

WILLIAM STREET HISTORIC DISTRICT

Introduction to the By-law

Below are some general questions and answers relative to the William Street Historic District. These are meant as an overview. Specific questions should be explored by reading the entire By-law.

1. What properties are included in the William Street Historic District?

Those properties facing on William Street and some contiguous streets beginning at Woodlawn Avenue and extending along William Street short of Look Street.

2. How is the Historic District administered?

By a Commission consisting of seven members and up to seven alternate members.

3. How are the members appointed?

By the Selectmen, to include nominees from the local historical society, American Institute of Architects, and board of realtors, and one or more residents or owners of property in the William Street Historic District.

4. What is the prime concern of the William Street Historic District Commission?

Exterior architectural features of buildings or structures.

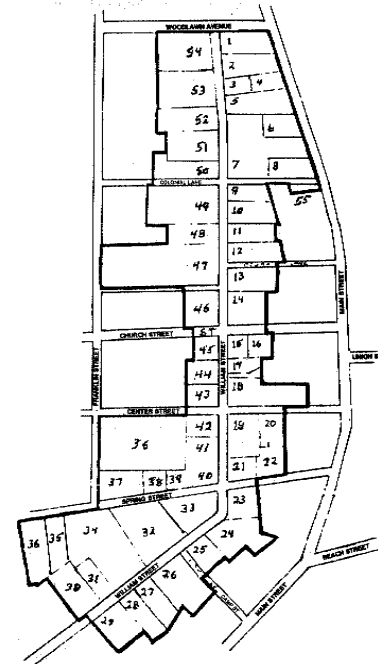
5. To what does the Commission's jurisdiction extend?

1. Terraces, walks, driveways, sidewalks, pools, and other similar structures.
2. Walls and/or fences.
3. Paint color other than white.
4. Color of roof material other than black or approved natural shingles.
5. Size and frequency of signs.
6. Demolition of buildings.
7. Reconstruction.
8. New structures.
9. Additions.
10. Lighting fixtures.

6. How are building permits handled in the William St. Historic District?

No building permit may be issued in the William Street Historic District until the Building Inspector receives a certificate of appropriateness, non-applicability, or hardship from the William Street Historic District Commission.

TOWN OF TISBURY



William Street Historic District

By-Law

(Revision of May 8, 1991)

or by historic district commissions acting jointly if there be more than one, instead of by a study committee unless the Commission or commissions recommend otherwise; and (c) if the William Street Historic District is to be reduced written notice as above provided of the Commission's hearing on the proposal shall be given to said owners of each property in the District.

Section 12 The by-law creating the William Street Historic District may, from time to time, be amended in any manner not inconsistent with the provisions of Chapter 372, Acts of 1960, as most recently amended by Chapter 359, Acts of 1971, by a two thirds vote of a town meeting, provided that the substance of such amendment has first been submitted to the William Street Historic District Commission for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

Section 13 In the event that any provision of this by-law, or application thereof, shall be held to be invalid by the proper authority, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

This amendment to the William Street Historic District By-Law (adopted May 7, 1975), has been adopted at the Annual Town Meeting of May 8, 1991, under Article 62 of the Town Meeting Warrant. This printing includes technical amendments approved at the Town Meeting of October 22, 1991, under Article 7 of the Town Meeting Warrant.

February 3, 1992

Boston, Massachusetts

The foregoing amended William Street Historic District by-law adopted under Article 62 of the warrant is hereby approved.

Scott Harshbarger
Attorney General

A true copy,
Attest:
Marian A. McClure
Town Clerk of the
Town of Tisbury

7. When is a certificate of appropriateness issued?

When a proposed effort affecting the exterior architectural feature(s) of a structure has been determined by the Commission to be appropriate for or compatible with the preservation or protection of the William Street Historic District.

8. When is a certificate of non-applicability issued?

If the proposed work does not involve any exterior architectural feature or involves an exterior architectural feature not subject to review, a certificate of non-applicability is issued upon request.

9. What exterior architectural features in the District are NOT subject to review by the William Street Historic District Commission?

1. Temporary structures or signs.
2. Storm doors and windows, screens, window air conditioners, antennae, and similar appurtenances.
3. Additional features as may be determined by the William Street Historic District Commission from time to time after a public hearing.
4. Ordinary maintenance, repair, or replacement (not involving changes), certain landscaping or requirements certified by a public officer as necessary for the public safety.

10. When is a certificate of hardship issued?

If owing to conditions especially affecting the structure but not generally affecting the William Street Historic District, and if failure to approve an application will involve substantial hardship, financial or otherwise, an application may be approved providing there is not substantial detriment to the public welfare and substantial derogation from the intent and purpose of the By-law. A public hearing is required. However, if a decision is not made within 60 days from the application, the approval of the certificate of hardship is deemed to have been granted.

11. What happens when a certificate is not granted?

The applicant must be notified in writing of the reasons for disapproval, and the decision filed with the Town Clerk and appropriate offices.

12. What are the provisions for appeal if an application for a certificate is denied?

Within twenty (20) days after the adverse decision, the applicant may appeal to the Dukes County Superior Court which has the power to overrule decisions of the William Street Historic District Commission.

13. How are the provisions of the By-law and the rulings of the Commission enforced?

By the Dukes County Superior Court, which may issue injunctions, impose fines, and order compliance.

14. What are the time limits for Commission action?

1. 14 days to decide if the application involves exterior features subject to approval.
2. at least 14 days to announce a public hearing.
3. 60 days after filing of application to make a determination.

15. How can the William Street Historic District be enlarged or reduced?

By following a procedure, including public hearings, similar to that used to establish the District originally.

16. How can this By-law be changed?

By a two thirds vote of a Town Meeting.

The text of the By-law begins on page 5 ►

notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the Commission may act upon the application.

Section 9 Any applicant aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination with the Town Clerk, appeal to the superior court sitting in equity for the County of Dukes County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence, or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Cost shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith, or with malice in the matter from which the appeal was taken. Cost shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

Section 10 The superior court sitting in equity for the County of Dukes County shall have jurisdiction to enforce the provisions of this by-law and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure, or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

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

Section 11 The William Street Historic District may be enlarged or reduced or an additional historic district in the Town of Tisbury created in the manner provided for the creation of this District, except that (a) in the case of the enlargement or reduction of this Historic District, the investigation, report and hearing shall be by the William Street Historic District Commission instead of by a study committee; (b) in the case of the creation of an additional historic district the investigation, report, and hearing shall be by the William Street Historic District Commission of the Town of Tisbury,

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

Section 8 Meetings of the Commission shall be held at the call of the chairman and shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship.

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

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

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

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved, or its category or color, as the case may be, is so insubstantial in its effect on the William Street Historic District that it may be reviewed by the Commission without a public hearing on the application provided, however, that if the Commission dispenses with a public hearing on the application

BY-LAW

Section 1 The Historic District established by this By-law is to be known as the William Street Historic District of the Town of Tisbury, and shall include all properties lying within a perimeter described as follows:

Beginning at the southern juncture of Woodlawn Avenue and Main Street, and continuing south along the western boundary of Main Street 550 feet, more or less, to include the properties currently identified on the Assessor's Map of the Town of Tisbury as Map 6, Block D, Numbers 1 and 2, and 4 through 8 consecutively and contiguously, and Map 7, Block C, Number 3,

thence west and north 88 feet and 35 feet, more or less, to Colonial Lane; thence west along Colonial Lane 675 feet, more or less, to the northeastern bound of the lot identified as 7-C-1,

thence southerly 1,100 feet, more or less, along the eastern bounds of the properties identified as 7-C-1, 7-C-15, 7-C-14, 7-C-13, 7-C-12, 7-C-11 (also known as the Christ United Methodist Episcopal Church); and crossing over Church Street and continuing along the eastern boundaries of the properties identified as 7-G-2, 7-G-11, and 7-G-10, including the narrow strip between these two last-named properties, and crossing Center Street to the properties identified as 7-N-2 and 7-N-10,

thence crossing Spring Street to the northeast bound of the property identified as 8-C-3, thence to the north and easterly bounds of the property identified as 8-C-2,

thence to the southwest bound of the property identified as 8-C-2, and thence westerly 600 feet, more or less, along the southern boundaries of the property identified as 8-C-1, and crossing Camp Street to the east bound of the property identified as 8-D-9, then along the southeastern boundaries of the properties identified as 8-D-8, 8-D-7 and 8-D-6, thence northerly 620 feet, more or less, along the western boundaries of the properties identified as 8-D-6 and 8-D-5, and crossing over William Street and thence along the western boundaries of the properties identified as 8-B-10 and 8-B-4, continuing to Spring Street, thence easterly 260 feet, more or less, along Spring Street to Franklin Street, to include the properties identified as 8-B-4, 8-B-5, and 8-B-6,

thence crossing over Spring Street and proceeding northerly 300 feet, more or less, along Franklin Street to Center Street, to include the properties identified as 7-M-5 and 7-M-1 (also known as the Village Cemetery),

thence easterly 270 feet, more or less, to the northwest bound of the property identified as 7-M-2, and crossing Center Street to the southwest bound of the property identified as 7-H-6,

thence northerly 1,250 feet, more or less, along the western boundaries of the properties identified as 7-H-6, 7-H-5, and 7-H-3, then crossing Church Street and continuing along the western boundaries of the properties identified as 7-B-5, 7-B-4 and 7-B-4.1, 7-B-3, and 7-B-2, then crossing Colonial Lane and continuing along the western boundaries of the properties identified as 6-E-6, 6-E-5, 6-E-3, to and including the northwest bound of the property identified as 6-E-2 (also known as Grace Episcopal Church),

thence easterly 355 feet, more or less, along Woodlawn Avenue, crossing William Street, to the place of beginning, including Grace Episcopal Church and the property identified as 6-D-1.

Included is a map of the district which is incorporated into the By-law. Any discrepancy which may occur between the map and the Assessors' identification system will be resolved in favor of the map.

Section 2 The William Street Historic District Commission established by this By-Law is to consist of seven members. This Commission shall be appointed by the Board of Selectmen, and shall include: one member from two nominees submitted by the local historical society, or, in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the Chapter of the American Institute of Architects covering the area; one member from two nominees submitted by the board of realtors, if any, covering the area; and one or more residents in or owners of property in the historic district to be administered by the Commission. If within 30 days after submission of a written request for nominations to an organization entitled to submit nominations for membership on the Commission, no such nominations have been made, the appointing body may proceed to make the appointment to the Commission without nomination by such organization.

The appointments to membership in the Commission shall be arranged so that the term of at least one member will expire each year, and their successors shall be

otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogations, or, in the event of failure to make a determination within the time specified in Section 8, the Commission shall cause a certificate of hardship to be issued to the applicant.

- (d) Each certificate issued by the Commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the Commission to sign such certificates on its behalf.
- (e) The Commission shall keep a permanent record of its resolutions, transactions and determinations, and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.
- (f) The Commission shall file with the Town Clerk and with any department of the town having authority to issue building permits a copy or a notice of all certificates and determinations of disapproval issued by it.
- (g) The Commission may after public hearing set forth in such manner as it may determine the various designs for certain appurtenances, such as light fixtures, and a roster of certain colors of paint and roofing materials which will meet the requirements of the William Street Historic District, but no such determination shall limit the right of an applicant to present other designs or colors to the Commission for its approval.
- (h) The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money and gifts and expend the same for such purposes. The Commission may administer on behalf of the town any properties or easements, restrictions or other interests in real property which the town may have or may accept as gifts or otherwise and which the town may designate the Commission as administrator thereof.

dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the William Street Historic District by-law.

Section 7 The Commission shall have the following additional powers, functions and duties:

- (a) If the Commission determines that the construction or alteration for which an application for a certificate has been filed will be appropriate for or compatible with the preservation or protection of the William Street Historic District, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.
- (b) In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate of non-applicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Section 8, the Commission shall cause a certificate of non-applicability to be issued to the applicant.
- (c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the William Street Historic District generally, failure to approve an application will involve a substantial hardship, financial or

appointed in the same manner as the original appointment, for terms of three years. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

Alternate members, who need not be from nominees of organizations entitled to nominate members, may be appointed, not to exceed in number the principal or regular members. Their term shall be 3 years. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member of the Commission, that member's place shall be taken by an alternate member designated by the Chairman of the Commission. Each member and alternate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The Commission shall elect annually a Chairman and a Vice-Chairman from its own number, and a Secretary from within or without its own number.

Section 3 Except as this by-law may otherwise provide in accordance with Section Five and/or Section Six, no building or structure within the William Street Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship with respect to such construction or alteration.

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

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the William Street Historic District, and no demolition permit for demolition or removal of a building or structure within the William Street Historic District shall be issued by the Town or any department thereof until the certificate required by this Section has been issued by the Commission.

Section 4 In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building, or structure; the general design arrangement, texture, material, and color of the features involved; and the relation of such features to similar features of buildings and structure in the surrounding area.

The authority of the Commission shall extend further to the review of the following categories:

1. Terraces, walks, driveways, sidewalks, pools, and similar structures.
2. Decks, porches, and other accessory structures.
3. Walls and fences, or either of them.
4. The color of paint, other than white.
5. The color of the materials used on roofs, other than black or approved natural shingles.
6. Outdoor lighting fixtures, such as post, doorway, and driveway/walkway lights visible from the street.
7. Signs (consisting of letters painted on wood without symbol or trademark, and if illuminated, illuminated only indirectly) which, if permitted by a certificate of appropriateness shall conform to the following:
 - (a) Non-residential buildings or structures in the District may include one sign of not more than ten square feet (1440 square inches) in total area, plans for which must be pre-sented to and approved by the Commission.
 - (b) Residential use of any building or structure within the District may include one sign advertising ownership, occupancy, or services offered, of not more than one square foot (144 square inches) in total area, plans for which must be presented to and approved by the Commission.
 - (c) Notwithstanding sub-sections (a) and (b) above, signs containing brief historical information, and of a design approved by the Commission, may be attached to any building or structure within the District upon the approval of the Commission.
8. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in

appropriate cases impose dimensional and set-back requirements in addition to those required by the applicable ordinance or by-law. The Commission shall not consider interior arrangements or architectural features not subject to public view.

The Commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the William Street Historic District.

Section 5

- A. The authority of the Commission shall *not* extend to the review of any of the following categories of buildings or structures or exterior architectural features in the William Street Historic District and, in this event, the buildings or structures or architectural features so excluded may be constructed or altered within the William Street Historic District without review by the Commission:
 1. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal, and similar matters as the Commission may reasonably specify.
 2. Storm doors and windows, screens, window air conditioners, antennae, and similar appurtenances, or any one or more of them.
- B. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures, or signs, including, without limitation, any of those enumerated under Section 5.A if the provisions of this by-law do not limit the authority of the Commission with respect thereto, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of Chapter 372, Acts of 1960, most recently amended by Chapter 359, Acts of 1971.
- C. Upon request, the Commission shall issue a certificate of non-applicability with respect to construction or alteration in any category then not subject to review by the Commission in accordance with the provisions of paragraphs 5.A and 5.B.

Section 6 Nothing in this by-law shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within the William Street Historic District which does not involve a change in design, material, color, or the outward appearance thereof, nor to prevent landscaping with plants, trees, or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or