Revised: as of June 30, 1983

Bay Village Historic District

Study Report



Boston Landmarks Commission
Bay Village Community Advisors

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The Bay Village community advisors hereby transmit to the Boston Landmarks Commission a report on the establishment of the Bay Village area as an Historic District. The work of this group was officially initiated in 1979 when the Bay Village Association, Inc. requested of the Mayor and the Boston Landmarks Commission that the area be considered an historic district under Chapter 40C, General Laws, and Chapter 772, Acts of 1975. The purpose of such a district is the recognition and protection of the architectural and historical characteristics which make an area unique.

Under Chapter 772, as amended, the Boston Landmarks Commission is the Study Committee for the potential historic districts in Boston. The Landmarks Commission requested that community advisors, consisting of study area residents, work together to evaluate the architectural and historic significance of the area, the potential boundaries of an historic district, and the standards and criteria for reviewing exterior changes within the proposed district to ensure its protection. The community advisors were assisted by Landmarks Commission staff.

The status of the Study Report was reported regularly at meetings of the Bay Village Association, Inc. In January of 1982, the tentative conclusions of the Study Report and the procedures of an historic district were the subject of a public meeting held by the Bay Village Association, Inc. Property owners, occupants and Association members in the area were invited. During the summer and fall of 1982, support for establishment of an historic district was solicited by means of signed petitions. In September, 1982, the Study Report and its recommendations were finalized.

A public hearing was held on December 7, 1982. Testimony was substantially in favor of establishment of an Historic District, although some opposition was voiced.

The Boston Landmarks Commission, at its regular business meetings, considered the expressed concerns and then voted on March 22, 1983 to transmit the Study Report, including the revised Ordinance, to the Mayor. The Boston Landmarks Commission respectfully requests that the Mayor recommend to the City Council that it approve the Ordinance establishing the Bay Village Historic District.

SUMMARY: STUDY REPORT RECOMMENDATIONS

The Bay Village Study Report concludes that Bay Village is architecturally significant as a smallscale, densely built enclave of row structures that have brick as the predominant building material. Individually, its major streets are homogeneous in style, general use, and visual character; these range from 1825 to 1899, and in style from Federal to late Victorian. A few streets display heterogeneity of scale and use with a number of adaptively re-used structures or 20th c. commercial structures in the Art Deco or Moderne style. Bay Village is historically significant as an area built and occupied by Boston's carpenter-builders and artisans including stairbuilders, masons, paperhangers and a variety of tradesmen and as the center of the movie industry in Boston for much of the 20th century.

Therefore, the Study Report recommends that the area roughly bounded by Piedmont, Charles Street South, Tremont, Marginal, Cortez, Berkeley, Isabella and Arlington Streets be established as the Bay Village Historic District.

The Study Report further recommends that a City of Boston ordinance be adopted establishing the Bay Village Historic District Commission and that members be appointed to review exterior changes to property within the district.

The Study Report further recommends that Standards and Criteria which have been prepared to guide future physical changes to property within the district to protect the architectural integrity and historical character of the area be adopted.

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I. INTRODUCTION

1.1 History of Historic Districts

Historic district designation is designed to protect areas that exhibit a cohesion of architectural style and/or historic association. Walter Muir Whitehill, in With Heritage So Rich, writes:

> A 1954 United States Supreme Court decision (Berman vs. Parker) ruled that a city has as much right to be beautiful as it has to be safe and clean. Such an assumption is basic to the present wider acceptance of the preservation of historic districts by architectural control as a legitimate function of government. Architectural control is the device used to prevent the construction of incompatible new buildings, or alterations to existing ones, that would detract from the esthetic values of an area in which a large proportion of the buildings were constructed during a significant architectural period or have important associations with the history of the community, state or nation.

The roots of this historic district movement are in the activities of southern cities, namely Charleston, South Carolina and New Orleans, Louisiana. In 1921, a constitutional amendment in Louisiana authorized the Commission Council of New Orleans to create the Vieux Carre Commission to oversee alteration to that section of the city. The commission was formally organized in 1937. In Charleston, legislation was passed in 1931 creating the "Old and Historic District of Charleston." Charleston was also the site of the first comprehensive citywide inventory of architecturally significant and historic sites.

Historic District activity began in Massachusetts in 1955 with a legislative act creating historic districts on Beacon Hill and Nantucket. The Back Bay Residential District was created in 1966, also by legislative act.

The Historic Districts Act, Chapter 40C of the General Laws of Massachusetts, adopted in 1960, serves as the enabling legislation by which municipalities create historic districts. To date, sixty-seven cities and towns in the Commonwealth have established historic districts either through Special Acts or under Chapter 40C, the Historic Districts Act.

1.2 Purpose of Historic Districts

Under Chapter 772, Acts of 1975, the Boston Landmarks Commission was established to identify and protect important architectural features within the City. The Landmarks statute specifies that under its procedures only landmarks, not districts, can be designated in the Downtown, Back Bay, Beacon Hill, North End and South Cove areas. However, as part of the statute, Chapter 40C was accepted by the City, and the Landmarks Commission, as one of its additional duties, became the Study Committee for any historic district proposed in the city.

The provisions of Chapter 40C enable the Historic District Commission to establish regulations to insure that, without prior approval, no changes be made to the exterior architectural features of buildings, structures, and sites visible from a public way within the designated district.

As stated in the Guidelines for Establishing Local Historic Districts, published by the Secretary of the Commonwealth, Massachusetts Historical Commission, the purpose of an historic district is:

1. To preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns;

2. To maintain and improve the settings of those buildings and places; and

3. To encourage new designs compatible with existing buildings in the district.

The Guidelines clearly state that areas proposed for historic district consideration need not be of national or state significance. The Massachusetts Historical Commission encourages cities and towns to establish districts to protect those areas which are significant to their local development.

1.3 Relation of Proposed District to the City of Boston

Bay Village is one of the few nineteenth century residential districts which remains intact in downtown Boston. Other residential areas dating from the last century, Beacon Hill, Back Bay, St. Botolph Street area and Bay State Road, are already protected by historic district or architectural conservation district designation. Bay Village, an urban residential community which retains its original fabric, also deserves protection as an historic district.

II. REVIEW OF ACTIVITIES OF STUDY COMMITTEE, METHODOLOGY AND PROPOSED BOUNDARY

2.1 Study Committee and Community Advisors

The Historical Committee of the Bay Village Neighborhood Association, Inc., met for the first time on December 15, 1975 to investigate the possibility of having Bay Village designated as an historic district. The Committee was established in response to a growing neighborhood concern over the impact of various commercial developments which were in the planning stage, chiefly Park Plaza. From its inception in 1825, Bay Village has been a small enclave of small houses. It was generally feared that monumental buildings along its perimeter might soon alter the village like character which has existed for over a century and a half.

On July 20, 1979, the Bay Village Neighborhood Association, Inc., (BVNA) wrote the Mayor stating its request to establish an historic district under Chapter 40 C. The Boston Landmarks Commission, as Study Committee for Chapter 40C districts, requested that community advisors assist the Commission in preparing the required report. A number of steps are required in the formulation of the report.

2.2 Methodology

One of the first steps undertaken by the Committee was to canvass absentee landlords as well as owners in residence. The response was uniformly favorable to the historic designation. The larger tenant population also expressed approval through neighborhood questionnaires and at general meetings of the BVNA.

Using a form supplied by the Massachusetts Historical Commission, the community advisors completed a survey of the Bay Village neighborhood. The process included visual inspection of all facades from public ways, photography of each building and streetscape, and research on selected occupants, construction dates, builders, and events in the area. Several residents volunteered to research the deeds of the houses in which they lived.

2.3 Description and Justification of Proposed Boundary

The resident committee examined potential boundaries for the proposed district. The inventory confirmed that Bay Village appears as an architecturally cohesive urban residential area. It is small in scale and is densely built up with row structures that have brick as the predominant building material. Some streets are homogeneous in style, use, and visual character (Melrose and Fayette in the Federal and Greek Revival styles; Isabella and Cortes in later Victorian styles). Some streets (Winchester, Piedmont, and Church) display heterogeneity with the characteristic residential types mixed with 20th century commercial structures. The boundaries as proposed (see attached Map II) include the streets that form this architecturally cohesive area and also generally conform to the area adopted by the Bay Village Neighborhood Association.

The proposed district is generally bounded by Piedmont, Charles Street South, Tremont, Marginal, Cortes, Berkeley, Isabella and Arlington Streets. The proposed district encompasses 190 parcels, including approximately 185 buildings. Of these, approximately 113 date from 1824 to 1860, and 47 date from 1861 to 1900. There are approximately 25 20th century buildings.

Excluded from the proposed district are the adjacent areas of recently developed hotel and apartment blocks, and a major structure already designated a Boston Landmark (The Armory of the First Corps Cadets).

2.4 Development of Regulatory Standards

An important step taken by the community advisors was the development of appropriate standards for the design review process. While completing the inventory, members became aware of the salient characteristics of the Bay Village structures, the divergent characteristics of certain streets, and the types of changes that have occurred. Drawing on these observations, and the standards used in other preservation districts, the committee drafted regulatory standards tailored to Bay Village.

2.5 Public Hearing

A public hearing was held on December 7, 1982 to allow Bay Village property owners and residents to review the Study Report and regulatory standards and to testify in favor of, or in opposition to, establishment of an Historic District.

On January 11, 1983 at a regular meeting of the Boston Landmarks Commission, the Commission voted to transmit the Study Report, with minor corrections, to the City Council.

At the request of the Boston Redevelopment Authority, that has jurisdiction over an Urban Renewal parcel within the historic district boundary, the Boston Landmarks Commission considered and then voted on March 22, 1983 to disclaim historic district review over initial development and construction of said urban renewal parcel.

2.6 Action

The Boston Landmarks Commission voted on March 22, 1983 to transmit the Study Report, including the revised Ordinance, to the Mayor. The Boston Landmarks Commission respectfully requests that the Mayor recommend to the City Council that it approve this Ordinance establishing the Bay Village Historic District.

III. JUSTIFICATION OF BAY VILLAGE HISTORIC DISTRICT

3.1 Reasons for Historic District

Just what benefits will an historic district in Bay Village provide for the neighborhood? Most importantly, it will limit the destruction and disintegration of the historical and architectural legacies of this notable section of Boston. The intactness of a 19th century neighborhood will be enjoyed by its future generations. A district will offer to residents and visitors alike a visual example of its historical and cultural heritage.

An historic district will afford its residents protection from decreasing land values which deterioration or neighborhood blight, created by demolition or inappropriate alterations of significant buildings, can cause. The district will establish controls aimed at preventing the intrusion of incongruous structures or rehabilitation that would detract from the aesthetic and historical values of the district.

These standards and criteria are intended to serve two purposes: first to inform property owners of the kinds of changes permitted in the district, and to guide the members of the Historic District Commission in deciding what proposed changes are permissible.

These standards apply only to proposed changes of exterior architectural features designed to be open to view from a public way, including all elevations intended to be seen on freestanding buildings. They are not retroactive, but apply only to changes proposed after the formal establishment of the district.

The intent of the standards and criteria for Bay Village is not to freeze the appearance of the district to a certain point of time but, instead, to guide inevitable changes to the buildings composing the district in order to make those changes sensitive to the architectural character of the area and to prevent intrusions of incompatible architectural elements.

In general, proposed changes which are easily reversed are far less serious than those which cannot be reversed.

In all cases, the design approach to a proposed change in a district should begin with the understanding that the overall character of a district is greater than the sum of its parts, and that a pattern, made up of each building, each landscape element and each detail, exists within a district. It is this aggregate character which is most important.

It is recognized that changes may be required for a variety of reasons, not all of which are under the complete control of the Commission or the owners. Building code conformance and safety requirements are primary examples of causes of such changes.

Historic district designation will not, however, curtail the use of the properties within the area as established by the Boston zoning code.

Finally, the establishment of a district will provide a solid base from which the District Commission can pursue the placement of the entire district on the National Register of Historic Places. Acknowledgement in the register provides recognition for the property and an opportunity for the owner to apply for matching grants, if available, for development projects. Listing on the National Register, or creation of an Historic District, could provide owners of depreciable real estate with rehabilitation tax incentives for the rehabilitation of historic buildings associated with the Economic Recovery Act of 1981, as amended.

3.2 Architectural and Historical Significance

To study Bay Village's origins, one must consider the original configuration of the City of Boston. When first incorporated in 1630, Boston consisted of the Shawmut peninsula. It was attached to the mainland by a narrow strip of land on which was Orange Street, now known as Washington Street. The Charles River was characterized by bogs and marshes which extended across Charles Street and over to the Fenway and Roxbury. The Bay Village area was mudflats caused by Back Bay tides. In 1825, a city ordinance was passed authorizing the construction of a dam to be built from Baldwin Mills to Fayette Street. Thus, as the water drained off, the land became usable for the construction of houses, which began in 1825.

The streets in Bay Village were laid out as follows: In 1824, Fayette, Jefferson and Piedmont Streets; in 1825, Melrose (originally Marion), Shawmut and Winchester (formerly South Cedar) Streets; in 1830, Knox Street; in 1833, Bay Street; in 1835, Church Street; and in 1838, Lyndeboro Place. In these early days the neighborhood, then know as the Bay Street District, ended at Arlington Street, where fishermen and boats could be found. Until an 1868 reclamation project, flooding of the area continued to be a problem.

Many early deeds included restrictions on height and construction materials. Some early real estate transactions specified that the houses be built of brick. These specifications resulted in the harmonious appearance of the neighborhood still evident today.

Early settlers in the area represented a variety of occupations, including cabinet makers, stairbuilders, carvers, blacksmiths, housewrights, bakers, printers, piano makers, sailmakers, ropemakers, and paperhangers.

The foremost builder in the area was Ephraim Marsh, who resided on Broadway (formerly Pleasant Street). Other carpenter/builders in the area were Presbury Coffin, Frederick Morong, Benjamin and Joshua Bosworth, James Marble and Samuel Blake, Jr. Many of these men also worked on the larger houses on Beacon Hill.

The Bay Village district is predominantly an intact early 19th century residential enclave. The typical Bay Village house is a two or three-story red brick rowhouse with a granite foundation. It is three bays

wide and is not set back from the sidewalk. The entrance vestibule is recessed and panelled, and is located on the side of the front facade. The roof is slate and may have a single, a double, or a continuous dormer in a later addition. Fayette Street's architecture may be described as Federal, exemplified by curved arch entry openings, flared lintels and brick dental cornices. Houses on later streets (such as Melrose) show the transition to Greek Revival styles and have longer windows, an additional story, square entrance openings and simple brick cornices. There are occasional interruptions to these otherwise harmonious street-scapes such as Federal style frame Clapboard houses set end to street and four to five story brick structures, or carriage houses converted to dwellings.

On Winchester and Piedmont Streets particularly, the characteristic residential scale is mixed with 20th century commercial structures. Nevertheless, these buildings maintain the overall scale of the neighbor-hood; they are two stories high, brick but with a horizontal fenestration pattern typical of the Art Deco or Art Moderne style. Some of these structures were built for the movie distribution industry and have since been converted to other office use.

Two significant events, which occurred in the 19th century, had an impact on the lives of the Bay Village residents. In 1845, there was a destructive fire which spread from a carpenter's shop on Winchester Street. The fire was not contained until it consumed over twenty five dwellings, mainly of wood construction (on Winchester and Piedmont Streets). The second event took place in 1868 when the sewage from the newly-developed Back Bay began surfacing in the marshy base of the Church Street district. At this time the entire district, including some 450 dwellings, 24 stores and other buildings and streets, was raised 18 feet above mean low water.

An adjunct to the District is the Isabella-Cortes Streets area. This area dates from the latter part of the 19th century (Cortes Street, 1865 and 1885; and Isabella Street, 1885). However, it relates to Bay Village proper by the continued use of red brick, uniform heights of four stories including a mansard level, basic residential use and general retention of original Victorian architectural features.

N.B. For the definitive and considerably more extensive history of the area, consult Mary Van Meter's "Bay Village or the Church Street District, a survey of history and some of its buildings and inhabitants," Proceedings of the Bostonian Society, 1969.

IV. RECOMMENDATIONS OF THE STUDY COMMITTEE INCLUDING MEMBERSHIP OPTIONS

4.1 Recommendations

The Study Committee and its Community Advisors recommend, based on what has been established in the preceding sections of this report, that:

1. the Bay Village Historic District be established under ordinance by Chapter 40C of the General Laws, and Chapter 772 of the Acts of 1975, the boundaries be those indicated on Map II of this report, and the ordinance contained in Appendix C of this report be adopted and,

2. the Bay Village Historic District Commission be established under the same ordinance by Chapters 40C and 772 and that such Commission be comprised of five members and three alternates, the majority of whom should be residents of the proposed district. Staff services would be provided in the Environment Department. The proposed local ordinance stipulates membership, appointment, terms including initial terms, and residency requirements.

4.2 Options

The options for membership and administration for the proposed Bay Village Historic District are fairly limited. The most apparent one is a seven member, five alternate scheme. Because Bay Village is a small area, and because of the difficulty in assembling quorums, the proposed 5-3 format was considered most efficient and effective. In addition to the required requests for nominations from:

1. The Society for the Preservation of New England Antiquities,
2. The Greater Boston Real Estate Board, and
3. The Boston Society of Architects,

the Study Committee considered a member from the resident community to be essential, and believed that a nominee from the Landmarks Commission would provide experience in preservation matters. It was also decided that one alternate should be a community resident and the other a member of the Landmarks Commission.

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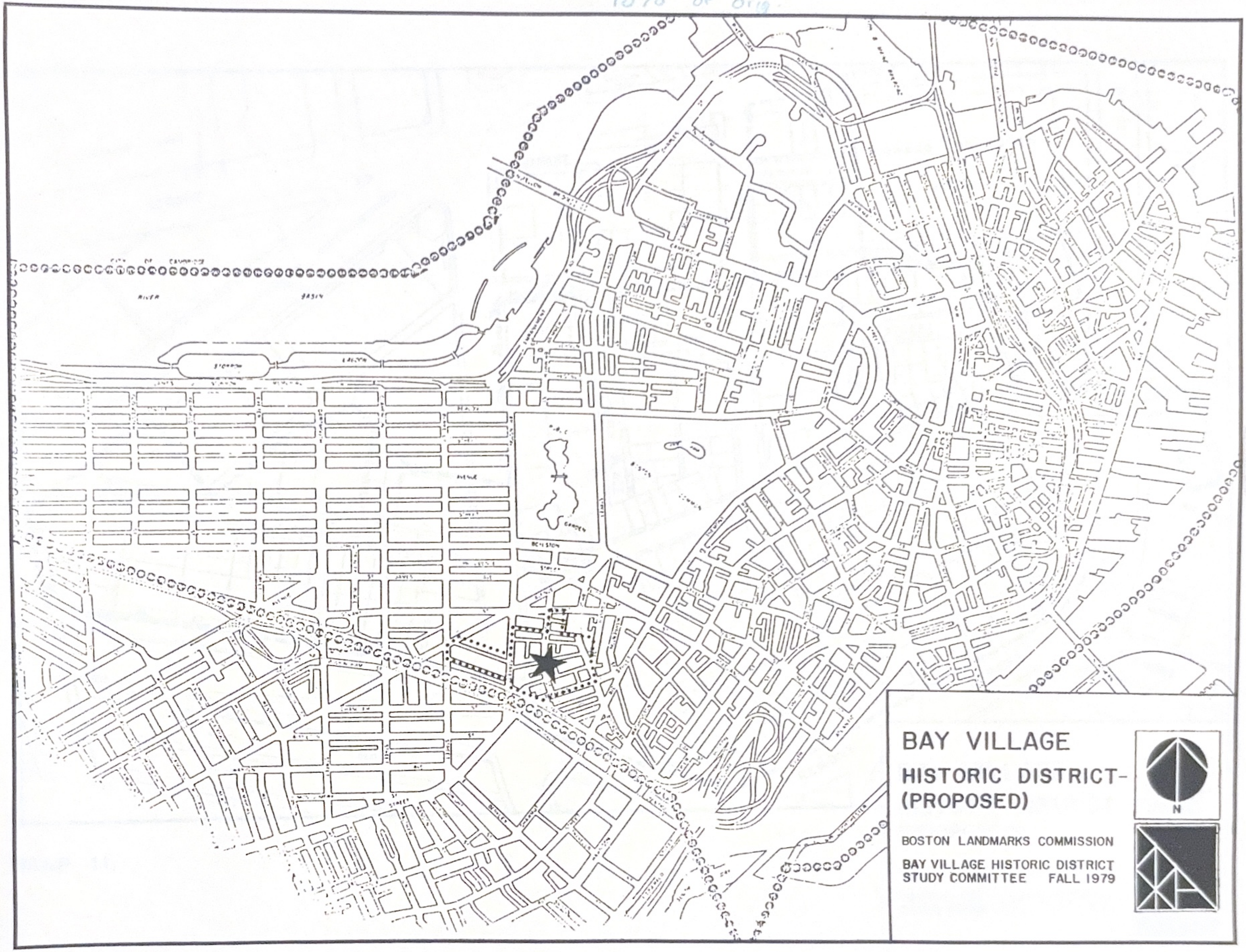
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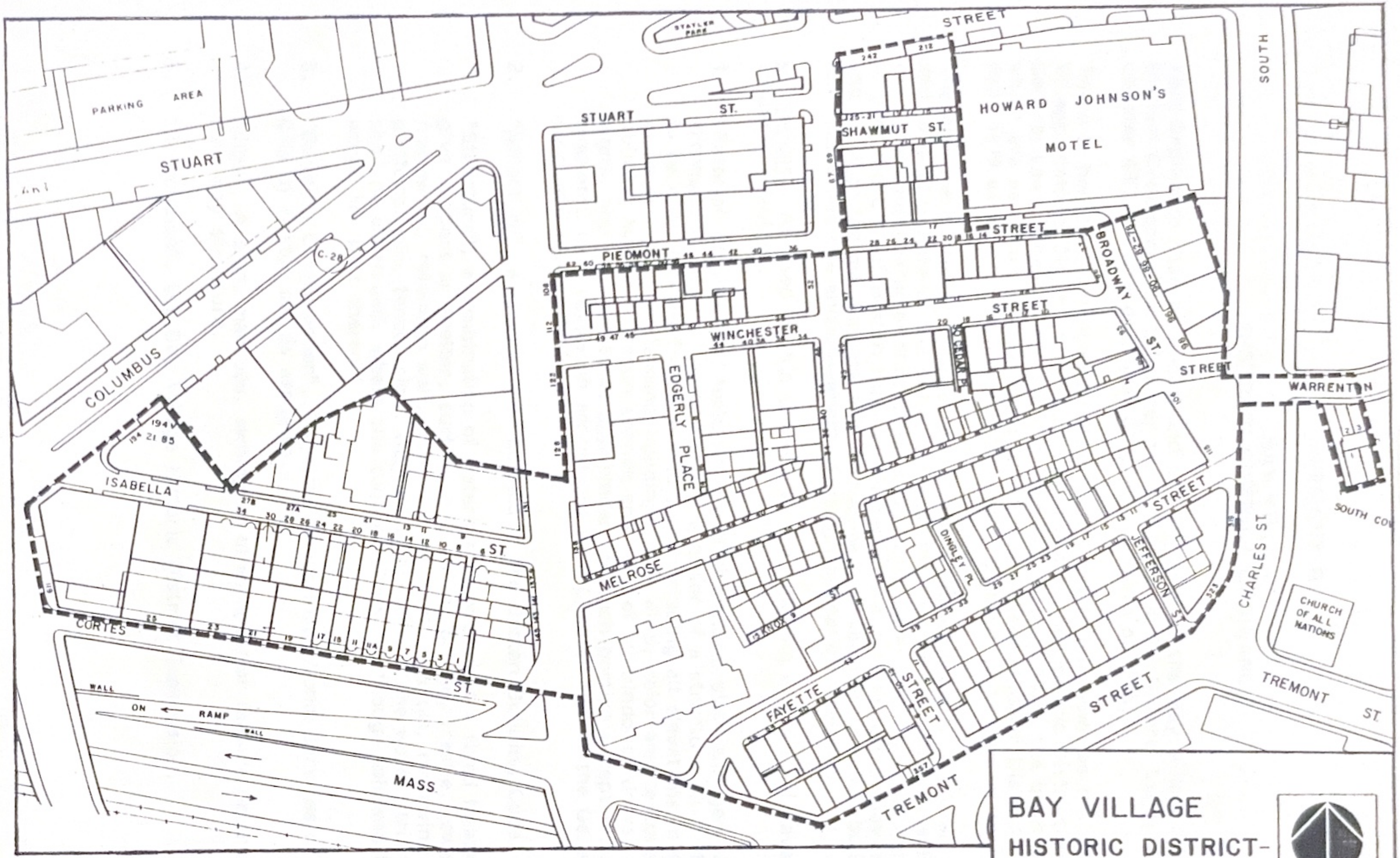
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98% of orig.



MAP I.

98% of orig.



MAP II.

BAY VILLAGE
HISTORIC DISTRICT-(PROPOSED)

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BOSTON LANDMARKS COMMISSION

BAY VILLAGE HISTORIC DISTRICT STUDY COMMITTEE FALL 1979

APPENDIX B

BAY VILLAGE
HISTORIC DISTRICT ORDINANCE

This Ordinance shall be known and may be cited as the Bay Village Historic District Ordinance adopted under the authority of the General Laws, Chapter 40C, as amended, and Chapter 722, Acts of 1975.

There is hereby established an Historic District to be known as the Bay Village Historic District under the provisions of the Historic District Act, General Laws, Chapter 40C and Chapter 772, Acts of 1975, the boundaries of which are as shown on the map entitled "Bay Village Historic District" dated Fall, 1979 which accompanies and is hereby declared to be part of the Ordinance.

The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the City of Boston that are located in the area known as Bay Village, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Definitions - As used in this Ordinance, the following words shall have the following meanings:

1. "Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including all elevations intended to be seen on freestanding buildings, and kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs, and other fixtures appurtenant to such portion except those exempted from review in accordance with Chapter 40C of the General Laws and this Ordinance.

2. "Structure", a structure as defined in the Boston Building Code.

   "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like. The word 'structure' shall be construed, where the context allows, as though followed by the words "or part thereof".

3. "Building Commissioner", Commissioner of Inspectional Services of the City of Boston or his assignee.

4. "Sign", A sign, marquee, awning or other exterior feature protruding from any structure.

5. "Commission", the Bay Village Historic District Commission.

Bay Village Historic District Commission

There is hereby established an Historic District Commission, under the provision of the General Laws, Chapter 40C, consisting of five members and three alternate members to be appointed by the Mayor and confirmed by the City Council. When the Commission is first established, one member shall be appointed for a term of one year, two shall be appointed for a term of two years and two shall be appointed for a term of three years. When the Commission is first established, one alternate member shall be appointed for a term of one year, one alternate member shall be appointed for a term of two years and one alternate member shall be appointed for a term of three years. Successors to members and to alternate members shall be appointed for a term of three years, except that members and alternate members may be appointed during a term to fill vacancies occurring on the Commission for the remaining portion of the term.

The membership of the Commission shall be made up as follows:

- One member from two nominees submitted by the Society for the Preservation of New England Antiquities,
- One member from two nominees submitted by the Boston Society of Architects,
- One member from two nominees serving on the Boston Landmarks Commission,
- One member from two nominees submitted by the Greater Boston Real Estate Board,
- One member, a resident of the Bay Village Historic District.
- Two alternate members from four nominees who are residents of the Bay Village Historic District,
- One alternate member from two nominees serving on the Boston Landmarks Commission.

The Commission shall elect annually a Chair and Vice-Chair from its own number and a Secretary from within or without its number.

Alternates shall have all powers and duties of regular members when called to serve by the Chair or Vice-Chair of the Commission.

All members and alternates shall serve without compensation. All members and alternates shall be residents of the City of Boston. It is preferred that the majority of membership be residents of the Historic District.

Without regard to Chapter 31 of the General Laws and under the provisions of Chapter 772, Acts of 1975, as amended, the City of Boston Environment Department shall provide the Commission with an administrative staff adequate to carry on the functions of the Commission as provided for in this Ordinance.

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Such staff shall be employees of the Environment Department, and notwithstanding the foregoing the Commission may contract directly for such professional and expert technical assistance as such business shall require.

For the purposes of Chapter 268A of the General Laws, every member of the Commission, and every person who shall, on a part-time and consultative basis, perform any professional services for the commission, such as the services of architect, attorney, engineer, architectural historian, planner, environmentalist or expert in construction, finance, real estate or traffic, shall be deemed to be a special municipal employee.

The commission shall adopt by-laws which specify the standards and criteria included in the Bay Village Historic District Study Report. Amendments to criteria may be established by amendments to the by-laws of the commission.

Administration of Historic Districts

No building, or property, or structure within the Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features, and no building shall be moved into the Historic District unless the Commission shall first have issued a Certificate of Appropriateness, a Certificate of Hardship or a Certificate of Non-Applicability with respect to such construction, demolition, alteration or movement. The building commissioner shall not issue a permit within an Historic District unless one of the certificates noted above has first been issued by the Commission or the proposed improvement is exempted from these provisions by the following:

Exemptions to Review

The Authority of the Commission is not extended to the review of the following:

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 in the standards and criteria.

2. Decorative lighting fixtures within entryways.

3. Paint or stain of any color not on any masonry or brick surface.

4. Ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material or outward appearance thereof.

5. Construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.

6. Rear elevations except on free-standing buildings.

7. The Boston Redevelopment Authority shall administer the development of Urban Renewal Parcel R-7 in accordance with the September, 1980 Developers Kit (The Guidelines) for this parcel, whose guidelines are incorporated herein by reference. This exemption shall terminate upon completion of development, and the completed building and associated property shall then be subject to Commission jurisdiction in all respects.

Applications for Certificates from Historic District Commission

Any person who is required 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.

Within eight days after the filing for a Certificate of Appropriateness, Saturdays, Sundays and legal holidays excluded, the commission shall determine the properties materially affected by the application. Unless a public hearing on such application is waived in writing by all persons entitled to a notice, the commission shall require its secretary to give, by mail, reasonable notice of a public hearing before the commission on such application to the applicant, the owners of all property determined by the commission to be materially affected as they appear on the most recent real estate tax list, and any persons filing a written request for notice of hearings, such requests to be renewed yearly in December.

The Commission, as soon as may be convenient following such public hearing, or the waiver thereof, but within thirty days, Saturdays, Sundays and legal holidays excluded, after the filing of the application for the Certificate of Appropriateness, or within such further time as the applicant may in writing allow, shall determine whether or not the construction, reconstruction, alteration, or demolition of the exterior architectural feature is consistent with the purpose of this Ordinance and whether, notwithstanding that it may be inappropriate owing to conditions especially affecting the structure involved but not affecting the historic Bay Village district generally, failure to issue a Certificate of Appropriateness will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Ordinance.

In passing upon appropriateness, the commission shall consider, in addition to other pertinent factors as specified in the standards and criteria section of the By-Laws, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

If the commission determines that a Certificate of Appropriateness should be granted, the secretary of the commission shall issue to the applicant a Certificate of Appropriateness. If the commission fails to make a determination within the time hereinafter prescribed, the secretary of the commission shall issue to the applicant a Certificate of Hardship. If the commission determines that a certificate not be issued, then the commission shall include in its records the reasons for such determination and any recommendations it may have. The secretary shall then, by mail, give notice of such determination to the applicant and to every person filing a written request for such notice, enclosing with it an attested copy of the reasons and recommendations as contained in the records of the commission.

Every person about to apply to the Building Commissioner for a permit to construct any structure in the Historic District or to reconstruct, alter or

demolish any structure now or hereafter in said district shall deposit with the secretary of the commission his application for such permit together with such plans, specifications and other material as the commission may from time to time prescribe. Within eight days thereafter, Saturdays, Sundays, and legal holidays excluded, the commission shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is involved. If it is so determined that no exterior architectural feature is involved, the secretary of the commission shall endorse on the application a Certificate of Non-Applicability and return the application, plans, specifications and other material to the applicant.

Appeals

Under the provisions of the General Laws, Chapter 40C, Section 12A, any applicant aggrieved by a determination of the commission, may, within twenty days after the filing of the notice of such determination or such finding with the City Clerk, appeal to the Superior Court sitting in equity for Suffolk 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. 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.

Enforcement

Whoever, without the certificate required by and effective in accordance with this act, shall undertake any construction, reconstruction, restoration, exterior execution, exterior replacement or alteration or demolition with respect to any exterior architectural feature in Bay Village Historic District shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and whoever, after having received from the commissioner appropriate notice to desist, shall, in violation of this act, permit any exterior architectural feature in the historic district to continue to exist shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. A separate offense shall occur every day during any portion of which any such violation shall transpire.

Upon petition of the commission, the superior court for Suffolk County may restrain any construction, reconstruction, restoration, exterior replacement, alteration, or demolition in violation of this act and may order the removal in whole or part of any exterior architectural feature permitted to exist in

violation of this act and may order such reconstruction or restoration as may be necessary or desirable to redress any alterations or demolition undertaken in violation of this act.

Fees

The fee that shall accompany an application for a Certificate of Appropriateness from the Bay Village Historic District Commission shall be set by Ordinance.

Other Functions of Commission

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C of the General Laws, or with the purpose of this Ordinance.

The Commission with approval of the Mayor and City Council may receive and accept appropriations, grants and gifts for the furthering of the purposes of this Ordinance. It may establish an historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of the Historic District.

The Commission may propose changes in the Bay Village Historic District boundaries and additional historic districts as it deems appropriate, subject to the General Laws, Chapter 40C and to Chapter 772, Acts of 1975, as amended.

Severability

In case any section, paragraph or part of this Ordinance be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Timing

This Ordinance shall take effect thirty days following approval by the Mayor.

The commission shall notify, by mail, all property owners in the historic district of the establishment of the district. After passage of this Ordinance, and prior to establishment of the Bay Village Historic District Commission, the Boston Landmarks Commission may assume the powers and responsibilities of the commission.

APPENDIX C

REGULATORY STANDARDS

Proposed Area

Exterior architectural features on Church, Shawmut, Winchester, Edgerly Place, South Cedar, Piedmont, Melrose, Knox, Fayette, Lyndeboro Place, Broadway, Arlington, Bay, Isabella and Cortes Streets, Columbus Avenue (south side from Berkeley to Arlington Streets), Stuart Street from Arlington Street to but excluding 57 Park Plaza (south side), Jefferson Street.

Unless otherwise stated, all items will be subject to Historic District Commission review and approval.

WINDOWS AND DOORS

A. Window and Door Openings

1. No new openings in facades will be allowed, unless they are re-openings of the original.

2. Existing window and door openings shall not be enlarged or framed down so as to receive stock or standard size windows and doors.

B. Window Sash

1. All sashed windows will be double hung.

2. The number and arrangement of panes will not be be changed unless documentation can be supplied to show that the proposed change would be more accurate historically. "Six over six" windows are typical for most originally residential structures. On Isabella, Cortez and Arlington Streets, "two over two" windows are the usual. Removable muntins on plate glass both inside and out sandwiched muntins are not allowed.

3. Non-wooden sash (consistent with the original design of the house) should have factory applied color closely matching the selected trim.

C. Doors and Doorways (including transoms, fanlights, sidelights and such features)

1. Original doors will be retained wherever possible. If replacement is necessary, the new doors should match the original as closely as possible. They shall be wood. Installation of flat, non-paneled doors is not permitted. Glass and aluminum doors are not permitted.

2. Entryways and paneling will be retained. Modern style alterations, including use of mosaic tile, are not permitted.

3. Original lights (glass panes) shall be retained wherever possible. Replacement must approximate the original.

D. Hoods

1. Any original projection over a window or door should be retained. If it is unfeasible to retain a hood because of extensive deterioration, designs for its removal or replacement will be subject to review and approval by the Commission.

E. Storm Doors and Windows

1. Aluminum storm doors are not permitted.

2. Solid wooden storm doors will be allowed.

3. All storm windows should be as unobtrusive as possible. They may be of wood or aluminum. If aluminum is selected, the storm windows should have factory applied color closely matching the trim color or dark brown or black to compliment the brick facades.

F. Door Knockers and Mail Slots

Original hardware should be maintained. Replacement is limited to brass.

G. Railings

Original railings will be retained. New railings will be of iron in a simple design. Modern aluminum or twisted iron supports will not be allowed.

H. Stoops and Steps

Stoops and steps on the main facade of the building will be retained. If replacement is necessary, the material used shall be wood or other material closely akin to the original materials used. Brick stoops or steps are not permitted.

I. Shutters and Blinds

1. Shutters (solid panels) or blinds (louvered panels) will be one half the width of the window opening and will be or appear to be operable. Blinds are preferable.

2. Material used will be wood or appear to be wood.

J. Air Conditioners

1. Openings in the facade to permit permanent installation of air conditioners are not permitted.

2. Portable air conditioners are allowed, provided that no sash or lights are removed.

K. Balconies and Fire Escapes

1. No new fire escapes will be permitted on the front of buildings unless there is clearly no alternative egress route. This will be subject to review.

2. If existing fire escapes are removed, care should be taken to repair the brick facade.

3. Replacement fire escapes should be made of wrought or cast iron, painted black, in a design proportioned and located to have minimal effect on the facade. Old or re-cast fire balconies that clearly reflect the style of the building may be installed.

4. Original decorative (including accessible) balconies should be retained. No new decorative balconies will be added.

L. Window and Entrance Grates

All such additions for security purposes should be simple in design and as unobtrusive as possible. Grates or grilles should be mounted within the reveal of the window and, if possible, into mortar joints. Elaborate ornamentation will not be permitted. Installation of new or replacement grates is subject to review.

ROOFS, DORMERS, AND VERTICAL ADDITIONS

A. Materials

1. Roofing material shall be slate, wherever possible; otherwise only dark colors are permitted.

B. Shape

2. The original form and shape of the roof should be retained. All proposed additions and alterations will be subject to review.

3. New dormers shall not be wider than three windows and should be placed in locations consistent with the original and should be approximately the same design as the original.

C. Penthouses and Other Vertical Additions

1. All changes will be subject to review.

2. No addition shall in any event exceed in height the peak of the original roof outline.

3. Stockade fences and chicken or mesh wire are not permitted on roof decks.

D. Gutters and Downspouts

1. The location of the original gutter should be retained. Replacement should match the original design and method of attachment with color matching the predominant trim color or blending with the color of the brick facade.

2. Material used may be of copper or other material, in which case the color should blend with the brick facade.

E. Skylights

Installation of new skylights should be limited to the rear of buildings. If in front, skylights should be parallel or close to the roof plane, i.e., not a bubble type.

FACADE ELEMENTS

A. Cornices

1. The entire cornice including original detail will be retained and repaired. Needed replacements of the whole or pieces will match the original in size, shape, material and type of detail.

2. Cornices having visual continuity with adjacent buildings should be treated to reinforce that continuity. Replacements must strongly compliment the general appearance if duplication is impossible.

B. Ornamentation

1. Decorative molding, lamps, foot scrapers, early ironwork, stonework, glass lights surrounding a window or door will be retained wherever possible. If such material is missing or so deteriorated as to require replacement, it will be replaced with an element which duplicates the mass and general form of the original.

2. Ornamentation belonging to a different period from the date of the building or its predominant style will not be added.

C. Electrical conduits, including cable television attachments, will not be attached to the facade of a building. Communication devices, including alarm systems, will be as unobtrusive as possible and are subject to review and approval.

D. Masonry

General

1. All masonry elements, including decorative areas, should be retained.

2. Masonry should never be sheathed in another material because it is a porous material and is susceptible to moisture and chemical damage.

3. Sandblasting (wet or dry) will not be permitted. Gentler cleaning methods with low water pressure must be used.

4. Brick may not be painted, unless it was painted prior to establishment of district.

Replacement

1. All replacement elements shall match the original in size, color and porosity.

2. Installation and design shall match the original.

Repair

1. Defective mortar joints should be carefully repaired so the color and raking match the original. Attention to the mix and application is encouraged to minimize shrinkage of the new mortar.

2. Cracked or broken masonry elements should be repaired and retained in all possible situations, or if replacement is necessary, with like or similar material. For example, stone lintels or other stonework shall not be replaced with brick.

SIGNS

1. All signs are subject to the Boston Sign Code and installation of new signs is subject to review.

2. No illuminated or back-lit signs are allowed.

3. Signs should not be flood lighted.

4. The design and material of the sign should compliment the architectural character of the building and the neighborhood.

5. No billboards are permitted.

PUBLIC AREAS AND UTILITIES

1. Sidewalks will be of brick.

2. Existing gas lights are to be retained.

3. Street furniture, visible utilities and ornamentals in public parks will be simple in design. All additions or replacements will be subject to review.

4. New poles for overhead wires are prohibited. If wiring systems for cable television or other services must be placed underground, the street and sidewalk form, materials, and detailing must be repaired exactly to match surrounding area.

FENCES AND YARDS

1. Fences

Original front yard fences should be maintained and repaired or restored. If completely deteriorated or non-existent, replacement by a copy is preferred; and appropriate contemporary design may be acceptable. Wooden, chainlink, concrete block, light guage metal in "stock" decorative patterns will not be approved.

2. Front Yards

Excavation of major portions of front yards below existing grade will not be approved except for small areaways to accomodate existing windows, ventilation, or for drainage purposes.

Covering of front yards with concrete, asphalt, or similar materials will not be approved. Planting is encouraged.

Construction of storefronts or other ground level projection in the front yard will not be approved.

DEMOLITION

All plans for any demolition of any kind of any existing building shall be subject to review.

NEW CONSTRUCTION AND RECONSTRUCTION OF BUILDINGS DESTROYED BY FIRE, STORM OR OTHER DISASTER

All new construction or reconstruction is subject to review. Plans submitted for approval must be consistent with or complimentary to historical character and appearance of the neighborhood. Particular attention will be paid to scale, materials, and rhythm of the street facades.

Revised as of 6/30/83

COMMERCIAL ELEVATIONS

General

1. Any facade changes intended to increase the amount of visibility of commercial space will be subject to review and approval by the Commission.

2. The essential character of the building is originally designed will be preserved in all changes, including retention of doorways, windows, and major architectural features.

3. Facade changes for commercial use will not be allowed above the main floor of the building.

Materials

1. The maximum amount of existing material possible will be retained in the new facade design. The intent of the design should be an appeal to pedestrian traffic.

2. New materials should be sympathetic to those of the existing building.

3. Wood will not be used as a facing material on any facade change.

Design

1. Proposed facade changes will be designed to compliment the design of the building.

2. Facade changes should be clearly contemporary and detailed to match the quality of the original building.

The following items are not subject to Historic District Commission Review and Approval.

1. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission shall reasonably specify in the standards and criteria.

2. Decorative lighting fixtures within entryways.

3. Paint or stain of any color not on any masonry or brick surface.

4. Ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material or outward appearance thereof.

5. Construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.

6. Rear elevations except on freestanding buildings.

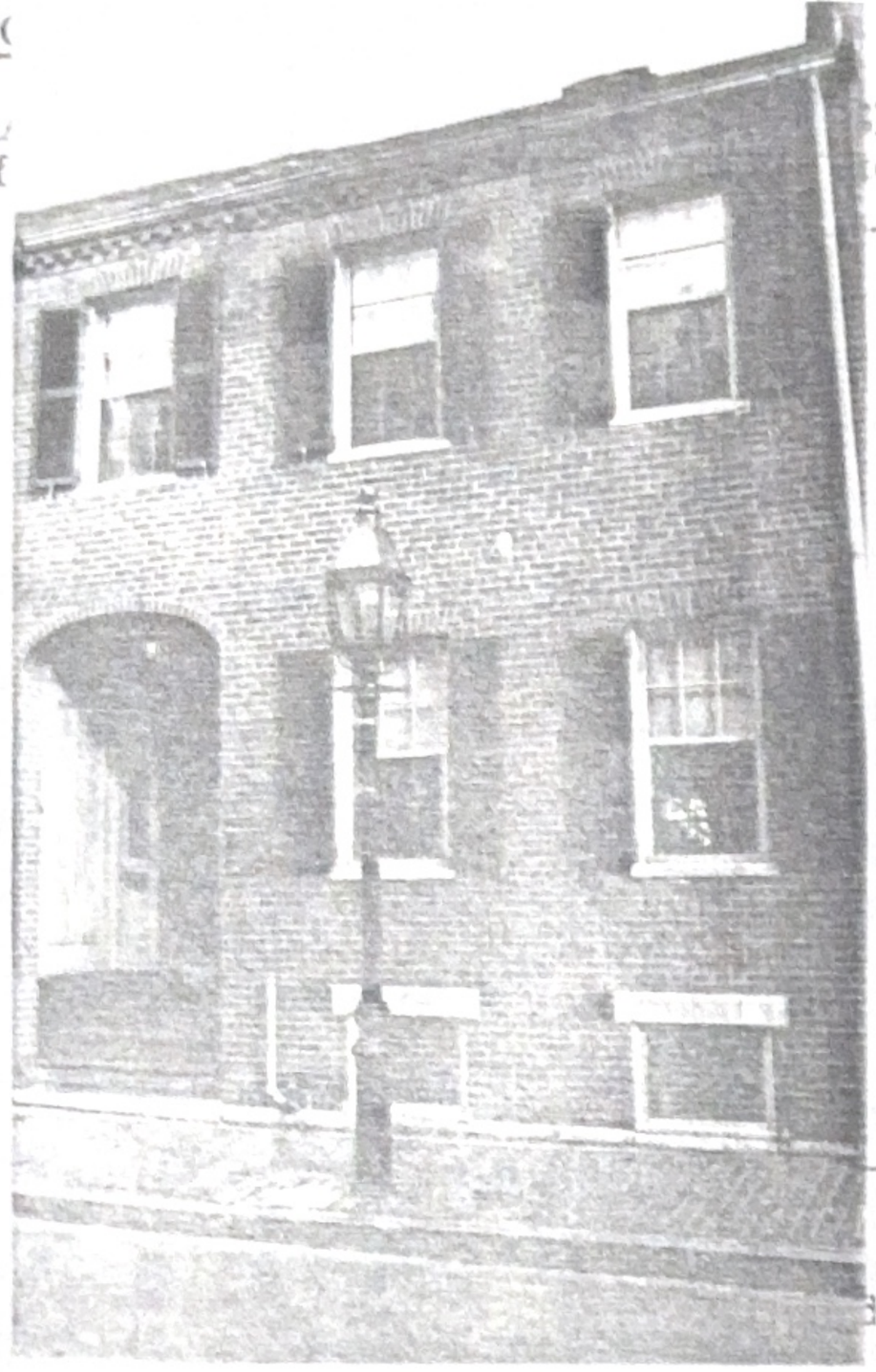
7. The Boston Redevelopment Authority shall administer the development of Urban Renewal Parcel R-7 in accordance with the September,1980 Developers Kit (The Guidelines) for this parcel, whose guidelines are incorporated herein by reference. This exemption shall terminate upon completion of development, and the completed building and associated property shall then be subject to Commission jurisdiction in all respects.

F(

M
Of

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on

In Area no.	Form no.

2. 

4.

1. Town BOSTON

Address 32 FAYETTE ST.

Name HOUSE

Present use RESIDENCE

Present owner EDGAR BINGHAM

3. Description:

Date 1826
Deed Book 308 page 300

Source Suffolk Co. Registry of Deeds

Style FEDERAL

Architect/Builder = Ephraim Marsh

Exterior wall fabric BRICK

Outbuildings (describe) None

Other features arched recessed entry splayed lintels, dentil block cornice, 6 over 6 windows

Altered _____ Date _____

Moved — Date —

5. Lot size:

One acre or less X Over one acre ____

Approximate frontage 25'

Approximate distance of building from street

0'

6. Recorded by Ann Richards

Organization Bay Village Neighborhood Assn.

Date 12/13/76

DO NOT WRITE IN THIS SPACE
USGS Quadrant _____
MHC Photo no. _____

(over)

5M-2-75-R061465 (20M-2476)

7. Original owner (if known) Ephriam March, builder; Sarah Comerais, first inhabitant

   Original use Dwelling

   Subsequent uses (if any) and dates None

8. Themes (check as many as applicable)

Aboriginal	___	Conservation	___	Recreation	___
Agricultural	___	Education	___	Religion	___
Architectural	✓	Exploration/ settlement	___	Science/ invention	___
The Arts	___	Industry	___	Social/ humanitarian	___
Commerce	___	Military	___	Transportation	___
Communication	___	Political	___		
Community development	___				

9. Historical significance (include explanation of themes checked above)

Built by one of the builders of the houses on Beacon Hill, for his own use and business interests. Built very much like many of the houses on Beacon Hill, except on a smaller and simpler scale. Mary Van Meter notes that "development (of the Bay Village area) began between 1816 and 1825." This would indicate that this house was one of the earliest structures built in the area. It remains for the most part in its original state - renovations through the years have seen the addition of a skylight and some modernization of the interior, but no major changes have taken place.

10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

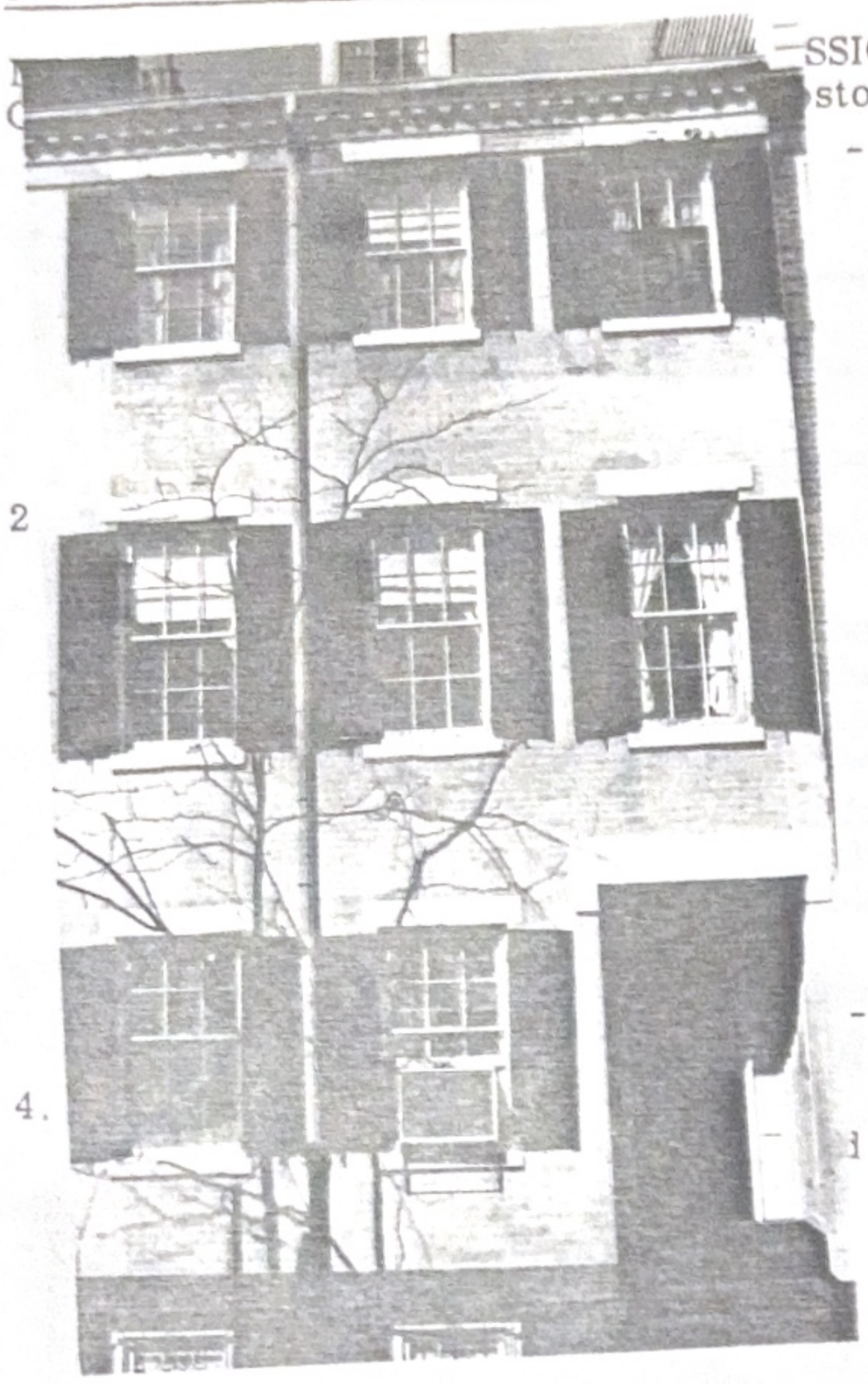
Mary Van Meter, "Bay Village, or the Church Street District", Copyright 1970.

Deed Book 308, page 300, Suffolk County Registry of Deeds.

Bromley's Atlas, 1890.

FORM B - BUILDING

In Area no. | Form no.



1. Town BOSTON

Address 8 MELROSE ST

Name HOUSE

Present use RESIDENCE

Present owner SYD. M. George

3. Description:

Date c. 1830's

Source

Style Greek Revival

Architect

Exterior wall fabric BRICK

Outbuildings (describe) none

Other features recessed entry, rectangular lintels + sills, 6 over 6 windows, dentil block cornice

Altered Date

Moved Date

5. Lot size:

One acre or less ✓ Over one acre

Approximate frontage 20'

Approximate distance of building from street 0'

6. Recorded by SANDRA KOWEN

Organization BAY VILLAGE NEIGHBORHOOD ASS'N

Date 12/13/76

DO NOT WRITE IN THIS SPACE
USGS Quadrant

MHC Photo no.

(over)

7. Original owner (if known) _____

   Original use residential

   Subsequent uses (if any) and dates _____

8. Themes (check as many as applicable)

Aboriginal	____	Conservation	____	Recreation	____
Agricultural	____	Education	____	Religion	____
Architectural	X	Exploration/ settlement	____	Science/ invention	____
The Arts	____				
Commerce	____	Industry	____	Social/ humanitarian	____
Communication	____	Military	____		
Community development	____	Political	____	Transportation	____

9. Historical significance (include explanation of themes checked above)

   See MHC Form A.

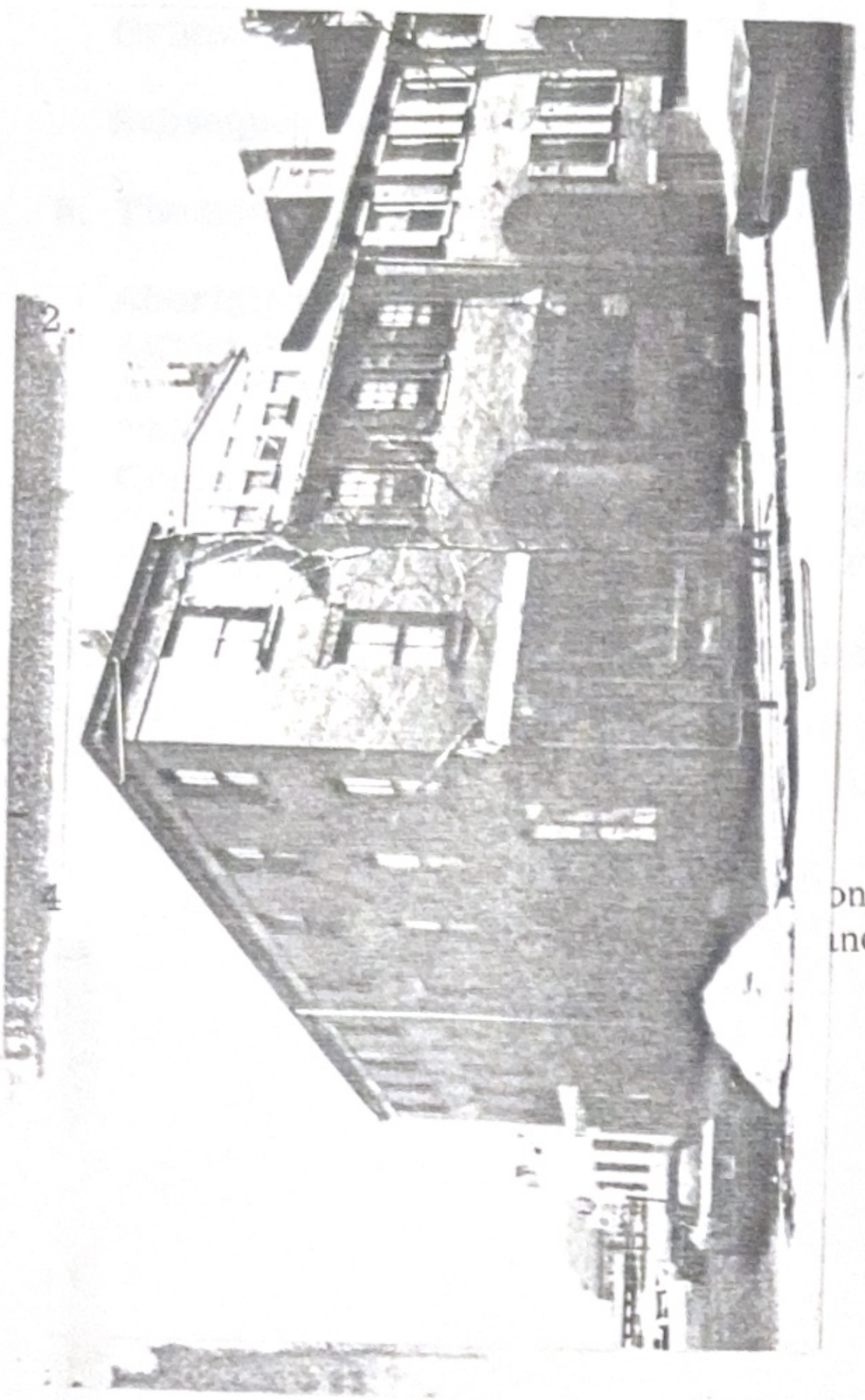
10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

    Mary Van Meter, "Bay Village or the Church Street District", copyright 1970.

FORM B - BUILDING

In Area no.	Form no.

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston



1. Town Boston

Address 12 Church + 42-44 Fayette

Name

Present use Coffee Shop + dwellings

Present owner

3. Description:

Date

Source

Style Greek Revival

Architect

Exterior wall fabric

Outbuildings (describe) none

Other features recessed entries, stone lintels and sills, dentil block cornices.

Altered Date

Moved Date

5. Lot size:

One acre or less ✓ Over one acre

Approximate frontage 18' each

Approximate distance of building from street

0'

6. Recorded by Mary Edwards

Organization Bay Village Neigh. Assoc

Date 10/17/78

DO NOT WRITE IN THIS SPACE
USGS Quadrant

MHC Photo no.

(over)

7. Original owner (if known) _____

Original use residential

Subsequent uses (if any) and dates _____

8. Themes (check as many as applicable)

Aboriginal	____	Conservation	____	Recreation	____
Agricultural	____	Education	____	Religion	____
Architectural	X	Exploration/ settlement	____	Science/ invention	____
The Arts	____				
Commerce	____	Industry	____	Social/ humanitarian	____
Communication	____	Military	____		
Community development	____	Political	____	Transportation	____

9. Historical significance (include explanation of themes checked above)

See M.H.C. Form A.

10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

Mary Van Meter, "Bay Village or the Church Street District
Copyright 1970.

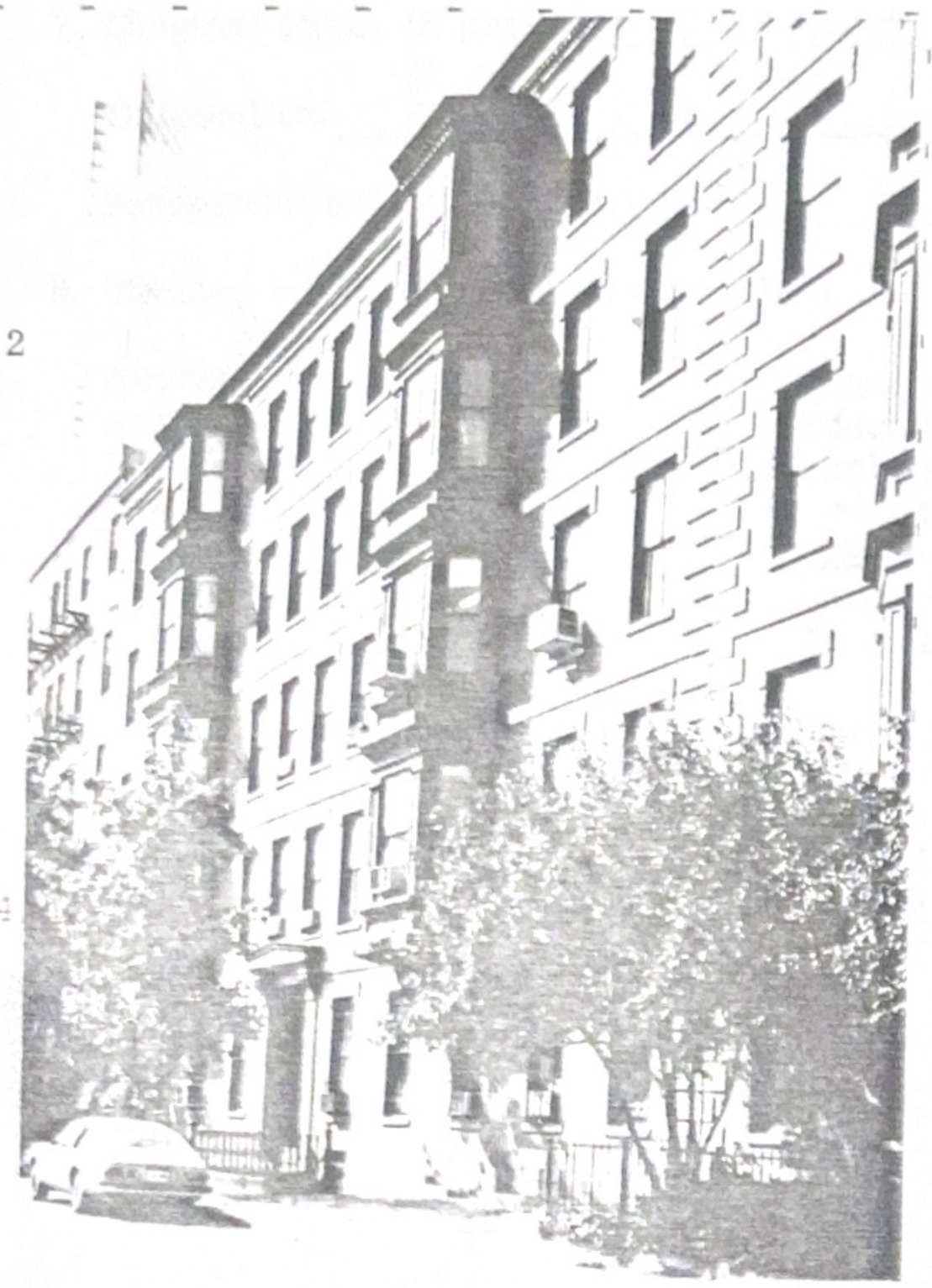
FORM B - BUILDING

-31-

In Area no.	Form no.

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston

2



1. Town Boston

Address 25 Cortes

Name Hotel Clifford

Present use apartments

Present owner

3. Description:

Date 1876

Source Building Permit

Style

bldr: Wm M. Rumery + Son

Architect none mentioned

Exterior wall fabric brick

Outbuildings (describe) none

Other features

Altered little Date

Moved Date

5. Lot size:

One acre or less ✓ Over one acre

Approximate frontage

Approximate distance of building from street

0'

6. Recorded by

Organization

Date

(over)

30M-5-77

7. Original owner (if known) Joseph T. Brown & Co.

   Original use family hotel

   Subsequent uses (if any) and dates _____

8. Themes (check as many as applicable)

Aboriginal	____	Conservation	____	Recreation	____
Agricultural	____	Education	____	Religion	____
Architectural	✓	Exploration/ settlement	____	Science/ invention	____
The Arts	____				
Commerce	____	Industry	____	Social/ humanitarian	____
Communication	____	Military	____		
Community development	____	Political	____	Transportation	____

9. Historical significance (include explanation of themes checked above)

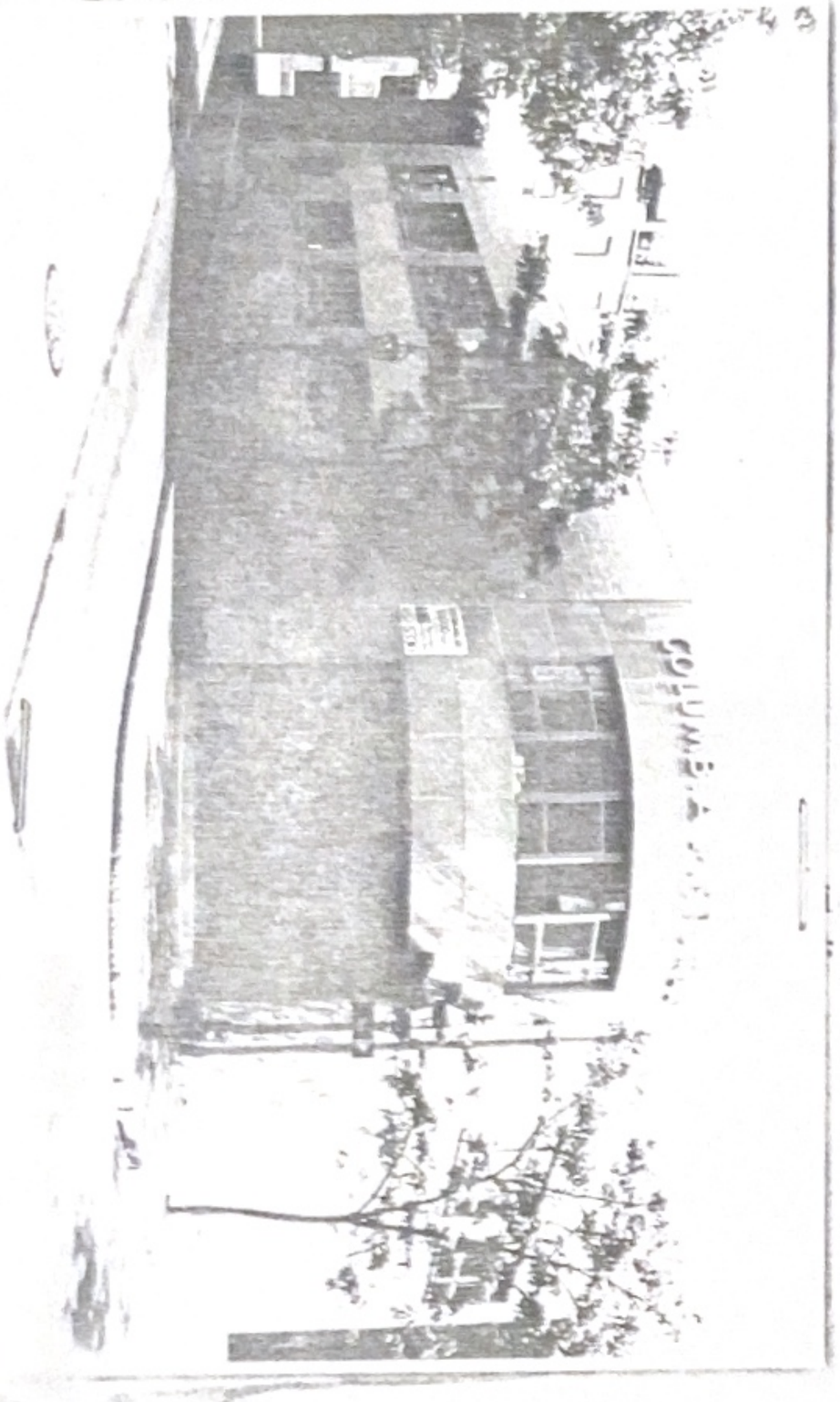
10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

FORM B - BUILDING

-33-

In Area no.	Form no.

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston



1. Town Boston

Address 43-45 Church Street
corner Winchester

Name

Present use Vacant

Present owner Columbia Pictures

3. Description:

Date 1956, Columbia Pictures

Source Bldg. Permit

Style Art Deco influence

Architect Abraham Woolfe, eng.

Exterior wall fabric Brick

Outbuildings (describe) None

Other features curved corner entrance, with granite facing

Altered _____ Date _____

Moved _____ Date _____

5. Lot size:

One acre or less X Over one acre ____

Approximate frontage 70'

Approximate distance of building from street

0'

6. Recorded by A.P. Hoke

Organization Bay Village Neigh. Assoc.

Date 10/17/78

DO NOT WRITE IN THIS SPACE
USGS Quadrant _____
MHC Photo no. _____

(over)

7. Original owner (if known) Samuel & Sumner Poorman

Original use Commercial, film distribution

Subsequent uses (if any) and dates _____

8. Themes (check as many as applicable)

Aboriginal	___	Conservation	___	Recreation	___
Agricultural	___	Education	___	Religion	___
Architectural	X	Exploration/		Science/	
The Arts	X	settlement	___	invention	___
Commerce	___	Industry	___	Social/	
Communication	___	Military	___	humanitarian	___
Community development	___	Political	___	Transportation	___

9. Historical significance (include explanation of themes checked above)

See M.H.C. Form A

10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

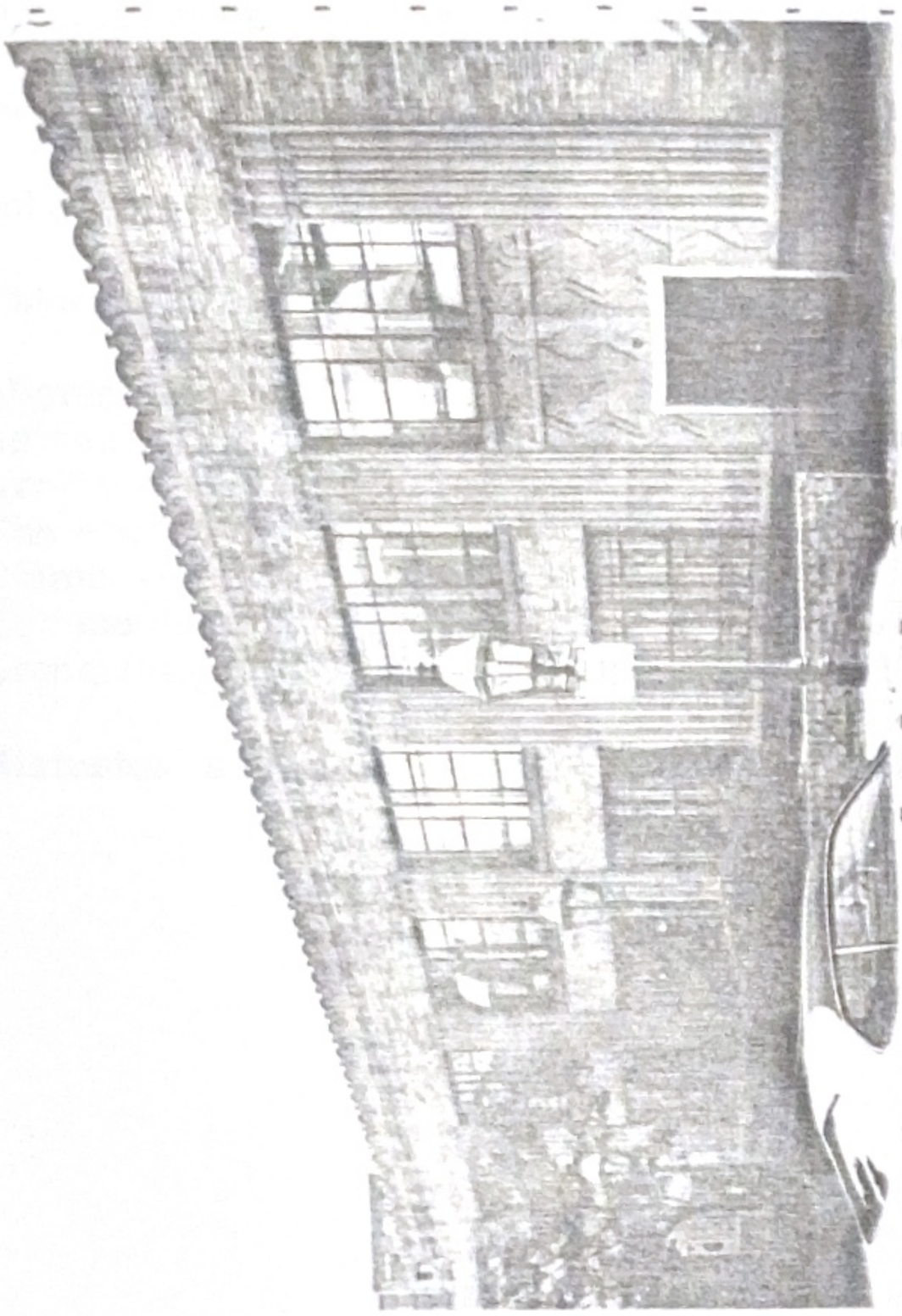
Mary Van Meter, "Bay Village, or the Church Street A

copyright 1970.

FORM B - BUILDING

In Area no.	Form no.

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston



2

4

1. Town Boston - Bay Village

Address 105-115 Broadway, 1-5 Fayette

Name

Present use offices

Present owner

3. Description:

Date 1934

Source Sanborn

Style art deco

Architect Blackall, Clapp, & Whittemore & Clark

Exterior wall fabric freestone & brick

Outbuildings (describe) none

Other features

Altered unk Date

Moved no Date

5. Lot size:

One acre or less ✓ Over one acre

Approximate frontage

Approximate distance of building from street

0'

6. Recorded by

Organization

Date

(over)

37M-7-77

7. Original owner (if known) Boston Lessee, Ltd, Arthur Wilcox

   Original use Film exchange office

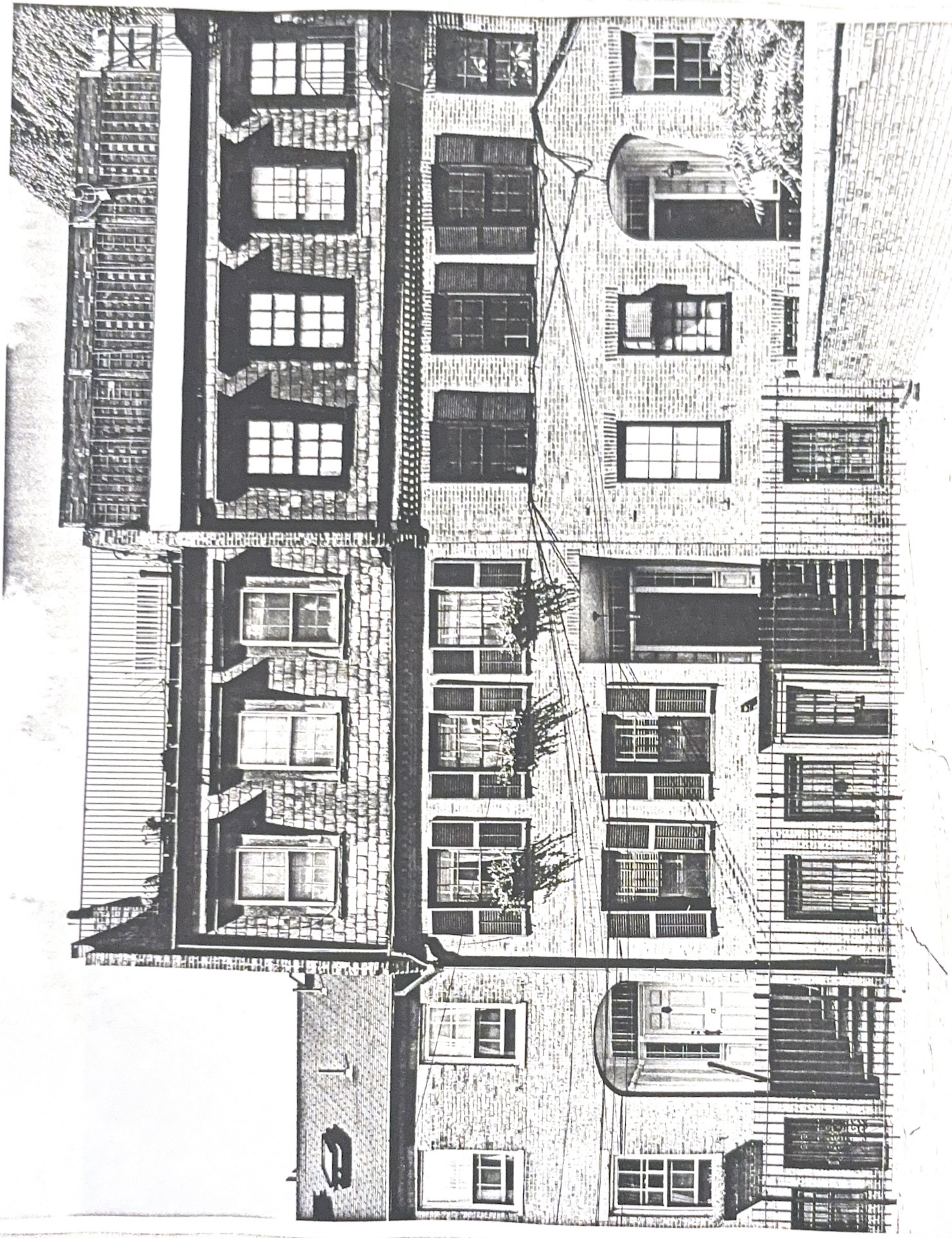
   Subsequent uses (if any) and dates

8. Themes (check as many as applicable)

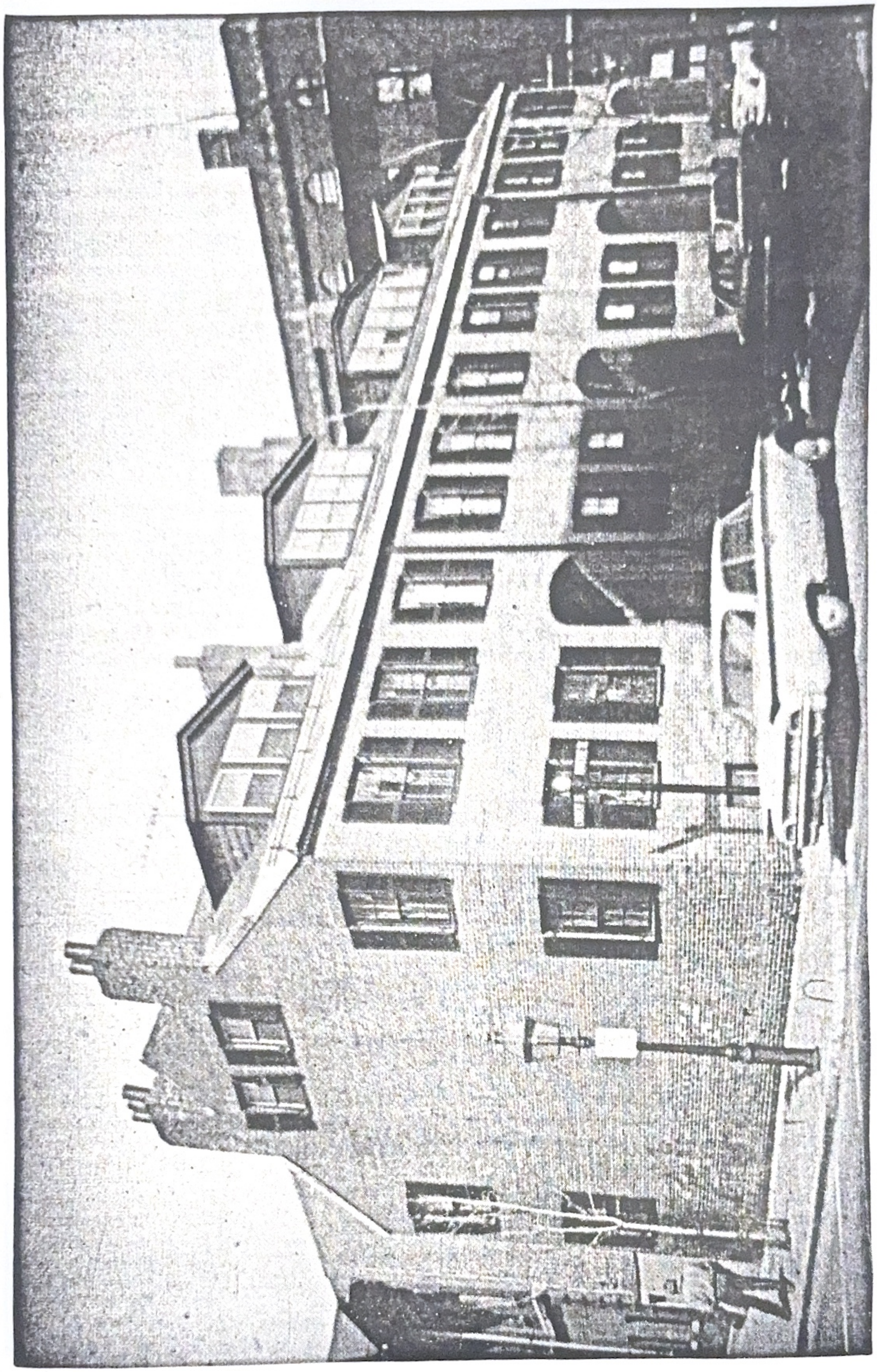
Aboriginal	____	Conservation	____	Recreation	____
Agricultural	____	Education	____	Religion	____
Architectural	____	Exploration/ settlement	____	Science/ invention	____
The Arts	____	Industry	____	Social/ humanitarian	____
Commerce	____	Military	____	Transportation	____
Communication	____	Political	____		
Community development	____				

9. Historical significance (include explanation of themes checked above)

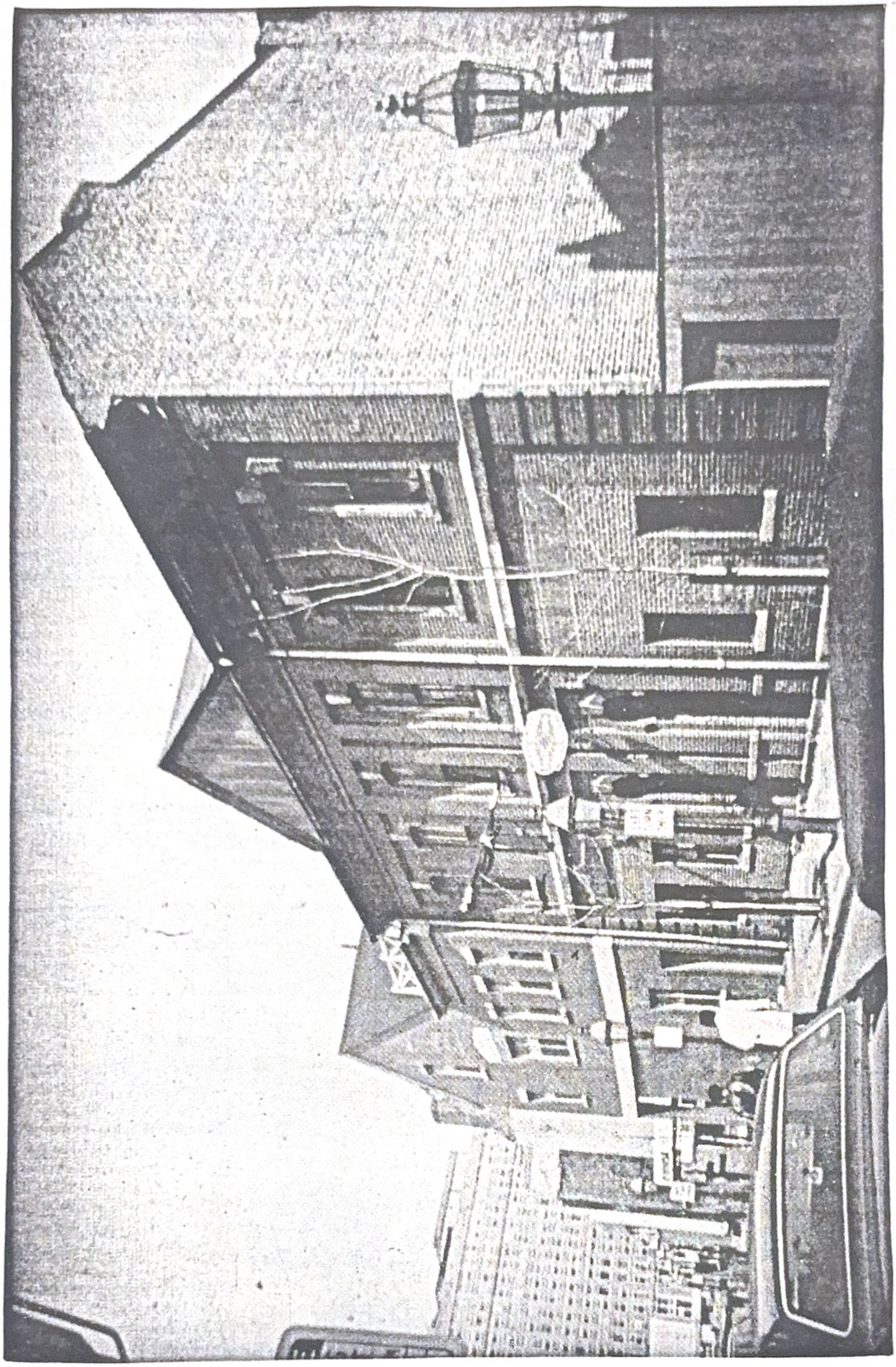
10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)



Knox St., photo by William W. Owens, Jr.



View Church & Fayette Streets



Church Street

