

RULES AND REGULATIONS: BELMONT HISTORIC DISTRICT COMMISSION

I. GENERAL RULES: JURISDICTION

The Belmont Historic District Commission (hereinafter "the Commission") shall be governed by the Belmont Local Historic District Bylaw, Article 15 of the Belmont Bylaws, and by Chapter 40C of the General Laws of Massachusetts, as amended. The Town's jurisdiction in regard to the Local Historic District Bylaw shall be delineated on the official Local Historic District Map of the Town of Belmont on file in the Community Development Department at the Middlesex County Registry of Deeds, and at the Massachusetts Historical Commission.

II. MEETINGS OF THE COMMISSION

- A. Regular meetings will generally be held on the second Wednesday of each month, commencing at 8:00 p.m.
- B. Notice of the date, time, and location of all meetings shall be posted in the Town Hall at least 48 hours prior to their scheduled time. An applicant for a certificate may appear in person or by agent at the Commission hearing.
- C. Special Meetings of the Commission may be held at the call of the Chairman or at the request of two members. Notice of Special Meetings shall be posted as above.
- D. Cancellation of Meetings. If there is no Commission business to conduct, or if it is determined that there is no quorum, the Chairman may dispense with a meeting by giving notice to all members and alternate members, and posting a notice of the cancellation in Town Hall at least 48 hours prior to the scheduled time.

III. CHANGES REQUIRING COMMISSION APPROVAL

Nearly all changes in the exterior appearance of a building or site located within a Local Historic District shall require Commission approval, in the form of a Certificate of Appropriateness issued by the Commission. For work involving any of the categories listed below, a Certificate of Appropriateness is required before a Building Permit can be issued by the Community Development Office

- A. In general, the following items require approval from the Commission:
 1. Any and all alterations or additions to the exterior of a building or structure, including but not limited to the following:
 - a. Any changes that might affect architectural details, such as doors and windows and the trim that surrounds them, porch elements, stair and balcony railings, cornice sections, belt and water courses, patterned wall and roof surfaces,

decorative panels, chimney ornaments, cupolas, finials and roof cresting, etc.

- b. The addition or insertion of decks, storm doors and windows, porch screens, window air conditioners, solar panels, antennae and similar appurtenances.
 - c. Changes in the color of paint, the color and material of roofing surfaces, and the design and material of gutters and downspouts.
- 2. Any construction of a new building or structure.
 - 3. Any demolition of a structure of building or a section thereof.
 - 4. Any reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster.
 - 5. Any change in a man-made landscaping element, including but not limited to the following:
 - a. Terraces, surfaced walks and pathways, driveways, and street sidewalks.
 - b. Walls and/or fences.
 - c. Gazebos, pergolas and other garden structures.
 - d. Free-standing light fixtures.
 - e. Signs which will be reviewed according to purpose, size, design, location and lighting.

B. In general, if an application is received involving work that does not fall into one of the above categories, and is, therefore, beyond the Commission's jurisdiction, then the Commission will issue a Certificate of Non-Applicability.

The Commission has no jurisdiction over:

- 1. Interior arrangements.
- 2. Architectural features not subject to public view.

3. Normal maintenance of a building, including repainting, reroofing, or the repair or replacement of an exterior feature, so long as the paint color, the style and color of the roofing materials, or the shape and material of the repaired or replaced feature all remain the same.
4. New landscaping involving only natural elements such as trees, shrubs and smaller plants.

IV. APPLICATION PROCEDURES

Applications for Certificates for exterior work in a Historic District may be obtained from the Office of Community Development. Instructions are attached to the application forms.

V. PROCEDURES FOR COMMISSION'S REVIEW OF APPLICATIONS

A. Preliminary procedures

CERTIFICATE OF NON-APPLICABILITY. The Commission shall determine within 14 days of the filing of an application for a Certificate whether the work proposed involves any architectural features or manmade landscape elements which are within its jurisdiction. If the Commission determines that the application does not involve any features which are subject to its review under the terms of the Local Historic District Bylaw, it shall issue a Certificate of Non-Applicability.

WAIVER OF PUBLIC HEARING on certain applications. If the Commission determines that an application does require Commission review, the Commission will ask the applicant to submit a certified list of abutters. The Commission may determine that the exterior feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed without a public hearing. In such a case the Commission shall then notify the abutters, the Planning Board, the Building Commissioner, and anyone else deemed by the Commission to be materially affected by the application of its intent to dispense with a public hearing on the application. No action shall be taken on the application for 10 days after the mailing of the Notice of Waiver of Public hearing.

APPLICATIONS REQUIRING PUBLIC HEARING. If the Commission determines that an application requires a public hearing under the provisions of the Local Historic District Bylaw, it shall hold such a hearing within 45 days from the date of the filing of the application. The Commission will ask the applicant to submit a complete list of abutters with addresses. At least 14 days before the hearing, the Commission shall give public notice of the time, place, and purpose of the hearing by posting in Town Hall. Concurrently, the Commission shall mail a copy of the public notice to the applicant and to the owners of all adjoining properties and of all other properties deemed by the Commission to be materially

affected thereby. The Commission shall distribute copies of the public notice to the Office of Community Development, Planning Board, Board of Selectmen, Town Clerk, and Town Manager, as well as to any person filing a written request for notice of hearings, such request to be renewed yearly in December.

B. Review and Hearing Procedures.

An applicant may appear in person or by agent at the Commission meeting. Review of an application at a Public Hearing will generally be conducted according to the following procedure:

- (1) The Chairman shall give a preliminary statement concerning the application,
- (2) The applicant shall present his or her application,
- (3) Commission members may discuss the application, followed by comments by anyone else with an interest in the proposal,
- (4) Commission members may ask clarifying questions after each speaker,
- (5) The Chairman shall summarize the information, giving all parties a chance to make additional comments,
- (6) The commission shall deliberate the application,
- (7) After adequate discussion, or by the end of the time allotted to the application on the meeting agenda, the Commission shall either vote on the application, postpone further consideration until the next meeting, or request the application's withdrawal and/or revision.

C. SITE VISITS; ADDITIONAL INFORMATION

The Commission may view the premises and obtain additional information concerning any application before arriving at a decision. If the Commission holds a public hearing on any matter, it will disclose any such additional information on which it may rely at the hearing, and give the parties an opportunity to comment on it.

D. COMMISSION DECISIONS.

In all its decisions on applications the Commission shall state its reasons for the decision, supported by appropriate Findings of Fact. Any decision on an application may be accompanied by conditions; the Commission may include recommendations for changes in the proposal which, if made and filed in a subsequent application, would make the application acceptable to the Commission.

If the Commission finds that some aspects of the proposed changes described in an application are inappropriate, it will make every effort to suggest ways in which the application may be amended so that approval may be granted. Such discussion among Commission members and the applicant, if present, shall focus, to the extent reasonably feasible, on arriving at a solution satisfying all concerned, while still abiding by the terms and spirit of the Local Historic District Bylaw.

Within 45 days after the filing of an application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall issue a Certificate or a disapproval. The Commission shall send a copy of its Certificates and/or its disapprovals to the applicant, and to the Office of Community Development, and shall file a copy of all Certificates and/or its disapprovals with the Town Clerk. If the commission should fail to issue a Certificate or disapproval within 45 days of the filing of an application, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship Due to Failure to Act.

E. Review Criteria

In reviewing applications for Certificates, the Commission shall take into account the historic and architectural significance of the building or structure. The Commission shall not consider interior arrangements, nor architectural features not subject to view from the public way, nor make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and the District.

The Commission shall base its review, in part, upon The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings published by the U.S. Department of the Interior. (Single copies are available free-of-charge from the National Park Service, Preservation Assistance Division, P.O. Box 37127, Washington, D.C. 20013-7127 or from the Massachusetts Historical Commission, 617-727-8470).

The Commission may also be guided, in part, by various technical publications issued from time-to-time by Federal and State entities and others, including but not limited to the Historic Buildings Preservation Briefs published by the National Park Service and the Preservation Tech Notes published by the National Technical Information Service of the U.S. Department of Commerce.

VI. THE CERTIFICATE OF APPROPRIATENESS

After approving an application, the Commission shall issue a Certificate of Appropriateness for the work proposed in the application. A Certificate is valid for work commenced within a period of one year from the date on which it is stamped by the Office of Community Development, and shall remain in effect until such work is completed. If, by the end of one year the authorized

work has not been commenced and prosecuted with due diligence, or if such work is suspended in significant part for a period of one year after the time the work is begun, the Certificate shall expire and be of no further effect. Before the date of the expiration, however, the applicant may file a request for an extension of the Certificate. At its discretion, the Commission may grant, in writing, one or more extensions of the Certificate for periods not exceeding ninety days each.

If a property changes ownership during the time the Certificate of Appropriateness is in force, a new owner who wishes to continue the authorized work must apply to the Commission for a transfer of the Certificate to his or her own name.

VII. THE CERTIFICATE OF HARDSHIP

In the case of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions affecting the building or structure, but not affecting the District, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant. It shall also determine whether the application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of the Local Historic District Bylaw. If it finds that both these conditions can be met, the Commission shall, on a concurring vote of four members, issue a Certificate of Hardship.

VIII. APPEAL AND AGGRIEVEMENT PROCEDURES

An applicant may appeal any action of the Commission by filing an appeal in the Superior Court as provided in Chapter 40C, Section 12A.

IX. AFTER COMPLETION OF THE WORK

At the completion of the work for which a Certificate of Appropriateness has been granted, the Applicant shall notify the Commission in order to schedule a final review of the work. One or more members of the Commission shall then review the work on site to verify that the completed project matches the approved application. On so finding, the Commission shall send a written notice to that effect to the applicant, the Town Clerk, and the Building Commissioner. The issuance of this notice closes the file on the application. If the work does not match the approved application, the Commission will require that it be corrected before issuing the final notice of approval.

X. AMENDMENTS

The Rules and Regulations of the Historic District Commission may be amended by an affirmative vote of not less than four members of the Commission, provided that such amendment shall have first been presented in writing at a meeting preceding that at which the vote is taken. The Commission shall file a copy of any such amendments with the office of the Town Clerk.