DOCUMENT

CITY OF HAVERHILL

In Municipal Council

ORDERED:

MUNICIPAL ORDINANCE **CHAPTER 54**

AN ORDINANCE RELATING TO HISTORIC DISTRICTS

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 54, as amended, be and is hereby further amended as follows:

Article I. Rocks Village
By deleting the words in §54-4(B)1 and inserting in place thereof the following: "All nominees for membership shall be residents of, business owners or employed within the City of Haverhill."

Article II. Bradford Common
By deleting the words in §54-17(B)1 and inserting in place thereof the following: "All nominees for membership shall be residents of, business owners or employed within the City of Haverhill."

Article III. Washington Street
By deleting the words in §54-30(C)(1)(a) and inserting in place thereof the following: "All nominees for membership shall be residents of, business owners or employed within the City of Haverhill."

APPROVED AS TO LEGALITY

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City Solicitor

Article VIII. HAVERHILL HISTORIC COMMISSION

§ 11-41. Establishment.
§ 11-42. Membership; terms; compensation.
§ 11-43. Duties of Historic Commission.
§ 11-44. Technical advisor.
§ 11-45. Rules and regulations.

[Adopted 1-28-1997 by Doc. 20 (Ch. 39, Art. IV, of the 1980 Code)]

§ 11-41. Establishment.

A commission entitled "Haverhill Historic Commission" is established.

§ 11-42. Membership; terms; compensation.

Said Haverhill Historic Commission shall be established pursuant to the following specific provisions:

A. The Commission shall consist of not fewer than three nor more than seven members.

B. The members shall be appointed by the Mayor and shall be subject to Council confirmation. All nominees shall be residents of the City of Haverhill.

[Amended 7-10-2007 by Doc. 76]

C. When the Commission is first established, the terms of the members shall be for one, two or three years and so arranged that the terms of approximately one-third of the members shall expire each year, and their successors shall be appointed for terms of three years each. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

D. Members of the Commission shall serve without compensation.

§ 11-43. Duties of Historic Commission.

[Added 7-10-2007 by Doc. 76]

A. The duties of the Commission shall be the preservation, protection and development of the historical or archeological assets of the City. The Commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.

B. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the Mayor and City Council, and, subject to the approval of the City Council, to the Massachusetts Historical Commission, that any such place be certified as an historical or archeological landmark. The Commission shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with MGL c. 9, § 27C, and shall apply for permits necessary pursuant to said MGL c. 9, § 27C.

C. The Commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the Commission's program (subject to appropriation by the City Council, if necessary); may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the Commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this article; all subject to appropriation by the City Council, if necessary.

D. The Commission may acquire in the name of the City by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

§ 11-44. Technical advisor.

[Added 7-10-2007 by Doc. 76]The Planning Director or his designee shall act as technical advisor to the Commission and shall cooperate with the Commission in the fulfillment of the Commission's responsibilities under the General Laws of Massachusetts and shall perform any and all functions of the Commission which it may lawfully delegate to him.

§ 11-45. Rules and regulations.

[Added 7-10-2007 by Doc. 76]The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with MGL c. 40, § 8D, or with the purpose of this article.

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City of Haverhill, MA
Thursday, January 3, 2013

Chapter 54. HISTORIC DISTRICTS

[HISTORY: Adopted by the City Council of the City of Haverhill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Haverhill Historic Commission — See Ch. **11**, Art. **VIII**.
Zoning — See Ch. **255**.

Article I. Rocks Village

[Adopted 10-8-1974 by Doc. 283 (Ch. 39, Art. I, of the 1980 Code)]

§ 54-1. Title; authority.

This article shall be known and may be cited as the "Historic Districts Ordinance" under authority of Massachusetts General Laws, Chapter 40C, as amended.

§ 54-2. Purpose.

The purpose of this article is to promote the educational, cultural, physical, economic and general welfare of the public through the preservation and protection of the historical assets of Rocks Village, including buildings, sites and districts of historical and architectural interest, through the maintenance of such landmarks of the history of Rocks Village, the commonwealth and the nation and through the development of appropriate uses and settings for such buildings and places.

§ 54-3. District boundaries.

[Amended 3-29-1988 by Doc. 73]The boundaries of the Rocks Village Historic District, as amended, are established to be as shown on a map entitled "Boundary Map Rocks Village Historic District," dated March 1988, which accompanies and is hereby declared to be a part of this article. *Editor's Note: The map is on file in the office of the City Clerk.*

§ 54-4. Rocks Village Historic District Commission.

A. The Rocks Village Historic District Commission, herein referred to as the "District Commission," shall consist of seven members and three alternates appointed by the Mayor, subject to confirmation by the City Council.

B. Requirements.

[Amended 7-10-2007 by Doc. 76]

(1) All nominees for membership shall be residents of the City of Haverhill.

(2) Four or more members shall be residents or owners of real estate in the Rocks Village Historic District.

C. When the District Commission is first established, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms and the remaining three members and the three alternates shall be appointed for three-year terms, and all members shall serve until a successor is appointed and confirmed. At the expiration of their respective terms, the Mayor shall appoint successors for three -year terms in the manner described in the proceeding subsections. Vacancies for any unexpired term shall be filled in the same manner as in the original appointment.

D. The District Commission shall elect annually a Chairman and Vice Chairman from its own number and a Secretary from within or without its number.

E. Alternates shall have all the powers and duties of regular members when called to serve by the Chairman or Vice Chairman of the Commission.

F. All members and alternates shall serve without compensation.

§ 54-5. Admission of Historic Districts.

[Amended 7-10-2007 by Doc. 76]No building or structure within a Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features, and no building shall be moved into a Historic District unless the Commission shall first have issued a certificate of appropriateness, a certificate of hardship or a certificate of nonapplicability with respect to such construction, alteration or movement. The Building Inspector shall not issue a permit within a Historic District unless one of the certificates noted above has first been issued by the District Commission or the proposed improvement is exempted from these provisions by § **54-6**. If the Commission fails to reach a final decision on an application for such a certificate within 60 days of the filing of an application, unless the applicant consents to an extension of time, the application shall be deemed to be approved.

§ 54-6. Exemptions to review.

The authority of the District Commission is not extended to the review of the following:

A. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.

B. Terraces or landscaping that does not substantially change the grade level.

C. Storm doors, storm windows, screens, window air conditioners and television antennas.

D. Color and type of paint.

E. Repairs that do not alter the character of the structure.

§ 54-7. Powers of District Commission.

[Amended 8-10-1976 by Doc. 129]The District Commission shall have all the powers and responsibilities of a Historic District Commission as described in Chapter 40C of the Massachusetts General Laws.

§ 54-8. Appropriations, grants and gifts.

The District Commission may receive and accept appropriations, grants and gifts for the furthering of the purposes of this article, to establish a historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of Rocks Village and to acquire and maintain historic properties.

§ 54-9. Advisory capacity of Commission.

[Amended 7-10-2007 by Doc. 76]The District Commission shall serve in an advisory capacity to the Mayor, the City Council, the Planning Board, the Massachusetts Historical Commission and any other public agency on matters pertaining to or affecting any historic structures or sites in the Rocks Village Historic District.

§ 54-10. Technical advisor.

The Planning Director or his designee shall act as technical advisor to the District Commission and shall cooperate with the District Commission in the fulfillment of the District Commission's responsibilities under the General Laws of Massachusetts and shall perform any and all functions of the Commission which it may lawfully delegate to him.

§ 54-11. District boundary changes.

The District Commission shall propose changes in Rocks Village Historic District boundaries as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities.

§ 54-12. Duties of District Commission.

A. The District Commission shall coordinate historic preservation activities and oversee the preparation and implementation of historic preservation plans of Rocks Village.

B. The District Commission shall provide assistance to owners of historic structures on matters pertaining to preservation of those structures in Rocks Village.

§ 54-13. Rules and regulations; consideration of residents' needs.

A. The District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with Chapter 40C of the General Laws or with the purpose of this article.

B. The District Commission shall act at all times with a clear understanding of the need of the residents of Rocks Village Historic District to enjoy the amenities of modern life in the use of their home and properties.

Article II. Bradford Common

[Adopted 12-2-1975 by Doc. 267 (Ch. 39, Art. II, of the 1980 Code)]

§ 54-14. Title; authority.

This article shall be known and may be cited as the "Historic Districts Ordinance" under authority of Massachusetts General Laws, Chapter 40C, as amended.

§ 54-15. Purpose.

The purpose of this article is to promote the educational, cultural, physical, economic and general welfare of the public through the preservation and protection of the historical assets of the Bradford Common area, including buildings, sites and districts of historical and architectural interest, through the maintenance of such landmarks of the history of the Bradford Common area, the commonwealth and the nation and through the development of appropriate uses and settings for such buildings and places.

§ 54-16. District boundaries.

The boundaries of the Bradford Common Historic District are hereby established as shown on a map entitled "Boundaries of the Bradford Common Historic District" dated July 1975, which accompanies and is hereby declared to be a part of this article. *Editor's Note: The map in on file in the office of the City Clerk.*

§ 54-17. Bradford Common Historic District Commission.

A. The Bradford Common Historic District Commission, herein referred to as the "District Commission," shall consist of seven members and three alternates appointed by the Mayor, subject to confirmation by the City Council.

B. Requirements.

[Amended 7-10-2007 by Doc. 76]

(1) All nominees for membership shall be residents of the City of Haverhill.

(2) Four or more members shall be residents or owners of real estate in the Bradford Common Historic District.

C. When the District Commission is first established, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms and the remaining three members and the three alternates shall be appointed for three-year terms, and all members shall serve until a successor is appointed and confirmed. At the expiration of their respective terms, the Mayor shall appoint successors for three -year terms in the manner described in the preceding subsections. Vacancies for any unexpired term shall be filled in the same manner as in the original appointment.

D. The District Commission shall elect annually a Chairman and Vice Chairman from its own number and a Secretary from within or without its number.

E. Alternates shall have all the powers and duties of regular members when called to serve by the Chairman or Vice Chairman of the Commission.

F. All members and alternates shall serve without compensation.

§ 54-18. Admission of Historic Districts.

[Amended 7-10-2007 by Doc. 76]No building or structure within a Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features, and no building shall be moved into a Historic District unless the Commission shall first have issued a certificate of appropriateness, a certificate of hardship or a certificate of nonapplicability with respect to such construction, alteration or movement. The Building Inspector shall not issue a permit within a Historic District unless one of the certificates noted above has first been issued by the District Commission or the proposed improvement is exempted from these provisions by § **54-19**. If the Commission fails to reach a final decision on an application for such a certificate within 60 days of the filing of an application, unless the applicant consents to an extension of time, the application shall be deemed to be approved.

§ 54-19. Exemptions to review.

The authority of the District Commission is not extended to the review of the following:

A. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.

B. Terraces or landscaping that does not substantially change the grade level.

C. Storm doors, storm windows, screens, window air conditioners and television antennas.

D. Color and type of paint.

E. Repairs that do not alter the character of the structure.

§ 54-20. Powers of District Commission.

[Amended 8-10-1976 by Doc. 130]The District Commission shall have all the powers and responsibilities of a Historic District Commission as described in Chapter 40C of the Massachusetts General Laws.

§ 54-21. Appropriations, gifts and grants.

The District Commission may receive and accept appropriations, grants and gifts for the furthering of the purposes of this article, to establish a historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of Bradford and to acquire and maintain historic properties.

§ 54-22. Advisory capacity of Commission.

[Amended 7-10-2007 by Doc. 76]The District Commission shall serve in an advisory capacity to the Mayor, the City Council, the Planning Board, the Massachusetts Historical Commission and any other public agency on matters pertaining to or affecting any historic structures or sites in the Bradford Common Historic District.

§ 54-23. Technical advisor.

The Planning Director or his designee shall act as technical advisor to the District Commission and shall cooperate with the District Commission in the fulfillment of the District Commission's responsibilities under the General Laws of Massachusetts and shall perform any and all functions of the Commission which it may lawfully delegate to him.

§ 54-24. District boundary changes.

The District Commission shall propose changes in the Bradford Common Historic District boundaries as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities.

§ 54-25. Duties of the District Commission.

A. The District Commission shall coordinate historic preservation activities and oversee the preparation and implementation of historic preservation plans of the Bradford Common area.

B. The District Commission shall provide assistance to owners of historic structures on matters pertaining to preservation of those structures in the Bradford Common area.

§ 54-26. Rules and regulations; consideration of resident's needs.

A. The District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with Chapter 40C of the General Laws or with the purpose of this article.

B. The District Commission shall act at all times with a clear understanding of the need of the residents of the Bradford Common Historic District to enjoy the amenities of modern life in the use of their home and properties.

Article III. Washington Street

[Adopted 8-28-1979 by Doc. 218 (Ch. 39, Art. III, of the 1980 Code)]

§ 54-27. Title.

This article shall be known and may be cited as the "Haverhill Historic Districts Ordinance."

§ 54-28. Purpose.

The purpose of this article is to promote the educational, cultural, physical, economic and general welfare of the public through the preservation and protection of the historical assets of the City of Haverhill, including the buildings, sites and districts of historical and architectural interest, through the review by a District Commission herein established of projects that affect the exterior architectural features and setting of such landmarks of Haverhill's, the commonwealth's and the nation's history found within the City and properly designated as provided by the General Laws of Massachusetts.

§ 54-29. Historic District boundaries.

The boundaries of the Washington Street Historic District are hereby established as shown on a map entitled "Boundaries of the Washington Street Historic District" dated April 1979, which accompanies and is hereby declared to be a part of this article. *Editor's Note: The map is on file in the office of the City Clerk.*

§ 54-30. Membership of Historic District Commission.

A. The Haverhill Historic District Commission, herein referred to as the "District Commission," shall consist of four regular and three alternate, City-wide members; also three regular members and one alternate member for each local district of the City covered by this article, all of whom are appointed by the Mayor and confirmed by the City Council.

B. A full District Commission sitting to make decisions within a district shall be a body of seven, made up from the four City-wide members or their alternates and three local district members or their alternate for that District.

C. The membership of the District Commission shall be made up as follows:

(1) City-wide members:

[Amended 7-10-2007 by Doc. 76]

(a) All nominees shall be residents of the City of Haverhill.

(2) Local district members. For each district covered by this article, there shall be:

(a) Three members who are owners of real estate within that local district.

(b) One alternate member without designation.

D. When the District Commission is first established, the City-wide members shall be appointed as follows: one member for one year, one member for two years and two members for three years. The three alternates shall also have initial terms of one, two and three years.

E. The Local District Members shall be appointed initially as follows: one member for one year, one member for two years and one member for three years; also one alternate for three years.

F. All members shall serve until a successor is appointed and confirmed. At the expiration of their respective terms, the Mayor shall appoint successors for three-year terms in the manner described in the preceding subsections. Vacancies for any unexpired term shall be filled in the same manner as in the original appointment.

G. The District Commission shall elect annually a Chairman and Vice Chairman from its City-wide members and a Secretary from within or without its membership.

H. Alternates shall have all the powers and duties of regular members when called to serve by the Chairman or Vice Chairman of the Commission.

I. All members and alternates shall serve without compensation.

§ 54-31. Administration of Historic Districts.

[Amended 7-10-2007 by Doc. 76]No building or structure within a Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features, and no building shall be moved into a Historic District unless the Commission shall first have issued a certificate of appropriateness, a certificate of hardship or a certificate of nonapplicability with respect to such construction, alteration, demolition or movement. The Building Inspector shall not issue a permit within a Historic District unless one of the certificates noted above has first been issued by the District Commission or the proposed change is exempted from these provisions by § **54-32**. If the Commission fails to reach a final decision on an application for such a certificate within 60 days of the filing of an application, unless the applicant consents to an extension of time, the application shall be deemed to be approved.

§ 54-32. Exemptions to Review.

The authority of the District Commission in the Washington Street Historic District is not extended to the following:

A. Temporary structures and signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.

B. Window air conditioners, antennas and similar appurtenances.

C. Color of paint for nonmasonry surfaces.

D. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided that such reconstruction is begun within one year thereafter and carried forward with due diligence.

§ 54-33. Powers of District Commission.

A. The District Commission shall have all the powers and responsibilities of a Historic District Commission as described in Chapter 40C of the Massachusetts General Laws.

B. The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with Chapter 40C of the General Laws or with the purpose of the Ordinance.

C. The District Commission may receive and accept appropriations, grants and gifts for the furthering of the purpose of this article, to establish a historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of the districts and to acquire and maintain historic properties.

D. The District Commission shall serve in an advisory capacity to the Mayor, the City Council, the Planning Board, the Massachusetts Historical Commission and any other public agency on matters pertaining to or affecting any historic structures or sites in the historic districts.

[Amended 7-10-2007 by Doc. 76]

E. The Planning Director or his designee shall act as technical advisor to the District Commission and shall cooperate with the District Commission in the fulfillment of the District Commission's responsibilities under the General Laws of Massachusetts and shall perform any and all functions of the Commission which it may lawfully delegate to him.

F. The District Commission shall propose changes in the historic district boundaries as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities.

§ 54-34. Duties of District Commission.

A. The District Commission shall coordinate historic preservation activities and oversee the preparation and implementation of historic preservation plans for the historic districts.

B. The District Commission shall provide assistance to owners of historic structures on matters pertaining to preservation of those structures within historic districts.

§ 54-35. Rules and regulations.

A. The District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with Chapter 40C of the General Laws or with the purpose of this article.

B. The District Commission shall act at all times with a clear understanding of the need of the owners and residents of property in historic districts to enjoy the amenities of modern life in the use of their properties.