

## **CHAPTER R:5**

### **HISTORIC DISTRICT COMMISSION, A.K.A. HISTORICAL COMMISSION**

#### **RULES, REGULATIONS, AND PROCEDURES**

##### R:5-1 REGULATIONS OF THE HISTORICAL COMMISSION.

The following rules, regulations, and procedures are in keeping with the specifications of M.G.L, Ch. 40c, as amended, and the Town of Topsfield Historic District Commission by-law, as amended.

R:5-1.1 Title. This Commission shall be known as the Topsfield Historic District Commission (a.k.a. Topsfield Historical Commission as the result of merger of Topsfield Historic District Commission and Topsfield Historical Commission in 1989), herein afterwards referred to as the "Commission".

R:5-1.2 Frequency of Meetings. The Commission shall meet on a regular monthly basis, and at such other times as the Commission shall determine.

R:5-1.3 Election of Officers. The Commission shall annually elect a chairman and vice chairman from within the Commission and a secretary from within or without the Commission.

R:5-1.4 Powers and Duties. The Commission shall have all of the powers and duties of an Historic District Commission authorized by M.G.L, Chapter 40c, as amended, and as modified by the Town of Topsfield Historic District Commission By-law, as amended. It shall concern itself with the duties of an Historic District Commission and with the requests and applications of the residents, business properties, and property owners within the District regarding changes in exterior architectural features, new buildings, additions, demolition, exterior renovations, appurtenances, fences, walls, signs, and the like pursuant to the by-law and in accordance with M.G.L, Chapter 40c, as amended. Excluded from review are the following: (a) terraces, walks, driveways, sidewalks, and similar structures, provided they are substantially at grade, (b) storm doors and storm windows, screens, window air conditioners, lighting fixtures, antennae, and similar appurtenances, or any one or more of them, and (c) the color of paint. Exterior architectural features shall 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 building, whether within or without the District, including but not limited to the architectural style and general arrangement and setting thereof; the kind, and texture of exterior building materials; and the type and style of windows, doors, signs, and other appurtenant exterior features.

R:5-1.5 Application for Certificate of Appropriateness. Each application for a Certificate of Appropriateness shall be made in writing upon the forms available at the office of the Town Clerk. Such application shall be submitted to the Commission. The request for a Certificate of Appropriateness shall normally be processed in three stages:

Stage One - Preliminary: The applicant shall outline general nature of proposed work in sufficient detail to determine the completeness of the application and whether or not a public hearing will be required. Photographs of existing conditions and sketches of changes must be submitted to allow the Commission to make informed decisions regarding the appropriateness of the proposed work. Within 14 days of receipt of the application, the Commission must determine if the proposed work is subject to approval. If the work is not subject to approval by the Commission or if it does not involve an exterior architectural feature, as defined above, a Certificate of Non-applicability shall be issued to the applicant so that work may proceed. If the work is subject to review, the Commission shall determine if a public hearing is to be held, in accordance with Ch. 40c which states that if the work to be done is so insubstantial in its effect on the historic district, the application may be reviewed by the Commission without a public hearing. If the Commission determines that a public hearing is not necessary, they must notify all abutters and those deemed to be materially affected by the project at least 10 days prior to the Commission acting upon the application. A public hearing also need not be held if waivers are filled out by the abutters and those who are deemed to be materially affected by the work. The applicant is responsible for seeing that the forms are filled out by the abutters and those who are deemed to be materially affected by the work.

If a public hearing is to be held, the Commission must notify the public at least 14 days in advance and must mail a copy of the notice to the applicant, owners of adjoining properties, and other property owners deemed to be materially affected by the work (as outlined in Ch. 40c.) Ch. 40 c also states that the planning board should be sent a copy of the public hearing notice as well.

Stage Two - Construction Drawings: Prior to commission acting upon the application the applicant shall submit to the Commission fully detailed construction drawings indicating dimensions and materials, for consideration by the Commission. A Building Permit will not be issued without the Commission's approval. Changes visible from a public way which do not require a Building Permit are also subject to review by the Commission.

Stage Three - Completed Construction: Should construction changes be necessary, the applicant shall revise construction drawings to reflect actual as-built conditions. Changes in the work affecting appropriateness will require review and possible corrective work prior to Commission's approval of completed work.

R:5-1.6 Approval or Denial of Applications. The Commission must act upon an application within 45 days of its filing (or longer if an extension is received from the applicant in writing) in accordance with M.G.L., Chapter 40c, as amended, and section 1-5 of The Topsfield Historic District by-law, as amended. Failure to make a determination within this time will result in the issuance of a Certificate of Hardship, which allows the applicant to proceed. If the application is approved by the Commission a Certificate of Appropriateness will be issued to the owner.

If the Commission determines that the proposed work is inappropriate, they must make record of the reasons and send a notice of the determination along with the reasons to the owner. A copy of such notice must be sent to the building inspector as well. The Commission may also make recommendations as to what modifications to the proposal would bring it into acceptability. Prior to issuing this notice, the Commission may notify the applicant of its proposed action and give the recommendations for making the application acceptable. If, within 14 days, the applicant files written modifications to the plans, in

conformity with the recommended changes of the Commission, the Commission may issue a Certificate of Appropriateness.

If the Commission determines that the work proposed is inappropriate but finds that declining the applicant would bring about substantial hardship, financial or otherwise, they may issue a Certificate of Hardship, as long as it will not bring substantial detriment to the public welfare.

Any Certificates issued must be signed and dated by the chairman or vice-chairman and the vote of each member present must be recorded. A copy of the Certificates must be sent to the Town Clerk, Building Department, and another should be sent to the Selectmen's liaison to the Historical Commission. A copy should also be filed in the property files of the Topsfield Historical Commission.

R:5-1.7 Approval of Construction Drawings. The Building Inspector shall not issue a building permit until the construction drawings shall be in accordance with the drawings approved by the Commission, in accordance with Section 6 of M.G.L., Chapter 40c.

R:5-1.8 Changes to Approved Drawings. When drawings have been approved by the Commission, no changes or modification shall be made unless an amendment to the original drawings has been filed with and approved by the Commission.

R:5-1.9 Request for Review. An applicant who disagrees with the findings of the Commission may, within 20 days after filing of the notice of determination with the Town Clerk, file a written request with the Commission for a review by a person(s) of competence and experience in such manners, to be designated by the regional planning agency of which the town is a member. The finding of such a person(s) making the review must be filed with the Town Clerk within 45 days after the request and shall be binding unless further appeal is sought in superior court. Within 20 days of the filing of the determination of the Commission or person(s) assigned by the regional planning agency, the applicant may appeal to the superior court of Essex County.