercial  Other \_\_\_\_\_
2. Exterior Painting of Non-Residential Structure:
3. Signs or Billboards:  New sign  Existing sign  Repainting existing sign
4. Structure:  Fence  Wall  Flagpole  Other \_\_\_\_\_
5. Other Site Work:  New  Addition  Alteration  Demolition

**DESCRIPTION OF PROPOSED WORK:** On a separate sheet, in addition to the Required Application Materials (see page 2) and Architectural Specification Sheet (see page 3) provide a description of all particulars of work to be done, including detailed data on such architectural features as: foundation, chimney, siding, roofing, roof pitch, sash and doors, window and door frames, trim, gutters, leaders, roofing and paint color, including materials to be used, if specifications do not accompany plans, and any other explanatory material which would assist the Commission in providing a speedy review. The Commission may waive certain application materials as appropriate, but a Certificate may be disapproved if sufficient description of proposed work is not included with this application.

**LOCATION / APPLICANT INFORMATION – PLEASE TYPE OR PRINT LEGIBLY**

ADDRESS OF PROPOSED WORK \_\_\_\_\_  
 ASSESSOR’S MAP NO. \_\_\_\_\_ ASSESSOR’S PARCEL NO. \_\_\_\_\_  
 APPLICANT \_\_\_\_\_ TEL. NO. \_\_\_\_\_  
 APPLICANT MAILING ADDRESS \_\_\_\_\_  
 PROPERTY OWNER \_\_\_\_\_ TEL. NO. \_\_\_\_\_  
 OWNER MAILING ADDRESS \_\_\_\_\_  
 AGENT OR CONTRACTOR \_\_\_\_\_ TEL. NO. \_\_\_\_\_  
 AGENT MAILING ADDRESS \_\_\_\_\_

Signed \_\_\_\_\_  Owner  Contractor  Agent DATE: \_\_\_\_\_  
 (Must be signed by Owner, or Agent / Contractor with written authorization by Owner)

\*\*\*\*\*

Received by Town Clerk: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_  
 (Signature of Town Clerk or authorized representative)

Fee received: \$ \_\_\_\_\_

# REQUIRED APPLICATION MATERIALS CERTIFICATE OF APPROPRIATENESS

**PLEASE SUBMIT THREE (3) COPIES OF THE FOLLOWING APPLICATION INFORMATION AND MATERIALS TO THE HISTORIC DISTRICT COMMISSION C/O THE MASPEE TOWN CLERK\***

\* Five additional copies of all plans, which may be at a reduced scale if approved by the Commission, must be provided if the Commission determines that a Certificate of Appropriateness is required for the proposal.

- a. The completed application form signed by the owner or authorized agent/contractor, including the Architectural Specification Sheet. (If agent or contractor, attach a letter signed by owner authorizing agent/contractor to represent the owner with regard to this application and bind the owner with regard to any representations made about the proposed work and any approval conditions imposed by the Commission.)
- b. Scaled site plans, at a scale of 1 inch = 40 feet, on 24"x36" sheets, showing the location of any existing and proposed structures, signs and site features, including any transformers, heat pump and condenser locations, electrical entries and meters, lamp posts, stove pipes, etc.
- c. Architectural plans and other drawings sufficient to describe in detail the work proposed (for signs 1 inch = 1 foot, for construction or alteration ¼ inch = 1 foot for architectural plans and elevations). Plans should be on 24" x 36" sheets. Sign drawings may be on 24" x 36" or 11" x 17" sheets. Architectural plans should include building details/profiles (i.e. moldings, fence caps, cornices, vents, etc.) and all dimensions (i.e. size of trim).
- d. Paint color samples for non-residential projects.
- e. Material samples or manufacturer's literature for siding, roof, awnings, light fixtures, brick and mortar samples, etc.
- f. Photographs of the building or site as it currently exists. (Historic photos may also be helpful.)
- g. In the case of demolition or removal, a written statement by a qualified expert regarding the condition of the structure proposed to be demolished in its current state and the reasons that demolition is justified.
- h. In the case of demolition or removal, a statement and plans of the proposed condition and appearance of the property thereafter.
- i. The appropriate application fee in the form of a check made payable to the "Town of Mashpee". **Fee for Residential projects is \$50 per residential unit proposed to be built or modified. Fee for non-residential projects is \$.05 per sq. ft. gross floor area, minimum \$200.** (FEE WILL BE PAYABLE ONLY AFTER IT IS DETERMINED WHETHER A CERTIFICATE OF APPROPRIATENESS AND HEARING IS REQUIRED)
- j. A certified abutters list and mailing labels listing all direct abutters and the owners of any other property located within one hundred (100) feet of the parcel on which work is proposed (obtained through the Mashpee Assessors Office).
- k. Any other materials which may illustrate the proposed work or assist in the Commission's review.

**\*\*AN APPLICATION MAY BE DENIED IF ANY OF THE ABOVE INFORMATION IS NOT PROVIDED WITH THE APPLICATION.\*\***

\*\*\*\*\*

**PLEASE NOTE:**

If the applicant or a representative is not present during the scheduled hearing, the application may be either continued or denied.

\*\*\*\*\*

**IF YOU HAVE ANY QUESTIONS REGARDING APPLICATIONS, PLEASE CALL THE MASHPEE BUILDING DEPARTMENT AT (508)539-1400 X556 BETWEEN 8 A.M. AND 4 P.M. M-F.**





# Mashpee Historic District Commission

## Application for a CERTIFICATE OF NON-APPLICABILITY

Application is hereby made for the issuance of a Certificate of Non-Applicability under M.G.L. Chapter 40C, The Historic Districts Act, for proposed work as described below and on plans, drawings, or photographs accompanying this application.

**PLEASE TYPE OR PRINT LEGIBLY**

ADDRESS OF PROPOSED WORK \_\_\_\_\_

ASSESSORS MAP NO. \_\_\_\_\_ ASSESSORS LOT NO. \_\_\_\_\_

OWNER \_\_\_\_\_ TEL. NO. \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

AGENT OR CONTRACTOR \_\_\_\_\_ TEL. NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

**This application is for exemption of proposed exterior construction or other work on the grounds that (check applicable box):**

- (1) It will not be visible from any public street, public way, public park or public body of water.
- (2) It is a temporary structure or sign, (subject, however, to such conditions as to duration or use, location, lighting, removal and similar matters as the Commission may reasonably specify).
- (3) It involves only reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural features damaged or destroyed by fire, storm or other disaster, (provided such reconstruction is begun within one year thereafter and carried forward with due diligence).
- (4) It involves only ordinary maintenance, repair or replacement of any exterior architectural feature which is damaged or worn provided the work does not involve a change in design, material, color (non-residential structures only), or outward appearance of the structure.
- (5) It is within a category declared entitled to exemption by Mashpee Historic District Commission.

**PROPOSED WORK:** On a separate sheet or sheets, provide a description of the proposed work, including a site plan showing location on lot and all other applicable Required Application Materials (see page 2). The Commission may waive certain application materials as appropriate, but a Certificate may be disapproved if sufficient description of proposed work is not included with this application.

Signed \_\_\_\_\_  Owner  Contractor  Agent DATE: \_\_\_\_\_

(Must be signed by Owner, or by Agent / Contractor with written authorization by Owner)

\*\*\*\*\*

Application Received by Town Clerk: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

Application Received by H.D.C.: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

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The Certificate is hereby  Approved  Disapproved  Approved with conditions (see attached)

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

Decision Received by Town Clerk's Office: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

# **REQUIRED APPLICATION MATERIALS CERTIFICATE OF NON-APPLICABILITY**

**PLEASE SUBMIT THREE (3) COPIES OF THE FOLLOWING APPLICATION INFORMATION AND MATERIALS TO THE HISTORIC DISTRICT COMMISSION C/O THE MASPEE TOWN CLERK**

- a. The completed application form signed by the owner or authorized agent/contractor, including the Architectural Specification Sheet. (If agent or contractor, attach a letter signed by owner authorizing agent/contractor to represent the owner with regard to this application and bind the owner with regard to any representations made about the proposed work and any approval conditions imposed by the Commission.)
- b. Scaled site plans, at a scale of 1 inch = 40 feet, on 24"x36" sheets, showing the location of any existing and proposed structures, signs and site features, including any transformers, heat pump and condenser locations, electrical entries and meters, lamp posts, stove pipes, etc.
- c. Architectural plans and other drawings sufficient to describe in detail the work proposed (for signs 1 inch = 1 foot, for construction or alteration ¼ inch = 1 foot for architectural plans and elevations). Plans should be on 24" x 36" sheets. Sign drawings may be on 24" x 36" or 11" x 17" sheets. Architectural plans should include building details/profiles (i.e. moldings, fence caps, cornices, vents, etc.) and all dimensions (i.e. size of trim).
- d. Paint color samples for non-residential projects.
- e. Material samples or manufacturer's literature for siding, roof, awnings, light fixtures, brick and mortar samples, etc.
- f. Photographs of the building or site as it currently exists. (Historic photos may also be helpful.)
- g. In the case of demolition or removal, a written statement by a qualified expert regarding the condition of the structure proposed to be demolished in its current state and the reasons that demolition is justified.
- h. In the case of demolition or removal, a statement and plans of the proposed condition and appearance of the property thereafter.
- i. Any other materials which may illustrate the proposed work or assist in the Commission's review.

\*\*\*\*\*

**\*\*NO FEE IS REQUIRED FOR A CERTIFICATE OF NON-APPLICABILITY\*\***

**\*\*AN APPLICATION MAY BE DISAPPROVED IF ANY OF THE ABOVE INFORMATION IS NOT PROVIDED WITH THE APPLICATION.\*\***

\*\*\*\*\*

**IF YOU HAVE ANY QUESTIONS REGARDING APPLICATIONS, PLEASE CALL THE MASHPEE BUILDING DEPARTMENT AT (508)539-1400 X556 BETWEEN 8 A.M. AND 4 P.M. M-F.**

# Mashpee Historic District Commission

## Application for CERTIFICATE OF HARDSHIP

Under the provisions of Mashpee General By-Laws Section 110-6.J., if the construction or alteration or demolition for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the District generally, failure to approve an 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 purposes of the By-law. 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.

Based on this policy, I, \_\_\_\_\_(applicant) hereby apply for a Certificate of Hardship regarding the work at the property located at (address)\_\_\_\_\_ (Assessors' Map \_\_\_\_\_ Parcel \_\_\_\_\_) described on the attached Certificate of Appropriateness application and supporting materials.

**\*\*ANY APPLICATION FOR A CERTIFICATE OF HARDSHIP SHALL BE ACCOMPANIED BY A COMPLETED APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS AND REQUIRED SUPPORTING PLANS AND DOCUMENTS, UNLESS WAIVED BY THE COMMISSION.\*\***

The reasons that a Certificate of Hardship is requested and justified are the following (attach extra sheets if required):

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Signed \_\_\_\_\_  Owner  Contractor  Agent Date: \_\_\_\_\_

(Must be signed by Owner, or Agent / Contractor with written authorization by Owner)

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Application Received by Town Clerk: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

Application Received by H.D.C.: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

Fee received: \$ \_\_\_\_\_

\*\*\*\*\*

On \_\_\_\_\_ the Commission voted \_\_\_\_\_ to \_\_\_\_\_ that this request is hereby

**Approved**     **Disapproved**     **Approved with conditions (see attached)**

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

Decision Received by Town Clerk's Office: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

# Mashpee Historic District Commission

## Application for Extension of Approval of Certificate of Appropriateness

It is the adopted policy of the Mashpee Historic District Commission that if the rights authorized by a Certificate issued by the Commission are not exercised within one year of the date of filing of the Certificate determination with the Town Clerk, such rights shall lapse; provided however, that the Commission in its discretion may, as a condition of its Certificate approval, specify an additional time period for project completion; and provided further, that the Commission, in its discretion, may extend the time for exercise of such rights upon written request of the applicant before Certificate expiration. Work commenced must be completed within one year from the Certificate date unless otherwise indicated.

Based on this policy, I, \_\_\_\_\_(applicant) hereby apply for an extension of \_\_\_\_\_ days for completion of the work approved under the Certificate of Appropriateness which was approved by the Commission on \_\_\_\_\_and filed with the Town Clerk on \_\_\_\_\_ for the property located at (address)\_\_\_\_\_ (Assessors' Map \_\_\_\_\_ Parcel \_\_\_\_\_).

The reasons that such an extension is requested and justified are the following (attach extra sheets if required):

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Signed \_\_\_\_\_  Owner  Contractor  Agent Date: \_\_\_\_\_  
(Must be signed by Owner, or Agent / Contractor with written authorization by Owner)

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Application Received by Town Clerk: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

Application Received by H.D.C.: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

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On \_\_\_\_\_ the Commission voted \_\_\_\_\_ to \_\_\_\_\_ that this request is hereby

**Approved**  **Disapproved**  **Approved with conditions (see attached)**

If approved, extension is until (date): \_\_\_\_\_

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

(Signature of Commissioner) \_\_\_\_\_ Date \_\_\_\_\_

Decision Received by Town Clerk's Office: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

# **Appendices**

## **A. Mashpee Historic District By-laws (General By-laws Chapter 3, Sections 54-57 and Chapter 110)**

### **B. Secretary of the Interior's Standards**

- 1) Standards for Preservation**
- 2) Standards for Rehabilitation**
- 3) Standards for Restoration**
- 4) Standards for Reconstruction**

# **A. MASHPEE HISTORIC DISTRICT – GENERAL BY-LAW**

## **Article XV - Historic District Commission**

### **§3-54. Appointment; Membership; Alternate Members:**

- A. The Board of Selectmen shall appoint a Historic District Commission, consisting of seven members, two members initially to be appointed for one year, two for two years, and three for three years, and each successive appointment to be made for three years. The Commission shall include, if possible, at least one member from two nominees solicited from the Mashpee Historical Commission one member from two nominees solicited from the chapter of the American Institute of Architects covering Mashpee and at least one property owner from within the District. In addition, in order to accurately reflect Mashpee's historical character and the composition of the town's heritage stewardship, the Commission shall include one member from two nominees from each of the Mashpee Wampanoag Indian Tribal Council and the Mashpee Planning Board. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires. To the extent possible, members of the Commission should be knowledgeable and experienced in historic preservation.
- B. The Board of Selectmen may appoint up to three alternate members to the Commission. Each alternate member shall have the right to act and vote in the place of one regular member, upon designation by the Chairman of the Commission, or if the Chairman is unavailable, the Vice Chairman, should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three-year terms thereafter.
- C. 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. Vacancies, as they occur, shall be filled for the unexpired term in the same manner as in the case of original appointments.

**§3-55. Organization; Officers:** The Historic District Commission shall elect annually a Chairman, Vice Chairman and Secretary from its own members. The election shall take place at the first meeting of the Board after July 1 of each year.

**§3-56. Meetings:** Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations. Four members of the Commission, not including alternates, shall constitute a quorum.

### **§3-57. Powers and duties:**

- A. The Commission shall exercise its powers in administering and regulating the construction and alteration of any structures or buildings within any Local Historic District established within the Town of Mashpee as set forth under the procedures and criteria established in this Article. In exercising its powers and duties hereunder, the Commission shall pay due

regard to the distinctive characteristics of each building, structure and District area. In addition, the Commission may exercise any other powers or duties designated by Town Meeting or by the General Laws.

- B. The Commission may adopt, and from time to time amend, reasonable rules, regulations and guidelines not inconsistent with the provisions of this Article or M.G.L. Chapter 40C, 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 and design guidelines for construction and alterations within a District area. The Commission shall file a copy of any such rules, regulations and guidelines with the office of the Town Clerk.
- C. The Commission shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- D. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a Historic District.”

Also by adding a new Chapter 110 to read as follows:

## **“CHAPTER 110 – HISTORIC DISTRICTS**

**§110-1. Establishment and Purposes.** The Town of Mashpee hereby establishes a Local Historic District, to be administered by a Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended. The purpose of the District is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Mashpee, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

**§110-2. Definitions.** The terms defined in this section shall be capitalized throughout this Chapter. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

**ALTERATION, TO ALTER:** The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

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

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

**COMMISSION:** The Historic District Commission as established in this Bylaw.

**CONSTRUCTION, TO CONSTRUCT:** The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DEMOLITION: Removal of any existing structure or portion thereof.

DISPLAY AREA: The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT: The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE: Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs 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 said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS: Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE: A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE, BUILDING or SIGN: A BUILDING or STRUCTURE (other than a SIGN) not intended to be in existence for a period of more than one year, or a SIGN not intended to be in place for a period of more than thirty (30) days. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

**§110-3. District Boundaries.** The DISTRICT shall consist of one or more DISTRICT areas as follows:

- A. MASHPEE HISTORIC DISTRICT - The Mashpee Historic District shall be a DISTRICT area under this Chapter. The location and boundaries of the Mashpee Historic District are defined and shown on the Local Historic District Map of the Town of Mashpee, Sheet 1 which is a part of this Chapter and is on file in the office of the Town Clerk. Sheet 1 is based on the 2006 Mashpee Assessors' Map. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

**§110-4. 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 and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a

CERTIFICATE within each Historic District area. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

**§110-5. ALTERATIONS and CONSTRUCTION prohibited without a CERTIFICATE**

- A. Except as this Chapter provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED or DEMOLISHED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.
- B. No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Chapter has been issued by the COMMISSION.

**§110-6. Procedures for review of applications.**

- A. Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION, in care of the office of the Town Clerk, an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material 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. The Town Clerk shall certify the date of receipt of said application and shall forthwith transmit said application to the Chairman of the COMMISSION or another person designated by the COMMISSION.
- B. The COMMISSION or its designee 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.
- C. If the COMMISSION or its designee 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 by the COMMISSION under the provisions of this Chapter, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.
- D. If the COMMISSION or its designee determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Chapter, the COMMISSION shall hold a public hearing on the application, except as may otherwise be provided in this Chapter, within forty-five (45) 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. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed, postage prepaid, 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; to the Planning Board; to any person filing a written request for notice of hearings, such request to be renewed yearly in December; and to such other persons as the COMMISSION shall deem entitled to notice.

- E. A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.
- F. Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features that, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.
- G. The concurring vote of a majority of the members of the COMMISSION, including any Alternate Members designated to hear the application, shall be required to issue a CERTIFICATE.
- H. In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Chapter.
- I. If the COMMISSION determines that the CONSTRUCTION or ALTERATION or DEMOLITION 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.
- J. If the CONSTRUCTION or ALTERATION or DEMOLITION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an 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 purposes of this Chapter. 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.

- K. 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 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.
- L. If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) 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 of Hardship Due to Failure to Act.
- M. 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.
- N. A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty days of the issuance of a CERTIFICATE or disapproval, 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 and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with 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 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.

**§110-7. Criteria for determinations.**

- A. In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.
- B. In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions 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. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or by-law.
- C. When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the

Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

- D. The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

**§110-8. Exclusions.**

- A. The COMMISSION shall exclude from its review the following:

- (1) Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify in a CERTIFICATE of Non-Applicability.
- (2) Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.
- (3) Storm windows and doors, screen windows and doors, and window air conditioners.
- (4) The color of paint on residential buildings and structures.
- (5) The color of materials used on roofs of residential buildings and structures.
- (6) SIGNS of not more than four (4) square feet in DISPLAY AREA, either freestanding or attached to a building, indicating the street number or name of the occupant of the premises, or both, which may also include identification in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly.
- (7) One (1) real estate, "for sale" or "for rent" SIGN, not more than five (5) square feet in DISPLAY AREA, and advertising only the premises on which the sign is located, provided that such SIGN is removed forthwith upon the signing of a legally binding purchase and sales, rental or lease agreement.
- (8) One building contractor's SIGN while a building on the premises is actually under CONSTRUCTION or ALTERATION, not exceeding five (5) square feet in DISPLAY AREA, provided that such sign is removed forthwith upon completion of said CONSTRUCTION or ALTERATION.
- (9) 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.

- B. 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.
- C. Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

**§110-9. Categorical approval.** 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 Mashpee 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 Chapter.

**§110-10. Enforcement and penalties.**

- A. The COMMISSION shall determine whether a particular activity is in violation of this Chapter or not, and the COMMISSION shall be charged with the enforcement of this Chapter.
- B. The COMMISSION, upon a written complaint of any resident of Mashpee or owner of property within Mashpee or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Mashpee to prevent, correct, restrain or abate violation of this Chapter. In the case where the COMMISSION is requested in writing to enforce this Chapter 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 therefore, within twenty one (21) days of receipt of such request.
- C. Whoever violates any of the provisions of this Chapter shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.
- D. The COMMISSION may designate the Building Inspector of the Town of Mashpee, or another Town Official, to act on its behalf and to enforce this Chapter under the direction of the COMMISSION.

**§110-11. Validity and separability.** The provisions of this Chapter 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 Chapter shall continue to be in full force and effect.

## **B. SECRETARY OF THE INTERIOR'S STANDARDS**

U.S. Department of the Interior, National Park Service

Revised 1990

The Secretary of the Interior is responsible for establishing standards for all national preservation programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. The following are the Secretary's Standards for Historic Preservation Projects,.

### **Secretary of the Interior's Standards for Preservation**

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

## **Secretary of the Interior's Standards for Rehabilitation**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **Secretary of the Interior's Standards for Restoration**

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed

## **Secretary of the Interior's Standards for Reconstruction**

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.