



Historic Preservation Bylaw

Presented by

- Chelmsford Planning Board
- Chelmsford Historic Commission

Fall Town Meeting 2020

Proposed Historic Preservation By-law

HISTORIC PRESERVATION BYLAW

SPECIAL PERMIT — HISTORIC PRESERVATION

1.1.1 Purpose and Intent.

The purpose of this by-law is to encourage the preservation of buildings, structures, sites and settings of historic significance, by allowing such buildings or features to remain in place, rather than be demolished or otherwise compromised. The continuing presence of historic properties in the Town of Chelmsford immeasurably enhances the quality of our lives; they help to establish our sense of place and to define the very character of our community.

This by-law gives the Planning Board the authority to issue a Special Permit for the creation of new lots, or for the use of existing lots, for purposes of preservation of historic structures or buildings. The special permit granting authority shall be the Planning Board.

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1.1.2 Historic Structures.

For purposes of a special permit for historic preservation the historic building or structure must

1. Be listed in the Chelmsford Assessor's Data Base as being constructed no later than 1800, and
2. The structure has been determined to be of Historical Significance by the Chelmsford Historical Commission, and
3. The historic building or structure must be listed on one of the following:
 - a. The National Register of Historic Places; or
 - b. The State (Commonwealth of Massachusetts) Register of Historic Places; or
 - c. The Chelmsford Historical Commission Building Inventory.

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1.1.3 Definitions.

1. PARENT PARCEL: The parcel of land that is the subject of the application for a special permit for subdivision contingent upon historic preservation. This subdivision includes a HOST LOT, and may include one BONUS LOT, and any number of CONFORMING LOTS.
2. HOST LOT: The lot on which the historic building or structure is to be located. A HOST LOT may be the entire PARENT PARCEL, or may be created by the division of the PARENT PARCEL.
3. BONUS LOT: Any lot created by the subdivision of the PARENT PARCEL, that is not a HOST LOT as defined above, or a CONFORMING LOT.
4. CONFORMING LOT: A lot created that meets all applicable requirements of the Chelmsford Zoning By-laws.

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1.1.4 Standards and Regulations.

The following specific standards shall be applied to a Special Permit for Historic Preservation:

1. The Parent Parcel shall be located in the RA, RB or RC Zoning District.
2. Any Host Lot or Bonus Lot created under this by-law shall contain not less than one-half of the minimum Dimensional Requirements set forth in Chapter 195 Attachment 2 Table of Dimensional Requirements.
3. Additional Conforming Lots may be created from the Parent Parcel, subject to all applicable requirements of the Zoning By-laws.

1.1.5 Rear Lots.

Rear lots created by the subdivision of the PARENT PARCEL that is a HOST LOT or BONUS LOT shall be allowed. These Rear Lots shall meet all of the conditions set forth in *Section 195-15* (Rear lots), with the following exceptions:

1. minimum lot area, shall be 40,000 square feet, and
2. Lot width is at no point less than 50 feet.

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1.1.6 Conditions to Be Imposed.

If the Planning Board grants the special permit for historic preservation, it shall impose, as minimum conditions, the following:

1. Conditions relating to the repair, restoration or modifications to the existing historic structure, including a schedule of work to be performed, based on requirements provided by the Chelmsford Historic Commission, sufficient to ensure the preservation and integrity of the historic structure and to prevent deterioration due to neglect or disuse, intentional or otherwise. Such conditions shall provide that existing historic structures be secured and maintained in a good state of repair until such time as restoration work is commenced.
2. Required repair, restoration and modifications to the historic structure shall be 100% complete prior to issuing occupancy permits to the Host or Bonus Lots.
2. The owner shall record at the Middlesex North District Registry of Deeds a *Historic Preservation Restriction* in the form prepared by the Massachusetts Historical Commission and approved by the Chelmsford Historical Commission and Planning Board which shall at a minimum provide for conditions under which alterations, additions or modifications may be made. No Building Permit shall be issued to the newly created lots, until the Historic Preservation Restriction has been recorded and a copy received by the Planning Board, Historical Commission, Building Commissioner and the Office of Community Development.

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1.1.7 Findings Required.

Priority in granting a special permit for historic preservation shall, in all cases, be placed upon keeping buildings and structures in place, rather than be demolished or otherwise compromised provided that the existing site can be shown to represent valid historical setting and context.

In addition to the findings of the foregoing standards and regulations, the Planning Board shall consider the following specific items in determining whether to grant a special permit for historic preservation:

1. That the Special Permit is necessary to protect, preserve or maintain an historic structure or building. Factors to be considered shall include the historic significance of the structure or building, the physical condition of the structure or building, the extent and cost of repairs and renovations necessary to preserve the historic structure or building;
2. That the proposed work, including any reconstruction or preservation to the maximum extent feasible, shall preserve the historical and architectural features of the structure or building;
3. That in the absence of a Special Permit for Historic Preservation, destruction or demolition of an historic structure or building will likely result;
4. The report of the interdepartmental review team; and
5. The Report of the Chelmsford Historical Commission including Findings of Applicability of Historic Significance, Recommendation to place the property under Historic Preservation Restrictions, and Requirements for the repair, restoration or modifications to the existing historic structure, as set forth in §1.1.6.

Purpose

- The entire region currently has a high demand for additional housing, and Chelmsford has become an in-demand location, due to our proximity to highways, our investment in our school system, and our investments in maintaining open spaces, among others.
- There are few vacant, buildable lots left in town, and replacement is being seen by developers as the alternative to fulfil the demand for new housing. This move toward replacement creates a significant risk to our historic residential architecture.
- The purpose of this article is NOT to create more buildable lots, but rather, to provide incentives to owner/developers to preserve the existing historic structures.



Limitations

- **Publicly Funded Preservation is NOT an Option:** While some public funding and tax credit programs exist to offset the cost of preservation on publicly available property, it is not permitted to use these sources for preservation of private property.
- **Prohibition of Destruction is NOT an Option:** Owners have the right to do what they want with the property they have acquired. Demolition delay is only permitted for a short period (currently at 1 year).
- **Preservation Restrictions DO Protect a Property, BUT**
 - They are a lien on the property that the owner MUST sign up for
 - They have a limited lifespan.
 - Most owners are not going to accept limitations on their future use of the property without some payback

Why are we
giving away
Density?

**Because it is the only
Currency we have at our
disposal to “buy” a
Preservation Restriction**



What is a Historic Preservation Restriction?

- A Preservation Restriction (PR) is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance that a property's intrinsic values will be preserved through subsequent ownership by restricting the demolition or alteration of its significant historic features.
- A Preservation Restriction is filed at the Registry of Deeds and runs with the land. It usually focuses on exterior architectural features but can also address significant interior spaces.
- The heart of a Preservation Restriction is in the Grantor's Covenants, where the owner of the property agrees to maintain the building exterior in good repair. The Grantor's Covenants spell out prohibited activities such as demolition of the building and describe the review process required if any exterior alterations are considered on the property.
- Another important part of the Preservation Restriction is the Baseline Documentation which illustrates the property's historic significance and existing conditions through architectural drawings, photographs, historical records, and reports.
- Historic Preservation Restrictions are not in perpetuity, but are typically 30 years, and renewable.

Pre-1801 Properties



01

25 Properties < 40K Ft.²: Does not meet minimum requirements to use this by-law; 10 of these currently have Historic Status

02

24 Properties 40K – 60K Ft.²: May qualify for 2 lots using this by-law; 11 of these currently pre-qualified for Historic Status

03

7 Properties 60K – 80K Ft.²: May qualify for 2 lots, or for a back lot using this by-law; 3 of these currently pre-qualified for Historic Status

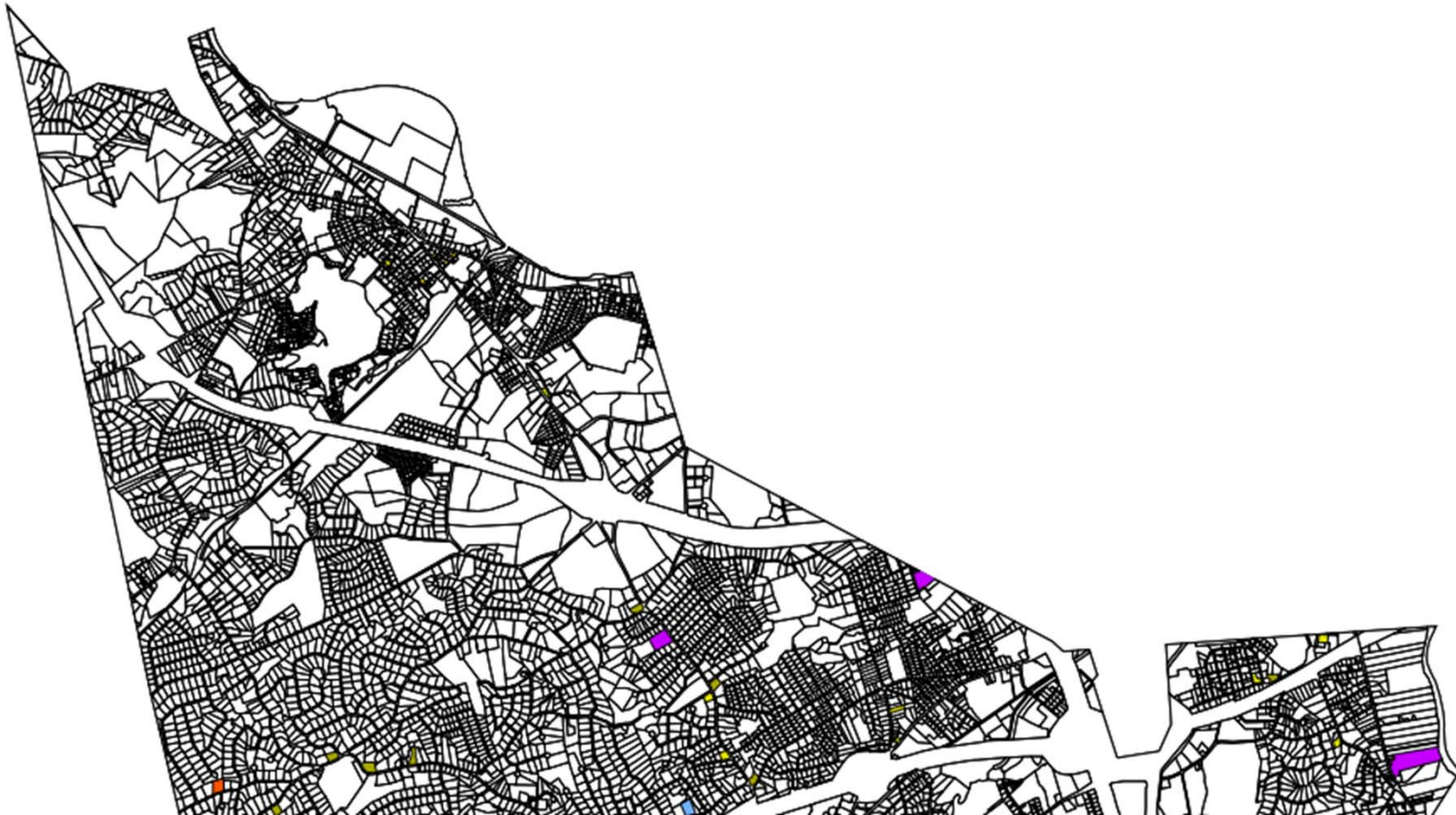
04

3 Properties 80K – 120K Ft.²: May qualify for 2 lots without this by-law; 1 of these currently pre-qualified for Historic Status

05

7 Properties > 120K Ft.²: Likely to qualify for 2 lots, and May qualify for a back lot, without this by-law; 3 of these currently have Historic Status

Pre-1801 Properties

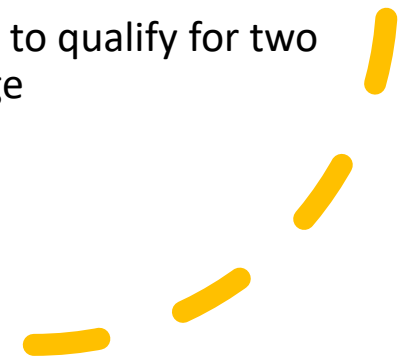


Pre-1801 Properties



What is meant by “May Qualify”?

- To use this By-law, a property must meet multiple criteria
 - It must be considered Historically Significant. Properties in the tables with Yes under Historical are already qualified, all others would need to be evaluated when plans are submitted
 - It must have sufficient area to qualify, and the area must be buildable (not significant wetlands)
 - The existing building must be located in a place that allows separation of the property (sited in the middle of the lot will not support separation)
 - It must have conforming area and frontage to qualify for two lots with 1/2 the required area and frontage



Isn't a 20K ft² lot too small?

- About 33% of RB lots, and 70% of RC lots are already less than this size
- Consistent use of 40K ft² lots is typically found only in new subdivisions.
- These smaller lots are being proposed ONLY as a method to buy Preservation Restrictions.

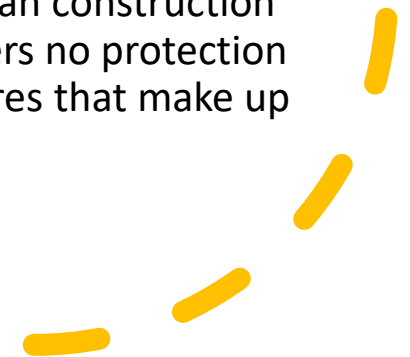
	Required Size (sq. ft.)	% Compliant (over 100%)	% under 50%
RA	60,000	9.8%	73.9
RB	40,000	40.3%	32.9
RC	20,000	29.2%	35.3

(Data Source: Assessor's Database)



How is this Different from what We Rejected Last Year?

- Does not include a unit density bonus – NO 3 family extensions
- Restricts the applicability to 1800 or before, previous versions included properties built through 1938
- Much fewer properties protected, currently less than 15 pre-qualify based on historic value, previously 118 were pre-qualified.
- This by-law focuses on Colonial and Georgian construction (typically the original farmhouses) and offers no protection for the Victorian Era (1837 – 1901) structures that make up most of our historic town centers.



25 Un-Affected Properties: Pre-1800, <40K Ft.²

Location	Zone	Use Descript	AYB	Land Area	SqFt Land	Land Value	Bldg Value	Outbdg Value	Total Value	Historical
30-32 PRINCETON ST	RC	TWO FAMILY	1700	0.15	6696.00	168,200	121,100	200	289,500	YES
21-27 GAY ST	RC	APT 4-UNT	1788	0.20	8915.00	189,400	333,900	3,100	526,400	
1-7 GAY ST	RC	APT 4-UNT	1789	0.22	9474.00	194,200	347,200	-	541,400	
55 GAY ST	RC	Single Fam MDL-01	1794	0.25	10915.00	198,800	253,000	700	454,700	YES
180 CHELMSFORD ST	RB	Single Fam MDL-01	1800	0.26	11236.00	198,900	117,300	-	316,200	
11-13 THIRD ST	RC	TWO FAMILY	1800	0.27	11802.00	179,100	137,400	3,100	319,600	
357 NORTH RD	RB	TWO FAMILY	1709	0.27	11850.00	199,000	181,100	400	380,500	
36 ADAMS ST	RC	Single Fam MDL-01	1800	0.33	14212.00	199,600	78,600	4,700	282,900	
4 WESTFORD ST	RB	Single Fam MDL-01	1760	0.35	15029.00	199,800	173,400	8,400	385,400	YES
77 WESTFORD ST	RB	Single Fam MDL-01	1730	0.54	23620.00	207,100	171,400	1,000	379,500	
8 MILL RD	RA	TWO FAMILY	1700	0.59	25760.00	211,300	127,800	300	339,400	
150 HUNT RD	RB	Single Fam MDL-01	1774	0.60	26207.00	212,600	180,200	2,900	395,700	
22 WESTFORD ST	RB	THREE FAM	1800	0.60	26332.00	213,000	297,900	400	511,300	YES
171 MILL RD	RB	Single Fam MDL-01	1770	0.61	26526.00	213,600	208,300	3,600	428,500	YES
24 CHAMBERLAIN RD	RB	Single Fam MDL-01	1800	0.61	26700.00	214,100	257,900	-	482,600	YES
41 WESTFORD ST	RB	Single Fam MDL-01	1790	0.63	27375.00	216,200	166,100	9,900	393,500	YES
27 STEADMAN ST	RB	Single Fam MDL-01	1800	0.65	28300.00	219,000	149,600	700	369,300	
59-61 CARLISLE ST	RB	Single Fam MDL-01	1753	0.68	29724.00	243,500	60,600	8,000	312,800	YES
19 ELM ST	RB	Single Fam MDL-01	1782	0.69	30091.00	224,200	164,400	20,100	409,900	YES
21 MANNING RD	RB	Single Fam MDL-01	1752	0.70	30397.00	224,300	192,900	2,800	421,300	
75 ROBIN HILL RD	RB	Single Fam MDL-01	1780	0.76	33198.00	259,900	251,400	-	518,400	
185 HIGH ST	RB	Single Fam MDL-01	1800	0.77	33510.00	223,900	125,200	800	349,900	
140 NORTH RD	RB	TWO FAMILY	1700	0.79	34435.00	226,700	211,200	800	444,200	
96 NORTH RD	RB	Single Fam MDL-01	1729	0.80	35000.00	227,100	181,700	1,900	413,100	YES
4 CARLISLE ST	RB	TWO FAMILY	1770	0.88	38194.00	228,900	169,100	1,000	399,000	

24 Possibly Affected Properties: pre-1801, 40K-60K Ft.²

Location	Zone	Use Descript	AYB	Land Area	SqFt Land	Land Value	Bldg Value	Outbldg Value	Total Value	Historical
147 NORTH RD	RB	TWO FAMILY	1696	0.92	40000.00	230,000	233,300	800	469,000	YES
43 PROCTOR RD	RB	Single Fam MDL-01	1780	0.92	40000.00	230,000	154,800	6,800	394,100	
37 MILL RD	RB	PRI RES	1800	0.92	40010.00	230,000	211,300	14,500	456,100	YES
75 NORTH RD	RB	MULTI HSES	1736	0.92	40020.00	230,100	597,600	-	830,500	YES
126 PROCTOR RD	RB	Single Fam MDL-01	1792	0.92	40067.00	253,300	131,800	6,400	392,600	
15 BYAM RD	RB	Single Fam MDL-01	1736	0.92	40138.00	253,600	263,900	14,500	535,200	
47 PROCTOR RD	RB	Single Fam MDL-01	1770	0.92	40144.00	230,500	300,700	3,600	540,400	
5 BARTON HILL RD	RB	Single Fam MDL-01	1800	0.92	40201.00	253,800	243,900	21,900	519,600	
5 DAVIS RD	RB	Single Fam MDL-01	1750	0.92	40266.00	231,000	476,900	-	709,400	
263 OLD WESTFORD RD	RB	Single Fam MDL-01	1700	0.93	40321.00	254,300	189,800	4,600	450,000	YES
16 WESTFORD ST	RB	Single Fam MDL-01	1794	0.93	40426.00	231,600	365,700	1,000	600,900	YES
304 OLD WESTFORD RD	RB	Single Fam MDL-01	1700	0.96	41850.00	260,500	247,100	52,700	561,300	
243 WESTFORD ST	RB	Single Fam MDL-01	1664	0.97	42379.00	238,700	281,300	6,200	527,600	YES
249 PINE HILL RD	RB	Single Fam MDL-01	1730	0.99	43203.00	241,800	283,600	-	525,400	
75 CONCORD RD	RB	Single Fam MDL-01	1782	1.00	43356.00	242,300	339,600	9,700	605,700	
118 BOSTON RD	RB	Single Fam MDL-01	1766	1.00	43381.00	266,600	188,800	14,200	474,000	
9 MANNING RD	RB	BOARDNG HS	1732	1.00	43560.00	243,100	295,400	-	538,500	
219 WESTFORD ST	RB	Single Fam MDL-01	1690	1.02	44431.00	243,300	169,500	-	415,200	YES
50 HUNT RD	RB	THREE FAM	1656	1.04	45302.00	243,600	243,300	5,100	492,000	
111 ROBIN HILL RD	RB	Single Fam MDL-01	1800	1.10	47916.00	280,700	284,000	1,600	566,300	
35 HIGH ST	RB	Single Fam MDL-01	1790	1.24	54014.00	282,400	214,000	800	499,800	YES
15 BARTLETT ST	RB	Single Fam MDL-01	1794	1.30	56628.00	283,600	236,600	13,500	533,700	YES
19 MAPLE RD	RB	Single Fam MDL-01	1740	1.32	57499.00	234,700	208,400	8,800	458,000	YES
134 BOSTON RD	RB	Single Fam MDL-01	1756	1.35	58806.00	247,300	511,400	7,100	772,200	YES

7 Possibly Affected Properties: Pre-1800, 60K-80K Ft.²

Location	Zone	Use Descript	AYB	Land Area	SqFt Land	Land Value	Bldg Value	Outbldg Value	Total Value	Historical
143 PINE HILL RD	RB	Single Fam MDL-01	1760	1.38	60113.00	247,700	499,000	7,700	757,100	
55 SPAULDING RD	RB	Single Fam MDL-01	1775	1.44	62726.00	272,700	255,100	1,500	531,700	YES
122 BOSTON RD	RB	Single Fam MDL-01	1776	1.51	65776.00	273,500	133,600	-	407,100	
10 WORTHEN ST	RB	Single Fam MDL-01	1799	1.53	66647.00	249,200	231,400	-	483,000	YES
47 BOSTON RD	RB	Single Fam MDL-01	1698	1.56	67954.00	273,900	160,400	700	435,000	YES
309 PINE HILL RD	RB	Single Fam MDL-01	1754	1.66	72310.00	275,300	281,900	9,200	569,100	
145 PARK RD	RB	Single Fam MDL-01	1790	1.73	75359.00	288,300	253,200	1,400	545,800	

3 Possibly Affected Properties: Pre-1800, 80K-120K Ft.²

Location	Zone	Use Descript	AYB	Land Area	SqFt Land	Land Value	Bldg Value	Outbldg Value	Total Value	Historical
30 DALTON RD	RB	Single Fam MDL-01	1707	1.84	80150.00	277,500	358,100	26,400	664,400	YES
198 BOSTON RD	RB	Single Fam MDL-01	1750	1.90	82764.00	229,600	167,400	6,300	403,300	
190 PROCTOR RD	RB	Single Fam MDL-01	1800	1.98	86249.00	278,600	186,100	18,600	483,300	

7 Probably Un-Affected Properties: Pre-1800, > 120K Ft.²

Location	Zone	Use Descript	AYB	Land Area	SqFt Land	Land Value	Bldg Value	Outbldg Value	Total Value	Historical
50 CLINTON AV	RB	Single Fam MDL-01	1800	2.90	126324.00	254,500	181,800	10,200	449,200	
95 HIGH ST	RB	Single Fam MDL-01	1800	2.94	128066.00	274,900	206,300	-	482,300	
40 BYAM RD	RB	TOWN-PROP MDL-01	1663	3.00	130680.00	280,400	584,500	500	867,300	YES
190 NORTH RD	RB	Single Fam MDL-01	1800	3.41	148540.00	272,000	232,300	36,600	542,300	
105 GARRISON RD	RB	NON PROFIT MDL-01	1710	8.05	350658.00	318,600	565,700	39,300	928,800	YES
114 GORHAM ST	RB	THREE FAM	1750	9.89	430808.00	316,500	523,000	13,700	853,800	
4 PROCTOR RD	RB	Single Fam	1779	20.67	900385.00	467,300	369,200	231,400	1,095,700	YES