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# Historic Districts Study Committee

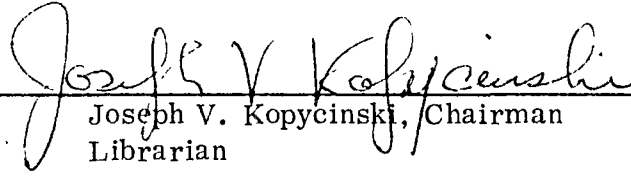
# FINAL REPORT



## Lowell, Massachusetts 1973

Prepared & printed by the  
City Development Authority

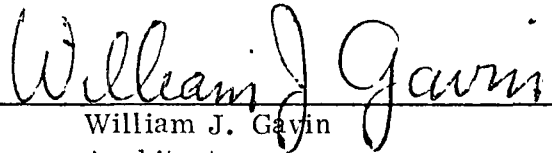
We, the members of the Historic Districts Study Committee of Lowell, Massachusetts, formed in accordance with the Massachusetts General Laws, Chapter 40C, as amended, do hereby submit this, our final report.



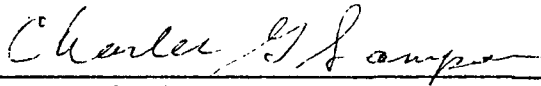
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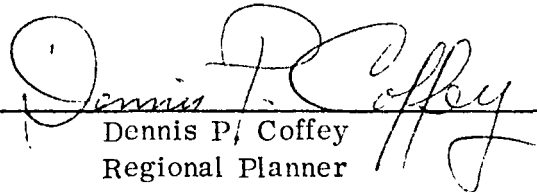
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## Purpose

The purpose of this report is to advise the City Council of Lowell as to the need for historic district legislation in Lowell.

## Statement of Findings

The Historic Districts Study Committee of Lowell has found that the city has a unique and interesting history and that the canal systems, mill buildings, houses and sites of the city's early years are important links to the past. Also, they are a means of educational, cultural and recreational growth for the community, the state and the nation.

The Committee has found that many of the structures built in the early days of the American Industrial Revolution have been destroyed or are in danger of falling into total disrepair. The remaining structures must be preserved and made elements of the city's renewal program. The reuse of many of these old buildings and sites can include educational, cultural and recreational and commercial uses.

The Committee has found that Lowell's canals are unique and played a major role in the development of the region and the nation. The Committee is confident that Lowell, Massachusetts was the first successfully planned industrial community in the world. The Committee is also convinced that the physical facilities which exist in Lowell today are the best examples of the early industrial system in America, and that this city is a living example of the processes and consequences of the American Industrial Revolution.

## Recommendations

The Historic Districts Study Committee of Lowell has been charged with examining the historical assets and resources of the City of Lowell and determining what measures, if any, should be recommended to the City Manager and the City Council for action. The Committee has determined that a comprehensive historic preservation plan, which reflects the goals of the entire community, is needed in order to equitably and reasonably promote historic preservation activities.

Therefore, the Historic Districts Study Committee recommends the establishment of the Historical Commission of the City of Lowell, under the provisions of Massachusetts General Laws, Chapter 40, Section 8D.

The Committee also recommends the establishment of two historic districts, subject to the regulations of Massachusetts General Laws, Chapter 40C (as most recently amended). The Historical Commission cited above would serve as the Historic District Commission for the two districts. The districts recommended are: City Hall Historic District and the Locks and Canals Historic District.

The Committee feels that the establishment of these districts and the Commission is essential to the development of the community, socially, culturally,

economically and physically. The resources of the city are presently not utilized to the extent that they should be and it is time that action be initiated to improve this situation. A later section of this report details the reasons for selection of the two districts and provides a listing of the resources of the area.

The Committee strongly recommends the establishment of a Lowell museum to house artifacts and remnants of cultures long since past from the Lowell scene, as well as provide a forum for the illustration of those cultures which still exist within our city. Lowell was an important place to the New England Indians nearly 300 years ago. This city was also once the major textile manufacturing city in the world. A Lowell museum could make these facts meaningful to every Lowell citizen and visitor of every age. The cultural, recreational and educational advantages of such a museum could provide Lowell with the impetus necessary to return the City of Lowell to its rightful position as one of the most important cities in New England.

The Committee recommends the refurbishment of the canal banks to establish a greenbelt system within the city, for the health, education and pleasure of the people of Lowell and the surrounding region.

The Committee strongly and ardently supports the Urban National Cultural Park proposal, originally proposed by former Congressman F. Bradford Morse and now carried on by Congressman Paul Cronin.

The Committee recommends that the city of Lowell consider the utilization of a preservation program as a catalyst for civic pride, a window to the past and a root to nourish the future of our city.

### The Historic Preservation Legislation of Massachusetts

The Commonwealth of Massachusetts has a vast collection of historic sites and buildings, including Plymouth Rock, the Mohawk Trail and the birthplace of President John F. Kennedy. Massachusetts has provided its cities and towns with enabling legislation to promote the preservation and development of historic sites, through Chapter 40C and Chapter 40, Section 8D, of the General Laws. The latter legislation deals with the establishment of historic commissions and the former allows the creation of special preservation districts. What these laws mean to Lowell is the subject of this section of the Committee's Final Report.

Chapter 40C (amended by Chapter 359, Acts of 1971) spells out the details of how to establish historic districts and describes the powers and authority of commissions set up to administer such districts. (A copy of Chapter 359 is included in the appendix of this report). In summary, the purpose of a historic district is to protect the exterior architectural features of a defined area, which is significant in the development of the community either historically or architecturally, or both. The Commission will review all applications of persons seeking to build, demolish or alter all buildings within the district. Basically, the commission is concerned with environmental and aesthetic quality, beyond that required by the city building codes. However, to insure that property owners will not be subject to undue hardship, the commission may establish guidelines, assistance programs and, subject to receipt of funds, a revolving historic preservation fund to assist in preservation activities.

The commission's efforts would be aimed at improving the environmental quality of the districts, by emphasizing their uniqueness and character. The districts would play a major role in the revitalization of Lowell, as a leader in community development.

Chapter 40, Section 8D of the General Laws is broader in scope than the Historic Districts Act. The law enables cities and towns to establish historical commissions, whose duties far outweigh their powers. Such commissions must coordinate all historic preservation activities in the city, establish a record and inventory of the city's historic structures and sites and serve as a liaison with state and national preservation organizations.

In Lowell, such a commission would have much work to do. The proposed urban national cultural park is based on the concept that Lowell is a living example of the processes and consequences of the Industrial Revolution. In addition, Lowell was a leader in this revolution and has a long and proud history which should be told. Yet, Lowell has no museum as such. Lowell does have an interesting collection of architecture, dating from 1670, with structures representative of all major historical eras from early colonial times to the present. Thus, Lowell's historical commission must be able to preserve and develop the city's resources so as to provide all the people of Lowell with a sense of community pride and purpose.

What will the adoption of historic districts mean to the property owners within the designated areas? First of all, it will provide a unique means of identification for those properties included in the district. In addition, the districts are areas of prime significance to the history of Lowell and will be the central elements in the development of an historic preservation plan. Properties in these areas, which are cited for their historical and architectural significance, may be candidates for registration on the National Register of Historic Places. Resources for preservation activity will be focused on the districts. The commission will be able to assist property owners in technical matters of renovation and repair, either through its own professional membership or by its staff arm in the Planning Department.

The future of historic districts will be redevelopment rather than demolition, thus preserving the character and quality of the community. Historic districts will be centers for cultural and educational growth. Lowell must begin to utilize its existing resources and the preservation of the city's cultural heritage should be a high priority item of the City.

With respect to the Commission's authority, it should be noted that zoning and building regulations have been upheld by the Courts. There have been a few cases involving preservation ordinances and all have supported the right of the city to determine what is acceptable with respect to design and architecture within a historic district. The right of a city to be beautiful and environmentally pleasing is as important as the concern for the individual and his property. The committee believes that the districts established are significant because the whole is greater than the sum of its parts.

#### Historic Preservation and Lowell

Historic Preservation is the term generally used to describe a process

which establishes control over a structure or site to maintain its exterior in its original state by preventing deteriorations or incompatible alterations.

The Preservation process has been used to redevelop both the physical and cultural conditions of communities throughout the world. The year 1931 marks the beginnings of the American Preservation Movement at Charleston, South Carolina, when legislation was established to protect many of the city's older homes. In 1955, the Massachusetts legislature authorized the establishment of historic districts on Boston's Beacon Hill and on the island of Nantucket. A 1960 amendment to Chapter 40 of the Massachusetts General Laws provided for cities and towns to establish historic districts. This law was further refined in 1971 by Chapter 359. This law states that the purpose of historic districts in Massachusetts are three: "1) to preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns; 2) to maintain and improve the settings of those buildings and places; and 3) to encourage new designs compatible with existing buildings in the district."<sup>1</sup>

In this age of concern for ecological quality man would be remiss were he to ignore those elements which he has placed in the environment. In Lowell we have a variety of architectural styles and engineering accomplishments dating to the colonial era and the early years of the Industrial Revolution. These few examples which have survived time and demolition provide our city with a rare opportunity to understand the effects of industrialism on society as displayed in its living and working environments. Historic Preservation is a tool to be used to improve the physical, social and cultural environment of the entire community.

Lowell, as the leader of the Industrial Revolution, has a unique and interesting story to tell, yet social, economic and environmental conditions do not allow the story to be told as it should. Lowell's potential as the first urban national cultural park should not be left to Washington officials, but should be realized and acted upon by our local government and citizens. "Our man-made environment is like a mirror--an ever present, unavoidable reflection of our value system and ourselves."<sup>2</sup> The reflection of Lowell today is one of despair and apathy. Historic Preservation can improve Lowell's image of itself, through local action and initiative. Preservation is one of a few instruments available to cities to hold onto culture, and to make the city able to fulfill its function of "transmission of culture and the education of men."<sup>3</sup>

What is to be preserved, and how can it be done? Constance M. Greiff, in "Lost America", states that, "A building must continue to justify itself on more than artistic grounds . . . it must continue, in some way, to be functional if it is to survive."<sup>4</sup> The purposes of preservation are to protect the physical elements of our heritage which offer unique and interesting educative experiences for ourselves and future generations, and secondly to enrich our physical and social environment through the

<sup>1</sup>Checklist of Steps to Establish An Historic District, Massachusetts Historical Commission, p. 2.

<sup>2</sup>Kathleen Agena, "Historic Preservation, A Matter of Dollars and Sense" April, 1972, p. 63.

<sup>3</sup>Ibid, p. 68 (quote by Lewis Mumford).

<sup>4</sup>Ibid, p. 68 (quote by C. M. Grieff).

improvement of aging properties, and thirdly, to provide a means of maintaining an art form which walled museums cannot adequately display; namely architecture. The architectural styles of Lowell's early days are not only interesting from a historical viewpoint, but they are also beautiful works of art. A fourth reason must be added in order to stress a most important subject. Historic Preservation does not exclude commercial uses from landmark buildings, nor does it cause a decline in property values. Nationwide experience has shown that land and property values have increased in areas where historic preservation programs have been initiated.

In summary, historic preservation in Lowell may accomplish many things. For one, it will help protect our heritage as displayed in our environment. It will aid in the educational and cultural development of Lowell's citizens, and will promote civic pride. A realistic preservation program will improve the economic and physical condition of the city through the encouragement of commercial services and new uses for old buildings.

Lowell's potential has been cited by many, including Secretary of the Interior, Rogers Morton, who spoke of Lowell as becoming an "industrial Williamsburg" after reviewing the Brad Morse proposed national park plan. Senator Edward Brooke, upon introducing the Morse Bill to the U. S. Senate, said: "Lowell is grappling with the difficult task of constructing a new economic and cultural base from the remains of the past."<sup>1</sup>

Historic preservation in Lowell can make the remains of Lowell's past tangible and useful in this city's search for a new tomorrow.

#### Historic Districts Ordinance

The Committee has drafted the ordinance required to establish the districts and commission. It is based on ordinances of other Massachusetts cities and towns which have adopted Chapter 40C historic districts. It is, the committee believes, a straightforward and concise legal document, which is strict enough to be meaningful, yet flexible enough to meet the needs of the community.

The Committee has suggested some exceptions from the Chapter 40C guidelines. The enabling legislation requires that a resident of the historic district be appointed to the Commission. However, in the event that only a small population lives in the district, this requirement may be waived by the committee. The proposed ordinance requires that a resident or property owner be appointed to the Commission.

The Committee has also added the Lowell Bar Association to the list of organizations which will be requested to submit nominees for appointment to the Commission.

<sup>1</sup> Congressional Record, April, 1972.

The only other variation is the Committee's recommendation that the City Planning Director be the technical advisor to the Commission and provide services to the commission as required. The purpose of this recommendation is to insure coordination of all planning efforts, including historic preservation planning. A copy of the ordinance is included in the appendix of this report.



## The Historic Districts Study Committee

A requirement of a Historic Districts Study Committee is that it must inventory the historic structures in the city. However, the committee has found that this has been done on a number of occasions, most recently by the City Development Authority for the Community Renewal Program - "Urban Design Study". The inventory in this study formed the basis for the Committee's work. Also, the members of the Committee made additions to the list, which soon contained over 100 sites, structures and buildings.

In an attempt to delineate those areas in the city which were closely knit, cohesive units of historic sites and structures, the Committee then reviewed a number of reports, documents and studies. The result was the six areas included in the Preliminary Report. For reasons of efficiency, only two districts are being recommended in the Final Report. One of these, the City Hall Historic District, has been modified from its Preliminary form. The final selection process involved the examination of the districts' historical and architectural value, aesthetic quality and cohesiveness.

### Historic Buildings Survey

A major element in the creation of an historic district is the "Historic Building Survey". This enables the committee to evaluate each building and structure which is included in the district. For this report an Architectural Significance Rating Index was used.

The index is divided into three categories: architectural character, compatible and not compatible. Each in turn carries the symbols plus (+), zero (0) and minus (-) respectively.

Architectural character refers to those buildings which are an essential part of the district. Also, they may have excellent architectural and visual qualities.

Compatible buildings are those which are architecturally interesting and contribute to the overall character of the district. These set the stage for the buildings in the architectural character category.

Not compatible buildings have no particular architectural value and may be of negative importance. For the most part, they detract from the setting.

It should be noted, however, that the index does not definitely decide the fate of a building. Rather, they are guides for the Commission when determining the types of alternatives and construction that will be allowed in the districts.

## Evaluation and District Selection

The two districts, the City Hall and the Locks and Canals Historic Districts, were chosen because of the part they played in the development of the city. These areas were the center of the old Lowell.

The City Hall Historic District was the governmental and residential center during the 1800's. It was here that the corporations built their housing and the city built its two City Halls. This area still retains the character of the city at the time of its founding.

The Locks and Canals District was another logical choice. The canals and their related buildings and structures provided the power which ran the textile machines. Without the canals, Lowell would still be the small town of East Chelmsford.

The only buildings included in this district are those which were used in the working of the canals. These have remained unchanged and with some minor repairs, they could again become operable. Also, as the Merrimack Canal Gatehouse shows, they could be easily converted to other uses.

### City Hall Historic District

The City Hall area, which at the time of the founding of the mill community was the center of the city development, was chosen as the first historic district because of the design of the many structures which are included. The majority of these were built during the early and most important years of Lowell's history.

The most prominent of the buildings are the present City Hall and Memorial Hall/Public Library. These, built in 1892 and 1893 are two of the most impressive municipal structures in all of New England. When combined with the new John F. Kennedy Civic Center, they show that the old and the new are compatible.

Another important focal point is St. Anne's Episcopal Church. This, the first church in Lowell, was built in 1824 by the Merrimack Manufacturing Co. This structure and the Rectory, which was built a year later, were both built from the stone from the Merrimack Canal diggings.

A third important focal point is the Merrimack Canal itself. This was the first canal built by the mill owners and was used to power the Merrimack Mills. As water is a form of visual satisfaction for people, the canal, especially in the area of St. Anne's and Lucy Larcom Parkway, illustrates the potential beauty of Lowell.

Worthen Street, an old residential street, shows a great deal of the character of the Old Lowell. The Whistler House, built for Paul Moody in 1823, is a fine example of an early Lowell home.

Kirk Street, to some extent, still retains the character of early Lowell. Along this street the homes of the mill agents and operatives can still be seen.

Finally, the City Hall district is an example of the early commercial sections of the city. Although many of the buildings within this area have experienced changes, they still hold many of the characteristics of the city during its early years.

In all, the City Hall Historic District has a great many buildings and structures which make it important to the city. For the most part, it has retained its original style and character. In fact, the City Hall District has examples of all of the eras of city development.

The following section examines all the buildings in the district, according to their significance and their role in the district.

## CARDINAL O'CONNELL PARKWAY

2-10, Bank Block Addition, (0) -- This addition does not have the character of the main building; but it is similar to construction in the area.

20-28, Giavis Market, (0) -- This small open air market adds color to the district. The residential portion above the street level is compatible to the district's character. (also 347-351 Market Street)

31-33, Residential/Commercial, (0) -- Although it is typical of the tenement structures of the mill period, this building is only compatible with the district.

## DUMMER STREET

60-64, Marie's Oyster House, (-) -- The style is not compatible to the character of the district.

70, Dummer Street Garage, (-) -- Architecturally lacking in character, this building is out of keeping with the district.

## WORTHEN STREET

141-147, The Old Worthen, (0) -- Built circa 1840, it has served as a tavern for about 130 years. In its present condition, it is only compatible with the district.

152, Povey's Auto Service and Supply, (-) -- This vacant building and the parking lot surrounding it detract significantly from the area. The original style of the building has been destroyed.

160, Gates Block, (0) -- The rear section of the Merrimack Rug and Linoleum Co., the Gates Block is an interesting 1880 building. (also 307-323 Market Street)

163-169, Commercial-Residential, (+) -- An interesting structure from an architectural point, this building could add a lot to the district with a little work.

205, Rooming House, (0) -- This is a pleasant style house probably built in the 1850's. The asbestos shingles cover the original wooden clapboards.

220, Worthen Street Methodist-Episcopal Church, (+) -- Constructed in 1842, this wooden church is well preserved today as it is used

by the Lowell Girls Club for meetings, functions and activities. The exterior has undergone some changes, but its basic architectural design has been retained.

222-224, Double Frame House, (+) -- This circa 1840 building is owned and preserved by the Lowell Girls Club. It is an outstanding example of the wooden houses used by the mill workers in the 1840's and 1850's. Worthen and other streets in the area were once lined with such houses.

225, Worthen Street Baptist Church, (0) -- Although this is a monumental church, it does fit within the scale of residential Worthen Street. It is now St. George's Greek Orthodox Church.

228, Residence, (0) -- This building, now owned by the Greek American Legion, is pleasant, but not characteristic of the area.

236, Massachusetts Electric Company Power Station, (-) -- Although an attempt has been made to keep this site clean and landscaped, the building itself is out of scale and character.

243, Whistler House, (+) -- This house was built in 1823, from designs of Kirk Boott. It was built for Paul Moody, agent for the Locks and Canals Machine Shop. Major George Whistler followed Moody as the agent and it was here that his son, James Abbott McNeil Whistler was born. Later, James B. Francis lived here during his long term as engineer for the Locks and Canals. Today, the house is well preserved by the Lowell Art Association.

243 rear, Parker Gallery, (-) -- This low profile brick structure does not quite fit into the district. However, it does provide a cultural center within the district.

266, Greek Youth Club, (0) -- This colonial style cottage is somewhat compatible with the district. Its condition, however, does warrant repair.

284-286, Brick Rooming House, (+) -- Built in the mid 1830's, this building is typical of the brick corporation houses of the time. Today it provides pleasant intown housing.

## DUTTON STREET

31, Yorick Club, (+) -- Constructed about 1825, this handsome brick structure served as a guest house for visiting dignitaries and stockholders of the Merrimack Manufacturing Company. The corporation chemist also made this his home. At one time, there were rows of operatives housing to the right of what is today a businessman's club. It is the last remaining residential structure of the first manufacturing company of Lowell.

79, Masonic Temple, (0) -- It was constructed in the 1920's in an adaptive Greek revival style. Although it is out of scale with the area, the front does add something to the district.

143, Club Diner, (-) -- This structure is not compatible to the character of the district.

161-175, former Knights of Columbus, (-) -- This structure has a monumental facade which is not in context with the area.

177-183, Merrimack Rug and Linoleum Company, (-) -- These two structures are examples of a style which is not compatible to the historic district. (also 293-303 Market Street)

215, Haffner's Gas Station, (0) -- Although it is of no great importance, this gas station blends well with the district. It shows that a commercial structure of this type can be compatible with the district.

#### ARCAND DRIVE

50, John F. Kennedy Civic Center, (+) -- This modern municipal office building was designed to blend with the City Hall/City Library area.

75, Professional Park, (0) -- Although it is a new building, the structure is out of style with the area and is only compatible to the district.

#### SHATTUCK STREET

18, Lowell Institution for Savings, (0) -- Constructed approximately in 1845, this bank was the first commercial savings bank in Lowell. The recent facade changes have destroyed the original look of the building. (also 189-201 Middle Street)

11-13, Mathias Hart, (0) -- Although this brick commercial structure is not overly significant, it does not detract from the districts. It is typical of early 20th century construction.

22-26, Old Lowell Gas Light Company Offices, (+) -- Constructed circa 1860, this well preserved commercial structure completes the unique scene of Shattuck Street as viewed from Merrimack Street. The rounded corners, colonial windows and detailed brickwork make this one of the more interesting buildings in the district. (also 204 Middle Street)

25, The Mack Building, (+) -- It is a rather singular brick structure which has some interesting brick work around the windows and cornices.

#### LUCY LARCOM PARKWAY (ANNE STREET)

13, St. Anne's Sexton's Quarters, (0) -- Built circa 1830, this early home served as an orphanage at one time.

#### KIRK STREET

8, St. Anne's Rectory, (+) -- This fine greek revival structure was built in 1825. It was the home of the Rev. Theodore Edson, rector for almost 60 years. It is reported that it was built from stone from the Merrimack Canal excavations.

10, St. Anne's Parish Hall, (0) -- The middle section of this building was an addition to the orphanage. The new section was built in the 1950's. Both are compatible with the area.

11-17, Mitchell Block, (-) -- Although it has interesting brick detail, this building has been altered to a point where it does not fit with the district.

21-27, Bon Marche Addition, (-) -- This addition is extremely unpleasant from an aesthetic viewpoint and seriously detracts from an otherwise pleasant street scene.

29, Rooming House, (0) -- A squarish brick structure, this building is compatible with the area.

30, Lowell High School, (-) -- Built on the site of the original high school, it was the first co-educational high school in the Commonwealth. Both the old end and the new buildings are out of scale and the yellow brick does not fit with the district.

31, AHEPA, (-) -- A brick building of unique proportions, it has been aborted from its original design. It adds little or nothing to the district.

45, Corporation House, (+) -- One of a row of such houses, this is a fine example of the corporation housing of the 1830's and 1840's.

47, Rooming House, (0) -- This is part of the Kirk Street row houses. Modified from its original style, it still retains some of the character of the old corporate style.

49, Corporation Housing, (+) -- This building, the Boy Scout Headquarters, has undergone some changes. However, they have been minor and the building adds to the district.

63-67, The Linus Childs House, (+) -- This is a typical mill agent's residence of the 1840's. It was here that Congressman Abraham Lincoln stayed during his visit to Lowell in 1848. Actually, it was constructed for agents of the Boott and Massachusetts Companies.

#### PAIGE STREET

19, Rooming House, (0) -- This is a typical structure of the past corporation housing era. It is in good condition and does add something to the area.

29-31, Corporation Housing, (0) -- This is one of the last few examples of early corporation housing. The laundry addition detracts from the original style of the building.

#### LEE STREET

37-39, Lee Street Church, (+), Now St. Joseph's Shrine, this church was constructed in 1850 in the simplified gothic style.

#### MERRIMACK STREET

141-153, Bon Marche, (+) -- This portion of the Bon Marche is actually two separate structures. Both are fine examples of early commercial structures.

171-179, Wells Block, (+) -- This is a beautiful example of mixed use which has great architectural character. The curved brick wall, the detailed windows and the fine cornice make this one of downtown's finest residential locations.  
(also 7-9 Kirk Street)

218-236, Old City Hall, (+) -- Constructed in 1830 as Lowell's first Town Hall, it was designed by Kirk Boott. The third story was added later, as were the wooden facade columns and gable.

237, St. Anne's Episcopal Church, (+) -- Lowell's oldest church, St. Anne's was built in 1824-1825 by the Merrimack Manufacturing Company to provide religious instruction for the mill operatives. The church is named for Kirk Boott's wife and was designed by Boott in the gothic style, similar to his home parish in Derby, England. The church provides a welcome relief in the center of the city's business district.



254-262, Wentworth Block, (0) -- It is an old commercial/residential block which now houses the Goodwill Industries Store. It has the potential to make a major contribution to the district.

268-272, YMCA, (-) -- Another structure of no significance, it has an extremely unpleasant view from Dutton Street. (also 19 Shattuck Street)

Corner of Merrimack and Dutton, Merrimack Canal Gate House, (+) -- Constructed in 1848, it has been acclaimed as being a perfectly proportioned building. It was constructed to control the flow of water through the Moody Street feeder (underground) to the Merrimack Canal to provide additional power to the Merrimack Manufacturing Company. Today, the gate house is a flower and gift shop, with its exterior and interior features preserved.

302, Merit Gas, (-) -- This gas station is one of the grossest offenders in the district. Its environmental impact is negative from almost any point of view. (also 145 Dutton Street)

336, Goodyear Tire Co., (-) -- This building adds nothing to the district. In fact, it creates a negative impact upon the area.

350-376, Bank Block, (+) -- It was constructed circa 1826 and had commercial uses on the street level with housing above. The "gambrel-like" section of roof was added later and was originally a skylight for a photographic studio.

395, Lowell City Hall, (+) -- The City Hall was built in 1893 on the site of corporation executive houses. An international architectural competition was held in order to get the best possible design for the building. It is one of the most impressive City Halls in this part of the country.

400, First Congregational Church, (0) -- This is a gothic inspired church built on the site of an 1827 church. It is now used as a community center.

407-415, City Library/Memorial Hall, (+) -- Built in 1893, this building offers contrast and conformity to City Hall.

408, Green School, (+) -- This brick school is built on the site of the original school built for the operatives of the manufacturing companies. The present structure was built circa 1880.

## MIDDLE STREET

176-190, J. C. Ayer Building, (0) -- It is significant in that it was the factory of one of Lowell's most prominent mid 19th century industrialists. In addition, it is compatible with the area.

192-194, Kimball Sign Company, (+) -- This is an interesting structure which contributes to the character of the district, especially by the presence of the old gas light and signs in front of the building

200, Residence, (+) -- The pleasant yard and setting of this cottage adds a positive character to the district. At present, it is a dentist's office.

## MARKET STREET

245-249, Lowell Medical Instrument Company, (-) -- The street view of this building adds nothing to the district. In fact, the green siding detracts from the otherwise pleasant view of Shattuck Street. (also 27-37 Shattuck Street)

320, Lowell Council on Aging, (-) -- A simple building of no particular design, it has a neutral effect on the character of the district. However, the ugly parking lot and the out of scale billboard destroys any good effect it could have.

338-344, Residential/Commercial, (0) -- A borderline building with an interesting architectural style, it is lacking in quality and maintenance.

350-352, Parkway Lounge, (-) -- The style and conditions are not compatible to the character of the district.

356-360, Residential/Commercial, (+) -- At street level there is a negative influence on the area, however, the tenement block is characteristic of a housing style which is passing out of existence.

366-374, Independent Cash Market, (-) -- A particularly depressing structure which is poor in condition and lacks the style and character of the district.

## BROADWAY STREET

41-61, Hellenic American School of Holy Trinity Greek Orthodox Church, (-) -- This school does not fit into the character of the district and, in some cases, detracts from it.

## FRENCH STREET

43, Lowell High School Power House, (-) -- In general, this building detracts from the area and is only included for the continuity of the district.

In addition to the buildings within the district, there are five monuments. The following is a brief description of them.

Steam Railroads in New England (+) -- This monument which consists of a set of railroad tracks and a tablet, commemorates the first steam railroad in New England. A charter was granted to the Boston and Lowell Railroad on June 5, 1830 and the first train was operated on June 24, 1835. It is a centennial monument placed opposite the site of the first depot by the Boston and Maine Railroad.

Winged Victory, (+) -- James C. Ayer gave this monument to the people of Lowell on July 4, 1867 to commemorate the Union victory in the Civil War.

Ladd and Whitney Monument, (+) -- This monument is also the graves of L. C. Ladd, A. O. Whitney and C. A. Taylor, the first three union soldiers to be killed during the Civil War. They were all members of the Lowell regiment and were killed during a riot in Baltimore on April 19, 1861. The monument was erected by the City of Lowell and the Commonwealth of Massachusetts on April 19, 1865.

Arcand Monument, (+) -- The monument was erected by the City of Lowell in memory of Donald Leonard Arcand, a Lowell resident who was killed in the Vietnam War. Arcand Drive is also named in his memory.

Cardinal O'Connell Monument, (+) -- William Cardinal O'Connell was a Lowell resident who became the Archbishop of Boston. The monument commemorates the work that he did for all people. Cardinal O'Connell Parkway is also named in his honor.

## Locks and Canals District

In 1792, Governor John Hancock signed a charter incorporating the Proprietors of the Locks and Canals on the Merrimack River. The charter gave to this group of Newburyport merchants riparian rights on the Merrimack River from the Massachusetts border to the Atlantic Ocean, and more specifically, the right to build locks and a canal to circumvent the Pawtucket Falls. The canal was opened in 1796 and was used to transport lumber, foodstuffs and people around the falls on their voyage from New Hampshire to Newburyport. The original proprietors sought to make Newburyport competitive with Boston, but the opening of the Middlesex Canal in 1803 destroyed their dream. Thus, Lowell's Pawtucket Canal, the first transportation canal in the new world, was a failure.<sup>1</sup> Yet, in 1822, a group of Boston industrialists bought the canal, charter and lands and established Lowell, in a few short years, as the textile center of the world.

The role of Lowell's unique canal system in making the city a great urban center has been described in numerous historic articles, treatises and studies. The fact that Lowell's canals today do not reflect their greatness is due to many factors, including the selfish motives of Lowell's later industrial giants, who took wealth and capital out of Lowell at the city's expense. The results are simply the filth and decay of the city. However, today there is hope that the good elements of Lowell's history can be restored, and can be used to return Lowell to its rightful position as Queen City of the Merrimack. It is because of this that the Committee has recommended that Lowell's power canal system be preserved, through the establishment of the system as an historic district.

The Committee feels that the preservation and beautification of the canals is essential to the development of Lowell's cultural park, as planned by the Model City Education Component and the Human Services Corporation.

As before, it is necessary to examine the buildings and structures within the district. The same system of evaluation and designation will be used. The following section examines all the buildings and structures within the Locks and Canals Historic District.

<sup>1</sup>Community Renewal Program - "Special Studies", City Development Authority, p. 2.

## CANALS

Pawtucket Canal, (+) - This was the first canal built in Lowell. Completed in 1796, by the Proprietors of Locks and Canals on Merrimack River, it was originally used as a transportation canal. However, the opening of the Middlesex Canal in 1803, afforded a direct route to Boston and took trade away from the Pawtucket. Thusly, the corporation failed and the canal lay useless for some years. In 1821, the Pawtucket Canal and 1,000 acres of land around it were purchased by the Merrimack Manufacturing Company. The Merrimack Company widened the canal, converted the locks and dammed the river at the Pawtucket Falls. The Pawtucket is 9,188 feet long and it supplies the water for the branch canals. It is the most important of the power canals and it is the main power source.

Merrimack Canal, (+) - This was the first canal built by the mill owners, It was built in 1823, and is 2,586 feet long, from its origin at the Swamp Locks to its point of discharge into the Merrimack River. Its original use was a power source for the Merrimack Manufacturing Company.

Hamilton Canal, (+) - Completed in 1826, this 1,771 foot long canal begins at the Swamp Locks and ends in the Lower Pawtucket. It supplied water to the Hamilton and Appleton Companies.

Lowell Canal, (-) - This 500 foot canal was built in 1828. It is completely covered and is not truly necessary to the running of the system.

Western Canal, (+) - This canal extends from the Swamp Locks to the Merrimack River, a total of 4,472 feet. At the Tremont gate house the water is split into separate ways, in order to provide two mills with their own water supply. The flow of the Western was reversed from north to south by the Northern Canal.

Lawrence Canal, (0) - A short branch of the Western Canal, this canal is 1,400 feet long. Only a small portion is visible, the rest travelling beneath the mills.

Eastern Canal, (+) - Built in 1835, this is a 1,913 foot long canal. It begins at a point above the Lower Locks and ends at the Merrimack Canal. It supplied water to the Massachusetts and Boott Mills.

Northern Canal, (+) - Built in 1848, when a need existed for more water, this canal is 4,373 feet long. As the last canal built, it is the most beautiful and was the site of many Sunday walks.

## CANAL STRUCTURES

Francis Gate House, (+) - This structure, which also encompasses the Guard Locks, is one of the most significant buildings in the canal system. Within the gate house is a massive timber gate (two feet thick, 27 feet long and 25 feet wide) called the Francis Gate, which has twice saved the city from floods, in 1852 and 1936. Also within this complex there is a power generating station, still used to generate electrical energy.

Canal Walk, (+) - Built on the canal wall of the Northern Canal, this walkway was a popular walking area in the past. Unfortunately, due to a lack of safety, it is closed.

Tremont Gate House, (+) - This small gate house is located at the point where the Northern and Western Canals meet. It separated the Western's water for the use of the Tremont and Suffolk Mills. Also, it diverted the Northern's water into the Western.

Swamp Locks, (+) - This complex consists of a dam, gates, locks and sluices. Its main use was to divert the Pawtucket's flow into the Merrimack and Hamilton Canals.

Lower Locks, (+) - These locks, the last on the Pawtucket Canal, were used to divert the flow of water into the Eastern Canal. Also included in this complex are gates and a dam.

Y.M.C.A. Gates, (+) - When these were dropped, the flow of the Merrimack Canal was shifted into other canals. The gates work in conjunction with the Moody Street Feeder.

Hickey-Hall Dam, (+) - Located on the Western Canal, this dam possesses a small, but wide waterfall. Its purpose was to control the water in the Western.

Moody Street Feeder, (+) - This underground waterway was built in 1848. It was used to connect the Western Canal to the Merrimack Canal when the Y.M.C.A. gates were dropped.

Pawtucket Dam Gate House, (+) - Located at the O'Donnell Bridge, this gate house allowed the water from the pool created by the Pawtucket Dam to flow into the Northern Canal.

Massachusetts Wasteway, (0) - This underground waterway begins at the Eastern Canal at Bridge Street and ends at the Merrimack River.

Merrimack Wasteway, (+) - Unlike the Massachusetts, this wasteway is visible. It allowed the water in the Merrimack Canal to flow into the Merrimack River.

Boott Dam and Penstock, (+) - The Boott Dam is at the end of the Eastern Canal, at the point where the canal reaches the Merrimack Canal. The underground penstock was used to regulate the flow of water around the dam.

Lawrence Waste Dam, (+) - This dam is at the end of the Western Canal and was used to regulate the flow of water into the Lawrence Canal.

Hamilton Wasteway and Gatehouse, (+) - This wasteway and gate house complex regulated the amount of water allowed to flow from the Hamilton Canal into the Lower Pawtucket Canal.

Pawtucket Falls Dam, (+) - This 950 foot long granite ashen dam created the pool of water which fed the Pawtucket Canal. Later this same pool was used for the Northern Canal.

## Summary

The City of Lowell has a unique and interesting history and the canals, mills, houses and sites are important links to the past. Also, they are a means of educational, cultural and recreational growth for the city, the state and the nation.

Unfortunately, many of the structures built in the early years of the Industrial Revolution have been destroyed or are in danger of falling into total disrepair. The remaining structures must be preserved.

The Historic Districts Study Committee feels that a comprehensive historic preservation plan, which reflects the goals of the entire community, is needed in order to equitably and reasonably promote historic preservation activities. In addition, the Committee recommends:

1. the establishment of the Historical Commission of the city of Lowell,
2. the establishment of two historic districts, the "City Hall Historic District" and the "Locks and Canals Historic District",
3. the establishment of a Lowell museum to house artifacts and remnants of cultures long since past from the Lowell scene,
4. the refurbishment of the canal banks to establish a greenbelt system within the city,
5. support for the Urban National Cultural Park proposal,
6. and, that the City of Lowell consider the utilization of a preservation program as a catalyst for civic pride, a window to the past and a root to nourish the future of our city.

The Commonwealth of Massachusetts has a vast collection of historic sites and buildings. The General Court has provided the cities and towns of the state with enabling legislation to promote the preservation and development of historic sites, through Chapter 40C and Chapter 40, Section 8D, of the General Laws.

Chapter 40C (amended by Chapter 359, Acts of 1971) establishes historic districts. The purpose of these districts is to protect the exterior architectural features of buildings and structures in a defined area, which is significant in the development of the community either historically or architecturally, or both. The Commission will review all applications of persons seeking to build, demolish or alter all buildings within the district. Basically, the Commission is concerned with environmental and aesthetic quality, beyond that required by the city building codes. However, to insure that property owners will not be subject to undue hardships, the commission may establish guidelines, assistance programs and, subject



to receipt of funds, a revolving historic preservation fund to assist in preservation activities.

Chapter 40, Section 8D of the General Laws enables cities and towns to establish historical commissions. Under this law, the commission must coordinate all historic preservation activities, establish a record and inventory of the city's historic structures and sites and serve as a liaison with state and national preservation organizations.

In Massachusetts the purposes of historic districts are 1) to preserve and protect the characteristics of those buildings and places significant in the history of the Commonwealth and its cities and towns, 2) to improve and maintain the settings of those buildings and places; and 3) to encourage new designs compatible with the buildings in the district.

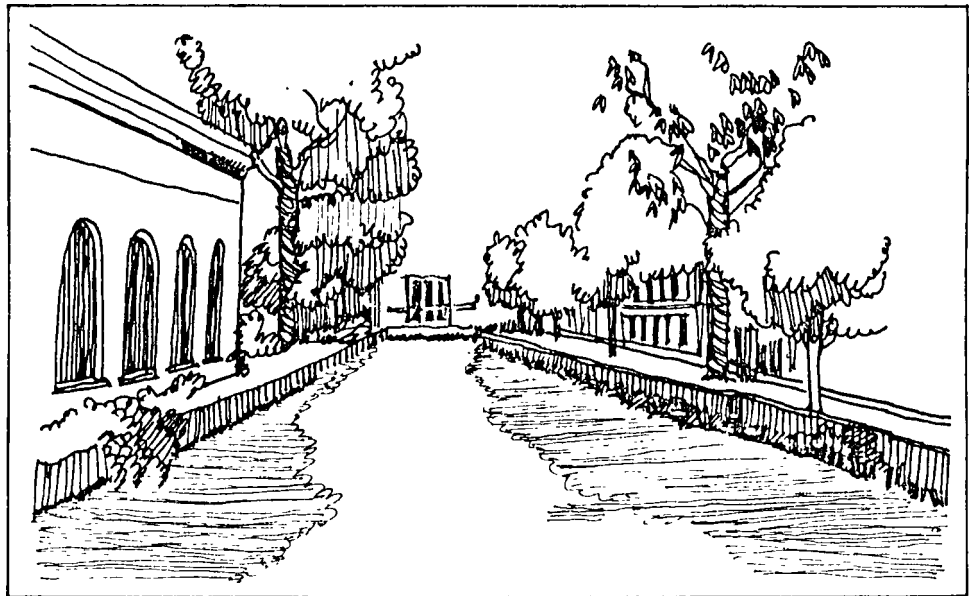
A major element in the creation of districts is the Historic Buildings Survey, which makes a proper evaluation possible. The survey was divided into three categories, architectural character, compatible and not compatible. It is, however, only a guide and does not decide the fate of a building. Its purpose is to help make the decisions of the Commission consistent. The results of the survey can be found on pages 10 - 21.

The City Hall District was chosen because it was the center of the city development at the time of the founding of the mills. The majority of the structures were built during the early and most important years of the city's history.

The Locks and Canals District was another logical choice. The canals and their related buildings and structures provided the power which ran the textile machines. Without this system, Lowell never would have developed as a city.

Historic preservation in the district form is necessary if the city is going to retain a flavor of those who were here before. The architecture of the districts enables the people of the present to better understand the people of the past. The buildings and structures show the values and the cultures of those people who inhabited the built the City of Lowell.

# APPENDIX



Historic Districts Ordinance  
Map 1 ~ City Hall Historic District  
Map 2 ~ Locks & Canals Historic District  
Chapter 359

# CITY OF LOWELL

## ORDINANCE

Amending the code of the City of Lowell by adding a new section to be entitled "The Historical Commission of the City of Lowell, Massachusetts".

### Article 1. Establishment

There is hereby established under the provisions of the Massachusetts General Laws, Chapter 40C, as most recently amended, and Chapter 40, Section 8D, the Historical Commission of the City of Lowell, hereinafter called the Commission, to be governed by, and operated in accordance with, the provisions of the General Laws, and any amendments thereto.

### Article 2. Membership

The Commission shall consist of seven members and three alternates appointed by the City Manager subject to confirmation of the City Council. The Commission shall always consist of: One (1) member appointed from two (2) nominees submitted by the Chapter of the American Institute of Architects covering the area; one (1) member appointed from two (2) nominees submitted by the Lowell Historical Society; one (1) member appointed from two (2) nominees submitted by the Lowell Board of Realtors; one (1) member appointed from two (2) nominees submitted by the Lowell Bar Association; one (1) member of the City of Lowell Planning Board; and two (2) residents of the city. At least one (1) member of the Commission shall be a resident of, or an owner of real estate in, a historic district of the City, and at least one (1) member shall be a member of the Board of Directors of the Acre Model Neighborhood Organization.

When the Commission is first established, two (2) members shall be appointed for one (1) year terms, two (2) members shall be appointed for two (2) year terms, and the remaining three (3) members and the three (3) alternates shall be appointed for three (3) year terms, and all members shall serve until a successor is appointed and qualified. At the expiration of their respective terms, the City Manager shall appoint successors for three (3) year terms in the manner described in the preceding paragraph. Vacancies for the unexpired term shall be filled in the same manner as in the original appointment.

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

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

All members and alternates shall serve without compensation.

### Article 3. Purpose

The purpose of this ordinance is to promote the educational, cultural, physical, economic and general welfare of the public through the preservation and protection of the historical assets of the city, including buildings, sites and districts of historical and architectural interest; through the maintenance of such landmarks of the history of Lowell, the Commonwealth and the Nation, and through the development of appropriate uses and settings for such buildings, places and districts.

### Article 4. Historic Districts

No building or structure within a historic district shall be constructed, demolished, moved or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of hardship or a certificate of non-applicability with respect to such construction or alteration.

All historic districts shall be administered by the Historical Commission of the City of Lowell in accordance with the provisions of Chapter 40C as most recently amended.

There are hereby established under the provisions of Chapter 40C of the General Laws, as most recently amended, the following historic districts:

- a. The City Hall Historic District;
- b. The Locks and Canals Historic District;

which shall include the land and buildings shown on the maps entitled "Map 1 - City Hall Historic District" and "Map 2 - Locks and Canals Historic District," as or hereafter amended, which maps are attached to and made part of this ordinance. The said maps and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein. The said maps shall be in the custody of and filed in the office of the City Clerk.

The Locks and Canals Historic District is further defined to include the waterways and structural elements of the Pawtucket, Merrimack, Eastern, Hamilton, Western and Northern Canals, the connecting wasteways, feeders, sluiceways, raceways, turbines, gates and gatehouses, and the land on both sides of the canal to a point twenty (20) feet from each bank, owned by said Proprietors.

### Article 5. Powers of the Commission

The Commission shall have all the powers of a historic district commission as described in Chapter 40C of the Massachusetts General Laws, and all the powers of a historical commission as described in Chapter 40, Section 8D of

the Massachusetts General Laws. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C and Chapter 40, Section 8D of the General Laws, or with the purpose of this ordinance.

The Commission may receive and accept appropriations, grants and gifts for the furthering of the purposes of this ordinance, to establish a historic marker program, publish guides, maps and other appropriate publications to illustrate Lowell's historical and architectural resources, and to acquire and maintain historic properties.

The Commission shall be authorized to conduct studies of Lowell's historic assets and determine goals and priorities for historic preservation activities in Lowell.

The Commission shall serve in an advisory capacity to the City Manager, the City Planning Board, the City Development Authority, the Massachusetts Historical Commission, and any other public agency, in matters pertaining to, or affecting, any historic structures, sites or districts in the City of Lowell.

The Planning Director, or his designee, shall act as technical advisor to the Commission, and shall participate and cooperate with the Commission in the fulfillment of the Commission's responsibilities under the General Laws of Massachusetts and shall perform any and all functions of the Commission which it may lawfully delegate to him.

The Commission shall propose changes in historic district boundaries, and the establishment of new districts as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities.

#### Article 6. Duties of the Commission

The Commission shall coordinate historic preservation activities, and oversee the preparation and implementation of historic preservation plans.

The Commission shall provide assistance to owners of historic structures on matters pertaining to preservation of those structures.

#### Article 7. Rules and Regulations

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C, and Chapter 40, Section 8D of the General Laws, or with the purposes of this ordinance.

#### Section 8. Severability

The provisions of this ordinance 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.

fender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice, the sum provided herein, such payment to be made only by postal note, money order or check. If it is the first, second or third offense subject to this section committed by such person within the jurisdiction of the court in the calendar year, payment to such clerk of the sum of twenty dollars shall operate as a final disposition of the case; if it is the fourth or subsequent such offense so committed in such calendar year, payment to such clerk of the sum of one hundred dollars shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure hereinbefore provided for the noncriminal disposition of the case, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases, and shall notify, if a motor vehicle is involved, the registrar of motor vehicles, or, if a motor boat is involved, the division of motor boats. If any person fails to appear in accordance with the summons issued upon such complaint the clerk shall send such person by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the sending of such notice a warrant for his arrest will be issued. If any person fails to appear within twenty-one days from the sending of such notice, the court shall issue a warrant for his arrest.

The notice to appear, provided herein, shall be printed in such form as the chief justice of the municipal court of the city of Boston may prescribe for said court, and as the administrative committee of the district courts as created by section forty-three A of chapter two hundred and eighteen may prescribe for district courts other than said municipal court.

Approved June 3, 1971.

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## CITIES AND TOWNS—HISTORIC DISTRICTS— ESTABLISHMENT

### CHAPTER 359.

**An Act further regulating the law establishing historic districts.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**Section 1.** Chapter 40C of the General Laws is hereby amended by striking out sections 2 to 13, inclusive, and inserting in place thereof the following sixteen sections:

**Section 2.**

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the main-

tenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

**Section 3.**

A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:—Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The Massachusetts historical commission may consult with the commissioner of commerce and development, the commissioner of community affairs and the commissioner of natural resources with respect to such reports, and may make guidelines for such reports, and after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or 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 city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend 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.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, 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 days have elapsed without such recommendation.

No ordinance or 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 city clerk or town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.

**Section 4.**

An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two

nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. 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.

#### Section 5.

As used in this chapter 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", "erected", "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.

#### Section 6.

Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no building or structure within an his-



toric district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

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.

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

#### Section 7.

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 and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law. The commission shall not consider interior arrangements or architectural features not subject to public view.

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

#### Section 8.

(a) Any city or town may provide in the ordinance or by-law establishing a district or in any amendment thereof that the authority of the commission shall not extend to the review of one or more of the following categories of buildings or structures or exterior architectural features in the historic district, and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

(1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.

(2) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level.

(3) Walls and fences, or either of them.

(4) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.

(5) The color of paint.

(6) The color of materials used on roofs.

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

(8) 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 year thereafter and carried forward with due diligence.

(b) A commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, including, without limitation, any of those enumerated under paragraph (a), if the provisions of the ordinance or by-laws do not limit the authority of the commission with respect thereto, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this chapter.

(c) A city or town may provide in its ordinance or by-law, or in any amendment thereof, that the authority of the commission shall be limited to exterior architectural features within a district which are subject to view from one or more designated public streets, public ways, public parks or public bodies of water, although other portions of buildings or structures within the district may be otherwise subject to public view, and, in the absence of such provision of the ordinance or by-law, a commission may determine from time to time after public hearing that the authority of the commission may be so limited without substantial derogation from the intent and purposes of this chapter.

(d) Upon request the commission shall issue a certificate of non-applicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraph (a), (b) or (c).

#### Section 9.

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within an historic 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 the applicable historic district ordinance or by-law.

#### Section 10.

The commission shall have the following additional powers, functions and duties:—(a) 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 applicant's proposal which, if made, would make the application acceptable to the commission. If within fourteen 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 appropriateness to be issued to the applicant.

(b) 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 feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of section eight, the commission shall cause a certificate of non-applicability to be issued to the applicant.

(c) 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 structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or in the event of failure to make a determination on an application within the time specified in section eleven, the commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this 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 city or town clerk.

(f) The commission shall file with the city or town clerk and with any department of the city or town having authority to issue building permits a copy or notice of all certificates and determinations of disapproval issued by it.

(g) A 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 an historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of an 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.

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

(i) The commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the city council or town meeting.

#### Section 11.

Meetings of a commission shall be held at the call of the chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of a 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.

A commission shall determine promptly, and in all events within fourteen 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 a commission determines that such application involves any such features which are subject to approval by the commission the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

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 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 city or 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 days after the filing of the application, or such lesser period as the ordinance or by-law may provide, 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.

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 on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the commission may act upon such application.

#### Section 12.

Any applicant aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. 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 13.

The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or 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 construed in violation thereof, or the substantial restoration of any buildings, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter 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.

**Section 14.**

If the city council or town meeting so votes a commission established hereunder shall have the powers and duties of an historical commission as provided in section eight D of chapter forty and, in this event, a commission may be entitled an historical commission.

**Section 15.**

All ordinance or by-laws creating an historic district adopted by a city or town under authority of this chapter and under authority of any special law, unless the special law shall otherwise provide, amendments thereto, maps of 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.

**Section 16.**

A city or town in which there is located an historic district established under a special law may, upon recommendation of the historic district commission having jurisdiction over such district, accept the provisions of this chapter with respect to such district by a two-thirds vote of the city council in a city or by two-thirds vote of a town meeting in a town, and thereafter such historic district shall be subject to the provisions of this chapter notwithstanding the terms of any special act pursuant to which such historic district was created. The provisions of this chapter shall not impair the validity of an historic district established under any special act.

**Section 17.**

The provisions of this chapter 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.

Section 2. This act shall not affect the validity of any historic district, historic district commission or historic district study committee established under chapter forty C of the General Laws prior to the effective date hereof or of certificates of appropriateness issued thereunder or the appointment of members of historic district commissions or historic district study committees made prior to the effective date hereof, and such members shall continue to serve under the provisions of this act, and all their acts done in compliance with prior provisions of said chapter forty C shall constitute compliance with comparable provisions of this act.

Approved June 3, 1971.

**COMMONWEALTH COAT OF ARMS, SEAL AND FLAGS—  
DESIGN, USE, DISPLAY**

**CHAPTER 360.**

**An Act further regulating the design, manufacture and usage of the flags, coat of arms, and seal of the commonwealth.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**Section 1.** Chapter 2 of the General Laws is hereby amended by striking out sections 1 to 6, inclusive, and inserting in place thereof the following six sections:

**Section 1.**

The coat of arms of the commonwealth shall consist of a blue shield with an Indian thereon, dressed in a shirt, leggings, and moccasins, holding in his right hand a bow, and in his left hand an arrow, point downward, all of gold; and, in the upper right-hand corner of the field a silver star of five points. The crest shall be,

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Congressional Record, Washington, D.C., April, 1972.

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LOWELL CITY COUNCIL

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Robert B. Kennedy, Vice-Chairman  
Gail Dunfey  
Leo J. Farley, Jr.  
M. Brendan Fleming  
Charles A. Gallagher  
Richard P. Howe  
Armand W. LeMay  
Philip L. Shea

CITY MANAGER

James L. Sullivan

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Allen Gerson  
William J. Gavin  
Charles G. Sampas  
Dennis P. Coffey  
Chris Milonas\*  
Leon Mahoney\*

ADVISORS TO THE COMMITTEE

Arthur L. Eno, Jr.  
President, Lowell Historical Society  
Harry Dinmore  
Treasurer, Lowell Historical Society

\* Resigned

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Warren D. Griffin, Vice-Chairman  
James R. Lorrey, Treasurer  
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Bruce A. Hahl, Planning Director

PLANNERS-IN-CHARGE

Dennis P. Coffey, Assistant Planner\*  
Richard J. Thompson, Technical Writer

Donald J. Samowski, Associate Planner  
Robert P. Malavich, Associate Planner  
Chris Milonas, Senior Planning Technician\*  
Howard J. Hartley, Planning Technician  
Shirley R. Vance, Senior Clerk-Typist  
Kathryn A. Murphy, Clerk-Typist  
Stephannie Bartos, Planning Technician

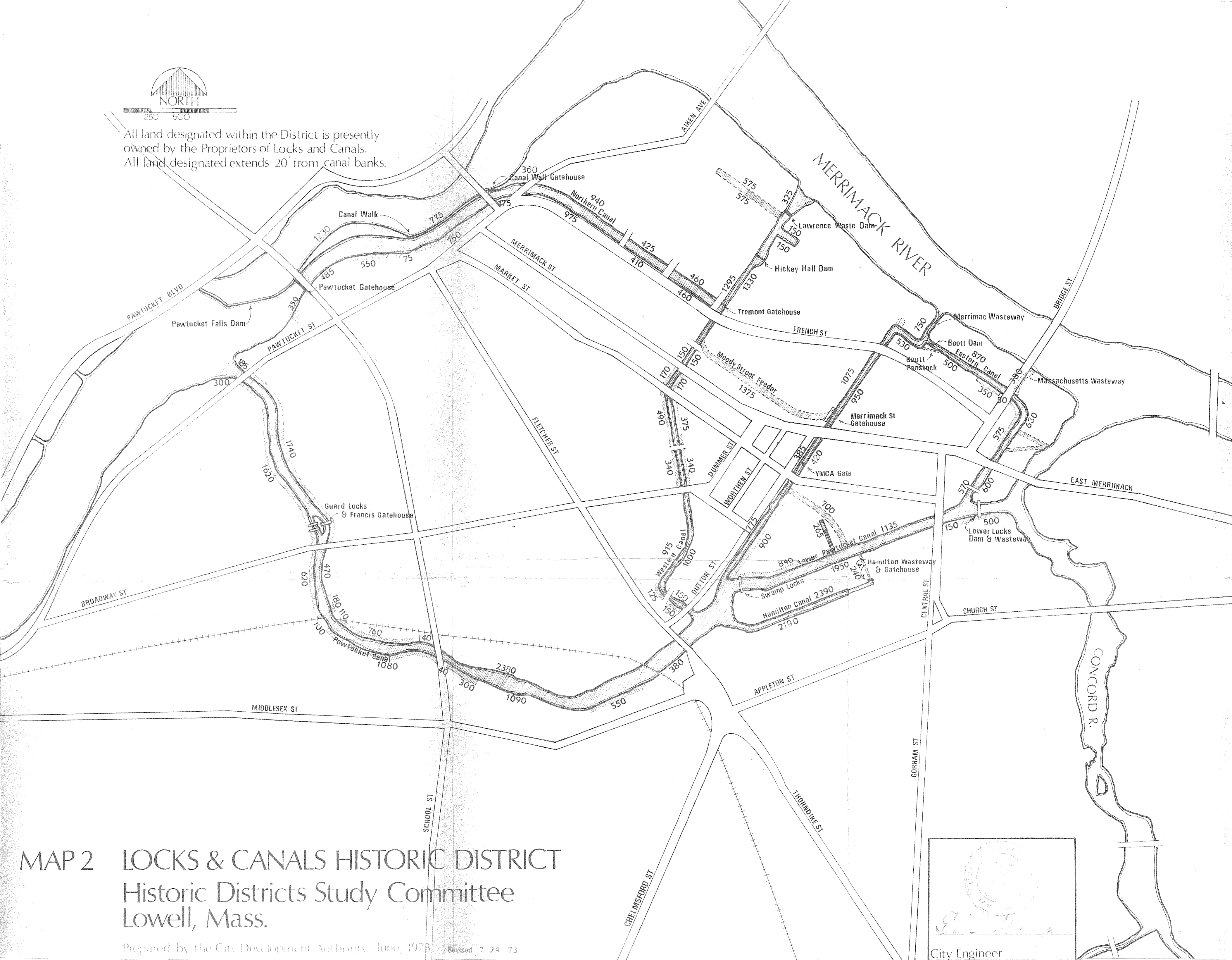
\* former employee





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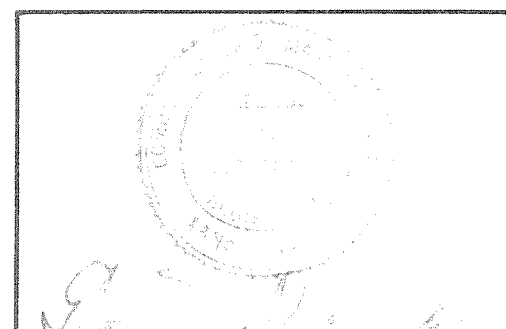
All land designated within the District is presently owned by the Proprietors of Locks and Canals.  
All land designated extends 20' from canal banks.



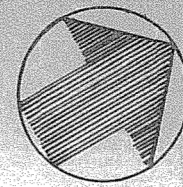
# MAP 2 LOCKS & CANALS HISTORIC DISTRICT

## Historic Districts Study Committee Lowell, Mass.

Prepared by the City Development Authority, June, 1973. Revised 7 24 73



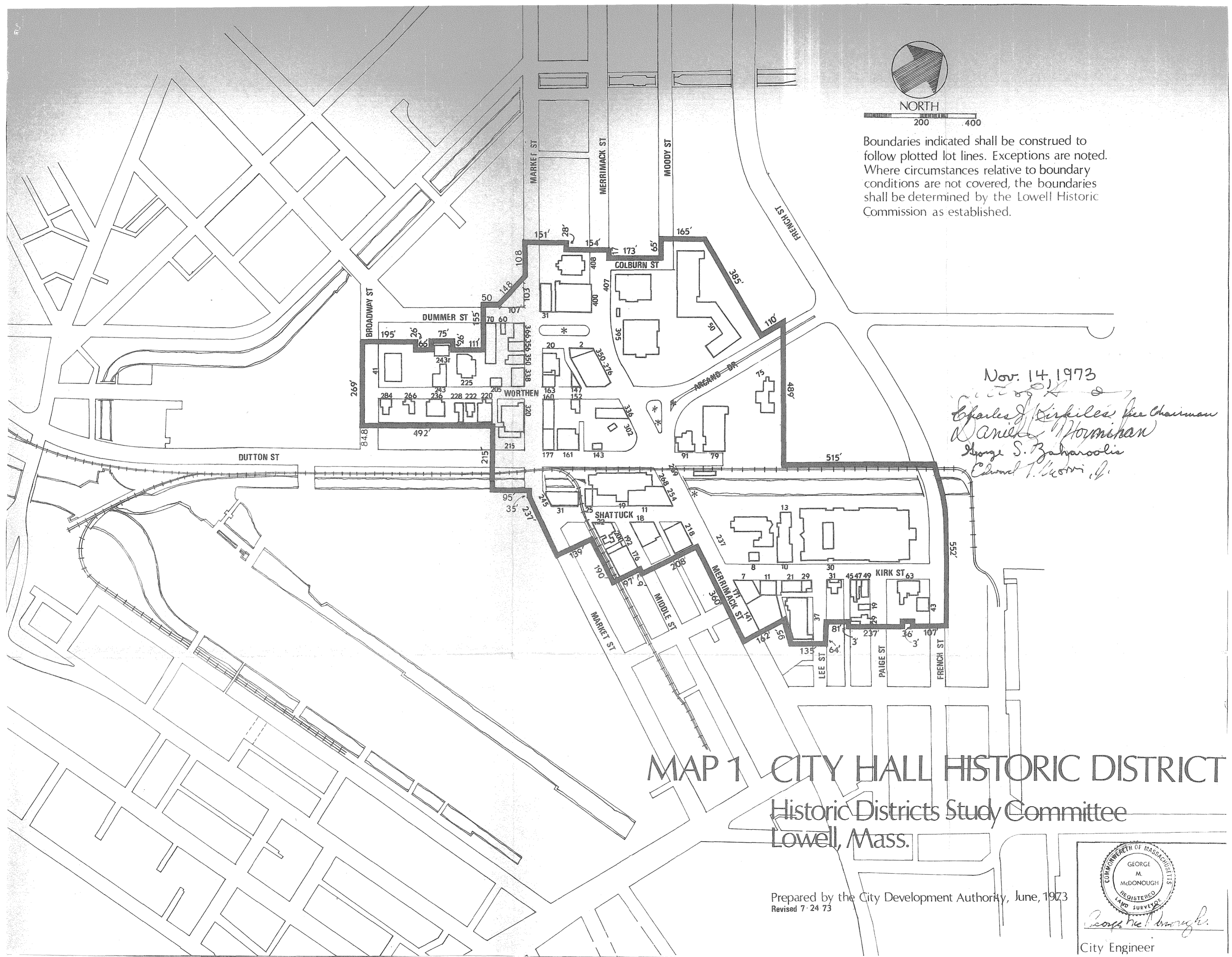
City Engineer



NORTH

200 400

Boundaries indicated shall be construed to follow plotted lot lines. Exceptions are noted. Where circumstances relative to boundary conditions are not covered, the boundaries shall be determined by the Lowell Historic Commission as established.



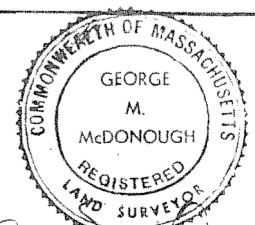
Nov. 14, 1973

*Charles J. Kirkiles, Vice Chairman  
Daniel Horniman  
George S. Baharolis  
Edward T. Kervin, Jr.*

# MAP 1 CITY HALL HISTORIC DISTRICT

Historic Districts Study Committee  
Lowell, Mass.

Prepared by the City Development Authority, June, 1973  
Revised 7-24-73



*George M. McDonough*

City Engineer