



**RULES AND REGULATIONS**  
*of the*

**HISTORIC DISTRICT COMMISSION**  
*Methuen, Massachusetts*

*Revised and accepted by vote of the Commission March 2008*

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**SECTION 1. GENERAL PROVISIONS**

**A. Authority**

These Regulations are promulgated under the authority of Chapter 24 of the Municipal Code of Methuen (MCM) and shall be effective upon fulfillment of all legal requirements for the effectiveness.

**B. Purpose**

These Regulations are promulgated to create a uniformity of process and to clarify and define the provisions of the City of Methuen Historic District Ordinance.

**C. Waivers from Rules and Regulations**

Strict compliance with these Rules and Regulations may be waived, when, in the judgment of the Methuen Historic District Commission (HDC), such action is in the public interest, and is consistent with the intent and purpose of the municipal ordinance.

**SECTION 2. GENERAL**

**A. Definitions**

**Abutter** shall mean those property owners whose land abuts the subject land described in a Certificate application subject to HDC review. It shall also mean those property owners directly across a public or private street or way.

**Act** shall mean the Historic Districts Act, Massachusetts General Laws, Chapter 40C, and any rules and regulations made thereunder.

**Activity** shall mean any form of construction, reconstruction, alteration, or expansion of any building or structure within the historic district resulting or potentially resulting in change of exterior architectural feature.

**Alter** shall mean rebuild, reconstruct, restore, remove, demolish, or change in exterior color.

**Applicant** shall mean any person who files an application for a Certificate of Appropriateness, Certificate of Non-Applicability, or Certificate of Hardship, or one for who said forms are filed.

**Area subject to protection under the ordinance** shall mean the historic district area specified in Section 3 of the Ordinance.

**Building** shall mean a combination of materials forming a shelter for persons, animals, or property.

**Conditions** shall mean those statements and regulations set forth in a written Certificate issued by the HDC for the purpose of regulating or prohibiting any activity.

**Commission** shall mean the body of members lawfully appointed pursuant to Massachusetts General Laws, Chapter 40C, and MCM, Chapter 24 and acting as the HDC.

**Date of receipt** shall mean the date of delivery to an office, or usual place of business by mail or hand.

**District** shall mean the Searles Tenney Nevins Historic District and any other subsequent areas approved by City Council subject to the requirements of Chapter 24, MCM.

**Exterior architectural feature** shall mean such portion of the exterior of the building or structure as is open to view from a public way, public park, or public body of water, including, but not limited to, architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to the exterior surfaces and the type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures.

**Issuing authority** shall mean the HDC, or the higher court of appeals as provided for in the General Laws of Massachusetts.

**Majority** shall mean more than half of the duly appointed members of the HDC present at a meeting for which there is a quorum.

**Ordinance** shall mean Chapter 24 of the Municipal Code of Methuen.

**Person Aggrieved** shall mean a person who, because of an act or failure to act by the issuing authority, may suffer an injury in fact, which is different either in kind or magnitude from that suffered by the general public and which is within the scope of the interests defined by this ordinance. Said person must specify in writing sufficient facts as to how they may be affected by said act or failure to act.

**Plans** shall mean such data, maps, engineering drawings, architectural drawings, schedules, material samples, and other materials deemed necessary by the issuing authority to describe the site and/or the impact of the proposed work upon the interests of the Ordinance. The plans, which may be required, are further defined in Section 5.0 of these Regulations.

**Quorum** shall mean the majority of the duly appointed members of the HDC, that when duly assembled, is legally competent to transact business.

**Structure** shall mean a combination of materials other than a building, including a sign, fence, wall, tower, terrace, step, paving, manmade embankment, dam, bridge, canal, raceway, walk, or driveway.

**Waiver** shall mean an authorization from the HDC to an applicant for a deviation from the terms of the Ordinance as described in Section 1c of these Rules and Regulations.

**Work** shall mean the same as activity.

### **SECTION 3. CERTIFICATES: PROCEDURES**

#### **A. Certificate of Appropriateness;**

A Certificate of Appropriateness is issued for any activity affecting the exterior of a building, site or structure visible from a public street, way, park, or waterway.

1. An application may be obtained and filed during the hours of Monday thru Thursday 8:00 a.m. to 4:30 p.m. and Fridays 8:00 a.m. to 12:00 p.m. with Historic District Commission, c/o Department of Economic and Community Development (DECD), 41 Pleasant Street, Suite 217, Methuen, Massachusetts 01844. Application must include a certified abutters list (obtained through the City Assessors Office or Customer Service Office) and a filing fee of Twenty-Five Dollars (\$25.00).
2. Application deadline is eighteen (18) calendar days prior to the HDC's meeting, unless waived by the HDC. The HDC's regular meeting is held on the fourth Thursday of each month. The meeting schedule may change in the event the regularly scheduled meeting conflicts with a legal holiday. The Department of Economic and Community Development (DECD) will prepare legal notices and certified mailings to abutters, if necessary.
3. The staff administrator will determine if the application is complete (see Section 4) and ready for filing. The applicant is strongly advised to meet with the administrator before the filing deadline to ensure that the application meets the review criteria of the HDC.
4. An original and eleven (11) copies of the application and accompanying plans and material must be filed at the DECD.
5. Within seven (7) days of the filing of an application for a certificate, the HDC shall determine whether the application involves any exterior architectural features which are subject to the approval of the HDC.
6. The HDC shall take action in approving or denying a Certificate of Appropriateness no later than sixty (60) days from the date of application filing with the DECD, unless the applicant grants an extension of the time period for action.

**B. Certificate of Non-Applicability**

A Certificate of Non-Applicability is issued for the following:

1. Proposed construction or alteration of exterior architectural features not subject to public view;
2. Activities listed as exempt from HDC jurisdiction under Section 8, Chapter 24, MCM; and
3. Proposed activity conforming to design guidelines established by the HDC from time to time, per Section 8, Chapter 24, MCM; and

The application process for this certification is as follows:

1. An application may be obtained and filed during the hours of Monday thru Thursday 8:00 a.m. to 4:30 p.m. and Fridays 8:00 a.m. to 12:00 p.m. with Historic District Commission, c/o Department of Economic and Community Development (DECD), 41 Pleasant Street, Suite 217, Methuen, Massachusetts 01844. Application must include a certified abutters list (obtained through the City Assessors Office or Customer Service Office) and a filing fee of Twenty-Five Dollars (\$25.00).

2. Application deadline is eighteen (18) calendar days prior to the HDC's meeting, unless waived by the HDC. The HDC's regular meeting is held on the fourth Thursday of each month. The meeting schedule may change in the event the regularly scheduled meeting conflicts with a legal holiday. The Department of Economic and Community Development (DECD) will prepare legal notices and certified mailings to abutters, if necessary;
3. The HDC may authorize the Chairman to act for the HDC in acting on applications, which are exempt from HDC control under Section 8, Chapter 24, or in which the HDC's meeting schedule prevents action before the deadline established by Ordinance;
4. A written determination as to applicability of the Ordinance shall be valid when signed by the Chairman acting for the majority, and shall be rendered with fourteen (14) days after the date of receipt of all necessary materials.

**C. Certificate of Hardship**

A Certificate of Hardship is issued for the following:

1. In the event conditions especially affecting the building or structure involved, but not affecting the District generally, make failure to approve an application a substantial hardship, financial, or otherwise to the applicant, and approval would not involve a substantial detriment to the welfare; and
2. When the Commission fails to make a determination on an application within sixty (60) days after filing of an application for any certificate.

The application process is as follows:

1. An application may be obtained and filed during the hours of Monday thru Thursday 8:00 a.m. to 4:30 p.m. and Fridays 8:00 a.m. to 12:00 p.m. with Historic District Commission, c/o Department of Economic and Community Development (DECD), 41 Pleasant Street, Suite 217, Methuen, Massachusetts 01844. Application must include a certified abutters list (obtained through the City Assessors Office or Customer Service Office) and a filing fee of Twenty-Five Dollars (\$25.00).
2. Application deadline is eighteen (18) calendar days prior to the HDC's meeting. The HDC's regular meeting is held on the fourth Thursday of each month. The meeting schedule may change in the event the regularly scheduled meeting conflicts with a legal holiday. The DECD will prepare legal notices and certified mailings to abutters, if necessary;
3. An original and eleven (11) copies of the application and accompanying plans and material must be filed at the DECD;
4. Within seven (7) days of the filing of an application for a certificate, the HDC Chairman shall determine whether the application involves any exterior architectural features, which are subject to the approval of the HDC; and
5. The HDC shall take action in approving or denying a Certificate of Hardship no later than sixty (60) days from the date of application filing with the DECD, unless the applicant grants an extension of the time period for action.

## **SECTION 4. APPLICATION MATERIAL**

### **A. Requirements:**

1. All applications for a certificate should include the following:
  - a. The completed application form signed by the owner/applicant.
  - b. Scaled drawings sufficient to describe in detail the work proposed (for signs 1”=1” ; for construction, alteration, ¼”=1’).
  - c. Paint color samples if the work includes repainting.
  - d. Material samples or manufacturer’s literature for siding, roof, awnings, light fixtures, brick and mortar samples, etc.
  - e. Photographs of the building or site.
  - f. A check in the amount of Twenty-Five Dollars (\$25.00) made payable to the City of Methuen.
2. Requirements for applications regarding signs are as noted in the Methuen Sign Guide. Said Sign Guide is incorporated by references as part of these regulations.

## **SECTION 5. REVIEW CRITERIA**

### **A. General Criteria**

In reviewing certificate applications, the HDC will give Consideration to the following issues:

1. The historical, architectural, and cultural value of the structure or site under consideration and its relationship with a 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.

### **B. REHABILITATION CRITERIA**

In rehabilitation of existing buildings, the HDC encourages preservation of as much of the original character, details and materials as possible. The HDC will use the Secretary of Interior’s Standards for Rehabilitation as a model.

### **C. NEW CONSTRUCTION CRITERIA**

The HDC will encourage building design that in scale, detail, and materials respects the integrity of the district.

**D. SIGN CRITERIA**

Guidelines for sign design and installation are as noted in the HDC's Methuen Sign Guide, which is incorporated herein by reference.

**SECTION 6. DESIGN GUIDELINES**

The design guidelines contained in the Searles Tenney Nevins Historic District Design Guidelines Handbook (July 2007) expand upon and supersede the design guidelines described herein.

**A. GENERAL**

**Material:**

Use historic materials, i.e. stone, brick, wood, cast iron, wherever possible. Where modern materials are used, they should match historic ones in color, texture, etc. Avoid synthetic siding including, but not limited to, vinyl, aluminum, and imitation brick and stucco. Though not strictly forbidden, it may not be appropriate for some buildings. Under no circumstances should siding obscure existing details or ornament. In areas where synthetic siding is allowed, the HDC will require large scale details and/ or samples of trim pieces used around openings and at corners etc., prior to approval.

**Massing:**

The Methuen Zoning Ordinance or the Zoning Board of Appeals generally determines building size and setback. The HDC may however, suggest alternative massing where needed, or recommend additional elements, which will reduce the perceived scale of a building.

**Proportion:**

Building elements should be appropriately proportioned to one another. Maintain historic ratio of window to wall area. Retain and enhance rhythm of streetscape.

**Balance:**

Building facades should be balanced. Balance is not necessarily symmetry. Many historic buildings, such as Victorian houses, are balanced, yet asymmetrical.

**Color:**

Subdued colors are generally recommended.

**Wall Surfaces:**

Adding to the beauty of many historic buildings is the richness of their wall surfaces. Materials are layered, divided, or patterned to break down the scale of the individual elements. Avoid large undivided expanses of glass or blank wall surface.

**Appurtenances:**

Place mechanical equipment in inconspicuous locations. Air conditioning units, antennae, satellite dishes, heating and ventilating equipment should be placed on the rear elevation. On the roof, they should be painted to blend in with the background. On the ground, equipment should be screened with fencing or planting.

Awnings—Canvas is the preferred material, although approved alternatives may be used if available in compatible textures and colors.

Alterations required by health and safety codes should be located in as inconspicuous a place as possible.

## **B. EXISTING HISTORICAL BUILDINGS**

1. Retain original characteristics and materials whenever possible. Replace deteriorated materials and features with matching new materials. New elements should be compatible with the original in design, color, texture, and architectural style.
2. Avoid trying to make a building look older or newer than it is. A building is a product of its time.
3. Recognize the significance of previous alterations. Often more recent modifications are not sympathetic to the original building.
4. Use appropriate paint colors that respect a historic building and that highlight architectural elements.
5. Retain and repair existing historic window and door elements whenever possible. When repair is not feasible, these features should be replaced with matching elements without enlarging or altering original openings. Avoid filling in existing openings and cutting new ones. Windows must be made of transparent materials. If metal storm windows are installed, they should be painted to blend in with surrounding elements.
6. Preserve original roof shape, pitch, and details. Retain original roofing materials or replace in kind.
7. Design storefronts to respect original lines and scale of building. Preserve key elements that define overall character of storefront façade.
8. Additions should blend or harmonize with the existing character of the building and take into account size, scale, massing, material, location, and detail.

## **C. INTRUSIONS**

1. Prior to enactment of the historic district, buildings and structures were built which are not within the character of the older historic buildings. These are typically referred to as intrusions. Special attention will be given any proposed alterations to intrusions, such that the alterations will not simply maintain the status quo, but will make the structures more compatible with the district. Consideration will be given regarding the intrusion's location within the district.

**D. NEW CONSTRUCTION**

1. New construction should be compatible and harmonious with the existing streetscape and the character of an historic district. Each project will be evaluated individually based on general design requirements above.

**SECTION 7. ENFORCEMENT**

Any person who violates any provision of the ordinance, these rules and regulations promulgated under said ordinance, or any condition of the permit granted hereunder, shall be punished by a fine of One Hundred Dollars (\$100.00) each day, or portion thereof, during which a violation continues. If more than one violation, each condition violated shall constitute a separate offense.

The ordinance, these rules and regulations, and The Certificate of Appropriateness will be enforced by the HDC, the City Building Commissioner, or by any other city officer acting as an authorized agent for the HDC. Upon request of the HDC, the Mayor and City Solicitor shall take legal action, as may be necessary, to enforce this ordinance, the rules and regulations, and permits issued pursuant to it. Further, DECD staff, acting as agent on behalf of the HDC, is authorized to seek non-criminal disposition of violations upon direction of a majority vote of the HDC as provided for in Chapter 17 of the Methuen Municipal Code.

**SECTION 8. ENFORCEMENT ORDERS**

When the HDC determines that an activity is in violation of the ordinance, these rules and regulations, or a final order, the HDC may direct the Building Commissioner to begin enforcement procedures as follows:

1. Issuance of First Notice Violation directing owner to take corrective action to bring into compliance;
2. Issuance of Second Notice of Violation if corrective action is not taken within 7 calendar days of First Notice; and
3. Initiation of non-criminal disposition and imposition of fine penalties if corrective action is not undertaken within 10 calendar days 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 final order; and
3. Failure to obtain a valid Certificate or extension permit prior to conducting an activity subject to the ordinance or regulations.

An Enforcement Order issued by the HDC shall be signed by a majority of the HDC, provided however, that in a situation requiring immediate action, an Enforcement Order may be signed by a single member

or its designated agent if said order is ratified by a majority of the members at the next scheduled meeting of the HDC.

### **SECTION 9. PUBLIC HEARINGS**

In addition to any other specific requirements, the HDC may require notification of abutters for any Certificates, Amendments to Certificates, or Extension, which is to be discussed at a public meeting.

For applications requiring public hearings, The DECD, on behalf of the HDC, will prepare public notice of the time, place, and purpose of the hearing. Said notice will be posted with the City Clerk at least fourteen (14) days prior to the HDC meeting and mailed to “parties in interest”, defined as the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list.

### **SECTION 10. EXPIRATION OF CERTIFICATE VALIDITY**

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

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.