

*Preliminary Report of the South Hadley Local
Historic District Study Committee, regarding the
establishment of a North Main Street Local District*



*Submitted to the South Hadley Planning Board and
the Massachusetts Historical Commission by the
Local Historic District (LHD) Study Committee*

February, 2019

Summary Sheet

Eric Salus, Chair
Woodbridge Street
South Hadley
413-883-7338

Study Committee Members:

- Cynthia Baker, 19 Hadley Street, South Hadley
- Pauline Casey, 3 Central Avenue, South Hadley
- Francis DeToma, Sr., 31 Ashfield Lane, South Hadley
- Tony Judge, 31 Woodbridge Street, South Hadley
- Eric Salus, 68 Woodbridge Street, South Hadley
- Eleanor Small, 136 North Main Street, South Hadley
- Leo Labonte – Historic Counsel North Main Street/ Blackstone

Projected Date of Public Hearing: *March, 2019*

Projected Date of Town Meeting: *May, 2019*

Total Number of Properties Included in the proposed LHD: 63

Total Number of Structures Included in the proposed LHD: 53

Introduction

Under Chapter 40C of the Massachusetts General Laws, cities and towns may establish LHD's to preserve and protect buildings and places of historic or architectural significance. The LHD mechanism provides for the review of proposed demolition, new construction, or significant alteration within the boundaries of the District in order to ensure that the proposed work is compatible and not disruptive to the visual character of the district. It does not restrict the use of buildings or land beyond that established by local zoning bylaws. The process of establishing and administering a LHD is laid out in detail in the enabling legislature so that the rights of individual property owners can be balanced against the general interests of the community. The LHD mechanism is intended to complement a community's zoning by laws by establishing clear standards for the maintenance and improvement of the facades of historic buildings and the compatible design of new structures and additions. The historic and architectural resources of the community, when preserved and appreciated in an appropriate setting, become a source of pride and a focus of community identity. In many communities, the protection offered by a

LHD also helps to stabilize old neighborhoods and encourage reinvestment in them.

The Study Committee has observed that there is some confusion in the community about a property's being on the National Register of Historic Places as compared to its being in a LHD. The National Register of Historic Places is a list of individual buildings, sites, structures, objects, and districts that are deemed important in American history, culture architecture, or archaeology. It is a Federal designation, administered by the Secretary of the Interior and, in Massachusetts, the Massachusetts Historical Commission. There are over 900 National Historic Register Districts in the Commonwealth.

Listing on the Register provides some protection from any adverse effects on an historic place by federal or state projects. In contrast, the LHD designation is much more effective in preventing inappropriate changes to a property. In a LHD, a locally appointed Historic District Commission reviews proposed changes to any exterior architectural features visible from a public way. If, for instance, a building addition is proposed in a LHD, the property owner must submit an application to the Commission. The Commission then holds a public hearing and makes a determination about whether the new addition is appropriate. If the addition is deemed appropriate, the Commission issues a Certificate, allowing the work to progress. Many changes are exempt from Commission review. In a LHD there is no review of interior features. In addition, a variety of exterior features are often exempt, such as air conditioner units, storm doors, storm windows, paint color, and temporary structures. The decision about which features are exempt from review in South Hadley would depend on how the local bylaw is written. The bylaw establishing a North Main Street LHD would be developed by the Town Planning Board and then approved by a 2/3rds majority at a Town Meeting.

The proposed North Main Street LHD centers on the North Main Street area. It is not a part of any National Register District.

In many communities across the Commonwealth, the protection offered by the establishment of a LHD has been an important tool in nurturing maintaining the vitality of older neighborhoods. The varied architecture in the North Main Street area deserves to be preserved, as it provides a visual reminder of early industrialization along the Connecticut River. The Old Firehouse Museum is located within the proposed district. The new South Hadley Public Library and new riverfront parks are nearby, as are the remains of the South Hadley Canal, along the Connecticut River. The canal is thought to be the earliest navigable waterway in the country; it began operation in 1795. It is listed in the National Register of Historic Places as the South Hadley Canal Historic District.

Historic Preservation in the Falls area is a part of the South Hadley Redevelopment Authority's strategy to support our older residential neighborhoods. The Authority has submitted a redevelopment to the Department of Housing and Urban Renewal that focuses on major infrastructure upgrades in the Falls Main Street area, including new streetscapes, sidewalks, crosswalks, and bike lanes.

LHD's are one of the oldest and strongest forms of protection for historic properties. The historic district movement began in the United States in 1931, when the City of Charleston, South Carolina, enacted a local ordinance designating and "Old and

Historic District" administered by a Board of Architectural Review. Following a 1936 amendment to the Louisiana Constitution, the Vieux Carre Commission was created in 1937 to protect and preserve the French Quarter in New Orleans. The regulations of these districts provided that no changes be made to the exterior architectural features of buildings, structures and sites visible from a public street within the designated areas without the review and approval of an historic district commission. These districts served as models for local protection of historic areas across the country.

Massachusetts first made use of this preservation tool in 1955, when a district in Nantucket was established, under a Special Act. Additional Special Act districts in Lexington and Concord were established between 1956 and 1960.

In 1960, a statewide enabling statute was enacted to empower municipalities to establish LHD's without the special approval of the state legislature. The Historic Districts Act, M.G.L. Chapter 40C, was created to protect and preserve the historic resources of the Commonwealth through a local review system that encourages and ensures compatible improvement and development.

The Historic Districts Act was substantially amended in 1971, and minor language changes were made in 1983 and 1987. Despite the need for some changes over the years, the Historic Districts Act has proven to be remarkably enduring and has served the communities of Massachusetts well for over three and a half decades.

Over 200 communities across the Commonwealth have established LHD's in order to preserve and protect their historic resources. The nearby communities of Amherst, Belchertown, Chicopee, Granby, Longmeadow, and Springfield have all established LHD's.

Methodology

In 2013, the South Hadley Selectboard responded to a request from a Board member to recognize the cultural and economic benefits of historical preservation in the Falls area, through the creation of a LHD study committee. The Board appointed a group to study the possibility of creating a district in the Falls. The seven members of the study Committee were chosen to represent the interests of property owners within the proposed historic district, residents from the community at large, the local historical society and real estate interests. The Committee began its work by examining properties in the Falls area. This was the site of South Hadley's historic Canal Village, named after its adjacency to what is thought to be America's first navigable canal. Operations on the canal began in 1795. Canal Village grew and prospered as it participated in the country's burgeoning industrial transformation.

Thanks to work previously done by the Pioneer Valley Planning Council, and extensive data collected and assembled by local historian and consultant to the study group, Leo Labonte, we had plenty of historical materials with which to work.

It became clear to us that there is a significant concentration of historic buildings in the North Main Street area. It has a high number of documented SOH properties.

The Committee then decided to inform residents and property owners in the proposed district about our activities and to gather their opinions. In March of 2016, we held an informational meeting at the Old Firehouse Museum. A copy of the invitation letter and an information sheet are in the Appendix (Items 1 and 2). Twelve individuals attended that meeting. All attending were supportive of establishing a North Main Street LHD.

Two members of the study committee walked the area and explained the concept of a LHD to residents who opened a door to them. These study committee members received uniformly positive comments. No individuals to whom they spoke expressed opposition to the establishment of a LHD.

In December of 2016, we prepared an informational brochure for general distribution (Appendix, Item 3), and we sent property owners in the proposed district a survey instrument (Appendix, Item 4) with a return envelope. We received ten responses. The responses were favorable, with some expressing concerns about any costs they would have to bear if a district were to be established, and some asking if restoration grant funding would become available.

More recently, in April of 2018, we held a second informational meeting. As part of the mail invitation to that meeting, we asked 48 property owners in the proposed district if they supported the establishment of LHD in their neighborhood. The invitation letter is shown in the Appendix (Item 5). We received eight responses; six supported the establishment of a North Main Street LHD, and the other two did not indicate any choice. The meeting was well attended, with everyone attending either expressing support or asking questions about LHDs. No one attending was in opposition.

We expect that the public hearing will occur in April. Our annual Town Meeting occurs in May. We may have to wait for a Special Town Meeting for a vote on the establishment of a LHD. That is likely to occur in November.

Significance

Again the proposed district is part of a section of South Hadley Falls that was known as “Canal Village” in the 18th and 19th centuries. From the mid-1700’s through the 1800’s the Falls was a growing commercial and manufacturing center. During that time span, a succession of affluent merchants, mill owners, canal and dam builders, professionals, and town officials constructed fashionable civic structures and homes, many of them along North Main, which climbed uphill from the canal. They left us a remarkable assemblage of buildings, in a small area, that exemplifies America’s changing architectural styles during the country’s early industrial era. The buildings in the proposed historic district range in date from c.1750 to c.1930 and represent a range of

architectural forms: Georgian, Greek Revival, Shingle Style, Baroque, Italianate, Queen Anne, and Craftsman. These structures vary in size and sophistication, but most retain a high degree of historic and architectural integrity.

Georgian Style

This architectural style was popular in England during the reigns of the King Georges I, II, III, and IV, the period between 1714 and 1830. It is characterized by its symmetrical composition and formal, classical details. It was the most prevalent style in 18th century America. [L] [SEP]

The home at 18 North Main is a fine example of Georgian Style architecture.



It was constructed in about 1732, and is the oldest structure of architectural interest in the proposed district. For a time it was occupied by Ariel Cooley. Cooley was a master hydraulic engineer, known throughout the country for his projects in South Carolina and Philadelphia. His expertise allowed him to redesign the original canal. He built multiple dams on the river to help power the canal. He ran canal operations until his death. He owned hundreds of acres along the canal and North Main Street. Cooley generously granted the town the use of one of his lots for a thousand years, as the site for a schoolhouse. He designed and built the first fish ladder in the country. This home was later occupied by the Enoch Chapin family. The Chapins can be traced back to Revolutionary War times. Enoch Chapin came to the village as a master mason. One of his ancestors belonged to a group that named Mount Tom and Mount Holyoke. He married the daughter of Ariel Cooley. After his father's-in-law passing, Enoch took up the latter's dam building activities, helping with a new canal design. Enoch controlled large amounts of South Hadley property, with his wife. He was responsible for building Canal Tavern, which was partially located on 2 Canal Street, the site of our new Main Library parking lot.

Another Georgian, at 1 Crescent Lane, was built much later, in 1850. It has an interesting history. In order to serve the growing Roman Catholic population in town, a Catholic church was built at 65 North Main Street. One Crescent Lane, nearby, was the rectory for that church. The church was later moved to Main Street, but the once-rectory building remains intact and in place.

A Georgian at 32-34 North Main was built in 1856 by Mary Chapin and later occupied by Horace Hatfield and his family. During the growth phase of Canal Village, river commerce was booming. However, the town needed teams and wagons to move commercial products on land as well as water. Hatfield owned a livery then located at 2-4 North Main Street.

Greek Revival

The Greek Revival architectural style developed in the late 1700's. It arose from a renewed interest in classical Greek writings, philosophy, and architecture. It was adopted by builders in the American colonies, and is perhaps the most enduring and characteristic architectural building form in New England. Several 19th century structures on North Main were rendered in Greek Revival form. The Masonic Temple, at 15 North Main, was constructed in about 1870. It is a handsome neo-classical building, rendered in brick, with stone columns flanking its portico, and brick pilasters at the corners of its façade.



The homes at 21 (1836), 43 (1850), 46 (1845), 52 (1852) and 68 (1846) North Main and 6 Carew were all constructed in Greek Revival style. Twenty-one North Main, a small home, was built in 1836 by a member of the Judd family.



The Judd's were instrumental in the earlier development of nearby Hadley. One of the Judd family members, Quartus, came to Canal Village and was appointed as one of the six toll collectors on the canal. Sixty-eight North Main was constructed in 1846, on land purchased from Alonzo Lamb. Six Carew is the only brick residence of architectural interest in the proposed historic district. Constructed in about 1873, it was one of several properties acquired by then Town Sheriff Joel Miller.

Shingle Style

This architectural form arose from a renewed interest in early Colonial architecture following the 1876 centennial celebration of the country's founding. Builders adopted the massive, plain, shingled or clapboard surfaces of early colonial buildings for the construction of homes and larger buildings. The Old Firehouse is at 4 North Main. It was constructed in 1889, and is a well-preserved example of Shingle Style architecture. In 1888, the town decided to locate it strategically across from the three major mills and in a densely populated area of the village. Over the many ensuing decades, the firehouse has been utilized as a town hall and as a meeting place for various organizations. Today it is the home of a museum and the Historical Society of South Hadley.



A home at 26 North Main, built much later (1923), is also Shingle Style.

Baroque

Baroque architecture was the building style of the Baroque era. That era began in the late 1500's in Italy and spread to the rest of Europe and America. It remained popular until about 1830. Baroque architecture took the classical Greek architectural forms and used them in highly decorative, very ornate fashion, in building exteriors and interiors. Many Baroque style buildings were rendered in sandstone. Homes built in this style were often covered in stucco, colored to resemble sandstone. We have a fine example of the Baroque style in a stucco-covered home constructed at 54 North Main. Its central dormer, with a baroque style pediment, is especially impressive.



This home was constructed in 1914 by Hiram Smith. Smith was one of a group of businessmen that ran a shipping company and controlled the river. His son Hiram Jr. was the town postmaster for decades.

Italianate

This style became popular in America in the 1840's as a modification of Greek Revival. The homes at 42 and 55 North Main are fine examples of Italianate architecture. Forty-two Main has the tall windows, wide overhangs with large corbels, and loggia that are often associated with this style. It was constructed in 1852, by Charles Peck.



Peck arrived in town at the beginning of the 19th century, and by 1840 he was in a position to construct a gingham mill in the location where the burned out Howard & Lathrop mill had been located. He purchased the land at the top of North Main, where he built this impressive Italianate style house.

Joseph Carew constructed the Italianate at 55 North Main in 1839.



Carew came to Canal Village as a young man to manage the mill store for Howard & Lathrop Company. He became the superintendent of the mill and married Maria Bardwell. After the great fire of 1845 that destroyed all the mills in the area, Joseph purchased a portion of the space and erected a paper mill. His paper was used at times for the Congressional Record.

American Queen Anne

Homes built in this style have asymmetric façades, dominant front facing gables, and polygonal towers. This architectural form was popular from about 1880 to 1910. We have three homes on North Main that are fine examples of American Queen Anne. These are 36-38, 38-40, and 58. The home at 36-38 North Main was built by Giles Barney, in 1887.



Barney was a wagon builder and painter. In 1894 he also built the Queen Anne at 38-40 North Main:



The characteristic wraparound porch at the 58 North Maine Queen Anne is impressive:



The land at 58 North Main was owned by Ariel Cooley. It passed to his daughter, Mrs. Chaplin. It appears that the Carew family then acquired the land from her. Based on the deed dates, the Queen Anne there was built around 1880, by the Carew family.

Craftsman

Of all of the styles on North Main, this is the only one that is distinctly American. Craftsman Style arose from a revolutionary change in America's life-style. The late 1800's and early 1900's saw the emergence of an American middle class. Architects responded to this massive demographic shift with a simpler home design. It featured an eat-in kitchen and kitchen cabinets, more suitable to the needs of a housewife who was her own cook and housemaid.

The home at 51 North Main is a well-preserved example the Craftsman Style:



The historical importance and architectural significance of homes in the proposed historic district were recognized more than 25 years ago, when the book *Historic Homes of South Hadley* was published. As more information was uncovered a second edition of the book was produced in 1990.

Justification of the Boundaries

The Study Committee arrived at its decision about the boundaries of the district after extensive discussions among ourselves, and conversations with homeowners and residents of the district. The Committee wanted to have the stronger protection that a LHD would offer for the properties in the North Main Street area. The boundaries capture this collection of architecturally and historically significant homes:

6 Carew
8 Carew
16 Carew
21-23 Carew
25-29 Carew
30 Carew

1 Cordes Court
3 Cordes Court
5 Cordes Court

1 Crescent Lane
3 Crescent Lane
5 Crescent Lane

1 Lathrop Street
3 Lathrop Street

We would also include what would be considered modern sites.

1 North Main
 35 North Main
 43B North Main
 45 North Main
 47 North Main
 65 North Main

The key to the historic properties in the proposed North Main Street LHD is shown below:

North Main Street Historic District - South Hadley, Ma. Key to Properties

Street Address	Historic Name	Date orig/curr*	Parcel Map numbers	Owner	SOH
6 Carew Street	J. Miller house	c.1873	4C-6	K Quenneville	
8-12 Carew Street		1891	4C-8	M. LaPierre	
16 Carew Street		1891	5A-16	P. LaRoche	
21-23 Carew Street	Carew House	c. 1846	5C-55	A.Duffy	122
25-29 Carew Street	Bardwell Mill House	1891	5A-56	J.Mann	123
30 Carew Street	Methodist Church	1834	5A-26	Congregational Church	120
1 Cordes Court		1891	5A-47	V. Cole	
3 Cordes Court		1891	5A-45	J. Nadeau	
	open lot		5A-89		
5 Cordes Court		1891	5A-46	c. Poulin	
1 Crescent Lane	St. Patrick Catholic Rectory	1850	20D-5	W. Cook	99
5 Crescent Lane	White School House	1810	20D-3	E. Rainaud	170
	open lot		20-43	J. Cysz	
1 Lathrop Street	Moody	1948	20D-14	S. Alaownis	
3 Lathrop Street	Squire Bowdoin	1806/1830	20D-2	Kennedy	188
	P. Waters-W. Lathrop				
	open lot		20D-1	Kennedy	
	open lot		20D-3	Kennedy	
1 North Main Street apt. building	J.Bardwell original office	c. 1794-1910	5C-2	Stibel Properties	189
2 North Main Street	Park/Hatfield Livery/Cooley Tavern - open lot	1794/1910	5C-4	Town of South Hadley	
4 North Main Street	Fire House Museum	1876/1888	5C-1	Town of S. Hadley	114

6 North Main Street	open lot		1810	5C-82	Town of S. Hadley	
10 North Main Street	Smith		1850	5A-53	M. Sherman	
11 North Main Street	Congregation Church		1948	5C-3	Congregational Church	195
15 North Main Street	Mason Lodge		1914	5A-54	Mt. Holyoke Masonic Lodge	196
16 North Main Street	Millenery Shop	c. 1830		5A-52	D. Clark	
18 North Main Street	Carew house	c. 1732		5A-49	M. Edwards	
20-22 North Main Street			1891	5A-48	G. Lacasse	
21 North Main Street	Q. Judd house		1836	5A-27	R. Bainbridge	119
23-25 North Main Street		c.1860		5A-28	C. Fredette	197
26 North Main Street	B. Boutiller		1923	5A-44	V. Gircys	198
27-29 North Main Street	Crafts- Marshall Clapp,Pierce, Downey	1860-1914		5A-30	M. Kosciolek	199

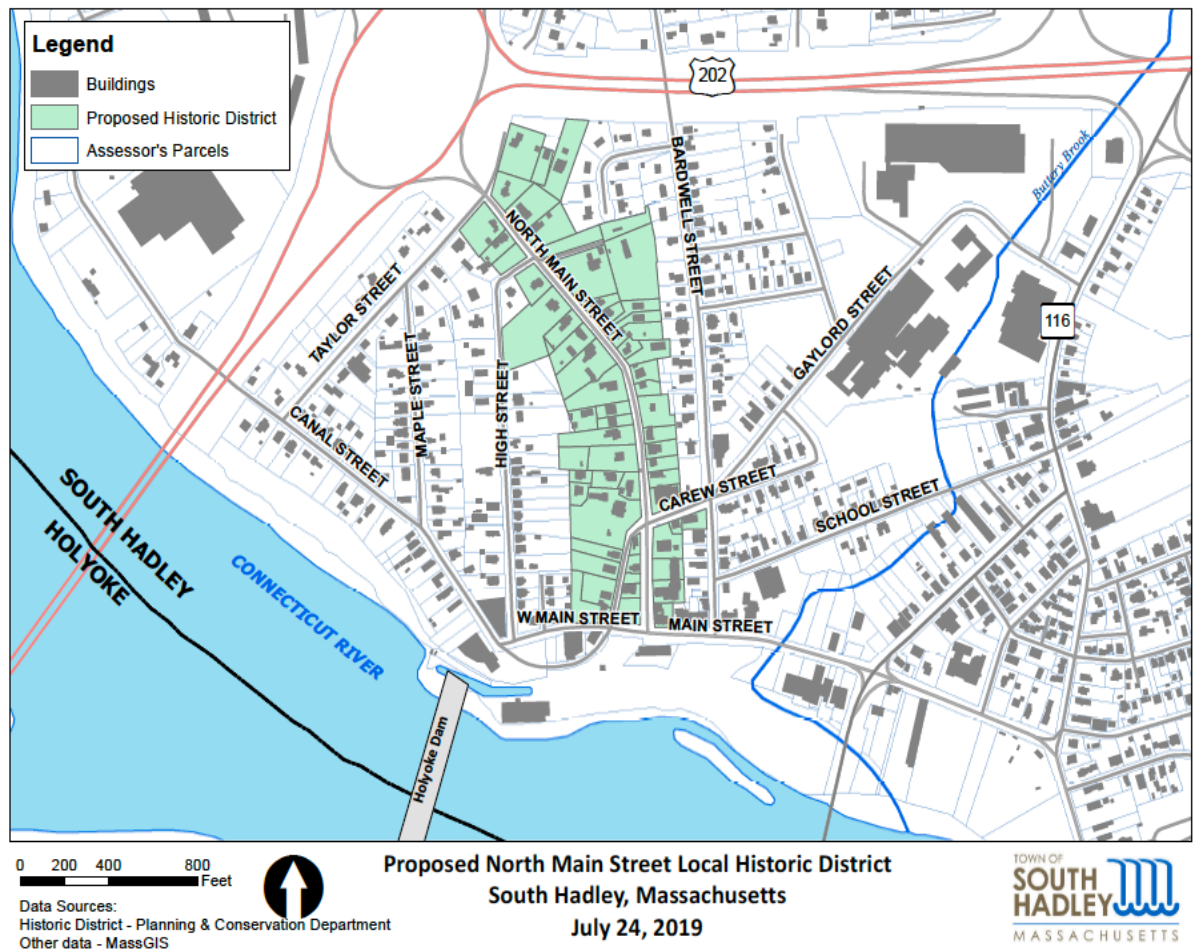
North Main Street Historic District - South Hadley, Ma. Key to Properties

Street Address	Historic Name	Date orig/curr*	Parcel Map numbers	Owner	SOH
31-33 North Main Street	M. Chapin	c.1860	5A-32	M. Kosciolk	200
30-32 North Main Street		1856	5A-43	N. Falcone	
34-36 North Main Street		c.1830	5A-42	Allen Family Trust	
35 North Main Street	Barney-Labonte	c. 1970?	5A-33	E. Manos	201
38-40 North Main Street	G. Barney	1894	5A-40	G. Labonte	
38.5 North Main Street		1873	5A-41	W. Nicholls	
	open lot		5A-13		
39 North Main Street	Cunningham	1989	5A-98	P. Guberow	202
41 North Main Street A-C		1910	5A-38	D. Carvalho	
42 North Main Street	C. Peck	1852	5A-39	R. Boisvert	
43 North Main Street	Rev. Knight	1850	5A-2	C. Ogg	203
43B North Main Street		1988	5A-95	C. Ogg	118
45 North Main Street		1988	18C-53	Douglas Percy	
	j. b. Newcomb/ Lily				
46 North Main Street	Lamb	1845	5A-1	S. Longpre	117
47A North Main Street		1992	18C-57	GZS Realty III LLC	
47B North Main Street			18-C-56	GZS Realty III LLC	
49 North Main Street	Carew	1900?	18C-33	M. LaFlamme	
50 North Main Street	Smith	1923	20D-26	S. Popp	
	open lot		4B-79	S. Popp	
51 North Main Street	W. Schiffner	1925	18C-32	H. Peltier	204
52 North Main Street	J. Belle Newcomb	1839	20D-25	Stella Alstede	116
	open lot		20D-27	Stella Alstede	
54 North Main Street	H.&F Smith	1914	20D-24	J. Estes	134
55 North Main Street	Carew	1839	20D-10	B. Noyes	106
55.5 North Main Street	O. Ingraham	1842	18C-55	D.Allen	136
	open lot		18C-54	D.Allen	
58 North Main Street	Dwight	1880	20D-23	R. Merrill	
63 North Main Street		1850	20D-12	P. Thorton	
65 North Main Street	A. Lamb	1966	20D-13	J. Nickerson	
66 North Main Street	J. Dwight	1810/1846	20D-21	K. Couture	107
68 North Main Street	Smith/Taylor	1846	20D-18	J. Carreira	137

* original site/

Photographs of the historic and/or architecturally distinctive buildings in the proposed historic district are in the Appendix, item 6.

The boundary of the proposed historic district is shown below:



Proposed Options and Recommendations For District Bylaws

Options and Recommendations for the Bylaw

After careful deliberation, the LHD Study Committee has agreed to submit the following recommendations:

1. That certain features be exempt from review under Chapter 40C.

- Window air conditioners
- The color of exterior paint
- The color of roof material

2. That the LHD be administered by a five member LHD Commission, appointed by the Board of Selectmen, and if possible, composed as follows:

- One representative of the South Hadley Historical Society
- One member of the local Board of Realtors
- One registered architect or a builder who has experience in restoration of antique properties.
- One resident or property owner from the district.
- One resident of the town at large.

The Study Committee feels that a five-member commission would be able to be more responsive and that adding more members has the potential to make the process more cumbersome for property owners. The commission should, however, consult with other municipal departments when it feels it necessary.

3. That the following grievance procedure be implemented:

Any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the town clerk, file a written request with the commission for a review by a person or person of competence and experience in such matters, designated by the regional planning agency of which the town is a member. The finding of the person or persons making such review shall be filed with the 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 Chapter 40C: Section 12A.

By these recommendations, the Study Committee hopes to strike a balance of interests that can be united toward the common good. The proposed boundaries and jurisdiction of the LHD would encourage the preservation and maintenance of main buildings, outbuildings, streetscapes and settings in a manner appropriate to their historical period and current use.

Proposed Bylaw

Local Historic District (LHD) Bylaw

LHD Bylaw

The Town of South Hadley hereby establishes a LHD Bylaw, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of South Hadley, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING

A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION

The LHD Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISTRICT

Any LHD established in the Town of South Hadley.

EXTERIOR ARCHITECTURAL FEATURES

Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from the abutting street, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED

The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

STRUCTURE

A combination of materials other than a BUILDING, including but not limited to a SIGN or fence.

TEMPORARY STRUCTURE or BUILDING

A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in the Appendix of this Bylaw.

COMMISSION

Each DISTRICT shall be overseen by a COMMISSION consisting of five members, to be appointed by the Selectboard, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. The COMMISSION shall include, if possible, one member from the South Hadley Historical Society, one member from the chapter of the American Institute of Architects covering South Hadley or a builder familiar with the restoration of antique buildings; one member from the Board of Realtors covering South Hadley; one property owner from within the DISTRICT area and a resident from the town at large. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires. The Selectboard may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Alternate members shall initially be appointed for terms of two or three years, and for three-year terms thereafter. Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed. Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations. Four members of the COMMISSION shall constitute a quorum.

COMMISSION POWERS AND DUTIES

The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for

CERTIFICATES, fees, hearing procedures and other matters.

The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

The COMMISSION shall keep a permanent record of its resolutions, actions, decisions and determinations and of the vote of each member participating therein.

The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

PROCEDURES FOR REVIEW OF APPLICATIONS

Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, materials 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.

The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE, which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in South

Hadley. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby. All as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a 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. A public hearing on an application for a CERTIFICATE need not be held if all persons entitled to notice thereof waive such hearing in writing. In addition, the COMMISSION may waive a public hearing on an application for a CERTIFICATE if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that the COMMISSION without a public hearing may review it.

If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application. Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE of disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features, which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION. The concurring vote of a majority of the members present shall be required to issue a CERTIFICATE. In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

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 DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, 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 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 Bylaw.

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, the COMMISSION shall issue a CERTIFICATE of Hardship.

The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the

applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf. A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) 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 Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

CRITERIA FOR DETERMINATIONS

In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL 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 scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw. When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts 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 from a public way.

EXCLUSIONS

The COMMISSION shall exclude from its purview the following:

Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURES are substantially at grade level.

Window air conditioners.

The color of exterior paint.

The color of materials used on roofs

Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material 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 this Bylaw.

CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in the Town of South Hadley that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

ENFORCEMENT AND PENALTIES

The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

The COMMISSION, upon a written complaint of any resident of The Town of South Hadley, or owner of property within The Town of South Hadley, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of South Hadley to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

The COMMISSION may designate the Building Commissioner of the Town of South Hadley to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

Appendix

Town of South Hadley Local Historic District(s):

North Main Street Local Historic District