

Chapter 10

HISTORIC DISTRICTS AND COMMISSION+

Art. I. In General. secs 10-1--10-17

Art. II. Historic District, secs 10-18--10-25

ARTICLE I. IN GENERAL

Sec. 10-1. Historical commission.

(a) There shall be an historical commission consisting of seven (7) members who shall serve without compensation and be appointed by the mayor as provided for in section 8D of chapter 40 of the Massachusetts General Laws as amended.

(b) The historical commission shall elect its own chairman.

(c) The historical commission shall have all the powers, authority, rights, duties and obligations prescribed in section 8D of chapter 40 of the Massachusetts General Laws, as amended, and its members shall be appointed, serve, and be removed all in accordance with said section 8D of chapter 40 of the Massachusetts General Laws, as amended. (Ord. of 5-2-72)

Secs. 10-2--10-17. Reserved.

ARTICLE II. HISTORIC DISTRICT

Sec. 10-18. Title.

This article shall be known as the Taunton Historic District Ordinance and is adopted pursuant to chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended. (Rev. Ords. 1964, sec 22-1; Ord. of 2-13-79) .

Cross references-Administration generally, Ch. 2; buildings and building regulations, Ch. 4; planning Ch. 16.

Sec. 10-19. Purposes.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the city or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith. (Rev. Ords. 1964, sec 22-2; Ord. of 2-13-79)

Sec. 10-20. Historic district established.

There is hereby established under the provisions of chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended, an historic district to be known as the Taunton Historic District which shall be bounded as described in Appendix I attached hereto and as shown

on a plan affixed hereto marked Appendix II. Said description and plan shall be parts of this article and are hereby incorporated by reference. (Rev. Ords. 1964, sec 22-3; Ord. of 2-13-79)

Sec. 10-21. Historic district commission.

(a) *Membership.* There is hereby established under chapter 40C of the General Laws an historic district commission consisting of seven (7) members and three (3) alternate members appointed by the mayor and approved by the municipal council. These members shall include one from two (2) nominees submitted by the Old Colony Historical Society, one member from two (2) nominees submitted by the Boston Society Chapter of the American Institute of Architects and one member from two (2) nominees submitted by the North Bristol County Board of Realtors and at least one resident of the district. Members chosen from nominees made by the American Institute of Architects and the Board of Realtors need not be residents of the city.

(b) *Terms of office.* When the commission is first established, the members from the Old Colony Historical Society, from the chapter of the American Institute of Architects and from the Board of Realtors shall be appointed for three (3) year terms. Two (2) other individuals will be appointed for two (2) year terms and two (2) individuals for a one year term. One of the two (2) year or one (1) year terms is to be filled by a resident of the district. Three (3) alternate members will also be appointed. One (1) for a one (1) year term, one (1) for a two (2) year term, and one (1) for a three (3) year term. Qualifications for membership should include the individual's knowledge and appreciation of historic and architectural values and the significance of this district and the buildings involved.

(c) *Vacancy.* Vacancies shall be filled within sixty (60) days by the mayor by appointment for the unexpired term.

(d) *Compensation.* All members and alternate members shall serve without compensation. (Rev. Ords. 1964, sec 22-4; Ord. of 2-13-79)

Sec. 10-22. Duties and powers of the commission.

The historic district commission shall have all the powers and duties of an historic district commission as provided by the Historic District Act, General Laws, chapter 40C and of subsequent amendments thereto unless specifically limited by this article or subsequent amendment of this article.

(1) *Rules and regulations.* The commission may adopt rules and regulations not inconsistent with the provisions of the Historic District Act.

(2) *Expenditures.* The commission may, subject to appropriation and budget limitations, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, provided that the city appropriates funds for these purposes.

(3) *General regulatory powers.* The commission shall have control of new construction, reconstructions, alterations, relocations and demolitions of buildings and structures, and of all

exterior architectural features of buildings and structures within the historic district which are visible from any public way within the historic district except as limited by this article. The term "structure" includes stone walls, fences, driveways, walks, terraces, storm doors, steps, pavings, signs, lights and appurtenant fixtures on lots, buildings or structures but not limited to the same. For the purposes of this article, any structure partially within the historic district shall be wholly within the district. The commission may also administer for the city any properties which the city may vote to place in its care and may be assigned any other related powers by vote of the municipal council. Properties administered by the commission may include leasehold interests or any ownership rights of the city equal to or less than a fee simple.

(4) *Consideration.* In passing upon matters before it, the commission should consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design arrangement of the features involved in relation to such features to similar features of buildings and structures in the surrounding area. In a case of new construction or addition to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure, both in relation to the land area upon which the building or structure is situated and to building and structures in the vicinity, and the commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by the applicable zoning ordinance.

(5) *Waiver of review.* The commission may determine, from time to time, after public hearings, that certain categories of exterior architectural features, structures or signs may be constructed or altered without review by the commission. The commission may, after public hearing, set forth the various designs of certain appurtenances such as light fixtures which will meet the requirements of an historic district but no such determination shall limit the right of an applicant to present other designs to the commission for its approval.

(6) *Regulation.* The historic district commission, by a majority of members, entitled to vote and constituting at least a quorum, may delegate the responsibility of administering the provisions of this article to one of its members. This member so appointed shall represent the commission and shall be given authority to locate potential violations of this article to bring them to the knowledge of the commission, and to serve notice to the offending party of the potential violation. The building inspector will further be given authority to call a special meeting of the commission for purposes of enforcing this article. (Rev. Ords. 1964, sec 22-5; Ord. Of 2-13-79)

Sec. 10-23. Limitations of commission's powers.

The historic district commission shall not make any recommendations or requirements with regard to the following:

- (1) The color of the paint;
- (2) The color of materials used on roofs;
- (3) Storm windows, window screens and TV antennae;
- (4) Temporary signs, provided the sign is a single or double-faced sign and does not exceed six (6) square feet in area and further provided that said temporary sign will be removed within a reasonable period of time not to exceed thirty (30) days after its use. Examples: Political signs shall be taken down within thirty (30) days after the date of the election, signs of real estate brokers

shall be taken down within thirty (30) days after the date that the transaction has been consummated. Under no conditions shall more than one temporary sign be placed on each lot. Temporary signs should not be illuminated in any way, whether it be directly or indirectly. No control shall exist over temporary signs for charitable, religious, and nonprofit organizations or event sponsored by the same, provided these organizations are located within the district. (Rev. Ords. 1964, sec 22-6; Ord. of 2-13-79)

Sec. 10-24. Procedures.

The commission shall conduct all of its business and execute all of its duties in accordance with the General Laws, chapter 40C, sections 1-17, as amended. (Rev. Ords. 1964, sec 22-7; Ord. of 2-13-79)

Sec. 10-26. Building permits and subdivision plans.

No building permit shall be issued for any building or structure within the district, whether it be for exterior construction or reconstruction or demolition without prior review and approval by the commission. No subdivision plan shall be approved without prior review and approval by the commission. If buildings or land located within the historic district are involved, building permits issued and subdivision plans approved without the approval of the historic district commission shall be invalid and null and void. (Rev. Ords. 1964, sec 22-8; Ord. of 2-13-79)

Sec 10-27. Demolition Delay Regulations; Intent and Purpose

This Ordinance is adopted to protect and preserve buildings and structures within the City which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the City and to encourage the preservation and restoration rather than demolition of such buildings and structures; and, by furthering these purposes, to promote the public welfare and to make the City a more attractive and desirable place in which to live and work.

To achieve this purpose, the Taunton Historic District Commission (hereinafter "the Commission") is empowered to advise the Taunton Zoning Code Enforcement Officer (hereinafter the "Building Inspector") with respect to the issuance of permits for demolition. Further, the Commission is mandated to offer its advice and expertise to owners of Preferably Preserved Buildings and Structures.

The issuance of demolition permits is regulated as described hereafter in this ordinance. (Ord of 5-7-96)

Sec 10-28. Definitions.

The following words and phrases when used whether or not capitalized in this Ordinance shall have the meanings set forth below, unless the context otherwise requires:

(a) "Demolition" - the intentional act of pulling down, destroying, removing or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same:

(b) "Historic District" - Taunton Historic District or any other historic district which may be established in the City of Taunton under Chapter 40C of the General Laws of Massachusetts; or the Regulations of the National Register of Historic Places.

(d) "Historically Significant Building or Structure" Any building or structure within the City which is determined by the Commission to be historically significant because such building or structure is: (1) associated with one or more historic persons or events, or with the architectural, cultural, economic, political or social history of the City of Taunton; or (2) historically or architecturally important (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings or structures.

(e) "Preferably Preserved Historic Building or Structure" - Any historically significant building or structure which is determined by the Commission, because of the important contribution made by such building or structure to the historical and/or cultural resources of the City, to be in the public interest to preserve.

(f) "Business Day" A day which is not a legal municipal holiday, Saturday or Sunday. (Ord of 5-7-96)

Sec 10-29. Regulated Buildings and Structures.

The provisions of this Ordinance shall apply only to any building or structure which, in whole or in part, was built fifty or more years prior to the date of the application for the demolition permit, and is:

(a) A building or structure listed or eligible to be listed on the National Register of Historic Places, or on the State Register.

(b) A building or structure significantly associated with one or more historic persons or events, or with the broad architectural, cultural, economic, political or social history of the City; or

(c) A building or structure which is historically or architecturally significant in terms of period style, method of building construction or association with a significant architect or builder either by itself or as part of a group of buildings; or

(d) A building or structure located within 150 feet of a federal, state or local historic district boundary. (Ord of 5-7-96)

The provisions of this ordinance shall not apply to buildings or structures containing less than five hundred (500 sf) square feet of floor space unless such building or structure is listed on the National Register of Historic Places.

Sec 10-30. Procedures.

(a) No permit for the demolition of any building or structure shall be issued other than in conformity with the provisions of this Ordinance, as well as in conformity with the provisions of the other laws and ordinances applicable to the demolition of buildings and structures and the issuance of permits generally.

(b) Completed applications are to be filed with the Building Department and dispersed to the City Planner and Historic District Commission by the Building Department.

(c) Within ten (10) business days from receipt by the Commission of an application for a demolition permit, the Commission shall make determination of whether or not the building or structure is a regulated building or structure, and if the Commission determines that the building or structure is regulated by this Ordinance, the Commission shall also determine within the same 10 business days whether or not the building or structure may be on Historically Significant Building or Structure.

If the Building Inspector does not receive the opinion of the Commission in regard to these determinations within fifteen (15) business days of the date of the receipt of the application by the Commission, then, subject to Section 7 of this Ordinance, the Building Inspector may grant the permit applied for.

(d) If the Commission determines that the building or structure is not regulated by this Ordinance, or is not Historically Significant, the demolition permit application shall be approved and signed by the Commission and returned to the Building Inspector. Upon receipt of such, the Building Inspector may, subject to the requirements of the building code and any other applicable laws, issue the demolition permit.

(e) If the Commission determines that the building or structure may be an Historically Significant Building or Structure, the Commission shall review the application for demolition at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be an Historically Significant Building or Structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing, cost of such publication to be borne by the applicant. Such notice shall specify the address of the subject building, and shall be published in said newspaper once during each of the two weeks preceding the date of such public hearing.

No less than five (5) business days before the public hearing the applicant for the demolition permit shall submit to the Commission three (3) copies of a demolition plan which shall include the following:

- (i) A map showing the location of the building or structure to be demolished on its property and with reference to the neighboring properties;
- (ii) Photographs of all street facade elevations;
- (iii) A description of the building or structure, or part thereof, to be demolished;

- (iv) The reasons for the proposed demolition and data supporting said reason; and
- (v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

(f) After said public hearing, the Commission shall within ten (10) business days determine whether or not the subject building or structure is (a) Historically Significant and (b) a Preferably Preserved Building or Structure, and notify in writing the applicant and the Building Inspector of its determination, stating the reasons for such decision.

(g) If the determination is that the subject building or structure is both Historically Significant and Preferably Preserved, the Building Inspector shall not issue a demolition permit for a period of six (6) months from the date of such determination, unless the Commission informs the Building Inspector in writing prior to the expiration of the six-month period that:

(i) The Commission is satisfied that the applicant has made a bona fide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or

(ii) The applicant has agreed to accept a demolition permit according to certain conditions approved by the Commission. (Ord of 5-7-96, Ord of 7-11-2000)

Sec 10-31. Notice.

Notice of a hearing or determination provided for in this Ordinance shall be sent by the Commission to the owner of record, the applicant for the demolition permit (if different from owner of record), the immediate abutters to the subject property, the Building Inspector, and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant maintain on the building, which is the subject of a demolition permit application, notice, in a form designated by the Commission, visible from the nearest public way, of any hearing on the subject matter or such application; and applicant shall comply with such requirements. (Ord of 5-7-96)

Sec 10-32. Emergency Demolition.

Nothing in this Article shall be construed to derogate in any way from the authority of the Building Inspector derived from Chapter 143 of the General Laws. However, before acting pursuant to this Chapter the Building Inspector shall make every reasonable effort to inform the Chair of the Historic District Commission of his/her intentions to cause demolition before the building inspector initiates same. (Ord of 5-7-96)

Sec 10-33. Historic Districts Act.

Nothing in this Ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Chapter 40C, with respect to the requirements of notice, laws, hearing and issuance by the Commission of a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship prior to the demolition of any building in an historic

district. Any temporary building erected or maintained in an historic district pursuant to a Certificate issued by the Commission may be demolished in a manner consistent with the terms of such Certificate. (Ord of 5-7-96)

Sec 10-34. Enforcement and Remedies.

The Building Inspector is specifically authorized to institute any actions, in law or in equity, as deemed necessary to obtain compliance to prevent a threatened violation thereof.

(b) Any owner of a building determined by the Commission to be a Preferably Preserved Historic Building or Structure who causes the building to be demolished without first obtaining a demolition permit in accordance with the provisions of this Ordinance shall be subject to a fine of not more than \$300.00. The provisions of this Ordinance may be enforced in equity in the Superior Court by a petition brought by the Historic District Commission on behalf of the City of Taunton. (Ord of 5-7-96)

Sec 10-35. Severability.

In case any section, paragraph or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect. (Ord of 5-7-96)