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June 2014

P. Humblet

Royalston Historic District  
Study Committee

Final Report  
Royalston Center District

A true copy  
of final report  
Virginia M. Frye  
Town Clerk

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## I. Purpose of a Historic District

The purpose of our historic district is to preserve and protect historically significant buildings and areas, to maintain and improve the settings of those buildings, and to assure that new building within historic areas will be compatible in design. Our historic district is intended to provide our town with a continuing sense of its past, to preserve for future generations the special character and beauty of at least one area significant in the town's history or development, and to prevent the intrusion of incongruous structures which would detract from the aesthetic and historical values of the district and hence of the town.

It should be emphasized that the establishment of a historic district does not prevent new building or remodeling of existing structures within that district. New building can take place so long as its exterior design is approved by the Historic District Commission set up by vote of town meeting. Building-owners still have the right to alter the interiors of buildings in any way they choose, and land-owners may use as they choose areas not visible from the street. Historic district regulations by laws apply only to exterior architectural features that are visible from a public right of way and easily visible land areas, and in setting up a historic district a town can even further restrict the scope of the regulations. In any event, exceptions can always be granted for hardship or other reasons by the Historic District Commission. Instead of injuring building or land-owners, a historic district can be of real benefit to them by protecting them from decrease of values which ill-considered and unaesthetic construction can induce. It can thus preserve and even strengthen a town's tax base.

The legislation providing for the setting up of historic districts in the Commonwealth of Massachusetts is the Historic District Act (Chapter 40C of the General Laws as originally passed in 1955 and as amended in 1971). This Act provides that the Board of Selectmen in a town may vote to establish a Historic District Study Committee. The selectmen then appoint the members of that committee. Representatives of the local historical society, of the American Institute of Architects, and of the Massachusetts Association of Realtors shall be solicited to be on the committee, but if not available the selectmen may use their discretion. This committee then makes a survey of historic areas and buildings in the town and prepares a preliminary report (this document) for submission to the Town Planning Board. A public hearing is then held, of which all land-owners within the proposed historic district are given formal notice. After the hearing the committee submits its final report to the Board of Selectmen. An article to establish the district is then put by the selectmen on the warrant for town meeting, where it must be approved by a two-thirds vote. Before the historic district bylaw finally goes into effect, it must be passed by the Attorney General. At all stages of the process input from land-owners, the Planning Board, other town officials, and the general public is encouraged and indeed required. Upon passage of the historic district bylaw a Historic District Commission is appointed by the Board of Selectmen. Local control is assured throughout.

The Board of Selectmen of Royalston voted before June, 1978 to appoint a Historic District Study Committee. The first appointments were made in that year.

## II. Reasons for the Choice of Area

Using the survey of historic buildings previously compiled by the Royalston Historical Commission for the Massachusetts Historical Commission, the Study Committee has concluded that the most appropriate area for a historical district and the most necessary and valuable to protect is the area in the very center of town. This area includes the Common and extends to include vistas and other important historical buildings in all directions.

The importance of restoring the common area was accurately described in a report by Anderson Notter Associates, Inc. - "Royalston Common-And A Plan For Preservation" - September, 1974.

Royalston Common is an indigenous early nineteenth century prototype of a rural common that has evolved steadily from its original colonial form. In 1752, a ten acre square was laid out by absentee proprietors to straddle a ridge near the center of the township. By 1840, the common has conformed to the ridge and has remained unchanged to the present time. As such it is recognized by architectural historians and historical surveys as the best example of an early nineteenth century town common in Massachusetts.

Royalston Common's exemplary status is based on three parameters. First, the shape and appearance of the common has not changed in over a hundred years. The buildings, with four exceptions, were built in the early nineteenth century and have a purity of architectural style. Moreover, the setting of the common - the approaches to the town, the vistas from the town, and the encircling hills, forests and open fields - is unchanged. As a result, the common appears as it did in the 1840's in its architecture, form, and character. Second, Royalston Common was unhampered in its growth. No unusual internal or external forces influenced its shape. Thus, continuity of development makes Royalston's Common prototypical of an early nineteenth century rural common that has grown from a colonial form. Third, the appearance of the common is indigenous. All parts are natural and uncontrived, and they developed in response to one another. All buildings were designed and constructed by the local people; their style and locations reflect the interaction with the other buildings and their owners and the topography. Both the parts and the whole are uncontrived - Royalston is not an assimilated museum village, but a natural example still intact. Royalston Common is paradoxically both a prototype and a town with a distinct rural charm of its own.

The future of Royalston Common is currently in abeyance. It is intact; however, the loss of a building or the addition of an intrusion would greatly endanger the integrity of the common. Royalston Common could be irretrievably altered and thus lost to future generations. It is ironic that passivity for a hundred years could have preserved Royalston Common, but on reaching a subtle point in time, has turned potentially destructive.

### III. History of the Common Area

In 1752 a group of Bostonians bought through auction from Worcester County over 28,000 acres of unsettled land for 1,348 pounds. They were required to lay out a common "for to build a meeting house, training field, and burrying ground," to build a mill, set aside land whose revenue would support a school, the meeting house and a minister, and to settle sixty families with a house and a clearing. The remaining lands were the property of the proprietors.

The initial surveying was directed by the proprietors from their monthly meetings at the Bunch of Grapes Tavern on Long Wharf, Boston. The common, a ten acre square was located in the near center of the township, on the back of a ridge.

The development of the common was delayed by the French and Indian War. The first families arrived in 1762. Then the town was incorporated in 1765, the square common had a narrow cemetary, a crude meeting house on the north-northeast corner and a pump and two modest houses to the north of the common on the top of the ridge.

By 1780 the population of the township had grown to 1,130. The common had grown by four houses. Thirty years later (1810), Royalston Common had been reinforced by several stores and a new meeting house. The more refined meeting house was built in 1787 to reflect the new prosperity of the town. After 1800, general stores began appearing around the common. Royalston gained a reputation as a market place for the surrounding towns and farms.

Royalston Common derived much of its income from a small industrial community on the Miller's River which became known as South Royalston. Many of the mill owners lived and spent huge amounts of money maintaining their homes on the common.

1830 found Royalston growing and prosperous. The population had risen to almost 1,500. The common was becoming a prestigious place to live. Many new homes were built and older ones remodeled. There were fewer stores and more stately residences. By 1840 the population of Royalston reached its peak of 1,667. Over the next twenty-five years the common went through changes which would bring it to its present state. In 1851 the church had burned, the townspeople raised the money and effort to build a new church within a year. Five years later a new mansard town hall was built adjacent to the church. Both buildings were designed and supervised by Chauncey Chase, a local architect.

Since the mid 1800's very few changes have taken place on the common with the main exception being the erection of a brick Greek Revival library in 1911 and a brick school house in 1935. Most of the significant building on the common was accomplished by the 1840's. All building activity after the mid-century was minor; it involved modifications, alterations for new uses or rebuilding. Because the prosperity of the town took a downward turn after the Civil War, when the younger generation began looking for better opportunities, the town

ceased to grow and comes to us almost unchanged.

So 1978 finds the Royalston Common a naturally evolved early nineteenth century town probably the finest and purest example left in Massachusetts.

Paraphrase from "Royalston Common - And A Plan For Preservation",  
Anderson Notter Associates, Inc.

IV. Boundaries  
Royalston Historic District

1. Commencing on the north side of N.E. Fitzwilliam Road at a corner of the stone wall immediately east of the Carbone house ("Barnet Bullock"), crossing the road at that point to the south side to a stone wall thence westerly along that wall to the N.E. corner of the land owned by Leonard and Marie Campo.
2. Thence southerly along the stone wall and on a bearing of S 7° W until intersecting the southerly running small stream.
3. Thence southeasterly along the stream until it meets the pond. Thence easterly along the north edge of the pond to its dam. Thence along the stream to where it breaches an east-west wall.
4. Thence easterly along the wall to its end. Thence southerly along a sparce wall to its end. Thence easterly along the wall behind the "Wilcox" house to a corner. Thence southerly along the wall to the abandoned town highway.
5. Thence directly across the road and west toward the center of town along the south edge of the highway to the stone wall marking the east limit of the Turner ("Charles Deane House") property to a corner.
6. Thence westerly along a stone wall marking the southern bound of land of Gerald Chaisson and the Raymond School and ending at the Town dump road.
7. Thence directly across the road and southerly along a stone wall to a corner, thence westerly along a stone wall to where it meets the stone walls of the Old Royalston Cemetery.
8. Thence westerly along the stone wall marking the cemetery bound to a corner.
9. Thence continuing west on a line of sight (270 degrees) across land of Katherine Cole to a stone wall, then northerly along that wall to the south side of the Athol Road.
10. Thence across the road to the stone wall, and then easterly toward town to the northerly running stone wall that marks the bound between properties of Katherine Cole and Herbert Peterson.
11. Thence northerly along that wall to a westerly running wall behind the Stow house.
12. Thence westerly along that wall to an iron pipe (about 75 feet).
13. Thence northerly along a line of sight (the edge of the field and on a bearing of approximately 010 degrees) to a stone wall running east-west and marking the south bound of land belonging to Bundschuh ("Rufus Bullock Mansion").
14. Thence across the wall and northerly along a stone wall to the Warwick Road.

15. Thence across the road to a stone wall of the west edge of the Freden ("Lord Wheeler") property and thence northerly along that wall to the North Fitzwilliam Road.
16. Thence across the road and westerly along it to a gatepost, thence northerly about 100 feet to the end of a northerly running stone wall marking the west edge of the Humphrey Nash ("Goddard") property.
17. Thence along that wall and on a bearing of approximately 20 degrees across the brook flowing easterly at the northern end of the Nash property.
18. Thence continuing northerly along a wall marking the west bound of the Mildred White property to an east-west running wall.
19. Thence easterly along that wall to a northerly running wall (a large oak tree grows in the intersection of the walls).
20. Thence northerly along that wall to an east-west wall marking the northern bound of the Eldora Bowers property.
21. Thence easterly along that wall to Frye Hill Road.
22. Thence directly across the road to the west side and on a bearing of 100 degrees along a line of sight (to include the Carlton Wilcox or "Old Frye" to a stone wall running north-south.
23. Thence south along that wall to the Carbone ("Barnet Bullock") property and continuing south along the wall on the Carbone property to the starting point on the N.E. Fitzwilliam Road.

The bounds for this proposed Historic District were chosen to include the buildings of historic significance in the center of Royalston and the vistas visible from the common. Where possible, the bounds are "permanent" (e.g. stone walls). This choice of bound necessitated the inclusion of some properties of less immediate historic significance and some lands not visible from the common. Where no convenient "permanent" bound could be found, a line of sight to the next identifiable point was chosen along with the approximate compass bearing.

The small tract of land in the southwest corner of the proposed District includes a memorial nature walk.



## VI. SPECIFIC BUILDINGS

1. The Old School House, built in 1835, Greek Revival style. Now the Historical Society building and Post Office.
2. Harold Newton's House, built in 1853 by William Parke from a hat factory owned by William Jerrel and moved to this site in 1780. Federal style.
3. The Lightning Rods, built in 1839, probably by J.E.P. Austin, Modified Greek Revival style with 8 square pillars.
4. The Columns, built in 1838 by Moses Nichols. Very pure Greek Revival Style with four columns.
5. The Bastille, built in 1830 by the Reverend Ebenezer Perkins, Federal style. Chippendale balustrade added in 1927.
6. The Jonathan Sibley House with Old Store attached. The house, Federal style, was built in 1813 by Jonathan Sibley, Jr. The store was built in 1872 by Obadiah Walker. Property of Royalston Academy, partially restored through its adaptive preservation program.
7. White Heather, built about 1890 by J. Howard Lee, Federal style. Lovely fan over door.
8. Alfred Waters' House, original built in 1820. This house burned and was rebuilt.
9. The Whitney House, built about 1836 by George F. Miller, Greek Revival style. Floor plan as if two houses at right angles.
10. The Goddard House, built in 1802 by Captain William Raymond. Federal style. Beautiful moulding and stencilling.
11. The Margaret Nash House, built about 1874, probably by Joseph Raymond. Federal style, with bay windows.
12. The Raymond House, built in 1825 by Solomon Fenney, Federal style. Especially good floors.
13. The Barnet Bullock House, built about 1825 by Barnet Bullock, Federal style.
14. The Phineas Newton Library, built in 1911 by Boutwell and Damon of Fitchburg. The architect was H. M. Francis and Sons of Fitchburg. Modified Greek Revival style in brick.
15. The Rufus Bullock Mansion, built in 1807 by Lemuel Fales, Federal style. Other house attached to rear probably built in 1764. Birthplace of Alexander Hamilton Bullock, Governor of Massachusetts 1868-88. Lovely upstairs ballroom with curved cerulean blue ceiling. Beehive chimney, beautiful moulding. Moses Eaton stencilling.

16. First Congregational Church, built in 1851 by Chauncey Chase, Greek Revival style. Beautiful proportions.
17. Town Hall, built in 1867 by Chauncey Chase. Mansard style. Quote from "The Worcester Daily Spy," December 30, 1867: "The building has a cupola surmounted by an eagle and as a whole it is one of the most elegant public edifices in the country".
18. The Bacheller-Chase House, built in 1849 by Chauncey Chase, Federal style. Original house probably built in 1771.
19. The Pierce-Stow House, built about 1850 by William O. Brown, Federal style. Beautiful curving bannisters.
20. The Adams-Burr House, built about 1855 by Elijah Nichols, Federal style with a little Victorian bay window, 2nd floor.
21. The Parsonage, built shortly after 1874 when old building was removed. Late Greek Revival.
22. Omitted
23. Hearse House, built in 1858 by the town for storage of the hearse.
24. Partridge House, built about 1850 by Isaac Nichols, moved from Northeast Fitzwilliam Road.
25. Fisher-Battersby House, built about 1850 by David Foster with Greek Revival influence.
26. Charles Deane House, c. 1850, designed by the original owner, S. Lee in the Greek Revival style with breezeway between house and barn.
27. Wilcox House, Established by William Brown. 1831 shows second owner to be Isaac Prouty.
28. Chase House, built by Rubin Walker in the late 1700's. Owned at one time by Dr. & Mrs. Steven Bacheller.
29. Obadiah Walker House, built about 1840 by Obadiah Walker with Greek Revival influence.
30. Old Parsonage, built about 1768 by Reverend Joseph Lee in Federal Style. Was the original Parsonage and has served as the temporary town hall and tavern.
31. Wells Residence, built about 1842 by Ebenezer Cheney in the Greek Revival Style.
32. Captain William Chase House, built about 1843 by Architect Leonard Wheeler in the Greek Revival Style.

33. Besty Dean Residence, built about 1845 for Besty Dean in the Greek Revival Style.
  34. David P. Foster Residence, built about 1850 by David Foster with Greek Revival influence.
  35. Bartlett-Foster House, built about 1841 by Ebenezer Cheney. Barn added c. 1870.
  36. Shoemaker Shop, built about 1844 by Architect Leonard Wheeler for Colburn and used at one time as a residence and shoemaker shop. Modified Greek Revival.
  37. The Anchorage, built about 1790 in the Federal Style.
  38. Barnet Bullock Residence, built about 1857 by Barnet Bullock, Greek Revival Style.
  39. Joseph Sawyer Residence, built between 1830 & 1840 by Joseph Sawyer in modified Greek Revival Style.
  40. Danahar Residence, built sometime after 1865.
  41. Langlois Residence, built after 1865, owned by S. Haywood on the Beers Almanac map.
  42. Old Frye House, built before 1800 by Captain John Frye in the Federal Style.
  43. Hugh Bullock Residence, built about 1820 by Hugh Bullock in the Federal Style.
  44. Lord Wheeler Residence, built around 1840 in the Greek Revival Style.
- A. Elbridge & Pauline Smith
  - B. Ralph & Elsie Jewett
  - C. Mildred White
  - D. Eldora Bowers
  - E. "Old" Fire Station

VII. HISTORIC DISTRICT BY-LAW  
Town of Royalston, Massachusetts

SECTION I

PURPOSES AND VALIDITY

The purpose of this by-law 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 Royalston, or significant for their architecture, and the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

For the purposes and reasons as set forth in the Massachusetts General Laws Chapter 40C, as most recently amended, hereinafter cited as the HISTORIC DISTRICTS ACT: except for the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance thereof, landscaping with plants, trees, or shrubs, or meeting requirements certified by a duly authorized public officer to be necessary for public safety because of unsafe or dangerous condition, no building or structure within the historic district shall be constructed or altered in any way that affects its exterior features unless the Royalston Historic District Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

The provisions of this by-law shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

In case of any conflict between the wording of this text and the Massachusetts General Laws, the Massachusetts General Laws shall govern.

Where this by-law imposes a greater control upon setback, signs and other external features than is imposed by other by-laws of the Town of Royalston, the provisions of this by-law shall govern.

SECTION II

HISTORIC DISTRICT BOUNDARIES

The location and boundaries of this district are hereby established as shown on a map entitled "Historic District Map of the Town of Royalston" dated January , 1979.

### SECTION III

#### MEMBERSHIP

There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and three alternate members, appointed by the Board of Selectmen, including one member, where possible, from two nominees submitted by the Royalston Historical Society, one member, where possible, from two nominees, one of whom shall be submitted by the Massachusetts State Chapter of the American Institute of Architects, and one member, where possible, from two nominees of the Board of Realtors covering Royalston. Where possible, one or more of the members shall be a resident of an Historic District established in Royalston pursuant to the Historic Districts Act.\* When the Commission is first established, two members and one alternate shall be appointed for one year, two members and one alternate shall be appointed for two years, and three members and one alternate shall be appointed for three years. Successors shall each be appointed for a term of three years. Vacancies shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest by a member, the Chairman shall designate an alternate member of the Commission to act for a specified time. All members shall serve without compensation. The Commission shall elect annually a Chairman and vice-Chairman from its own number and a Secretary from within or without its number.

\* Additional membership suggestions: Lawyer, professional historian, additional residents of district, member of Planning Board, member of Conservation Commission, individuals interested in historic preservation.

#### MEETINGS

Meetings of the Commission shall be held at the call of the Chairman or shall be called at the request of two (2) members of the Commission or in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

#### POWERS AND DUTIES

In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size, scale and shape of the same in relation to the land area upon which the building or structure is situated, to adjacent buildings and structures and to buildings and structures in the surrounding area.

The Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable by-law.

## Powers and Duties continued

The reconstruction, substantially similar in design of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, must be begun within one year and carried forward with due diligence. If any of the exterior architectural features are changed in the reconstruction plans, then a certificate of appropriateness must be obtained from the commission. If the structure is damaged beyond repair then the owner will clear area of all debris and complete landscaping to conform with surrounding area within one year.

The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this chapter.

The Commission may, after public hearing, set forth in such manner as it may determine, the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of a historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of a historic district, but no such determination shall limit the right of an applicant to present other designs or colors to the Commission for its approval.

The Commission shall require appropriate drawings to show the nature and extent of proposed construction or alterations. The drawings need not be prepared by an architect.

The Commission may, subject to appropriations, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying out of its work, and may accept money gifts and expend same for such purposes. The Commission may administer on behalf of the town any properties or easements, restrictions or other interests in real property which the town may have or may accept as gifts or otherwise and which the town may designate the Commission as the administrator thereof.

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

The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of the Historic District Act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.

The Commission should, when it feels a property is being neglected to the detriment of the architectural features of the building, meet with the owner of said property to discuss what steps can be taken.

The Commission shall keep an open mind toward alternative energy features being added to buildings within the district.

The Historic District Commission will act as the Local Historic Commission under the provisions of Massachusetts Chapter 40, Section 8D.

## LIMITATIONS

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

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

The Commission shall not extend its review to temporary signs, banners, streamers or placards or temporary structures approved by special permission of the selectmen.

The Commission shall not extend its review to events e.g. art shows, bazaars, church fairs, which are temporary in nature.

The Commission shall not extend its review to new storm or screen doors and windows installed in existing openings, nor to removable porch enclosures, room air conditioners, TV antennas and similar appurtenances except as they are part of new construction, additions or reconstruction.

## SECTION IV

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

#### Definitions

As used in this by-law, the word "altered" includes the words "rebuilt," "reconstructed," "restored," "removed," and "demolished," and the phrase "changed in exterior color." The word "building" means a combination of materials forming a shelter for persons, animals or property; the word "Commission" means the commission acting as the Historic District Commission; the word "constructed" includes the words "built," "installed," "enlarged" and "moved;" the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including, but not limited, to the architectural style and general arrangement and setting thereof, the kind, color, and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs, and other appurtenant exterior fixtures, and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

#### Applications

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

#### Public Hearings

The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board of the Town, to any person filing written request for notice of hearings, such request to be renewed yearly in December and to such other persons as the Commission shall deem entitled to notice.

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



## Public Hearings continued

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect in the historic district that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as provided, and ten days shall elapse after the mailings of such notice before the Commission may act upon such application.

## Certificate

### A. Appropriateness

If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for, or compatible with, the preservation or protection of the historic district, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicants proposal which, if made, would make the application acceptable to the Commission. If, within fourteen (14) days of the receipt of such notice, the applicant files a **written modification of his application in conformity** with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

### B. Non-Applicability

In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate of non-applicability does not involve any exterior architectural features, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Section III, the Commission shall cause a certificate of non-applicability to be issued to the applicant.

### C. Hardship

If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structures involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this by-law. If the Commission determines that owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within sixty (60) days after the filing of the application, the Commission shall cause a certificate of hardship to be issued to the applicant.

### Filing

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

### Enforcement

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

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

### Penalties

Whoever violates any of the provisions of this by-law shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense **unless adequate progress is being made toward the correction of the violation.**

## SECTION V

### APPEALS

Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the Town is a member. 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 Superior Court as provided in the following section.

Any applicant aggrieved by a determination of the Commission, or by the finding of a person or persons making a review may, with twenty (20) days after the filing of such determination with the Town Clerk, appeal to the Worcester Superior Court sitting in equity. 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.

## SECTION VI

### BY-LAW AMENDMENTS

Any by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of the Historic Districts Act by a two-thirds vote of a Town meeting, provided that the substance of such amendment has first been submitted to the Historic District commission having jurisdiction over such district for its recommendation and its recommendation has been received, or sixty (60) days have elapsed without such recommendation.

No by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the Town Clerk and has been recorded in the Worcester District Registry of Deeds.

An historic district may be enlarged or reduced or an additional historic district in the town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the Historic District Commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation report and hearing shall be by the Historic District Commission of the Town, instead of by a study committee unless the Commission recommends otherwise; and (c) if the district is to be reduced, written notice as above provided of the Commission's hearing on the proposal shall be given to said owners of each property in the district.

All by-laws creating an historic district adopted by the Town under authority of the Historic Districts Act, amendments thereto, maps and historic districts created thereunder, and annual reports and other publications of commissions, and rosters of membership therein, shall be filed with the Massachusetts Historical Commission.

Royalston Historic District Study Committee

## VIII. ACKNOWLEDGEMENT

The present Historic District Study Committee gives its special appreciation to the two previous Study Committees who had compiled most of the work that went into this report. We really just gave the final push.

## BIBLIOGRAPHY

Adams, Robert Winthrop, The Story Of a Meeting House, Royalston: 1952

Anderson Notter Associates, Inc., Royalston Common - And A Plan For Preservation: 1974

Bartlett, Herbert C., Reflections on Royalston, Fitchburg: 1927

Caswell, Lilley B., The History of the Town of Royalston, Massachusetts,  
Published by the Town: 1917

# ROYALSTON HISTORIC DISTRICT

