

A Neighborhood Conservation District By-Law for Lincoln

Neighborhood Conservation

Lincoln contains a number of unique neighborhoods which are architecturally and historically distinctive and which play an important role in the community character of Lincoln that is so cherished by its residents. Recent development pressures have created challenges to the preservation of the integrity of these neighborhoods and their settings through teardowns and dramatic expansions and alterations.

In the spring of 2005, the Planning Board appointed a study committee to explore various ways the Town can help in the conservation of these neighborhoods. The study committee recommended that the Town of Lincoln adopt a by-law creating neighborhood conservation districts, and the Planning Board, with the support of the Historical Commission, is sponsoring an Article at the March 25, 2006, Town Meeting proposing the adoption of a Neighborhood Conservation District By-Law.

Neighborhood Conservation Districts are designed to help preserve the character of certain distinctive neighborhoods and unique areas which are worthy of some level of protection, but which may not be appropriate for consideration as historical districts. An NCD provides a range and flexibility of approach to preservation sufficient to protect a neighborhood's character without creating an undue burden on homeowners, by providing targeted review of certain neighborhood changes. An NCD will recognize the particular qualities of a neighborhood and encourage their protection, maintenance and organic growth, neighborhood involvement in these efforts and community awareness of the rich and diverse history, culture and architecture of Lincoln.

A Neighborhood Conservation District is not an historic district, as it is focused more on neighborhood character and less on the specific details of each structure in the district, and a NCD is also not an ordinary zoning district, which is directed primarily towards dimensional, numerical standards. An NCD could utilize criteria that really matter to the preservation of a neighborhood – the general design, arrangement, composition and massing, the relationship to site, and compatibility with other structures in the neighborhood.

The creation of NCDs are initiated by the neighbors themselves, who would be key participants in finding solutions and in determining what aspects of their neighborhood should be protected, and how. Each neighborhood that is designated as an NCD will have its own set of rules and guidelines, tailored to meet its particular needs. In an NCD, the review authority may be very light --- perhaps reviewing only demolitions, or excluding additions below certain size --- or it may be stricter, with the review authority for the NCD being tuned to meet the needs of the neighborhood.

NCDs have been in effect in Cambridge for nearly 20 years, and are prevalent in other parts of the country. Brookline and Concord are each now in the process of considering the adoption of NCDs for their communities.

The By-Law being proposed is an enabling by-law --- no actual neighborhood conservation district is being created --- a separate vote at a future Town Meeting will be required to create an actual NCD. The By-Law sets out the process for neighborhoods to follow in seeking to create future neighborhood conservation districts, and the parameters of the guidelines that will be established for those districts.

Summary of the Neighborhood Conservation District By-Law

1. PURPOSES

General By-Law: The NCD By-Law will be a general Town By-Law. It will not be part of the zoning by-law or the historic district by-law, although it furthers the goals of the Town's zoning and historic regulations.

Purposes: The purposes of the NCD By-Law is the preservation, conservation and protection of the beauty and heritage of the Town, the quality of its environment and the diversity of housing and neighborhoods through the conservation of particular neighborhoods which reflect distinctive architectural, cultural or historical features of the Town. An NCD is not intended to freeze a neighborhood in time, but to allow it to change and grow to meet current and future needs, while conserving the neighborhood's distinctive qualities as changes occur.

2. DESIGNATION OF DISTRICTS

Criteria: To be an NCD, a neighborhood needs to satisfy 2 criteria: (i) the area should constitute a cohesive area or neighborhood with common characteristics; and (ii) the area should contain buildings or landscapes which are significant to the architectural, cultural or social history of Lincoln.

Designation Process: The designation of an NCD is initiated by the neighborhood, not by the Town. The designation process is as follows:

- (a) Petition. The neighborhood submits a petition to the Historical Commission, requesting that an NCD be designated for the neighborhood. The petition must be signed by at least 50% of the residents of the neighborhood.
- (b) Study and Report. The Historical Commission appoints a Study Committee which, in consultation with the neighborhood, produces a definitive Report on the neighborhood, including Guidelines for the NCD.
- (c) Public Hearing and Historical Commission Vote. The Historical Commission holds a public meeting, and votes whether to recommend the neighborhood as an NCD. If by the close of the hearing more than 33% of residents of the neighborhood are not happy with the proposed designation, the NCD will be rejected.
- (d) Town Meeting. The NCD is established by majority vote at Town Meeting.

3. COMMISSION

Separate Commissions: Each NCD created will have a separate NCD Commission.

Composition: Each Commission consists of 5 members: 3 of the members are designated by the Historical Commission from among the existing members of the Historic District Commission, and 2 of the members are residents of the NCD appointed by the Selectmen.

4. REVIEWS

Guidelines: The Guidelines adopted for each NCD will be different, reflecting the different needs of each neighborhood. The Guidelines will include both design guidelines – the general elements of design, massing, scale, landscape and other factors, that give the neighborhood its character – and the scope of review – what sorts of changes in the neighborhood will be subject to review by the Commission, and what sort of changes will not be subject to review.

Exemptions from Review: The following are exempt in all instances from Commission review: (i) temporary structures; (ii) interior alterations; (iii) storm windows, doors and screens; (iv) colors; (v) accessory structures of less than 100 square feet and less than 15 feet tall; and

(vi) ordinary maintenance and repair. In addition, other types and categories of changes will be exempted from review in an NCD by the terms of the Guidelines for the NCD.

Review Decisions: For changes that are not exempt from review in the NCD, residents will apply to the Commission for a Certificate of Compatibility. Decisions are to be made following a public hearing, and if a decision is not rendered within 60 days after application, it is deemed approved. Decisions are documented in a written Certificate of Compatibility issued by the Commission.

5. FACTORS

Considerations: In reviewing proposals for changes by residents in the NCD, the Commission is to consider, among other things: (i) the historical or architectural value of the structures and their settings, and their contribution to the NCD; (ii) the suitability of the design proposed, and its effects on the NCD; (iii) the siting and landscaping being proposed, and its effect on the NCD; (iv) for demolitions, the structure that will replace the existing structure; and (v) other factors that are stated in the Guidelines for the NCD.

Compatible Development: In making decisions, the Commission is directed to allow for appropriate architectural diversity while respecting the characteristics of the neighborhood, and to encourage compatible updating and renovation of structures consistent with the preservation of the character of the neighborhood.

6. JUDICIAL REVIEW, ENFORCEMENT, LAPSE

Appeals and Penalties: Decisions of the Commission are appealable, and violations of the By-Law will subject the owner to fines.

Expiration: Approvals granted for work in the NCD will lapse if not used within 18 months after issuance.

7. COORDINATION

Coordination: The Commission is directed to coordinate its review under the NCD By-Law with the reviews of other Town Boards.

Other Boards to Give Due Weight: Other Town Boards are directed to give "due and appropriate weight" to determinations of the Commission under the NCD By-Law with respect to any changes within the NCD which come before such other Boards.