

Lowell Historic Board
Downtown Lowell Historic District
Design Review Standards
(1/9/12)

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1. PURPOSES

- 1.1 The purpose of the Standards is to guide rehabilitation and construction in the Downtown Lowell Historical District so that the integrity of Lowell’s 19th century setting is not disrupted. Development of the Standards is a major responsibility of the Lowell Historic Board as mandated by State Statute (Chapter 566 of the Acts of 1983).
- 1.2 The Standards are intended to ensure that properties in historic Lowell are not altered improperly, or used in a manner that substantially detracts from the intentions of the Act.
- 1.3 The goal is to minimize reliance on the individual tastes and preferences of those who happen to be awarding permits and instead set up clear rules that everyone will understand.
- 1.4 Wherever indicated, the words property, building, or structure shall refer to, and be construed to mean, any building, structure, object, site, lot, or landscape within the bounds of the District, both manmade and/or natural.

2. EXISTING STRUCTURES

2.1 Removal of Structures

2.10 Demolition

- 2.101 There shall be a presumption toward retaining all existing buildings except those rated “D” in the Index of the document entitled “Details of the Preservation Plan,” published by the Lowell Historic Preservation Commission (available from the Historic Board Administrator).
- 2.102 Demolition shall be allowed only when the new construction relates better to the Historic District than does the existing building, and when all the other requirements below are satisfied.
 - 2.1021 A prerequisite for demolition shall be an application for Certificate of Economic Hardship, which shall contain a financial report detailing the costs of rehabilitation, and evidencing that the existing building is incapable of producing a reasonable economic return on the investment. The maximum rate of return, which is theoretically possible on the land, with new buildings, shall not constitute such evidence, if the existing buildings can generate a reasonable return (See Appendix).
 - 2.1022 If an applicant’s request for permission to demolish a structure or part of a structure is based upon structural instability or advanced deterioration, a technical report prepared by an architect or professional engineer registered in Massachusetts shall be submitted, detailing the nature and extent of the specific problems, and providing reasonably accurate cost estimates for their correction.
 - 2.1023 Applications for permission to demolish existing structures shall be accompanied by complete plans for the new development proposed on the site, together with a timetable and a budget for both the demolition and the reconstruction, as well as satisfactory evidence that adequate financing is available.
 - 2.1024 A standard condition of approval for demolition shall be the documentation of the building’s elevations, including details of specific notable architectural features (windows, doors, cornices, etc.), through measured drawings and photographs. Such data shall be provided according to the procedures established by the Historic American Building Survey.
 - 2.1025 Where public safety needs require the removal of part of a building or complex, for example to enable access by fire-fighting equipment, the Board may allow limited removal of structurally-sound construction. The extent of removal shall be the smallest necessary to permit the delivery of essential public safety services, and shall generally not exceed 5% of the floorspace of the building or complex.

2.11 Relocation

2.111 Buildings shall be retained on their present sites whenever possible. Relocation shall be considered only as an alternative to demolition. Standards 2.1021, 2.1023, and 2.1024 above shall apply.

2.112 Buildings shall be relocated only to sites where they would be compatible with the architectural, cultural and landscape surroundings.

2.2 Minimum Maintenance

2.20 Owners of all buildings shall provide sufficient maintenance to keep such buildings from falling into a state of poor repair. This provision shall apply to the exterior portions of such structures as are regulated by the Act Establishing the Downtown Lowell Historic District, and also to the interior portions which, if not adequately maintained, would tend to cause the exterior portions to deteriorate or become damaged.

2.21 Owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of the following items, which could cause either an unsafe condition or a detrimental effect upon the character of the Historic District or which could lead to a later claim that deterioration has become so advanced that demolition or removal of the architectural features is necessary:

2.211 Foundations, exterior walls or other vertical supports (exterior or interior);

2.212 Roofs or other horizontal members (including joists, beams, etc.);

2.213 Chimneys or chimney support system;

2.214 Architectural features (including but not limited to window and door trim, parapets, roof cresting, cornices);

2.215 Rainwater drainage systems (gutters, downspouts) whether exterior or interior;

2.216 Water-proofing systems (roofing, flashing, windows, doors, paint on wooden or corrosible metallic surfaces); and

2.217 Any other elements which, if not adequately maintained, would eventually cause the building to crack, bulge, buckle, sag, rot, crumble, or collapse, in whole or in part.

2.22 In addition, the replacement of original support systems (either vertical or horizontal) with new members or elements (either interior or exterior), not adequately designed to carry normal loads, shall not be permitted.

2.23 In cases where deterioration has already progressed to an advanced stage, and where immediate removal is requested by the owner, the standards for demolition shall be applied. In all cases, where at all practicable, non-structural architectural features shall be repaired. In situations where it is impracticable to repair the feature, or prohibitively expensive to replace it, it shall be stored safely until such time as it becomes financially possible to recreate the feature from the original pieces.

2.3 Changes to Structures

2.30 General Principles

2.301 Historic Architectural Character

2.3011 The historic architectural character of each building shall be maintained or restored. Buildings shall be rehabilitated to reveal their historic materials and details. Missing architectural elements shall be recreated wherever feasible. Significant existing materials shall be retained wherever possible, by stabilizing, repairing or matching them with compatible new materials as required.

2.3012 The architectural character of each historic period is made up of several key factors. Each period interpreted these design elements in its own characteristic fashion. These factors or elements are:

Scale – relationship to human size, form and perception

Rhythm – the pattern of repeating elements such as windows, columns, arches and other façade elements

Form – overall shapes, combinations of shapes as seen from different perspectives, skylines and contours

Massing – height, setback and major dimensions

Proportion – the relationship among the dimensions of various elements

Features – building elements such as windows, doors, cornices, roofs, and decorative trim

Materials – the “skin” of each building, consisting traditionally of masonry (brick, stone, mortar, stucco, terra cotta); cast and wrought iron, steel, sheet metal; wood; glass; and slate.

2.302 Commercial Streets

2.3021 The commercial integrity of Lowell’s Downtown Business District shall be protected against non-commercial designs at street level, through sensitive rehabilitation and new construction that provides a continuity of shops along the street frontages.

2.303 Mill Buildings

2.3031 Critical exterior features of the mills shall be preserved, including front facades, river and canal facades, courtyards incorporating such facades, and prominent elements, such as windows, doors, towers, cupolas, and connector buildings or bridges.

2.3032 Sufficient flexibility shall be allowed to encourage economically viable utilization of the millspace, including adaptive new uses, consistent with 2.3031 above.

2.3033 Rehabilitation of existing interior features shall be encouraged. Uses which highlight these interiors (exposed brick walls, heavy timber framing, etc.) and/or interpret the industrial or social history, shall also be encouraged.

2.304 Residential Buildings

2.3041 The vitality of Lowell's residential neighborhoods shall be enhanced by restoring and preserving residential buildings while respecting the historic character created by the various architectural features defining roof and façade.

2.31 Historic Materials and Colors

2.311 Masonry: Masonry shall be returned to a serviceable and visually acceptable state by replacing missing masonry and/or damaged units and mortar with matching elements, and repointing and stabilizing using proper techniques and materials. Cleaning shall be accomplished using the gentlest effective means possible, so as not to damage either the masonry unit or the mortar joints. Cleaning specifications shall be submitted to the Historic Board for review prior to commencement of the work. Coatings to stabilize, waterproof, or graffiti-proof masonry shall be permitted only if they have been proven not to block the masonry's water vapor permeability, create an appearance that is otherwise different from the natural masonry in various light and wet/dry conditions, or contribute to its long-term deterioration.

2.312 Wood: Missing or deteriorated wooden features shall be sensitively replaced with new wood milled to match the original elements, and existing features shall be repaired wherever necessary.

2.313 Metals: Missing or deteriorated architectural metals shall be replaced with original or substitute metal fabrications or other visually compatible and durable features manufactured from acceptable alternative materials.

2.314 Colors: Architectural features shall be restored with colors and finishes appropriate to the nature of the materials and to the character of the original building. Where original colors are not to be used, historic colors within the spirit of the period may be substituted.

2.315 Other: Where glass, plastic and/or aluminum architectural elements are an integral part of a building's original design, and where this design is deemed to be of a high aesthetic quality, consideration shall be given to preservation of these elements.

2.32 Major Building Elements

2.321 Storefronts: Existing historic storefronts shall be retained and rehabilitated. Generally, the term "historic" in these standards shall refer to the appearance of the building fifty or more years ago. Storefronts which have been altered or removed shall be restored or compatibly redesigned. Research must be done to discover each storefront's original appearance, and to learn what architectural features might be covered by existing siding or facing materials.

2.322 Doors: Existing historic doors shall be retained and rehabilitated wherever possible. Where doorways must be altered to meet current building code and safety requirements, doors and entranceways shall be designed also to respect the exterior architectural integrity of the building.

2.323 Windows: Existing historic windows shall be retained and repaired to improve thermal efficiency wherever possible. Where replacement is essential, new windows shall match the originals or be in character with the building. The original window type (hung sash, casement, pivot, awning, etc.) shall be retained as shall be the appearance of the individual lights of glass formed by the muntin grid. The original width and depth of the individual elements (such as exterior molding and /or casing, exterior frame, exterior sash members, and exterior muntin) shall be reproduced or be closely approximated. If storm/screen windows are to be used, they shall be applied from the interior. Replacement windows shall be of the same size as the historic windows, fill the entire window opening and be recessed in the opening the same depth as the historic window. Windows of completely different design on elevations not in public view (on alleys or in areaways) may be considered.

2.324 Roofs: Features which give the roof its essential historical character shall be preserved or restored to the extent that it is visible from the ground. The principal considerations include the original roof shape; original roofing materials or materials compatible with the old in composition, size, shape,

color and texture; and architectural details such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

2.325 Industrial Hardware: Historically significant industrial hardware shall be preserved, and more recent equipment judged to be of a significant design shall be retained wherever feasible.

2.326 Mechanical Equipment: Essential outdoor mechanical equipment (ducts, fans, solar panels, etc.) shall be installed in locations which create the least disturbance to the historical appearance of the building, and which involve the minimum alteration to its structural integrity.

3.0 NEW CONSTRUCTION

3.1 General Principles

3.10 Character: New construction on currently vacant sites shall be encouraged to create a tightly-knit urban environment reflecting Lowell's traditional character, embodied in the compactness and richness of its building types.

3.11 Continuity: New buildings should not be designed as free-standing objects, but instead shall generally conform with the tradition of continuous structures holding the lines of streets, canals and riverfronts. The creation of interior courtyard spaces is encouraged.

3.12 Ground-Level Design: On commercial streets, ground-level building design shall generally follow existing patterns created by the type and scale of shops, street facades, sign design, shop window configurations, and materials traditional to Lowell's historic downtown character.

3.13 Materials: New buildings shall utilize exterior materials in keeping with the exteriors seen in the District, with natural textures being encouraged. Colors shall generally be compatible with the surrounding streetscape; however, non-traditional colors may be permitted if and when they are integral to a new architectural design.

3.14 Contemporary Approaches: New buildings shall generally utilize contemporary design ideas, but shall also respect and reflect the traditional scale, proportions, rhythms, and mood of historic structures. These traditional architectural values should be interpreted into contemporary building design, but the use of imitation historic building details and ornaments is discouraged. Building design must also be internally consistent, and amalgamations of historically unrelated stylistic elements shall generally be prohibited.

3.15 Directional Expression: Strong horizontal designs shall be avoided, by dividing long horizontal facades into smaller vertically-oriented units that conform to the primary expression of the streetscape. Overlay vertical or exaggerated expression in any direction shall be avoided. Proportional systems based on traditional methodology, such as the Golden Triangle, are encouraged.

3.16 Infill and Major: Different standards are applicable to infill sites and major sites because the former generally have greater impact upon their immediate neighbors, while the latter can have significantly larger impact upon the overall cityscape and skyline.

3.2 Infill Structures

3.20 Definition: New construction sites are considered "infill" if they cover less than one quarter the area of a city block and/or less than half of the frontage of a city block.

3.21 Harmony: Infill structures must blend in with the existing architectural fabric as seen from the street, and reinforce the feeling of continuity rather than stand out individually. The "General Principles" contained in Section 3.1. above shall also apply to infill structures.

3.22 Height: Infill structures, shall generally contain at least two stories above street level, and relate very closely to the height of the immediately adjacent buildings.

- 3.23 Setback: Infill structures shall generally continue the street setback parameters established by adjacent buildings, but exceptions can be made for arcade designs containing recessed fronts at sidewalk level, or for upper stories set back at least twenty-feet.
- 3.24 Roofs: Infill structures shall generally not introduce new roof shapes, pitches or colors not found on traditional buildings located on the same block.
- 3.25 Wall Openings: Infill structures shall respect the alternation of window area to wall area, and the width-to-height ratio of windows and doors, in the facades of surrounding structures. Introducing incompatible façade patterns that upset the rhythm of openings established in historic buildings in the immediate area shall be prohibited.

3.3 Major Sites

- 3.30 Definition: Major sites are those which cover more than one-quarter the area of a city block and/or more than half the frontage of a city block, or sites located on blocks without any historic structures (i.e., those rated “A” or “B” on the Index of Properties).
- 3.31 Basic Approach: New construction shall generally recreate Lowell’s traditional tightly-knit urban fabric, with continuous wall-like structures along streets, riverbanks and canals, using contemporary designs adapted to new functional needs. Parking lots shall be located behind new and existing structures, to the greatest possible extent, so as not to be visible from streets, canals, and the river.
- 3.32 Height: Height control is critical along street, canal, and river frontages, and at the axis of major street vistas. Shadow and wind impacts are particularly important in active public pedestrian areas. In general, buildings in such area, within commercial or industrial districts shall generally be between two and five stories (or 25 to 60 feet) in height.
- 3.33 Parking Garages: Parking garages should harmonize with mill architecture by utilizing brick-faced exterior walls with window-type openings instead of the conventional designs which incorporate long horizontal openings between deck levels. On commercial streets, ground-level treatment should include storefronts.
- 3.34 Other: The “General Principles” contained in Section 3.1 above shall also apply to major new construction.

4.0 SIGNAGE

4.1 General

- 4.10 All new signs, and all changes in the appearance of existing signs displayed so as to be visible from streets, sidewalks, alleys, or canals, require a Historic Permit. This includes changes in message or colors on pre-existing signs.
- 4.11 If there is a conflict between these standards and the requirements in the City Sign Code, the stricter shall apply. These standards shall also be supplemented by the text of the Lowell Sign Book, which are incorporated herein by reference.
- 4.12 Off-premise advertising signs shall be prohibited, but off-premise sign directory boards may be permitted in certain locations where visibility is a significant problem (such as within a millyard, or along a dead-end street, for example), where they can be harmoniously integrated into the surroundings.

4.2 Location and Size of Signs

- 4.20 Signs must not dominate buildings facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.).
- 4.21 The size of signs and individual letters shall be an appropriate scale for pedestrians and slow-moving traffic. Projecting signs shall not exceed nine square feet, on first floor level. Projecting signs are reserved for ground floor tenants with the exception of identifying a building's lobby or dedicated street-level entrance of an upper floor business.
- 4.22 Signs on adjacent storefronts should be coordinated in height and proportion. The use of a continuous sign-band extending over adjacent shops within the same building is expected as a unifying element. Traditionally sign-bands were the primary location for an identifying sign. Therefore, when an applicant desires signage they must ensure that their first permanent sign exists within the sign-band utilizing applied lettering or a flat sign. If no sign-band exists, other locations for signage will be permitted.
- 4.23 Portable signs located on sidewalks, driveways or in parking lots are prohibited.
- 4.24 Wall signs shall generally be located no higher than the window sill line of the second story.
- 4.25 Signs displayed during business hours only, such as those which are removed every evening and displayed again the following morning, constitute an on-going advertising format and shall be construed as being permanent signs rather than temporary signs, if such display continues for more than thirty calendar days. The date when such sign was first displayed shall be affixed to the sign so as to be readily seen.

4.3 Messages and Lettering Signs

- 4.30 Messages should be as simple and brief as possible.
 - 4.301 A sign should identify primary information such as name, function, and/or the address of a business. This information for upper story businesses or entities shall be only included within window graphics.
 - 4.302 Secondary advertising information such as business hours, open/closed, phone numbers, and Internet addresses are prohibited on primary signs such as lintel, wall, projecting, and window signs. They may however be located on entrance door glass, sidelights, or return glass and shall be as unobtrusive as possible, not dominating the glass where located and be limited to a maximum of 20% of each glass sheet.
 - 4.303 The use of pictorial symbols or logos is encouraged. However, trademarked logos that are registered for a specific commodity are not allowed on signs, unless it is the specific logo of the business operating at the locale in Lowell. Such signs may be posted on an interior wall that is at a right angle to the storefront but cannot be affixed, hung, or be placed in the windows in any manner.
- 4.31 Lettering should be of a traditional block or curvilinear style which is easy to read and not incompatible with the style of the building. Typically, no more than two different lettering styles should be used on the same sign.
- 4.32 Letters shall be carefully formed and properly spaced, to be neat and uncluttered. Generally, no more than 60% of the total sign area shall be occupied by lettering.
- 4.33 Lettering shall be flat or raised. Incised lettering will be allowed only in concrete or stone in new construction.

4.4 Color

- 4.40 Light colored letters on a dark colored background are generally required, since traditionally that was the predominant signage color scheme. Dark colored letters on a warm colored background are only allowed under certain circumstances, such as:
- 4.401 It has been determined that the architectural color scheme for the entire building should include a warm colored sign lintel and the lettering is for the name of the building, and
 - 4.402 The ratio of existing signs is 6:1 including those on the same building and/or adjacent buildings. One sign with a warm colored background to every six signs with a dark colored background.
- 4.41 Colors should be chosen to complement, not clash, with the façade color of the building.

4.5 Materials and Illumination

- 4.50 The use of durable and traditional materials, is strongly encouraged (metal and wood). All new signs shall be prepared in a professional manner. Paper signs for advertising or identification purposes shall be allowed for not more than 30 days, as temporary signage, and shall not be attached directly to the glass. The date on which a paper sign was first displayed shall be written on the sign.
- 4.501 Banners and flags advertising products, function, open/closed are not allowed. Banners announcing the rehabilitation of a building, and subsequent availability of units, shall be allowed for six months, post initial construction. The applicant may apply for an extension of the permit, upon Historic Board review, for up to an additional six months. The design and placement of the banner shall meet all signage requirements within the standards. The size of the banner shall be no more than 100 sq. ft. and be determined by the scale of the building.
- 4.51 External illumination is preferred. In general, any illumination used shall be non-flashing, glareless, and non-moving.
- 4.52 Internal illumination is only allowed for contemporary buildings under certain circumstances, such as:
- 4.521 individual back-lit letters which are silhouetted against a softly illuminated wall
 - 4.522 individual letters with translucent faces, containing soft lighting elements inside each letter, and
 - 4.523 metal-faced box signs with dark opaque backgrounds, cut-out letters, and soft-glow fluorescent tubes.
- 4.53 Neon-type signs may be permitted in exceptional cases where they are custom-designed to be compatible with the building's historic and architectural character and only when other traditional signage options have been utilized. Information contained shall be consistent with Section 4.30.
- 4.531 Mass-produced neon-type and internally illuminated signs that include trademark, logo, promotional, and other advertising secondary information are not permitted. Such signs may be posted on an interior wall that is at a right angle to the storefront and cannot be affixed, hung, or be placed in the windows in any manner.

4.6 Other Stylistic Points

- 4.60 The shape of a projecting sign shall not be incompatible with the period of the building to which it is affixed, and shall harmonize with the lettering and symbols chosen for it.

- 4.61 Supporting brackets for projecting signs should complement the sign design, and not overwhelm or clash with it. They must be adequately engineered to support the intended load, and generally should conform to a 2:3 vertical-horizontal proportion. Screw holes must be drilled at points where the fasteners will enter masonry joints, to avoid damaging bricks, etc.

5.0 OTHER DEVELOPMENTS

5.1 Pedestrian Amenities

- 5.10 While pedestrian amenities must be compatible with the City's historic character, variations shall be permitted in order to respect the vitality and the variety of the City's different thoroughfares and neighborhoods.

- 5.11 Different types of public spaces should respond to the following general performance criteria:

Commercial streets shall be treated simply with maximum open sidewalk space, minimal obstruction on the ground and pedestrian preference for street crossing.

Historic, Non-Commercial Pedestrian Streets and Walks shall have a smaller scale, more intimate design using textures and smaller elements that stimulate interest along the path.

Millyards shall be restored as historic places open to the public.

Canal and Riverfronts were not typically pedestrian spaces in the 19th century but should be opened up to the public due to their historic interest and value as a public amenity.

Parking areas must be carefully designed and landscaped due to their large size and first-impression impact upon visitors.

Parks should play a special role in historic interpretation and provide day-time cultural activity for the District as well as relief from paved areas.

5.2 Streetscape

5.20 Paving and Planting

- 5.201 The existing streetscape should be enriched, especially around historic buildings and heavily used pedestrian areas. Historically appropriate improvements should create some consistency while avoiding complete uniformity.
- 5.202 Historic paving features shall be retained wherever possible and incorporated into the streetscape improvements.
- 5.203 Subtle variations in paving patterns and materials shall be used to enrich sidewalks and plazas, such as by highlighting patterns in street lights, trees, furniture, street crossings, and entryways.
- 5.204 Planting shade trees and shrubs shall be encouraged where they would enhance the historic character or create more inviting spaces. Removal of healthy trees over 3" in diameter, measured four feet above ground level, shall be discouraged, except where they threaten existing structures and canal walls.

5.21 Street Furniture

5.211 Placement of street furniture which is appropriate to the context, attractive, and durable shall be encouraged. Placement of furniture shall be based upon careful study of how people tend to use a street.

5.22 Lights, Signs, and Traffic Signals

5.221 Public signs shall utilize compatible graphics, colors, proportions, dimensions, and fabrication methods, in order to create greater consistency and improve their compatibility with their historic setting.

5.222 Street lights shall be designed to harmonize with their surroundings, and traffic signal poles and mounts shall be as unobtrusive as possible, both physically and visually.

5.3 Transportation Facilities

5.30 Parking

5.301 Where off-street parking provision is necessary, vehicles shall be accommodated in multi-story structures which are sensitively designed to fit into their architectural context. Removal of buildings to create ground-level parking space shall generally be prohibited.

5.302 Ground level parking spaces proposed to be located on existing open land shall be adequately landscaped utilizing a combination of shade trees and shrubs for screening.

5.31 Transit Shelters

5.311 The design of transit shelters at bus stops shall provide visual focal points, and contemporary approaches that integrate well with the historic setting shall be encouraged.

5.312 Shelters at trolley stops shall be designed to reflect the era of the rolling stock which serves them.

5.4 Open Space

5.40 Canal and River Banks

5.401 The historic character and the environments associated with canal and river banks shall be protected.

5.402 Public pedestrian access, safety, and enjoyment shall be considered when construction is proposed adjacent to a canal or river.

5.41 Urban Parks

5.411 Existing parks shall be preserved and enhanced.

5.412 The removal of existing structures to create new parks shall be discouraged, in order to protect the urban scale and texture of the downtown historic district.

5.5 Fences and Screening

5.50 Fencing

5.501 Fences not used for visual screening shall be designed to harmonize with various types, traditional metal railings (such as around parks and along canals).

5.51 Screening

5.511 Outdoor storage areas and other uses which are to be screened from view shall be enclosed with an opaque fence or wall built of traditional materials (such as wood or brick) in a manner which is not inconsistent with the historic character of the district.

5.6 Canalway Development

5.60 New structures shall be oriented toward the Canals not only visually, but also functionally wherever practicable. Two “fronts,” one facing the Canal, should be designed for every new building constructed along the Canalway.

5.61 An urban edge (line of buildings) shall be maintained along Canal banks except in landscaped areas developed for private or public space.

5.62 New above-ground utility lines, storage areas, or parking lots shall generally not be located adjacent to Canal banks.

5.63 All new open air spaces (except open space) on land visible from the Canalway shall be visually acceptable to the water edge or screened in an effective and attractive manner, consistent with the materials and landscaping standards of the Historic Board. (See section 5.30 dealing with parking lot buffer standards).

5.64 Access shall be provided for pedestrians along Canal banks (minimum 20 feet wide) wherever shown as necessary on the Canalway Plan map to ensure continuity of footpaths and walking routes.

5.65 New railings, where necessary for safety, shall be similar to historic railings along the Canalway for consistency and historical appropriateness.

5.66 Public access to the Canalway corridor from nearby streets, parking lots, and adjacent buildings shall be provided for pedestrians.

5.7 Hamilton Canal District

5.70 Form-Based Code: Development within the Hamilton Canal District shall conform to the regulations of the Hamilton Canal District Form-Based Code, which is incorporated herein by reference.

5.71 Conformance to Code and Standards: Where elements such as character, design, massing, layout, and any other characteristic of a building, structure, object, site, lot or landscape is specified in the Form Based Code, the Code shall serve as the design standard and shall supercede any contrary regulation within these Standards. Where elements such as character, design, massing, layout and any other characteristic of a building, structure, object, site, lot or landscape is not specified in the Form Based Code (including but not limited to architectural design, materials, and signage), the provisions otherwise specified in these Standards shall apply.

6.0 WAIVERS

6.1 Where the Historic Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards, or where there are exceptional circumstances, it may vary these standards so that substantial justice may be done. In order to issue a waiver, a majority of at least six members shall make specific factual findings demonstrating that:

6.10 Strict application of the standards would be inappropriate due to particular circumstances pertaining to the property, and

6.12 Such waiver would not violate the spirit of the standards, and would be consistent with the intent of the statute to protect Lowell's historical architectural heritage.

6.2 In granting waivers, the Historic Board may require such conditions as will, in its judgement, secure substantially the objectives of the standards which have been waived.

APPENDIX: DETERMINATION OF ECONOMIC HARDSHIP

Application for a Certificate of Economic Hardship shall be made on a form prepared by the Lowell Historic Board. The Historic Board shall schedule a public hearing concerning the application and any person may testify at the hearing concerning economic hardship.

The Historic Board may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application.

1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the standards of the Historic Board for changes necessary for the issuance of a Historic Permit.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes required by the Historic Board; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
9. Any listing of the property for sale or rent, price asked, and others received, if any, within the previous two years.
10. Assessed value of the property according to the two most recent assessments:
11. Real Estate taxes for the previous two years:
12. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit incorporating limited partnership, joint venture, or other.