

ARTICLE XVIII
Historic Preservation

A. **§ 200-101. Purpose and Intent.**

The purpose of this by-law is to encourage the preservation of buildings, structures, sites and settings of historic significance, by allowing such buildings or features to remain in place, or be moved to another location rather than be demolished or otherwise compromised. The by-law gives the Board of Appeals the authority to issue a special permit modifying certain dimensional standards for the creation of new lots, or for the use of existing lots for purposes of the preservation of historic structures or buildings as defined herein.

B. **Historic Structures Defined:**

For purposes of a dimensional special permit for historic preservation the historic building or structure must be listed on one of the following:

1. The National Register of Historic Places;
2. The State (Commonwealth of Massachusetts) Register of Historic Places;
3. The North Reading Historic Building Survey.

C. **Parent Parcel Defined:**

A parent parcel is the parcel of land that is to be divided.

D. **Standards and Regulations:**

The following specific standards shall be applied to a dimensional special permit for historic preservation:

1. The lot must be located in a Residential Zoning District.
 - (a). Any new lot created under this by-law shall contain not less than ½ the minimum lot area for the Residential zoning district in which it is proposed.
 - (b). The original lot being subdivided (Parent Lot) shall, under no circumstances, be permitted to be made non-conforming to the frontage and area requirements of the Residential zoning district in which it is located.
 - (c). Any new lot created shall have a minimum contiguous upland area, free of wetlands, of 5,000 sq. ft.
3. Lot frontage and building setbacks on new lots created under this by-law shall be as follows:

<u>Full Name</u>	<u>Short Name</u>	<u>Frontage</u>	<u>Setbacks</u>		<u>Rear</u>
			<u>Front</u>	<u>Side</u>	
Residence A District	RA	80	25	10	20
Residence R District	RR	80	25	10	20
Residence B District	RB	65	10	10	20
Residence D District	RD	80	25	10	20
Residence E District	RE	80	25	10	20
Residence M District	RM	50	10	10	20

4. Any new lot created under this by-law shall have its required frontage on a public way as measured at the street line.
5. Any new lot created under this by-law shall meet the requirements of Title 5.
6. No new lot may be created that would render the parent parcel of land nonconforming with regard to dimensional requirements, including but not limited to area and frontage. **[Amended 4-9-07 ATM by Art. 21, approved 8-8-2007]**
7. A vacant existing nonconforming lot need not meet the standards set forth in Subsections 1 through 3 above; however, the provisions of Subsections 4 will apply.
8. The special permit granting authority shall determine whether or not an historic structure or building can be placed on a lot without detrimental effect to abutting properties or the street on which the lot has its frontage.

E. Findings Required:

Priority in granting a dimensional special permit for historic preservation shall, in all cases, be placed upon keeping buildings and structures in place, rather than moving them to other locations, provided that the existing site can be shown to represent valid historical setting and context. Moving of structures or buildings to other locations shall be considered only if no other preservation measures are practical or reasonable on the existing site, or if the proposed removal is to return a building or structure to an original or more historically accurate location. In addition to the findings required under Section 200-23 of the Zoning By-law and the foregoing standards and regulations, the permit granting authority shall consider the following specific items:

1. That the modification of dimensional requirements is necessary to protect, preserve or maintain an historic structure or building;
2. That the proposed work, including any relocation or reconstruction, preserves, to the maximum extent feasible, the historical and architectural features of the structure or building;
3. That in the absence of a special permit, destruction of an historic structure or building will result.

F. Conditions To Be Imposed:

If the Zoning Board of Appeals grants the special permit, it shall impose, as minimum conditions, the following:

1. In the event of a catastrophic event which results in damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements:
 - (a) The new dwelling is placed in the existing footprint; or
 - (b) The new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding
2. Prior to the move, the Board of Selectman of the Town of North Reading shall approve the route and the timing of the move of the building or structure.
3. In the event that the owner of the lot wishes to make changes to the historic structure after it is relocated, the owner must seek a modification of the special permit from the Zoning Board of Appeals. The Zoning Board of Appeals shall request that the Historical Commission review the proposal and provide a recommendation prior to their decision.
4. Upon the appeal period expiring, the applicant shall submit the approved plan to the Community Planning Commission for an Approval Not Required endorsement pursuant to Chapter 41, Section 81P of the Massachusetts General Laws. Such an endorsement shall be a condition of the special permit approval.
5. The owner shall record at the Middlesex South District Registry of Deeds an historic preservation restriction in the form approved by the Zoning Board of Appeals, and approved and endorsed by the Massachusetts Historical Commission in accordance with Chapter 184, Section 32, of the Massachusetts General Laws, which shall at a minimum provide for conditions under which alterations, additions or modifications may be made, and in the event of damage to the historic structure such that the historic structure cannot be repaired, the owner may rebuild on the lot, provided that the new dwelling does not contain more than the same interior floor area as the historic structure and meets one of the following requirements: (i) the new dwelling is placed in the existing footprint; or (ii) the new dwelling is built in conformity with the zoning side, front and rear setbacks in effect at the time of rebuilding. Any mortgagee shall subordinate its mortgage to this restriction.
6. When the decision of the Board of Appeals on the application for a dimensional special permit for historic preservation has become final, the applicant shall submit the plan upon which the decision is based to the Community Planning Commission for certification as an approval not required plan pursuant to Chapter 81, Section 41P, of the Massachusetts General Laws. The notice of decision of the Board of Appeals, the approved and endorsed historic preservation restriction with any required mortgagee subordination, and the approval not required plan certified by the Planning Board shall be recorded concurrently at the Middlesex South District Registry of Deeds.

G. Application Requirements and Procedure:

Ten copies of an application for a dimensional special permit for historic preservation shall be filed with the Board of Appeals. Copies of the application will be distributed to, and a review shall be conducted involving but not limited to staff representatives of, Planning, Historical Commission, Building, Health, Conservation, School, Public Works, Police and Fire. Comments from the reviews shall be submitted to the Zoning Board of Appeals.

The application shall include the following information:

1. A plan prepared by a registered land surveyor and/or professional engineer showing the lot proposed to be created or used for the preservation of an historic structure or building. The plan shall be suitable for purposes of submission as an Approval Not Required plan. The plan shall be at a scale of one inch equals 20 feet, on a sheet size of 24 inches by 36 inches. And shall show the following information:
 - (a) All existing and proposed property lines with bearings and distances;
 - (b) If the application is for the creation of a new lot, then the parent parcel from which the lot is being taken shall also be shown in its entirety at the same scale;
 - (c) The location and size of all existing structures or buildings on and adjacent to the proposed lot, and the distances between all existing and proposed structures or buildings;
 - (d) The public way on which the existing or proposed lot will have its frontage;
 - (e) Proposed front, side and rear building setback lines;
 - (f) Existing and proposed topography (grading);
 - (g) Significant trees or other natural features;
 - (h) The location and type of utilities serving the lot;
 - (i) Wetlands delineation;
 - (j) The name of the owner and all parties having any interest in the lot, including book and page numbers of the documents at the Registry of Deeds which describe such an interest;
 - (k) A copy of the deed of ownership shall be included with the application; and
 - (l) All easements on the lot.
2. If the historic structure is going to be relocated, a map showing the route over which the historic structure or building will be moved;
3. If the historic structure is going to be relocated, a letter from the Police Chief, Fire Chief, Tree Warden of the Town and the Director of Public Works approving the route. It is the responsibility of the applicant to contact and obtain approvals (if needed) from utility companies having overhead cables, lines or wires along the route, and from the Massachusetts Highway Department if a state

roadway is involved and from the Director of Public Works, Police Chief and Fire Chief of any city or town included on the route. The applicant is responsible for any costs associated with police supervision along the route;

4. A letter from the Historical Commission, certifying that the structure is an historic structure, as defined in this by-law and any recommended conditions for the special permit;
5. A statement of any changes to be made to the historic structure;
6. The provisions of Sections 200-23. through 200-28 of the Zoning By-law shall apply to the application, hearing, decision, conditions and lapse of a dimensional special permit for historic preservation;
7. A dimensional special permit issued under this by-law shall contain an account of all required findings and considerations made by the permit granting authority in its decision to allow such exception to the by-laws.

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