

Old and Historic Marblehead Districts Commission

**c/o Engineering Department
7 Widger Road
Marblehead, Massachusetts 01945
(781) 631-1529**

Charles D. Hibbard, Chairman
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Welcome to Marblehead's Old Town and Gingerbread Hill Historic Districts. The properties in these areas have historical significance and are subject to Town By-laws intended to preserve historic spaces, buildings, and features that reflect Marblehead's history and character. The Old and Historic Marblehead Districts Commission (OHDC) was established in 1967 to enforce these By-laws and ensure the historical appropriateness of buildings and features in the Districts that are visible from a Public Way. (See *Public Way* on page 4.) Features not visible from a Public Way are not restricted by OHDC, but may be regulated by other Town Departments. As with all Town regulations, it is the property owner's responsibility to consider which Departments may have jurisdiction and to consult these Departments prior to commencing any work.

PROCESS

The process for effecting repairs, alterations or new construction to any building or hardscape outdoor feature (excluding plantings) within the Districts visible from a Public Way follows 4 steps:

1. Obtain an OHDC application from the Town Engineering Dept. located in the Mary Alley Municipal Building, 7 Widger Road, tel. (617) 631-1529.
2. Discuss the project with the Building Inspection Dept. also located in the Mary Alley Municipal Building. The Building Inspection Dept. will determine the category type of work, advise if additional permits or approvals are required, and highlight any restrictions or Building Code-related issues.
3. Complete and return the OHDC Application to the Town Engineering Dept. to be scheduled for the next available OHDC hearing.
4. Appear before the OHDC at the scheduled meeting to present the proposed work.

The proposed work may be

- a) Approved as proposed
- b) Approved with amendments (including additions or subtractions)
- c) Denied

- d) Continued (typically to allow for further study)
- e) Referred to a Public Hearing

Work that is approved or amended will be issued a Certificate of Appropriateness (COA) which is similar to, but distinct from, a Building Permit. (See *Certificate of Appropriateness* on page 3.)

Types of construction work typically belong to one of 3 categories:

- Repairs
- Work that requires only a COA.
- Work that requires a COA and additional Approvals or Permits.

REPAIRS

A COA is not required for general maintenance or repair of features otherwise regulated by the OHDC if they meet both of the following criteria:

Repair-in-like kind work only. Alterations to existing, including changes in material, size, quantity, details, or additional new construction do not qualify for COA exemption.

The proposed repair work must constitute less than 20% of that feature or elements attributable to an uninterrupted part of construction. Examples of uninterrupted parts include the side of a building (limited to a single plane), a section of fence or wall, or a section of roof (limited to a single plane). For example, siding repair to one side of a building is limited in sq. footage to 20% of the total sq. footage of that side that is all the same plane.

NON-REPAIR WORK

If the proposed work does not qualify as a repair, the Building Inspection Dept. will determine what Town approvals are required and refer the applicant to the OHDC for a COA.

OHDC PURVIEW

In broad terms, the OHDC has jurisdiction over most exterior elements that are visible from a Public Way. Descriptions of buildings and features which are regulated within the Old and Historic Districts, as well as exclusions that are not, are described in the OHDC By-laws that are available on the Marblehead Town website <http://www.ecode360.com/10437697>. In addition, pages 5&6 of this guide contain more specific information about some common building features as they relate to historic appropriateness. OHDC regulations apply not only to exterior features associated with buildings such as windows, doors, shutters, lights, roofs, gutters and siding, but also to driveways, walks, walls, steps, railings, fences, gates, terraces, and sheds exceeding a particular size. The OHDC has jurisdiction over materials and texture, but not color. Materials and construction intended to mimic other materials are inauthentic and not historically appropriate. (ex. Concrete pavers instead of stone cobbles) One exception concerns architectural (asphalt) roof shingles which are designed to provide greater relief (depth contrast) than historic 3-tab shingles and thereby look similar to slate and wood shake shingle roofs. The OHDC often approves architectural roof shingles provided they are of quality sufficient to achieve a 30-year warranty. Composite materials such as plastic and PVC are not historically appropriate, and generally are not approved but for occasional exceptions involving non-historic structures with very limited view from a Public Way and/or direct ocean exposure.

OHDC MEETINGS

OHDC hearings are held the 1st and 3rd Tuesday evenings of each month at 7pm. in the Spirit of '76 Meeting Room in Abbot Hall located at 188 Washington Street. These dates occasionally conflict with holidays or Town Meeting, so please check with the Town Engineering Dept. Meetings are governed by the Massachusetts Open Meeting laws. The Commission is made up of 3 to 5 full-time members and 2 alternate members. Alternates participate in all aspects of hearings except voting unless filling in for a full-time member absence.

APPLICATION HEARINGS

All applications to the OHDC begin with an Application Hearing in which the applicant describes in detail the proposed work. Following any questions and answers, the approval process has two steps. In the first, the Commission decides whether any estates are materially affected. If the Commission determines that either the Town's interests or that of another resident could be affected by the proposed work, the application will be referred to a Public Hearing. If no estates are materially affected, the Commission will deliberate over the proposed work and make a determination. Types of work that commonly go to Public Hearing are modified or new parking, additions (including dormers and porches), and new fences or walls along property lines.

The proposed work may be:

- a) Approved as proposed
- b) Approved with amendments – The Commission strives to work with applicants in appropriate ways to shape the proposed work to best suit the applicant's goals while also meeting the criteria for historic appropriateness. To that end, the Commission has the ability to revise the scope of work with addition, substitutions and subtractions to suit the historic appropriateness.
- c) Denied – In some cases, the proposed work is at odds with Town By-laws or cannot be modified to suit historic standards. If an application is denied in entirety and no work is approved, a letter explaining the Commission's decision and the reasoning behind it will be sent to the applicant within ## days of the hearing.
- d) Continued – This is common when the Commission requires time for further study or if the applicant requests more time for revisions.
- e) Referred to a Public Hearing – See next paragraph.

PUBLIC HEARINGS

If the Commission determines that either the Town's interests or that of another resident could be affected by the proposed work, the application will be referred to a Public Hearing. The applicant will return to the Town Engineering Dept. to pay a \$35 fee and schedule their hearing. Notification of the Public Hearing will be sent to abutters, abutters of abutters and any other parties the Commission determines appropriate. Streets, streams and ways are not recognized in these notice determinations.

Notices must be made 2 weeks in advance of the Public Hearing. Due to bi-monthly schedule of OHDC meetings, Public Hearings typically occur 3-4 weeks after the Application Hearing.

Public Hearings follow a 3 part format. The first part is for the applicant to present the proposed work. The second part is for anyone in attendance to speak about the proposed work. The third part is for the Commission to ask questions and deliberate. Public Hearings may be continued. In such cases, only those Commission members who participated in the initial Public Hearing may participate in the Continued hearing.

CERTIFICATE OF APPROPRIATENESS (COA)

A COA constitutes approval from the Town granted to the applicant for the purpose of executing a specific scope of work in the District and is valid for one year. If the work cannot be completed within one year, the applicant should appear before the OHDC for an extension prior to expiration. Applications for extension after expiration will require a new hearing process. Prior to commencing work, the COA shall be displayed prominently on the property, typically alongside any other Town Approvals and Permits, and shall remain visible for the duration of the project. Upon completion of the project, the homeowner shall contact the Marblehead Building Dept. for a closeout inspection and have their COA signed by the Building Inspector. Failure to obtain an inspection and signature will affect future applications to Town departments concerning the property.

MULTI-UNIT PROPERTIES

Applications for work proposed to condominiums must provide written approval of the work from the Condominium Association or Trustee(s).

PUBLIC WAY

Unless shown otherwise, the streets and ways in the Old and Historic District are considered “public streets and ways”. Therefore, views from a public street or private way or navigable water should be considered under the jurisdiction of the Commission. Views from parking lots, commercial or institutional, are not under the jurisdiction of the Commission.

INFRACTIONS

Executing work which is regulated by the OHDC without a COA or deviations from OHDC-approved work will result in a Stop Work Order from the Building Inspection Dept. as well as a written demand to appear before the OHDC. Failure to comply with this demand by the specified date will escalate the matter to Town Administration and a second demand letter. Further inaction will trigger legal action that can include lien action on the property.

COMMON EXTERIOR FEATURES

WINDOWS

Windows play a big role in the appearance of buildings. Consequently, they are subject to close scrutiny by the OHDC. The most common window style in the districts is the wood, double-hung, true-divided glass, single pane window. Important features are;

- individual panes of glass (called “true-divided lites”)
- number of panes in upper and lower sashes (ex. 6-over-6 or 4-over-1)
- narrow profiled dividers between panes (called muntins)

Generic storm windows (ex. metal “triple tracks”) are not under OHDC purview; however, window manufacturer-specific screens and storm panels (ex. “energy panels”) are and require a COA.

DOORS

In almost all cases, wood is the sole appropriate material for door construction. In some particular locations, direct ocean exposure or extremely distant views, doors of composite material (ex. Fiberglass or vinyl-clad) have been approved for use. Appropriate door styles vary according to the age and style of the house, but the 6-panel wood door is the most common in the districts. A French door, also known as French window, is a door that has glass panes that extend for most of its length and usually comes in pairs. French doors were not part of Marblehead's historic architecture and therefore are not appropriate for the districts. There is no historic precedent for the contemporary overhead garage door. However, as an alternate to historically appropriate carriage style doors (side hinged) or barn style doors (sliding), the wood paneled overhead door (with or without windows) may be considered due to its commonplace appearance throughout the districts.

GUTTERS

In almost all cases where roof gutters were installed, wood is the most historically appropriate material. Copper was used occasionally, but due to its material value and more complicated assembly techniques, it was and should be limited to more expensive and elaborate houses. Existing wood gutters requiring replacement must be replaced with in-like-kind wood gutters. Wood gutters can suffer from rot if not properly installed and maintained. There are some well-tested trough-coating treatments that will properly protect wood gutters. These include coating the interior with a pitch or tar and turpentine mixture or installing a copper liner.

ROOFS

Prior to the invention of asphalt shingle at the turn of the 19th century, most house roofs were covered with wood shake shingles. While attractive looking, wood shingles must be of a rot-resistant wood species which can be expensive. By 1929, 3-tab asphalt shingles had become common throughout the United States. The OHDC commonly approves 3-tab asphalt shingles as well as high-quality architectural asphalt shingles that meet a 30-year minimum warranty.

DORMERS

Roofs often play an important part in defining the architectural style of a building. (ex. the Salt Box house) Consequently, along with windows, the roof is very important to the building appearance. There are numerous houses in the district that through good fortune retain their original roof configuration. It is a common and understandable desire of homeowners to make better use of attic space by adding a dormer to the roof. Although dormers, in and of themselves, are not inappropriate to the district, oftentimes new dormers will alter the building silhouette to the detriment of its historic appearance. The OHDC seeks to accommodate requests for dormers while also maintaining the appropriate historic appearance of the building.

FENCES

Applicants with scopes of work affecting fences (and walls) along property lines must demonstrate ownership with a property survey dated within the last 5 years. Fences styles vary, but in almost all cases the materials should be either wood, metal, or some combination.

WALLS

Stone walls are common throughout the districts. In addition to dividing adjacent properties, they often act as borders defining street edges. In this capacity, they serve a critical role in creating the street which has a historic appearance that should be preserved. To this end, any modifications to walls, particularly those along streets and ways, should be avoided or designed to minimize erosion of the street edge.

NEW AND MODIFIED PARKING

Most applications related to parking will be deemed to have the potential to affect either abutters or the Town, in which case they will be scheduled for a Public Hearing. All applications to the OHDC for new or alterations to existing parking must include the following:

- A property survey less than one (1) year old, stamped and signed by a Massachusetts registered surveyor. The survey shall be drawn to scale and shall show the entire property as well as the footprints of all structures on the property. A scaled facsimile of the property survey is permitted in lieu of an original.
- A scaled site plan, including all relevant property setbacks, the proposed parking area/driveway with dimensions, and identification of all hardscape features (walks, walls, fences, steps, etc.) and their respective materials that comprise the proposed work. At least 1 individual parking space shall be indicated. Spaces shall be drawn as 9ft. x 18ft. rectangles and may not overlap. If the area of work encompasses an existing or new grade change in excess of (3) three feet, topographic contours of existing and proposed grades shall be included in (1) one foot vertical increments.
- A minimum of one (1) color photograph showing the area of proposed work.

Applicants should also be aware that new or alterations to existing curb cuts require completion of the Curb Cut Sign-off form (available at the Marblehead Building Dept.) which requires the following:

- Dig Safe Number.
- Signature from the Building Department.
- Signature from Old and Historic Districts Commission.
- Signature from the Highway Department.