

**Town of Duxbury, Massachusetts
Local Historic Districts Commission**

RULES and REGULATIONS

with

DESIGN REVIEW GUIDELINES

Rules and Regulations originally adopted and approved on September 15, 2015, revised through November 16, 2017.

Design Review Guidelines formally adopted and approved on November 16, 2017, and in use since September 15, 2015.¹

¹ These Guidelines replace in the entirety the *June 2012 Design Guidelines for Bradford Duxbury Local Historic Districts, First Parish Church Duxbury Local Historic Districts, and Winsor Duxbury Local Historic Districts*.

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Duxbury Local Historic Districts

Introduction

The purpose of these Rules and Regulations with Design Review Guidelines is to encourage the appropriate preservation, maintenance, and restoration of properties within the Duxbury Local Historic Districts. Local Historic Districts are defined as those approved by Town Meeting and included in the Duxbury Bylaw. Further purposes include to inform the public of the role of Duxbury's Local Historic District Commission in overseeing a District, to govern the Commission's procedures and practices, and to explain the criteria by which the Commission reviews applications relating to properties within a District. The Commission works with District property owners to ensure that the architectural legacy of their historic buildings, as preserved, continues to provide our community with a tangible sense of the past while meeting present needs.

The Design Review Guidelines contained in this booklet are intended to encourage appropriate design by applicants and foster predictability and fairness in Commission actions. While the Commission considers each application on its own merits, applicants are encouraged to follow the Guidelines to the greatest extent possible and should not expect that the Commission will depart from them in most circumstances. Further, it should be understood that certain properties, and their specific features have greater architectural or historic significance than other properties and the requirements of the Commission may reflect this difference.

Alteration of the exterior of a building located within the Duxbury Local Historic Districts and visible from a public way or place generally requires review by the Commission, and in many cases a building permit from the Building Inspector. Property owners within the District must review their proposed projects with the Commission and the Building Inspector before having such exterior work performed.

The Rules and Regulations with Design Review Guidelines are meant to supplement and further explain the Commission's authority under Massachusetts General Laws c. 40C and Town Bylaw Chapter 12. To the extent that these Rules & Regulations conflict with either G.L. c. 40C or Chapter 12, G.L. c. 40C and Chapter 12 shall govern.

Members of the first appointed Local Historic Districts Commission and contributors to the first edition of Rules and Regulations with Design Review Guidelines were:

James S. Hartford, Chairman
Gerald W. Kriegel, ex-officio
Audrey A. Macdonald
Renee E. Mierzejewski
Pamela Campbell Smith
Peter T. Smith, Vice Chairman
William S. Thayer
Robert C. Vose III
René J. Read, Duxbury Town Manager

Overview: The Duxbury Local Historic Districts

Where are they?

The Duxbury Local Historic Districts are distinct, individual Districts whose boundaries are illustrated on maps with property addresses and Assessors parcel numbers, and are shown on the Official Local Historic District Map of the Town of Duxbury filed with the Clerk of the Town of Duxbury and recorded in the Plymouth County Registry of Deeds. Copies of this map are available at the Town Clerk's office, as is the Bylaw. (Chapter 12 of the General By-Laws of the Town of Duxbury)

To find out if your property is in one of the Duxbury Local Historic Districts, or to learn how to become part of a district; or for more information about other historic districts and resources in the Town of Duxbury, contact the Duxbury Local Historic District Commission at:

http://www.town.duxbury.ma.us/Public_Documents/DuxburyMA_bcomm/LHDC

Assistance is generally also available from the Building Department of the Town of Duxbury's Department of Inspectional Services (Lambiase@town.duxbury.ma.us).

Background/Creation of Districts

Purpose

The Historic Districts Act, Massachusetts General Laws Chapter 40C, was created to protect and preserve the historic resources of the Commonwealth through a local review system that encourages and ensures compatible improvement and development within Duxbury Local Historic Districts.

The first Local Historic Districts in Massachusetts were established on Nantucket and Beacon Hill in 1955. There are now over two hundred Local Historic Districts throughout the state. Through historic district legislation, the preservation of an historic district can provide the community with a continuing and tangible sense of its past, and can protect the historical legacies of our ancestors, with the assurance that the best of these may be enjoyed by future generations.

In general, Local Historic Districts have three key purposes:

- 1) To preserve and protect the distinctive characteristics of buildings and places significant to the history of the Commonwealth and its cities and towns;
- 2) To maintain and improve the settings of those buildings and places; and
- 3) To assure that new construction is compatible with existing buildings and their historic relationship to other buildings in their vicinity.

Authority

“Chapter 12 - Historic Districts” of the Town of Duxbury’s By-laws was created by a two-thirds majority vote at Duxbury’s Annual Town Meeting in 2011 and established the first Duxbury Local Historic Districts and the Duxbury Local Historic Districts Commission.

Duxbury’s Historic District Commission is made up of five regular and three alternate members, all of whom are residents and at least one of whom is a realtor, one an architect, one a member of the Duxbury Rural and Historical Society, one a property owner from one of the districts. The Commission is required to review the architectural appropriateness of proposed exterior design changes in the District that are visible to the unaided eye from the public way, including major or minor alterations, new additions, or removal of trim or structures.

Property owners in the Duxbury Local Historic Districts are required to obtain a certificate from the Commission prior to starting any exterior work on buildings or structures that is visible to the unaided eye from a public way. Please note that, by Town By-law, the building inspector cannot issue a building permit for exterior work or demolition for property located within the Duxbury Local Historic Districts without the necessary certificate from the Commission. The Commission welcomes informal inquiries prior to submission of applications in order to facilitate efficient review of applications when submitted.

Certificate Process

Before beginning any work on an exterior element of a property, or applying for a building permit, a property owner in a District must submit an application to the Commission for review. Until the proper certificate has been issued by the Commission, no building permit may be issued for work on a property within an historic district, nor may any construction work be started on site whether or not a building permit is required. At the conclusion of its review, the Commission shall issue one of the following:

Certificate of Non-Applicability

If the Commission or its designee determines that the proposed work is (1) not subject to public view or (2) a like-kind replacement of existing conditions, then the Commission will issue a Certificate of Non-Applicability and the applicant may apply for a building permit.

Certificate of Appropriateness

If the Commission determines that the proposed work is not entitled to a Certificate of Non-Applicability and must, therefore, go to the Commission for a hearing, then the applicant will be required to obtain a Certificate of Appropriateness from the Commission for approved alterations, additions and new construction before obtaining a building permit. For extremely minor work, the Commission may give its tentative approval by issuing a “Ten Day Letter of Approval.” If there are no objections from either abutters or Commissioners to the Ten Day Letter of Approval, the Commission will issue a Certificate of Appropriateness. A Certificate of Appropriateness is valid for one year. If work has not commenced after one year, a new application must be filed.

Notice of Disapproval

In the case of disapproval of an application for a Certificate of Appropriateness, the Commission will issue a notice that explains the reasons for the determination.

Certificate of Hardship

If the Commission determines that the proposed work is not entitled to a Certificate of Non-Applicability and requires a hearing, the Commission may issue a Certificate of Hardship if failure to approve the application would involve substantial hardship, financial or otherwise, and if the proposed work will not result in a significant detriment to the Duxbury Local Historic Districts.

What is Subject to Review?

Exterior Architectural Features

All changes to the exterior of a building subject to public view, with an unaided eye from a public way, must be reviewed and approved by the Commission. Such changes include, but are not limited to: new construction, additions, repairs, replacements and alterations to windows, doors, roofs, gutters, building materials, and changes in grade. For the purposes of determining visibility, existing and proposed wooden fences and landscaping are deemed not to block sight lines from a public way. If there is a question regarding visibility, the final determination will be made by the chair of the Commission or the chair's designee.

Exclusions

The Commission's review jurisdiction excludes the following:

1. Temporary buildings, structures, seasonal decorations and signs
2. Terraces, walks, patios, driveways
3. Storm windows and doors, screens and window air conditioners
4. The color of paint applied to exterior surfaces of buildings or structures
5. The color of materials used on roofs
6. The reconstruction, similar in exterior appearance, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
7. Architecturally appropriate construction required for conformance with handicapped persons accessibility legislation.

Nothing shall be construed to prevent the following:

1. Ordinary maintenance, repair or replacement of any exterior architectural feature within a district which does not involve a change in design, material or outward appearance.
2. Landscaping with plants, trees or shrubs.
3. The Meeting of the Public Safety Requirements of an authorized public officer, to alleviate an unsafe, unhealthy or dangerous condition.

General Guidelines

The Duxbury Local Historic Districts Commission supports the broad philosophical principles of the U. S. Secretary of the Interior's Standards for the Treatment of Historic Properties. Intended to promote responsible preservation practices that help protect our nation's irreplaceable cultural resources, the four treatment approaches are Preservation, Rehabilitation, Restoration, and Reconstruction:

- **Preservation** places a premium on the retention of all historic fabric through conservation, maintenance and repair.
- **Rehabilitation** emphasizes the retention and repair of historic materials, with greater latitude provided for replacement because it is assumed the property is more deteriorated prior to work. (Both Preservation and Rehabilitation standards focus attention on the preservation of those

materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

- **Restoration** focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.
- **Reconstruction** establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object using new materials.

Guidelines for rehabilitating historic buildings were initially developed in 1977 by the Secretary of the Interior and revised in 1990, and are intended to generally assist in applying approaches, treatments and techniques that are consistent with the Standards when evaluating projects. The following guidelines are considered by the Duxbury Local Historic Districts Commission when evaluating applications:

- **Repair, Don't Replace**
Original or historically significant materials and/or architectural features shall be maintained and repaired whenever possible rather than replaced.
- **Match Materials**
In the event that replacement of existing materials or features is necessary, the new materials shall match the existing materials being replaced in design, color, texture and other visible qualities.
- **Replace Based on Evidence**
Replacement of missing architectural features shall be based on evidence of original features, substantiated by physical or pictorial information. Proposal for new work shall be based on evidence of appropriate detail with regard to size, shape, material and design.
- **Use Appropriate Style**
All architectural changes shall be appropriate either to the original style of the building (if it has not been significantly altered) or its altered style (if it has been significantly altered to reflect characteristics of a later style).
- **Quality**
All proposals shall show evidence that work will be executed with the highest quality material and workmanship.
- **Don't Change Window or Door Locations**
No new locations for door and window openings in facades shall be allowed and no changes shall be made to existing window and door openings unless they involve restoration of original features.

Specific Guidelines

Exterior Materials

1. **Wood** - Wood siding: clapboards, shingles, board and batten; cornices, brackets, shutters, columns and balustrades, quoins, and other significant architectural features:
 - Retain and repair original or later historically important material whenever possible.

- Retain and repair, and when necessary replace deteriorated material to match the original as closely as possible.
 - Replacement of wood with manufactured materials shall be approved on a case by case basis.
2. **Masonry: Stonework, Brickwork, and Stucco** - Building walls, chimneys, brackets, railings, cornices, window architraves, door pediments, steps, columns, and other significant architectural features.
- Wherever possible, original masonry, stonework, brickwork, and mortar should be retained.
 - Deteriorated masonry should be repaired and replaced with material that matches the original.
 - Applying paint or coatings such as stucco or other parging to masonry that was previously unpainted or uncoated will only be approved on a case by case basis.
- **Paint** - The Commission does not require a hearing if you wish to repaint your house. Although not subject to review, the Commission encourages owners to select colors that are harmonious and compatible with other buildings in the district.

Exterior Features

1. Roofs

- Preserve the integrity of the original or later historically important roof shape.
- Replicate the original roof covering whenever possible.
- Asphalt and fiberglass shingles are acceptable.
- Preserve the architectural features that give the roof its distinctive character, such as cornices, gutters, cupolas, dormers and brackets.

2. Windows, Shutters and Doors

- Retain original and later historically important door and window openings where they exist. Do not enlarge or reduce door and window openings for the purpose of fitting stock window sashes, shutters, doors, or air conditioners.
- Whenever possible, repair and retain original or later historically important window elements such as sash, lintels, sill, glass, shutters and other decorative elements. If replacement is necessary, the materials and design must replicate the original.
- New replacement windows must match historically accurate existing windows in configuration, material and detail. Window muntins and mullions must divide glass or be permanently fixed to the exterior and/or interior faces. Windows with removable grilles may be approved only on a case by case basis following review by the Commission.
- Storm windows may be added over existing windows.
- Wooden shutters that are appropriate to old windows should be repaired or replaced using materials that match the original. Shutters shall be mounted clear of casings using projected hinges. Tie back hardware to hold shutters in place shall be either spring latches or “S” hooks. In the held back position blade tips shall angle up. Mounting shutters by being directly screwed to casings and siding is not likely to be approved.
- Original or Historically significant entries, including reveals, doors, surrounds, transoms or fanlights, sidelights and other features, typically may not be altered.
- New doors shall be appropriate to the existing surround in style, material and proportions.

3. Porches, Steps, Trim and Other Exterior Architectural Elements

- Retain and repair porches and steps that are original or include later historically important features, including railings, balusters, columns, posts, brackets, ornamental ironwork and other important decorative items. If new items are needed, they should match as closely as possible the style, shape, scale and materials of the original. Avoid replacing wood posts and railings with metal ones, or wood porch decks with concrete.
- Architectural elements such as cornices, brackets, window lintels and sills, boot scrapers and handrails shall not be removed from buildings.
- If any element of architectural trim has deteriorated beyond repair, it shall be replaced to duplicate the original.
- If any element of architectural trim is known to be missing, its replacement is encouraged.

Demolitions

Demolitions or partial demolitions within Historic Districts must be reviewed in advance by the Commission for approval, in addition to compliance with the Town of Duxbury Demolition Delay ByLaw¹. Demolition as defined by these Guidelines includes removal of a building or structure in whole or in part as long as it lies within a District. All proposed demolition is subject to review, regardless of the percentage of the building to be demolished, the age of the structure, or other factors that might remove it from consideration under the Demolition Delay Bylaw. Demolition also includes removal of any feature or building element which changes the appearance of the building or structure as viewed from a public way. The Commission's authority covers outbuildings as well as the principal structure on the property. The Commission also recognizes that demolishing an addition that is neither original nor appropriate may well be a positive step.

Additions

Additions should not disrupt the essential form and integrity of the building and should be compatible in size, scale, material and character of the building and its environment. Additions should be located in a position relative to the original building that does not compromise the appearance of the original facade as viewed from a public way.

New designs do not need to copy the earlier building. They can be compatible with the existing building without copying the architecture of the building. A building should not be altered to an appearance inconsistent with its original construction. New additions or alterations should be done in a way that, if they were to be removed in the future, the basic form and integrity of the historic property would be preserved.

New Construction

The Commission will review all proposed alterations of, and additions to, existing structures, and all new construction within the Districts.

New construction should respect the existing historic streetscape. The historic relationship of buildings to the street and to other properties in the district, including setbacks and open spaces, should be maintained. The Commission will consider the appropriateness of the size, massing, scale, height, shape and siting of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity. The Commission may impose dimensional and setback requirements in addition to those required by local Zoning By-laws for new construction within Local Historic Districts.

¹ Duxbury Zoning Bylaw – “Demolition of Historically Significant Buildings” Section.

The architecture of new construction should relate with the predominant architecture of existing historic buildings in the vicinity in a manner approved by the Commission.

New structures should be finished on the exterior with materials, composition, and architectural details that are consistent with the architectural style predominant in the vicinity. Individual features such as doors and windows should be compatible in proportion, size, shape, location, and pattern with similar features on other contributing structures in the district. Alterations and additions should be compatible with the character of the building and earlier additions in terms of size, scale, massing, material, location and detail.

The original portion of the building and earlier additions should continue to be recognizable apart from the addition by means of massing, articulation of setbacks, trim and ornamental detail. Additions should be designed so that the primary elevations of the original building remain clearly delineated, and are not rendered subordinate by the addition.

Resources

There are extensive professional and technical preservation services and resources available to historic property owners. The following may be helpful:

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings is available from the Government Printing Office. More information about these standards and guidelines as well as a downloadable pdf version of the complete book can be found by following the links on the National Park Service, U.S. Department of the Interior web sites:

<http://www.nps.gov/tps/standards.htm>

<http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf>

<http://www.nps.gov/history/hps/tps/standguide/index.htm>

Contact may also be made with:

Technical Preservation Services

National Park Service

1201 Eye Street, NW

Washington, DC 20005

(202) 354-2040

www.nps.gov/tps

Historic Colors of America: This color chart features a palette of 149 historically accurate interior and exterior paint colors, including a listing of colors by architectural style and historical period, along with a list of paint manufacturers who can identify a dealer near you.

Available from Historic New England

141 Cambridge Street, Boston, MA 02114

617-227-3956

www.HistoricNewEngland.org

Local Contacts

Duxbury Town Hall
878 Tremont Street, Duxbury, MA 02332
781-934-1100
Town of Duxbury Building Commissioner/
Director of Inspectional Services, Extension 5481

Amendments and Severability

The Commission reserves the right to amend these Rules and Regulations with Design Review Guidelines. If any part is deemed to be invalid, illegal or unconstitutional, then that part shall be severed from the text, and the remaining section shall continue to be in full force and effect.

Application Procedures

The Duxbury Local Historic Districts Commission will not formally review an Application for Certificate until all zoning issues have been resolved through the Duxbury Planning Board, Board of Health, Conservation Commission Zoning Board of Appeals or other town body with jurisdiction which must first be satisfied prior to the issuance of a building permit. An applicant who wishes to begin design review on a parallel track with another jurisdiction must agree to an extension or extensions of the time for review of the application to the Commission until all such other proceedings are complete.

Until the proper certificate has been issued by the Commission, no building permit may be issued for work on a property within a District, nor may any other construction work be started on site whether or not a building permit is required. In the preliminary stages of project planning, upon request by an applicant the Commission welcomes the opportunity to informally review and discuss proposed projects. The Commission may provide information about its requirements and concerns regarding the proposed work. Applicants wishing to commence a certificate process should contact the Local Historic Districts Commission at Duxbury Town Hall, Office of the Building Department and Director of Inspectional Services.

Application forms for certificates are available from the Building Department's office in the Town Hall at 878 Tremont Street, and they should be filed with the Building Department before a building permit can be issued. Application forms must be signed by the property Owner. The property Owner is the Owner of Record as maintained on file by the Duxbury Treasurer/ Collector and the Assessing Department. It is the Owner's duty, not the architect's or contractor's, to make the application. The information provided on the application must accurately define the entire work. A sample application form appears at the end of this document.

An Application fee in an amount to be determined by the Board of Selectmen made payable by check to the Town of Duxbury is required at time of submittal of the Application form.

Documents Required

An application for a Certificate of Appropriateness requires submittal of seven (7) sets of the following items. Drawings shall be presented on 11" x17" sheet size prepared to indicated graphic scales, including north arrow and identified by title blocks with date of preparation.

- Item no. 1 Application for Certificate form completed and signed by the Owner. Item no. 2 Site Plan with Locus showing existing buildings and structures and proposed changes including site improvements.

- Item no. 3 Drawings for completely new construction projects to include:
 - Floor Plans
 - Exterior Elevations as viewed from the public way
 - Drawings for addition and alterations projects to include:
 - Existing Conditions measured Floor Plans and Elevations
 - Proposed Construction Floor Plans and Elevations

- Item no. 4 Photographs of the site and existing buildings. Include building photographs showing locations of changes. Photographs can also be used to illustrate the history of the building in the context of proposed changes.

- Item no. 5 List of all exterior building materials including siding and window products as viewed from the public way.

Drawings shall be prepared to a known architectural or engineering scale which is noted on each drawing and be sufficiently complete as required to be made part of a building permit application.

A Certificate of Appropriateness application shall not be received until reviewed and approved for adequacy and completeness by a Local Historic Districts Commission member.

The Commission will determine within fourteen (14) days from the receipt of a complete application whether any of the proposed work is subject to review requiring a hearing.

Hearings

If it is determined by the Commission that a public hearing to review an application is required, the Applicant² will be contacted for scheduling. For additional information on Hearings, please see the Duxbury Local Historic District Commission By-Law (Chapter 12), which is available on the Town Website (<http://www.town.duxbury.ma.us>).

Commission Site Visits

The Commission reserves the right to inspect the project during construction to determine compliance with the conditions set forth in the Certificate issued. Upon receiving a certificate issued by the Commission which allows for issuance of a building permit and commencement of construction, the Owner and his engaged construction personnel grant permission for Commission members to visit the site

and observe the construction progress. Site visits shall be arranged with on-site contractor personnel with at least 24 hours in advance of request to visit. Visits shall not be more frequent than one visit every two weeks.

Project Completion

Following completion of construction of a project in a District, the Inspectional Services Department shall not issue a certificate of occupancy until the Historic Districts Commission informs the Inspectional Services Department in writing that all work has been completed in accord with the terms of the Certificate issued by the Commission.

Time Limits

Work must commence one year from the time the Certificate is issued unless an extension is requested and approved by the Commission.



Duxbury Local Historic Districts Commission
Town Offices
878 Tremont Street
Duxbury, MA 02332

Application for Certificate

In accordance with Chapter 40C of the Massachusetts General Laws and Chapter 12 – Local Historic Districts of the Town of Duxbury By-laws, the undersigned hereby applies to the Duxbury Local Historic Districts Commission for a:

Check one Certificate of Appropriateness Certificate of Non-Applicability Certificate of Hardship

Property Address:

Location of work: _____ Historic District: _____

Property Owner of Record _____ Telephone _____

Applicant (If differs from Property Owner) _____ Telephone _____

Mailing Address: _____

E-mail Address: _____

Contractor (if any): _____

Address/Phone/Email: _____

Architect or Designer (if any): _____

Address/Phone/Email: _____

Engineer (if any): _____

Address/Phone/Email: _____

Description of the proposed work: Attach additional pages if necessary

List of Exhibits: (Drawings, photographs, samples, materials, products)

Inspections of the Property is hereby authorized:

Signature of Property Owner

Date