



**FINAL REPORT OF THE TOWN OF LINCOLN HISTORIC
DISTRICT COMMISSION TO THE TOWN OF LINCOLN AND
THE MASSACHUSETTS HISTORICAL COMMISSION:**

PROPOSED BROWN'S WOOD HISTORIC DISTRICT

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SUMMARY

Contact Information: Andrew C. Glass, Chairperson, Town of Lincoln Historic District Commission (HDC), Lincoln Town Offices, 16 Lincoln Road, Lincoln, Massachusetts 01773, 617-261-3107

Report Committee Members: Andrew C. Glass, Chairperson, HDC and Report Committee; Lucretia H. Giese, Vice-Chairperson, HDC and Report Committee; and Dana Robbat, President, Friends of Modern Architecture/Lincoln (FoMA)

Date of Public Hearing: January 9, 2018

Date of Town Meeting: March 24, 2018

Total Number of Properties in Proposed Brown's Wood Historic District: 11

Proposal and Conclusion:

Modern architecture is important to the history of the Town of Lincoln and is central to Lincoln's appearance today. In addition to Modern civic, cultural, and commercial buildings, more than 300 Modern residences were constructed in Lincoln between the late 1930s and the 1970s, including the homes of Walter Gropius, founder of the Bauhaus School in Germany and later of chair of the Department of Architecture at the Harvard Graduate School of Design, and Marcel Breuer.

The HDC and FoMA are working closely with the owners of Modern houses in the Brown's Wood neighborhood of Lincoln who are interested in establishing a new Historic District. The current Historic District consists of four non-contiguous areas located throughout Lincoln, containing 73 properties, including seven Modern houses. There are 11 homeowners who are interested in becoming part of the proposed Brown's Wood Historic District by vote of the Town at Town Meeting in March 2018. The purpose of the new District is to protect and preserve these houses and their environment in Brown's Wood, an architecturally cohesive and historically and culturally significant neighborhood. At its formation in the 1950s, the Brown's Wood neighborhood developed a distinct set of values and guiding principles under which the proposed District would continue to operate.

The HDC believes that the creation of the Brown's Wood Historic District will assist the HDC with its charge of maintaining and improving of the settings for such buildings, through the encouragement of sensitive and innovative design compatible with the conceptual significance of the neighborhood's historical development. The addition will also assist the HDC with its charge of informing the historical process of architectural growth and adaptation with a sense of educated pride in the neighborhood's architectural heritage.

In light of the above, the HDC voted unanimously at its October 16, 2017 meeting to submit this Preliminary Report to the Town of Lincoln Planning Board and the Massachusetts Historical Commission for their consideration and recommendations.

INTRODUCTION

According to the Massachusetts Historical Commission, “the strongest form of protection is a local historic district created through a local bylaw or ordinance.”¹ It is important to note the difference between a local historic district and a National Register District. A National Register Historic District contains buildings, structures, sites, objects, and districts designated as architecturally and culturally significant according to national history. That is, the National Register designation is a federal denomination administered by the U.S. Secretary of the Interior through the state historic preservation office. Nominations do not require local government approval, and there is no local oversight. A local historic district, in contrast, is established locally with approval by town vote and is administered by locally appointed commission members applying the town-approved historic district by-law. The decision to join a local historic district is entirely voluntary on the part of the property owner.

The first local historic district in the United States was established in 1931 in Charlestown, South Carolina. The first local historic districts in Massachusetts were established in 1955 in the Beacon Hill neighborhood of Boston and in Nantucket. Since that time, over 200 such districts have been established throughout the Commonwealth, including in Lincoln and the towns surrounding Lincoln such as Bedford, Concord, Lexington, Sudbury, Waltham, Wayland, and Weston.

Lincoln voted to establish a historic district and to adopt its Historic District By-law in accordance with the Massachusetts Historic Districts Act (M.G.L. Chapter 40C) on March 28, 1981. The Massachusetts Historic Districts Act allows for the creation of a new historic district at the request of the property owners, after a public hearing conducted by the historic district commission, and after vote of the town at town meeting. The current Lincoln Historic District consists of four non-contiguous areas located throughout Lincoln, containing 73 properties whose owners voluntarily decided to join the District. The Brown’s Wood Historic District would be a new historic District with 11 properties.

The Lincoln Historic District Commission (HDC) applies the By-law to the District. The HDC has seven members, all residents of Lincoln, who are appointed by the Selectmen. Under the By-law, the HDC has members representing the Lincoln Historical Society, the Massachusetts State Association of Architects, Lincoln realtors, and Historic District residents, as well as two members representing the Lincoln Planning Board. The Selectmen also appoint two alternates. HDC members serve three-year terms, which are renewable. The HDC ordinarily meets once a month and provides public notice of its agenda for each meeting.

¹ “Introduction,” *Establishing a Local Historic District*, at 4 (Massachusetts Historical Commission, Boston: 2007 reprint).

Through the By-law, the Lincoln Historic District is “intended to preserve and protect as a permanent legacy the significant historical areas and distinctive architectural characteristics of the Town of Lincoln in their settings.” The inclusion of buildings in the District promotes the maintenance and improvement of the settings for such buildings through the encouragement of sensitive and innovative design compatible with the conceptual significance of the Town’s historical development. The By-law does not seek to establish an architectural museum, but instead to inform the historical process of architectural growth and adaptation with a sense of educated pride in Lincoln’s heritage.

The Lincoln Historic District By-law provides certain guidelines for buildings and structures located within the District. HDC members are responsible for approving requests for permanent exterior alterations in the District that are above grade and visible to the public, and for new construction and demolitions. The By-law contains the criteria for the HDC’s review of those requests, including the standards for its decisions, and the types of changes that are exempt or excluded from HDC review.

In determining the appropriateness of a proposed change, the HDC considers the proposal in relation to the historical and architectural significance of the subject building or structure and its site, as well as in relation to the historical and architectural significance of the buildings and structures in the surrounding area. The HDC can impose dimensional and set-back requirements in addition to those required by other applicable Town By-laws. The HDC may issue a certificate of non-applicability for ordinary maintenance and a certificate of hardship in certain instances when the refusal of a request would create a hardship for the applicant.

In the creation of the Brown’s Wood Historic District, the Historic District By-law would incorporate the guidelines outlined below for application to the Brown’s Wood Historic District, and the Town of Lincoln Board of Selectmen would appoint a resident of the Brown’s Wood Historic District as member of the HDC.

METHODOLOGY

As noted above, Lincoln voted to establish a historic district and to adopt its Historic District By-law in accordance with the Massachusetts Historic Districts Act (M.G.L. Chapter 40C) on March 28, 1981. Through the By-law, the Historic District is “intended to preserve and protect as a permanent legacy the significant historical areas and distinctive architectural characteristics of the Town of Lincoln in their settings.” The HDC uses education and dialog to heighten public awareness of the architectural and cultural buildings and structures within the Historic District and the appropriateness of their preservation as provided by the By-law.

Lincoln’s Historic District now consists of 73 properties, including seven Modern houses, located in four non-contiguous areas throughout Lincoln:

- Lincoln Center – 62 properties
- Woods End Road area – 5 properties
- Codman Estate and Farm – 4 properties
- Cory-Brown-Hunt Houses, Conant Road – 2 properties

There are 11 owners who would like to add their Modern houses to the proposed Brown’s Wood Historic District at Town Meeting in March 2018. More owners may elect to join the Brown’s Wood Historic District in subsequent years. The Massachusetts Historic Districts Act provides for the creation of a new historic district at the request of property owners, after a public hearing conducted by the HDC, and then by vote of the Town at Town Meeting.

The basic procedure that the HDC is following in connection with property owners who are interested in adding their Modern houses to the Brown’s Wood Historic District is to:

1. Work closely with each property owner who has expressed an interest in adding their Modern house to the Brown’s Wood Historic District to ensure their understanding of the District and to secure their final approval and permission to proceed.
2. Submit the proposal for the creation of the Brown’s Wood Historic District to the Lincoln Planning Board and the Massachusetts Historical Commission for their consideration and recommendations.
3. Hold a public hearing, after notice to interested property owners, to answer questions from the public about the proposal for the creation of the Brown’s Wood Historic District and to approve the submission of the proposal as a Warrant article for vote at Town Meeting.

4. Work closely with Town officials, members of the public, and the property owners to develop the Warrant article and to obtain approval of the Warrant by the Town at Town Meeting by a two-thirds majority vote.

SIGNIFICANCE

History

The Brown's Wood neighborhood of Lincoln is a post-World War II contemporary-inspired subdivision development. The neighborhood represents an important era in American cultural history, reflecting mid-century ideas about Modern architecture and modern living, and how a suburban residential neighborhood and community could be built.

The neighborhood was not created by one builder or done by one architect, but is a collection of unique Modern houses; each a personalized vision of living in a rural, wooded suburban setting in the 1950s. Each house makes its own contribution to the neighborhood, yet together the houses create a coherent and clearly recognizable context and character. The houses in Brown's Wood were designed and built in an efficient, economical way. They are generally modest in size, construction, and impact on environment. Many of the houses have grown and expanded through the years. The changes have generally been flexible and organic, integrated with the original style and character of the homes, and often enhancing the character.

General Objectives of the Brown's Wood Historic District

1. The maintenance and enhancement of the Modern design ideas and characteristics that inform the homes of the Brown's Wood Historic District, while supporting the updating of its homes and the diversity of the characteristic architectural expression of the District.
2. The preservation of the woodland landscape, ensuring that the houses fit into that landscape rather than dominate it. The woodland is a major unifying factor that ties this District together, establishing its setting and context.

General Description of Neighborhood Character

- The absence of traditional or historical architectural styles – as it was put in the 1950s: “no colonials and no ranches.”
- The diversity of the architectural forms within the Modern architectural idiom.
- The dominance of the natural landscape, topography, and woodland setting.
- Houses are sited within the landscape and topography, with massing and scale that are reflective of the sites, fit into the woodland, and embrace nature, rather than competing with it.
- Houses are set in the woods, rather than set on a lot surrounded by yard space. The houses are seen through a natural screen of trees and woodland.
- Property lines are generally invisible, without fences or large landscaped areas separating properties.

- Lawns and formal landscaping do not extend to the street. Large trees and natural woodland vegetation are preserved, and landscaping and plantings are natural or naturalized, maintaining the woodland character.
- Varying setbacks, orientation, and massing are used to minimize impacts and maximize privacy and access to nature. Houses are sited and oriented without reference to the streets of the neighborhood and avoid the typical suburban relationship of houses to street.
- Houses are generally horizontal and low in their massing, using flat or low-pitched roofs, either without eaves or with deep overhanging eaves.
- Windows often serve to connect the inside and outside, bringing the outside into the house, rather than walling it off, economically expanding the apparent living areas.
- Houses have little in the way of decorative elements (shutters, gables, etc.), so that decoration and interest arises out of the form, the materials used, and especially the setting and surroundings.
- Houses have incorporated and experimented with new technologies and forms, in particular reflecting an early interest in sustainable design issues, including the use of industrial materials, sensitive siting, passive and non-passive solar, and efficient use of space and materials.

The following is a summary (in chronological order) of the houses which have been proposed by their owners for inclusion in the proposed Brown's Wood Historic District:

1. LIN 200 – **37 Conant Road (1 Laurel Drive)** – 1956, architect Walter S. Pierce (1920-2013) of Compton & Pierce, original owner John Harris. Two-story, flat-roofed Modern wood residence, unaltered except for addition of garage in 1961 and enlarged shed in 1976. Pierce: MIT, M.Arch. 1947; formed partnership with Danforth Compton in 1951 (ended with Compton's death in 1955); developed Peacock Farm subdivision of Modern houses in Lexington, MA, 1952-1958; Compton & Pierce designed four other houses in the Brown's Wood neighborhood.
2. LIN 202 – **5 Laurel Drive** – 1956, architect Arthur H. Brooks, Jr. (1916-2001), original client David Freeman. One-story, front-facing gable Modern wood residence; 1959 porch addition; auxiliary structures added 1983 and 1994. Brooks: designed two other houses in the Brown's Wood neighborhood in Lincoln.
3. LIN 205 – 1956 – **26 Laurel Drive**, architect Compton & Pierce, original owner Arthur Swanson. Two-story, slightly-pitched roof Modern wood residence, addition in 1998.

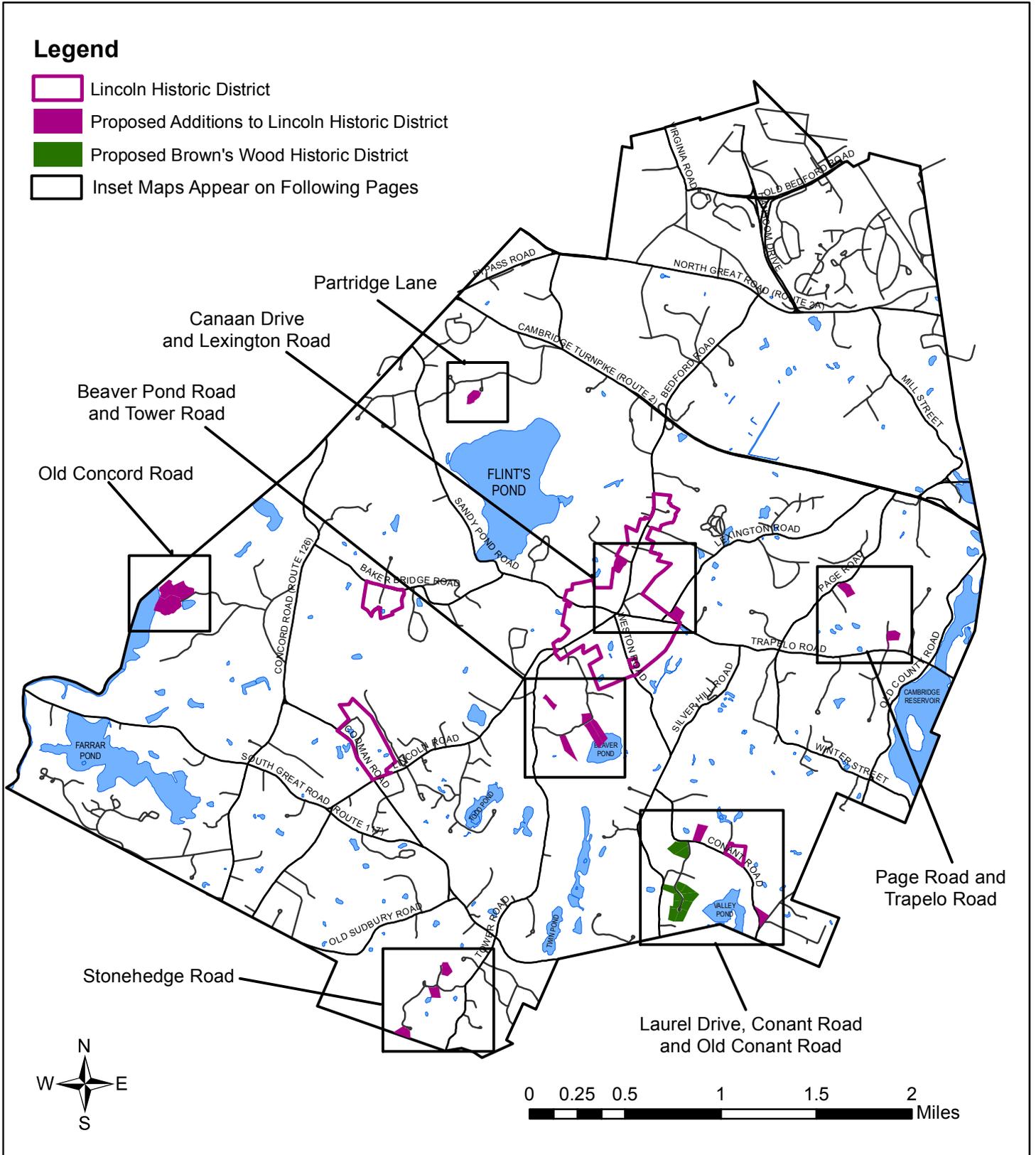
4. LIN 244 – 1955-56 – **27 Laurel Drive**, architect Ronald Robert Gourley (1919-1999), original owner Homer Eckhardt. Two-story, pitched roof, Modern wood residence, virtually unaltered. Gourley: Harvard, M.Arch, 1948, held teaching positions at MIT and Harvard, becoming Dean of the College of Architecture, University of Arizona, Tucson, 1977-1987, co-founder of Sert, Jackson, and Gourley, 1958-64, winner of two National Honor Awards for Excellence in Design in Cambridge, MA; designed two other houses in Lincoln.
5. LIN 206 – 1956 – **30 Laurel Drive**, architect Krokyn & Associates, original owner Richard Morgan. One-story, flat-roofed Modern wood residence, additions in 1987 and 1993.
6. LIN 208 – 1956 – **34 Laurel Drive**, architect Arthur H. Brooks, Jr., original owners Paul Loewenstein and Sophie Freud. Two-story, flat-roofed Modern wood residence, modifications in 1986 and 1989.
7. LIN 211 – 1956 – **40 Laurel Drive**, architects and original owners Ranulf and Ann Gras. Two-story Modern residence; Lavacrete construction; gull-wing roof.
8. LIN 207 – 1956 – **31 Laurel Drive**, architects and original owner Theodore and Nyna Polumbaum. Two-story, slightly-pitched roof Modern wood house, additions in 1959 and 2005.
9. LIN 209 – 1956-1957 – **37 Laurel Drive**, architect Compton & Pierce, original owner Jacques Hill. Split-level, flat-roofed Modern wood house.
10. LIN 210 – 1957-1958 – **38 Laurel Drive**, architect Compton & Pierce, original owner Lyman Allen. Two-story, slightly-pitched roof Modern wood residence, additions in 1968 and 2001.
11. LIN 245 – 1960 – **41 Laurel Drive**, architect Norman I. Paterson, original owner Martin Balsler. Split-level, Modern wood residence with flying roof.

JUSTIFICATION OF THE BOUNDARIES

The Brown's Wood Historic District would consist of 11 properties on Laurel Drive within the Brown's Wood neighborhood of Lincoln, a forty-acre parcel laid out and incorporated by its founders in 1954. At this time, the boundaries of the District are circumscribed to the properties of the 11§ property owners; the District could expand in the future should more residents of the Brown's Wood neighborhood later elect to join the District.

Town of Lincoln

Proposed Addition of Modern Houses to the Town of Lincoln Historic District and Proposed Brown's Wood Historic District



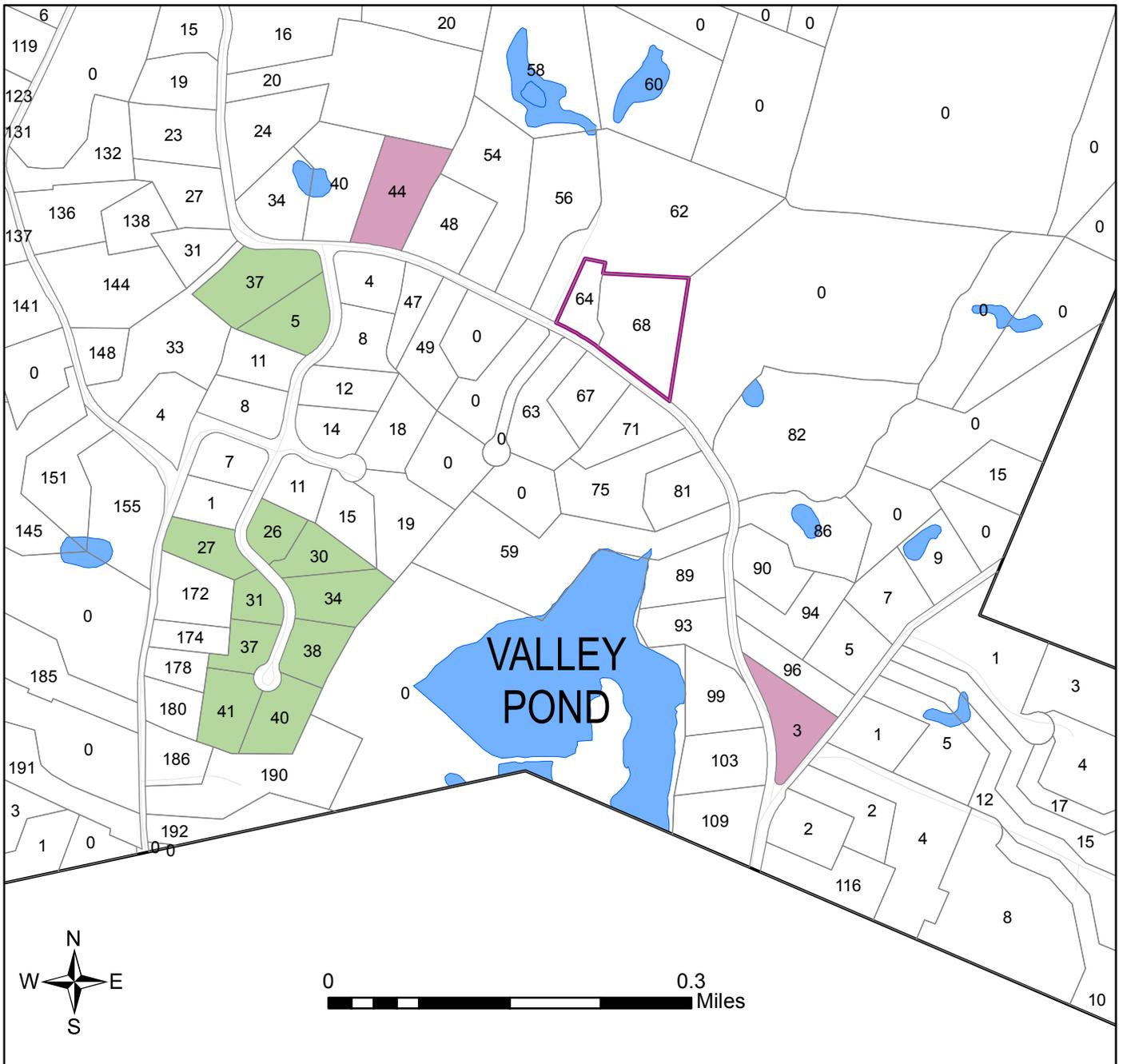
Town of Lincoln

Proposed Addition of Modern Houses to Town of Lincoln Historic District and Proposed Brown's Wood Historic District

Laurel Drive and Old Conant Road

Legend

-  Lincoln Historic District
-  Proposed Additions to Lincoln Historic District
-  Proposed Brown's Wood Historic District



PROPERTY INDEX

The properties listed below have been inventoried. The Forms B are housed with the Massachusetts Historical Commission, Boston; the Building Department, Lincoln Town Offices; the Lincoln Public Library; and FoMA.

DATE	ADDRESS	ARCHITECT	HISTORIC OWNER	LIN
1956	37 Conant Road (1 Laurel Drive)	Compton & Pierce	John Harris	200
1956	5 Laurel Drive	Arthur Brooks, Jr.	David Freeman	202
1956	26 Laurel Drive	Compton & Pierce	Arthur Swanson	205
1956	27 Laurel Drive	Ronald R. Gourley	Homer Eckhardt	244
1956	30 Laurel Drive	Krokyn & Associates	Richard Morgan	206
1956	34 Laurel Drive	Arthur Brooks, Jr.	Sophie Freud	208
1956	40 Laurel Drive	Ranulf and Ann Gras	Ranulf and Ann Gras	211
1956	31 Laurel Drive	Theodore and Nyna Polumbaum	Theodore and Nyna Polumbaum	207
1957	37 Laurel Drive	Compton & Pierce	Jacques Hill	209
1958	38 Laurel Drive	Compton & Pierce	Lyman Allen	210
1960	41 Laurel Drive	Norman I. Paterson	Martin Balser	245

BY-LAW

The Brown's Wood Historic District would operate under Lincoln's existing Historic District By-law with the modifications noted herein. The general mandate therefore of the Brown's Wood Historic District will be "to protect and preserve as a permanent legacy the significant historic areas and distinctive architectural characteristics of the Town of Lincoln in their settings." A copy of the Lincoln Historic District By-law is appended hereto.

As discussed above, the HDC recommends that it would administer the Brown's Wood Historic District under the existing Lincoln Historic District By-law with following modifications:

1. The Town of Lincoln Board of Selectmen would appoint a resident of the Brown's Wood Historic District as a member of the HDC.
2. The guidelines outlined above in the Significance section, historically developed for the Brown's Wood neighborhood, would become part of the By-law that the HDC would apply to the Brown's Wood Historic District.

In general, the Historic District By-law provides certain guidelines for the charge of the HDC, applicable to buildings and structures located within the Historic District. HDC members are responsible for approving requests for permanent exterior alterations in the District that are above grade and visible to the public, and for new construction and demolitions. The By-law contains the criteria for the HDC's review of those requests, including the standards for its decisions, and the types of changes that are exempt or excluded from HDC review. In determining the appropriateness of a proposed change, the HDC considers the proposal in relation to the historical and architectural significance of the subject building or structure and its site, as well as in relation to the historical and architectural significance of the buildings and structures in the surrounding area. The HDC can impose dimensional and set-back requirements in addition to those required by other applicable Town By-laws. The HDC may issue a certificate of non-applicability for ordinary maintenance and a certificate of hardship in certain instances when the refusal of a request would create a hardship for the applicant.

INVENTORY FORMS

Inventory forms are submitted on the accompanying thumb drive.

DIGITAL IMAGES

Images of each of the houses in the proposed Brown's Wood Historic District are provided on the accompanying thumb drive.

PUBLICATIONS ON MODERN HOUSES IN LINCOLN

Articles in magazines such as *AB Architecture/Boston*, *Architectural Forum*, *Architectural Record*, *Dwell*, *Harvard Magazine*, *Preservation*, etc.

Lucretia H. Giese and Henry B. Hoover, Jr., Breaking New Ground: Henry B. Hoover, New England Modern Architect (University Press of New England, Hanover, NH: 2005).

Dana Robbat, Plain Living, High Thinking (forthcoming).

APPENDIX A:
THE LINCOLN HISTORIC DISTRICT BY-LAW

COUNTY OF MIDDLESEX
COMMONWEALTH OF MASSACHUSETTS

GENERAL BY-LAWS

OF THE

TOWN OF LINCOLN

PRICE - \$10.00

As adopted by vote of the Town March 16, 1959, and thereafter amended,
through the March 28, 2015 Annual Town Meeting.

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ARTICLE XXV Historic District

Preamble

The purpose of this By-law is to promote the educational, cultural, economic, and general welfare of the residents of Lincoln through the preservation and protection of the distinctive architectural characteristics of buildings and places significant in the history of the Commonwealth and of the Town, through the maintenance and improvement of the settings for such buildings and places, and through the encouragement of the spirit of sensitive and innovative design compatible with the conceptual significance of the Town's historical development. This By-law does not seek to establish an architectural museum, but instead to inform the historical process of architectural growth and adaptation with a sense of educated pride in our heritage.

Section 1. Historic District

1.1. An Historic District (the District) is hereby established in the Town of Lincoln, Massachusetts, in accordance with provisions of MGL, Chapter 40C of the Commonwealth. The District consists of areas, the locations and boundaries of which are as shown on a plan to be filed with the Lincoln Town Clerk and the Massachusetts Historical Commission and to be recorded with the Middlesex South Registry of Deeds. The District is intended to preserve and protect as a permanent legacy the significant historical areas and distinctive architectural characteristics of the Town of Lincoln in their settings.

Section 2. Historic District Commission

2.1 Membership An Historic District Commission (the Commission) is hereby established as required by said MGL Chapter 40C, consisting of seven members, all residents of Lincoln, appointed by the Selectmen. The Commission shall include one member from two nominees submitted by the Lincoln Historical Society, one member from two nominees submitted by the Massachusetts State Association of Architects, and one member from two nominees submitted by the Board of Realtors covering Lincoln, if any. If, within thirty (30) days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Selectmen may

proceed to appoint the Commission without nomination by such organization. Further, at all times one member shall be a resident of or an owner of property in the District and two shall be members of the Lincoln Planning Board nominated by that body. Five members shall be drawn, if otherwise qualified, from the Lincoln Historical Commission. All members shall serve without compensation.

2.1.1. Alternates. There shall also be two alternate members appointed by the Selectmen, one of whom at all times shall be a resident of the District

2.2. Terms. The terms of members on the Commission shall be so arranged that the term of at least one member shall expire each year and shall, if possible, coincide with their membership on the other Town body on which they serve. Successors shall be appointed in the same manner as the original appointments for terms of three (3) years. Vacancies shall be filled in the same manner as the original appointment by the Selectmen for the remainder of the unexpired term. Each member and each alternate shall continue in office after the expiration of his or her term until a qualified successor is duly appointed by the Selectmen and accepts the appointment.

2.3. Officers. The Commission shall annually elect a chairman and a vice-chairman from within its number and a secretary from within or without its number.

2.4. Replacements. In case of absence, inability to act, or self-interest on the part of a member of the Commission, that member's place shall be taken for the duration of that condition by an alternate member designated by the Chairman.

Section 3. Definitions.

In this By-law, the following terms shall have the meanings described below:

3.1. Altered. The word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed", and "demolished."

3.2. Building. The word "building" means a combination of materials forming a shelter for persons, animals or property.

3.3. Commission. The word "commission" means the Commission acting as the Historic District Commission

3.4. Constructed: The word "constructed" includes the words "built", "erected", "installed", "enlarged", and "moved".

3.5. Exterior Architectural Feature: The words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park, or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color, and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces, and the type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures.

3.6. Structure: The word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk, or driveway.

Section 4. Duties, Power, And Authority of Historic District Commission.

4.1. Duties. The Commission shall have the duty of implementing this By-law by receiving and reviewing applications in connection with the alteration or construction of any building or structure within the Historic District and by acting on each such application as hereinafter provided in this By-law. The Commission shall have the further duty of informing the Massachusetts Historical Commission of the likely impact on the District of any state or federally funded, licensed, or assisted project.

4.2 Authority. Except as otherwise provided in **Section 6**, of this By-law, no building or structure within the 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.

A. 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.

B. No Building Permit for a construction of a building or structure or for alteration of an exterior architectural feature within the Historic District and no Demolition Permit for demolition or removal of a building or structure within the Historic District shall be issued by the Building Inspector of the Town of Lincoln until the certificate required by this Section has been issued by the Commission.

4.3. Augmentations. The Commission shall have such other duties, powers, and authority within the scope of MGL Chapter 40C as may be delegated or assigned to it by vote of a Town Meeting.

Section 5. Criteria

5.1. Standards. 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, and material of the features involved, and the relation of such 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 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 applicable By-law. In the event of any conflict between the provisions of this By-law and the Zoning By-law of the Town, which apply to the same property, the conflict shall be resolved by application by the appropriate body of the most restrictive provisions first.

5.2. Limitations. The Commission shall not consider interior arrangements or architectural features not subject to public view. The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the Historic District

Section 6. Exemptions and Exclusions

6.1. Exemptions. Use, interior arrangements, and exterior architectural features not subject to public view are exempt from the jurisdiction of the Commission.

6.2. Exclusions. The authority of the Commission shall not extend to review of the following categories of buildings or structures or exterior architectural features in the Historic District, and the buildings or structures or exterior architectural features so excluded may be constructed or altered within the Historic District without review by the Commission:

6.2.1. Temporary structures of signs, subject, however, to such conditions as to duration of use, location, lighting, removal, and similar matters as the Commission may reasonably specify;

6.2.2. Terraces, walks, driveways, sidewalks, roadside paths, and similar structures, provided that any such structure is substantially at grade level;

6.2.3. Storm doors and windows, screens, window air-conditioners, lighting fixtures, antennae, and similar appurtenances;

6.2.4. The color of paint;

6.2.5. The color of materials used on roofs; and

6.2.6. Signs of not more than one (1) square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly; and one sign in connection with the non-residential use of each building or structure which is not more than twelve (12) square feet in area, consists of letters painted on wood without symbol or trademark, and, if illuminated, is illuminated only indirectly.

6.3. Additional Exclusions. The Commission may determine from time to time after public hearing that additional categories of exterior architectural features and structures enumerated in MGL Chapter 40C may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purpose of this By-law.

6.4. Non-Applicability to Ordinary Maintenance and Related Actions. Nothing in this By-law shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within the Historic District which does not involve a change in design or 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 By-law.

6.5. Energy Conserving or Producing Devices. . The Commission shall, after public hearing, set forth in such manner as it may determine, a variety of designs of certain appurtenances, such as solar energy equipment and wind-activated power-generating equipment, which will meet the requirements of the Historic District, but no such roster of designs shall limit the right of an applicant to present other designs to the Commission for its approval.

6.6. Certificates of Non-Applicability. 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 this Section.

Section 7. Commission Procedure

7.1. Meetings. 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, including, in the absence of the Chairman, at the call of the Vice-chairman, as the Commission shall determine in its rules. Notice of meetings shall be posted at least forty-eight (48) hours in advance.

7.2. Quorums and Voting. The majority of the members of the Commission shall constitute a quorum, but the concurring vote of at least four (4) members of the Commission shall be necessary to issue any certificate and to determine whether a public hearing is required as specified below.

7.3. Initial Determinations. The Commission shall determine promptly, and in all events within fourteen (14) 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 the 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.

7.4. Dispensing with Public Hearings. A public hearing on an application need not be held if:

- 1) such hearing is waived in writing by all persons entitled to notice thereof; or
- 2) if the Commission determines that the exterior architectural feature involved or its category, as the case may be, is so insubstantial in its effect on the Historic District that it may be reviewed by the Commission without public hearing on the application, provided, however, that, if the Commission dispenses with a public hearing on an application, 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 hereinafter provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

7.5. Public Hearings. If the Commission decides to hold a public hearing on any application, it shall fix a reasonable time for such hearing and shall give public notice of the time, place and purposes thereof, at least fourteen (14) 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 and other property deemed by the Commission to be materially affected thereby, as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing 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.

As soon as convenient after such public hearing, but in any event within sixty (60) days after the filing of the application or within such further time as the applicant may allow in writing, the Commission shall make a determination of the application. If the Commission shall fail to make a determination within such period, the Commission shall thereupon issue a Certificate of Hardship.

7.6. Certificate of Appropriateness. 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 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 the appropriateness of design, arrangement, texture, materials, 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 (14) 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.

7.7. Certificate of Non-Applicability. In the case of a determination by the Commission that an application for a Certificate of Non-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 6**, the Commission shall cause a Certificate of Non-Applicability to be issued to the applicant.

7.8. Certificate of Hardship. If the construction or alteration for which an application for a Certificate of Appropriateness has been filed shall 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 Historic 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 derogation from the intent and purpose of this By-law. 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, or, in the event of failure to make a determination on an application within the time specified in **Section 7.5** above, the Commission shall cause a Certificate of Hardship to be issued to the applicant.

7.9. Execution of Certificates. Each Certificate issued by the Commission shall be dated and signed by its Chairman, Vice-Chairman, Secretary, or other person designated by the Commission to sign such Certificates on its behalf.

7.10. Rules, Regulations, and Permanent Records. 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 By-law and MGL, Chapter 40C, 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.

7.11. Final Dispositions. The Commission shall file with the Town Clerk and with the Building Inspector a copy or notice of all Certificates and determinations of disapproval issued by it.

Section 8. Review Procedure.

8.1. Authorized Review. Any applicant aggrieved by a determination of the Commission may, within twenty (20) 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 persons of competence and experience in such matters, designated by the Metropolitan Area Planning Council, of which the Town of Lincoln is a member.

8.2. Review Finding. The finding of the person or persons asking 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 below.

Section 9. Remedy by Superior Court.

9.1. Appeal to Superior Court. Any applicant aggrieved by a determination of the Commission or by the finding of a person or persons making a review may, within twenty (20) days after the filing of the notice of such determination or such finding with the Town Clerk, appeal to the Superior Court sitting in equity for Middlesex 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 in this Section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs 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. Costs 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.

9.2. Jurisdiction of Superior Court. The Superior court sitting in equity for Middlesex County shall have jurisdiction to enforce the provisions of this By-law and the determinations, rulings and regulations issued pursuant thereto, and may, upon petition of the Board of Selectmen or of the Commission, restrain by injunction violations thereof; and without limitations, 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 By-law shall be punished by a fine of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500). Each day during any portion of which a violation continues to exist shall constitute a separate offense.

Section 10. Reports to the Massachusetts Historical Commission.

10.1. This By-law, amendments thereto, maps of areas in the Historic District created thereunder, and annual reports and other publications of the Commission, and rosters of membership therein, shall be filed with the Massachusetts Historical Commission.

Adopted at the 1981 Annual Town Meeting; integrated into General By-Laws, 2008 et seq.

APPENDIX B:
PROPOSED ADDITIONS TO THE
LINCOLN HISTORIC DISTRICT BY-LAW REGARDING THE
PROPOSED BROWN'S WOOD HISTORIC DISTRICT

The following provision shall be added to Section 1 of Article XXV (Historic District) of the Town of Lincoln General By-Laws:

1.2 A Brown's Wood Historic District (the Brown's Wood District) is hereby established in the Town of Lincoln, Massachusetts, in accordance with provisions of MGL, Chapter 40C of the Commonwealth. The Brown's Wood District consists of areas, the locations and boundaries of which are as shown on a plan to be filed with the Lincoln Town Clerk and the Massachusetts Historical Commission and to be recorded with the Middlesex South Registry of Deeds. The Brown's Wood District is intended to preserve and protect as a permanent legacy the significant historical areas and distinctive architectural characteristics of the Town of Lincoln in their settings.

The following provision shall be added to Subsection 2.1 of Article XXV (Historic District) of the Town of Lincoln General By-Laws:

Further, a Brown's Wood Historic District Commission (the Brown's Wood Commission) is hereby established for the Brown's Wood Historic District, consisting of seven members, all residents of Lincoln appointed by the Selectmen. Appointments shall be made as provided in this Section 2 for the Historic District Commission, provided that at least one member of the Brown's Wood Historic District Commission shall be a resident or property owner of the Brown's Wood Historic District. Some or all of the members of the Historic District Commission may also be appointed as members of the Brown's Wood Historic District Commission. All members shall serve without compensation.

The following provision shall be substituted for Subsection 3.3 of Section 3 (Definitions) of Article XXV (Historic District) of the Town of Lincoln General By-Laws:

3.3 Commission. Except as used in Subsection 2.1 of Article XXV of the By-Law, the word "Commission" as used in Article XXV of the By-Law shall refer both to the Historic District Commission and the Brown's Wood Historic District Commission.

The following provision shall be added to Section 3 (Definitions) of Article XXV (Historic District) of the Town of Lincoln General By-Laws:

3.7 Historic District or District. Except as used in Subsections 1.1, 1.2, 2.1, and 5.3 of Article XXV of the By-Law, the words "Historic District" and "District" as used in Article XXV of the By-Law shall refer both to the Historic District and the Brown's Wood Historic District.

The following provision shall be added to Section 5 of Article XXV (Historic District) of the Town of Lincoln General By-Laws:

5.3 Standards Applicable to the Brown's Wood Historic District

a. General Objectives of the Brown's Wood District:

(i) The maintenance and enhancement of the Modern design ideas and characteristics that inform the homes of the Brown's Wood District, while supporting the updating of its homes and the diversity of the characteristic architectural expression of the Brown's Wood District.

(ii) The preservation of the woodland landscape, ensuring that the houses fit into that landscape rather than dominate it. The woodland is a major unifying factor that ties this Brown's Wood District together, establishing its setting and context.

b. General Description of Neighborhood, Architectural and Historical Characteristics of the Brown's Wood District:

(i) The absence of traditional or historical architectural styles as it was put by the founding homeowners in the 1950's: "no colonials and no ranches.

(ii) The diversity of the architectural forms within the Modern architectural idiom.

(iii) The dominance of the natural landscape, topography and woodland setting.

(iv) Houses are sited within the landscape and topography, with massing and scale that are reflective of the sites, fit into the woodland and embrace nature, rather than competing with it.

(v) Houses are set in the woods, rather than set on a lot surrounded by yard space. The houses are seen through a natural screen of trees and woodland.

(vi) Property lines are generally invisible, without fences or large landscaped areas separating properties.

(vii) Lawns and formal landscaping do not extend to the street. Large trees and natural woodland vegetation are preserved, and landscaping and plantings are natural or naturalized, maintaining the woodlands character.

(viii) Varying setbacks, orientation and massing are used to minimize impacts and maximize privacy and access to nature. Houses are sited and oriented without reference to the streets of the neighborhood, and avoid the typical suburban relationship of houses to street.

(ix) Houses are generally horizontal and low in their massing, utilizing flat or low-pitch roofs, either eave-less or with deep overhanging eaves.

(x) Windows often serve to connect the inside and outside, bringing the outside into the house, rather than walling it off, economically expanding the apparent living areas.

(xi) Houses have little in the way of decorative elements (shutters, gables etc.), so that decoration and interest arises out of the form, the materials used and especially the setting and surroundings.

(xii) Houses have incorporated and experimented with new technologies and forms, in particular reflecting an early interest in sustainable design, including the use of industrial materials, sensitive siting, passive and active solar and efficient use of space and materials.

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