

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.

1.1.2 Historic Structures.

For purposes of a special permit for historic preservation the historic building or structure must be listed on one of the following:

1. The National Register of Historic Places;
2. The State (Commonwealth of Massachusetts) Register of Historic Places;
3. The Chelmsford Historical Commission Building Inventory; or
4. The Chelmsford Assessor's Data Base.

1.1.3 Definitions.

1. PARENT PARCEL: The parcel of land that is the subject of the application for a special permit for historic preservation.
2. HOST LOT: The lot on which the historic building or structure is currently located. A HOST LOT may be the entire PARENT PARCEL, or may be created by the division of the PARENT PARCEL into a HOST LOT and one NEW LOT.
3. NEW LOT: Any lot created by the subdivision of the PARENT PARCEL, that is not a HOST LOT as defined above.

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 created under this by-law in any single-family residential zoning district shall contain not less than one-half of the minimum Dimensional Requirements set forth in Chapter 195 Attachment 2 Table of Dimensional Requirements or the current, whichever is less, and the minimum lot area shall be contiguous upland and free of wetlands.
3. No New Lot shall be created that does not meet the dimensional requirements of the zoning district in which it is located, as set forth in Chapter 195 Attachment 2 Table of Dimensional Requirements.
4. Any Host Lot or New Lot created under this by-law shall have its required frontage on a public way as measured at the street line.

1.1.5 Rear Lots.

Rear lots created by the subdivision of the PARENT PARCEL that is not a HOST LOT shall be allowed only in the RA and RB Districts. Individual lots need not have the required amount of street frontage provided that all of the following conditions set forth in *Section 195-15* (Rear lots) can be met, with the exception of lot area, which shall be 40,000 square feet, for each individual lot lacking such frontage.

1.1.6 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, 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 recommended conditions relating to the repair, restoration or modifications to the existing historic structure, as set forth in §1.1.6.

1.1.7 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, 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. 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 lot, until the Historic Preservation Restriction has been recorded and a copy received by the Planning Board, Building Commissioner and the Office of Community Development.