

# Old and Historic Marblehead Districts Commission

c/o Engineering Department  
7 Widger Road Marblehead, Massachusetts 01945

(781) 631-1529

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. The OHDC is the sole authority to adjudicate public visibility. 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

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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 4.)

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. Any alterations to existing features, 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, specific guidelines are available on the OHDC website at [Marblehead.org](http://Marblehead.org), or may be obtained through the Engineering Office. 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. However, the OHDC is the sole authority to adjudicate public visibility in these matters.

## 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.