



CHAPTER 4 – THE APPLICATION REVIEW PROCESS

These Historic Preservation Design Guidelines are intended to inform decision making in the design of projects involving historic residences and new construction within any of Wellesley’s historic neighborhoods. However, they are specifically intended for use within the Town’s designated Local Historic Districts, both for the use of property owners and their designers in the planning and design of new projects and for the use of the Historic District Commission in the review and approval of proposed projects.

Chapter 4 discusses Local Historic Districts and how they can be used by residents and property owners for the protection of their historic neighborhoods. It reviews the differences between Local Historic Districts, which are a local regulatory mechanism within the Town’s Zoning Bylaw, and National Register Historic Districts, which are an honorary designation at the national level.

This chapter outlines the review process for proposed projects within the Town’s designated Local Historic Districts, which is required before a building permit or demolition permit for a project can be issued. Local Historic Districts are an important regulatory tool for guiding appropriate change within historic neighborhoods. For property owners planning proposed projects, use of these design guidelines and early consultation with the Town’s Planning Department staff and the Historic District Commission is recommended.

LOCAL HISTORIC DISTRICTS VS. NATIONAL REGISTER HISTORIC DISTRICTS

Local Historic Districts

A Local Historic District is a zoning provision adopted by a town as part of its zoning bylaw through which protections against detrimental changes are provided to historic neighborhoods and, in some towns, commercial areas.

Local Historic Districts help preserve the character and integrity of a historic neighborhood by requiring that proposed alterations or construction visible from a public way are consistent with and do not adversely affect the overall character of the neighborhood.

These protections are provided through an application review process by an appointed Historic District Commission. The review process is usually triggered by an application for a building permit, although other items that do not require building permits, such as fences, may be subject to historic district review as well.

In the application review process, proposed alterations and new construction are evaluated in relation to guidelines outlined in the bylaw. Additional design guidelines prepared specifically for the Local Historic District, such as this document, may also be referenced.

Guidelines are interpreted and applied based upon the existing character of buildings and landscapes within the historic district.

Wellesley's Local Historic Districts are created pursuant to state enabling legislation as authorized in MGL, Ch. 40C. The proposal to establish a Local Historic District for a specific neighborhood is prepared by a study committee, which may be the Historic District Committee or in certain circumstances a committee appointed by the Board of

Selectmen, usually upon the request of residents.

Once appointed, the study committee is responsible for conducting an investigation of historic resources, developing a report of its findings and recommendations, and conducting a public hearing on the proposal. A bylaw for a proposed Local Historic District is then presented to Town Meeting for approval, which requires the vote of a two-thirds majority.

Local Historic Districts are often created through the initiative of local property owners seeking protection against changes that threaten the character of their historic neighborhoods and their properties. Sometimes such initiatives are sparked by a controversial new project, such as the demolition or inappropriate alteration of a historic building or the construction of a new building that is visually inappropriate to the neighborhood.

One of the primary threats to historic neighborhoods in Wellesley has been the demolition of smaller historic buildings and their replacement with large new residences that are oversized and out of character with their surroundings.

Wellesley's Demolition Review and Large House Review Bylaws have been adopted by the Town to help mitigate this "teardown" issue. Both of these bylaws have limited authority, however. The Demolition Review Bylaw, for instance, results in a maximum twelve-month delay after which the demolition may proceed. In a Local Historic District, demolition may not be permitted and new construction is required to be in character with other buildings in the neighborhoods in size, form, and massing.

A Local Historic District is one of the most effective local regulatory tools for the protection of historic buildings and neighborhoods.

National Register Historic Districts

A National Register Historic District is completely different from a Local Historic District and is strictly an honorary designation involving no local regulatory controls.

National Register Historic Districts are created by the nomination and listing of a historic neighborhood on the National Register of Historic Places.

The National Register is the nation's official list of historic resources that have been determined worthy of preservation. Resources may be significant at the local, state, or national level. It is administered by the National Park Service and was created in 1966 through federal legislation as a means of professionally evaluating historic properties with respect to potential federal actions.

The Massachusetts Historical Commission, a state agency, partners with the National Park Service in the administration of the National Register program in Massachusetts.

Listing on the National Register of Historic Places is an honorary recognition resulting from official professional determination that a property or district is significant to our history. Many property owners, neighborhoods, and communities seek listing on the National Register as an element of pride and appreciation of the quality and significance of their properties.

Listing on the National Register does not place any obligation or restrictions on property owners. Designation as a National Register Historic District does not give the federal, state, or local government any ownership or regulatory controls with respect to private property.

Listing does, however, bestow official professional recognition of the historical significance of a property or a district. Additionally, it can help protect a property from certain types of federal and state governmentally funded or licensed actions. It also enables property owners to make use of

federal and state rehabilitation tax credits for qualified rehabilitation work.

The National Register is also important at the local level because it identifies and evaluates resources according to uniform, professionally recognized standards. These standards are specifically designed to help state and local governments, organizations, and individuals identify important historic resources worthy of preservation and consideration when making local planning and land development decisions.

Local Historic Districts are an important local regulatory tool that can be used by residents and property owners for the protection of their historic neighborhoods.

Local Historic Districts guide appropriate change through a process of design review.

Proposed new projects should be undertaken in a manner consistent with professional standards for the treatment of historic properties, as outlined in these design guidelines.

WELLESLEY'S HISTORIC DISTRICT BYLAW

Wellesley's Historic District Bylaw is enumerated in *Section 14D, Historic Districts*, of the Town of Wellesley Zoning Bylaw. The stated purpose of the bylaw is to:

Promote the education, 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 Wellesley and the Commonwealth, or their architecture, and through the maintenance and improvement of settings of such buildings and places and the encouragement of design compatible therewith.

The bylaw states that no building or structure within an Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Town's Historic District Commission shall first have issued a:

- Certificate of Appropriateness,
- Certificate of Non-applicability, or
- Certificate of Hardship

with respect to such construction or alteration.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature and no demolition permit for demolition or removal of a building or structure shall be issued until a Certificate has been issued.

Exterior architectural features are defined as such portions of a building or structure open to view from a public street, public way, public park, or public body of water, including but not limited to the:

- architectural style and general arrangement and setting thereof;
- kind, color and texture of exterior building materials;
- color of paint or other materials applied to exterior surfaces; and

- type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures.

Exceptions to this list are outlined on the following page.

Certificate of Appropriateness: Upon review, if the Historic District Commission determines that a proposed construction or alteration project will be appropriate for or compatible with the preservation or protection of the Historic District, the Commission shall issue a Certificate of Appropriateness for the project and a building permit may be issued.

In the case of a *disapproval* of a proposed project, the Commission shall communicate the reasons for its determination to the applicant and for the record.

Prior to the issuance of a disapproval, the Commission may notify the applicant of its proposed action and make recommendations of changes to the applicant's proposal which, if made, would render the application acceptable to the Commission. The applicant may then submit modifications to the proposal in conformity with the recommended changes, which shall result in approval and issuing of a Certificate of Appropriateness.

In most cases, a discussion back and forth between the Commission and the applicant and his/her designers regarding any design issues of concern results in accommodation and consensus and the approval of proposed projects. These Historic Preservation Design Guidelines are intended to inform design decisions early in the project's planning and facilitate the review process.

Certificate of Non-Applicability: Upon review, if the Historic District Commission determines that a proposed project does not involve any exterior architectural feature or involves a feature which is not subject to review (see Exceptions, below), the Commission shall issue a Certificate of Non-Applicability for the project, and a building permit may be issued.

Certificate of Hardship: Upon review, if the Historic District Commission determines that disapproval involves a substantial hardship (financial or otherwise) to the applicant and that the proposed project is without substantial detriment to the general public and the intent of the bylaw, the Commission may issue a Certificate of Hardship for the project, and a building permit may be issued.

Exceptions: The following categories of buildings, structures, or exterior architectural features are listed in the bylaw as not subject to review within the Historic District and may be constructed or altered without review by the Historic District Commission. This list may be altered over time by amendment of the Zoning Bylaw.

- Temporary structures or signs;
- Terraces, walks, sidewalks, and similar structures provided that any such structure is substantially at grade level;
- One antenna per building, storm doors and windows, screens, window air conditioners, lighting fixtures, and similar appurtenances;
- The color of paint, provided that the paint color does not cause substantial derogation from the intent and purpose of the bylaw and is in keeping with accepted aesthetic standards;
- The color or materials used on roofs;
- Signs of not more than one square foot in area for a residence in conjunction with a home occupation and if illuminated is illuminated only indirectly; and
- The reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster provided that the exterior design is substantially similar to the original and that the reconstruction is begun within one year thereafter and carried forward with due diligence.

Ordinary Maintenance, Repairs, and Replacement: The Historic District bylaw does not prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature which does not involve a change in design, material, color, or outward appearance of the feature.

Nor does the bylaw prevent the landscaping of a historic property with plants, trees, or shrubs; nor any requirements certified by a duly authorized public officer to be necessary for public safety.

A Certificate of Appropriateness documents the consensus of the Historic District Commission and property owner that a proposed project is consistent with the character of the Historic District.

Review of proposed projects must be undertaken before a building permit or demolition permit may be issued.

Some types of projects that do not require a building permit, such as installation of fences, are also subject to review and approval.

INITIAL PLANNING STEPS

No matter what type of project is being undertaken within a historic neighborhood or district, it is strongly recommended that several important steps be undertaken during the initial stages of planning a project.

It is recommended that the design of projects within historic neighborhoods and districts be undertaken by design professionals experienced in the rehabilitation and adaptive reuse of historic buildings. For larger projects, such professionals are usually architects and structural engineers. For smaller projects, such professionals may be non-architect designers or contractors experienced in work with historic buildings.

For issues related to the condition and appropriate treatment of historic building fabric, it may be desirable to use the expertise of professional building materials conservators who understand historic building systems and the unique problems associated with some historic materials. Contractors with demonstrated experience in work with historic buildings may be able to assist as well, though care must be taken that they indeed have the appropriate experience.

In addition:

- Early in the design process, identify authentic historic fabric associated with all periods of the building's development, as discussed throughout these design guidelines, and assess their existing conditions.
- Where changes in the use of a building are proposed, determine how the new use might be accommodated within the building.
- Examine options for needed changes and how they would impact the historic building and historic building fabric.
- Meet with Planning Department staff at an early stage in the design process before the preparation of design or construction documents and before

submitting an application to discuss the project, design principles, and application and review processes. Continue consultations on an ongoing basis throughout the design process.

- If suggested by Planning Department staff, meet informally with the Historic District Commission at one of its regular meetings at an early stage in the design process before the preparation of design or construction documents and before making application to discuss the project.

Such discussion will provide the applicant with useful guidance upon which to base the project's design but shall not be binding upon the Commission, which can only make its determination based upon an application and full submission.

Consultations should be undertaken before design and construction documents are prepared to make sure that proposed changes are consistent with the historic character of the property and its context.

APPLICATION AND REVIEW PROCESS

Application and Fees: Applications for Certificates of Appropriateness, Non-Applicability, or Hardship are made by submission of an Application for Certificate (form available online) to the Wellesley Planning Department along with required fees and materials describing the proposed project.

Submission Materials: *Eight sets* of materials describing the proposed project should be submitted at the time of application. No meetings or public hearings will be set until all required materials are received and have been determined by Planning Department staff to be adequate.

Submission materials include:

1. Scaled drawings, including at minimum site plans, floor plans, elevations, and details of significant features;
2. Photographs of all buildings or structures viewable from a public street, way, park, or body of water;
3. Description and/or samples of the materials to be used for any alteration or construction;
4. Written narrative or description of the project addressing the following:
 - a. Scope of the proposed work being performed;
 - b. Historic and architectural value and significance of the site, building, or structure;
 - c. General design arrangement, texture, and material of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area;
 - d. In the case of new construction or addition to existing buildings or structures, the appropriateness of the

size and shape of the building or structure both in relation to the land upon which the building or structure is situated and to the buildings or structures in the vicinity; and

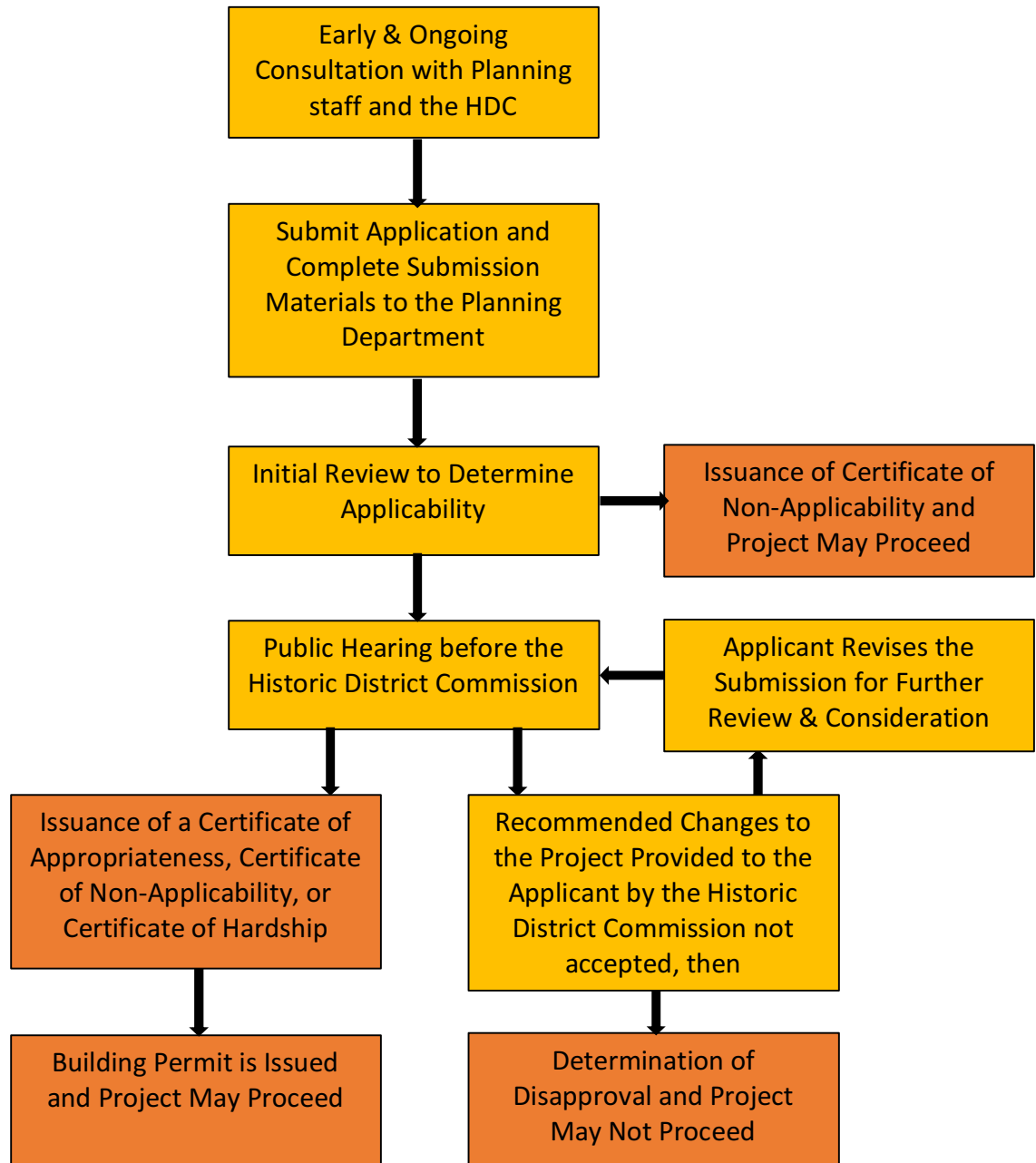
- e. How the proposed project is in harmony with the historic aspects or the architectural characteristics of the surroundings and of the Historic District.

Initial Review: Within *fourteen days* of the receipt of an application, fees, and all required submission materials, Planning Department staff in consultation with and on behalf of the Historic District Commission shall determine whether the proposed project involves any exterior architectural features and is subject to review by the Commission.

If the project is not subject to review, the Historic District Commission shall issue a Certificate of Non-Applicability, as described above.

Applications and submission materials must be complete before the review process can begin and required meetings and public hearings can be scheduled.

Project review sometimes requires changes agreed to between the Historic District Commission and the property owner, which must be documented and may require more than one meeting.



HISTORIC DISTRICT DESIGN REVIEW PROCESS

THE APPLICATION REVIEW PROCESS

Public Hearing: If the proposed project is subject to review, Planning Department staff shall schedule a public hearing for the project to be held during a regular meeting of the Historic District Commission.

Public notice of the hearing shall be given by mail to the owners of adjoining properties and other properties deemed to be affected at least *fourteen days* in advance of the hearing. Such notice will be organized by Planning Department staff. The Town Building Inspector, Planning Board, any person filing written requests for such notice, and others deemed entitled by the Commission shall also receive notice of the hearing.

At the public hearing, the applicant and his/her representatives shall present the proposed project to the Historic District Commission and engage in discussion and answer questions regarding the project.

Should it be determined by the Historic District Commission that additional information or materials are required in order for the Commission to make a determination regarding the project, or if changes to the proposal are recommended by the Commission for approval, the applicant will be asked to grant a continuation of the hearing in writing to a subsequent meeting of the Commission before which the needed materials can be provided and/or changes to the project documented.

Determination: As soon as convenient after the public hearing and within *sixty days* after the filing of a complete application and submission (unless a waiver or continuation is granted by the applicant in writing), the Historic District Commission shall make a determination regarding the application.

The determination may be:

- (a) that a Certificate of Appropriateness, Certificate of Non-Applicability, or Certificate of Hardship should be issued for the project, in which case a building permit and/or demolition permit may be

issued and the project may proceed, or

- (b) that such certificates should not be issued, in which case a building permit or demolition permit may not be issued and the project may not proceed.

Planning Department staff shall notify the applicant as soon as possible upon a determination being made. The reasons for any determination of disapproval of an application shall be made in writing for inclusion in the record and shall be provided to the applicant.

Once an official determination is made, the applicant may file a new application with proposed changes to the project addressing the stated reasons for disapproval for further review and discussion by the Historic District Commission.

Should the Commission fail to make a determination within the required timeframe, a Certificate of Hardship shall be used for the project.

Hearing Waiver: The requirement for a public hearing may be waived by the Historic District Commission should the Commission determine that the the proposed changes are so insubstantial in their effect on the Historic District that the application can be reviewed without a hearing and provided notice is given to adjacent property owners and there is no objection within ten days of mailing of such notice.

A public hearing also need not be held if the hearing is waived in writing by all persons entitled to notice of the hearing.

Appeal of Determination: Any applicant aggrieved by a determination of the Historic District Commission may request a review by a qualified person as designated by the Metropolitan Area Planning Council.

Such request must be made in writing to the Commission within *twenty days* of the filing of the determination with the Town Clerk. The review shall be conducted within *forty-five*

days. The results of the review shall be binding on the applicant and the Commission. Further appeal, however, may be sought by the applicant in Superior Court.

REVIEW CRITERIA AND GUIDELINES

In its review of proposed projects, the Historic District Commission considers, among other things, (a) the historic and architectural value and significance of the site, building, or structure; (b) the general design arrangement, texture, and material of the features involved; and (c) the relation of such features to similar features of buildings and structures in the surrounding historic context.

With respect to additions and new construction, the Commission considers the appropriateness of the size and shape of the building or structure both in relation to (a) the land area upon which the new construction is to be situated and (b) other buildings or structures within the vicinity. If deemed necessary, the Commission may impose dimensional and set-back requirements in addition to those required by other applicable bylaws.

The considerations of the Historic District Commission are informed and directed by the *Secretary of the Interior's Standards for the Treatment of Historic Buildings* as discussed in Chapter 3 above, and especially the *Standards for Rehabilitation*.

The information, recommendations, and guidelines outlined in Chapters 5 through 7 of these Historic Preservation Design Guidelines provide specific guidance to decision making during the design process related to issues and topics of concern to the Commission.

As stated in the Historic District Bylaw, the Historic District Commission only makes recommendations and requirements for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the Historic District.

These design guidelines and the use of the *Secretary of the Interior's Standards* help assure that decisions are made on a professional basis and not on the basis of personal aesthetic preferences.

PROJECT IMPLEMENTATION AND COMPLIANCE

Following the approval of a project through the issuance of a Certificate of Appropriateness and subsequent building permit, compliance with the terms of the Certificate of Appropriateness as documented in the final approved submission materials is monitored by the Town's Building Inspector in consultation with Planning Department staff.

In some cases, the review of completed construction documents will be required before construction work can begin to assure consistency with the approved submission materials from the application review process.

The completed project must be consistent with the approved documents. Where a Certificate of Occupancy is required, such certificate can only be issued once consistency with approved documents is confirmed by the Building Inspector and Planning staff.