



Town of Belmont
Historic District Commission
Homer Municipal Building, 2nd Floor
19 Moore Street
Belmont, MA 02478

Certificate Application Process (Approved March 23, 2017)

The following is a general outline of the Historic District Commission (HDC) review process based on the Town's General Bylaw, §40-315, and Massachusetts General Law, Chapter 40C.

PRELIMINARY CONSULTATION

1. **Determine Required Permits or Approvals:** Property owners within the Town's Historic Districts should contact the Office of Community Development (OCD) to determine what permits or approvals are required for their proposed project. If a new structure or an addition to an existing structure is proposed, or the use of a structure is proposed to change, the property owner or his/her agent should confirm with a Local Building Official that the proposed structure or use conforms to the Zoning By-Law. Depending on the answer, the Town of Belmont may require the plans to be altered or additional permits to be issued by the Zoning Board of Appeals and/or Planning Board.

Please note: Review and approval by the HDC does not constitute zoning compliance nor does it grant permission to commence construction.

2. **Preliminary HDC Consultation:** OCD will refer the property owner to the HDC for an initial consultation. HDC may meet with the property owner at their respective site and review the scope of the proposed project.
3. **Certificate not required:** If HDC determines that a proposed project does not require a Certificate (i.e., no further review), it will e-mail OCD to confirm that no further review is required. The property owner can then proceed with other permits and approvals.

SIDE BAR

The HDC issues three (3) types of Certificates:

CERTIFICATE OF NON-APPLICABILITY (CONA): Issued for matters that are specifically excluded from review under the Bylaw.

CERTIFICATE OF APPROPRIATENESS (COA): Required for exterior alterations and new construction that are subject to public view unless specifically exempted by the Bylaw.

CERTIFICATE OF HARDSHIP (COH): Contact OCD/HDC for further information. Typically issued when the denial of a Certificate would constitute a significant hardship, financial or otherwise, on the property owner and if the proposed work does not conflict substantially with the intent and purposes of the Bylaw.

APPLICATION & REVIEW

4. **Informal Review of Project and Submission Requirements:** HDC will meet informally with the property owner to review the scope of the project and to determine the application submission requirements.
5. **Property Owner Prepares Application:** The property owner or his/her agent will prepare the application according to the Application Submission Requirements. The application should be submitted to OCD at least three (3) weeks prior to the regularly scheduled meeting, and must contain 14 copies. Incomplete applications will not be accepted.
6. **Meet with Abutters:** HDC encourages all Applicants to discuss their project with their abutters. This enables issues and concerns about your project to be discussed and resolved prior to the public hearing.
7. **Determine Required Certificate:** within 14 days after receiving the application, HDC must determine whether a Certificate of Appropriateness or Certificate of Non-Applicability is required (see Sidebar on Page 1).
 - a. **Certificate of Non-Applicability (CONA):** HDC may determine that the alteration to the exterior feature is so insubstantial in its effect on the District that it may be reviewed without a public hearing.
 - i. The public meeting will be held - HDC reviews and if approved, issues a CONA.
 - ii. The property owner can apply for other permits as necessary.
 - b. **Certificate of Appropriateness (COA):** a public hearing must be held within 45 days from the date of the filing of a complete application.
 - i. **Notice of Public Hearing:** OCD will post notice of the time, place, and purpose of the hearing at least 14 days prior to the meeting in Town Hall and will mail copies of the public notice to the Applicant and to the owners of all adjoining properties.
 - ii. **Public Hearing:** The Applicant, or his or her agent, is required to attend the public hearing and to give a presentation on the project, briefly reviewing the details of it.
 - HDC will take input on the application from the audience both in opposition and support of the project.
 - If HDC finds that some aspects of the proposed changes are inappropriate, it will suggest ways to amend the application so that the Certificate can be issued.
 - Additional information may be required during the public hearing and therefore cause the public hearing to be continued.
 - iii. **Review Criteria:** HDC will take into account the historic and architectural significance of the building or structure when reviewing an Application. The Commission will base its review on *The Design Guidelines for Belmont Historic Districts*.

- iv. Commission Decision: HDC must issue a Certificate or disapproval within 45 days after the filing of an Application, or within the extended time agreed to by the applicant in writing (prior written agreement should be submitted either physically to OCD or via email to cryan@belmont-ma.gov). Typically, this will require a continuation of the hearing. HDC will state its reasons for the decision, supported by appropriate Findings of Fact and attach conditions as appropriate. HDC will then provide OCD with its Certificates and/or its disapprovals, and the OCD will file a copy of them in the building files and with the Town Clerk, and mail a copy to the Applicant.
- v. The property owner can apply for other permits as necessary.
- c. **Certificate of Hardship (COH):** the process for review of an application for a COH will be determined between the OCD, HDC and property owner.

FOLLOW UP

- 8. **Work Completion:** At the completion of the work for which a Certificate was granted, the Applicant shall notify OCD in order to schedule a final review of the work. OCD/HDC or its designee will review the work to verify that the completed project matches what HDC approved. If the work conforms, HDC will send notice to OCD and the file will be closed. If the work does not conform, OCD will require that it be corrected before issuing the final notice of approval.
- 9. **Appeals and Grievances:** An Applicant may appeal any action of the HDC by filing an appeal in the Superior Court as provided in Chapter 40C, Section 12A within twenty (20 days) of the decision.

PLEASE NOTE:

- A building permit will not be issued until the appropriate notice is received by OCD
- A Certificate expires within one (1) year from the date of issuance unless the work has commenced. If a Certificate expires and the Applicant wishes to proceed with the project, a new application, public hearing and review process will be required.

If you have any additional questions about the process, please contact Christopher Ryan, Director of Planning, in the OCD at 617-993-2666 or at cryan@belmont-ma.gov.