

**Lowell Historic Board  
Design Review Standards  
(4/9/12)**

**Andover Street Neighborhood District  
Belvidere Hill Neighborhood District  
Livingston-Harvard Neighborhood District  
Rogers Fort Hill Park Neighborhood District**

**Wilder Street Neighborhood District**

**South Common Neighborhood District  
Tyler Park Neighborhood District  
Wannalancit Street Neighborhood District  
Washington Square Neighborhood District**

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## **1. PURPOSES**

- 1.0 A “neighborhood district” is an area with definable boundaries designated by the City as containing land, buildings, streetscapes, physical features and improvements or both, which are of historical, social, cultural, architectural, or aesthetic significance to the community, and thereby constitute a distinct neighborhood within the city. Section 9 of the Lowell Historic District Act (Chapter 566 of the Acts of 1983) allows for the creation of “neighborhood districts” within the city other than the Downtown Lowell Historic District. The Lowell City Council voted to create the Andover Street, Belvidere Hill, Rogers Fort Hill Park, South Common, Tyler Park, Wannalancit Street, Washington Square, and Wilder Street Neighborhood Districts on July 12, 2005 and the Livingston-Harvard Neighborhood District on June 14, 2011 under provisions established in Section 9 of the Act.
- 1.1 The purpose of the Standards is to guide demolition and/or new construction proposals in the District to ensure that development is consistent with the architectural and physical character of the District.
- 1.2 The Standards are intended to ensure that contributing properties in the District are protected and that new construction complements the area’s character.
- 1.3 The goal is to minimize reliance on the individual tastes and preferences of the party(ies) awarding permits and proposing projects, and to establish rules which are easily interpreted and universally applicable in all situations.

## **2. EXISTING STRUCTURES**

### **2.1 Removal of Structures**

#### **2.10 Demolition**

- 2.101 There will be a presumption toward retaining all existing buildings in the District except those designated as “non contributing” (NC) in the index/datasheet for the National Register of Historic Places registration forms for the Andover Street, Belvidere Hill, Rogers Fort Hill Park, South Common, Tyler Park, Wannalancit Street, Washington Square, and Wilder Street Historic Districts and/or that were fifty (50) years old or older at the time of National Register designation. For the Livingston-Harvard Neighborhood District, there will be a presumption toward retaining all existing buildings in the District that were fifty (50) years old or older at the time of the District’s creation and/or have Massachusetts Historical Commission survey forms for the building.
- 2.102 Demolition, the complete or partial tearing down of a building, or structure or the removal of a building, or structure shall only be allowed when the new construction relates better to the District than does the existing building, and when all of the other requirements below are satisfied.
- 2.1021 A prerequisite for demolition shall be an application for Certificate of Economic Hardship, which shall contain a financial report detailing the costs of rehabilitation and evidencing that the existing building is incapable of producing

a reasonable economic return on the investment. The maximum rate of return, which is theoretically possible on the land with new buildings, shall not constitute such evidence if the existing building can generate a reasonable return (See Appendix).

- 2.1022 If an applicant's request for permission to demolish a structure or part of a structure is based upon structural instability or advanced deterioration, a technical report prepared by an architect or professional engineer registered in Massachusetts shall be submitted, detailing the nature and extent of the specific problems, and providing reasonably accurate cost estimates for their correction.
- 2.1023 Applications for permission to demolish existing structures shall be accompanied by complete plans for the new development proposed on the site, together with a timetable and a budget for both the demolition and the new construction, as well as satisfactory evidence that adequate financing is available.
- 2.1024 A standard condition for approval for demolition shall be the documentation of the building's elevations and significant interior details through photographs and HABS/HAER quality measured drawings.
- 2.1025 Where public safety needs require the removal of part of a building or complex, for example to enable access by firefighting equipment, the Board may allow limited removal of structurally-sound construction. The extent of removal shall be the least amount necessary to permit the delivery of essential public safety services, and shall generally not exceed 5% of the floor space of the building or complex.

## 2.11 Relocation

- 2.111 Buildings shall be retained on their present sites whenever possible. Relocation shall be considered only as an alternative to demolition. Standards 2.1021, 2.1023, and 2.1024 above shall apply.
- 2.112 Buildings shall be relocated only to sites where they would be compatible with the architectural, cultural, and landscape surroundings and reestablish continuity within their streetscape.

## 2.2 Minimum Maintenance and Demolition by Neglect

### 2.20 Minimum Maintenance

- 2.201 Owners of all buildings in the District shall provide sufficient maintenance to prevent the deterioration and/or potential loss of their buildings in accordance with the City of Lowell's Minimum Maintenance Ordinance.
- 2.202 Lack of maintenance shall not be used by applicants and/or owners to make a later claim that deterioration has become so advanced that demolition of the building is necessary.

2.21 Demolition by Neglect

2.211 Owners of all buildings in the District that are registered under the City of Lowell’s Code of Ordinances dealing with vacant and foreclosed properties (Chapter 227-7 to 227-16) shall be responsible for taking at least the minimum steps necessary to prevent the deterioration of the following items, which could cause either an unsafe condition or a detrimental effect upon the character of the District or which could lead to a later claim that deterioration has become so advanced that demolition or removal of the architectural features is necessary:

2.2111 Foundations, exterior walls or other vertical supports (exterior or interior);

2.2112 Roofs or other horizontal members (including joists, beams, etc.);

2.2133 Chimneys or chimney support system;

2.2144 Architectural features (including but not limited to window and door trim, parapets, roof cresting, cornices);

2.2155 Rainwater drainage systems (gutters, downspouts) whether exterior or interior;

2.2166 Water-proofing systems (roofing, flashing, windows, doors, paint on wooden or corrosible metallic surfaces); and

2.2177 Any other elements which, if not adequately maintained, would eventually cause the building to crack, bulge, buckle, sag, rot, crumble, or collapse, in whole or in part.

2.3 Other Work

2.30 No other work items are reviewed with regard to existing structures in the District other than work outlined in the provisions of Standard 2.1.

**3. NEW CONSTRUCTION**

3.1 General Principles

3.10 Orientation

3.101 New construction must be sited to be compatible with surrounding buildings that contribute to the overall character of the District in terms of setback, orientation, spacing, and distance from adjacent buildings. New construction should strive to be compatible with neighboring contributing properties by conforming in size, scale, massing, height, rhythm, and setback.

- 3.102 New construction must reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block.
- 3.103 New construction must relate to the street. New construction cannot be built at angles to the street if that is not a characteristic of existing buildings that contribute to the overall character of the District. Buildings or building groupings cannot turn away from the street and give the appearance that the street façade is not the front façade.
- 3.104 New construction must consider, respect, and not adversely affect the overall character of the site, site topography, character-defining site features, trees, and significant vistas and views in the District.
- 3.105 Large trees and other site features must be protected from immediate damage during construction and from delayed damage due to construction activities, such as loss of root area or compaction of soil by equipment.

3.20 Appearance

- 3.201 New buildings shall utilize contemporary design ideas but shall also respect and reflect the traditional scale, proportions, materials, and massing of historic structures. New buildings must be designed so that they are compatible with but discernible from historic buildings found in the District. The use of imitation historic building details and ornament shall be avoided.
- 3.202 New buildings must be designed to be compatible with existing buildings that contribute to the overall character of the District in terms of height, form, size, scale, massing, proportion, and roof shape.
- 3.203 New buildings that appear either smaller or overscale in relation to its context shall be avoided.
- 3.204 The basic outline of a new building should reflect building outlines typical in the area. Roof shapes which create uncharacteristic shapes, slopes, and patterns shall be avoided.
- 3.205 Design of the spacing, placement, scale, orientation, proportion, and size of window and door openings in proposed new construction should be compatible with existing buildings that contribute to the overall character of the District.

3.30 Materials

- 3.301 Materials and details used in new construction shall complement and be consistent with traditional and natural materials and details found on existing buildings that contribute to the overall character of the District in terms of composition, scale, module, pattern, detail, texture, finish, color, and sheen.
- 3.302 The dimensions, textures, and patterns of building materials shall not conflict with those found on existing buildings that contribute to the overall character of the District.

- 3.303 Natural materials are preferred. Synthetic materials will only be considered when they replicate the appearance and workability of natural materials including ability to cut, profile, fit, detail, trim, and paint materials. Synthetic materials such as cementitious siding/trim products and cellular pvc products are more workable than hollow core and extruded products such as vinyl and aluminum.
- 3.304 Windows and doors should be selected that are compatible in material, subdivision, proportion, pattern, and detail traditionally found on existing buildings that contribute to the overall character of the District. Materials shall be consistent with Section 3.303.

**4. WAIVERS**

- 4.1 Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these Standards, or where there are exceptional circumstances, it may vary these Standards so that substantial justice may be done. In order to issue a waiver, a majority of at least six (6) members shall make specific factual findings demonstrating that:
  - 4.10 Strict application of the Standards would be inappropriate due to particular circumstances pertaining to the property, and
  - 4.11 Such waiver would not violate the spirit of the Standards and would be consistent with the intent to protect the character of the Neighborhood District.
- 4.2 In granting waivers, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the Standards which have been waived.

## **APPENDIX: DETERMINATION OF ECONOMIC HARDSHIP**

Application for a Certificate of Economic Hardship shall be made on a form provided by the Board. The Board shall schedule a public hearing concerning the application and any person may testify at the hearing concerning economic hardship.

The Board may solicit expert testimony or require the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before making a determination on the application.

1. Professional estimate of the cost of the proposed construction, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the Standards for changes necessary for the issuance of an Historic Permit.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed construction, demolition, or removal; after any changes required by the Board; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operation and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, during the same period.
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
9. Any listing of the property for sale or rent, price asked, and others received, if any, within the previous two (2) years.
10. Assessed value of the property according to the two (2) most recent assessments.
11. Real estate taxes for the previous two (2) years.
12. Form of ownership or operation of the property, whether sole property, sole proprietorship, for profit or non-profit corporation, limited partnership, joint venture, or other.