

## Framingham Planning Board

Memorial Building ▪ Room 205 ▪ 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 ▪ [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator  
Raphaela Morais-Peroba, Communications Outreach Coordinator

### **ARTICLE 31: Amend the Framingham Zoning By-law – Section V.B Historic Reuse**

I move that Town Meeting vote to amend the Framingham Zoning By-Law with deleted, changed, or amended items in “red-line” format (new text is underlined and deleted text is stricken through) by deleting the existing Section V.B. Historic Reuse By-Law and replacing it with a new Section V.B. Historic Reuse By-Law, with background information as attached.

**Sponsor: Planning Board**

## Framingham Planning Board

Memorial Building ▪ Room 205 ▪ 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 ▪ [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator  
Raphaela Morais-Peroba, Communications Outreach Coordinator

## Article 31: Section V.B Special Permit Historic Reuse By-Law – Framingham Zoning By-Law Fall Special Town Meeting September 22, 2016, updated October 14, 2016

The existing Historic Reuse regulations were written and adopted in 2008, making them approximately 8 years old.

- Annual Town Meeting – April 29, 2008
  - Section III.A.3 Historic Reuse, approved under Article 28

This update to the Historic Reuse By-Law is consistent with requirements set forth by the Secretary of the Interior’s Standards for Rehabilitation, the Master Land Use Plan, best practices, and the Zoning By-Law Recodification Work Plan.

Since the adoption of the Historic Reuse By-Law in 2008, the By-Law has yet to be used. There have been several attempts to use the existing By-Law, however, potential applicants decide not to move forward with a historic reuse project due to excessive regulations that limit a project, the costs associated with historic rehabilitation, and the rigid procedures associated with the By-Law.

This rewrite of the Historic Reuse By-Law has been developed to save and reuse historic structures in Framingham. The proposed By-Law allows for similar historic preservation that would be seen in Newton, Wellesley and other communities that support the preservation of their historic structures.

Several major differences between the proposed By-Law and the existing By-Law include the following:

- The age of the structure to be considered historic. The existing By-Law sets 50 years as the age a building is considered to be historic, however, this is not consistent with other Town By-Laws that have been updated to cite 75 years of age.
- The expansion of the number of allowed uses for the reuse of a historic structure. Currently, the uses are limited to multi-family and Bed and Breakfast. With the proposed revision, the addition of doctor/dental/lawyer offices as an allowed use would ensure the upkeep of this type of property.
- The construction of additions is another limiting factor contained in the existing By-Law. Currently, historic buildings are only permitted a 10 percent addition to the existing structure. The proposed revisions would allow a building that has been deemed historically significant to construct an addition as permitted in Section IV.E. Dimensional Regulations. This allowance is consistent with non-historical buildings.

The Town of Framingham has a total of 2,163<sup>1</sup> properties that contain buildings that are 75 years or older. To meet the 75 year requirement, a building would need to be constructed in 1941 or earlier. Of the 2,163 properties containing structures that are of 75 years or older, 513 properties contain structures that were constructed between 1662-1899.

On Wednesday, October 12, 2016 the Framingham Historical Commission voted 6-0-0 in favor of the Historic Reuse Article. On Thursday, October 13, 2016 the Planning Board voted 4-0-1 (Lewis Colten abstaining) to recommend favorable action for the Historic Reuse By-Law for Fall Special Town Meeting.

Below are several examples of historic buildings that have been reused within neighboring communities.



Historic Building originally used as a single family home – converted as a multi-family home. Addition to the historic building was located to the rear of the property and historic building, parking located to the side and rear of the historic building. Additionally, the historic building was preserved and the addition was constructed to enhance the historic building.



Former neighborhood school located within an urban residential neighborhood converted into residential condos. The parking was located to the side of the historic building in the former school parking lot. The exterior of the school was maintained with the school’s name engraved in the brick work. The former school was designed to retain its historic look and not to look like residential units.

<sup>1</sup> These properties are located throughout all Zoning Districts within the Town. A vast majority of buildings 75 years of age or older are classified as single family residential.



Former single family home in a residential/commercial neighborhood converted to a veterinarian clinic. The building was restored and the historical features such as the stained glass window, the architectural detail above the porch entrance, etc. were all retained. Other than the sign and the occasional pet owner sitting on the lawn with their pet, the building retains its residential nature.



What appears to be a former residential home has been converted into a music school. The historic structure is located within a residential neighborhood.



Former residential building converted into a medical office. The driveway remains to the side of the historic structure and utilized for off-street parking. The historic structure is located with frontage on a commercial way (similar to Concord/Waverly Street/Cochituate Road, with residential neighborhoods abutting the property



Former historic residential structure converted into a Bed and Breakfast. The original architectural features were retained, while allowing for a new use that would retain the historic structure

The following sections of this document contain three editions of the Historic Reuse By-Law.

Section One is a marked up edition showing the comparison between the existing Section V.B and the proposed Historic Reuse By-Law that will replace the existing language. New wording is underlined and language to be deleted has been stricken. The language that is shown as underlined is the final language as voted by the Planning Board on Thursday, October 14, 2016.

Section Two is a comparison as to what was shown in the Fall Town Meeting Warrant with revisions made since the printing of the Warrant. Language that was added since the printing of the warrant is underlined and language that was deleted is stricken out.

Section Three is a clean edition of the proposed language to be voted upon at Fall Special Town Meeting.

### **Section One - Marked-up edition/comparison of existing vs. proposed language**

#### **B. HISTORIC RE-USE**

##### **1. Purpose and Intent**

The purpose of the Historic Reuse By-Law is to preserve and enhance historically significant buildings and/or properties while maintaining the integrity of the neighborhood in which they were built. Historic preservation is encouraged through the redevelopment and/or reuse of such historic properties by allowing a variety of uses and incentives for such efforts.

An Historic Reuse project shall be developed with the following intent:

- a. Preserve historically significant buildings through redevelopment and/or reuse that provides a variety of allowed uses.
- b. Maximize the retention of distinctive materials, features, spaces, and/or spatial relationships of the building and/or buildings.
- c. Provide incentives for a project that maintains and preserves an historic building that otherwise might be demolished. Maintain the historic character of a property while providing incentives for preservation rather than razing an historic building.

- d. Preserve architectural, cultural, and unique features common to an historic building and the time periods it represents, while utilizing distinctive materials, features, finishes, and construction techniques that emphasize the particular character of the property.
- e. Provide a variety of residential housing options that encourage and enhance residential opportunities to attract and retain residences.
- f. Comply with the design standards set forth by the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).
- g. Support the Master Land Use Plan, Housing Plan, Historic Preservation Plan, and other associated planning efforts of the Town.

~~(1) Purpose and Intent~~

~~The purpose of this section is to promote the preservation of significant historic structures, neighborhood landmarks and open space, thereby enhancing the community’s appearance and safeguarding our common architectural legacy for future generations. The intent of this section is to enable by special permit from the Planning Board the creation of alternative uses while maintaining strict controls to preserve all exterior features; to insure sensitivity and compatibility with the surrounding neighborhoods; and to provide an economic incentive to maintain and rehabilitate historic structures. This section is designed to encourage the adaptive reuse of such structure(s) where such reuse would more effectively preserve and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition or significant exterior modification of these landmark structures.~~

**2. Applicability and Procedure for Historic Reuse Projects**

**a. Applicability and Allowed Uses**

- i. Structures to be considered for historic reuse and preservation under the Historic Reuse By-Law shall be a minimum of 75 years of age and deemed historically significant by the Historical Commission or Historic District Commission.
- ii. Such structures that have been deemed historically significant shall be located within the R-1, R-2, R-3, R-4, B-1, B-2, B-3, B-4, B, and CB.
- iii. Historically significant buildings may be utilized for the following uses: uses permitted within the underlying zoning district; Two-family Dwelling, (Section II.B.1.B); Multi-family Dwelling (Section II.B.1.C); Home Occupation (Sections II.B.B.2.a and II.D); Business or Professional Office (Section II.B.5.A); Artist Live/Work/Gallery (Section II.B.1.D); Bed and Breakfast; and a mixture of uses as allowed within this Section V.B.2.a.iii.
  - a) Bed and Breakfast: A Human Habitation that has been deemed historically significant in accordance with General Bylaw Section V.B where rooms are let for not more than 14 consecutive days in any one-year period, a breakfast is included in the rent, and all accommodations are reserved in advance. A Bed and Breakfast shall have the characteristics set forth in Zoning Bylaw Section V.B.4 (i)-(xi).
  - b) Innkeeper: The owner, or person(s) employed by the owner residing within the living quarters of the Bed and Breakfast, such living quarters shall contain the Innkeeper’s separate cooking, bathroom, and sleeping facilities. The Innkeeper shall be responsible for recordkeeping, maintenance, preparation of food served to guests, and the overall operation of the Bed and Breakfast.
- iv. Renovation of existing carriage houses, barns, and other historic outbuildings is strongly encouraged.

**b. Permit Granting Authority and Permit Procedure**

- i. The Applicant shall seek a determination of historic significance from either the Historical Commission or Historic District Commission prior to filing with the Planning Board.
  - a) Structures shall be a minimum of 75 years of age to be considered for historical significance and use of this By-Law.
  - b) The historic significance of properties in any of the Town’s Local Historic Districts as defined by the General By-Laws Article VII, Section 5, shall be determined by the Historic District Commission.

- The Historic District Commission shall grant a Certificate of Appropriateness or Certificate of Non-Applicability for any proposed work that falls under General By-Laws Article VII, Section 5, before the Applicant can utilize Section V.B
  - In the event that modifications are made to the project after the Certificate of Appropriateness or Certificate of Non-Applicability is granted, the Applicant shall seek approval for said modifications from the Historic District Commission.
- c) For properties outside of the Town’s Local Historic Districts, as defined by the General Bylaws Article VII, Section 5, the Historical Commission shall make a Determination of Significance and shall provide a list of historic features to be maintained.
- In the event that modifications are made to the project after the Determination of Significance and list of historic features is provided, the Applicant shall seek approval for said modifications from the Historical Commission. The Historical Commission or the Historic District Commission may utilize Peer Review Consultants for the architectural review.
- ii. The Planning Board shall be the SPGA for the Historic Reuse By-Law.
- iii. All Historic Reuse applications shall be subject to the written procedures outlined in Special Permits (Section VI.E); Site Plan Review (Section VI.F); the allowed use identified in Section V.B.2.a.ii; and the Historic Reuse By-Law (Section V.B). Furthermore, residential projects shall comply with all provisions of the Inclusionary Housing By-Law (Section V.H), except for projects with less than 20 residential units, which shall be exempt.

~~(2) Applicability~~

~~The provisions of this section shall apply to all structures 50 years old or older together with any detached accessory structures 50 years old or older on the same lot as the principle structure in conformance with the provisions of this Section herein, provided that said structures are located in a zoning district that allows residential use and that said structures are found at a public hearing before the Historical Commission to be historically or architecturally significant pursuant to the procedures and criteria under Article V: Section 21 of the General By Laws.~~

~~(3) Use and Dimensional Requirements~~

~~The reuse of an existing eligible structure(s) must conform to the following requirements:~~

- ~~(a) the existing uses of the property on which the historic structure(s) is located conform to the requirements of this Zoning By Law or are lawfully existing non-conforming uses;~~
- ~~(b) the existing structure(s) on the property conform to the requirements of this Zoning By Law or are lawfully existing nonconforming structures;~~
- ~~(c) the minimum lot area on which the structure is located is 20,000 square feet or more;~~
- ~~(d) the existing structure(s) including any attached additions that are considered by the Planning Board an integral part of the principle structure has a minimum floor area of 4,500 square feet or more, excluding any attic or basement areas or porches, decks and patio areas;~~
- ~~(e) the existing detached structure(s) historically or architecturally significant may be used for the purposes of this Section but shall not be included in the calculation of the minimum floor area of 4,500 square feet; and~~
- ~~(f) the existing gross floor area of the structure(s) may not be increased by more than 10%.~~

**3. Historic Project Requirements**

**a. Project Design and Redevelopment**

- i. Projects shall conform, at a minimum, to the standards set forth in the Secretary of the Interior’s Standards for Rehabilitation at 36 C.F.R. 67, et. seq.
- ii. The original qualities and character, the distinctive architectural features, and the craftsmanship of the historic building shall be maintained through the redevelopment and/or reuse of the property.

- iii. Alterations, infill, and/or additions shall be compatible in scale and design to the historic portion of the project. Such additions shall complement the historic nature of the property and shall not destroy, damage, and/or derogate from the historic integrity of the building.
- iv. Additions shall only be constructed on the side and/or rear of any building deemed to have historic significance.
- v. Alterations, infill, and/or additions shall be expressly designed to retain the essential original form and integrity of the historic structure without detriment in the event that such new portions of the historic building were to be removed.
- vi. All reasonable efforts shall be made to minimize alterations to the defining characteristics of an historic structure. Moreover, compatible sustainable materials shall be used when making such alterations.
- vii. All efforts shall be made to the greatest extent feasible to restore and repair deteriorated and/or missing historically significant features and characteristics that define the time period which they represent. All replacement materials shall match the materials being replaced in composition, design, color, and texture to replicate the original construction of the structure.
- viii. All rehabilitated structures shall conform to the requirements set forth in Section IV.E Dimensional Regulations.
- ix. The reuse and rehabilitation of historic carriage houses, barns, and other outbuildings is encouraged. Any historic, character-defining features on these buildings shall be retained and rehabilitated.

**b. Off-street Parking and Site Improvements**

- i. Off-street parking shall not be located within the front setback and shall be located to the side and rear of the building.
- ii. Off-street parking shall be screened and buffered by landscaping, fencing, and/or other natural features.
- iii. Off-street parking shall be in compliance with Section IV.B.1.a
- iv. All utilities shall be located underground; mechanical equipment shall be screened with fencing and landscaping; HVAC units shall be located to the rear of the building.
- v. Any new construction shall be sited to maintain historic viewsheds and other historic landscape features that contribute to the property's character such as gardens, fields, or stone walls.

**c. Residential Units**

- i. Residential units shall not be less than 600 square feet of area.
- ii. Entrances shall be separate where an historic reuse project contains both residential and non-residential uses.

~~(4) Allowed Uses~~

~~(a) Condominiums are allowed subject to the following limitations:~~

~~(i) The minimum condominium unit size schedule is~~

- ~~—— 1 Bedroom — 900 square feet,~~
- ~~—— 2 Bedrooms — 1,200 square feet, and~~
- ~~—— 3 Bedrooms — 1,500 square feet.~~

~~(ii) Studio/Efficiency units are expressly prohibited.~~

~~(iii) Parking Requirement — There shall be one parking space per proposed bedroom (including both indoor and outdoor parking spaces), plus 0.5 parking spaces per unit for visitor parking. For all other uses on the premises the number of parking spaces provided shall be accordance with the Section IV.B. of the Zoning By Law.~~

~~(iv) Location of Parking Areas — No parking space shall be constructed forward of an imaginary line drawn through the front façade plane farthest from any front lot line. The Planning Board may waive this requirement if it determines that the site layout or location of the structure(s) makes this requirement unfeasible or that a better plan will result from such a waiver.~~

- ~~(v) Waiver of the Required Number of Parking Spaces—In accordance with Section IV.B.1.e., the Planning Board may by Special Permit reduce the total number of required parking spaces if it deems appropriate and beneficial to the proposed modification or reuse of the structure(s).~~
- ~~(vi) Condominium Association—The applicant shall establish a condominium association for the residents of the structure. The condominium association shall operate in accordance with a Condominium Association Agreement which, along with the Master Deed, Unit Deeds, Bylaws and Rules and Regulations, shall be submitted to the Planning Board and Town Counsel for review to ensure it complies with this By Law. The Condominium Association Agreement, along with the Master Deed, Unit Deeds, By Laws and Rules and Regulation shall not be adopted or recorded until approved by the Planning Board and Town Counsel under this provision. The condominium association documents shall provide for the maintenance in perpetuity of the common area land and common facilities including but not limited to any sewage system, water supply, parking facility or lot, landscape feature, common use area, and drainage system including any detention or retention basin. Snow plowing within the project limits shall be in perpetuity the responsibility of the project owner/developer or subsequent condominium association and not of the Town.~~
- ~~(b) Bed and Breakfast is an allowed use subject to the following limitations:
 
  - ~~(i) the Bed and Breakfast shall be the legal residence of the owner and be owner occupied;~~
  - ~~(ii) the Bed and Breakfast shall be subordinate and incidental to the main residential use of the principle structure;~~
  - ~~(iii) individual guests are prohibited from any single stay at a particular Bed and Breakfast establishment for more than fourteen consecutive days;~~
  - ~~(iv) rooms used for sleeping shall be part of the existing principle structure and shall not have been specifically constructed for rental purposes;~~
  - ~~(v) the primary structure shall contain full living quarters for the property owner;~~
  - ~~(vi) the Bed and Breakfast operation shall not use more than fifty percent (50%) of the principle structure for rental sleeping accommodation purposes. Common areas such as the kitchen, living room or dining room shall not be included in this calculation;~~
  - ~~(vii) the only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility;~~
  - ~~(viii) signs shall be as allowed for other uses in the zoning district;~~
  - ~~(ix) the parking requirement shall be one space per guestroom plus two spaces for the primary residence;~~
  - ~~(x) other uses on the premises shall require parking spaces in accordance with Section IV.B. of the Zoning Bylaw; and~~
  - ~~(xi) the Bed and Breakfast shall be licensed by the Town and shall specifically comply with all of the requirements of the Board of Health.~~~~

## **5. Historic Reuse Provisions**

Once an Applicant has applied to the Historical Commission or the Historic District Commission for a structure to be deemed historically significant, then no structure shall be erected, enlarged, or modified; and no land shall be divided, subdivided, or modified prior to the granting or denial of said Special Permit.

### **(5) Historic Reuse Special Permit Provisions** **(a) Requirement**

In all instances once a Historic Reuse Special Permit application is filed under this Section, no structure shall be erected, enlarged, or modified and no land shall be divided or subdivided or modified prior to the granting or denial of said Permit.

~~(b) Special Permit Application Review Procedure~~

- ~~(i) The Planning Board shall be the SPGA for the issuance of a Historic Reuse Special Permit. Such special permit application shall be submitted, considered, and issued in accordance with the provisions herein and with Section VI.E. of the Framingham Zoning By Law and all other applicable regulations.~~
- ~~(ii) Prior to the filing of an application for Historic Reuse Special Permit, the applicant shall submit plans to the Building Commissioner, who shall advise the applicant as to the pertinent sections of the Zoning By Law in accordance with Section VI.E.2.a.~~
- ~~(iii) Following the Building Commissioner review and prior to the filing of a Historic Reuse Special Permit application, the Applicant shall submit copies of the draft application submittal to the Planning Board, the Historical Commission, and the Historic District Commission.~~
- ~~(iv) Within sixty days of receipt of the draft application submittal and pursuant to Article V: Section 21. of the General By Laws, the Historical Commission shall hold a public hearing to determine if the structure(s) intended for Historic Reuse is historically or architecturally significant as defined in Article V: Section 21.2.6. of the General By Laws and shall provide a written report of its findings to the Planning Board.~~
- ~~(v) Any person intending to submit a Historic Reuse Special Permit application shall have a pre-application conference with the full Planning Board that has been noticed by a community notice sign posted on the property and noticed in the local newspaper, at which time the applicant shall describe the proposed plan and any impacts to the parcel of land that will be required in order to file a complete application. No tree removal, no utility installation, no ditching, no soil or percolation testing, no well testing, no grading or construction of roads (temporary or otherwise), no grading of land or lots, no excavation, no dredging or filling, and no demolition or construction of structures shall be done on any part of the development site until the proposal has been reviewed at the pre-application conference and the Board has given its approval for the required work.~~
- ~~(vi) If the Historical Commission finds the structures historically and architecturally significant and following the pre-application conference and receipt by the Planning Board of a formal submittal conforming to the submittal requirements herein and as specified on the application, the Planning Board shall hold a public hearing in accordance with the conduct and notification of public hearings and decisions for all special permits pursuant to M.G.L., c.40A., sect. 9 and Section VI.E. of the Framingham Zoning By Law.~~
- ~~(vii) All boards, commissions, and departments shall, within thirty five days of receiving a copy of said plan, submit a written report containing recommendations and the reasons therefore to the Planning Board, and may recommend conditions deemed appropriate for the proposed use. In addition to attending the municipal staff review meeting, the Applicant shall meet separately with the Historic District Commission to solicit their input on the Historic Reuse Special Permit application. The Historic District Commission shall review the design elements of the structure(s) and site considering the design standards of Section V.B.(5)(d) herein. Following said meeting, the Historic District Commission may submit a written recommendation on the Historic Reuse Special Permit application to the Planning Board for consideration during the public hearing. The Planning Board shall not render a decision on any such application until said recommendations have been received and considered or until the thirty five day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed lack of opposition thereto.~~
- ~~(viii) The Planning Board, at its discretion and based upon the pre-application conference and preliminary assessment of the scale of the development proposed, may modify or waive the application requirements for submission herein. Such modifications or waivers from the application submission requirements shall be requested in writing with supporting reasons. Any such preliminary waivers granted at the pre-application or preliminary level of review is a preliminary assessment by the Planning Board and such waivers shall not be binding upon the Planning Board.~~

**(c) Contents and Scope of Applications**

The contents and scope for all Applications for Special Permit for Historic Reuse shall include the information listed in Section VI.F.4. All plans shall be prepared by a Professional Engineer, Architect, or Landscape Architect Registered in the Commonwealth of Massachusetts. Applications shall include all information unless waived in conformance with Section VI.F.4.e.

To assist the Planning Board in rendering its decision on the application, said application shall also include the following:

- (i) a narrative stating the historical significance of the structures and/or site, and an architectural description of the structures;
- (ii) photographs of all existing elevations;
- (iii) interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use;
- (iv) if new construction or additions are proposed, a perspective drawing showing the new construction or additions in relation to existing structure(s) on the site and on adjacent land;
- (v) a plan showing existing and proposed landscaping on the site;
- (vi) a list of any requested waivers with the justification for each; and
- (vii) based upon the scope of the project and physical characteristics of the parcel, the Planning Board may require additional information or supplemental impact statement(s).

**(d) Design Standards for Exterior Changes to Structures and Site**

All proposed changes to structure(s) exteriors and to the site shall meet the following Design Criteria:

<i>Scale</i>	All exterior structural changes shall relate well to the pedestrian scale.
<i>Form and Bulk</i>	Facades and rooflines shall be designed to be compatible with the historic style of structure(s).
<i>Façade</i>	Façade materials shall be compatible with the historic style of the structure(s). Traditional materials such as masonry and wood are encouraged for the exterior façades. The architectural vocabulary should include appropriate materials, details, lighting fixtures, and signage (if any). The use of blank walls on the front façade(s) (where the structure(s) fronts on a street or streets) shall be discouraged.
<i>Windows</i>	Window styles shall be compatible with the historic style of the structure(s). Windows shall be arranged to give the façade a sense of balance and to compliment the historic fabric of the existing structure.
<i>Doorways</i>	Exterior doors shall be compatible with the historic style of the structure(s). Doorways shall be arranged to give the façade a sense of balance and to compliment the historic fabric of the existing structure.
<i>Service Areas, Utilities and Equipment</i>	Service, loading and trash disposal areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened and shall incorporate effective techniques for visual and noise buffering from adjacent uses.
<i>Exterior Lighting</i>	Outdoor lighting, including lighting on the exterior of the structure(s) or lighting in parking areas, shall be designed and located to minimize glare and light spillover to neighboring properties and shall be at a residential scale and in keeping with the historic architectural style of the structure(s).
<i>Landscaping</i>	All proposed landscaping plans shall preserve to the greatest extent possible existing old growth vegetation and shall be designed to buffer all parking areas and any degrading features from abutters and the public view and to enhance the structural fabric or historical character defining features of the structures by reinforcing or recapturing the historical

	context of the property.
--	--------------------------

~~(e) Findings and Conditions of Approval~~

~~The Planning Board shall approve only those applications that meet the Conditions of Approval of a special permit pursuant to Section VI.E.3.a. and the following conditions:~~

- ~~(i) — the proposal provides for the harmonious relationship of proposed structures and additions to the terrain and to the use, scale, materials, historic character and architecture of existing structure(s) on the site or in the vicinity that have functional or visual relationship to the proposed structures and any additions;~~
- ~~(ii) — the proposal protects Framingham's heritage by minimizing demolition or alteration of historically or architecturally significant uses, structures or architectural elements;~~
- ~~(iii) — the proposal enhances the historic character, streetscapes, open space, trees, plantings, and other natural features of the site;~~
- ~~(iv) — the proposal ensures that the project retains an amount of land substantial enough to protect the public's view of the primary façade of the structure, if the subdivision of land or construction of additional structures is proposed;~~
- ~~(v) — the proposal meets the requirements of the table of design standards, Section V.B.(5)(d) Design Standards herein;~~
- ~~(vi) — the Historical Commission has determined the structure(s) to be of substantial historic or architectural significance and suitable for preservation and further that the proposal is consistent with the written recommendations of the Historical Commission; and~~
- ~~(vii) — the Historic District Commission has made a favorable written recommendation regarding the proposed design.~~

~~(f) Conditions, Limitations and Safeguard~~

~~In granting approval of a Historic Reuse Special Permit application the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. In addition to the conditions specified under Section VI.E.3.b., such conditions may include, but are not limited to, among other matters and subjects:~~

- ~~(i) — requirement for a preservation restriction on the façade or structure(s) sufficient to preserve the historic and architectural merit of the property; and~~
- ~~(ii) — future development of property subject to a Historic Reuse Special Permit is expressly prohibited without an amendment to said special permit, which shall be upon filing a written petition to the Planning Board and following a public hearing and written finding by the Planning Board that the proposed change or changes do not substantially derogate from the intent and purpose herein and for the purposes of this section. Future development shall mean the creation of additional lots by deed, division, or subdivision as defined under law, a change in use, a change in the exterior of the structure, or a change in the location of a structure or use on the property.~~

**6. Procedure for Waiver**

An Historic Reuse project shall comply with Section V.B. in its entirety to the greatest extent feasible. However, the Planning Board may waive the requirements for Section V.B.3 by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources. In no event shall the architectural conditions granted by the Historical Commission or the Historic District Commission be waived.

**7. Variance**

A variance authorizing a use or activity not otherwise permitted in the Zoning District or allowed by the Historic Reuse By-Law shall be prohibited from the use of this By-Law.

## Section Two

### Changes to the proposed edition since the printing of the Fall Town Meeting Warrant Book

#### Section V.B Historic Reuse

##### 1. Purpose and Intent

The purpose of the Historic Reuse By-Law is to preserve and enhance historically significant buildings and/or properties while maintaining the integrity of the neighborhood in which they were built. Historic preservation is encouraged through the redevelopment and/or reuse of such historic properties by allowing a variety of uses and incentives for such efforts.

An Historic Reuse project shall be developed with the following intent:

- a. Preserve historically significant buildings through redevelopment and/or reuse that provides a variety of allowed uses.
- b. Maximize the retention of distinctive materials, features, spaces, and/or spatial relationships of the building and/or buildings.
- c. Provide incentives for a project that maintains and preserves an historic building that otherwise might be demolished. Maintain the historic character of a property while providing incentives for preservation rather than razing an historic building.
- d. Preserve architectural, cultural, and unique features common to an historic building and the time periods it represents, while utilizing distinctive materials, features, finishes, and construction techniques that emphasize the particular character of the property.
- e. Provide a variety of residential housing options that encourage and enhance residential opportunities to attract and retain residences.
- f. Comply with the design standards set forth by the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67).
- g. Support the Master Land Use Plan, Housing Plan, Historic Preservation Plan, and other associated planning efforts of the Town.

##### 2. Applicability and Procedure for Historic Reuse Projects

###### a. Applicability and Allowed Uses

- i. Structures to be considered for historic reuse and preservation under the Historic Reuse By Law shall be a minimum of 75 years of age constructed before 1936 and deemed historically significant by the Historical Commission or Historic District Commission.
- ii. Such structures that have been deemed historically significant shall be located within the R 1, R-2, R-3, R-4, B-1, B-2, B-3, B-4, B, and CB.
- iii. Historically significant buildings may be utilized for the following uses: uses permitted within the underlying zoning district; Two-family Dwelling, (Section II.B.1.B); Multi-family Dwelling (Section II.B.1.C); a mixture of uses permitted within the underlying zoning district (Section II.B); Home Occupation (Sections II.B.B.2.a and II.D); Business or Professional Office (Section II.B.5.A); Medical Office (Section II.B.5.b); Artist Live/Work/Gallery (Section II.B.1.D); Bed and Breakfast that are owner occupied; and a mixture of uses as allowed within this Section V.B.2.a.iii.

**Comment [ALL1]:** 09/29/2016 – Change made from “constructed before 1936” to “a minimum of 75 years of age”

This change was made to be consistent with other Town By-Laws for historic structures that are 75 years old or greater

**Comment [ALL2]:** 10/13/2016 – added to be consistent with the zoning districts that allow for residential uses

**Comment [ALL3]:** 10/13/2016 – change made for the purposes of clarification and location of uses. An office of a doctor/dentist/physician would be permitted under Business and Professional Office which would be more consistent with a neighborhood scale office than large facility.

- a) Bed and Breakfast: A Human Habitation that has been deemed historically significant in accordance with General Bylaw Section V.B where rooms are let for not more than 14 consecutive days in any one-year period, a breakfast is included in the rent, and all accommodations are reserved in advance. A Bed and Breakfast shall have the characteristics set forth in Zoning Bylaw Section V.B.4 (i)-(xi).
- b) Innkeeper: The owner, or person(s) employed by the owner residing within the living quarters of the Bed and Breakfast, such living quarters shall contain the Innkeeper's separate cooking, bathroom, and sleeping facilities. The Innkeeper shall be responsible for recordkeeping, maintenance, preparation of food served to guests, and the overall operation of the Bed and Breakfast.
- iv. Renovation of existing carriage houses, barns, and other historic outbuildings is strongly encouraged.

**Comment [ALL4]:** 10/13/2016 – definition of Bed and Breakfast and Innkeeper added for clarification

**b. Permit Granting Authority and Permit Procedure**

- i. The Applicant shall seek a determination of historic significance from either the Historical Commission or Historic District Commission prior to filing with the Planning Board.
  - a) Structures shall be a minimum of 75 years of age to be considered for historical significance and use of this By-Law.
  - b) The historic significance of properties in any of the Town's Local Historic Districts, as defined by the General By-Laws Article VII, Section 5, shall be determined by the Historic District Commission.
    - ~~b. The historic significance of all other properties constructed before 1936 shall be determined by the Historical Commission.~~
    - The Historic District Commission shall grant a Certificate of Appropriateness or Certificate of Non-Applicability for any proposed work that falls under General By-Laws Article VII, Section 5, before the Applicant can utilize Section V.B
    - In the event that modifications are made to the project after the Certificate of Appropriateness or Certificate of Non-Applicability is granted, the Applicant shall seek approval for said modifications from the Historic District Commission.
  - c) For properties outside of the Town's Local Historic Districts, as defined by the General Bylaws Article VII, Section 5, the Historical Commission shall make a Determination of Significance and shall provide a list of historic features to be maintained.
    - In the event that modifications are made to the project after the Determination of Significance and list of historic features is provided, the Applicant shall seek approval for said modifications from the Historical Commission. The Historical Commission or the Historic District Commission may utilize Peer Review Consultants for the architectural review.
- ii. The Planning Board shall be the SPGA for the Historic Reuse By-Law.
- iii. All Historic Reuse applications shall be subject to the written procedures outlined in Special Permits (Section VI.E); Site Plan Review (Section VI.F); the allowed use identified in Section V.B.2.a.ii; and the Historic Reuse By-Law (Section V.B); Furthermore, residential projects shall comply with all provisions of the Inclusionary Housing By-Law (Section V.H), except for projects with less than 20 residential units, which shall be exempt.

**Comment [ALL5]:** 10/13/2016 – this section was reorganized to reflect the process and applicant would go through

**Comment [ALL6]:** 10/13/2016 – subsection deleted, rewritten for clarification of the process in Section V.B.2.b.i.b) and c)

### 3. Historic Project Requirements

#### a. Project Design and Redevelopment

- i. Projects shall conform, at a minimum, to the standards set forth in the Secretary of the Interior's Standards for Rehabilitation at 36 C.F.R. 67, et. seq. (36 CFR 67).
- ii. The original qualities and character, the distinctive architectural features, and the craftsmanship of the historic building shall be maintained through the redevelopment and/or reuse of the property.
- iii. Alterations, infill, and/or additions shall be compatible in scale and design to the historic portion of the project. Such additions shall complement the historic nature of the property and shall not destroy, damage, and/or derogate from the historic integrity of the building.
- iv. Additions shall only be constructed on the side and/or rear of any building deemed to have historic significance.
- v. Alterations, infill, and/or additions shall be expressly designed to retain the essential original form and integrity of the historic structure without detriment in the event that such new portions of the historic building were to be removed.
- vi. All reasonable efforts shall be made to minimize alterations to the defining characteristics of an historic structure. Moreover, compatible sustainable materials shall be used when making such alterations.
- vii. All efforts shall be made to the greatest extent feasible to restore and repair deteriorated and/or missing historically significant features and characteristics that define the time period which they represent. All replacement materials shall match the materials being replaced in composition, design, color, and texture to replicate the original construction of the structure.
- viii. All rehabilitated structures shall conform to the requirements set forth in Section IV.E Dimensional Regulations.
- ix. The reuse and rehabilitation of historic carriage houses, barns, and other outbuildings is encouraged. Any historic, character-defining features on these buildings shall be retained and rehabilitated.

#### b. Off-street Parking and Site Improvements

- i. Off-street parking shall not be located within the front setback, and shall be located to the side and rear of the building.
- ii. Off-street parking shall be screened and buffered by landscaping, fencing, and/or other natural features.
- iii. Off-street parking shall be in compliance with Section IV.B.1.a
- iv. All utilities shall be located underground; mechanical equipment shall be screened with fencing and landscaping; HVAC units shall be located to the rear of the building.
- v. Any new construction shall be sited to maintain historic viewsheds and other historic landscape features that contribute to the property's character such as gardens, fields, or stone walls.

**Comment [ALL7]:** Requires and applicant to provided adequate parking as required by the By-Law

#### dc. Residential Units

- i. Residential units shall not be less than 600sf square feet of area.
- ii. Entrances shall be separate where an historic reuse project contains both residential and non-residential uses.

**4. Findings and Conditions of Approval**

- a. Project review pursuant to the Historic Reuse By-Law shall be based on the information provided in the Historic Reuse By-Law application package; shall be in compliance with the Special Permit (Section VI.E) and Site Plan Review (Section VI.F) regulations; and Inclusionary Housing (Section V.H) where applicable. The Planning Board shall render written findings prior to granting an approval or disapproval of the application.
- b. Filing and Document Review
  - i. All documents and plans required in Section V.B, VI.E, and VI.F have been submitted in accordance with these regulations and Town standards.
  - ii. The structure has been deemed historically significant by the Historical Commission or Historic District Commission.
  - iii. The project is conforming to the Dimensional Requirements set forth in Section IV.E and any additional requirements of the Framingham Zoning By-Law, where applicable.
  - iv. The project has been designed to meet the requirements set forth by the Secretary of the Interior’s Standards for Rehabilitation (36 CFR 67).

**5. Historic Reuse Provisions**

Once an Applicant has applied to the Historical Commission or the Historic District Commission for a structure to be deemed historically significant, then no structure shall be erected, enlarged, or modified; and no land shall be divided, subdivided, or modified prior to the granting or denial of said Special Permit.

**Comment [ALL8]:** 10/13/2016 – language from the existing Section V.B – updated to meet the standards of the proposed Section V.B

**6. Procedure for Waiver**

An Historic Reuse project shall comply with Section V.B. in its entirety to the greatest extent feasible. However, the Planning Board may waive the requirements for Section V.B.3 by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources. In no event shall the architectural conditions granted by the Historical Commission or the Historic District Commission be waived.

**Comment [ALL9]:** 10/13/2016 – added to ensure compliance with the conditions set forth by the Historic District Commission or the Historical Commission

**7. Variance**

A variance authorizing a use or activity not otherwise permitted in the Zoning District or allowed by the Historic Reuse By-Law shall be prohibited from the use of this By-Law.

## Section Three

### Clean Edition

## Section V.B Historic Reuse

### 1. Purpose and Intent

The purpose of the Historic Reuse By-Law is to preserve and enhance historically significant buildings and/or properties while maintaining the integrity of the neighborhood in which they were built. Historic preservation is encouraged through the redevelopment and/or reuse of such historic properties by allowing a variety of uses and incentives for such efforts.

An Historic Reuse project shall be developed with the following intent:

- a. Preserve historically significant buildings through redevelopment and/or reuse that provides a variety of allowed uses.
- b. Maximize the retention of distinctive materials, features, spaces, and/or spatial relationships of the building and/or buildings.
- c. Provide incentives for a project that maintains and preserves an historic building that otherwise might be demolished. Maintain the historic character of a property while providing incentives for preservation rather than razing an historic building.
- d. Preserve architectural, cultural, and unique features common to an historic building and the time periods it represents, while utilizing distinctive materials, features, finishes, and construction techniques that emphasize the particular character of the property.
- e. Provide a variety of residential housing options that encourage and enhance residential opportunities to attract and retain residences.
- f. Comply with the design standards set forth by the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67).
- g. Support the Master Land Use Plan, Housing Plan, Historic Preservation Plan, and other associated planning efforts of the Town.

### 2. Applicability and Procedure for Historic Reuse Projects

#### a. Applicability and Allowed Uses

- i. Structures to be considered for historic reuse and preservation under the Historic Reuse By-Law shall be a minimum of 75 years of age and deemed historically significant by the Historical Commission or Historic District Commission.
- ii. Such structures that have been deemed historically significant shall be located within the R-1, R-2, R-3, R-4, B-1, B-2, B-3, B-4, B, and CB.
- iii. Historically significant buildings may be utilized for the following uses: uses permitted within the underlying zoning district; Two-family Dwelling, (Section II.B.1.B); Multi-family Dwelling (Section II.B.1.C); Home Occupation (Sections II.B.B.2.a and II.D); Business or Professional Office (Section II.B.5.A); Artist Live/Work/Gallery (Section II.B.1.D); Bed and Breakfast; and a mixture of uses as allowed within this Section V.B.2.a.iii.
  - a) Bed and Breakfast: A Human Habitation that has been deemed historically significant in accordance with General Bylaw Section V.B where rooms are let for not more than 14 consecutive days in any one-year period, a breakfast is included in the rent, and all

accommodations are reserved in advance. A Bed and Breakfast shall have the characteristics set forth in Zoning Bylaw Section V.B.4 (i)-(xi).

- b) Innkeeper: The owner, or person(s) employed by the owner residing within the living quarters of the Bed and Breakfast, such living quarters shall contain the Innkeeper's separate cooking, bathroom, and sleeping facilities. The Innkeeper shall be responsible for recordkeeping, maintenance, preparation of food served to guests, and the overall operation of the Bed and Breakfast.
- iv. Renovation of existing carriage houses, barns, and other historic outbuildings is strongly encouraged.

#### **b. Permit Granting Authority and Permit Procedure**

- i. The Applicant shall seek a determination of historic significance from either the Historical Commission or Historic District Commission prior to filing with the Planning Board.
  - a) Structures shall be a minimum of 75 years of age to be considered for historical significance and use of this By-Law.
  - b) The historic significance of properties in any of the Town's Local Historic Districts as defined by the General By-Laws Article VII, Section 5, shall be determined by the Historic District Commission.
    - The Historic District Commission shall grant a Certificate of Appropriateness or Certificate of Non-Applicability for any proposed work that falls under General By-Laws Article VII, Section 5, before the Applicant can utilize Section V.B
    - In the event that modifications are made to the project after the Certificate of Appropriateness or Certificate of Non-Applicability is granted, the Applicant shall seek approval for said modifications from the Historic District Commission.
  - c) For properties outside of the Town's Local Historic Districts, as defined by the General Bylaws Article VII, Section 5, the Historical Commission shall make a Determination of Significance and shall provide a list of historic features to be maintained.
    - In the event that modifications are made to the project after the Determination of Significance and list of historic features is provided, the Applicant shall seek approval for said modifications from the Historical Commission. The Historical Commission or the Historic District Commission may utilize Peer Review Consultants for the architectural review.
- ii. The Planning Board shall be the SPGA for the Historic Reuse By-Law.
- iii. All Historic Reuse applications shall be subject to the written procedures outlined in Special Permits (Section VI.E) Site Plan Review (Section VI.F); the allowed use identified in Section V.B.2.a.ii; and the Historic Reuse By-Law (Section V.B). Furthermore, residential projects shall comply with all provisions of the Inclusionary Housing By-Law (Section V.H), except for projects with less than 20 residential units, which shall be exempt.

### **3. Historic Project Requirements**

#### **a. Project Design and Redevelopment**

- i. Projects shall conform, at a minimum, to the standards set forth in the Secretary of the Interior's Standards for Rehabilitation at 36 C.F.R. 67, et. seq.

- ii. The original qualities and character, the distinctive architectural features, and the craftsmanship of the historic building shall be maintained through the redevelopment and/or reuse of the property.
- iii. Alterations, infill, and/or additions shall be compatible in scale and design to the historic portion of the project. Such additions shall complement the historic nature of the property and shall not destroy, damage, and/or derogate from the historic integrity of the building.
- iv. Additions shall only be constructed on the side and/or rear of any building deemed to have historic significance.
- v. Alterations, infill, and/or additions shall be expressly designed to retain the essential original form and integrity of the historic structure without detriment in the event that such new portions of the historic building were to be removed.
- vi. All reasonable efforts shall be made to minimize alterations to the defining characteristics of an historic structure. Moreover, compatible sustainable materials shall be used when making such alterations.
- vii. All efforts shall be made to the greatest extent feasible to restore and repair deteriorated and/or missing historically significant features and characteristics that define the time period which they represent. All replacement materials shall match the materials being replaced in composition, design, color, and texture to replicate the original construction of the structure.
- viii. All rehabilitated structures shall conform to the requirements set forth in Section IV.E Dimensional Regulations.
- ix. The reuse and rehabilitation of historic carriage houses, barns, and other outbuildings is encouraged. Any historic, character-defining features on these buildings shall be retained and rehabilitated.

**b. Off-street Parking and Site Improvements**

- i. Off-street parking shall not be located within the front setback and shall be located to the side and rear of the building.
- ii. Off-street parking shall be screened and buffered by landscaping, fencing, and/or other natural features.
- iii. Off-street parking shall be in compliance with Section IV.B.1.a
- iv. All utilities shall be located underground; mechanical equipment shall be screened with fencing and landscaping; HVAC units shall be located to the rear of the building.
- v. Any new construction shall be sited to maintain historic viewsheds and other historic landscape features that contribute to the property's character such as gardens, fields, or stone walls.

**c. Residential Units**

- i. Residential units shall not be less than 600 square feet of area.
- ii. Entrances shall be separate where an historic reuse project contains both residential and non-residential uses.

#### **4. Findings and Conditions of Approval**

- a. Project review pursuant to the Historic Reuse By-Law shall be based on the information provided in the Historic Reuse By-Law application package; shall be in compliance with the Special Permit (Section VI.E) and Site Plan Review (Section VI.F) regulations; and Inclusionary Housing (Section V.H) where applicable. The Planning Board shall render written findings prior to granting an approval or disapproval of the application.
- b. Filing and Document Review
  - i. All documents and plans required in Section V.B, VI.E, and VI.F have been submitted in accordance with these regulations and Town standards.
  - ii. The structure has been deemed historically significant by the Historical Commission or Historic District Commission.
  - iii. The project is conforming to the Dimensional Requirements set forth in Section IV.E and any additional requirements of the Framingham Zoning By-Law, where applicable.
  - iv. The project has been designed to meet the requirements set forth by the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67).

#### **5. Historic Reuse Provisions**

Once an Applicant has applied to the Historical Commission or the Historic District Commission for a structure to be deemed historically significant, then no structure shall be erected, enlarged, or modified; and no land shall be divided, subdivided, or modified prior to the granting or denial of said Special Permit.

#### **6. Procedure for Waiver**

An Historic Reuse project shall comply with Section V.B. in its entirety to the greatest extent feasible. However, the Planning Board may waive the requirements for Section V.B.3 by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources. In no event shall the architectural conditions granted by the Historical Commission or the Historic District Commission be waived.

#### **7. Variance**

A variance authorizing a use or activity not otherwise permitted in the Zoning District or allowed by the Historic Reuse By-Law shall be prohibited from the use of this By-Law.