

DANVERS HISTORIC DISTRICT BY-LAW

Section 1. This by-law shall be known and may be cited as the Danvers Historic District By-Law and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2. Purpose: The purpose of this by-law 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 Town of Danvers or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3. Historic District: There is hereby established under the provisions of Chapter 40C of the General Laws an historic district to be known as the Salem Village Historic District, which district shall be bounded as shown on Map #1 entitled "Salem Village Historic District, 1974," attached and, made part of this by-law.

Section 4. Historic District Commission Membership: There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and three alternate members, appointed by the Board of Selectmen, including one member, where possible, from two nominees submitted by the Danvers Historical Society or the Society for the preservation of New England Antiquities, one member, where possible, from two nominees, one of whom shall be submitted by the Massachusetts State Chapter of The American Institute of Architects, and one of whom shall be submitted by the Boston Society of Landscape Architects, and one member, where possible, from two nominees of the board of realtors covering Danvers. Where possible, one or more of the members shall be a resident of an Historic District established in Danvers pursuant to the Historic Districts Act.* When the Commission is first established, two members and one alternate shall be appointed for one year, two members and one alternate shall be appointed for two years, and three members and one alternate shall be appointed for three years. Successors shall each be appointed for a term of three years. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest by a member, the Chairman shall designate an alternate member of the Commission to act for a specified time. All members shall serve without compensation. The Commission shall elect annually a Chairman and Vice Chairman from its own number and a Secretary from within or without its number.

*Additional membership suggestions: Lawyer, professional historian, additional residents of district, member of Planning Board, member of Conservation Commission, individuals interested in historic preservation.

Section 5. Duties & Powers of the Commission: The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by this by-law.

A. RULES AND REGULATIONS: The Commission may adopt Rules and Regulations not inconsistent with the provisions of the Historic Districts Act.

B. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.

C. GENERAL REGULATORY POWERS: The Commission shall have control over new construction, reconstructions, alterations, movements, and demolitions of all exterior architectural features of buildings and structures within the Historic District which are visible from any public street, public way or public park within the Historic District, except as limited by this by-law. The term "structure" includes stonewalls, fences, driveways, walks, terraces, steps, pavings, signs, lights and appurtenant fixtures on lots, buildings or structures. For purposes of this by-law any structure partially within the Historic District shall be considered wholly within the District.

D. CONSIDERATIONS: In passing upon matters before it, the Commission shall 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, and the relation of such features to similar features of building and structures in the surrounding area. In the case of new construction or additions 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 buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and set-back requirements in addition to those required by applicable zoning by-law.

E. The Commission may determine from time to time after public hearing 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.

Section 6. Limitations and Exemptions:

A. The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the historic district.

B. The following are exempt from the control of an Historic District Commission:

1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials.
2. Any constructions, demolitions or alterations under a permit issued by a building inspector or similar agent prior to the effective date of the establishment of the district.
3. Any constructions, demolitions or alterations under orders issued by a building inspector or similar agent for the purposes of public safety.
4. Landscaping with plants, trees or shrubs.

5. Terraces walks, sidewalks and other similar structures not including driveways or parking lots provided that the structure is substantially at grade level.
6. Storm doors and windows; screen doors and windows; window air conditioners, antennae.
7. Color of paint and roofing materials.
8. 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.
9. Signs which meet the requirements of the Town Zoning By-Law.
10. Temporary signs and structures up to 30 days.

Section 7. Procedures:

A. Except as this by-law provides in Section 5, no building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within the historic district until the certificate required by this section has been issued by the Commission.

B. Applications for certificates shall be made in triplicate, one copy being filed with the Historic District Commission, one with the Building Inspector and one with the Town Clerk. Applications shall be in the form specified by the Commission, to include plans and elevations signed by an architect or draftsman, drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when application for certificates are made for improvements affecting appearances, such as walls, fences, steps and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.

C. Within 14 days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.

D. If the application requires the Commission's review, or at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provisions of Chapter 40C of the General Laws amended. Public notice of the time, place and purposes of the hearing shall be given at least 14 days in advance and the Commission must notify by mail affected parties as provided in Chapter 40C of the General Laws as amended.

E. The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.

F. A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the historic district. In the case of a disapproval of an application for

a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within 14 days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.

G. Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.

H. If an application is deemed inappropriate or if application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the historic district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in Section 7E of this by-law.

I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificates and determinations of disapproval with the Town Clerk and the Building Inspector.

J. An applicant may, within twenty days of the decision by the Commission appeal to a superior court sitting in equity. The Commission must pay costs only if it appears to the court that the Commission has acted with gross negligence, bad faith or malice.

K. Violation of any of the provisions of this by-law shall incur a fine of not less than ten dollars nor more than five hundred dollars, each day constituting a separate offense.

Section 8. The Town of Danvers shall be subject to the provisions of this by-law notwithstanding any town by-law to the contrary.

Section 9. This by-law may be amended from time to time by a two-thirds vote of the town meeting subject to the procedures as set forth in Chapter 40C, Section 3 of the General Laws.

Section 10. In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 11. Effective Date:

Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met: (a) approval by the Attorney General of the Commonwealth: (b) filing of a map of the boundaries of the Historic District with the

Danvers Town Clerk, the Danvers Building Inspector and the Registry of Deeds for Essex County.

The Historic District is bounded and described as follows:

Beginning at a point, said point located on the westerly side of Pine Street and on the southerly lot line of land now or formerly of the Society for the Preservation of New England Antiquities, the Rebecca Nourse House, and running westerly along the southerly lot line of same property now or formerly of the Society for the Preservation of New England Antiquities to the easterly side of Collins Street; Thence crossing to the westerly sideline of Collins Street at a point on the northeasterly lot line of Lot #210, Map #57; Thence turning northwesterly and running along the sideline of Collins Street to the northwesterly lot line of Lot #210, Map #57; Thence turning southwestly and running 100 feet, more or less, along the northwesterly lot line of same property; Thence turning northwesterly and running parallel to the southwestly sideline of Collins Street at a distance of 100 feet, more or less, along the back lot lines of property abutting Collins Street, and in some cases through abutting properties to the southerly lot line of Lot # 64, Map #49; Thence turning westerly and running along the southerly lot line of that same lot to the westerly lot line of that same lot; Thence turning northerly and running along the back lot lines of property abutting the westerly sideline of Centre Street to the southerly lot line of Lot #10, Map #49; Thence turning southwestly and running along the back lot line of Lot #13, Map #49, to a point, said point being 250 feet, more or less, southwestly of the southwestly sideline of Centre Street; Thence turning northwesterly and running parallel to the southwestly and southerly sideline of Centre Street at a distance of 250 feet, more or less, to a point on the westerly lot line of Lot #33, Map #40 (Wadsworth School); Thence turning northwesterly and running along the westerly lot line of the lot to the southerly sideline of Centre Street; Thence crossing Centre Street to the northerly sideline of Centre Street; Thence turning northeasterly and running along the northerly sideline of Centre Street to the easterly sideline of Briarwood Drive; Thence turning northerly and running along the easterly sideline of Briarwood Drive to the southerly lot line of Lot #49, Map #40; Thence turning easterly and running along the southerly lot line of that same lot and along the back lot lines of property abutting the southeasterly sideline of Highland Terrace to the easterly lot line of Lot #3, Map #41; Thence turning northerly and running along the easterly lot line of that same lot to the northerly lot line of that same lot; Thence turning westerly and running along the northerly lot line of that same lot to the easterly lot line of Lot #2, Map #41; Thence turning northerly and running along the westerly lot line of Lot #1, Map #41 to the northerly lot line of Lot #55, Map #40; Thence turning westerly and running along the back lot lines of property abutting the northwesterly sideline of Highland Terrace to the back lot line of Lot #62, Map #40; Thence turning northwesterly and running along the back lot lines of property abutting the northeasterly sideline of Briarwood Drive to the easterly sideline of Interstate 95; Thence turning northerly and running along the easterly side line of Interstate 95 to the northerly lot line of land now or formerly of Endicott Park; Thence turning easterly and running along the northerly lot line of land now or formerly of Endicott Park to the easterly lot line of the same property; Thence turning southeasterly and running along the easterly lot line of that same property to the back lot line of Lot #4, Map #33; Thence turning southwestly and running along the back lot lines of property abutting the northwesterly sideline of Forest Street to the southwestly lot line of Lot #3, Map #33; Thence turning southeasterly and running along the southwestly lot line of that same property to the northwesterly sideline of Forest Street; Thence crossing Forest Street to a point on the opposite sideline on the southwestly lot line of Lot #47, Map #33; Thence turning

southeasterly and running 300 feet, more or less, along the southwesterly lot line of that same lot to a point; Thence turning southerly and running parallel to the easterly sideline of Forest Street at a distance of 300 feet, more or less, to a point located in land now or formerly of St. Richards Catholic Church; Thence turning southwesterly and running across that same land to the northeasterly sideline of Forest Street; Thence crossing Forest Street to the opposite sideline at the northwesterly lot line of Lot #29, Map #41; Thence running along the back lot lines of property abutting the northwesterly sideline of Alma Lane to a point on the lot line of Lot #14, Map #41, said point being 190 feet, more or less, easterly of the easterly sideline of Ingersoll Street; Thence turning southerly and running across that same lot to the northwesterly end line of Weeks Road; Thence turning southwesterly and running along the northwesterly lot line of Lot #153, Map #41, the back lot line of that same lot; Thence turning southeasterly and running along the back lot lines of property abutting the southwesterly sideline of Weeks Road to the northwesterly sideline of Prince Place; Thence crossing Prince Place to the southwesterly lot line of Lot #150, Map #41; Thence running along the southwesterly lot line of that same lot line to the northwesterly lot line of Lot #149, Map #41; Thence turning southwesterly and running along the northwesterly lot line of that same lot to the back lot line of that same lot; Thence turning southeasterly and running along the back lot line of property abutting the southwesterly sideline of Weeks Road to the southeasterly lot line of Lot #148, Map #41; Thence turning northeasterly and running along the southeasterly lot line of that same lot to the southwesterly lot line of Lot #148A, Map #41; Thence turning southeasterly and running along the southwesterly lot line of that same lot to the southeasterly lot line of that same lot; Thence turning northeasterly and running along the back lot lines of Property abutting the end line of Weeks Road to the back lot line of Lot #134, Map #41; Thence turning southerly and running along the back lot line of property abutting the southwesterly sideline of Forest Street to the back lot line of Lot #126, Map #41; Thence turning northeasterly and running along the back lot lines of land abutting the northwesterly sideline of Hobart Street to the southwesterly sideline of Forest Street; Thence crossing Forest Street to the northerly lot line of Lot #102, Map #41; Thence turning northwesterly and running along the northeasterly sideline of Forest Street to a point 250 feet, more or less, from the northwesterly sideline of Hobart Street; Thence turning northeasterly and running parallel to the northwesterly sideline of Hobart Street at a distance of 250 feet, more or less, to a point 25 feet, more or less, southwesterly of the southwesterly sideline of Gansons Lane; Thence turning northwesterly and running parallel to the southwesterly sideline of Gansons Lane at a distance of 25 feet, more or less, to a point 50 feet, more or less, northwesterly at the end line of Gansons Lane; Thence turning northeasterly and running parallel to the end line of Gansons Lane at a distance of 50 feet, more or less, to a point 25 feet, more or less, northeasterly of the northeasterly sideline of Gansons Lane; Thence turning southeasterly and running parallel to the northeasterly sideline of Gansons Lane at a distance of 25 feet, more or less, to the northerly sideline at Hobart Street; Thence turning southwesterly and crossing Hobart Street to the opposite sideline at the northeasterly lot line of Lot #109, Map #41; Thence turning southeasterly and running along the northeasterly lot line of that same lot to a point 300 feet, more or less, from the southerly sideline of Hobart Street; Thence turning southwesterly and running along parallel to the southerly sideline of Hobart Street at a distance of 300 feet, more or less, to the westerly lot line of Lot #120, Map #41 (Highland School); Thence turning southerly and running along the westerly lot lines of that same lot and Lot #100, Map #49 (School Site) to the northerly lot line of Lot #124, Map #49; Thence running southwesterly across that same lot, across Lot #123 Map #49, and along the easterly lot line of Lot #122, Map #49 to the northerly sideline of Holten Street; Thence crossing Holten Street to the southerly sideline of Holten Street

at the northeasterly sideline of Collins Street; Thence turning easterly and running along the southerly sideline of Holten Street to the westerly lot line of Lot #84, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the westerly lot line of Lot #85, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the easterly lot line of that same lot; Thence turning southerly and running more or less parallel to the northeasterly sideline of Collins Street at a distance of 100 feet, more or less, to the southerly lot line of land now or formerly of the Boston & Maine Railroad; Thence turning easterly and running along the northerly sidelines of land now or formerly of the Society for the Preservation of New England Antiquities (The Rebecca Nourse House) to the southwesterly sideline of Pine Street; Thence turning southeasterly and running along the southwesterly sideline of Pine Street to the point of beginning.

All as shown on a plan entitled: Salem Village Historic District, Map #1, 1974, Danvers, Massachusetts, Scale: 1" = 600', March 18, 1974, Charles Axelrod, Town Engineer, drawn: J. W. Clark.

All lots referred to by Lot # and Map # are from the Town of Danvers, Assessors Map, by John E. O'Donnell & Associates, Auburn, Maine, 1970.