

**LOCKWOOD ROAD AREA
NEIGHBORHOOD CONSERVATION DISTRICT**

Regulations and Guidelines

A. PURPOSE

Per Chapter 78 of the Code of Lexington, these regulations and guidelines will direct the administration of the Lockwood Road Area Neighborhood Conservation District (NCD). The goals of the NCD are to preserve the architectural style and general size of the homes, the closeness of the neighborhood, the affordability of the homes in relation to the Lexington real estate market and the role this area played in the historical development of Lexington.

B. DESIGNATION OF THE LOCKWOOD ROAD AREA NCD

Having held a neighborhood meeting on October 24, 2015 to discuss the possibility of creating a NCD based on the possible passage of Article 29 by the spring 2016 Lexington Town Meeting; and

Having a follow-up neighborhood meeting on October 13, 2016, to obtain signatures for the required petition and to discuss potential guidelines for the NCD after the successful passage of Article 29; and

Having submitted a successful petition to the Historical Commission on October 19, 2016 in which the architectural features and size of the NCD Area homes; the closeness of the neighborhood; and the affordability of the NCD Area homes (in Lexington's terms) were described; and

Having had a NCD Study Committee, composed of a Planning Board representative, a Historical Commission representative, and three neighborhood representatives appointed by the Town Manager on December 22, 2016; and

Having submitted a Final Report to the Historical Committee and the Planning Board and participated in a joint Public Hearing on _____ during which it was determined that the approval of the NCD should be submitted to Town Meeting; and

Having 75% of the Property Owners "Opting in" to the NCD; and

Having been approved by the 2017 fall Town Meeting, these NCD Regulations and Guidelines are being written.

C. THE LOCKWOOD ROAD AREA NCD COMMISSION

Membership of the Commission:

The NCD Commission shall be appointed and shall consist of five members and two alternates. One member and one alternate shall be appointed by the Historical Commission and one member shall be appointed by the Planning Board. Three members and one alternate shall be residents of the NCD, to be appointed by the Town Manager. When reasonably possible, the NCD Commission shall include an architect, historic preservationist or landscape architect.

Term Length of Commission Members: Members and alternates of the NCD Commission shall initially be appointed for staggered terms, and to two-year terms thereafter. Members who are residents of the NCD shall initially be appointed to staggered terms, and to three-year terms thereafter. Each NCD commission member or alternate may continue to serve in office after the expiration of his/her term until a successor is duly appointed.

Meetings with Property Owners: The NCD Commission shall meet periodically with the Property Owners in the NCD for the purpose of determining whether the NCD Regulations and Guidelines are still appropriate. The first of these meetings shall occur no later than three years from the date of the District's designation as a NCD, and shall occur at no less than seven-year intervals thereafter. **This is required by Chapter 78.**
Do we just want to decide to meet twice a year unless a member requests a meeting?

D. NCD REVIEW PROCESS

The NCD review process begins by a property owner completing an application describing the proposed alterations to the property and submitting it to the Chair of the NCD Commission on a form provided by the NCD. The date that the application is received by the NCD Chair will be considered the date of filing.

In addition to the application, such plans, elevations, specifications, photographs, description of materials and other information as may be reasonably be deemed necessary by the NCD Commission to enable it to make a determination will be required.

Except as otherwise provided in these Regulations and Guidelines, no Building, Structure, or Setting within a NCD shall be Constructed, Demolished, or Altered unless exempt from review, and no permit shall be issued for such construction, Demolition, or Alteration, unless the NCD Commission shall first have issued a Certificate of Compatibility, a Certificate of Non-Applicability, or a Certificate of Hardship.

The neighborhood discussed at length those items that we wished to review. The primary objective is to preserve the basic style and size of the homes in the

neighborhood as they currently exist. The hope is that residents will consider these characteristics carefully when planning alterations, so that a review will not be an automatic rejection. We are fully aware that as these homes age, they will require maintenance and perhaps substantial "parts replacement" at one time or another. These Guidelines exist to assist residents of the NCD in planning maintenance, renovations and possible replacement of NCD structures.

Proposals Exempt from Review and Subject to Review go here, in the Final Report and the NCD Bylaw???

Suggested Guidelines:

- Proposed additions shall not shade the abutting properties to preclude the use of yards for gardens or unduly shade existing windows or porches.
- Residents are encouraged to discuss the use of vegetative fences with abutters prior to installation.
- If trees must be removed, the replanting of native, shade trees is highly encouraged, except where shading will have a negative impact on abutters.
- Residents are encouraged to use exterior house colors that are consistent with the general tones of the neighborhood.
- Additions should reduce green space, back and side yards, as little as possible.

E. HISTORIC DISTRICT COMMISSION

Homes on Mass. Ave. and three homes on Lockwood Rd. are also in the East Village Historic District and certain alterations are subject to review by the Historic District Commission. While this may seem incompatible, it is the belief of this NCD that there are fundamental differences being reviewed by the NCD and the HDC. The Historic District Commission concentrates its review on the changes that are inconsistent with the historical architecture and historical nature of the district as a whole. The NCD, on the other hand, concentrates its review on the impact an alteration may have on a particular neighborhood. Occasionally the reviews may intersect.

Homeowners who have participated in the HDC process for proposed alterations, and received a Certificate of Appropriateness, may submit such paperwork and plans to the NCD Chair for review. In most instances, a Certificate of Non-Applicability can be issued without further hearings or review. When alterations have been approved by the HDC, but the NCD review guidelines are substantially different, then the NCD review, as outlined below, will take place after the HDC review.

F. WHEN A NCD REVIEW IS REQUIRED

1. Once an application has been submitted to the Chair, a determination by the Chair will be made within 14 days as to whether a formal review is required. If not required, a Certificate of Non-Applicability will be issued to the applicant.

2. If a review is required, the NCD Commission shall hold a public hearing within 45 days of the original filing date.
3. Public notice of the time, place and purpose of the hearing shall be given at least 14 days prior to the hearing date by publication in a newspaper of general circulation in the Town and by conveying said notice to the applicant and all owners of properties within 100 feet of the property, at the address for such owners as listed in the then current real estate tax list of the Boards of Assessors, all at the expense of the applicant.
4. Following the close of the public hearing, the NCD Commission shall determine whether the proposed changes are compatible with the Regulations and Guidelines.
5. If the NCD Commission determines that the proposals are appropriate, the Commission shall provide the applicant with a Certificate of Compatibility. This Certificate shall be submitted to the Building Commissioner along with other required paperwork to obtain a building permit.
6. If the NCD Commission determines that the proposal is not compatible, the Commission shall provide the applicant with a written statement of the reasons for its disapproval.
7. A Certificate of Hardship may be issued if the NCD Commission determines that, owing to conditions especially affecting the Building or Structure, but not affecting the NCD generally, failure to issue a Certificate of Compatibility would result in a substantial hardship to the applicant and that such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of the NCD; provided that upon elimination of the hardship condition, any incompatible Construction or Alteration shall promptly be removed.
- 8) If the NCD fails to issue a Certificate or statement of disapproval within 60 days after the filing of the application, or such further time as the applicant may allow in writing, the Certificate shall be deemed granted.
- 9) The NCD Commission shall within seven days file with the Building Commissioner copies of all Certificates issued by it as well as any determinations of disapproval.

G. DEMOLITION BY NEGLECT

The NCD Commission will cooperate with the Building Commissioner, per Chapter 78 of the Code of Lexington, regarding any structures in the NCD which are believed to be examples of Demolition by Neglect.

H. JUDICIAL REVIEW AND ENFORCEMENT

The Building Commissioner shall be charged with the enforcement of Chapter 78, the Code of Lexington and the Lockwood Road Area NCD will cooperate with the Building Commissioner regarding the enforcement of these Regulations and Guidelines.

c) Any party aggrieved by a NCD Commission determination may, within 20 days after the filing of the notice of such determination with the Building Commissioner, file a written request with the NCD Commission for a review by a joint meeting of the Historical Commission and Planning Board.

d) Certificates of Compatibility and Certificates of Hardship shall expire in 18 months, plus such time as may be required to pursue or await the determination of a judicial review as provided above, from their date of issuance, if construction has not begun by such date. Notwithstanding the above, the NCD Commission may grant one or more extensions, of up to six months each, if there are unavoidable delays.