Preliminary Study Report

Draft

Ashland Center Historic District

Ashland, Massachusetts



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For the Ashland Historical Commission

April 2024

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Study Committee

Ashland Historical Commission

Jim Neilsen, Chair	Joanna Sorensen, Vice-Chair
Helen Nickole, Clerk	Karen Coleman
Joan Gonfrade	Curtiss Hoffman
Denise Carroll	

Public Hearing Date

Anticipated Day and Month, 2024

Town Meeting Date

Anticipated November __, 2024

Total Properties

44 (including 4 monuments and 5 open space parcels)

Conclusion

The Ashland Historical Commission / Study Committee voted on _____ to recommend that the Ashland Center Historic District be created with the boundaries included in this study report. The Ashland Historical Commission / Study Committee recognizes that a local historic district will best protect the character and history of Ashland Center.

Introduction

By establishing a local historic district, municipalities highlight their town's character and history and protect them against inappropriate alterations and demolition. Created through the passage of a town bylaw, a local historic district requires that certain projects visible from the public way are reviewed by a locally-appointed Historic District Commission. For example, if a property owner wants to add on to a building located in the local historic district, the property owner must submit an application to the Historic District Commission. The Historic District Commission holds a public hearing and makes a determination, based on established guidelines, on whether the new addition is appropriate. If the new addition is deemed appropriate, the Historic District Commission issues a Certificate of Appropriateness, which allows the work to proceed.

Local Historic Districts were established in Massachusetts in 1955 for Beacon Hill and Nantucket. The Historic Districts Act, Chapter 40C of Massachusetts General Laws of 1960 (amended 1975 and 1983) is the enabling legislation for the creation of local historic districts. There are now more than 200 local historic districts in more than 120 municipalities in the Commonwealth. Neighboring towns with local historic districts include Framingham, Hopkinton, Medfield, Natick, and Sherborn. In Massachusetts, a historic district can consist of a single building, like 76 Main Street in Hopkinton, or an entire island, as is the case for Nantucket.

Benefits of Local Historic Districts

Local historic districts provide a thoughtful, community-based review process that protects significant buildings from demolition and inappropriate alteration. The guidelines for change are created by those who know Ashland best: its residents and the appointed historic district commission. A local historic district commission can determine how to best protect the unique character of Ashland Center while helping it remain vibrant and growing. Historic districts do not prevent changes from occurring, nor do they prevent new construction. The purpose of a local historic district commission is not to halt growth, but to allow for thoughtful consideration of change.

How is a Local Historic District different from a National Register of Historic Places Historic Districts and Designations?

While both types of historic districts are valuable as a way to recognize significant historic resources, the two types are substantially different in the protection they can provide. Local historic district designation provides a much higher level of protection than National Register designation.

A federal designation, the National Register of Historic Places is an honorary recognition of a significant building, district, site, structure, or archaeological site. The National Register of Historic Places is overseen by the Secretary of the Interior and the National Park Service. Two properties in Ashland are listed on the National Register of Historic Places: Ashland Town Hall (listed in 2004) and the Ashland Dam and Spillway at Ashland State Park (listed in 1990). Contrary to popular belief, listing on the National Register of Historic Places puts no restrictions on private owners as to what they can do with a property. (There is a separate process that provides limited protection from adverse effects of federal- or state-involved projects.)

A local historic district, on the other hand, is established through a two-thirds majority vote at town meeting. It provides a local review process for changes to exterior architectural features visible from the public way. When the local bylaw is written, the study committee can also decide what features will <u>not</u> be subject to review. Paint color or replacement asphalt shingles are some examples that towns have decided do <u>not</u> need review. Interiors, since they are not visible from the public way, are not reviewed.

Methodology

Concerns about the loss of historic character and building demolitions in Ashland Center began nearly 25 years ago. In 2001, the town of Ashland announced plans to demolish town hall and replace it with new construction. A group of concerned citizens formed the group Save Ashland Town Hall and successfully campaigned to preserve the building. In 2002, a $4 million interior renovation was undertaken and the building put back into service.

Contemporaneously, a demolition delay bylaw was adopted by the town in 2001. With the adoption of the bylaw, a need for more comprehensive information on the town's oldest buildings was identified. A town-wide historic properties survey was undertaken in 2009-2010. The survey identified a potential historic district at Ashland Center and recommended it as eligible for listing on the National Register of Historic Places. The study also recommended that additional properties in Ashland Center be surveyed as future budgets allowed. Around this same time, citizens realized the importance of the downtown's physical character and included the area in a design review process implemented at the 2011 town meeting. Accompanying design review guidelines were created in 2015.

Since 2010, a number of buildings have been demolished along the Main Street corridor. The circa 1854 house at 6 Cherry Street (ASL.55) was demolished in 2013. A house at 21 Main Street was demolished circa 2015 and replaced with a 3-story commercial building. Concerns accelerated in 2018 with the loss of a 19th-century house at 128 Main Street and its replacement with a 3-story, mixed-use commercial and apartment building.

In 2020**,** new owners of the Dwight Printing – Lombard Governor complex (ASL.D) at 10-60 Main Street proposed demolition of the prominent granite buildings. The potential loss of the buildings has prompted public demonstrations. As of April 2024, the owner plans to build 250 apartment units there under Massachusetts' Chapter 40b law.

With the construction of a new public safety building in 2021-2023 on Union Street (Route 135), the future of the fire station (ASL.20) at 137 Main Street became uncertain. In February 2023, the town put out a request for proposals for reuse of the fire station with the provision that the exterior be preserved. Current plans call for converting the building into a restaurant.

These events prompted the Ashland Historical Commission to explore creating a local historic district for Ashland Center. The number of buildings recommended in the 2010 historic properties survey as eligible for the National Register of Historic Places steered the commission to consider a local historic district. The Local Historic District Study Committee consists of existing members of the Ashland Historical Commission.

The Local Historic District Study Commission has sought public input and guidance including outreach events at the weekly farmers market on the Common and presentations to the select board, the town manager, the comprehensive plan committee, the rail-trail committee, and the historical society. Letters to property owners in the proposed district were sent out in December 2023.

In September 2022, historic preservation consultant Stacy Spies was hired by the historical commission to survey remaining properties in Ashland Center and to assist the historical commission in preparing this Preliminary Study Report.

Significance Statement

Historical Significance

Ashland Center has been the town's commercial, industrial, and government center for nearly 200 years. Spreading outward from the intersection of Main Street and Front Street, the majority of buildings range in age from the 1830s to the 1930s.

The area that is now Ashland Center began in the early 19th century as the industrial village of Unionville. Unionville's small factories and mills were powered by the adjacent Sudbury River. Before that time, buildings in the area were at the fringes of development associated with Ashland's parent towns of Hopkinton, Framingham, and Holliston. The oldest building in the district is the house of miller John Jones, Jr. at 2 Myrtle St. (1748), and is home now to the Ashland Historical Society. With the arrival of the railroad in 1834, development along Main Street quickly expanded to include substantial brick houses (117-119 Main St., ca. 1836), brick stores (98-100 Main St., ca. 1836), and a brick hotel (179 Main St., 1834). The Congregational church (118 Main Street) and burial ground were also established in the 1830s. The proximity of the river and railroad prompted the establishment of industrial and commercial enterprises here, including sawmills, gristmills, an emery mill, and boot and shoe manufacturing (159 Main St., ca. 1835). A general store operated from the Wiggins Block, which was constructed around 1850 (44 Front St.). After the Civil War, the three large granite ashlar buildings that anchor the north end of the district (10-60 Main St., 1869-1870) were constructed by Dwight Printing Company, which bleached, dyed, and printed cotton cloth.

By the end of the 19th century, Ashland Center had also become the town's center for government and civic activities. When the town of Ashland was incorporated in 1846, the first building constructed by the new municipality was Town Hall (101 Main St., 1854-1855). Civic leader Abner Greenwood had the Greenwood Block (54 Front St., 1882) constructed to house a masonic lodge and professional offices. In 1887, the Boston & Albany Railroad had a substantial new railroad station (20 Homer Ave.) constructed on the site of the original station. The Public Library (66 Front St.) was added to the center in 1904. A new brick Fire Station was constructed in 1929 (151 Main St.) across the street from an earlier engine house. In 1939, a new post office was constructed at the southwest corner of the district (205 Main St.).

During the first quarter of the 20th century, commercial operations largely operated out of converted houses along Main Street. Ashland Pharmacy, which anchors the south end of the district, was a lone project here during the Great Depression. Modest storefronts and freestanding commercial establishments were added to the district in the third quarter of the 20th century.

Architectural Significance

The historic district features a variety of architectural styles that reflect the evolution of the center. The earliest buildings are vernacular designs, meaning that they were modestly constructed and don't display many design details. Many of the buildings have Greek Revival features, which is to be expected given that that style was popular from 1825-1860, a period that overlaps with the Ashland Center's initial growth. The pedimented portico and fluted Doric columns at the former Congregational Church are examples of that style. At the time Town Hall was constructed in 1855, Greek Revival designs were giving way to new Italianate designs. Its design reflects this transition.

The mansard roofs at the Dwight Printing site are typical of the Second Empire style popular at the time of their construction. The Greenwood Block is the only example of panel brick in Ashland. Demonstrated here by the brick corbels at the cornice line and decorative brick bands, the style is more commonly found in urban areas. The use of it here likely demonstrates that Abner Greenwood had high aspirations for the town.

The railroad station's rusticated gray granite walls trimmed with brownstone and low-slung slate roof are features typical of the Richardsonian Romanesque style. Now in use as offices, the building is one of four surviving Richardsonian Romanesque stations on the Boston-Worcester commuter line. Framingham (1883) and Wellesley Hills (1885) were designed by architect H. H. Richardson, for whom the style was named, and completed before his death in 1886; Wellesley Farms (1893-1894) and Ashland (1887) were completed by Richardson's successor firm Shepley, Rutan & Coolidge.

The elegant, Georgian Revival public library, constructed in 1903-1904, is constructed of brick with granite facing. The projecting pedimented-gable entry pavilion incorporates Doric columns. The corner quoins and modillion cornice are constructed of cast stone. The fire station (1929-1930) demonstrates features of the Classical Revival and Craftsman styles popular at the time of its construction. The flared roof of the hose-drying tower is supported by Classical-revival columns and brick piers.

Ashland Pharmacy was constructed circa 1933 of brick with the cast concrete trim typical of commercial buildings of that time. After World War II, new commercial construction had minimally-detailed storefronts faced with brick and large areas of glass. At 77-83 Main Street and 159 Main Street this was achieved through the addition of storefronts onto existing houses. At 20 and 24 Front Street and 197 Main Street, the storefronts are freestanding.

The Moderne design of the Ashland Post Office was an uncommon choice by its builder, the Federal Works Agency. Most of the post offices constructed as a relief effort during the Great Depression used Colonial Revival features such as cupolas and gable roofs. The streamlined design of the semi-circular vestibule takes advantage of its corner lot. Large limestone piers at the entrance rise to its flat roof.

Architectural integrity in the historic district is generally good. The buildings with the highest level of architectural integrity are town hall, the library, and the post office, which have minimal alterations. Other buildings have been altered in whole or in part with the application of synthetic siding. For the most part, recent infill buildings are largely unobtrusive. Two Colonial Revival

banks, facing one another on Front Street, are modest in scale. The 1978 former police station, constructed of brick in a contemporary style, is unassuming. A 1980 brick apartment building at 119 Main Street is set back from the street and attached to the rear of the 1836 Warren house, leaving the house and streetscape intact. A new 3-story building at 128 Main Street (2019) is out of scale with neighboring buildings.

Historical and architectural information on all buildings in the district constructed before 1970 are documented on standard Massachusetts Historical Commission B forms and included in Appendix A.

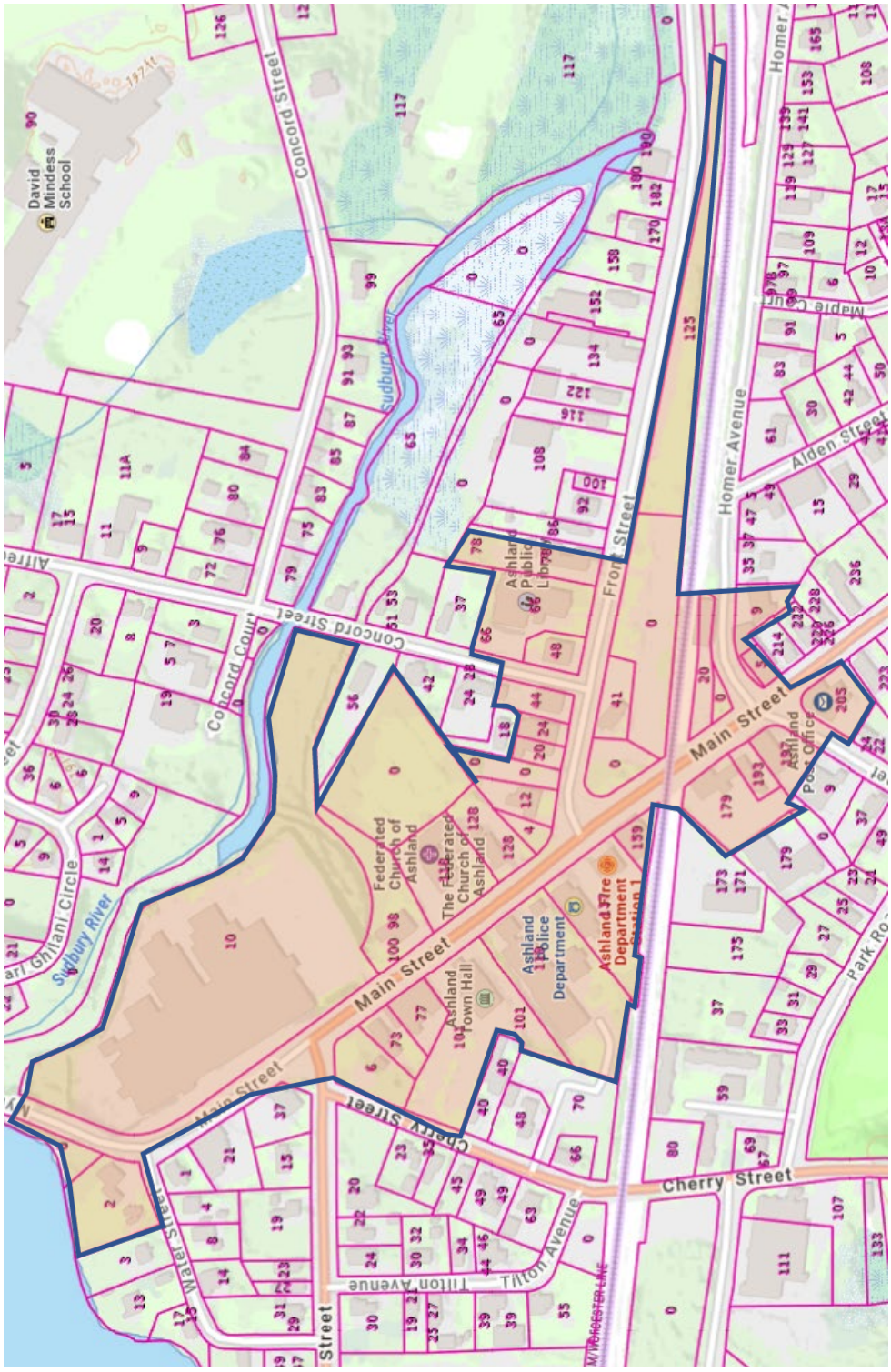
Justification of Boundaries

The Ashland Center historic district is comprised of the commercial, industrial, and civic buildings located in the town center. All but three of the buildings face Main Street or face the open space located between Homer Avenue and Front Street. The Jones House / Historical Society, located at the north end of Main Street is a logical visual boundary. Unlike other buildings along Main Street located on corner lots, the post office and Ashland Pharmacy buildings are oriented to the north, forming a logical visual boundary at the south end of the district. Open space used by the public was included in the district. These spaces are the shoreline beside the mill pond at Myrtle Street, "The Corner Spot" at the intersection of Main Street and Pleasant Street, the corner lot at the southeast intersection of Main Street and Front Street on which the war memorials are located, and the two parcels that constitute the Common (between Front Street and the railroad).

Investigation of surrounding areas concluded that adjacent areas to the east and west were largely residential, with building types and architectural styles distinct from the downtown area. The Historic District Study Committee is considering creation in the future of local historic districts comprised of residential buildings.

Finally, post-1975 construction that fills the west side of Main Street between Water Street and Pleasant Street was omitted from the district due to its incompatible scale and materials.

Map of Proposed Historic District



Property Street Address Index

Street	Parcel #	Historic Name	Year Built	Style	MACRIS Inventory #	MACRIS Area #
6 Cherry St.	0140-079	"The Corner Spot" Open Space	n/a	n/a	n/a	
0 Front St.	0140-0289	Open Space and Ashland War Memorial	n/a	n/a	ASL.913	ASL.A
0 Front St.	0140-0300	Open Space /Common	n/a	n/a	n/a	ASL.A
		Ashland Horse Fountain		n/a	ASL.912	ASL.A
0 Front St.	0140-0147	Bank Parking Lot	n/a	n/a	n/a	
4 Front St.	0140-0149	Bank Driveway	n/a	n/a	n/a	
12 Front St.	0140-0148	Bank	1988	n/a	n/a	
20 Front St.	0140-0144	Talvy Brothers Florist	ca. 1962	Mid-Century Modern	ASL.208	
24 Front St.	0140-0133	Wally's Restaurant / Sunnyside Café	ca. 1970	Mid-Century Modern	ASL.209	
41 Front St.	0140-0290	Bank	1956	n/a	n/a	
44 Front St.	0140-0132	S.W. Wiggins Block / Agricultural Library	ca. 1850	Greek Revival, Italianate	ASL.122	
		Wiggins Garage	1930	No Style	ASL.123	
48-54 Front St.	0140-0267	Greenwood Block	1882	Panel Brick / Classical Revival	ASL.124	ASL.A
66 Front St.	0140-0266	Ashland Public Library	1903	Classical Revival/ Colonial Revival	ASL.18	ASL.A
66 Front St.	0140-0266	Rodman Cannon	1864	n/a	ASL.917	ASL.A
78 Front St.	0140-0026	William and Sarah Seaver House	ca. 1842	No Style	ASL.210	ASL.A
125 Front St.	0140-0301	Common/ Open Space	n/a	n/a	n/a	
5 Homer Ave.	0140-0374	Eber's Pharmacy	ca. 1933	No Style	ASL.211	
9 Homer Ave.	0140-0352	n/a	ca. 1957-1963	Contemporary	ASL.212	
20 Homer Ave.	0140-0312	Boston & Albany RR Station	1887	Richardsonian Romanesque	ASL.17	ASL.A
10 Main St.	0140-0128	Dwight Printing - Lombard Governor No. 2/3	1868-1942	No Style	ASL.200	ASL.A, ASL.D
30 Main St.	0140-0128	Dwight Printing - Lombard Governor #1	1869-1870	No Style	ASL.201	ASL.A, ASL.D

Street	Parcel #	Historic Name	Year Built	Style	MACRIS Inventory #	MACRIS Area #
40 Main St.	0140-0128	Dwight Printing - Lombard Governor #s 4/5	ca. 1869/ 1922/ ca. 1940	No Style	ASL.202	ASL.A, ASL.D
50 Main St.	0140-0128	Lombard Governor #6	1941-1942	Altered Moderne	ASL.203	ASL.A, ASL.D
73-75 Main St.	0140-0080	Edwin Perry House	ca. 1870	Victorian Eclectic	ASL.137	ASL.A
77 Main St.	0140-0081	Town Hall Plaza	1950	Mid-Century Modern	ASL.213	
101 Main St.	014-0082	Ashland Town Hall	1855	Greek Revival, Italianate	ASL.4	ASL.A, NR IND
98-100 Main St.	0140-152	Jennison General Store	1836	No Style	ASL.3	ASL.A
118 Main St.	0140-151	Federated Church of Ashland	1835	No Style	ASL.6	ASL.A
118R Main St.	0140-146	Village Burial Ground	1828	No Style	ASL.803	
119 Main St.	0140-0083	Rev. James McIntire House	ca. 1836	Federal	ASL.5	ASL.A
128 Main St.	0140-150	Apartment building	2019	No Style	n/a	
137 Main St.	0140-0084	Ashland Police Department	1978	Contemporary	n/a	ASL.A
151 Main St.	0140-0084	Ashland Fire Department	1929	Colonial Revival, Craftsman	ASL.20	ASL.A
159 Main St.	0140-0085	Ashland News Store, "Lunkers"	ca. 1835	Colonial Revival, Greek Revival	ASL.803	ASL.A
179 Main St.	0140-0064	Capt. John Stone Hotel, Stone's Public House	1834	Greek Revival, Italianate	ASL.9	ASL.A
193 Main St.	0140-0065	Country Cleaners	1960	Contemporary	ASL.214	
197 Main St.	0140-0066	Ashland Public Market	ca.1957-1960	Contemporary	ASL.215	
205 Main St.	0140-0329	Ashland Post Office	1939	Moderne	ASL.21	
0 Myrtle St.	0140-0005	Open Space	n/a	n/a	n/a	
2 Myrtle St.	0140-0006	Col. John Jones, Ocean House, Historical Society	1748	Colonial	ASL.12	ASL.A
		Franklin Enslin Barn	ca. 1850	Greek Revival	ASL.144	ASL.A

Options and Recommendations for the Bylaw

The proposed Bylaw follows the those typically adopted by municipalities throughout Massachusetts.

Exemptions will include painting of previously-painted surfaces, at-grade sidewalks and driveways, screen windows and doors, and window air conditioners. **MORE??**

Heat pumps, HVAC compressors, air conditioning "mini-splits, sump pumps, and associated piping, electric car charging stations, bicycle racks, benches and other fixed street furniture will be reviewed.

Proposed Bylaw

Draft Local Historic District Bylaw December 2023

The Town of Ashland hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Ashland, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DEMOLITION – Any voluntary act of pulling down, destroying, burning, removing, or razing of a building in whole or of more than 25% of any single façade or any significant architectural or structural feature visible from the exterior of the building, or commencing the work of total or substantial destruction with the intent of compelling the same; demolition does not include the mere replacement of roofing, siding, windows, or trim for maintenance or repair. For purposes hereof, "significant architectural or structural features" include but are not limited to porticos, bay windows, roof lines, dormers, or other unique features of a building. THIS LANGUAGE SHOULD ALIGN WITH THAT DEFINED BY BUILDING INSPECTOR.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways (vegetation notwithstanding), including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Ashland Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Ashland; one member from two nominees of the Board of Realtors covering Ashland; and one property owner from within the DISTRICT area. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4. 3 The Board of Selectmen may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6 Four members of the COMMISSION shall constitute a quorum.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5. 2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

5.7 The COMMISSION may, subject to appropriation or receipt of other monies, employ clerical and technical assistance and consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Ashland. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8. 4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal, and similar matters as the COMMISSION may reasonably specify.

9.1.2 Terraces, walks, driveways, sidewalks, and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.1.5 The color of materials used on roofs.

9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in-connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

9.1.7 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.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Ashland, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Ashland, or owner of property within Ashland, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Ashland to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to $300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Ashland to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

11.5 The COMMISSION shall notify the Building Commissioner in writing of any violation of the requirements of this ordinance or its determinations, rulings, and regulations with regard to a specific building or structure, and shall instruct said commissioner to make a permanent record of such violation in the corresponding property file maintained by the department of inspectional services as require by law. Prior to issuance of any building permit for the construction, reconstruction, alteration, renovation, repair, removal, demolition, or change of use or occupancy of any building or structure, said commissioner shall review the property file and ascertain whether a notice of unremediated violation of this ordinance is on record. To the extent allowed by law, including but not limited to the provisions of the state building code, 780 CMR 111.1 (6th ed) or its successor, unless the commissioner is satisfied there is no outstanding unremediated violation of this ordinance, he or she shall reject such an application for a building permit for such building or structure in writing, stating the reasons therefor.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

Ashland Center District

The Ashland Centre District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Ashland Centre District are defined and shown on the *Local Historic District Map of the Town of Ashland, Sheet 1-1990 which is a part of this Bylaw. Sheet 2 is based on the 1989 Town Atlas. The* delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown …

Will need a cleaner map drawn by Assessor's office/GIS.

Photographs

At least 10 – Will retake in the spring.



Photo 1. View looking southwest along west side of Main Street. Right to left: Fire station, 159 Main Street, 179 Main Street.



Photo 2. View looking northwest along west side of Main Street toward Town Hall and 77-83 Main Street.

Appendix A: Historic Building Survey Forms