

Application #

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION**
472 Main Street, Acton, MA 01720

APPLICATION FOR CERTIFICATE

Applicant

Telephone

E-mail

Address

Property owner and address
(if different from applicant)

Location of Work

No.

Street

District: Center ___ West
South

Pursuant to Ch. 40C of the General Laws of Massachusetts, application is hereby made for issuance of a Certificate for work within a Local Historic District.

Description of Proposed work:

(See instructions for additional information required)

The undersigned hereby certifies that the information on this application and that any plans submitted herewith are correct, and constitute a complete description of the work proposed.

Signature of applicant _____ Date

Application received by _____ for HDC. Date

Certificate approved by _____ Date
for Historic District Commission

Certificate of appropriateness not required (Certificate of Non-Applicability issued)

ACTON HISTORIC DISTRICT COMMISSION

MEMBERS and OFFICERS

MEMBER

Brian Bendig, Chairman
74 Nagog Hill Road

CONTACT INFORMATION

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INSTRUCTIONS AND INFORMATION
for filing an application for a
CERTIFICATE
for work in a Local Historic District

I. CONTACT THE HISTORIC DISTRICT COMMISSION BEFORE YOU BEGIN

Anyone contemplating exterior work within a Historic District may contact the Commission to discuss a project before making an application. We can tell you what types of work require a Certificate, whether you need to submit an application, and give you an idea of the types of things that will be approved. A list of Commission members is attached, and any member will be glad to answer your questions, or to set up an appointment on the Commission's meeting agenda to discuss your plans. The Commission meets on the first and third Monday of the month at 7:30 p.m. in Town Hall, 472 Main Street.

II. HOW TO FILL OUT AN APPLICATION FORM

Application forms can be obtained from the Town Clerk's office, or by calling the Commission.

1. Describe the work as fully as possible, attaching separate sheets as necessary.
2. Each application must be accompanied by the following information:
 - A. Diagram(s) or sketch(es) of the proposed work:
 - for some minor alterations such as doors, windows, and lighting fixtures, one sketch showing the proposed location on the building or property, along with a manufacturer's information page, is usually sufficient;
 - for all new construction, including an addition to an existing building, please submit views drawn to scale (1/4"=1') of all visible exterior elevations, applicable floor plans, along with explanatory notes, sections, and details of architectural trim, door and window types, etc. Include a plot plan, showing the existing building(s) and the location of the new construction;
 - for a sign, please submit a scale drawing of the proposed design, a representation of the lettering style, information on materials to be used, and a sketch of the sign's position on the building. For a free-standing sign, a plot plan, showing proposed location of the sign, with all distances from the building and lot lines, must be provided;
 - B. Photographs of the existing conditions. Polaroids are fine; if you do not have access to a camera, let us know and we will take a photograph;
 - C. Any additional drawings, diagrams, photos, product samples, and specifications requested by the Commission.
3. Date, sign, and fill in all requested information on the application form. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.
4. Mail or deliver two copies of the full application to the Town Clerk at Town Hall, 472 Main St., Acton. With the exception of municipal or non-profit applicants, an application fee, payable to the Town of Acton, is required for a Certificate of Appropriateness or a Certificate of Hardship, as follows: Alterations (new windows, doors, roofing, fencing, etc.): \$10; additions: \$25; new construction: \$50; signs: \$15. No fee is required for a Certificate of Non-applicability. In addition to the application fee, if a Public Hearing is held on an application, the applicant will be billed for the Legal Notice.

III. COMMISSION REVIEW OF APPLICATIONS

The Commission may appoint one or more of its members to initially screen applications to informally determine whether any application includes and/or is submitted with sufficient information upon which the Commission may conduct its review. Within 14 days following the first filing of an application, the Commission or its appointee/s may determine that insufficient information has been provided, in which case the application may be once returned to the applicant, with written advice as to what was considered to be lacking. The applicant will then be required to re-file the application before any further Commission action is required.

The Commission will consider applications in the order of their receipt. The Commission may hold a public hearing on the application, or, if the proposed work is minor in nature, may undertake to review it without a public hearing. In either case, your presence at the meeting at which your application is discussed will help its processing, as the Commission may need more information before it can make a decision, or might request minor changes that will make your application subject to quick approval.

IV. GENERAL INFORMATION ABOUT EXTERIOR WORK IN A LOCAL HISTORIC DISTRICT

1. Work on a project requiring Commission approval shall not be started until the required Certificate, as well as any other applicable permit or license, has been issued.
2. Changes may be made from the work described in the approved Certificate only with the Commission's written approval, usually in the form of an amended Certificate.
3. All Certificates are valid for work commenced within one year from the date of issuance. An extension or renewal of a Certificate will be granted at the discretion of the Commission. If a property changes ownership during the time a Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her name.

4. Types of Certificates

The Commission has a maximum of 14 days to determine if work proposed in an application is within its jurisdiction. If the work is not under the Commission's jurisdiction, a Certificate of Non-applicability will be issued. A Certificate of Non-applicability is not always needed, but if the applicant is seeking other permits, such as a roofing or building permit, it is issued to show the permitting department that the Historic District Commission has checked the plans.

If the work proposed in an application falls under the Commission's review, it will need a Certificate of Appropriateness. This is the Certificate that shows that the proposed work has been found to be compatible with the character of the property and the Historic District.

In rare cases, the Commission may issue a Certificate of Hardship. In this case, the applicant will be asked to indicate on a separate sheet the reasons why (a) owing to conditions affecting the building or structure, but not affecting the district as a whole, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant, and (b) no substantial detriment to the public welfare, and no substantial derogation from the intent and purpose of the Acton Historic District Bylaw would result from approval of the application.

5. The Commission reserves the right to defer its final decision on a proposal up to 60 days from the recorded date of an application.
6. A person aggrieved by a determination of the Commission may, within twenty days of the issuance of a Certificate or disapproval, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Council.

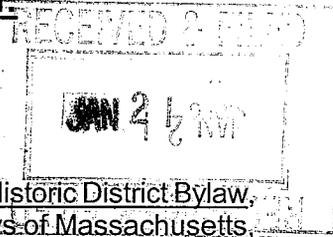
CRITERIA FOR HISTORIC DISTRICT COMMISSION DECISIONS

In making a determination for a Certificate of Appropriateness, the Acton Historic District Commission will use the following general standards as a basis for its decisions:

1. The historic character of a property, and its contribution to the character of the district as a whole, shall be retained and preserved. The removal of historic materials or alteration of features that distinguish a property diminishes its integrity, and shall be avoided. Distinctive details, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
2. Each property will be recognized as a physical record of its time and place. Changes that give a false sense of historical development shall not be undertaken.
3. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
4. When possible, deteriorated historic features shall be repaired rather than replaced. Replacement of missing or unsalvageable features shall be substantiated by documentary, pictorial, or physical evidence.
5. New construction, additions, alterations, and installation of modern functional items such as electrical fixtures, antennae, etc., shall not destroy or detract from historic materials and features that characterize the property. The new work should be differentiated from the old, but shall be compatible with the massing, size, scale, style, materials, and architectural details of the historic property. All such work shall be undertaken in such a way that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
6. Chemical or physical treatments that cause damage to, or entail removal of, historic materials shall not be used.

ACTON HISTORIC DISTRICT COMMISSION:

RULES AND REGULATIONS



1. GENERAL RULES; JURISDICTION

The Acton Historic District Commission shall be governed by the Acton Local Historic District Bylaw, Chapter P of the Acton Town 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 Acton, on file in the town Engineering Department and at the Middlesex County Registry of Deeds.

2. MEETINGS OF THE COMMISSION

Regular Meetings of the Commission generally will be held on the **first** and **third** Mondays of each month at 7:30 p.m. in Town Hall. 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. A quorum of four members is required for the Commission to conduct any business and to vote on applications for certificates.

Special Meetings of the Commission may be held at the call of the Chairperson or at the request of two members. Notice of Special Meetings shall be posted as above.

Cancellation of Meetings. If there is no Commission business to conduct, the Chairperson 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.

3. COMMISSION REVIEW OF CHANGES TO PROPERTIES IN HISTORIC DISTRICTS

3.1 Changes not requiring Commission approval

Only a few types of exterior changes to properties may be undertaken without applying for a certificate from the Commission:

- exterior painting
- flags and flagpoles
- planting or removal of trees, shrubs, and other plants, with the exception of any plantings required by the Commission for screening purposes
- movable garden furniture, objects and ornaments, such as bird and bathhouses, bird feeders, rocks in rock gardens
- temporary play equipment (not set in cement or attached to a building)
- temporary signs, etc., including political and real estate signs

For any proposed changes not on this list or set forth in the list of exclusions at Par. 9.1 of Chapter P. Acton Town Bylaws, an application for Certificate must be filed before work can begin. (See attached General Information about Exterior Work in a Local Historic District.) Before undertaking any work of which there is any doubt as to Commission jurisdiction, the owner or applicant should contact the Commission via e-mail at hdc@acton-ma.gov or by contacting the Town Clerk and requesting that the Commission be contacted.

3.2 Procedures regarding changes which require Commission approval

Most 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 issued by the Commission before the work begins. In order to obtain a Certificate of Appropriateness, a property owner must submit an Application for Certificate. In some cases, after examining an application or request, the Commission will determine that the proposed work falls into a category which is excluded from its jurisdiction, and will issue a Certificate of Non-applicability. In general, a Certificate of Non-applicability is required only for work that is both out of the Commission's jurisdiction and which requires additional approval(s) from other town boards and departments.

3.2.1 Preliminary procedures

The Commission shall determine within 14 days of the filing of a written application or the receipt of a request for a Certificate of Non-Applicability whether the work proposed involves any architectural or site features which are within its jurisdiction.

3.2.2 Certificate of Non-applicability.

If the Commission determines that the proposed work 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. The Chairperson, Vice-Chairperson, and Secretary are hereby designated to determine individually, without a vote of or consultation with any other members, the Commission's jurisdiction in regard to any applications for Certificates or to any requests for Certificates of Non-applicability. If the designated member of the Commission who has undertaken to review a request or application for determination of the Commission's jurisdiction finds that the work proposed in such an application or request qualifies for a Certificate of Non-applicability under the Acton Local Historic District Bylaw, he or she may issue such a certificate without the approval of a majority of the Commission, and without the Chairperson's signature. At the next regular meeting of the Commission, the Chairperson or other designee will provide copies of any Certificates of Non-applicability issued since the last meeting. Notwithstanding a finding of jurisdiction by the designated member of the Commission who has undertaken to review a request or application for determination of the Commission's jurisdiction, the full Commission may issue a Certificate of Non-applicability.

3.2.3 Categorical approval

The Commission shall exclude from its review all categories listed in the Acton Local Historic District Bylaw, Section 9 (Exclusions). In addition to those exclusions, upon the receipt of an application and the issuance of a Certificate of Non-applicability, the following categories of work may be undertaken without review by the Commission:

- shingle-covered roof ridge vents in re-roofing projects, if low in profile and extended all the way to the gable ends;
- Drip edges, finished to blend with architectural trim; alternatively, a starter course of cedar shingles.

3.2.4 Filing an application

Anyone seeking a certificate from the Commission for changes to a Historic District property shall file an application for certificate with the Commission and the Town Clerk. The application shall be accompanied by such plans, elevations, specifications, material and other information as may be deemed necessary by the Commission. (See **Instructions and Information for filing an application for a Certificate for work in a Local Historic District.** [Attached].)

An application fee, payable to the Town of Acton and collected by the Town Clerk, is required for all complete applications except those for work which the Commission determines is not within its jurisdiction, and for those submitted by municipal or non-profit applicants. The fee covers the costs of processing the application, and does not guarantee that a Certificate will be issued.

The Commission may appoint one or more of its members to initially screen applications to informally determine whether any application includes and/or is submitted with sufficient information upon which the Commission may conduct its review. Within 14 days following the first filing of an application, the Commission or its appointee/s may determine that insufficient information has been provided, in which case the application may be once returned to the applicant, with written advice as to what was considered to be lacking. The applicant will then be required to re-file the application before any further Commission action is required. Any second filing of essentially the same application must be formally acted upon by the Commission.

ACTON HISTORIC DISTRICT COMMISSION: RULES AND REGULATIONS, cont.

3.2.5 The Certificate of Appropriateness: waiver of public hearing.

If the Commission determines that an application requires Commission review, the Commission will obtain 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 send a Notice of Waiver of Public Hearing to 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 Certificate shall be issued on the application for 10 days after the mailing of the Notice of Waiver of Public Hearing. Between Commission meetings, the Chairperson, Vice-Chairperson or Secretary may determine whether an application may be reviewed without a public hearing. At the next regular meeting of the Commission, the officers shall report on all applications for which such determination was made. Notwithstanding a decision by a designated member of the Commission to hold a public hearing on an application, the full Commission may decide to review an application without a public hearing.

3.2.6 Applications requiring public hearing.

If the Commission determines that an application requires a public hearing under the provisions of Ch. P, the Acton Local Historic District Bylaw, it shall hold such a hearing within 45 days of the date of the filing of the application. As above, the Commission will obtain a certified list of abutters. At least 14 days before the hearing, the Commission shall give public notice of the time, place, and purpose of the hearing by posting a notice in Town Hall and in a newspaper of general circulation in Acton. The cost of the public hearing notice shall be charged to the applicant. 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 Acton Building and Engineering Departments, Planning Board, Board of Selectmen, Historical Commission, 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.

3.2.7 Review and hearing procedures

The Commission will consider applications in the order of their receipt. An applicant may appear in person or by agent at the Commission meeting. Review of an application will generally be conducted according to the following procedure:

1. The Chairperson shall give a preliminary statement concerning the application,
2. The applicant or representative shall present the 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 Chairperson 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.

3.2.7 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 an application, it will disclose any such additional information on which it may rely at the hearing, and give the parties an opportunity to comment on that information.

3.2.8 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.

(See also Sections 8, 9, and 10 of the Local Historic District Bylaw, Criteria for Historic District Commission Decisions, and the Instructions and information for Filing an Application for a Certificate.)

3.2.9 Commission decisions.

In all its decisions on applications the Commission shall state its reasons for the decision, supported by appropriate Findings of Fact. A decision on an application may be accompanied by conditions and/or recommendations. In the case of a disapproval of an application, 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 incompatible with the character of the property or the district, it will 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 on arriving at a solution satisfying all concerned while still abiding by the terms and spirit of the Local Historic District Bylaw.

Within 60 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 Certificate or disapproval to the applicant and to the Building Commissioner, and shall file a copy of all Certificates and disapprovals with the Town Clerk. If the Commission should fail to issue a Certificate or disapproval within 60 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.

3.2.10 Conditions applicable to Par. 9.1.1 of Ch. P, Acton Town Bylaws

The Commission specifies the following conditions pertaining to the duration of existence and use, location, lighting and removal of Temporary Buildings and Structures, as those terms are defined in Ch. P, Acton Town Bylaws.

1. No such Temporary Building or Structure shall be located within any Historic District Area on publicly owned land, including but not limited to the Town Common.
2. No "Portable on Demand" or other such storage-type unit shall be located on any property within a Historic District Area and visible from a public way for longer than sixty days during any twelve month period.
3. No Temporary Building or Structure shall be lighted or illuminated.

3.2.11 Regulations regarding violations in progress

If the Chairman, Vice-Chairman or Secretary of the Commission becomes aware of planned or incomplete construction or other work in violation of Ch. P. Acton Town Bylaws, or these Rules and Regulations, then acting through one or more of these officers the Commission shall promptly notify

the Building Commissioner or other appropriate Town official(s). If incomplete violative work requires Town permits, such as from the Building Department or the Health Department, the Commission expects the work to be stopped by the appropriate Town official(s). If the incomplete violating work does not require a Town permit, the Commission will issue a notice to the violator that it intends to apply the enforcement remedies set forth in Ch. P, Acton Town Bylaws and these Rules and Regulations. A violator may apply for a Certificate from the Commission after violating work has begun, but neither the Commission nor the Town are deprived of any rights or remedies thereby, and the Commission is not obligated to approve any work or design that is not historically appropriate or fails to comply with Ch. P, Acton Town Bylaws and these Rules and Regulations.

3.2.12 Conditions applicable to certain signs

The Commission has determined that neon and other electric SIGNS mounted behind windows of a BUILDING or STRUCTURE and non-electric SIGNS affixed to the back of such windows fall within the definition of "EXTERIOR ARCHITECTURAL FEATURE" as set forth in Paragraph 2 of Ch. P, Acton Town Bylaws, to the extent such signs are open to view from a public way. No such SIGN shall be placed, created, affixed or used from the effective date of this paragraph 3.2.12.

3.2.13 Conditions applicable to satellite dishes

The Commission has determined that satellite dishes for receiving television, radio or other electronic transmissions or signals are incompatible with the historic appearance of the Historic District Areas if such satellite dishes are visible from the public way, and thus are disfavored and unlikely to be approved except in extraordinary circumstances.

3.2.14 Measures pertaining to limited review jurisdiction regarding minimizing the visual impact of driveways or other STRUCTURES SUBSTANTIALLY AT GRADE LEVEL per Ch. P. par. 9.1.3, Acton Town Bylaws

No driveway, parking area, parking lot or other STRUCTURE SUBSTANTIALLY AT GRADE LEVEL shall be constructed if visible from a public way unless it is completely screened by vegetation to the satisfaction of the Commission (except for driveway and parking entrances) and, if intended as residential parking for more than four motor vehicles, it must be smaller than 800 square feet in total, exclusive of the non-parking drive aisle.

4. TERMS OF CERTIFICATES

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 Town Clerk, 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. However, the applicant may request an extension or renewal of the Certificate, and at its discretion the Commission may grant, in writing, an extension or renewal of the Certificate for a period not to exceed one year.

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.

The Commission may specify as a condition to any Certificate it issues that the applicant or his/her successor notify the Commission of the completion of the work so that the Commission may ensure compliance with the terms of the Certificate.

ACTON HISTORIC DISTRICT COMMISSION: RULES AND REGULATIONS, cont.

5. THE CERTIFICATE OF HARDSHIP

In the case of either a disapproval or in the event 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 Ch. P., the Local Historic District Bylaw. If it finds that both these conditions are met, the Commission shall, on a concurring vote of four members, issue a Certificate of Hardship.

6. APPEAL AND AGGRIEVEMENT PROCEDURES

A person aggrieved by a determination of the Commission may, within twenty days of the issuance of a Certificate or disapproval, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Council. The arbitrator's finding shall be filed with the Town Clerk within 45 days of the request, and shall be binding on the applicant and the Commission unless a further appeal is sought in Superior Court as provided in Chapter 40C, Section 12A. Such further appeal must be filed within 20 days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7. ENFORCEMENT AND PENALTIES

The Commission shall determine whether a particular activity is in violation of the terms of the Acton Local Historic District Bylaw. Upon a written complaint of any Acton resident or property owner, or upon its own initiative, the Commission shall institute any appropriate action or proceedings in the name of the Town of Acton to prevent, correct, restrain, or abate violation of the Bylaw. If, in response to a written request to enforce the Bylaw the Commission declines to act, it shall so notify, in writing, the party requesting such enforcement within 21 days of receipt of such request.

The penalty for violation of the Local Historic District Bylaw is \$25 per offense. Each day during any portion of which such violation continues to exist constitutes a separate offense. If an owner, owner's agent, or lessee continues to violate the provisions of the Acton Local Historic District Bylaw, Chapter 40C of the Massachusetts General Laws, these Rules and Regulations, or the decisions of the Commission, the Commission shall have recourse to the enforcement provisions of Section 13 of Chapter 40C of the Massachusetts General Laws.

8. AMENDMENTS

The Rules and Regulations of the Historic District Commission may be amended after public hearing by an affirmative vote of not less than four members of the Commission, provided that such amendment shall first have 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.