



## **ARCHITECTURAL PRESERVATION DISTRICT RULES AND REGULATIONS**

Adopted: May 4, 2016

### **A. AUTHORITY**

Pursuant to the authority vested in the General Bylaws of the Town of Ipswich, *Chapter XXII. Architectural Preservation District By-law, Section 5*, the Architectural Preservation District Commission (APDC) promulgates these Rules and Regulations for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for Certificates to Alter, hearing procedures and other matters.

### **B. PURPOSE**

The purpose of these Rules and Regulations is to set forth the application requirements and expand on the description of the Architectural Preservation District (APD) applicability and procedures.

### **C. APPLICABILITY**

These Rules and Regulations shall apply wherever the provisions of the Architectural Preservation District Bylaw ("APD Bylaw") apply. In accordance with the APD Bylaw, certain work to structures within the APD: (1) is exempt per Section 6; (2) may be submitted for a non-binding advisory recommendation per Section 7; or (3) is subject to a binding Certificate to Alter per Section 8. Applicants may suggest which of these sections apply to the alterations they propose, but ultimately that decision rests with the APDC.

### **D. SUBMITTAL REQUIREMENTS**

#### **1. Alterations for Which Advisory Review is Recommended**

Applicants proposing alterations to a Contributing Property as described in Section 7 of the APD Bylaw are strongly encouraged to seek an advisory review from the APDC. Advisory review does not require a public hearing and is non-binding. Requests for advisory review may be made electronically, by regular mail, or via hand delivery to the Planning Office in Town Hall. To facilitate the APDC's advisory review, the request should include a description of the proposed work, photographs of the structure(s) proposed for alteration, drawings showing the proposed work, and a site plan. Applicants are encouraged to submit drawings that comply with the requirements indicated in Subsection 2 below. The APDC shall provide its recommendation in writing within 20 days of receiving a request for advisory review.

#### **2. Alterations for Which a Certificate to Alter is Required**

Any demolition of a building or part of a building on a Contributing Property, Substantial Exterior Alteration to a Contributing Property, and new construction of buildings on properties within the APD, including substantial additions, must first obtain a Certificate to Alter in accordance with Section 8 of the APD Bylaw. Applications for Certificates to Alter shall be submitted to the Planning Office in Town Hall and must contain the following:

- Completed Application Form.
- Check made out to “Town of Ipswich” for \$25.
- Written narrative of proposed work including: 1) scope of work proposed; 2) approximate year structure(s) built and year of significant alterations; 3) any known architectural or historical significance of structure(s) or setting; 4) restrictive covenants or other restrictions affecting structure(s) or property; and 5) any additional pertinent information.
- Scaled drawings with sufficient detail to adequately show existing and proposed conditions. Drawings, at minimum, shall provide the following information:
  - Site Plan: property lines; location of existing, relocated, demolished and proposed structures on subject property and approximate location of structures on adjacent properties; significant natural features; historical features; adjacent roadways; and all permanent above-ground improvements, including driveways, retaining walls, and patios.
  - Building Plans: if renovation is proposed, floor plans and elevations of the existing building; otherwise, proposed floor plans and elevations for new construction or significant additions. In all instances, details of proposed materials, windows and other architectural features shall be provided.
- Photographs of the existing building and site.

Drawing size: All drawings must be drawn to a uniform scale (preferably 1”=10’, 1”=20’ for site plans, and ¼”=1’-0” or 1/8”=1’-0” for building plans and elevations, and an appropriate scale for building details). All drawings shall be a minimum size of 11”x17” and a maximum size of 24”x36”. Letter sizes on plans should be no smaller than 3/32”.

Copies: Three (3) sets of all application materials shall be submitted to the Planning Office, unless otherwise instructed.

Electronic Submittals: All application materials and plans shall be submitted in pdf format to the Planning Office at the time of application, either via email or via an electronic storage medium.

Additional Material: The APDC may request that applicants submit additional materials for consideration before rendering a decision. Requested items may include, but are not limited to, plans that are stamped, dated and signed by a Massachusetts Registered/Licensed Architect, Land Surveyor, or Professional Engineer, as required by the Massachusetts State Building Code (MSBC).

## **E. REVIEW AND DECISIONS**

### **1. Guidelines**

To facilitate its determinations as to whether proposed alterations satisfy the Design Standards described in the APD Bylaw, the APDC shall apply the Design Guidelines adopted on May 4, 2016, and as subsequently amended.

## 2. Building Permit Requirements

Applications for alteration that are approved or judged to be appropriate by the APDC are not necessarily sufficient for the purposes of obtaining a building permit, which requires compliance with the MSBC. Applicants should consult with the Building Inspector regarding building permit requirements.

## 3. Exemptions

As stated in Section C of these Rules and Regulations, the alterations described in Section 6 of the APD Bylaw are exempt from its requirements and these Rules and Regulations.

## 4. Alterations for Which Advisory Review is Recommended

Applicants are strongly encouraged to seek advisory review from the APDC for alterations described in Section 7, by following the requirements of D.1 above.

## 5. Alterations for Which a Certificate to Alter May Be Required

- a. Determining if Application Requires Certificate to Alter: The APDC encourages prospective applicants to meet with Planning Office staff for an informal review of the proposed work, a site visit, and an unofficial determination as to whether the proposed action requires a Certificate to Alter. If staff determines that a Certificate to Alter is required, and an Applicant disagrees, the Applicant may request a formal determination on the matter from the APDC. The APDC's determination is the controlling finding.
- b. Sufficiency of Application: Planning staff shall review a Certificate to Alter application for its sufficiency, and upon determining that it is complete, shall file a copy with the Town Clerk. If the application is not complete, or is deficient, it will be returned to the Applicant with guidance as to how to complete the application satisfactorily.
- c. Public Hearing: The APDC shall hold a public hearing on the Certificate to Alter application within 30 days of its filing with the Town Clerk. Said hearing shall be noticed by an ad published at least once in a newspaper with local circulation, at least 14 days prior to the hearing. The cost of the hearing notice is the responsibility of the applicant. Planning staff shall alert abutters to the date and time of the public hearing. Following the hearing, the APDC shall determine whether or not the proposed alteration is consistent with the Design Standards set forth in Section 9 of the APD Bylaw, as well as with the Design Guidelines.
- d. APDC Approval: If the APDC determines by a majority vote that the proposed alteration adheres to the Design Standards and the Design Guidelines, it shall issue a Certificate to Alter. The APDC shall provide the applicant with a written decision within 20 days of the close of the hearing and no later than 60 days after the submittal of an application, unless granted a time extension by the applicant. The decision shall be filed with the Town Clerk. The decision of the APDC shall be binding and shall be a prerequisite to obtaining a building permit for the subject work. To allow time for an appeal by persons who claim to be aggrieved by the decision, a building permit may not be issued until 20 days after the written decision has been filed with the Town Clerk.

- e. APDC Disapproval: If the APDC determines by a majority vote that the proposed alteration does not adhere to the Design Standards and the Design Guidelines, it shall provide the applicant with a written disapproval decision within 20 days of the close of the hearing and no later than 60 days after the submittal of an application, unless granted a time extension by the applicant. The decision shall be filed with the Town Clerk.
- f. Resubmittal of Disapproved Application: An applicant who receives a disapproval decision may submit a substantively revised design to the APDC, preferably one that have been modified to address comments and recommendations made by the APDC during the hearing process. The modified plan shall be reviewed in accordance with this Section 5.
- g. Constructive approval: If the APDC fails to submit a written determination within 20 days of closing its public hearing or within 60 days of the submittal of an application for a Certificate to Alter, or within further time as the applicant may allow in writing, the applicant may claim, in writing, that the Certificate to Alter has been constructively approved.
- h. Appeals: Any person who claims to be aggrieved by a determination of the APDC, including the applicant, may appeal to the Superior Court within 20 days of the filing of the APDC's decision with the Town Clerk.

## **F. COORDINATION WITH OTHER TOWN BOARDS AND BYLAWS**

The APDC shall make every effort to coordinate its review with that of other Town boards. Pursuant to Section 12 of the APD Bylaw, the APDC's authority will not supersede or interfere with the regulatory authority of other permitting authorities at the local, state or federal level, except as stated in Section G below.

## **G. ASSUMPTION OF HISTORICAL COMMISSION AUTHORITY IN CERTAIN INSTANCES**

Pursuant to Section 12.b of the APD Bylaw, the APDC assumes the authority of the Ipswich Historical Commission relative to the proposed demolition of buildings that are located within the APD and built prior to 1900.

## **H. GENERAL**

All meetings of the APDC held pursuant to Chapter XXII of the General Bylaws, including the meetings of subcommittees appointed by the APDC Chair, are subject to the requirements of the Massachusetts Open Meeting Law.