

Chapter 19: Town of Winchester Heritage Districts

Section 1. General Heritage District Provisions

19.1.1. Title and authority

This Chapter 19 shall be known as the Winchester Heritage Districts Bylaw. This Chapter 19 is adopted as a general bylaw of the Town of Winchester under the authority of the Home Rule Amendment of the Constitution of the Commonwealth of Massachusetts.

19.1.2. Purposes

The purposes of this section 1 of Chapter 19 are to:

- a. enable the establishment of Heritage Districts in the Town of Winchester;
- b. preserve and protect Buildings, Structures, Settings, and Sites that have historical, architectural, or cultural significance to a Heritage District or to the Town of Winchester;
- c. without violating the purpose in section 19.1.2.b. above, permit the improvement of Buildings, Structures, Settings and Sites;
- d. prior to work proceeding on a project involving a Change that includes at least one Reviewable Element, require Review and approval by the relevant Heritage District Commission of the appropriateness of the Reviewable Elements of the Change;
- e. designate Excluded Elements applicable to all Heritage Districts and provide for the designation of additional Excluded Elements in each Heritage District in a new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District;
- f. provide Review Standards for the Review and approval process, some of which may be unique to a particular Heritage District; and
- g. promote the public welfare by preserving and enhancing the Heritage Districts and the Town of Winchester as desirable and attractive places to live, work, engage in business, and participate in public activities.

19.1.3. Definitions

As used in this Chapter 19, each of the following terms shall have the indicated meaning:

- a. Addition—An increase in the aggregate floor area, number of floors, height, or volume of a Building or Structure, or an increase in the size or scope of a Setting or Site.
- b. Alteration—A modification of all or part of an existing Heritage District Feature.
- c. Building—A combination of materials forming a covered shelter in a Heritage District for one or more people or animals or property, whether or not enclosed and whether or not having a permanent foundation.
- d. Certificate Decision (or simply Decision)—A decision by vote of a Heritage District Commission on whether to issue a Certificate of Appropriateness or a Certificate of Exclusion, or of the Winchester Historical Commission on whether to issue a Certificate of Hardship under section 19.1.5 of this Chapter 19.

- e. Certificate of Appropriateness—A certificate issued by a Heritage District Commission, after a Review and a Certificate Decision, stating that the Reviewable Elements of a Project Proposal have been determined to be appropriate under the Review Standards.
- f. Certificate of Exclusion—A certificate issued by a Heritage District Commission, after a Review and a Certificate Decision, stating that specified elements of a Project Proposal have been determined to be Excluded Elements.
- g. Change—Any Addition, Alteration, Demolition, or New Construction.
- h. Demolition—Any act of pulling down, destroying, removing, or razing all or part of any Heritage District Feature, or commencing or continuing any such act.
- i. Excluded Element—A part, portion, or component of a Change that, under this Section 1 of this Chapter 19 or any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District, or under a Certificate of Exclusion issued by the relevant Heritage District Commission, is not subject to review or approval by a Heritage District Commission.
- j. Heritage District—One or more properties in the Town of Winchester that are established as a Heritage District in accordance with this Section 1 of this Chapter 19. Properties included in a Heritage District need not have historical, architectural, or cultural significance.
- k. Heritage District Commission—The body appointed in accordance with this Chapter 19 to exercise the powers and authority granted under this Chapter 19 with respect to a Heritage District.
- l. Heritage District Feature—A Building, Structure, Setting, or Site.
- m. Heritage District Proposal—A proposal to the Town Meeting to include in this Chapter 19 a new or amended section establishing or amending a Heritage District in accordance with this section 1 of this Chapter 19.
- n. New Construction—Construction, fabrication, assembly, manufacture, or placement of a Heritage District Feature that has never before been present.
- o. Non-Remediation Determination—A determination by vote of a Heritage District Commission that an infestation or environmental hazard cannot in any way be remediated or that the cost of remediation would represent an unreasonably large proportion of the value that a Heritage District Feature that is the subject of the infestation or environmental hazard would have after the remediation.
- p. Project Proposal—A written description of a proposed Change in sufficient detail to enable a Heritage District Commission to conduct a Review and to make a Certificate Decision. The Project Proposal shall refer to every part, portion, or component of the proposed Change without regard to whether they may be considered to be Excluded Elements. The written description shall not be deemed to be in sufficient detail and may be rejected unless and until it has been determined to satisfy the reasonable requirements of the Heritage District Commission.
- q. Regulation—A rule of a Heritage District Commission that governs procedural or substantive aspects of its activities and is adopted after a public hearing.
- r. Review—Study and evaluation by a Heritage Commission under the applicable Review Standards of the Reviewable Elements of a Project Proposal.

s. Review Standards—Criteria for Review set forth in this Chapter 19, including any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District, or other criteria not in conflict with the criteria set forth in this Chapter 19 and that are adopted by the Heritage District Commission for a particular Heritage District after a public hearing.

t. Reviewable Element—A part, portion, or component of any Change that is not an Excluded Element.

u. Setting—Visible elements of the environment, milieu, and surroundings in a Heritage District of one or more of the Buildings, Structures, or Sites that contribute to the character, design, atmosphere, or appeal of the Heritage District, or to the historical, architectural, or cultural characteristics of one or more parts of the Heritage District. The visible elements may include topography, siting, massing, orientation, layout, extent and uniformity of setbacks along public ways, extent and uniformity of front yards, extent and uniformity of side yards, extent and uniformity of rear yards, scenery, landscape, public ways, roads, sidewalks, or bodies of water.

v. Site—All or part of an area, park, landscape, open space, field, forest, body of water, or other place, in each case in a Heritage District.

w. Structure—A construction, fabrication, assembly, or manufacture in a Heritage District, other than a Building.

x. Violation—(i) Making (or beginning or continuing to make) a Change other than a Change that (a) is expressly permitted under any section of this Chapter 19 to be made without a Project Proposal and a Certificate Decision, (b) is reflected in, and conforms to the Change described in, a Project Proposal that was the basis of a Certificate Decision and is, at the time of making the Change, covered by a valid unexpired Certificate of Exclusion, Certificate of Hardship, or Certificate of Appropriateness that resulted from the Certificate Decision, or (ii) neglecting or refusing (or continuing a course of neglect or refusal) to repair a condition of decay or deterioration to the extent that all or part of a Heritage District Feature that is the subject of the condition of decay or deterioration (a) must be (or will, if the course of neglect or refusal continues, need to be) demolished under an order issued under section 19.1.12 of this Section 1 of this Chapter 19 or (b) is proposed for Demolition as part of a Project Proposal based on the result of the neglect or refusal or course of neglect or refusal.

y. Violation Determination—A determination by vote of a Heritage District Commission as to whether a Violation has occurred.

19.1.4. Establishing and Changing Heritage Districts

a. Established by Majority Vote of Town Meeting

One or more Heritage Districts may be established or amended by a majority vote of the Town Meeting to include in this Chapter 19 a new or amended section applicable to the Heritage District.

b. Heritage District Proposal

A Heritage District Proposal may be filed by a governmental body of the Town of Winchester, or an owner or owners of property in a proposed Heritage District with the Winchester Town Planner or the Winchester Town Manager, in the absence of the Town Planner, and shall include (i) a proposed new or amended section of this Chapter 19 specifically applicable to the proposed Heritage District and (ii) a list of suggested members of the Heritage District Commission for the

proposed Heritage District. No formal Heritage District Proposal shall be required for any Heritage District that is established by the Town Meeting at which this Section 1 of this Chapter 19 is adopted or by a subsequent Town Meeting if the Heritage District had been previously presented to the Town Meeting at which this Section 1 of this Chapter 19 was adopted.

c. Proposed Heritage District New or Amended Section of this Chapter 19.

The proposed new or amended section of this Chapter 19 in the Heritage District Proposal shall include (i) a map showing the geographic boundaries of the proposed Heritage District and the properties to be included in the proposed Heritage District, (ii) a list of the properties to be included in the Heritage District, (iii) a description of the historical, architectural, and cultural characteristics of the proposed Heritage District and the Heritage District Features to be included, (iv) a list of any categories of Excluded Elements that are in addition to the categories set forth in this Section 1 of this Chapter 19, (v) any Review Standards that are in addition to Review Standards of this Section 1 of this Chapter 19, (vi) any procedures for the conduct of the business of the Heritage District Commission for the proposed Heritage District, and (vii) a name for the proposed Heritage District.

d. Heritage District Commission

Each Heritage District Commission shall have five regular members and two alternate members. The regular members and alternate members of the Heritage District Commission shall be classified into three classes of as equal size as possible and appointed respectively for staggered three-year terms, except that the appointments of the classes of initial members and alternate members shall be for one-year, two-year, and three-year terms respectively.

Within 45 days after the effective date of the establishment of a Heritage District by the Town Meeting, the Winchester Planning Board shall appoint three regular members and one alternate member, and the Winchester Board of Selectmen shall appoint two regular members and one alternate member of the Heritage District Commission for the Heritage District.

Of the members to be appointed by the Planning Board, two regular members and the alternate member shall be owners of properties in the Heritage District. The third regular member to be appointed by the Planning Board shall be a resident of Winchester who, if possible, has professional experience related to architectural or historic preservation. If, after reasonable efforts to find such a candidate, a willing candidate meeting the requirement for professional experience related to architectural or historic preservation cannot be identified, a candidate having other relevant experience or qualifications may be considered and appointed.

The Board of Selectmen shall appoint one regular member from the Winchester Historical Commission, one regular member from the Winchester Design Review Committee, and one alternate member from the Winchester Historical Commission.

Each regular member and alternate member of a Heritage District Commission shall serve until the end of his or her term and thereafter until his or her replacement is appointed. The term of a regular member or alternate member of a Heritage District Commission shall expire if and when the member (i) resigns, (ii) no longer meets the qualifications associated with his or her seat, (iii) is removed by a 2/3 vote of all of the sitting members of either the Board of Selectmen or the Planning Board which appointed the regular member or alternate member, or (iv) fails to attend seven consecutive meetings of the Heritage District Commission.

When a member's term expires, the Board of Selectmen or the Planning Board, as the case may be, shall promptly appoint a replacement regular member or alternate member who satisfies the same membership requirements and belongs to the same class of regular members or alternate members as the person being replaced.

At any meeting of a Heritage District Commission, the presence of five members shall be required for a quorum for the transaction of business. For this purpose, the five members present may include alternate members if one or more regular members are absent. To be effective, a vote by the Heritage District Commission on any matter, including a Certificate Decision, Violation Determination, or violation

Determination, shall require the vote of a majority of the members whose presence at the meeting constituted the quorum. Each Decision or Determination shall include a statement of the reasons for the Decision or Determination based on the applicable Review Standards and Regulations.

The Heritage District Commissions for two or more Heritage Districts may include any number of the same members or alternates.

e. Recording of Map

When a Heritage District has been established or amended, a map identifying the geographic boundaries of and the properties included in the Heritage District shall be recorded promptly in the Registry of Deeds of Middlesex County in such a way, if possible, that a search in the Registry on any property within the district will locate the map.

f. Public Notice of Heritage District Proposal

Public notice of the Heritage District Proposal shall be given by publication and posting and by individual notice to owners of properties proposed to be included in the Heritage District. The public notice shall be made within ten days after the filing with the Town Planner or the Winchester Town Manager, in the absence of the Town Planner, of a Heritage District Proposal and no later than forty-five days before the closing of the warrant for the Town Meeting at which the Proposal is to be considered. The Historical Commission shall hold a public meeting on the Heritage District Proposal prior to the closing of the warrant.

Publication shall be arranged by the Town Planner in a newspaper of general circulation in the Town of Winchester once in each of two successive weeks, one of which shall occur within the ten days provided in the preceding paragraph. The notice shall also be posted by the Town Planner in a conspicuous place in the Town Hall for a period of fourteen days beginning within the ten days provided in the preceding paragraph.

Individual notice to the owners of properties proposed to be included in the Heritage District shall be made both by hand delivery of the notice with a copy of the Heritage District Proposal to the properties proposed to be included in the Heritage District (if physically possible) and by mailing by the Town Planner, by registered mail return receipt, with respect to each property proposed to be included in the Heritage District, to the person or entity and to the address that are listed in the Winchester tax assessment records for the property as of the date of the notice. In addition, the delivery of the individual notice may be made in the manner provided for service of a summons in civil actions in Massachusetts under Massachusetts Civil Procedure Rule 4 (d)(1) through 4(d)(6) or any successor rule for service of summons.

The individual notice shall include a quotation of the following paragraph of this section 19.1.4.f. of this Chapter 19.

No property may be included in a proposed Heritage District unless, at least five days (and no more than six months) before the closing of the Town Meeting warrant that includes an article to establish the Heritage District, an owner of the property or a duly authorized representative of an owner of the property, identified on the records of the Winchester tax assessor as of the date of the notice provided above, has confirmed that the property is to be included in the Heritage District, by (a) signing the petition to include the article on the warrant for the Town Meeting or (b) signing another writing filed with the Town Planner or the Winchester Town Manager, in the absence of the Town Planner, in either case (a) or (b) stating that he or she is an owner of the property or a duly authorized representative of an owner of the property and that the property is to be included in the Heritage District. The property identified in the notice shall then be included in the bylaw and map in the warrant article for the proposed Heritage District. The other signed writing referred to in (b) above may be of any form that meets the stated requirements including, for example, a form provided by the Town Planner for purposes of this section 19.1.4.f.

g. Records

The Heritage District Commission shall maintain or cause to be maintained with the Town Planner, a publicly available record of each Project Proposal, Certificate Decision, Violation Determination, and Non-Remediation Determination and a copy of each such Proposal, Decision, and Determination shall be provided to the Town Planner and the Building Inspector.

h. Warrant Article

No provision of this Chapter 19 shall be construed to alter or expand the parties who may request articles concerning Heritage Districts to be placed on warrants of the Town Meeting as identified in section 2-12 (a) of the Home Rule Charter of the Town of Winchester.

19.1.5. Review Required

Except as otherwise permitted by any section of this Chapter 19 (including as permitted by the provisions of any section of any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District), no Change may be made unless the Heritage District Commission shall have first reviewed a Project Proposal with respect to such Change, held a public hearing, and issued a Certificate of Exclusion or a Certificate of Appropriateness or unless, after a Certificate Decision of the Heritage District Commission not to issue a Certificate of Exclusion or a Certificate of Appropriateness, the Historical Commission shall have reviewed the Project Proposal and detailed evidence of the Hardship, held a public hearing, and issued a Certificate of Hardship stating that a Hardship, as specifically defined in a section of this Chapter 19 that applies to a particular Heritage District, exists with respect to a Project Proposal and that the Project Proposal will not represent a significant detriment to the Heritage District. If the Heritage District Commission fails to act on a Certificate Decision within 45 days after receiving a Project Proposal, a Certificate of Appropriateness shall automatically be deemed to have been issued at midnight on the 45th day.

The Certificate Decision of the Heritage District Commission or of the Historical Commission on a Project Proposal shall include a detailed statement of the reasons for the Certificate Decision in view of the Review Standards, or in view of the definition of Hardship set forth in a

section of this Chapter 19 that is applicable to a particular Heritage District in the case of a Certificate Decision of the Winchester Historical Commission to issue a Certificate of Hardship.

No building permit or demolition permit may be issued for any Change unless (1) every part, portion, and component of the Change is an Excluded Element, or (2) the Change has been the subject of a Project Proposal and (a) an applicable Certificate of Exclusion, Certificate of Hardship, or Certificate of Appropriateness has been issued and remains valid and unexpired or an applicable Certificate of Appropriateness has been deemed to have been issued under the preceding paragraph of this section and remains valid and unexpired and (b) no appeal has been taken under section 19.1.13 of this Chapter 19, or, if an appeal has been taken, the appeal has been finally decided and there remains no further right of appeal.

19.1.6. Review Standards

In making a Certificate Decision on a Certificate of Appropriateness with respect to a Project Proposal, the Heritage District Commission shall determine whether the Reviewable Elements of the Project Proposal are appropriate based on (a) the historical, architectural, or cultural characteristics, and significance to the applicable Heritage District or to the Town of Winchester of (i) each Heritage District Feature that is subject to the Change, and (ii) other existing Heritage District Features within the Heritage District, (b) the character (including particular features that contribute to the character) of the Heritage District, (c) the nature of the Reviewable Elements including their general design, arrangement, texture, and material, and the relationship of the Reviewable Elements to similar elements of other Heritage District Features in the Heritage District, (d) in addition to (a), (b), and (c), for New Construction, the size and shape of the New Construction in relation to the size, shape, and topography of the property to which the Heritage District Feature belongs and to other Heritage District Features in the Heritage District, and (e) any Review Standards applicable to the Heritage District, including any in the section of this Chapter 19 (as it may be amended from time to time) that applies to the Heritage District.

19.1.7. Excluded Elements for all Heritage Districts

The following are Excluded Elements that shall not be subject to review by a Heritage District Commission:

- (a) anything that is inside a Building or Structure;
- (b) any part of a Heritage District Feature that cannot be seen from any public way and would not be seen from any public way in the absence of any fence, wall, hedge, or temporary structure that is situated between the public way and the Heritage District Feature;
- (c) ordinary maintenance, repair, or replacement not involving a substantial change in outward appearance;
- (d) color of paint, roof, siding, or foundation, or color of any other element of a Heritage District Feature;
- (e) storm doors and storm windows, screens, window air conditioners, gutters, downspouts, mailboxes, lighting fixtures, and historical markers;
- (f) reconstruction of all or part of a Heritage District Feature that has been damaged by fire, wind, flood, storm, or other sudden natural disaster or event, if the reconstruction does not

involve a substantial change in outward appearance compared to the Heritage District Feature prior to the damage;

(g) temporary structures, including tents, construction shanties, or similarly portable or demountable structures used continuously for no longer than one year;

(h) signs that otherwise are not prohibited by law;

(i) any element that is under the control of any public utility or the Town of Winchester under an easement or right of way that encumbers all or any part of a property within a Heritage District.

19.1.8. Infestation or Environmental Hazard

The presence of mold, asbestos, radon, blown-in insulation, or insect or other infestation or environmental hazard shall not be considered in making a Certificate Decision on a Certificate of Appropriateness or a Certificate of Hardship for a Project Proposal that includes a Demolition unless an independent review, at the cost of the property owner who filed the Project Proposal and performed under the supervision of the Historical Commission, results in a Non-Remediation Determination favorable to the property owner.

19.1.9. Grandfathered Projects

No provision of this Chapter 19 or an amendment to this Chapter 19 shall be construed to affect the right of a property owner to continue with a project involving a Change covered by valid unexpired applicable required building permits, zoning-related permits, or other municipal approvals duly issued prior to the date of adoption by the Town Meeting of this Chapter 19 or an amendment to this Chapter 19, as the case may be.

19.1.10. Expiration of Certificates

Each Certificate of Appropriateness issued by a Heritage District Commission and each Certificate of Hardship issued by the Historical Commission shall expire eighteen months after the later of the date when the Certificate is issued and the date when any appeal that is taken under section 19.1.13 of this Chapter 19 has been finally decided and there remains no further right of appeal. The Heritage District Commission may grant one extension of six months upon request made prior to the expiration of the eighteen months by any owner of an affected property as of the time of the request.

19.1.11. Violations; Remedies

Owners of two or more properties in the Town of Winchester or two or more members of a Heritage District Commission who are aggrieved by or aware of a Violation in the Heritage District may petition the Heritage District Commission for a Violation Determination. Within 30 days after receiving the petition, the Heritage District Commission shall make a Violation Determination.

If there is a Violation Determination that a Violation has occurred, then (i) the party or parties responsible for the Violation shall immediately halt and immediately take all necessary action to cure or remedy the Violation, (ii) any existing applicable Certificate of Exclusion, Certificate of Appropriateness, Certificate of Hardship, building permit, or demolition permit shall be revoked immediately, and (iii) no such Certificate or permit shall be issued until the Violation is corrected

or otherwise resolved to the satisfaction of the Heritage District Commission in a manner consistent with the purposes of this Chapter 19.

Any party aggrieved by a failure of a party or parties responsible for a Violation to halt and take all necessary action to cure or remedy the Violation immediately upon the Heritage District Commission making a Violation Determination that a Violation has occurred, may bring an action against such party or parties in the Superior Court of Middlesex County, or another court of competent jurisdiction under the Massachusetts General Laws.

19.1.12. Demolition for Public Safety

No provision of this Chapter 19 shall be construed to prevent Demolition of a Heritage District Feature under an order of any governmental body of competent authority, based on an explicit determination by the body that the Demolition is required to prevent a clear, demonstrated, imminent hazard to public safety.

19.1.13. Appeals

Any party aggrieved by (a) a Certificate Decision, (b) a Violation Determination, or (c) a Non-Remediation Determination of the Heritage District Commission or the Historical Commission may appeal the Decision or Determination to the Planning Board, which shall either sustain or reverse the Decision or Determination and shall state detailed reasons for its decision based on the applicable standards provided in this Chapter 19. The decision of the Planning Board shall be filed with the Building Inspector, the Town Planner, the Town Clerk, the Historical Commission, and the Heritage District Commission within twenty days after the close of the Planning Board's public hearing with respect to the matter. The decision of the Planning Board may be appealed by the losing party, within twenty days after the decision is filed with the Heritage District Commission, to the Superior Court of Middlesex County or another court of competent jurisdiction under the Massachusetts General Laws.

19.1.14. Severability and Other Laws

If any portion of this Chapter 19 shall be held to be invalid, unenforceable, or unconstitutional, the remainder of this Chapter 19 shall continue to be in effect, valid, and enforceable. No provision of this Chapter 19 shall be construed as repealing, modifying, or superseding any existing chapter or regulation of the Town of Winchester, but the provision shall be construed to apply in addition to the existing chapter or regulation. To the extent that any provision of this Chapter 19 is more restrictive than an applicable provision of another chapter, regulation, or statute, the more restrictive provision of this Chapter 19 shall apply.

Section 2. Rangeley Park Heritage District

19.2.1. Title and authority

This section of this Chapter 19 is adopted under the Winchester Heritage Districts Bylaw to establish a Rangeley Park Heritage District. This section of this Chapter 19 is adopted as a general bylaw of the Town of Winchester under the authority of the Home Rule Amendment of the Constitution of the Commonwealth of Massachusetts.

19.2.2. Purposes

The purposes of this section of this Chapter 19, in conjunction with the purposes set forth in Section 1 of this Chapter 19, are to:

- a. preserve and protect Rangeley District Features that have historical, architectural, or cultural significance to the Rangeley Park Heritage District or to the Town of Winchester;
- b. limit the detrimental effect of Changes on the historical, architectural, or cultural characteristics of the Rangeley Park Heritage District;
- c. without violating the purposes in sections 2.2.a and 2.2.b above, permit the improvement of Rangeley District Features;
- d. specify additional Excluded Elements applicable to the Rangeley Park Heritage District as referred to in section 19.1.3.i. of Section 1 of this Chapter 19;
- e. specify additional Review Standards applicable to the Rangeley Park Heritage District as referred to in section 19.1.3.s. of Section 1 of this Chapter 19.

19.2.3. Definitions; Conflict and Inconsistencies Between Section 1 and Section 2 of this Chapter 19

The Rangeley Park Heritage District is a Heritage District as referred to in Section 1 of this Chapter 19. The definitions set forth in Section 1 of this Chapter 19 shall apply to this Section 2 as it may be amended from time to time, provided that for purposes of the interpretation, operation, administration, and enforcement of this Section 2, in the event of any conflict or inconsistency between the definitions set forth in Section 1 of this Chapter 19 and the definitions set forth in this Section 2 of this Chapter 19, the definitions set forth in this Section 2 shall control. In addition, as used in and with respect to the application of this Section 2 of this Chapter 19, each of the following terms shall have the indicated meaning:

- a. House—A Building for human habitation.
- b. Lot Boundary—A boundary of a Lot other than a boundary defined by or along a Road.
- c. Prominent Façade—Each elevation of a House that is identified on the Map in Appendix A as a Prominent Façade. A House may have more than one Prominent Façade. In determining whether an elevation of a House is a Prominent Façade, relevant considerations shall include: (1) the elevation that Overlooks the Road associated with the post office address of the House, (2) the orientations of the elevations of the House when the House was built, (3) the elevation that includes the most formal entrance to the House, (4) the elevation or elevations that are typically reached by a pedestrian who approaches the House from the most prominent adjacent Road, and (5) the degree of visibility of the elevation from a Road.
- d. Prominent Façade Line—A line that runs along a Prominent Façade of a House at ground level and extends across the Lot to which the House belongs, parallel to the center of the Road or, if the Prominent Façade does not Overlook a Road, then to the Lot Boundary that the Prominent Façade Overlooks.
- e. Prominent Yard—The space between a Prominent Façade Line and the Road that a Prominent Façade Overlooks or, if the Prominent Façade does not Overlook a Road, then the Lot Boundary that the Prominent Façade Overlooks. A Prominent Yard includes space that is within the Lot on which the House is situated and, if another Lot exists between a Prominent Façade and the Road that the Prominent Façade Overlooks or between a Prominent Façade and the Lot Boundary that

the Prominent Façade Overlooks, then the space that is within the other Lot is also part of the Prominent Yard. A House may have more than one Prominent Yard.

f. New Intervening Building—A House or other Building that is proposed to be built on a Lot and is within a Prominent Yard of an existing House or is within what was a Prominent Yard of an existing House prior to a Reorientation of the existing House.

g. Non-Prominent Façade—A façade, including a Rear Façade, other than a Prominent Façade.

h. Original Rangeley Park—A residential park comprising approximately 25 acres owned by David Nelson Skillings and his descendants, including E.D. and Georgiana Skillings Bangs, and as shown on the 1889 G. H. Walker Atlas of Middlesex County map of Winchester, a copy of which is available in the Archive of the Town of Winchester.

i. to Overlook—To face a Road or a Lot Boundary from a Façade in a direction that is perpendicular to the Façade, without regard to whether the view from the Façade to the Road or to the Lot Boundary along that direction is obstructed by a natural or man-made element. A Prominent Façade or a Rear Façade shall be deemed to overlook either (i) the nearest Road that the Façade Overlooks or (ii) if no Road is overlooked, the nearest Lot Boundary of the nearest Lot that the Façade Overlooks or, if more distant from the Façade, then of the nearest Lot that the Façade Overlooked when the House was first built.

j. Rangeley Park Heritage District (or Rangeley District)—The Heritage District established by this Section 2 of this Chapter 19 (as it may be amended from time to time) and administered under this Chapter 19, which includes the Rangeley Park Heritage District Lots and the Rangeley Park Heritage District Features. The Rangeley District may occupy all or less than all of the Original Rangeley Park.

k. Rangeley Park Heritage District Commission (or Rangeley District Commission)—The Heritage Commission for the Rangeley Park Heritage District.

l. Rangeley Park Heritage District Excluded Elements (or Rangeley District Excluded Elements)—A part, portion, or component of a Change that is not subject to review by the Rangeley Park Heritage District Commission under this Section 2 or a Regulation, in addition to Excluded Elements specified in Section 1 of this Chapter 19.

m. Rangeley Park Heritage District Features (or Rangeley District Features)—The Houses, Buildings, Structures, Sites, and Settings that are in the Rangeley Park Heritage District .

o. Rangeley Park Heritage District Lot (or Rangeley District Lot, or simply Lot)—Each lot that is wholly or partly within the Rangeley Park Heritage District, including each Lot that results from a subdivision of an existing Lot or from combining portions of Lots.

p. Rangeley Park Heritage District Map (or Rangeley District Map)—The map in Appendix A of this Section 2 of this Chapter 19.

q. Rangeley Park Heritage District Review Standards (or Rangeley District Review Standards)—Criteria for Review that are to be applied in addition to the Review Standards set forth in Section 1 of this Chapter 19 and either are set forth in Section 2.4 of this Section 2 of this Chapter 19 or are duly adopted by the Rangeley Park Heritage District Commission.

r. Rear Façade—A rear elevation of a House. In determining which elevation of a House is a rear elevation, relevant considerations shall include (1) the elevation that was the rear elevation when the House was first built unless that elevation is designated as a Prominent Façade, and (2) whether the elevation is opposite a Prominent Façade. For purposes of this Section 2 of this Chapter 19, a House need not have a Rear Façade.

s. Rear Façade Line—A line that runs along the Rear Façade of a House at ground level and extends across the Lot parallel to the center of the Road or to the Lot Boundary that the Rear Façade Overlooks.

t. Reorientation of a Prominent Façade (or Reorientation)—Moving, turning, or otherwise changing the orientation of a Prominent Façade, or relocating a Prominent Façade to a different side, of a House.

u. Road—All of, or the portion of, a public or private road that is in the Rangeley District.

19.2.4. Rangeley Park Heritage District Commission Review and Review Standards

Notwithstanding any other provision of Section 1 of this Chapter 19 or of this Section 2 of this Chapter 19, if every part, portion, and component of a proposed Change of a Rangeley District Feature is an Excluded Element, then (i) a Project Proposal need not be filed, (ii) no part, portion or component of the proposed Change shall be subject to review or approval by the Rangeley District Commission and (iii) neither a Certificate of Exclusion nor a Certificate of Appropriateness shall be required to be obtained in connection with the proposed Change; however, a Project Proposal may be filed voluntarily to seek a Certificate Decision on a Certificate of Exclusion.

In determining whether the Reviewable Elements of a Project Proposal are appropriate, the Rangeley District Commission shall consider (in conjunction with and in addition to the Review Standards in section 19.1.6 of this Section 1 of this Chapter 19) the following:

- a. the historical, architectural, or cultural characteristics of each Rangeley District Feature that is the subject of the proposed Change,
- b. the consistency of each Rangeley District Feature that is the subject of the proposed Change, after giving effect to the proposed Change, with (A) historical, architectural, or cultural characteristics of each other Rangeley District Feature that is the subject of the proposed Change, and (B) other existing Rangeley District Features;
- c. the nature and scope of the Reviewable Elements, including their general design, arrangement, texture, and material, and the consistency of the Reviewable Elements with similar elements of other Rangeley District Features;
- d. in addition to a, b and c, for New Construction, the size and shape of the New Construction in relation to the size, shape, and topography of the property to which each Rangeley District Feature that is the subject of the Project Proposal belongs and to other existing Rangeley District Features;
- e. each of the following shall be strongly presumed to be inappropriate as detrimental to the Rangeley District: a Reorientation of a Prominent Façade; a new House or other Building or Structure that detracts from the appearance of a Prominent Façade of any House as viewed from

a Road; a Demolition of a House, a relocation or moving of a House, and a New Intervening Building.

f. with substantial weight, the effect that the Reviewable Elements of the Project Proposal will have on the following historical, architectural, and cultural qualities, attributes, and aspects of the Rangeley District which comprise a Setting or Settings in the Rangeley District:

- (i). the unified nature of the plan and the park-like quality of the Original Rangeley Park.
- (ii). the topography of the Original Rangeley Park.
- (iii). the characteristics, including cobblestone gutters, absence of sidewalks, and walkable quality of each of the Roads.
- (iv). with respect to the Original Rangeley Park and with respect to at least some Lots and the Houses or other Buildings on them, the park-like quality and unobstructed continuous sweep of front lawns that extend from the Houses or other Buildings to the Roads that they overlook, and the unobstructed side lawns between the Houses or other Buildings
- (v). the spacing, orientation, and setbacks of successive Houses or other Buildings and their façades along the Roads.

In making a Decision on a Certificate of Hardship, the Historical Commission shall consider (in addition to the information required to be considered by Section 1 of this Chapter 19) whether the Change that is the subject of the Hardship could subsequently be reversed without substantial damage to each Prominent Façade as it existed prior to the Change. For purposes of this Section 2 of this Chapter 19, Hardship shall be limited to an inability to make a Change to a House that (1) necessarily involves a Prominent Façade (a) to satisfy a legal requirement of the Americans with Disabilities Act or (b) to accommodate an ongoing health condition of a continuous occupant of the House, and (2) would not be appropriate under the Rangeley District Review Standards. In making a Decision on a Certificate of Hardship, the Historical Commission also shall give substantial weight to the effect that the Reviewable Elements of the Project Proposal will have on the items listed in section 19.2.4.f.

19.2.5. Rangeley Park Heritage District Excluded Elements

Notwithstanding any other provision of Section 1 of this Chapter 19 or this Section 2 of this Chapter 19, the following are Rangeley District Excluded Elements that are not subject to review or approval by the Rangeley District Commission:

- a. Plants, trees, and shrubs, and including installation, trimming, removal, maintenance and replacements of them, other than the installation of hedges in a Prominent Yard.
- b. Any element on the Rear Façade or another Non-Prominent Façade except to the extent that it also forms part of a Prominent Façade.
- c. Anything between (1) the Rear Façade Line or another Non-Prominent Façade Line of a House and (2) the corresponding adjacent Road or Lot Boundary, except to the extent that it also forms part of a Prominent Façade.
- d. Home office signs smaller than one square foot.

- e. Siding or roofing materials that do not materially alter the architectural style, design, or appearance of the House.
- f. Solar panels not on a Prominent Façade and not in a Prominent Yard.
- g. Materials that are documented as having been used on a House or other Building at the time of its original construction or, if originally constructed prior to 1920, then at any time prior to 1920.
- h. Any equipment or materials that are necessary or recommended for safe and legally compliant operation of central air conditioning or heating systems or backup electricity generators, except on a Prominent Façade or in a Prominent Yard.

19.2.6. Rangeley Park Heritage District Map

The Rangeley District Map shall show and identify the geographic boundaries of the Rangeley Park Heritage District, the Rangeley Park Heritage District Lots, the Lot Boundaries, and the Prominent Façades, Rear Façades and other Non-Prominent Façades of Houses within the Rangeley Park Heritage District. The facades may be identified by indicating which elevations of such Houses correspond to the facades, but the exact contours and extent of each facade shall be determined by reference to the provisions of this Section 2 of this Chapter 19. The Rangeley District Map shall be recorded in the Registry of Deeds of Middlesex County and shall be revised and re-recorded from time to time as necessary to be kept current.

Appendix A

[Rangeley Park Heritage District Map]