



Guidelines *for the*
Westport Point Historic District



AN INTRODUCTION TO THE WESTPORT POINT HISTORIC DISTRICT

These Guidelines are designed to clarify the purposes and procedures of the Westport Point Historic District Commission and to provide a guide for Westport Point Historic District residents when considering changes to their properties. The Historic Districts Act, Massachusetts General Laws Chapter 40C, was created to protect and preserve the historic resources of the towns and cities of the Commonwealth through a local review process which encourages and ensures historically compatible improvements. The Westport Historical Commission overseeing the Historic District as the Westport Point Historic District Commission has the following mandates:

- To preserve and protect the distinctive characteristics and settings of buildings and structures at the Point significant to the history of Westport and to the Commonwealth of Massachusetts.
- To assure that alterations and additions to all buildings and structures are not incongruous to the historic aspects or the architectural characteristics of the existing building or structure or its surroundings.
- To assure that new construction is compatible with neighboring buildings and fits into the context of the historic district.

This pamphlet has four parts. The first briefly outlines the history of the Point's social, economic, and architectural development, the "built" environment that the Commission has been appointed to preserve. The second part discusses the formation of the District, the District's legal foundation, and its relationship to Westport town government. The third and fourth parts describe the guidelines for applicants when considering alterations, additions, and new construction, and procedures for filing an application with the Commission.

The Commission reviews and evaluates each application on its own merits, and strives to balance traditionally appropriate designs with modern living. However, property owners in the Westport Point Historic District should be aware that a proposal to add to or to alter an existing building or structure may be limited or denied in order to preserve for future generations the historical significance of Westport Point as mandated by Westport Town Meeting and Massachusetts General Law 40C.



PART ONE

HISTORICAL AND ARCHITECTURAL BACKGROUND

The first European explorers to see Westport Point found it cleared of trees and used as farmland. Evidence suggests that Native Americans summered here, fishing and farming, and that they called the Point "Pacquachuck." This has been interpreted to mean "cleared hill" or "quahog." No Europeans lived at the Point for about one hundred years after the Pilgrims landed. In 1700, Christopher Gifford, a Quaker from Sandwich, purchased 64 acres of land from Daniel Willcox. Willcox had the land from his father-in-law, John Cooke, the son of Francis Cooke who was a Mayflower passenger and purchaser of one of the original 800-acre parcels of land in Dartmouth acquired from Native American inhabitants. In 1720 the Town laid out a public landing at the Point, and Timothy Macomber ran ferry service from it to the Horseneck Beach area for farmers whose cattle grazed the marsh. The Giffords built a "Great Gate" by their homestead to collect tolls on the road laid out by the Town but built on their land. The gate stood near 1994 Main Road which was the site of the Gifford family cemetery until the 1830s. Until 1770 the only house on the Point, generally land south of Hotel Hill, was on the Christopher Gifford farm.

While small docks had existed for decades along both branches of the Westport River, by 1770 more space for docking and shipping was needed making Point land too valuable for strictly farming. The Point was clearly the best site for the new enterprise of whaling, its peninsular form being perfect for wharves to accommodate docking of whalers. Land adjacent to the wharves was needed for buildings to store whale oil as well as for shipbuilding, coopering, blacksmithing, and other associated industries. The first to capitalize on the Point's advantages were Stephen Davis and several of his brothers who were shipbuilders and traders from Assonet. They purchased land at the tip of the Point from the Gifford family in 1770 and laid out wharves and seven or eight house lots with water access on the west side of the road. At the same time, the Gifford family sold house lots and "industrial lots" on the east side of the road.

By 1800 the first building phase at the tip of the Point was completed with some fifteen houses on the street or waterfront along with new wharves, industrial shops and stores. Included was a windmill for power, a blacksmith shop making ship fittings, a distillery producing the necessary drink for sailors and laborers, several coopering and carpentry shacks, and a number of general stores selling commercial



and retail goods. The American Revolution cast off British restrictions against trade in American vessels and opened the Point to general shipping as well as whaling. Many of the small, closely built houses at the tip of the Point were “spec built” that is, erected by a builder to be sold for profit, a certain sign of how inviting a commercial site the Point had become. These houses conveniently boarded sailors making a living by whaling or coastal trading. Others housed merchant families or owners of the mini-industries that whaling and shipping required.

A second building phase followed the War of 1812, the end of which had sparked seafaring and speculative wealth. Captains built larger Federal and Georgian houses along the street to the present Post Office in the 1820s and 1830s. Christopher Gifford III used his land sale profits to erect a rustic Georgian “mansion” in place of the 1720 farmstead.

The third phase of growth occurred during the economic heyday of the 1840s. Enriched sea captains and agents built Greek Revival style homes on lots carved from the dissolved Gifford estate. These two- and three-story, gable-to-street houses differed from earlier styles in their celebration of America’s democratic virtues, but they made themselves harmonious with the houses already present. They kept the English tradition of town design that placed houses right on the street instead of far back on a lawn as in modern suburbia. This “built” environment of neighborly houses that focused on the common life of the street reflected the close relations of people who worked together, intermarried, and often worshiped together.

The next phase of development came after the Civil War when the refining of kerosene and the growth of railroads reduced the profits from whaling and coastal trading. The Point began a slow slide into a poverty which persisted for several decades and eventually would be relieved by rum-running and the advent of summer people. Indeed, summering became an important local industry, continuously enlivening life at the Point even if ambivalently regarded. It provided income for farmers, owners of guesthouses, lot sellers, fishermen, boat builders, and house builders. Summering also bore fruit in local architecture. In 1869 the New York banker, William Valentine, built an Italianate villa in a “park” in the middle of the Point. The scale and siting of this summer residence were unique at the Point. Most summer homes were more modest or off the main



road. So, while summer houses and summer money filled a few empty lots and purses, these intrusions did little to alter the dominant architectural character and culture of the Point. The old Cape, Georgian, and Greek Revival houses retained their original conditions, maintaining the historical character of Westport Point.

In recent years, a new phase of culture has come to the Point and with it a new pressure on its architecture. The rise in property values encouraged many older families to sell their houses, and the unique beauty of the natural and “built” environment attracted many retirees and second home buyers. A sign of this new culture is that the former orientation of a working neighborhood related to Westport River and Harbor has changed to a recreational orientation by residents for whom the Point may not be their primary residence. This change in cultural orientation has set the challenge for the Commission and residents alike: how best to maintain the beauty, charm, and historic authenticity of the “built” environment while allowing owners to enjoy modern living without sacrificing architectural integrity.

In 1973, buildings and structures at Westport Point were named to the State Register of Historic Places, and the Westport Point Historic District, under the review authority of the Westport Historical Commission, was designated as a local historic district. In further recognition of its unique historical character, buildings and structures in Westport Point along Main Road, some of which are not in the District, were named to the National Register of Historic Places in 1992.





PART TWO

THE WESTPORT HISTORICAL COMMISSION -

AUTHORITY, DEFINITIONS, FUNCTION, PROCESS, AND EXEMPTIONS

A Westport Bylaw allowed the establishment of the Westport Point Historic District (District) in 1973 under Chapter 40C of Massachusetts General Laws. The Westport Historical Commission has the authority to review changes to all buildings and structures within the District that are visible from a public way and not specifically exempted.

Definitions

An “exterior alteration” is any change to the architectural features or details of any building or structure, including but not limited to additions, demolitions, color, and material changes. A “public way or place” includes public streets, walkways, public cemeteries, public parks, and public bodies of water such as the Westport River. Vegetation, landscaping, fencing, walls, trellises, and the like are not considered to be a barrier to visibility.

The word “building” means a combination of materials forming a shelter for persons, animals, or property; “structure” means a combination of materials other than a building, including but not limited to, signs and raised septic mounds, and excluding fences, walls, terraces, walks, driveways and like structures that are substantially at grade; “altered” includes the words “rebuilt,” “reconstructed,” “restored,” “removed,” “demolished.”

Henceforth, “buildings” and “structures” will be combined under the term “buildings;” “Commission” refers to the joint Westport Historical Commission and the Westport Point Historic District Commission; “District” refers to Westport Point Historic District.

Commission members and alternates are appointed by the Board of Selectmen. Its seven members represent, wherever possible, different professional abilities and interests, including the Planning Board, Conservation Commission, a realtor, an architect, a member of the Westport Historical Society, a preservationist, and an owner from the District. Members serve staggered three-year terms and are supported by seven alternate members.

Like other Town Commissions, the Historical Commission conducts open meetings and holds public hearings. An owner submits an application with required information and documentation for any change such as an addition, new



construction, demolition or alteration of an architectural feature. The Commission generally schedules a public hearing, publicly posts the hearing as open to all, formally notifies abutting property owners and all those persons who have previously requested in writing notification from the Commission, and at the hearing invites comments from any persons in attendance. In most cases, decisions are made at the initial public hearing, but the hearing may be continued on request of the applicant.

The owner-applicant or his representative submits architectural drawings of the proposed new construction, addition, or alteration to a building or structure, noting all changes and comments which apply along with photographic documentation of existing building(s) and adjacent buildings and structures. The Commission may comment on design changes which would make the proposal more appropriate to the Historic District, then determines whether to issue a Certificate of Appropriateness, of Non-Applicability, or of Hardship (as defined in Part Four). At least one of these Certificates is required to obtain a building permit. An owner who makes changes without a Certificate will find his work stopped by the Building Department and may be subject to fines and to Superior Court orders requiring restoration of work done in violation of this law in addition to the fines.

Preliminary Review

The owner or owner's representative must attend the preliminary review or the public hearing to present the proposed work plan and to note all comments and suggestions. Unrepresented plans will not be considered by the Commission.

Applicants are strongly encouraged to request a preliminary review of project plans before submitting an application. Request for a preliminary review should be made to the Chair of the Commission no later than one week before the regular meeting day to be included on the agenda. The scope of the project can be determined at a preliminary review, and a decision made if a public hearing is needed. A set of project plans along with photographs of the existing building to be altered and of adjacent structures and properties are helpful for preliminary presentation and review. No fee is charged for a preliminary review.



Continuation

The applicant may request in writing a continuation of a public hearing. If the request for continuation is approved by the Commission, the applicant and Commission shall agree on the time and place when the matter shall be taken up again. No further abutter or legal notices are required.

Any applicant wishing to contest the decision of the Commission may appeal to the Superior Court of Bristol County within twenty (20) days of the registration of the Commission's decision with the Town Clerk. See MGL 40C:12A.

Projects Exempted from Review by the Commission

(as written into MGL 40C and Westport Historical Commission Bylaw).

- Additions, alterations, or appurtenant structures (including but not limited to swimming pools and the like) which are not visible from public ways in the District.
- Ordinary maintenance, repair, or replacement of any exterior architectural feature or detail of a building which does not require a building permit or involve a change in design, material, color, or outward appearance does not require a Certificate. These include but are not limited to certain duplicative projects such as replacing shingles, repainting with existing trim colors, and reglazing of sash.
- Requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.
- Terraces, walks, driveways, sidewalks, septic mounds, and like structures substantially at grade level.
- Walls and fences
- Trees, plants, shrubs, hedges, and the like
- Storm doors and windows, screens, window air conditioners, and antennae for radio/television
- Color of paint on doors and shutters



PART THREE

CONSIDERATIONS IN DETERMINING APPROPRIATENESS

Architectural Style

The District includes a variety of architectural styles defined by architectural features—size, shape, roofs, side walls, windows, doors, materials, trim, color—and ornamental details—size and profile of the cornice, vertical treatment of corners of building, arrangement of casings at windows and doors, placement of brackets, dentils, moldings, and decorative shingling.

Whether in an area of consistent or diverse architectural styles, the purpose of the Commission shall be to assure that alterations or additions to a building should be appropriate to the architectural style and materials of the original building and to those of similar buildings in the District. New construction shall be appropriate to the style of neighboring buildings, blending with abutting properties and into the context of the District.

Owners are encouraged to return to features and materials original to the house even when they may have been modified or removed. This is a recommendation but not a requirement.

Size, Scale, and Mass

The Commission shall evaluate proposed additions or new construction for appropriateness of size, scale, and mass relative to land area of the proposed project, to the existing building, to adjacent buildings in the area, and to the density of the site or area.

Additions to the existing footprint should be designed so that the existing building is not rendered subordinate to the addition. Additions should be subservient to the original structure—an addition taller and/or wider than the existing building would be inappropriate. Additions should be differentiated from the existing building (i.e., set back from the existing wall plane) and not obstruct the visual integrity of the original structure.

Alterations and additions should be in harmony with the original building in size and scale. Second stories may be considered when they are not incongruous to the historic aspects of the house or the surroundings.



Orientation

Orientation is a significant organizing principle within the District. Roof lines and long dimensions of primary structures fall into a pattern as do many extrusions, additions, and secondary buildings. The Commission shall review the orientation of proposed new construction and additions for appropriateness of length and width and orientation to the site and to the existing “grain” or orientation of roof lines of the District.

The Commission can impose historic setbacks and dimensions over and above those of local zoning.

Architectural Features and Details

The Commission shall evaluate the appropriateness of architectural styles and materials used in alterations, additions and new construction.

Materials

Natural materials such as wood, brick, glass, iron, stone, etc. were traditionally used in the construction of historic buildings and are therefore considered appropriate. Synthetic materials such as vinyl, plastic, or aluminum siding are not appropriate.

Chimneys

The height and original pattern of brickwork in chimneys shall be maintained. New or rebuilt chimneys shall be detailed out of brick or stone in a manner that is consistent with the architectural style of the building.

Roofs

A roof is a prominent feature and key element of a building. A variety of roof types in the District include gable, hipped, mansard, and shed. Proposed additions shall match or harmonize with roof style and details of the existing building.

The roof pitch of additions should complement the pitch of the existing building. Roofs of ells or additions should successively step down from the main structure’s roofline. Roof pitch for new construction should complement the architectural style of adjacent buildings.

Recommended roofing materials are wood shingles or asphalt shingles of a dark, neutral color such as gray and of standard textures. Variegated shingles are discouraged.



Skylights

Skylights shall be of a traditional, flat type and minimized in number and size. No skylight shall be installed in a roof of a primary façade.

Dormers

Dormers incorporated into additions to buildings may be considered. Dormers should be of the shed or gable end type. Roof pitch of the dormer must be sympathetic to the style of the existing building and set back substantially from eaves to maintain existing roof lines.

Gutters

Gutters shall be of a design and material used on the original building and on similar buildings in the District. Gutter systems of wood or aluminum including downspouts shall be painted to match the trim. Gutters of wood or copper are preferred.

Side Walls and Trim

Siding materials shall be wood shingles or painted or stained wood clapboards. Artificial siding will not be approved. All trim including decorative details must be of the period of the house and common to the District. Existing trim and detailing shall not be removed. Corner boards, casings, eave and rake trim details, brackets, etc., must be clearly shown on plans submitted for review.

Windows

Preferably, old windows in an existing building should be repaired rather than replaced. Muntin size, wavy glass, and bubble glass can define the historic character of a building. Replacement windows in an existing building or new windows in new construction or in additions should be double-hung with "true" divided lights. Windows shall be of a size, proportion, and location that is sympathetic to the architectural style of the building. Window divisions should be consistent with that of the existing building. Material shall be painted wood. New and replacement windows shall not be vinyl or metal clad. Simulated divided light (SDL) and/or metal clad windows may be considered if not discernable from a public way. Picture windows are in most cases not suitable; the Commission recommends ganged window units in their stead.



Shutters

Shutters and shutter hardware should be retained and/or replicated exactly-in-kind, and if originally operable, be mounted to remain so. Shutters should be of wood and of appropriate size to fit the opening of the window.

Exterior doors

Exterior doors shall be of wood panel design. Existing doors and door openings, including transoms and sidelights, should be repaired, not replaced. If an existing door cannot be repaired, the replacement door should be of similar design as existing and of wood and, if glazed with muntin bars, have true divided lights. Sliding glass doors are inappropriate while French doors may be allowed.

Garage, barn, and shed doors

Garage, barn, and shed doors shall be built of wood, not metal or fiberglass.

Decks, porches, porticos, steps, balconies, and railings/balusters

The above shall be in keeping with the architectural style of the existing building. Ornamental details shall be retained; open porches and porticos shall not be enclosed or glazed; sleeping porches shall be retained. Steps, stairs, porch and deck material should consist of stone or wood. Pressure-treated lumber is appropriate only as part of a concealed structural framework.

Paint and stain colors

Paint and stain colors require approval except on doors and shutters. Exterior trim colors must be clearly indicated on plans.

Septic mounds and retaining walls

The Commission regards septic mounds as structures, not landscaping. Concrete retaining walls are not acceptable.

Exterior Lighting

All floodlights, walk-way lighting and up-lighting fixtures visible from a public way are subject to review by the Commission. Adherence to the following guidelines, however, for floodlights, walk-way lighting and up-lighting precludes the need for individual approval by the Commission:

Timing of exterior floodlights should be limited through motion detectors or timers; lights should be placed low without light spillover on adjoining properties. Low-to-the ground, baffled fixtures are allowed for walk-way lighting.



Up-lighting fixtures, such as for facades, signs, fountains, and landscaping are not appropriate.

Other

Applicants may have questions about architectural features and details not addressed directly in these Guidelines.

Those questions may be brought to the Commission at a regular meeting or during a preliminary review.

PART FOUR

APPLICATION FOR A CERTIFICATE

A Certificate is required from the Commission before any exterior work is initiated other than for projects specifically exempted by law and written into these Guidelines. Owners are advised to plan details of their projects carefully to avoid delay during the construction process. Unapproved work may be subject to penalties under law, including cease and desist orders, fines, and enforcement action through the Superior Court.

Owners are encouraged to discuss their plans with abutters and to consult with other Town Boards such as the Building Department, Board of Health, and the Conservation Commission to become aware of any constraints on the project.

TYPES OF CERTIFICATES

Certificate of Appropriateness

Required for exterior alterations, additions, demolition, and new construction visible from a public way unless the type of work is specifically exempted under the Commission Bylaw and written into these Guidelines (see Part 2, p. 7).

Certificate of Non-Applicability

Issued for matters that are specifically excluded from review or for projects not visible from a public way and/or exempted from review but which may require a building permit.

Certificate of Hardship

Requires (a) detailed documentation of specific hardship to an individual property owner and (b) that the proposed project does not conflict substantially with the intent and purposes of Massachusetts G.L. 40C. This Certificate is rarely issued. Applicants should speak directly with the Chair of the Commission before making this application.



APPLICATION PROCESS

Application forms are available on the Commission bulletin board, second floor, Town Hall or at the Building Department in the Town Hall Annex. The applicant is strongly advised to read the instructions printed on the reverse of the application before completing the form. Incomplete information and documentation may result in delay of a scheduled hearing.

An application (with required documentation) for a Certificate of Appropriateness or Hardship must be submitted three (3) weeks prior to the hearing date to allow fourteen (14) days for public notification of abutters and posting of notice of hearing with Town Clerk's office. For a Certificate of Non-Applicability, an applicant may contact the Chair of the Commission at least seven (7) days prior to a scheduled meeting to be included on the agenda of the meeting, and present an application with supporting documentation at that scheduled meeting.

All applications must be submitted to and be date-stamped by Personnel in Board of Selectmen's Office to assure timely processing.

A copy of the plans submitted with the application will be posted on the Commission's bulletin board, second floor, Town Hall for public viewing prior to the public hearing.

Regular Commission hearings are held the first week of each month in the Westport Town Hall.

Site visits by individual members or by the entire Commission are deemed to be allowed upon submission of an application.

REQUIRED DOCUMENTATION TO ACCOMPANY THE APPLICATION FORM

Drawings of the proposed work and site plans

For new construction and additions, the Commission requires three (3) sets of architectural scale drawings for both existing and proposed work that include a site plan, exterior elevations, structural and foundation work, window and exterior door descriptions, the types and color of exterior walls and roof material. Architectural details such as window trim, corner boards, and cornices shall be included. One (1) set of the architectural drawings reduced to 8-1/2 x 11" shall be submitted. Once approved by the Commission



and signed, one set of drawings is returned to the applicant, one is delivered to the Building Inspector and one set is filed with the application in the Commission's files. The Checklist attached to the application form shall be filled out in detail as relevant.

The site plan should be drawn to scale and show existing buildings and structures such as decks, walkways, docks, seawalls, stonewalls, septic mounds, swimming pools and any proposed changes to the site.

Minor Alterations

For proposals such as alterations to existing windows or doors, sketches with dimensions of the proposed changes and with photographs of existing elevations may be submitted. Catalog cuts may be used to show style and size of windows, storm windows, doors, shutters, light fixtures, and other manufactured products.

Photographs

Photographs of all elevations of an existing property, even those not affected by changes, should be submitted. Photographs must show the side or façade of the proposed alteration, addition, or new construction, and document the buildings on the site and on properties adjacent to the site. Such photographs can be used to illustrate the history of the building and/or show a building in the context of its neighbors. Submit two sets.

Notice to Abutters

The Commission has established its definition of abutters to include all persons owning property within 70 feet of all boundaries of the applicant's property, including abutters across streets. The Commission will notify abutters and others requiring notice for a public hearing.

Fee

A fee of \$50.00 (check or money order payable to Town of Westport) shall be submitted with an application for Certificate of Appropriateness or Certificate of Hardship. The fee may be waived if hardship is determined. There is no fee for a Certificate of Non-Applicability.

**Monitors**

The Commission shall assign two (2) Commission members as Monitors for each approved Certificate.

Time Limits

Certificates are not transferable and expire when the property is sold.

Upon receipt of a Certificate for work that requires a building permit, the applicant must apply for the building permit within twelve (12) months from the date the Certificate is issued or must submit a new application. Certificates are valid for the length of the building permit of the existing owner.

If no building permit is required, the Certificate shall expire 24 months after the issuance of the Certificate or at sale of the property, whichever comes first. This expiry date may be extended on a case by case basis by the Commission.

Changes in Approved Plans

Any changes made after the Certificate is issued, however minor, must be approved by the Commission. The applicant should consult first with one of the Monitors and then make a presentation at a Commission meeting. If unapproved work is discovered, a cease and desist order may be issued by the Building Inspector and penalties may be applied.

As applicants often must seek approval of their plans from other town bodies such as the Board of Health, the Conservation Commission, or the Planning Board, there is the possibility that these authorities may request changes to the plans as approved by the Commission. If changes are required by other town bodies that change the approved conditions of the Certificate, the applicant must submit another application for the revised plans to be reviewed by the Commission.

Enforcement

Violations of MGL Chapter 40C may be addressed through the Superior Court and through the District Court as spelled out in the Commission Rules and Regulations Section VII G.

Display of a Certificate

The owner is responsible for posting a copy of the Certificate at the site.



REFERENCES:

- The Historic Districts Act
Massachusetts General Laws Chapter 40C and 8D
- Westport Historical Commission Bylaw 1973
amended 2006
- Westport Demolition Bylaw 2002
amended 2007
- Massachusetts Historical Commission *A Guidebook
for Historic District Commissions in Massachusetts*
www.state.ma.us/sec/mhc
- MassHistPres Listserve
masshispres-request@cs.umb.edu
- Community Preservation Act
www.communitypreservation.org
- National Register of Historic Places
www.cr.nps.gov/places.htm
- State Ethics Commission
www.mass.gov/ethics/ETHICS.htm

MAP SHOWING BOUNDARIES
 OF THE WESTPORT POINT HISTORIC DISTRICT
 ESTABLISHED 1973 / EXPANDED 2007

