

PLANNING



Norton Historic District

Guidelines And Application Instructions

June 2007

LEGISLATION – Chapter 40C of the Massachusetts General Laws. The Norton Center Historic District was established on December 23, 1977 as a State and National Historic District.

The following guidelines are consistent with the Historic District Act of the Massachusetts General Laws.

Prepared by:
Norton Historic District Commission

Membership, as of June 2007

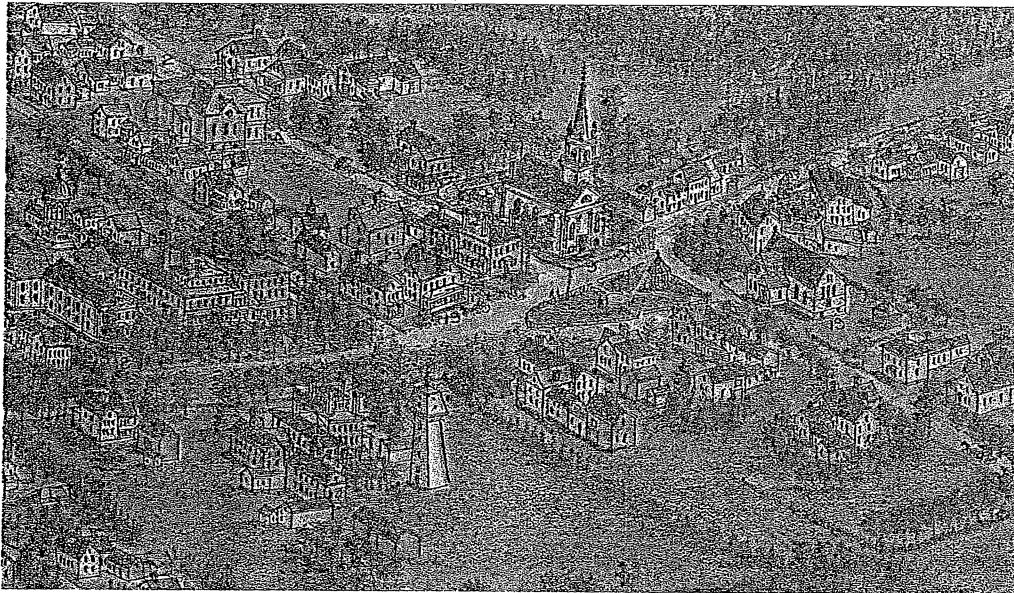
Samuel J. Arena, Jr. (Vice Chair)
Christopher L. Cox
Peg Dooley (Chairman)
Christen Foote (Clerk)
Ruth E. Goold
Clarence “Butch” Rich
Frances Shirley

Norton Municipal Building
70 East Main Street
Norton, MA 02766

http://www.nortonma.org/boards/historic_district_comm.shtml

INTRODUCTION

The Norton Center Historic District helps illustrate the development and architectural heritage of the town of Norton. Situated at the intersections of routes 123 and 140, a collection of buildings, some dating back to the early 1700's, surrounds the Town Common and includes portions of the Wheaton College campus.



Lithograph of the Norton Center Historic District in 1891

The purpose of the Norton Historic District Commission is to administer preservation efforts within the District, which include maintaining a variety of historic architectural styles, recognizing the individual characteristics of each building as they reflect the best qualities of each period, and striking a balance between responsible growth and honoring history.

The entrance into the District is marked by blue and white signs at the following locations:

- West Main Street (Rte 123) at the Historical Society
- Taunton Avenue (Rte 140) at the old Town Hall Book Store
- Pine Street at the Norton Center Cemetery
- East Main Street (Rte 123) at the Library
- Mansfield Avenue (Rte 140) at #12
- Elm Street at #7

TABLE OF CONTENTS

Introduction	3
Table of Contents.....	4
The Norton Historic District Commission	5
Membership.....	5
Meetings.....	5
Chairman.....	6
Vice-Chairman.....	6
Clerk.....	6
Norton's Historic District.....	7
Why do we have an Historic District?.....	7
There is a difference between a National Register District and a local District.....	8
Applicability of These Guidelines.....	10
Definitions.....	10
Types of Certificates.....	10
Issuance of Certificates.....	10
Know Your Building.....	11
Examples of Items Subject to Review.....	13
Some further explanations.....	13
The Application process.....	15
Rulings on Applications.....	15
Hearings.....	16
Application and Review Flowchart.....	18
Addresses for Notice of a Public Hearing.....	19
Hearing Requirements.....	20
Signage Guidelines.....	21
Appendix I – Properties and Map of Norton's Historic District	
Appendix II – Massachusetts General Law, Chapter 40C	
Appendix III – Norton's Historic District By-law	
Appendix IV – Norton's Historic District Application for Certificate	

NORTON'S HISTORIC DISTRICT COMMISSION

Comprised of seven members and two alternates, the membership of the Norton Historic District Commission was established under Chapter 40C of the Massachusetts General Laws and Norton's Historic District By-law.

Membership

All members are appointed by the Board of Selectman, including one member from two nominees submitted by the Norton Historical Society, one member from two nominees submitted by the chapter of the American Institute of Architects covering Norton, one member from two nominees submitted by the Board of Realtors covering Norton and at least one resident of the District. The Commission shall also include one member nominated by any land owner owning more than one-third of the land area contained within the District. The members chosen from the nominees made by the American Institute of Architects and Board of Realtors need not be residents of the town. (Reference Norton Historic District By-law)

Meetings

The Norton Historic District Commission holds regular monthly meetings on the first Tuesday of each month to discuss matters of upkeep, upgrades, new construction and overall maintenance of the District.

Monthly meetings are held at the Municipal Building located at 70 East Main Street from 7:00-9:00 PM, in the first floor conference room.

Notices for all meetings are posted with the Town Clerk in compliance with the Open Meeting Law (Massachusetts General Law, Chapter 39, Section 23A, et. seq.) and Norton's Town Charter. Whenever possible the notice is posted seven days before the meeting.

- Notices include the date, time and location of the public meeting.
- Notices and agendas are mailed to Commission members and others who have requested notification.

A quorum of four voting members which may include alternate members is necessary to hold a meeting. At the beginning of each meeting a roll call of the voting members is taken and recorded. In the absence of one or more permanent members, alternate members are appointed by the Chairman to vote at the meeting. Alternate members who are present and who are not appointed to vote in place of an absent permanent member are entitled to otherwise participate in all meetings and hearings.

All meetings are recorded, and minutes and records of votes are filed with the Town Clerk and the Norton Public Library, fulfilling meeting requirements of Massachusetts General Law, Chapter 40C and Norton's Charter.

There is one organizational meeting per year on the first Tuesday in July at which time a Chairman and Vice-Chairman are elected from the permanent members. The Clerk (Secretary) may be a permanent member or other person elected by the Commission. The Town Clerk and Board of Selectman are notified of the elections.

All meetings are held pursuant to MGL Chapter 39, Section 23A and Norton's Town Charter. Commission members are made aware of MGL Chapter 268A, Conflict of Interest Law in carrying out their duties.

Chairman

The Chair conducts meetings and properly posted hearings in accordance with the Open Meeting Law, (Massachusetts General Law, Chapter 39, Section 23A, et. seq.) and Norton's Town Charter. In the absence of the Chairman, the Vice-Chairman or Clerk (if a Commission member) or an acting Chairman elected by a quorum of those members present (and alternates if a quorum of members is not present) presides.

The Chair publishes the agenda for all meetings and hearings at least seven days prior to the scheduled meeting or hearing time.

Vice-Chairman

In the absence of the Chair, the Vice-Chair assumes all duties and responsibilities of the Chair.

Clerk

The Clerk takes minutes at all regular meetings and hearings. The assistance of a tape recorder or other electronic recoding device is permitted.

The Clerk records minutes including decisions made by the Commission and after they have been approved by the Commission, distributes copies of the minutes to all permanent and alternate members as well as the Town Clerk, Norton Public Library and other officials requesting minutes.

NORTON'S HISTORIC DISTRICT

Norton's Historic District was established in 1975 by town-bylaw and is administered by the Norton Historic District Commission. It has three main purposes:

- To preserve distinctive characteristics of structures and their surroundings within the area designated.
- To maintain and improve the settings for those structures.
- To encourage the builders of new structures in the area to choose architectural designs which complement the existing historic structures.

Inclusion in the Historic District recognizes the property's relationship to an area that has a distinctive historic character. It provides for the review of any proposed exterior changes to existing buildings or new construction by the local Historic District Commission.

Local historic districts do not prevent change from occurring, nor do they prevent new development. Their intent is to make change and additions harmonious and to prevent the intrusion of incongruous elements that might detract from the aesthetic or historic values of the district. The purpose of a local historic district is not to halt growth but to allow for thoughtful consideration of change.

Why Do We Have An Historic District in Norton?

In Massachusetts, local historic districts offer the strongest form of protection for the preservation of historic properties. In many instances, Norton's Historic District can be credited with saving the character of the neighborhood from otherwise certain destruction. By establishing an historic district, the community has recognized that its historic buildings and settings are unique resources, worthy of protection.

Although a local Historic District does not automatically provide protection from adverse effects caused by federal programs, it is generally a far more powerful preservation device than the National Register of Historic Places.

Norton's Historic District does more than just preserve individual buildings. By creating a historic District, our community seeks to preserve the context of a collection of buildings. An historic district can show the evolution of an entire community. There is nothing like seeing history right before your eyes. As such, historic districts are an unparalleled resource for local schoolchildren or anyone interested in local history.

The benefits of the Norton Center Historic District are many:

- Protection from demolition or inappropriate remodeling.
- Limitation of the destruction of the architectural contributions of our forefathers.

- Assurance that the historically significant environment will be there for future generations to enjoy.
- A visual sense of the past.
- Pride in community.
- Neighborhood stabilization.
- Education.
- Identification of unique resources.

There is a difference between a National Register District and a Local Historic District

The National Register of Historic Places

The National Register of Historic Places is a listing of buildings, structures, sites, objects and districts significant in our nation's history, culture, architecture or archeology and that are worthy of preservation. It is a federal designation, administered by the Secretary of the Interior through the Massachusetts Historical Commission and the State Historic Preservation Office. Listing in the National Register provides formal recognition of the property's significance, possible tax incentives for owners of income-producing property and limited protection from federally funded, licensed or assisted projects.

National Register listing in no way limits the owner's use of the property and places absolutely no restrictions or conditions on changes made by a private property owner unless there is state or federal involvement in a project or unless some other regional or local regulation is in effect. For instance, a municipality may choose to pass a demolition delay bylaw which would include buildings listed on the National Register. At the regional level, on Cape Cod, the Cape Cod Commission Act protects against the demolition and substantial alteration of National Register Properties.

Nominations to the National Register are usually initiated by the property owner or by the local historical commission and do not require any local government approval. Property owners have the right to object to listing on the National Register; a district will not be listed if the majority of the owners object.

Local Historic Districts

Local historic districts are established and administered by a community and have three main purposes: to preserve the unique characteristics of structures and their surroundings within a certain area; to maintain and improve the setting for those structures, and to encourage the builders of new structures in the area to choose architectural designs which compliment the historic structures.

Inclusion in the local historic district recognizes the property's relationship to an area that has distinctive historic character. It provides for the review of proposed exterior changes by the local historic district Commission. Although a local historic district does not automatically provide protection from adverse effects caused by federal programs, it is generally a far more powerful preservation device than the National Register.

APPLICABILITY OF THESE GUIDELINES

Under Massachusetts General Law, the Historic District Commission (HDC) must issue a certificate of appropriateness before any external alterations visible from a public way or place can be made to any building, structure or sign.

Definitions

External Alteration – Any change to the architectural features of any structure, including but not limited to, additions, demolitions, color, materials and any added attachments, such as signs and banners and their related hardware. (See also Signage Guidelines within the District, page 21)

Public Way or Place – Includes streets, alleys, cemeteries, parks, and bicycle path.

Private Way – Includes driveways, walkways, alleys, and paths.

Building – A combination of materials having a roof and forming a shelter for persons, animals, or property.

Structure – A combination of materials, other than a building or sign, such as a fence, wall, path, driveway, or patio.

Note that if a portion of your building or structure is within a Historic District, then the whole building or structure is deemed to be in the District.

Types of Certificates

The primary responsibility of the Norton Historic District Commission is to review applications for certificates.

Certificate of Appropriateness

A Certificate of Appropriateness is required for exterior alterations and new construction that are visible from a public way. A Certificate of Appropriateness usually requires a public hearing, although Chapter 40C does allow several scenarios where a public hearing can be waived. The expiration of the Certificate is determined by language in the bylaw or ordinance or rules and regulations.

Certificate of Non-Applicability

A Certificate of Non-Applicability is for matters that are specifically excluded from review under the bylaw. Examples include: interiors, exterior features not visible from a public way, routine maintenance, or very minor replacement of architectural features which do

not involve a change in materials or design. However, some exterior features visible from a public way may also be exempt such as features that were damaged by fire, storm, or other disaster. However, this is only true if the new work is substantially similar.

Certificate of Hardship

A Certificate of Hardship is issued when construction or alteration is deemed inappropriate yet the Commission has determined that denial of a Certificate would constitute a hardship, financial or otherwise, on the property owner. In each case, the proposed work should not conflict substantially with the purpose of the bylaw or the design guidelines. Furthermore, it should not relate generally to other property owners in the district. It should be a specific hardship to an individual property owner based on unique circumstances affecting the owner's property.

Issuance of Certificates

Certificates of Appropriateness, Certificates of Non-Applicability, and Certificates of Hardship are issued by the Chairman, on behalf of the Norton Historic District Commission following a vote on the application. Under Massachusetts General Law Chapter 40C, certificates will be issued as follows:

1. Each certificate is dated and signed by the Commission Chairman or, in the Chair's absence, the Vice-Chairman or Clerk or by another Commission member specifically authorized by a vote of the Commission to do so.
2. Each Certificate is sent to the applicant and copies are filed with the Building Inspector, the Town Clerk, and the Town Planner. Any interested party(s) may obtain copies from the Town Clerk's Office.
3. Each Certificate is valid for a period of one year.
4. An applicant wishing to make design changes after a certificate has been issued must file a new application for the changes.
5. If an application for a Certificate has been disapproved, the Commission records the reasons for each determination and sends a notice of these reasons to the applicant, the Building Inspector, Town Clerk, and Town Planner.

Know Your Building

What is meant by "Appropriateness?"

Every building has an architectural style and contributing features, or characteristics that make it look the way it does. Every building has walls, windows, a roof, and at least one

door. The size, shape, materials and color of each of these elements help to define the style of the particular building. Appropriate changes or additions acknowledge and are sympathetic to the style of the original building and to the neighborhood of the building.

Say, for example, that you are the owner of a Cape-style house. It probably has a simple gable roof, is one story in height and has double-hung windows with a 6/6 window pane configuration. It is covered in either shingles or narrow clapboards. An appropriate addition would repeat or relate to these architectural features. The addition would probably be one story in height with a similar roof line and eave line, have similar windows and be covered in similar materials. Adding a two-story addition with tall narrow windows and elaborate trim details, although acceptable for a Victorian-Style house, would not be appropriate for your Cape.

Materials

Natural materials, such as wood, glass, brick, and stone are the preferred building materials in the Historic District. These are the materials historically used in construction, and it is appropriate to use the same materials when building, renovating or expanding.

Synthetic materials, such as asphalt shingles, vinyl, or plastic and usually aluminum, are generally not appropriate. These materials frequently try to imitate natural materials but usually with limited success. Synthetic materials often lack the same properties as the original material and therefore have limited success in duplicating required detailing.

Size

The size and scale of a proposed addition in relation to that of the existing and neighboring buildings will be evaluated. Additions or new construction should not overpower the original structure.

The following features should match or harmonize with the existing building and the neighborhood:

Eave Lines – Eave lines should align with the original house. An inappropriate addition would attach a two-story addition to a one-story house.

Building width, depth, and height – A proper addition is not overwhelming. Its width, height and depth is similar in scale to the original structure. An inappropriate addition would be taller and wider than the original house.

Roof Configuration – A roof is one of a building's most prominent features and a key element in defining its style. Roof types include gable, hipped, mansard, shed and flat. Sloped roofs may have a shallow or steep pitch and a deep overhang or no overhang. The rafter tails on sloped buildings may be exposed or they may be

enclosed in a soffit. Proposed additions should match or harmonize with the roof style and details of the existing building.

Examples of Items Subject to Review

The following list of examples of items subject to review should be considered to be a guideline only. It is not intended to be all inclusive.

Additions and demolitions	Satellite dishes
Air conditioning units	Shutters and hardware (add or delete)
Attachments to houses	Siding
Chimney caps	Signage (See Signage Guidelines)
Construction of a building	Skylights
Exterior lighting fixtures	Solar panels
Fountains	Statues
Landscaping (fencing, walls, drives/pathways)	Storage sheds
Mechanical and plumbing vents	Storm windows/doors/screens/awning
Paint color	Street furniture
Play sets	Street numbers
Roofing	Swimming pools
	Windows

Some further explanations:

Air conditioning units – Permanent heating/air conditioning units situated on equipment pads outside the house that are visible from a public way require a certificate. They are usually approved though some screening may be required.

Attachments to houses – Window boxes and other attachments fall into this category.

Chimney caps – If a chimney cap is necessary, “metal cage” types are generally not approved. There are several ceramic styles that can be approved as well as brick and blue stone.

Landscaping – (Fencing, Driveways, Pathways)

Fencing – Natural fencing is encouraged where possible. Fences of wood, brick or iron are approved at times; vinyl fences are discouraged. Solid barrier fences across the front of a property are discouraged, especially across the front of a house.

Normally a side yard fence should begin some distance back from the sidewalk. The distance is determined by the neighborhood context, in particular between the two properties to be fenced.

Driveways – Driveways may be made of several different materials: pea stone, brick, cobbles comprised of granite, brick, concrete, and asphalt. If asphalt is used, it is encouraged to construct the first five feet of driveway using cobbles or use a chip-seal method; an application of asphalt emulsion followed with an aggregate "rock" cover to soften the look of an asphalt driveway.

Pathways – Pathways may be made of the same materials as driveways as well as blue stone or other flat stones.

Mechanical and plumbing vents – The Historic District Commission (HDC) needs to approve vent caps, pipes and fan exhausts that will come through the roof or siding and their location. It is not recommended that they come through the front siding or roof elevation.

Exterior Painting – No hearing is required if the paint color is to remain the same. The HDC is flexible on color changes; however, there are occasions when color may be refused because of the color of adjacent houses, or the style of architecture or the age of the house. Please bring in the color names and numbers, as well as a sample, preferably on wood.

Roofing – No hearing is required if the re-roofing is exactly the same as the old: color, material, treatment of flashing and valleys, drip edge, and/or vents.

Shutters – A hearing is required to remove or add shutters on the exterior. Appropriate fasteners will be required. Shutter size is an important component; they should be one-half the size of the window so that they can close and cover the height of the window. The louvers should be pointing up.

Skylights – Skylights require HDC approval. Skylights located on the front elevation are seldom approved.

Storm windows, screens and doors – Wood is the preferred material for window components and doors. If using aluminum, frames should be painted to match the trim color.

Street numbers – Black metal and brass numbers are appropriate on any building.

Windows – The HDC prefers the refurbishment of existing windows rather than replacement. If replacing windows, the commission will favor "true divided lights" rather than pop-in grids or dividers. Only clear-paned non-tinted glass shall be used unless replacing original stained glass. Mirrored or tinted, heat-reflective glass is not appropriate.

THE APPLICATION PROCESS

Once an applicant has determined he is located within the historic district, has decided he wishes to make some alterations to the exterior of his building(s) or structures(s), including a color change or display of signage, it is necessary to complete an application and request a hearing. An application form is attached in these guidelines. Additional forms may be requested from the HDC Clerk or the town building inspector. Photocopying the attached application is permitted.

An Application and Review Flow Chart is provided at the end of this section, page 18.

Rulings on Applications

A completed "Application for Certificate" should be mailed at least 14-days prior to a scheduled Historic District Commission Meeting. The HDC traditionally meets on the first Tuesday of each month.

Certificate of Appropriateness and Certificate of Hardship

The HDC considers the following when ruling on an application for a Certificate of Appropriateness and Hardship:

1. In reviewing each application, the Commission considers the historic and architectural value and significance of the site, building, or structure involved. Also to be considered is the general design, arrangement, texture, and material of the features involved and the relation of such features to similar features of buildings and structures in the district.
2. In the case of new construction or additions to existing buildings or structures, the Commission considers the appropriateness of the size, shape, and design of the building or structure, both in relation to the land area upon which it is situated and to buildings and structures in the district.
3. The Commission will make every effort to suggest ways in which an application can be amended so that approval can be assured. Discussion among members and the applicant will focus on arriving at a solution satisfying all concerned. Time permitting; the Commission will make itself available after each of its meetings for an informal review with interested persons who may be considering alterations or other action which might require issuance of a certificate by the Commission.
4. At the end of discussion and within 45-days of the filing of a completed application, unless the applicant and Commission agree to a longer time, the Commission will vote on an application and notify the applicant in writing.

5. In the case of a conflict of interest, detailed in Massachusetts General Law, Chapter 268A as amended, members of the Commission will not be allowed to vote on an application if the Commission member is: the applicant, a relative, close friend or business associate of the applicant, an abutter of the applicant, or one with a financial interest in the application.
6. A majority vote (at least four voted in favor of the action) is required for any decision of the Commission.
7. Unless unanimous, each member's vote shall be recorded in the minutes in accordance with Norton's Town Charter.

Certificate of Non-Applicability

Applications for a Certificate of Non-Applicability shall include a statement of reasons why the proposed alteration is not subject to review by the Commission together with evidence such as photographs, plans, title documents that may be necessary to support the application.

The Commission shall consider and vote on an application for a Certificate of Non-Applicability at any regular meeting. The Chairman, Vice-Chairman, or Clerk of the commission shall issue a Certificate of Non-Applicability with respect to alterations falling within the exclusions set forth in Norton's Historic District By-law.

Hearings

The date, time, and place of all hearings are posted at the Town Municipal Building near the Selectman's meeting room. Hearings fall into two categories:

Informal Hearings – The hearings provide an opportunity to come before the HDC with ideas and sketches of the proposed work. This allows for an exchange of views and ideas prior to a formal hearing which could save time and money and additional formal hearings.

Formal Hearings – Under Massachusetts General Law Chapter 40C, Historic District Commissions are required to post their notice of meetings 14 days prior to the meeting. The following actions are required by the applicant:

- The applicant is responsible for filing a Notice of a Public Hearing with the Town Clerk, which includes the date, time, location, and the address of the applicant. In addition, Notices of a Public Hearing must be sent to the addresses listed on page 19.

- The applicant is responsible for sending all notices via certified mail, return receipt requested. Certified letter receipts must be brought to the hearing.
- The applicant is responsible for verifying with the Board of Assessors the correct owner & address of properties within the Historic District. Addresses on page 19 are current as of: January 2005
- The applicant is responsible for contacting the Sun Chronicle, P.O. Box 600, Attleboro, MA 02703, Phone number, 508-222-7000, for placing a legal notice of the meeting in the paper with the official seal of the Town of Norton, and paying for any costs associated with placing that notice.

Addresses for Notice of a Public Hearing

Town of Norton
70 East Main Street
Norton , MA 02766
c/o: Board of Selectman
Building Inspector
Conservation Commission
Historical Commission
Planning Board
Board of Health

Norton Historical Society
P.O. Box 1711
Norton , MA 02766
c/o Ruth Goold

First Parish (Unitarian)
15 Clapp Street
Norton , MA 02766
c/o Lucille Zwicker

Trinitarian Congregational Church
P.O. Box 2068
Norton , MA 02766
c/o R.Wheeler & R.Bardsley

Wheaton College
East Main Street
Norton , MA 02766
c/o Roderick Wallick

Verizon
185 Franklin Street, Room 216
Boston, MA 02110
c/o David Justice

Peter Berg
260 Towne Street
N. Attleboro, MA 02760

Norton Public Library
66 East Main Street
Norton , MA 02766

Steven & Donna Wilson
7 Elm Street
Norton , MA 02766

Margaret Dooley
P.O. Box BF
9 West Main Street
Norton, MA 02766

J / K Realty Trust
P.O. Box D
10 West Main Street
Norton , MA 02766
c/o Jack Nicolas

Henri & Alta Yelle
P.O. Box 491
7 Taunton Avenue
Norton , MA 02766

George Economou
P.O. Box 1105
8 Elm Street
Norton , MA 02766

Thomas & Kathleen Fay
P.O. Box 186
6 Mansfield Avenue
Norton MA 02766

Laurence Rubin
P.O. Box 217
11 Mansfield Avenue
Norton , MA 02766

Frances Shirley
P. O. Box 313
10 Mansfield Avenue
Norton , MA 02766

Robert & Patricia Wilke
P.O. Box 418
12 Mansfield Avenue
Norton , MA 02766

Hearing Requirements

In addition to the previously mentioned Formal Hearing requirement, on the night of the hearing, the Commission will require seven copies of the following information:

1. Site Plan showing existing buildings and structures and proposed changes;
2. Scale drawings of the building project sufficiently complete to allow for submission for a building permit; If applicable, drawing details and specifications for materials to be used;
3. Catalog cuts in lieu of drawings may be used to show storm windows, doors, light fixtures, fences, and other manufactured products;
4. Photographs of the existing building showing the location of the changes; Photographs can be used to illustrate the history of a building and/or show a building in context to its neighbors;
5. Listing of all exterior materials and colors to be used and their locations, and where appropriate, samples.

Note: By signing the "Application for a Certificate of Appropriateness" the applicant understands and agrees that at their convenience, individual Commission members may visit the property to view the areas and details of proposed changes.

SIGNAGE GUIDELINES

The following are general guidelines drawn up by the Norton Historic District Commission both to help persons wishing to erect new signs within the Norton Historic District to know in advance what in general the Commission would likely approve and to assist the Commission itself in being consistent in its actions. Every sign must be approved individually before it is erected. Every sign will be considered on its own merits in relation to its proposed location.

1. Application procedure: Every application for the approval of a proposed sign should include:
 - a. Specific and exact identification of proposed location, preferably with copies of a drawing to scale indicating building lot plan (if sign is to be free-standing) or façade drawing (if sign is to be affixed).
 - b. A complete detailed, full sized drawing of the proposed sign
 - c. Specific information on (i) exact dimensions, (ii) materials, (iii) colors, (iv) lighting, if any, (v) style of lettering and/or symbols, (vi) height from ground, and (vii) manner of attachment to pole or building.
2. Guidelines
 - a. Size and number
 - i. In areas within the Historic District zoned Residential R40 & R60: not more than one sign for each family residing on premises or each non-conforming commercial or professional entity, each sign not to exceed one square foot in area.
 - ii. In areas within the Historic District zoned Village Commercial: not more than one sign for any building, dimensions of said sign not to exceed 1,080 square inches.
 - b. Placement
 - i. In Residential R40 & R60: signs may be either affixed to buildings or free-standing. If free-standing, the sign or pole should not be more than five feet high from ground level.
 - ii. All signs should be accessory. No non-accessory signs.
 - c. Illumination
 - i. Stationary, non-flashing, and indirect. Focused only on sign, without glare to motorists, pedestrians, or neighboring premises.
 - ii. Clear or white light

- d. Design
 - i. Compatible with architecture and surroundings.
 - ii. No more than two colors.

3. General Town Restrictions

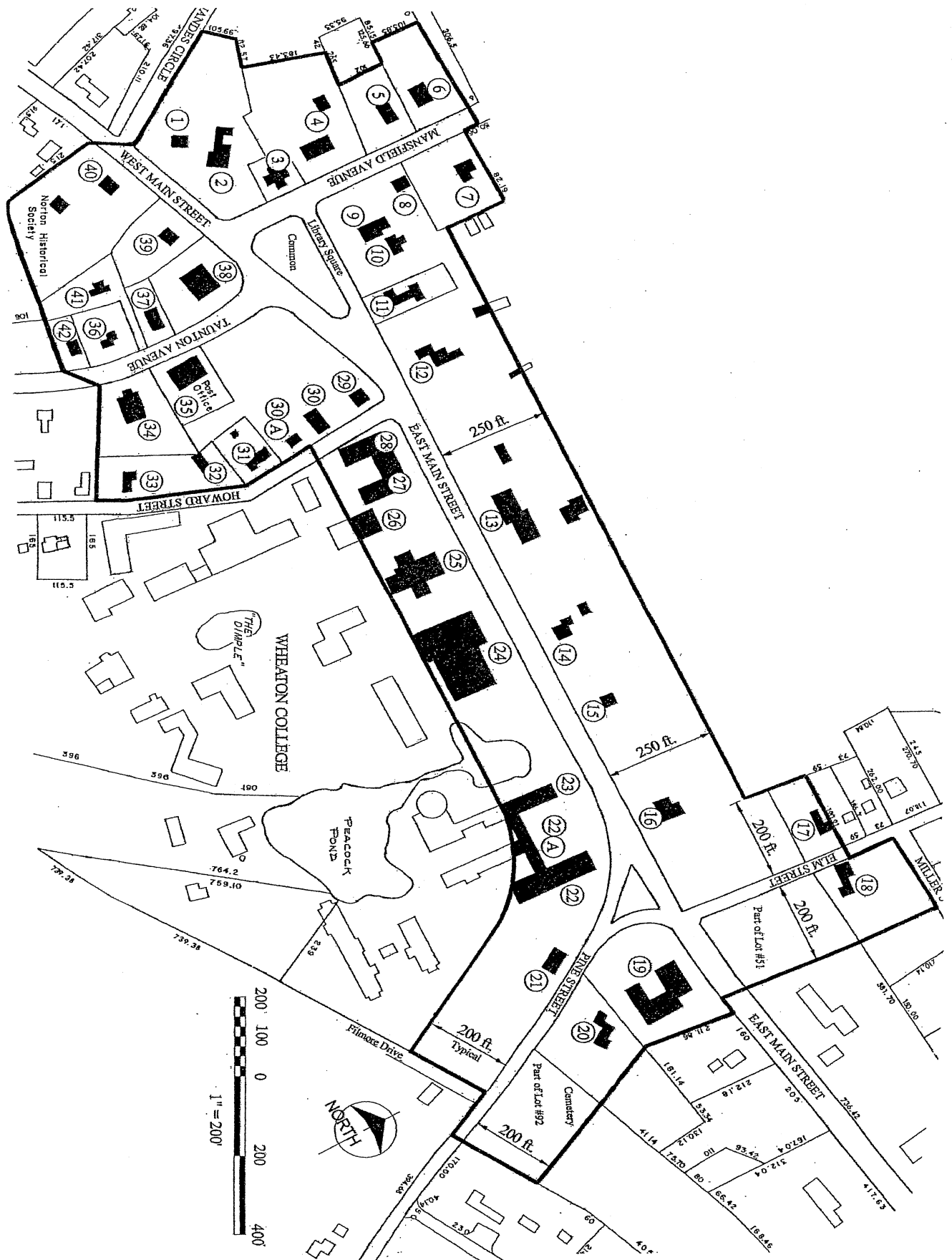
No sign may be erected within the Historic District that is prohibited by Article 6 of the Town of Norton Zoning By-laws of 1974, Section 8, as amended.

Appendix I

Properties and Map of the Norton Historic District

(#) See map on next page

- (1) Old Parsonage, Dooley Rental Property, (Lot #2)
- (2) 9 West Main Street, Dooley Residence, (Lot #2)
- (3) Old Norton Public Library, Wheaton College, (Lot #3)
- (4) 6 Mansfield Avenue, Fay Residence, (Lot #4)
- (5) 10 Mansfield Avenue, Shirley Residence, (Lot #5)
- (6) 12 Mansfield Avenue, Wilke Residence, (Lot #15)
- (7) Trinitarian Parsonage, Rubin Residence (Lot #24)
- (8) 7 Mansfield Avenue, Wheaton College, (lot #26)
- (9) 4 & 6 Library Square, Wheaton College, (Lot #26)
- (10) 8 Library Square, Wheaton College, (Lot #26)
- (11) 10 Library Square, Wheaton College, (Lot #25)
- (12) Nursery School, Wheaton College, (Lot #26)
- (13) Wheaton College Presidents' House, including barn (Lot #26)
- (14) 34 & 36 East Main Street, Wheaton College, (Lot #26)
- (15) 38 East Main Street, Wheaton College, (Lot #26)
- (16) 46 & 48 East Main Street, Wheaton College, (Lot #26)
- (17) 8 Elm Street, Economou Residence, (Lot #27)
- (18) 7 Elm Street, Wilson Residence, (Lot #49)
- (19) Trinitarian Congregational Church and Sweet Hall (Lot #91)
- (20) 8 Pine Street, Berg Rental Property, (Lot #92)
- (21) 5 & 7 Pine Street, Wheaton College, (Lot #14)
- (22) Young Hall, Wheaton College, (Lot #14)
- (22A) McIntire Hall, Wheaton College, (Lot #14)
- (23) Clark Hall, Wheaton College, (Lot #14)
- (24) Watson Fine Arts Center, Wheaton College, (Lot #14)
- (25) Mary Lyon Hall, Wheaton College, (Lot #14)
- (26) Park Hall, Wheaton College, (Lot #14)
- (27) Metcalf & Hebe Hall, Wheaton College, (Lot #14)
- (28) Kilham Hall, Wheaton College, (Lot #14)
- (29) 19 East Main Street, Wheaton College, (Lot #11)
- (30) 3 Howard Street, the Sem, Wheaton College, (Lot #11)
- (30A) 5 Howard Street, Wheaton College, (Lot #11)
- (31) 7 & 9 Howard Street, Wheaton College, (Lot #11)
- (32) 11 Howard Street, Wheaton College, (Lot #12)
- (33) 15 Howard Street, White House, Wheaton College, (Lot #11)
- (34) Old Town Hall, Wheaton College, (Lot #9)
- (35) U. S. Post Office, Wheaton College, (Lot #10)
- (36) 9 Taunton Avenue, Wheaton College, (Lot #41)
- (37) 5 Taunton Avenue, J/K Realty Association, (Lot #8)
- (38) Unitarian Congregational Church, (Lot #7)
- (39) 10 West Main Street, J/K Realty Association, (Lot #6)
- (40) Norton Historical Society School House, (Lot # 39)
- (41) 7 Taunton Avenue, Yelle Residence, (Lot #40)
- (42) 11 Taunton Avenue, Verizon, (Lot #42)



Appendix II

Massachusetts General Law, Chapter 40C

GENERAL LAWS OF MASSACHUSETTS

CHAPTER 40C. HISTORIC DISTRICTS.

Chapter 40C, Section 1. Citation.

Chapter 40C, Section 2. Purpose.

Chapter 40C, Section 3. Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps.

Chapter 40C, Section 4. Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers.

Chapter 40C, Section 5. Definitions.

Chapter 40C, Section 6. Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.

Chapter 40C, Section 7. Factors to be considered by commission.

Chapter 40C, Section 8. Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization.

Chapter 40C, Section 9. Maintenance and repair or replacement.

Chapter 40C, Section 10. Additional powers, functions and duties of commission.

Chapter 40C, Section 11. Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices.

Chapter 40C, Section 12. Review procedure provided by local ordinance or by-law.

Chapter 40C, Section 12A. Appeal to superior court.

Chapter 40C, Section 13. Jurisdiction of superior court; penalty.

Chapter 40C, Section 14. Powers and duties of commissions established as historical commissions.

Chapter 40C, Section 15. Filing of ordinances, maps, reports, etc.

Chapter 40C, Section 16. Special historic districts; acceptance and effect of this chapter.

Chapter 40C, Section 17. Severability.

Chapter 40C: Section 1 Citation

Section 1. This chapter shall be known and may be cited as the Historic Districts Act.

Chapter 40C: Section 2 Purpose

Section 2. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Chapter 40C: Section 3 Establishment of historic districts; pre-requisites; enlargement or reduction of boundaries; amendment of creating ordinance; filing of maps

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:-- Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the director of economic development, the director of housing and community development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or town clerk and has been recorded in the

registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

Chapter 40C: Section 4 Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

Chapter 40C: Section 5 Definitions

Section 5. As used in this chapter the word ""altered" includes the words ""rebuilt", ""reconstructed", ""restored", ""removed" and ""demolished" and the phrase ""changed in exterior color"; the word ""building" means a combination of materials forming a shelter for persons, animals or property; the word ""commission" means the commission acting as the historic district commission; the word ""constructed" includes the words ""built", ""erected", ""installed", ""enlarged", and ""moved"; the words ""exterior architectural feature" means such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural

style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words ""person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts; and the word ""structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

Chapter 40C: Section 6 Certificates of appropriateness, non-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted

Section 6. Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

Chapter 40C: Section 7 Factors to be considered by commission

Section 7. In passing upon matters before it the commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in section one A of chapter forty A, the commission shall also consider the policy of the commonwealth to encourage the use of solar energy systems and to protect solar access. The commission shall not consider interior arrangements or architectural features not subject to public view.

The commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

Chapter 40C: Section 8 Review authority of commission over certain categories of buildings, structures or exterior architectural features limited; authorization

Section 8. (a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the historic district,

and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

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

(2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.

(3) Walls and fences, or either of them.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.

(5) The color of paint.

(6) The color of materials used on roofs.

(7) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure which is not more than twelve square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.

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

(b) A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-law do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this chapter.

(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b) or (c).

Chapter 40C: Section 9 Maintenance, repair or replacement.

Section 9. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to

be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the applicable historic district ordinance or by-law.

Chapter 40C: Section 10 Additional powers, functions and duties of commission

Section 10. The commission shall have the following additional powers, functions and duties:--(a) If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the commission, to be issued to the applicant, and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of nonapplicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a copy of any such rules and regulations with the city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A commission may after public hearing set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic

district and a roster of certain colors of paint and roofing materials which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the commission for its approval.

(h) The commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes. The commission may administer on behalf of the city or town any properties or easements, restrictions or other interests in real property which the city or town may have or may accept as gifts or otherwise and which the city or town may designate the commission as the administrator thereof.

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

Chapter 40C: Section 11 Approval or disapproval of exterior architectural features by commission; meetings; applications for certificates; public hearings; notices

Section 11. Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a commission shall constitute a quorum. The concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

A commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If a commission determines that such application involves any such features which are subject to approval by the commission the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the board of assessors, to the planning board of the city or town, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing but in any event within sixty days after the filing of the application, or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time the commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

Chapter 40C: Section 12 Review procedure provided by local ordinance or by-law

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in section twelve A.

Chapter 40C: Section 12A Appeal to superior court

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Chapter 40C: Section 13 Jurisdiction of superior court; penalty

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

Chapter 40C: Section 14 Powers and duties of commissions established as historical commissions

Section 14. If the city council or town meeting so votes a commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty and, in this event, a commission may be entitled an historical commission.

Chapter 40C: Section 15 Filing of ordinances, maps, reports, etc.

Section 15. All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts historical commission

Chapter 40C: Section 16 Special historic districts; acceptance and effect of this chapter

Section 16. A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act

Chapter 40C: Section 17 Severability

Section 17. The provisions of this chapter shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

Appendix III

Norton Historic District By-law (Approved 10/7/75)

HISTORIC DISTRICT BY-LAW

1. This by-law shall be known as the Norton Historic District By-Law and is adopted pursuant to Chapter 40 C of the General Laws of the Commonwealth of Massachusetts as amended.
2. The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Norton or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.
3. Historic District - There is hereby established under the provisions of Chapter 40C of the General Laws as amended an historic district to be known as the Norton Center Historic District which shall be bounded as verbally described in the Final Report of the Norton Historic District Study Committee dated April 1975, filed with the Board of Selectmen and the Town Clerk and as shown on a plan affixed to said Final Report and entitled Proposed Norton Historic District, compiled from assessors maps sheets 17 and 23. Said description and said plan shall be part of this by-law.
 - A. Membership - There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and two alternate members, appointed by the Board of Selectmen, including one member from two nominees submitted by the Norton Historical Society, one member from two nominees submitted by the chapter of the American Institute of Architects covering Norton, one member from two nominees submitted by the Board of Realtors cover Norton, and at least one resident of the district. The Commission shall also include one member nominated by any landowner owning more than one-third of the land area contained within the District. The members chosen from nominees made by the American Institute of Architects and Board of Realtors need not be residents of the Town.
 - B. Terms of Office - When the Commission is first established, two members and one alternate shall be appointed for a term of one year; two members and one alternate for a term of two years, and three members for a term of three years.
 - C. Vacancies - Shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term.
 - D. All members and alternate members shall serve without compensation.
4. The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic District Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by the by-law.
 - A. Rules and Regulations - The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic Districts Act.
 - B. Expenditures - The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work provided that the Town appropriate funds for these purposes.

HISTORIC DISTRICT BY-LAW (CONT.)

- C. General Regulatory Powers - The Commission shall have control over new construction, reconstructions, alterations, movements and demolitions of all exterior architectural features of buildings and structures within the Historic District which are visible from any public street, public way or public park within the Historic District except as limited by this By-Law. The term structure includes stone wall, fences, driveways, walks, terraces, steps, paving, signs, lights and appurtenant fixtures on lots, buildings or structures. For purposes of this By-Law, any structure partially within the district shall be considered wholly within the district. The Commission may also administer for the Town any properties which the Town may vote to place in its care, and may be assigned other related powers by vote of the Town.
- D. Considerations - In passing on matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design arrangement of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and set back requirements in addition to those required by the applicable zoning By-Law.
- E. Waiver of Review - The Commission may determine from time to time after public hearing that certain categories of exterior architectural feature, structures or signs may be constructed or altered without review by the Commission. The Commission may, after public hearing, set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district but no such determination shall limit the right of an applicant to present other designs to the Commission for its approval.

5. Limitations

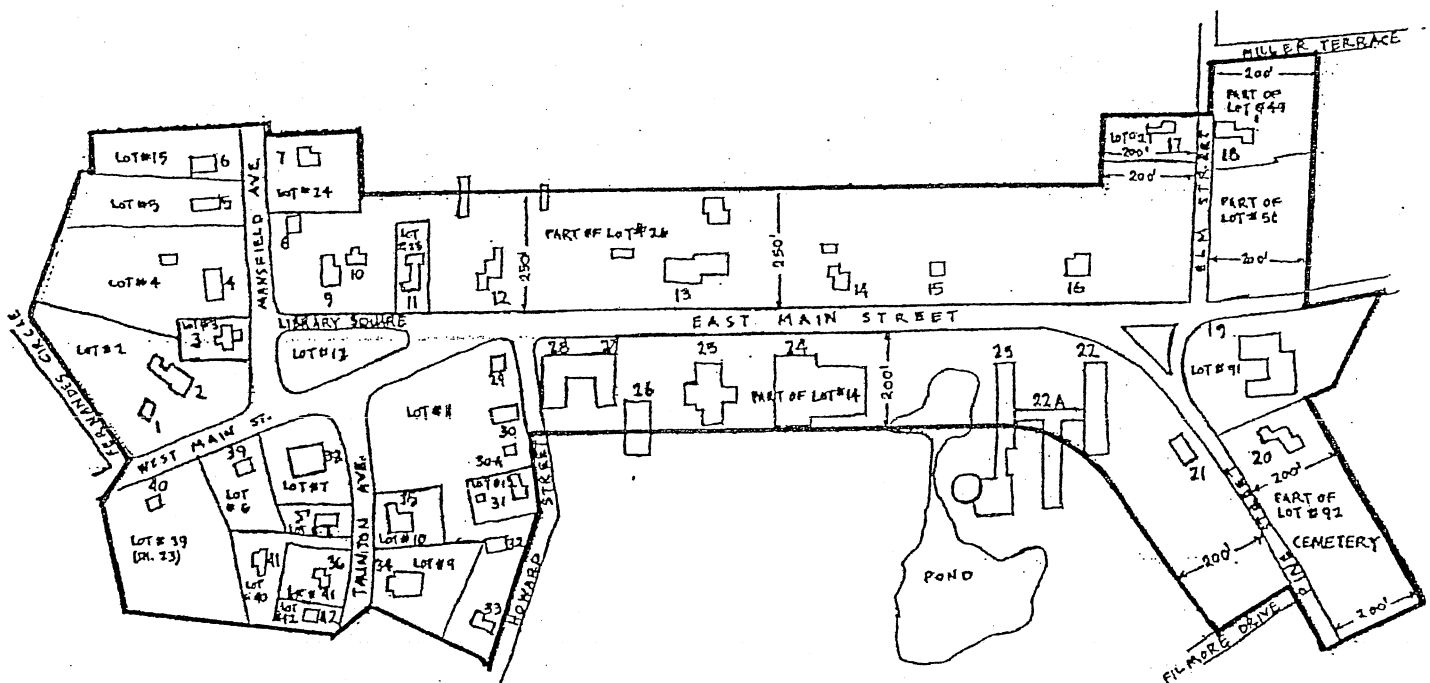
- A. The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the historic district.
- B. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence, shall be exempt from the control of the Historic District Commission.

- 6. Procedures - The Commission shall conduct all of its business and execute all of its duties in accordance with the General Laws, Chapter, Chapter 40C, Sections 1-17, as amended.

HISTORIC DISTRICT BY-LAW (Cont.)

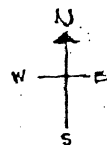
7. Copies of Permits - The Building Inspector and the Planning Board shall be responsible for passing on to the Historic District Commission copies of all requests for permits for exterior construction or reconstruction involving buildings or land located within the Historic District.
8. Severability - In the event that any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional, every other section, paragraph or part shall continue in full force and effect.
9. Effective Date - Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met:
 - A. Approval by the Attorney General of the Commonwealth.
 - B. Filing of map of the boundaries of the Historic District with the Norton Town Clerk, the Norton Building Inspector, and the Registry of Deeds, Taunton, Massachusetts.

(APPROVED 10/7/75)



NORTON HISTORIC DISTRICT
COMPILED FROM ASSESSORS MAPS - SHEETS 17 AND 23

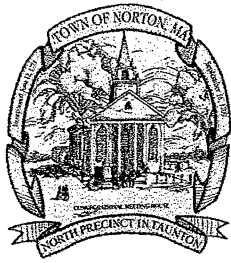
0 200 400 600 800
ONE INCH = 200 FEET



APRIL 1975

Appendix IV

Norton Historic District Application for Certificate



TOWN OF NORTON
Historic District Commission
70 East Main Street, Norton, Massachusetts 02766

Historic District Certificate

Pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts and the Historic District By-law of the Town of Norton, the Historic District Commission hereby issues a

- _____ Certificate of Appropriateness
_____ Certificate of Non-Applicability
_____ Certificate of Hardship

for the work described in the accompanying application and listed exhibits. If any conditions, requirements or recommendations are imposed, they shall be enforced in the same manner as the Building Code. The applicant may proceed with the proposed work provided a copy of this certificate is filed with the Building Inspector and a building permit is issued if required. This certificate is valid for twelve months from the date hereof.

Location of work _____

Owner _____ Telephone _____

Address _____

Description of proposed work: _____

Conditions, requirements, recommendations: _____

Application Received: _____ Hearing date: _____ Date of Certificate: _____

Cc: HDC file
Building Inspector
Owner
Town Clerk, Town Planner

Historic District Commission

Chairman-Vice-Chairman- Clerk



TOWN OF NORTON

Historic District Commission

70 East Main Street, Norton, Massachusetts 02766

Historic District Certificate

Pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts and the Historic District By-law of the Town of Norton, the Historic District Commission hereby issues a

_____ Certificate of Appropriateness

X Certificate of Non-Applicability

_____ Certificate of Hardship

for the work described in the accompanying application and listed exhibits. If any conditions, requirements or recommendations are imposed, they shall be enforced in the same manner as the Building Code. The applicant may proceed with the proposed work provided a copy of this certificate is filed with the Building Inspector and a building permit is issued if required. This certificate is valid for twelve months from the date hereof.

Location of work _____

Owner _____ Telephone _____

Address _____

Description of proposed work: _____

Norton Historical Commission Marker Program Sign

12 x 16", ½ inch MDO weather-proofed sign board, white background with black lettering, and 4 screws included.

Conditions, requirements, recommendations: _____

The Marker should be placed on the left hand side of the dwelling, eight feet off the ground.

Application Received: _____ Hearing date: _____ Date of Certificate: _____

Cc: HDC file
Building Inspector
Owner
Town Clerk, Town Planner

Historic District Commission

Christen Foote
Chairman-Vice-Chairman- Clerk

