



TOWN OF WINCHESTER
MIDDLESEX COUNTY, MASSACHUSETTS
HISTORICAL COMMISSION
TOWN HALL
WINCHESTER, MASSACHUSETTS 01890

Meeting Minutes

Date/Room: August 22, 2016
Winchester Town Hall (Mystic Valley Room)

Members Present: Heather von Mering (Chair), Bruce Hickey (vice-chair), Jenny Adams, Janet Boswell, Jack LeMenager,

Members Absent: John Clemson, Michelle McCarthy

A quorum being in attendance, the hearing was called to order at 7:34.

Meeting Minutes

Chair Heather von Mering requested that all members review the August 8, 2016 public meeting minutes.

Motion That the Historical Commission approve August 8, 2016 public meeting minutes as presented. The motion was made and seconded. The motion was approved unanimously.

4 in Favor 0 Opposed VOTED
Absent: Jenny Adams, John Clemson, Michelle McCarthy

Amended Motion That the Historical Commission approve August 8, 2016 public meeting minutes to include the attachment of the draft, Chapter 14 by-law dated 8-3-16. The motion was made and seconded. The motion was approved unanimously.

4 in Favor 0 Opposed VOTED
Absent: Jenny Adams, John Clemson, Michelle McCarthy

Central Business District Design Guidelines for Historical Resources

The Historical Committee was asked to review the CBD Design guidelines, Section 6, and submit comments to the Planning Board. There is a scheduled meeting with the Planning Board on Tuesday, August 23, 2016. The Historical Commission will answer any questions that the Planning Board might have, but support the document as presented.

Winchester By-Law, Chapter 14 Discussion

The Historical Commission went through the 8-18-16 draft line by line, incorporating numerous public comments. The next by-law draft will be sent to Chris Skelly, Mass Historical Commission for review before it is finalized for the Fall Town meeting Warrant.

Discussion in regard to the HC obtaining legal counsel to review the finalized by-law and the FAQ's. Heather von Mering will reach out to Wade Welch, Town Counsel on this matter. Jack LeMenager and Janet Boswell will review and submit a draft of new, updated version of the FAQ's to the Commission for review.

Next Meeting

A newly scheduled meeting will be held on Monday, August 29, 2016 in the Waterfield room at 7:30 P.M.

There are also two public information sessions tentatively scheduled for September 19th and 20th in the Waterfield room.

It was moved and seconded to adjourn at 10:30P.M.

VOTED

Respectfully submitted,

Lynn Stevens, Recording Secretary

Heather von Mering, Chair

Date

CHAPTER 14

PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section 1. PURPOSE

This by-law is adopted to preserve and protect historically significant buildings within the Town which reflect distinctive features of the architectural, cultural, political or social history of the Town and to limit the detrimental effect of Demolition on the character, historical or architectural heritage or resources of the Town. Through this by-law, owners of Historically Significant Buildings are encouraged to seek ways to preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending Demolitions of Historically Significant Buildings. This by-law promotes the public welfare by preserving and protecting Historically Significant Buildings and the streetscapes and neighborhoods which they influence.

Section 2. DEFINITIONS

As used in this chapter:

- 2.1. "Applicant" shall mean any person or entity who files an application for a Permit with respect to an Eligible Property. If the Applicant is not the owner of such Eligible Property, the owner must indicate on or with the application for a Permit its assent to the filing of the application.
- 2.2. "Building" shall mean a combination of any materials, having a roof, to form a structure for the shelter of person or property. For purposes of determination by the Commission of whether an Eligible Building would be Historically Significant, a garage, out-building or carriage house located on a lot of an Eligible Building shall be considered a separate "Building," and indicated as such in the application for a Permit submitted to the Building Department.
- 2.3. "Business Day" shall mean any day other than a Saturday, Sunday or other day on which the government of The Commonwealth of Massachusetts is authorized or required by law to be closed for business.
- 2.4. "Commission" shall mean the Winchester Historical Commission, created by vote of Winchester Town Meeting pursuant to Massachusetts General Law, c. 40A, sec. 8D.
- 2.5. "Demolition" shall mean any act of (i) pulling down, tearing down, destroying, removing, or razing a Building or substantially all of a Building, (ii) moving a Building from its site/foundation or changing its footprint from its current location, or (iii) commencing the work of any of the foregoing.
- 2.6. "Eligible Building" shall mean any Building or portion thereof located in the Town

- (a) which is recorded on, or is a contributing Building within an area listed on, the National or State Registers of Historic Places,
- (b) which is included in the Massachusetts Historical Commission's "Inventory of Historic and Archeological Assets of the Commonwealth", or
- (c) which was constructed during or before 1940.

For the purposes of clause (c) above, the date of such Building shall be evidenced by the Applicant pursuant to a certificate of occupancy, Town real estate tax assessment records or other indicia evidencing the Building's date of construction which is reasonably acceptable to the Commission. If the age of a Building is not so evidenced to the Commission, it shall be assumed that such Building is older than 1940 for the purposes of this by-law.

2.7. "Hearing" shall mean a public hearing of the Commission that is convened in accordance with the Massachusetts Open Meeting Law (M.G.L.C. 30A, §§ 18-25) and with Sections 3.3, 3.4, and 3.12 hereof wherein the Commission shall determine if an Eligible Building which is the subject of the application for a Permit is a Historically Significant Building in accordance with Section 3.5 hereof and the Demolition thereof should be delayed in accordance with Section 3.6 hereof.

2.8. "Historically Significant Building" shall mean an Eligible Building that meets the criteria set forth in Section 3.5 of this by-law.

2.9. "Lot" shall mean an area of land under one ownership with definite boundaries ascertainable by recording deed or plat.

2.10. "Permit" shall mean a permit issued by the building commissioner for the Demolition of a Building pursuant to an application.

Section 3. PROCEDURES

3.1. Application for Permit. An application to the Town building department for a Permit shall be made or cosigned by the owner of record at the time of application. The building commissioner shall provide each Applicant for a Permit with a copy of this by-law and require each Applicant to acknowledge receipt of the by-law. The Permit application shall contain the following:

- (a) The address of the building to be demolished;
- (b) The owner's name, address, telephone number and email address;
- (c) Copy of the original building permit application, tax assessment records and/or other indicia evidencing the building's date of construction, if available;
- (d) A brief description of the building;

- (e) Identification of any existing safety issues;
- (f) A photograph or photograph(s) of the Eligible Building; and
- (g) Acknowledgment by the Applicant of receipt of the by-laws.

3.2. Notice of Application to Commission. Upon receipt of an application for a Permit for a Building, the building commissioner shall forward a copy thereof to the chairperson and vice-chairperson of the Commission. No Permit shall be issued at that time.

3.3. Determination of Eligible Buildings.

- (a) Eligible Buildings. The chairperson, vice-chairperson or other person authorized by the Commission including without limitation a Town employee or consultant (such person, an "Authorized Person"), shall determine whether the subject of the Permit application is an Eligible Building based on available information. If inadequate information exists in the Permit application, such Authorized Person may deem the Building referenced in the application to be an Eligible Building and therefore a Hearing shall be convened by the Commission.
- (b) Preliminary Determination of Historical Significance. Upon a determination that the Building constitutes an Eligible Building, the Authorized Person may determine based on the information set forth in such application and otherwise available to such Authorized Person (e.g., visual inspection, familiarity with the history or neighborhood, etc.) that such Eligible Building is presumptively not a Historically Significant Building and therefore no Hearing needs to be convened by the Commission.
- (c) Notice to Building Commissioner of Need for a Hearing. If the Building is determined or deemed to be an Eligible Building subject to a Hearing as determined under Sections 3.3(a) and (b), the Authorized Person shall notify the building commissioner in writing within ten (10) Business Days of receipt of the copy of the application that this by-law does apply to the Building and that no Permit may be issued at that time. After the expiration of fifteen (15) Business Days from the date the Authorized Person received the copy of the application, if the building commissioner has not received notification that the Building is an Eligible Building subject to a Hearing, the building commissioner may, subject to the requirements of the State Building Code and other applicable law, issue the Permit.
- (d) Overriding Safety Issue or Emergency Conditions. A Building subject to application for a Permit that otherwise is determined by the Commission to be an Eligible Building may, at the discretion of the Commission, be demolished if such Building presents safety issues to the community or emergency conditions exist which merit Demolition.

3.4. Notice of Hearing. The Commission shall hold a Hearing on an application for Demolition of an Eligible Building within twenty (20) Business Days of receipt of the copy of the application unless the Commission and the Applicant shall jointly agree to extend the period. The Commission shall give public notice of the Hearing by publishing notice of the time, place and purpose of the Hearing in a local newspaper at least five (5) days before such Hearing. At least five (5) days before such Hearing, the Commission shall mail a copy of such notice to the Applicant, to the owners of property abutting the property which is the subject of the Hearing, and to other parties deemed by the Commission to be affected thereby.

3.5. Criteria for Determination of an Eligible Building being a Historically Significant Building. If at such Hearing the Commission determines that the Demolition of the Eligible Building would be detrimental to the character, historical or architectural heritage or resources of the Town, such building shall be considered a "Historically Significant Building". The determination by the Commission that the Demolition of such Eligible Building would be detrimental to the character, historical or architectural heritage or resources of the Town may include the following criteria:

- (a) Historical Importance. Consideration of whether the Eligible Building:
 - 1. Is associated with events that have made a significant contribution to the broad patterns of our history,
 - 2. Is associated with the lives of significant persons in our past,
 - 3. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represents a significant and distinguishable entity whose components may lack individual distinction, or
 - 4. Has yielded or may be likely to yield, information important to history or prehistory.

- (b) Architectural Importance. Consideration of whether the Eligible Building:
 - 1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style,
 - 2. Embodies the distinguishing characteristics of an architectural type,
 - 3. Is the work of an architect, master builder, or craftsman whose individual work has influenced the development of the Town, or
 - 4. Contains elements of architectural design, detail, materials or craftsmanship, which represents a significant innovation; or

(c) Geographic importance. Consideration of whether the Eligible Building:

1. Is part of, or related to, a square, park, or other distinctive area, or
2. Represents an established and familiar visual feature of the neighborhood, district, street, context, Town center, or the community as a whole due to its unique location or its physical characteristics.

3.6. Determinations at Hearings.

(a) Not a Historically Significant Building. If at a Hearing the Commission determines by a majority that an Eligible Building is not a Historically Significant Building pursuant to Section 3.5 hereof, (or there is a tie vote, in which case the Commission shall be deemed to have determined that such Eligible Building is not a Historically Significant Building) the Commission shall notify the building commissioner within ten (10) days of such determination. Upon receipt of such notice (or, after the expiration of fifteen (15) days from the date of the Hearing, if the building commissioner has not received notification from the Commission of its determination) the building commissioner may, subject to the requirements of the State Building Code and other applicable law, issue the Permit.

(b) Historically Significant Building. If at a Hearing the Commission determines by a majority vote that an Eligible Building is a Historically Significant Building pursuant to Section 3.5 hereof, the Commission shall notify the building commissioner within ten (10) days of such determination. Upon receipt of such notice, within ten (10) days of such Hearing, the Commission shall so advise the Applicant and the building commissioner and no Permit may be issued until twelve (12) months after the date of the application for a Permit is received by the Building Department except as set forth in Sections 3.8 and 3.9 below.

3.7. Alternatives to Demolition. At a Hearing or within ten (10) days of the determination at such Hearing that an Eligible Building is a Historically Significant Building, the Commission shall invite the owner of record thereof and any other persons deemed appropriate to participate in an investigation of alternatives to Demolition including but not limited to: incorporation of the Building into the future development of the site; adaptive re-use of the Building; utilization of financial incentives to rehabilitate the Building; rezoning; or seeking a new owner willing to purchase and preserve, restore or rehabilitate the Building.

3.8. Unconditional Early Issuance of Permit. Notwithstanding the provisions of Section 3.6, the building commissioner may issue a Permit for a Historically Significant Building at any time after receipt of written advice from the Commission to the effect that either:

- (a) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building,

(b) The Commission is satisfied that for at least twelve (12) months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore such Building, and that such efforts have been unsuccessful, or

(c) The Commission is satisfied that it is in the best interest of the community, as assessed by the Commission to allow the Demolition of such Building.

3.9. Conditional Early Issuance of Permit. Notwithstanding the provisions of Section 3.6, the building commissioner may issue a Permit subject to conditions agreed to by the Commission and the record owner of a Historically Significant Building at any time after receipt of written advice from the Commission and such owner to the effect that the Commission is satisfied that Demolition of the Historically Significant Building subject to the conditions specified in such writing is the outcome most likely to secure the intent of this by-law and that the Applicant agrees to abide by the conditions specified.

3.10. Appeals. An appeal from a determination by the Commission that the subject of a Permit application is a Historically Significant Building may be taken to the board of appeals.

3.11. Communications. Unless another form of communication is expressly specified herein, all written communications under this Chapter 14 shall be made by the U.S. Postal Service, electronic mail, facsimile transmission (with confirmation of receipt in writing by other means) or overnight delivery service.

3.12. Historically Significant Buildings Subject to Prior Permit Applications.

(a) No Change in Ownership. In the event that an application for a Permit has previously been submitted with respect to an Eligible Building, such Building is determined by the Commission to be a Historically Significant Building, such Building is not Demolished and then a Permit is submitted with respect to such Building after any delay period has been imposed by the Commission, then such Building shall not be subject to a Hearing so long as (i) the ownership of such Building has not changed since the date of such determination by the Commission, and (ii) following such determination, it is found that such Building is associated with previously unknown historical importance as set forth in Section 3.5(a) or had previously unknown architectural or geographic importance under Sections 3.5(b) or (c).

(b) Effect of Conveyances. In the event that an application has previously been submitted for a Permit for an Eligible Building, such Building is determined by the Commission to be a Historically Significant Building, such Building is not Demolished, the Lot on which the Building resides after or during any delay period imposed by the Commission is conveyed, then any future owner of such Building who desires to Demolish such Building shall re-apply for a Permit and shall be subject to these by-laws and including potentially a Hearing.

Section 4. ENFORCEMENT AND REMEDIES

4.1. Enforcement by Building Commissioner. The building commissioner is authorized to institute any and all proceedings in law or equity as the building commissioner deems necessary and appropriate to obtain compliance with the requirement of this by-law, or to prevent a violation thereof.

4.2. Demolitions In Violation of By-Laws. No building permit shall be issued with respect to any Lot upon which an Eligible Building has been voluntarily demolished in violation of this by-law for a period of two (2) years after the date of the completion of such Demolition. The Demolition of an Eligible Building pursuant to a Permit issued on the basis of incorrect information shall be considered to be voluntary Demolition in violation of this by-law.

4.3. Vacant Historically Significant Buildings. Upon a determination by the Commission that a building is a Historically Significant Building, the owner shall be responsible for properly securing such Building, if vacant, to the satisfaction of the building commissioner. Should the owner fail so to secure such Building, the loss of such Building through fire or other cause shall be considered voluntary Demolition for the purposes of Section 4.2.

4.4. [Regulations, Fees. The Commission may adopt such rules and regulations as are necessary to administer the terms of this by-law. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this by-law.]

Section 5. Application for Preliminary Determination

If a property owner with an Eligible Building located thereon wishes at any time to have a pre-emptive determination of Historical Significance of such Eligible Building, such owner may request a review by the Commission as to the Historic Significance of such Building through the Town Planner. Within sixty (60) days following such request, the Commission shall make a determination at a regularly scheduled meeting of the Commission as to whether such Building is a Historically Significant Building in accordance with Section 3.5 hereof. If the Commission determines such Building is not a Historically Significant Building, such determination will be in perpetuity, so long as such property owner continues to own the Building, unless, following such determination, it is found that such Building is associated with previously unknown historical importance as set forth in Section 3.5(a) or had previously unknown architectural or geographic importance under Sections 3.5(b) or (c).

However, if there is insufficient information available to the Commission to make such a determination and/or the Commission determines that such Building is a Historically Significant Building and such owner disagrees, such owner may, at its sole cost and expense, hire or request the Commission to hire a consultant, which consultant is mutually acceptable to the Commission and the Applicant, to complete a Massachusetts Historical Commission Survey Form and forward it to the Commission. Upon receipt of such survey form, the Commission shall reassess its prior determination and advise such owner of any change to its prior determination. A fee for an initial determination and any reassessment will be assessed by the Commission and payable by such owner (to cover the cost of the survey form).

Section 6. EXISTING EXCLUSIONS

Notwithstanding anything contained herein to the contrary, property owners of Eligible Buildings protected pursuant to the 2001 amendment to this by-law who have previously notified the Commission of their request to be excluded from the protections hereof in accordance with such amendment, shall continue to be excluded from such protective status and such election to be removed from the protective status of this by-law shall "run with the land."

Section 7. SEVERABILITY

If any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

SECTION 6. GUIDELINES FOR EXISTING HISTORICALLY SIGNIFICANT BUILDINGS (Section 7.3.17)

These Guidelines are intended to guide property owners in planning the rehabilitation of buildings, and to assist the Center Business District Review Subcommittee (CBDRS), the Planning Board, Historical Commission and the Design Review Committee in determining those architectural changes that are appropriate for the district. The Guidelines are not retroactive and apply only to changes proposed after the rezoning of the CBD. Winchester Center was listed on the National Register of Historic Places in 1985. The National Register District is characterized by urban density and serves a thriving commuter suburb. It should be understood that the boundaries of the National Register District for Winchester center and the CBD overlap, but the districts are not entirely the same. Some buildings in the CBD that are identified as Historically Significant Structures in the Zoning Bylaw were not listed on the National Register in 1985, yet they are deemed worthy of preservation. At the time of the nomination to the National Register, twenty-seven contributing buildings were listed within the boundaries of the CBD. As of 2016, six contributing buildings in the National Register District have been demolished, with all of those demolished located in the CBD. The greater center comprises commercial buildings as well as institutional and civic buildings, including three public schools, four churches and a synagogue, Town Hall, the Public Safety Building, and the Post Office.

The Guidelines may not have anticipated every possible change that may be proposed. For any property located within the boundaries of the district, listed as contributing on the Historic Resources List or designated in red on the CBD Historic Resources Map, the CBDRS must review all exterior alterations with the exception of those specific exemptions cited within 7.3.15.1 of the Winchester Zoning Bylaw. Reviews may be submitted to the Planning Board by any of the following review authorities: CBDRS, Historical Commission, outside consultants, and the Design Review Committee. The reviewing authorities (listed above) are empowered to take three possible courses of action based upon the guidelines herein:

1. To issue a recommendation of appropriateness in cases where the proposed alteration has met the guidelines,
2. To issue a recommendation for appropriateness with added conditions, or
3. To issue a recommendation for inappropriateness either related to the project as a whole or to elements of the project.

Property owners contemplating exterior changes to their buildings should contact the Town Planner to file an application for possible design review. The CBDRS will schedule meetings once a month and meet on an as-needed basis in a public hearing to review applications. It is generally recommended that deteriorated architectural elements be repaired with new material which duplicates the old as closely as possible. Previous changes to a building have often acquired significance in their own right and may warrant retention and preservation.

6.1 Purpose

The intent of these guidelines is to preserve the significant historical and architectural elements of Winchester Center, a cohesive district comprising 19th-century through early-20th-century commercial, residential and institutional structures and landscapes. An important architectural feature of the Winchester CBD is the mixed-use commercial block. The district is punctuated with buildings of extraordinary architectural form, primarily institutional structures such as churches, schools, and Town Hall, as well as outstanding commercial buildings. The CBD also includes houses from the 19th century that are valued as records of the town's historic village.

6.2 Character

The standards and criteria are intended to guide the inevitable changes to the exteriors of buildings and physical features within the district to make those changes sensitive to the architectural character of the district, to prevent the loss of character-defining historic building fabric, and to prevent unsympathetic additions. Under these guidelines, no work is required unless initiated by the owner of the property.

6.3 Facades

The most important feature of buildings are the facades that face the streets (including all elements of that facade) and the portions of roofs that are visible from public streets.

6.4 Preferences

All proposed changes or alterations to the elements mentioned in 5.1.3 above will be reviewed unless specifically exempted; preference will be given to alterations that maintain, preserve, or restore according to the standards and criteria for elements identified within this section 5.1.

6.5 Multiple Ownership

When changes to a condominium or other buildings having multiple owners are proposed, the entire building should be considered and treated uniformly. Work on any building may, however, proceed in stages.

6.6 Entrances

6.6.1 Steps, Stairs: Exterior steps, stairs and stoops are not a common feature in the town center. However original steps, if existing, including stringer, riser, treads, sidewalls, and any decorative element or railing, should be retained and repaired. If such stairs or steps have deteriorated to the degree that they have been removed or require removal, the replacement should appear like the original in massing and must not change location. Granite and other masonry components may be replaced with material of similar texture and color such as concrete. Metal or wood stairs should be replaced with the original material if possible.

6.6.2 Railings, Balustrades and Decorative Balconies: Existing metal or wood stair railings, balustrades, crest railings, roof snow fences and decorative balconies should be retained.

If they are badly deteriorated or non-existent, replacement elements should be of a size and massiveness consistent with the remaining original elements of the design or consistent with the size, massing, profile and complexity of remaining examples of iron work or wood railings on nearby buildings. Simplified adaptations may be allowed if they meet the above criteria. All iron work should be black in color. There is no paint color restriction on wood building components.

6.6.3 Entryways: All entryways (including decorative hoods, canopies, surrounds and moldings) should be retained. If entryways are missing or are badly deteriorated, replacement of elements shall approximate the original design, material, proportion and arrangement.

6.6.4 Entry Doors and Vestibules: All original entry doors and visible elements of vestibules should be retained and repaired. Replacement doors, if required, should match the original in material and in design including proportion, number of leaves (i.e., single or double doors), placement within doorframe and general arrangement of panels and lights. Transoms, sidelights, and other features should be retained and repaired and not be removed or filled in to fit smaller doors and frames.

6.7 Exterior Walls

6.7.1 Masonry (brick, stone and concrete):

- a. Existing walls should be retained and repaired.
- b. Replacement brick and mortar joints, when required, should match original existing brick as closely as possible with regard to size, color, texture and finish.
- c. Covering masonry in another material is strongly discouraged.
- d. New openings in the wall are discouraged but may be approved on a case-by-case basis.
- e. Original brick chimneys (and chimney caps and pots) should be retained.

6.7.2 Wood:

- a. Retention and repair of existing walls is preferred.
- b. The use of vinyl siding is strongly discouraged and will generally result in a recommendation for unfavorable action to the Permit Granting Authority, the Planning Board.
- b. New openings in wooden facades are discouraged, but may be allowed on a case-by-case basis.
- c. Painting of wood trim and wood structures is exempt from Committee review.

6.8 Windows, Window Openings, and Trim

Windows are a major character-defining feature in all buildings. The original window design and arrangement of window openings on all facades should be retained. Changing window openings to accommodate larger or smaller sash and frame is strongly discouraged. Restoring window openings to the original size where original elements are

still visible is encouraged. New openings are strongly discouraged. The removal or blockage of window openings is strongly discouraged.

6.8.1 Repair vs. Replacement:

The Committee maintains that original or historically appropriate wood windows should be repaired rather than replaced. The Committee views original or early windows as an integral part of the design of historic buildings, and therefore of the district as a whole. In most cases, original or early windows can be repaired, and at a more economical rate than full window replacement. Additionally, the repair of the original windows can be done much more easily than the repair of a new replacement window. Original wood windows, combined with the use of reversible storm window installation, produces comparable energy savings to insulated replacement windows. Window preservation also offsets the material and energy costs required to produce new windows. The Committee or staff should be contacted about repairing original wood windows before any replacement window application is submitted. If it has been shown that the original windows, or older wood windows with historic proportions, must be replaced, they shall be replaced with wood windows that match existing conditions. Some buildings within the district have already lost their original wood windows. The Committee strongly encourages the replacement of these units with wood windows that meet the standards for window replacement. However, since the original resource has already been lost, the Committee will consider the installation of aluminum replacement window units that meet the Standards and Criteria for window replacement.

6.8.2 Policies for Window Replacement:

The following policy statement is intended to provide guidance to applicants: all proposals for window replacement will be reviewed on a case-by-case basis.

- a. Wood replacement windows are recommended. Both single glazed and thermally insulated windows will be considered, based on their exact dimensions as they will appear installed. The Committee will review replacement window specifications with consideration to their approximation of original window dimensions.
- b. Only structural (true) muntins or exterior applied muntins which are integral with the sash frame will be considered appropriate, simulated muntins inserted between the panes of glass or interior snap-in muntins are not recommended. The configuration of lights (panes) should replicate the original light pattern, based on documentary evidence.
- c. The recommendation of appropriate aluminum windows (see Section 5.8.1 above) is based on the framing dimensions matching that of wood and the use of a non-reflective metal. The Committee will recommend the use of jamb liners and the use of anodized spacer bars between thermal panes tinted to match the sash color. Finish shall be of anodized or enameled paint in a color that matches the sash.
- d. Installation of vinyl or vinyl-clad windows is strongly discouraged.

6.8.3 Sills and Lintels: Window sills and lintels should be retained and repaired. If severely deteriorated, replacements should be of a material, arrangement, color and proportion similar to the original in appearance.

6.9 Bays, Oriels and Protrusions From Wall

Bays, oriels, and other similar protrusions from the exterior wall should not be removed. Original finishes and details should be retained and repaired or replaced in-kind.

6.10 Roofs (including rooflines, cornices and dormers, skylights, greenhouses, arbors, penthouses, roof fences and decks, mechanical penthouses, solar panels, and devices, and the like)

The original roof configuration and cornice line should be retained. Wood, masonry, and metal cornice elements should be retained and repaired or restored. Original slate should be retained or repaired. If the visible portion of the roof requires replacement, slate or a non-reflective material similar in color and texture to slate may be recommended. Additional floors visible from the public streets and ways may be recommended in special circumstances provided the addition does not alter original parapets or cornice details. Raising or lowering the existing roofline will be recommended only for the purpose of restoring the roof to its original profile. Alterations or new construction such as greenhouses, penthouses, arbors or trellises, solar panels and devices, mechanical and electrical equipment, if visible from a public street or way, will be recommended only on a case-by-case basis. Approval criteria shall be:

- a. placement to minimize visibility,
- b. minimizing visible mass,
- c. non-reflective dark appearance, and
- d. no impact on existing building fabric such as cornices and parapets.

6.10.1 Flat Roofs: The addition of stories to flat-roofed buildings will be reviewed on a case-by-case basis. See Section 7.3.18.2 of the Zoning Bylaw for incentives to restore additional floors that once existed on a historic structure. Additional stories should be designed to minimize visual impact on the proportions and massing of the original structure. The most common approach to meeting this guideline is to step additions back from the façade or side building plane. Additions resulting in the damage or removal of significant architectural details such as:

- a. facades,
- b. cornices,
- c. parapets,
- d. windows,
- e. or other openings will result in a recommendation of negative action by the Planning Board in the issuance of a building permit.

6.10.2 Dormers: Original dormers on roofs should be retained and repaired or restored. Expansion of existing dormers or the addition of new dormers may be recommended on a case-by-case basis provided designs are based on historic models.

6.10.3 Reflectivity: Gutters, downspouts, flashing, whether new or replacement, should be of a dark, nonreflective material and non-obtrusive in appearance; unfinished metal (other than copper) will not be approved.

6.11 Demolition Demolition of entire structures may be subject to a 12-month delay under the Town of Winchester's Code of By-Laws, Ch. 14. Demolition of any building identified as historically significant shall be considered detrimental to the CBD. The purposes of the CBD include to "Promote and protect Winchester center's historic resources and small town character while encouraging selective development to promote 'smart growth'". Zoning Bylaw, Section 7.3.1.4.

The Board is the Special Permit Granting Authority in the CBD. Zoning Bylaw, Section 7.3.5. It shall grant a special permit only if it determines that "the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood." Zoning Bylaw, Section 9.4.2. In making that determination, the Board shall consider "Neighborhood character, including historic resources and social structures", among other factors. Zoning Bylaw, Section 9.4.2.4.

To effectuate these provisions, the Board will consider special permit applications in the CBD as follows:

If, after the effective date of this Section 6.11, a historically significant building has been demolished within five years before the filing of an application for a special permit for the same site, the Board will presume that any new construction exceeding the footprint or height of the demolished building would impair neighborhood character, including historic resources, and would have adverse effects that outweigh its beneficial impacts to the neighborhood. That presumption is rebuttable by clear and convincing evidence to the contrary. Each of the following may, by itself or in combination with other factors, be sufficient to rebut that presumption in the Board's judgment:

(a) If before the demolition, the applicant had obtained a written opinion from an historic preservation professional who has been approved by the Historical Commission stating that the historically significant building had no reasonable potential for preservation and reuse;

and

(b) If the project for which the special permit is sought achieves compatibility with the historical context of the CBD and has been designed by an architect experienced in historic preservation.

If an historically significant building was demolished before the effective date of this Section 6.11 or more than five years before the filing of an application for a special permit for the same site, the Board will consider the factors set out above and any other relevant factors in

making its determination under Section 9.4.2 of the Bylaw, but without the presumption described above.

When an applicant seeks a demolition permit, it shall be provided a copy of this Section 6.11. However, any failure to provide such a copy shall not affect the implementation of this Section 6.11.

6.12 Commercial Fronts

6.12.1 General: Any façade changes intended to increase the amount of visibility of commercial space will be subject to review and recommendation by the Committee. The essential character of the building as originally designed should be preserved in all changes, including retention of doorways and major architectural features including the configuration of shopfront window walls and splayed entrance reveals. Façade changes for commercial use above the main floor of the building are not recommended.

6.12.2 Materials: The maximum amount of original material possible should be retained in new façade designs. The intent of the design should be an appeal to pedestrians. New materials should be sympathetic to those of the existing building.

6.12.3 Design: Proposed façade changes should be designed to complement the design of the existing building. Façade changes may be clearly contemporary and detailed to match the quality of the original building.

6.13 Additions

Architectural changes that increase the height above existing contextual rooflines, or that substantially alter the profile of the building, will be considered on a case-by-case basis. Consideration will be given to the impact of a design on the existing building's fabric, as well as the impact on its silhouette, proportions and massing.

6.14 Exemptions

The following items cannot be used to recommend unfavorable action by a review authority.

- a) Anything on the inside of the building,
- b) Ordinary maintenance, repair or replacement in like and kind (exact replacement),
- c) Building color,
- d) Replacement of roofing materials , gutters, downspouts,
- e) Storm doors, storm windows/screens,
- f) A/C window units,
- g) Lighting fixtures,
- h) Temporary structures, and
- i) Mailboxes or signs (that are otherwise allowed by law)

