

## ARTICLE 21

### **GRAFTON COMMON HISTORIC DISTRICT AND GRAFTON HISTORIC DISTRICT COMMISSION**

**SECTION 1. Name.** This by-law shall be known and may be referred to as the Grafton Common Historic District By-Law.

**SECTION 2. Purpose.** The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive outward appearance and characteristics of building and places significant in the history of the Town of Grafton by means of the maintenance and improvement of the appearance and settings for such buildings and places and by the encouragement of design and construction compatible therewith.

**SECTION 3. The Grafton Common Historic District.** There is hereby established pursuant to the provisions of Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended, (the "Historic Districts Act") an historic district to be known as the Grafton common Historic District, which district is shown on a plan that is on file in the Town Clerk's office for the Town of Grafton entitled "Plan of Boundary of the Grafton Common Historic District dated November 17, 1980, drawn by Edmund Hazzard."

**SECTION 4. The Grafton Historic District Commission.** There is hereby established pursuant to the provisions of the historic District Act an historic district commission which shall be known as and may be referred to as the Grafton Historic District Commission (hereinafter called the "Commission").

**SECTION 5. Commission Membership.** The Commission shall consist of seven registered voters whose members shall be appointed by the Board of Selectmen, none of whom need be residents of or owners of property in an historic district to be administered by the Commission. Before making an appointment, the Board of Selectmen shall, in writing, request the names of two nominees from the Grafton Historic Society, or the then local historic society, or in the absence thereof, from the Society for the Preservation of New England Antiquities; two nominees from the Chapter of the American Institute of Architects covering the Town of Grafton; and two nominees from the Greater Worcester Board of Realtors, Inc., or the then local Board of Realtors, covering the Town of Grafton. If such organizations submit nominees within thirty days of such request, the Board of Selectmen must appoint one member for each such organization which submits nominees. If any such organization shall fail to name its two nominees within thirty days of such request, the Board of Selectmen may make the appointment without nomination from such organization. The remaining appointments may be made by the Board of Selectmen without nomination from any organization. When the Commission is first established, two members shall be appointed for a term of one year, two shall be appointed for terms of two years, and three shall be appointed for terms of three year. A successor to a member shall be appointed by the Board of Selectmen in the same manner as such member was appointed, except that his term shall be for three years. The Board of Selectmen may also appoint not more than three alternate members to serve for terms of three years. Such alternative members, who need not be from nominees of organizations entitled to nominate members, may attend all meetings of the Commission and participate in its discussions, but may not vote upon any matter coming before the Commission. If a vacancy on the Commission occurs, the vacancy shall be filled, for the original term, by recommendations of the remaining Commission

members to the Board of Selectmen of an alternate member to serve. Each member and alternate member shall serve without compensation. (T.M.10/20/03)

**SECTION 6. Powers and Duties of the Commission**

- a. **General Powers and Duties.** The Commission shall have jurisdiction over and shall administer any historic district that is established by the Town of Grafton in accordance with and pursuant to the provisions of the Historic District Act. In this connection, the Commission shall have all the powers and perform all the duties that are conferred and imposed on historic district commissions by the Historic Districts Act and by subsequent amendments thereto and which are not inconsistent with the provisions of this by-law.
- b. **Power to Adopt Rules and Regulations - Notice.** The Commission may adopt and amend such rules and regulations for the conduct of its business as are not inconsistent with the provisions of the Historic Districts Act, this by-law, and of subsequent amendments, respectively, thereto. Prior to the adoption of or the amendment to any of its rules or regulations, the Commission shall hold a public hearing for the purpose of considering such proposed rules or regulations or any amendments thereto. Notice of such public hearing shall be given by the publishing of a written notice in a newspaper have a general circulation in the Town of Grafton at least fourteen days prior to the date that has been set for such hearing. Such notice shall set forth such proposed rules or regulations or amendments thereto, in their entirety, and shall also state the date, time and place that has been set for such hearing. Such rules and regulations shall be adopted and amended only upon the compliance with any additional notice requirements that may be imposed upon the Commission after the adoption of this by-law by the Commonwealth of Massachusetts.
- c. **Power to Employ Assistants, Accept and Expend Money.** The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend the same for such purposes.
- d. **Additional Powers.** The Commission shall have such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of a Town Meeting and such powers, authority and duties as may be vested in it under the laws of the Commonwealth of Massachusetts.

**SECTION 7. Exclusions from Commission's Authority.** The authority of the Commission shall not extend to the review of any of the following categories (a) through (e) as hereinafter listed, of buildings, structures or exterior architectural features in the Grafton Common Historic District established by paragraph three above;

- a. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may from time to time specify, and, subject also, to applicable laws and Town By-Laws;
- b. Terraces, walks, sidewalks and similar structures provided that any such structure is substantially at grade level;

- c. Ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material or color or the outward appearance thereof;
- d. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other casualty, provided such reconstruction is commenced within one year from the date of such damage and is completed with due diligence; and
- e. Landscaping with plants, trees or shrubs.

**SECTION 8. Appeals.** Any person who files an application with the Commission and who is aggrieved by a determination of the Commission may, within twenty days after the filing of a notice of such determination with the Town Clerk, file a notice of appeal with the Commission for a review of such determination by a person or persons experienced in such matters, designated by the Central Massachusetts Regional Planning Agency. Upon receipt of such notice of appeal, the Commission shall forthwith notify the Central Massachusetts Regional Planning Agency with shall thereafter designate a person or persons to hold a hearing. A written report of such person's decision shall be filed with the Town Clerk within forty-five days of receipt of notice of appeal by the Commission. The failure of the Commission and/or the Central Massachusetts Planning Agency to comply with the provisions hereof, shall entitle the applicant to such remedies as are then available under the applicable laws of the Commonwealth of Massachusetts.

**SECTION 9. Enforcement.** The enforcement of this by-law and penalties for its violation shall be as prescribed in the Historic Districts Act, as from time to time amended.

**SECTION 10. Severability.** In case any section, paragraph or part of this by-law is, for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. Unless otherwise provided herein, all terms used in this by-law shall have the same meanings as set forth in the Historic Districts Act, as from time to time amended.

(T.M. 6/3/81)