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TOWN OF MENDON HISTORIC DISTRICT COMMISSION

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Mendon Historic District Rules & Regulations and Design Guidelines

Date of Last Revision: 5/5/2023

Table of Contents

INTRODUCTION	3
CONTACT INFO.....	4
EMERGENCIES.....	4
ACKNOWLEDGEMENTS.....	4
USING THESE GUIDELINES	4
RULES AND REGULATIONS - APPLICATION AND CERTIFICATE PROCESS	5
HISTORIC DISTRICT FAQ.....	7
GENERAL DESIGN GUIDELINES	8
EXCLUSIONS	8
SPECIFIC DESIGN GUIDELINES	9
DEMOLITION	9
CHIMNEYS AND MASONRY	9
DOORS	9
FENCES.....	10
FOUNDATIONS.....	10
GUTTERS, DOWNSPOUTS AND DRAINAGE	10
HVAC.....	10
NEW ADDITIONS, STRUCTURES, OUTBUILDINGS, POOLS.....	11
New Construction	12
PORCHES, STOOPS, BALCONIES AND PORTICOS.....	13
STAIRWAYS, STEPS AND RAILINGS.....	13
ROOFS.....	13
SIDING, TRIM AND PAINT	13

SHUTTERS	13
WINDOWS.....	14
LIGHTING	14
SIGNS	14
SOLAR FACILITIES.....	14
GENERAL BY-LAWS, CHAPTER 30 – HISTORIC DISTRICT BY-LAW	15
CHAPTER XXX - Historic District By-Law	15
DISTRICT MAPS	22
Mendon Center District Map.....	22
Taft Homestead District Map.....	23
Washington Street District Map	24
Jothan Hayward Homestead District Map.....	25

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INTRODUCTION

Dear Historic Property Owner or Tenant,

The Mendon Historic District Commission (HDC) appreciates and thanks you for your dedication to preserving the architectural integrity of your property located within Mendon's Historic District. In an effort to help you maintain the unique features of your historic property, the HDC has assembled guidelines to achieve this goal.

There are over 220 historic districts in Massachusetts which have been responsible for protecting many irreplaceable historic and cultural resources. The Historic Districts Act, Massachusetts General Laws Chapter 40C, was created to protect and preserve these resources through a local review system that encourages and ensures appropriate improvement and development within the historic districts.

The Mendon Historic District was established after the Town voted to adopt the Historic District Bylaw at the Annual Town Meeting on May 5, 2017 and encompasses the downtown district and structures surrounding it. The bylaw helps property owners and the Town of Mendon preserve and protect the distinctive architecture and characteristics of significant buildings and places. The homes, churches and commercial buildings, constructed over a period of time, represent a variety of architectural styles which convey a sense of connection to and pride in Mendon's history.

The Mendon Historic District Commission (HDC), appointed by the Mendon Select Board, is charged with preserving the architectural and historic integrity of the structures within the historic districts. It meets monthly to assist property owners within the Historic Districts to make informed decisions about exterior architectural and site changes.

The HDC is authorized to review the appropriateness of exterior changes to buildings and places within the district that are visible from any public street, way or body of water. It has composed these design guidelines to help you determine your obligations to your property and that of your neighbors and to help you use the HDC members in an advisory role.

As a property owner or tenant, you must first submit an application to the District Commission before making changes to the exterior of your building. Application forms are available at the Town Clerk's office located at Mendon Town Hall, 20 Main Street, Mendon, MA 508-473-2679, or by visiting the town website: mendonma.gov/hdc

Please note that any exterior work on structures in the Historic Districts requires certification prior to work being done. When the work involves no change in historic features, or the work is identified as an exemption in Section 9 of the by-law, a Certificate of Non-Applicability can be issued.

To inquire regarding design guidelines and/or questions or concerns with the application process please email or call the HDC.

A map of the Mendon Historic Districts and the Certificate of Applicability, Non-Applicability and Hardship are attached at the end of this document for your convenience. See mendonma.gov/hdc-design-guidelines for a downloadable version.

Sincerely,
Historic District Commission

CONTACT INFO

Please do not hesitate to reach out to the HDC members with questions or concerns regarding the steps needed to alter the exterior of your building. It is the goal and privilege of the commission to help you preserve your property and the Mendon Historic District.

EMAIL: hdc@mendonma.gov

PHONE: 508-458-6707

WEB: mendonma.gov/hdc

EMERGENCIES

In the event of demonstrated emergency, the COMMISSION may reduce the time periods for issuance of a certificate. (General By-Laws Ch 30 §7.14).

If you are in need of an emergency approval, please call the HDC at 508-458-6707 and the Building Department at 508-473-2679.

ACKNOWLEDGEMENTS

The Mendon Historic District Commission gratefully acknowledges the assistance of the Mass Historical Commission, United State Secretary of the Interior, as well as the Historic District Commissions of other towns in formulating these guidelines. The Mendon Historic District Guidelines were produced by Mendon Historic District members.

USING THESE GUIDELINES

If the proposed work changes the exterior of your property, you should contact the HDC to arrange an informal project review. The goal of the commission is to offer helpful advice to Historic District property owners which will preserve and enhance their valuable resource.

RULES AND REGULATIONS - APPLICATION AND CERTIFICATE PROCESS

Historic District Application Process:

The applicant should review the District Guidelines, and Rules and Regulations (available here: <http://mendonma.gov/hdc-design-guidelines>) before submitting their application. The Historic District Commission encourages each applicant to review their application with the Chairperson before submission to discuss the specific materials and requirements necessary to ensure an application is complete.

- 1) Property owner or their agent should complete [the application](#) in full and [submit electronically](#) or return the paper form to the Town Clerk's office.
- 2) Within 14 days after the filing of a completed application, the Commission shall determine if proposed work involves any exterior architectural features which are within the jurisdiction of the commission.
 - a) The Chair or Vice-Chair of the Commission or their designee shall be permitted to review applications and make determinations if a hearing is required without a formal meeting of the commission. A copy of the application shall be forwarded to the full commission and any member may respond within 7 days to request the Commission meet to make a formal determination if they disagree.

Please note, ALL proposed exterior work within the Historic District should be preceded by an application. It is the sole purview of the Historic District Commission to determine if a proposal is within their jurisdiction. Any applications for a building permit within the district will be flagged for review and may be delayed if it is determined the HDC has jurisdiction.

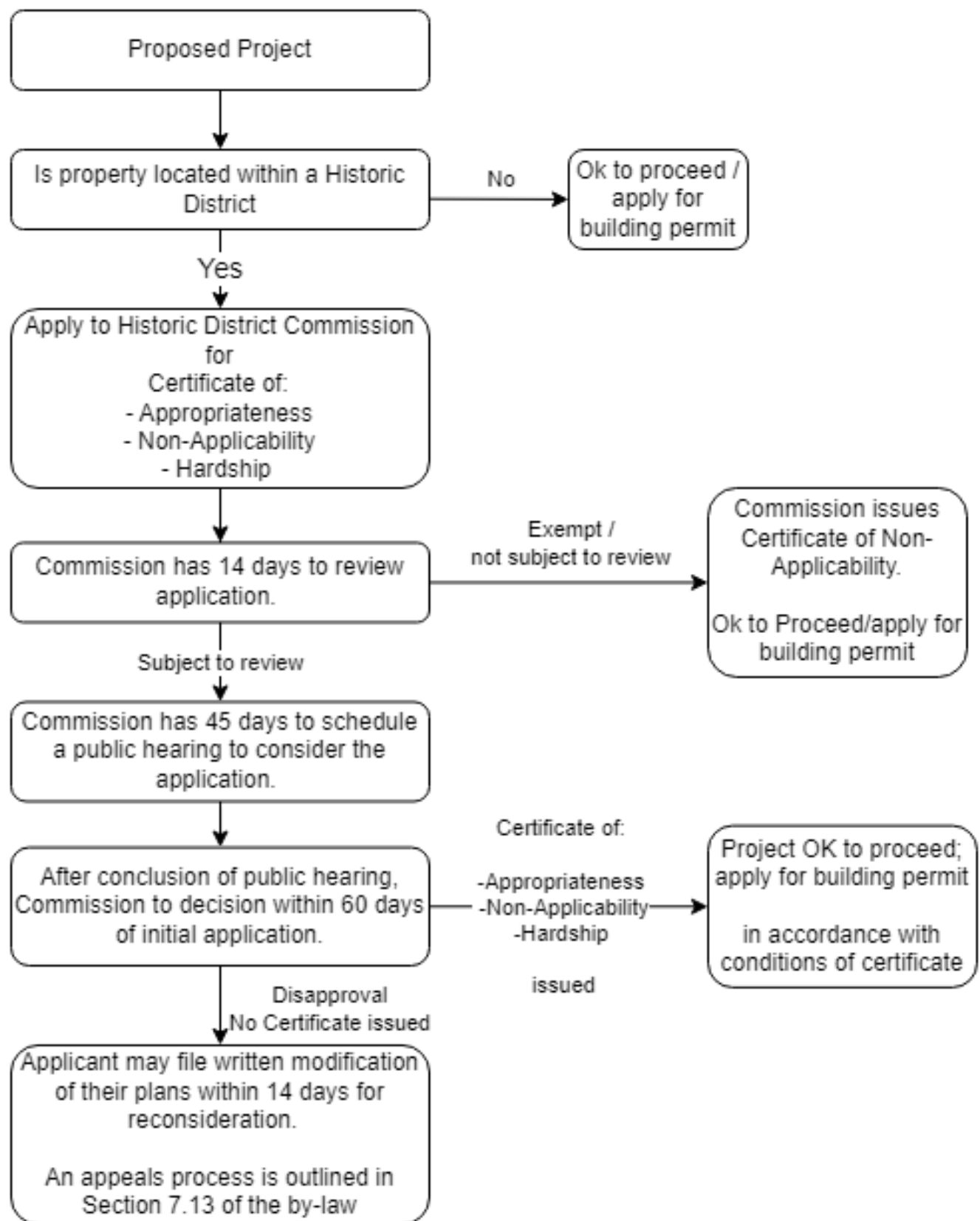
1. If the Commission determines the application DOES NOT fall within their jurisdiction or the proposed work IS EXEMPT they shall issue a certificate of Non-Applicability. The Applicant may then bring this certificate and proceed with their permit with the Building Department
2. If the Commission determines the application DOES fall within their jurisdiction, they shall hold a public hearing within 45 days from the date of filing of the completed application. At least 14 days prior to the hearing, notice shall be given on the Town's website as well as a newspaper of general circulation. Copies of this notice will be mailed to the applicant, abutting properties within a 100 ft radius, and additional relevant parties per the by-law.
3. Within 60 days after the date of filing of a completed application, or within such further time as the applicant may allow in writing, the Commission shall issue a certificate of Appropriateness, Hardship or Disapproval.

In the case of Disapproval, the Commission shall outline the reasons for such disapproval and may include specific recommendations for changes in the proposal. If, within 14 days, the applicant files a written modification of their application in conformity with the recommended changes of the Commission, the Commission shall issue a certificate of appropriateness. If more than 14 days have elapsed the Commission may require the process to restart with a new application and hearing.

An appeals process is outlined in Section 7.13 of the by-law.

Please feel free to contact us with any questions on the process. We would be happy to review any proposed project or help you prepare your application.

Historic District Application Process



HISTORIC DISTRICT FAQ

How is a local historic district created?

The first step is to find out what residents and property owners think. This is done through a study committee. They are tasked with investigating and researching local historic district designation further. The study committee holds public meetings, seeks public input, researches the history of the area and prepares a report on their findings. The final step is passage of a historic district bylaw by a two-thirds majority at town meeting.

Why was this area selected to become a new historic district?

Please visit our website to read the study reports detailing why the current districts were proposed and created. (mendonma.gov/hdc)

If my house is included in the local historic district, does that mean I have to make it look more historic?

No, you can maintain the current look of your house as long as you would like. A local historic district only reviews proposed changes to exterior architectural features. Routine maintenance of your house is exempt from review.

What kinds of things are reviewed by a historic district commission?

Exterior architectural features visible from a public way are subject to review. Interior changes, landscaping, window air conditioners, the color of paint or roofs, storm windows and doors, terraces, walks, and driveways at grade are all excluded from review. General maintenance and the repair or replacement that does not involve a change in the design or material is also excluded from review. A complete list of exclusions can be found in this document.

Who are members of the historic district commission?

A local bylaw describes specifically how the Select Board make appointees to the Historic District Commission. In Mendon the commission is made up of 7 members and 4 alternates. The current membership is listed on the website.

Does this mean I can't paint my house any color I want?

While some local historic districts in Massachusetts do include paint color review, Mendon DOES NOT regulate the color of paint or the color of roofing materials.

If my building was located in a local historic district and I was planning a project (addition, repairs, etc), what would I have to do?

We recommend that residents who are planning projects contact the Historic District Commission to discuss your plans. The Commission can best assist residents at this stage and direct you through the process. Before acquiring the building permit for your addition, you would fill out an application to the Historic District Commission. The Commission would hold a public hearing and review the proposed plans to make sure that they are appropriate changes to the historic district. If the addition was appropriate, the district commission would issue a certificate. You would then present the Certificate to the Building Inspector to get your building permit. If the addition was not found appropriate, then the Commission would explain to you how the project could be improved. Applications can be found online at www.mendonma.gov/hdc

Isn't this just another level of bureaucracy?

While it is true that an additional step is needed for some projects, the benefits of protecting the rich architectural heritage found in our Town outweigh this added step. The Historic Districts in Mendon contain buildings 100 and even 200 years old. Without a local historic district, these gems that have lasted so long could be demolished or irreparably altered tomorrow.

What will happen to the value of my property if a local historic district is established?

No one can predict the future but studies around the country suggest that property values stay the same or increase faster in local historic districts compared to similar, non-designated areas.

If I and my neighbors already maintain the historic character of our properties, why do we need an historic district?

By having a local historic district, you can be assured that a NEW property owner across the street from your house will also maintain the historic character of the district.

GENERAL DESIGN GUIDELINES

When reviewing applications, the HDC will be guided by standards set forth by the U.S. Secretary of the Interior's Standards of Treatment of Historic Properties. In particular. The Standards state that:

1. A property should be used for its historic purpose or placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of the property should be retained and preserved.
3. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property should be avoided.
4. Changes to the property that have acquired historic significance in their own right should be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property should be preserved.
6. Deteriorated historic features should be repaired rather than replaced. Where deterioration is severe and requires replacement of a distinctive feature, the new feature should match the design, color, texture and other visual qualities and, where possible, materials. Replacement of a missing feature should be substantiated by documentary, physical or pictorial evidence.
7. New additions, exterior alterations or related new construction that destroy historic materials, features and spatial relationships that characterize the property should be avoided. They should be compatible with the features of the original building such as materials, size and scale to protect the integrity of the structure.

EXCLUSIONS

The Commission shall exclude from its purview the following:

1. Temporary STRUCTURES or SIGNS the duration of use, location, lighting, removal and
2. Terraces, walks, driveways, sidewalks and similar STRUCTURES provided that any such STRUCTURE is substantially at grade level.
3. Storm windows and doors, screens for windows and doors and window air conditioners.
4. The color of paint.
5. The color of materials used on roofs.
6. Signs of not more than one (1) square foot in connection with use of a residence for a customary home occupation or for professional purposes and, if illuminated, is illuminated only indirectly; and one (1) sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more that twelve (12) square feet in, consists of letters painted on wood without symbol or trademark and, if illuminated, is illuminated indirectly.
7. The reconstruction, substantially similar in exterior design of a BUILDING, STRUCTURE, or EXTERIOR ARCHITECTURAL FEATURE damaged by fire, storm or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.

Upon request, the COMMISSION shall issue a CERTIFICATE of NON-APPLICABILITY with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

SPECIFIC DESIGN GUIDELINES

The Historic District Commission recommends the following guidance for the treatment of historic buildings and for the construction and alteration of modern ones.

DEMOLITION

Demolition of any structure or portion thereof within the Historic District requires the approval of the HDC except when ordered by the Building Inspector or other safety officer for reasons of public health and safety. Renovation and/or replacement in kind is preferred to demolition of all or a portion of historic structures. Decorative architectural elements such as trim, brackets, bays, doors, windows and porch columns should not be removed without HDC approval. Preference will be given to replacement in kind.

Applicants should also review the Demolition Delay By-Law (Chapter 31 of the General By-Laws). (mendonma.gov/demolition-delay) This By-Law is overseen by the Historic Commission, separate from the Historic District Commission. A proposed demolition may require separate hearings before both the Historic District Commission and the Historic Commission.

CHIMNEYS AND MASONRY

When repointing or rebuilding existing chimney(s), the owner should use the existing brick when possible or a closely matching replacement. Chimneys should be built to the original height and any corbelling or other decorative features should be retained.

Attempts should be made to replicate the original masonry.

If brick is used as a cladding material in new construction, particular attention should be paid to its detailing to avoid the appearance of a thin non-load bearing veneer.

DOORS

Replacement of Original or Historically Significant Doors:

Original or historically significant doors should be retained whenever possible. Replacement, if necessary, should match the existing door or doors in material, size, design and location. Original or architecturally significant surround details, such as frames, fanlights, sidelights, canopies, transoms and other decorative trim should be preserved or, if necessary, replaced in kind.

Replacement of Non-Architecturally-Significant Doors:

Replacement doors should be appropriate to the style of the building.

Removal or Relocation of Existing Doors

Removal or relocation of architecturally significant doors is generally discouraged. Relocation of non-significant doors is acceptable.

Addition of New Doors:

New doors may be added, provided they do not detract from an original or architecturally significant building feature.

Storm Doors:

Storm doors and screen doors are excluded from the HDC's jurisdiction. (*Ch 30 §9.1.3*)

FENCES

Fences should be appropriate in architectural style and scale of the building, the site and surroundings. Check with the Mendon Building Dept. and zoning by-laws before installing a fence. Fence location is important. When an application is filed to erect a fence, it must include a plot plan of the property showing the precise location. Privacy fences, such as solid board fences which are minimally visible from a public way and do not obscure a significant structure may be allowed. Stockade, chain link, light gauge metal or concrete are discouraged. Where privacy is an issue, the HDC suggests planting a living fence or hedge. Plantings are not subject to review by the HDC. (*Ch 30 §9.3*)

The Commission recognizes Mendon is a rural farming community. It is not the Commission's intent to unduly burden working farms. Consideration will be given for fencing required to contain livestock or secure crops of a working farm. Whenever possible materials should be in keeping with the historic nature of the district. Any proposed fence that is not visible from a public street, way, park, or body of water shall be exempt from review per Ch 30 §6.1 as it would not meet the definition of an "exterior architectural feature" in the by-law.

FOUNDATIONS

Existing Foundations:

In both residential and commercial buildings, the typical foundation material is unpainted brick or granite. In all cases, the material and design of the original or architecturally significant foundations should be preserved whenever possible. When repair and re-pointing is necessary, refer to the Masonry Guideline.

New Foundations:

Often, new foundations are substantially higher than historic ones. Every effort should be made to design a low foundation and screen a foundation that must be high due to building code conditions.

GUTTERS, DOWNSPOUTS AND DRAINAGE

It is strongly recommended gutters be constructed of wood, seamless painted aluminum or other metal and be of a scale, contour and detail compatible with the style and historic character of the building. Unpainted aluminum and PVC pipe are not appropriate for flashings, gutters and downspouts. Installation should not involve removal of historic detailing.

HVAC

Whenever possible, exterior portions of HVAC systems (air conditioners, mini-splits, condensers, plumbing, etc) shall be located away from the public view. Rooftop HVAC equipment should be placed out of public view whenever possible. When not possible, screening should be utilized to shield these items from public view. The Commission encourages the

modernization of HVAC systems with modern, efficient systems; they recognize it may not always be feasible to locate HVAC plumbing and accessories out of sight

The repair of an existing system or the replacement of an older style unit with newer equipment shall be exempt from review under Ch 30 §9.3 provided the general outward appearance is not substantially changed. A non-substantial change might be a single unit replaced with another single unit, or a visually large unit is replaced with a smaller, less visually obtrusive one.

Window air conditioners are excluded from review.
(Ch 30 §9.1.3)

NEW ADDITIONS, STRUCTURES, OUTBUILDINGS, POOLS

New construction, alterations and additions to existing buildings within the Historic Districts are in this category. Proposals will be dictated in part by the Town of Mendon Zoning By-Law which should be referenced before proceeding with design. The HDC will consider and advise on the project's adherence to the intent of its General Design Guidelines. All applications should be accompanied by plans showing construction details and location.

Existing Outbuildings: Outbuildings such as barns, garages, sheds, greenhouses and gazebos are subject to review and require approval if visible from a public way or place. Outbuildings which date to the Districts' period of significance should be retained and restored whenever possible with particular attention given to siding, roof, windows and doors.

Repositioning Existing Outbuildings: Repositioning an existing outbuilding requires approval from the HDC.

New Outbuildings: The construction of a new outbuilding such as a barn, garage, shed, greenhouse, gazebo, or similar may be approved by the HDC providing it is designed and located in a manner that respects the style of the other building(s) on the site as well as the those within the Historic District. A site plan should be provided so that the HDC can consider the size, scale design and location of the proposed outbuilding(s). It is desirable that sheds, gazebos and other structures compliment the principle structure.

Temporary structures are excluded from review. (Ch 30 §9.1.1). For the purposes of these guidelines "temporary" shall be defined as any structure or sign remaining in place and/or in use for less than 6 months. Review and approval from the HDC is required regardless of any requirement to obtain a building permit.

Provided it is not visible from a public street, way, park, or body of water, any structure less than 200 square feet shall be exempt from review per Ch 30 §6.1 as it would not meet the definition of an "exterior architectural feature" in the by-law

Pools & Play Structures: Exempt pending proposed revision to by-law at 11/14/22 Special Town Meeting.

Pools & Play Structures are excluded from review.
(Ch 30 §9.1.8)

New Construction

New construction should be designed in a manner that is compatible and sympathetic to the character of the historic district or neighborhood, especially buildings that are immediately adjacent, ensuring that the character and integrity of surrounding historic resources are preserved. New buildings should be consistent with the site layout, orientation, scale, form, materials, features, and detailing established by surrounding structures. The character of the historic district and its streetscape relies upon the visual continuity and interplay established by the presence of similarly designed and harmonious buildings. Yet individuality is important as well.

The historic district is comprised of a number of different residential building types designed during different periods for different owners. Together, both the continuity and individuality of historic buildings combine to create a neighborhood of distinctive character. New construction that are added to the historic district should express their individuality. They should speak of the time in which they are built in a contemporary way that is respectful of their historic surroundings. They should not seek to replicate historic buildings or styles but may choose to reference historic styles in their design. While contemporary to their time and place, new buildings should fit in and contribute positively to the overall character of the neighborhood.

General Principles for Design Used in a Review

Character – Is the proposal appropriate to the existing community character which is illustrated by the variety of architectural styles?

Harmony – Does the proposal have a consistency and unity of form and detail which is separate from style and building type?

Site Context – How successful is the relationship between a proposal and its surroundings relative to setbacks, heights, and the harmony and character of streetscape?

Spatial Relationship – Does the proposal address the issue of varying sizes of front, side and rear spaces in relation to site and adjacent properties?

Specific Principles for Design

Scale – Does the proposal demonstrate a balance relationship in the parts of the design and a domestic scale consistent with other structures in the district?

Height – Does it have relationship of height to that of adjacent properties which tend to be consistent within streetscapes of areas of the overall community?

Massing/Bulk – Is there an overall relationship of the building size and scale relative to the lot and to surrounding properties?

Setback – Does the relationship to site and to streetscape maintain balance and harmony within the streetscape?

Roof – Are the shapes and angles consistent with surrounding roof shapes and pitches to maintain balance and setbacks and visual lines?

Fenestration – Do the patterns and rhythms of windows and doors maintain a balance, which can be symmetrical or asymmetrical and convey a sense of function?

Materials – Is the exterior cladding, roof, window, door, and architectural trim compatible with materials used in the district?

PORCHES, STOOPS, BALCONIES AND PORTICOS

It is recommended that existing porches, stoops, balconies and porticos be retained and, when necessary, repaired to maintain the historic appearance of the structure. Enclosing them with windows, walls or otherwise modifying their original appearance is not desirable.

New Construction: should be designed in a manner that is compatible and sympathetic to the character of the historic district or neighborhood, especially buildings that are immediately adjacent, ensuring that the character and integrity of surrounding historic resources are preserved.

STAIRWAYS, STEPS AND RAILINGS

Original features and detailing of stairways, steps and railings should be retained or repaired in the same design and material. If they are not original, it is recommended that the replacement be appropriate to the style of the building.

Approval for temporary or permanent ADA ramps or similar structures shall not be unreasonably withheld. Any such permanent structure proposed for a commercial property should be appropriate to the style of the building.

ROOFS

Whenever possible the original roof slope and configuration should be maintained. The preservation and repair of slate and cedar roofs is encouraged. Other roofing materials should replicate the original. Rubber or membrane roofs, HVAC equipment, mechanical elements, and skylights should be placed out of view. Original roof trims such as cornices, fascias, etc. should be retained when possible.

The repair or replacement of a roof with the same or similar materials is excluded provided there is no change to the design, material, color, or outward appearance. (*Ch 30 §9.1.5 & Ch 30 §9.3*)

The color of roofing material is excluded from review.
(*Ch 30 §9.1.5*)

SIDING, TRIM AND PAINT

Original siding and trim should be retained when possible and deteriorated materials repaired or replaced with those duplicating the original as closely as possible.

The HDC has no jurisdiction over the color paint. (*Ch 30 §9.1.4*) Property owners can use historic resources to determine appropriate paint colors. The Commission is willing to advise property owners and assist in determining historic colors.

SHUTTERS

If appropriate for the building, existing shutters should be retained and repaired if possible. If replacement is necessary, new shutters should match the original or be of an appropriate type for the building. Vinyl, aluminum or metal shutters are not desirable.

WINDOWS

Windows are a key element in contributing to a building's appearance. It is recommended that, when possible, original wood sashes are repaired, particularly those facing a public way.

Retrofitting original sashes with weather stripping and/or insulated glass is encouraged. If necessary, replacement sashes and hardware within the original frames is preferred. If total replacement is required, it is recommended the owners maintain original window size, location, material trim and type of window.

The HDC is available to assist you in determining a suitable window type for your building.

LIGHTING

The Mendon Historic Districts represent a variety of architectural periods when exterior lighting was either nonexistent or in the early stages of development. It is desirable that original or later appropriate exterior lighting fixtures be retained and, if possible, repaired. Deteriorated facades or missing elements should be replaced with like materials whenever possible. The replacement of existing exterior lighting fixtures should reflect a design and scale that is appropriate to the architectural style and period of the building.

Commercial Lighting should be of a style that fits the character of the district and surrounding properties.

SIGNS

The HDC would like all signs to be compatible with the architecture in the Districts. Signs should complement the building, should not cover significant architectural details and should be in proportion with the principle building.

Please provide a sample of the proposed sign and location prior to the HDC meeting.

All proposed signs will also need to comply with the Town of Mendon Zoning By-Laws.

SOLAR FACILITIES

In accordance with MGL Ch 40A Section 3, it is the policy of the Historic District Commission to not unreasonably restrict SPF within the historic districts. The Commission recognizes the value of such systems, especially the financial benefits from SPF systems that may help a property owner continue to maintain an historic property within the district.

Roof-mounted SPF: Shall be permitted within the district. Whenever possible, panels should be located where they are not visible from the public way or on sides of the roof facing away from the front of the property.

Accessory or Ground Mounted SPF: Whenever possible accessory or ground mounted facilities should be located in areas not visible from the public way or on the rear of the property. Efforts should be made to screen SPF from view with plantings or other means.

GENERAL BY-LAWS, CHAPTER 30 – HISTORIC DISTRICT BY-LAW

*as voted at the 5/5/17 Annual Town Meeting
as amended 11/14/22*

CHAPTER XXX - Historic District By-Law

Pursuant to Massachusetts General Laws Chapter 40C, Section 3, and any other enabling law: (1) to receive the final report, with recommendations, of the Local Historic District Study Committee; (2) to create the Town Center District and the Taft Homestead District; and (3) to amend the Town of Mendon General By-laws, by adding the following Chapter 30 (entitled “Local Historic District By-law”): or act or do anything in relation thereto.

Local Historic Districts Bylaw

The Town of Mendon hereby establishes Local Historic Districts, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to help property owners and the Town of Mendon in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Mendon, to encourage and support new and innovative building designs and techniques compatible with the existing architecture, and the promotion of those purposes as set forth in Massachusetts General Laws Chapter 40C.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER - The act or the fact of rebuilding, reconstructing, restoring, replicating, removing, demolishing, changing in exterior color, and other similar activities.

BUILDING - A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE - A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION - The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT - The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA - The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT - The Local Historic Districts as established in this Bylaw, to consist of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE - 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 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.

PERSON AGGRIEVED - The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area as property within one hundred (100) feet of said property lines; and any charitable corporation in which one of its purposes is the preservation of historic structures, or districts.

SIGNS - Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE - A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING - A BUILDING not to be in existence for a period of more than two (2) years. A STRUCTURE not to be in existence for a period of more than one (1) year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

4. COMMISSION

- 4.1. The DISTRICT shall be overseen by a COMMISSION consisting of seven (7) members, to be appointed by the Select Board, two (2) members initially to be appointed for one (1) year, two (2) for two (2) years, and three (2) for three (3) years, and each successive appointment to be made for three (3) years.
- 4.2. The COMMISSION shall include, if possible, one (1) member from two (2) nominees solicited from the Mendon Historical Society (or its successor organization), one (1) member from two (2) nominees solicited from the chapter of the American Institute of Architects covering Mendon or an Architect living or working in Mendon; one (1) member from two nominees of the Board of Realtors covering Mendon or a Realtor living or working in Mendon; and one (1) property owner from within each of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select Board may proceed to make appointments as it desires.
- 4.3. The Select Board may appoint up to four (4) alternate members to the COMMISSION. As designated by the acting chairman of the COMMISSION, an alternate member shall have the right to act and vote in the place of one regular member in the event of a vacancy on the COMMISSION or should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two (2) or three (3) years, and for three (3) year terms thereafter. Should an application consume multiple meetings, the same COMMISSION would need to vote on that proposal.
- 4.4. Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed and qualified.
- 4.5. Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two (2) members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.
- 4.6. Four (4) members of the COMMISSION shall constitute a quorum.

5. COMMISSION POWERS AND DUTIES

- 5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the

DISTRICT as set forth under the procedures and criteria established in this Bylaw and M.G.L. Chapter 40C. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

- 5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including but not limited to requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.
- 5.3 The COMMISSION, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Mendon, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.
- 5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary from its regular membership, and file notice of such election with the office of the Town Clerk.
- 5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- 5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

- 6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public street, public way, public park, or public body of water, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.
- 6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

- 7.1. Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability and/or of Hardship, as the case may be. The application shall be accompanied by 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. The COMMISSION shall have the authority to determine a filing fee for a CERTIFICATE. In the event that an application is missing such information (including but not limited to the payment of the required filing fee), it shall be deemed incomplete.

- 7.2. The COMMISSION shall determine within fourteen (14) days of the filing of a completed application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.
- 7.3. If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.
- 7.4. If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the completed application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Mendon Town Hall and in a newspaper of general circulation in Mendon. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties, to the owners of all property within the same DISTRICT area within one hundred (100) feet of the subject property lines, to any charitable corporation in which one of its purposes is the preservation of historic structures or districts, and of other properties deemed by the COMMISSION to be materially affected thereby - all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a 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. The said certified tax list shall be deemed conclusive for all purposes.
 - 7.4.1. A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category or color, as the case may be, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing on the application, provided, however, that, if the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.
- 7.5. Within sixty (60) days after the filing of a completed application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION. If within fourteen (14) days of the receipt of such a 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 the appropriateness to be issued to the applicant.
- 7.6. The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.
- 7.7. In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose if this Bylaw.

- 7.8. 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 DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.
- 7.9. If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, 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 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 detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. 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, the COMMISSION shall issue a CERTIFICATE of Hardship.
- 7.10. The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Inspector. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.
- 7.11. If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the completed application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship.
- 7.12. Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.
- 7.13. A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency of which the Town of Mendon is a member. Should such a regional planning agency not be in existence, M.G.L. 40C, Section 12 designates the Department of Community Affairs as selecting the appropriate regional planning agency. The finding of the person or persons making 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 Worcester County Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.
- 7.14. In the event of demonstrated emergency, the COMMISSION may reduce the time periods set forth in Sections 7.4, 7.5, and 7.11.

8.CRITERIA FOR DETERMINATIONS

- 8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, material and color of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area. The Commission shall be guided by the purpose of this Bylaw to preserve and protect EXTERIOR ARCHITECTURAL FEATURES of the BUILDINGS and STRUCTURES in the District as they exist at the time of this Bylaw's adoption.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the size, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity and the COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

- 9.1.1 Temporary, STRUCTURES or SIGNS subject, however, to such conditions pertaining to the duration of use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.
- 9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.
- 9.1.3 Storm windows and doors, screen for windows and doors, and window air conditioners.
- 9.1.4 The color of paint.
- 9.1.5 The color of materials used on roofs.
- 9.1.6 Signs of not more than one (1) square foot in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one (1) such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one (1) sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than twelve (12) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- 9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.
- 9.1.8 Pools and Play Structures

Amended to add item 9.1.8 on 11/14/22, AG Approved 1/11/23, Effective 1/16/23

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, 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 Bylaw.

Amended section 9.3 to remove the word "color" 5/5/23, AG Approved 7/19/23, Effective 7/20/23

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Mendon, that certain categories of EXTERIOR ARCHITECTURAL FEATURES or STRUCTURES under certain conditions may be CONSTRUCTED or ALTERED without review by

the COMMISSION without causing substantial derogation from the intent and purposes of M.G.L. c 40C Section 8(c).

11. ENFORCEMENT AND PENALTIES

11.1. The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2. The COMMISSION, upon a written complaint of any resident of Mendon, or owner of property within Mendon, or upon its own initiative, may institute any appropriate action or proceedings in the name of the Town of Mendon to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

11.3. Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense. In the event of demonstrated emergency, the COMMISSION may waive and/or reduce any penalties set forth herein.

11.4. The COMMISSION may designate the Building Inspector of the Town of Mendon to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEVERABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

APPENDICES

Appendix 1: Mendon Center District

The Mendon Center District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Mendon Center District are defined and shown on the Local Historic District Map of the Town of Mendon, which is a part of this Bylaw.

Appendix 2: Taft Homestead District

The Taft Homestead District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Taft Homestead District are defined and shown on the Local Historic District Map of the Town of Mendon, which is part of this Bylaw.

Maps of the Mendon Center District and the Taft Homestead District are available at the Mendon Town Hall Offices.

Appendix 3: Washington Street District

The Taft Homestead District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Taft Homestead District are defined and shown on the Local Historic District Map of the Town of Mendon, which is part of this Bylaw.

Appendix 4: Jotham Hayward Homestead District

The Jotham Hayward Homestead District (6 Bates Street) shall be a DISTRICT area under this Bylaw. The location and boundaries of the Jotham Hayward Homestead District are defined and shown on the Local Historic District Map of the Town of Mendon, which is part of this Bylaw.

Maps of the Historic Districts are available at the Mendon Town Hall Offices.

Appendixes amended to add items 3 and 4; Amended 5/5/23; AG Approved 7/19/23; Effective 7/20/23

Historic District Chapter Added 5/5/2017; AG Approved 6/20/2017; Effective 6/21/2017

Mendon Center District Map



LEGEND

- HISTORIC DISTRICT
- PROPERTY PARCEL
- EASEMENT
- STRUCTURES
- MASS. DEP WETLANDS

NOTE

THE AREAS, BOUNDARIES AND DIMENSIONS SHOWN ON THIS TAX MAP ARE DERIVED FROM AERIAL PHOTOGRAPHS, GROUND SURVEYS AND RECORDED PLANS, MAPS, DEEDS AND WILLS AND ARE TO BE USED FOR TAX ASSESSMENT PURPOSES ONLY AND NOT FOR CONVEYANCE.

PRODUCED IN 2017 BY



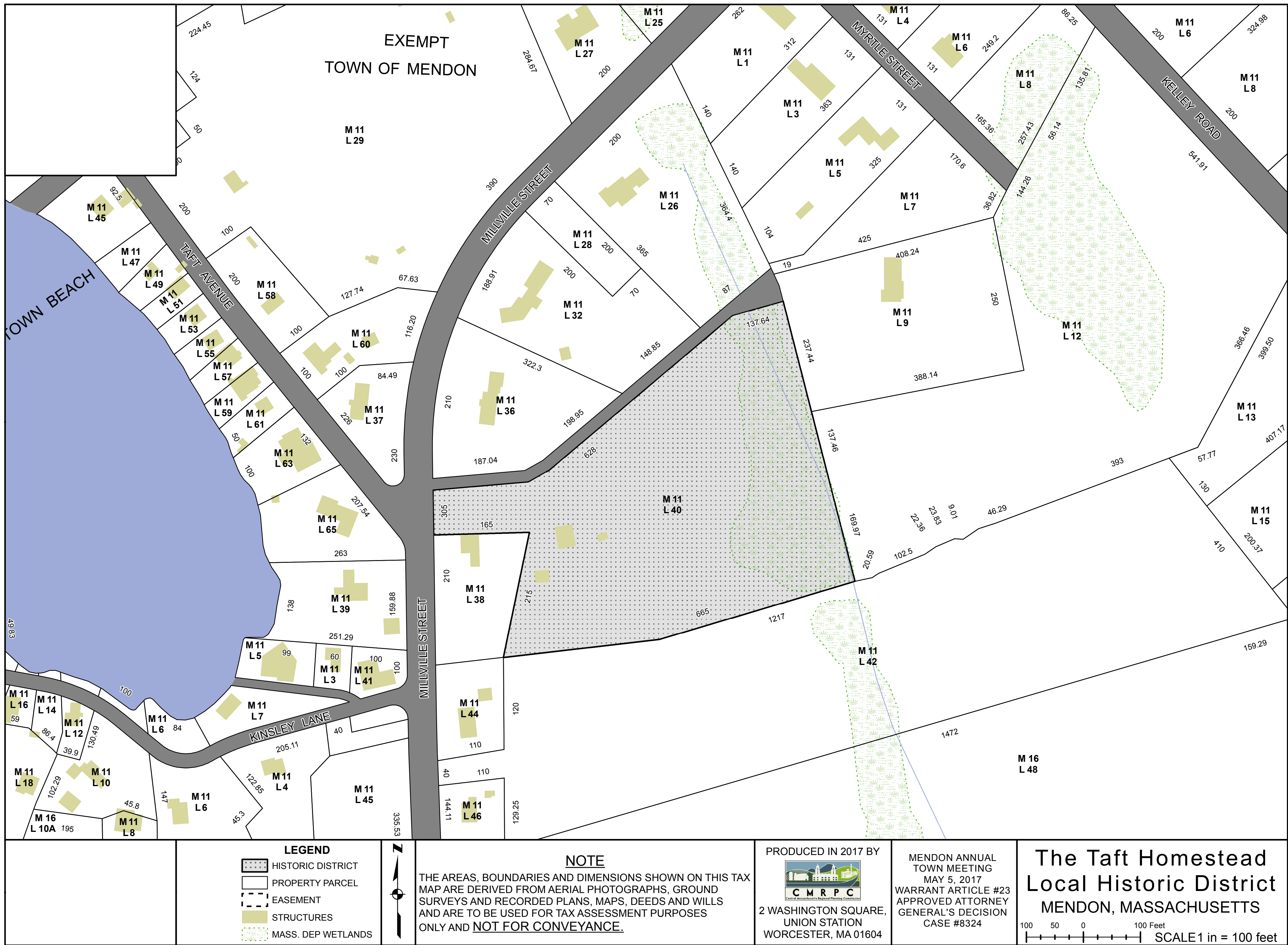
2 WASHINGTON SQUARE,
UNION STATION
WORCESTER, MA 01604

MENDON ANNUAL
TOWN MEETING
MAY 5, 2017
WARRANT ARTICLE #23
APPROVED ATTORNEY
GENERAL'S DECISION
CASE #8324

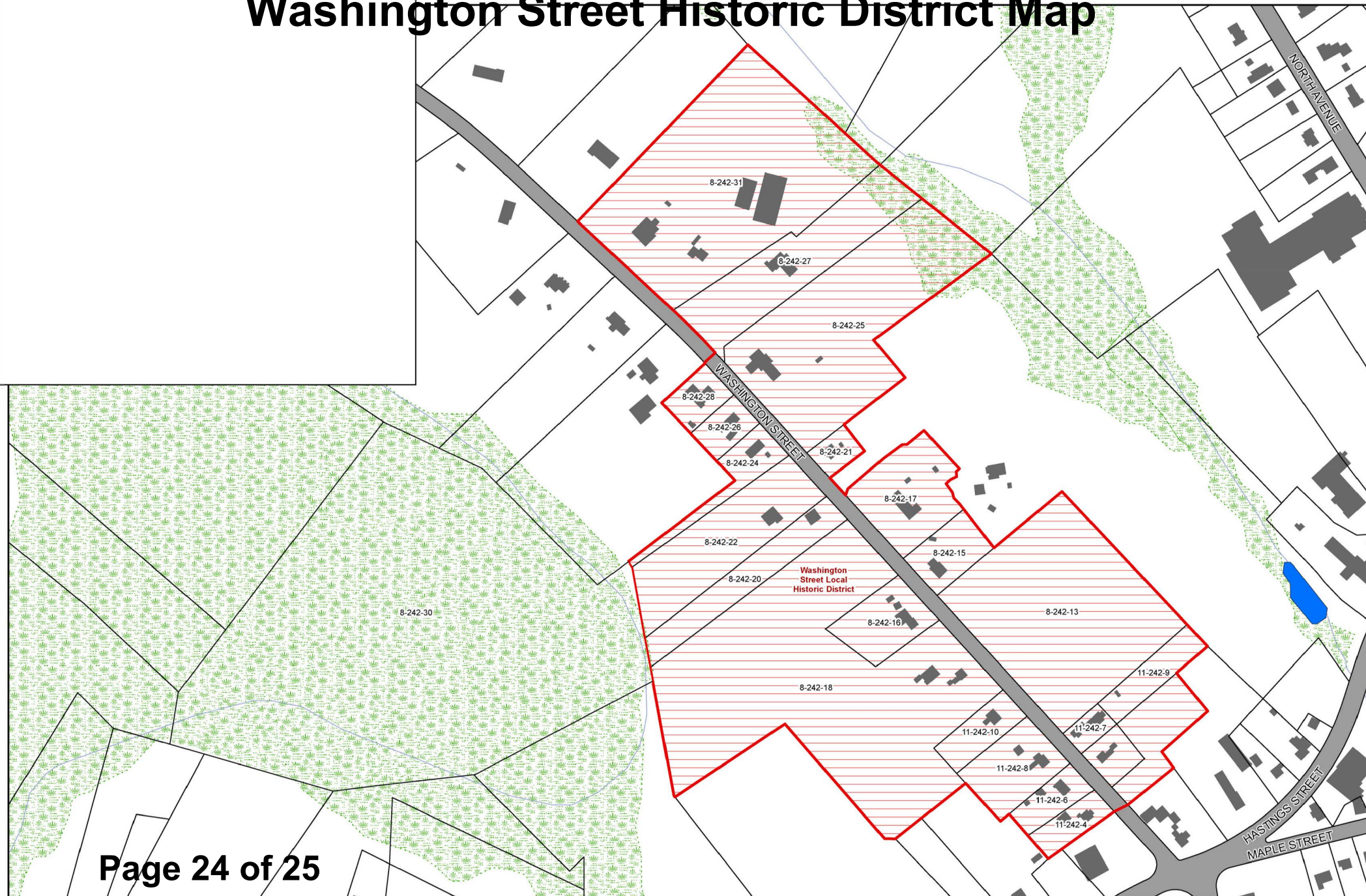
Mendon Center
Local Historic District
MENDON, MASSACHUSETTS

200 100 0 200 Feet
SCALE 1 in = 200 feet

Taft Homestead District Map



Washington Street Historic District Map



Page 24 of 25

LEGEND	
	Washington St Historic District
	Property Parcel
	Structures
	Mass. DEP Wetlands
	Water Bodies



NOTE
THE AREAS, BOUNDARIES AND DIMENSIONS SHOWN ON THIS TAX MAP ARE DERIVED FROM AERIAL PHOTOGRAPHS, GROUND SURVEYS AND RECORDED PLANS, MAPS, DEEDS AND WILLS AND ARE TO BE USED FOR TAX ASSESSMENT PURPOSES ONLY AND NOT FOR CONVEYANCE.

PRODUCED IN 2023 BY

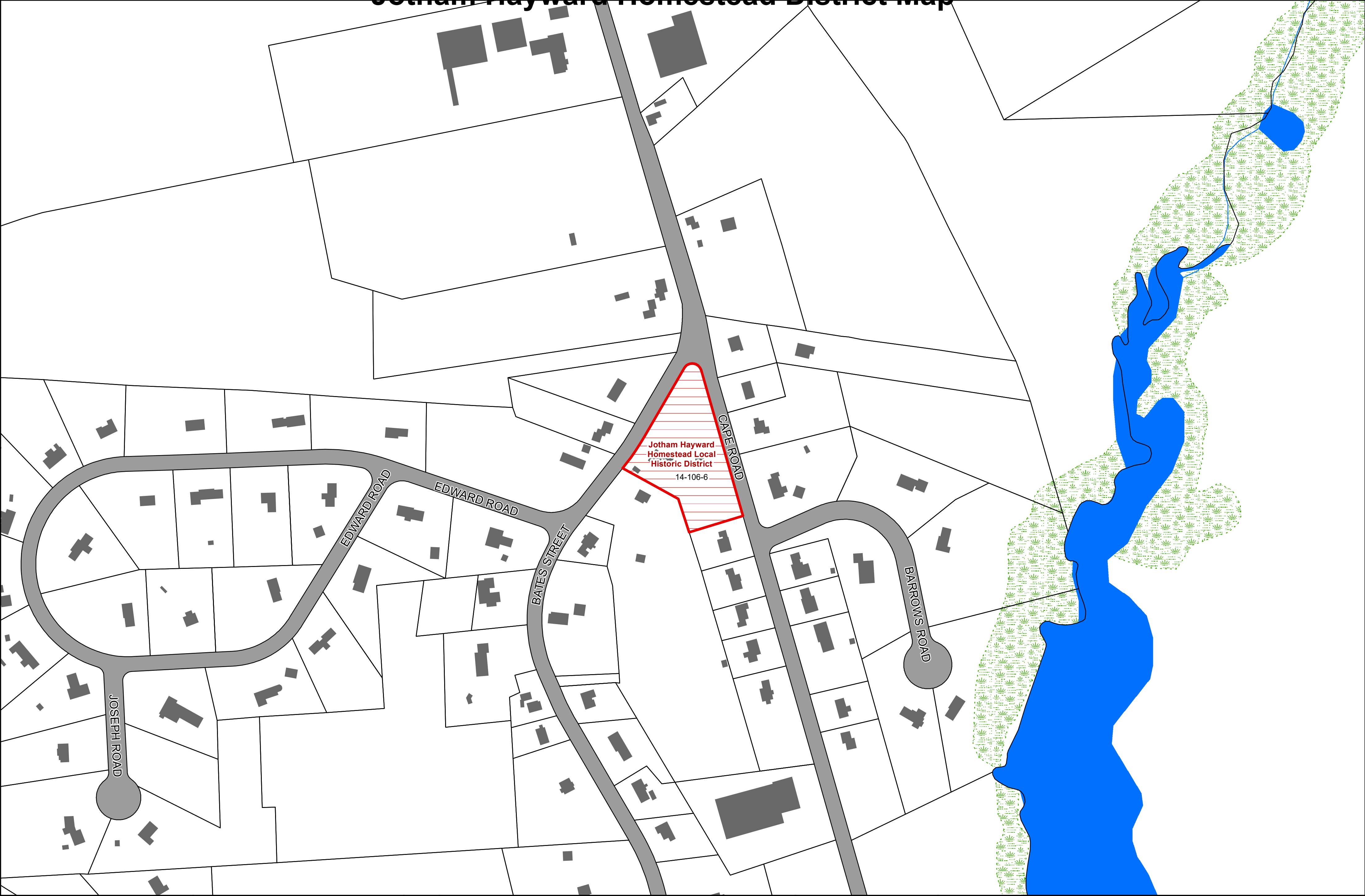


ONE MERCANTILE STREET
SUITE 520
WORCESTER, MA 01608

**Washington Street
Local Historic District
MENDON, MASSACHUSETTS**

150 75 0 150 Feet
SCALE 1 in = 160 feet

Jotham Hayward Homestead District Map



	<p>LEGEND</p> <table><tr><td></td><td>Jotham Hayward Homestead Historic District</td><td></td><td>Structures</td></tr><tr><td></td><td>Property Parcel</td><td></td><td>Mass. DEP Wetlands</td></tr><tr><td></td><td></td><td></td><td>Water Bodies</td></tr></table>		Jotham Hayward Homestead Historic District		Structures		Property Parcel		Mass. DEP Wetlands				Water Bodies		<p>NOTE</p> <p>THE AREAS, BOUNDARIES AND DIMENSIONS SHOWN ON THIS TAX MAP ARE DERIVED FROM AERIAL PHOTOGRAPHS, GROUND SURVEYS AND RECORDED PLANS, MAPS, DEEDS AND WILLS AND ARE TO BE USED FOR TAX ASSESSMENT PURPOSES ONLY AND <u>NOT FOR CONVEYANCE.</u></p>	<p>PRODUCED IN 2023 BY</p> <p>ONE MERCANTILE STREET SUITE 520 WORCESTER, MA 01608</p>	<p>Jotham Hayward Homestead Local Historic District MENDON, MASSACHUSETTS</p> <p>150 75 0 150 Feet SCALE 1 in = 160 feet</p>
	Jotham Hayward Homestead Historic District		Structures														
	Property Parcel		Mass. DEP Wetlands														
			Water Bodies														