



**TOWN OF GRAFTON**  
GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519

**HISTORIC DISTRICT COMMISSION**  
**Rules and Regulations of the**  
**Grafton Historic District commission**

**ARTICLE I – ORGANIZATION**

**Section 1 – Members.** There shall be seven members of the Commission and the alternate members who shall be appointed by the Board of Selectmen in the manner and for the terms specified in the Historic District By-law.

**Section 2 – Officers.** At the first regular meeting of the commission following the annual appointment of members by the Board of Selectmen, the Commission shall elect a Chairman, Vice-Chairman, and Secretary from its own members.

**Section 3 – Chairman: Powers and Duties.** The Chairman shall vote and be recorded on all matters coming before the Commission. Subject to these rules, he shall decide all points of order, unless overruled by a majority of the Commission in session at the time. He shall appoint such Committees as may be found necessary or desirable. In addition to powers granted by statute and the Historic District By-law, and subject to these rules and regulations, the Chairman shall transmit the official business of the Commission, direct the work of all subordinate, and exercise general supervisory power. He shall, at each meeting, report on all official transactions that have not otherwise come to the attention of the Commission.

**Section 4 – Vice Chairman: Duties.** The Vice Chairman shall act as Chairman in case the Chairman is absent, disabled or otherwise unable to perform his duties.

**Section 5 – Secretary: Duties.** Subject to the direction of the Chairman, the Secretary shall supervise and be responsible for all the clerical work of the Commission, including: all correspondence of the Commission, review of all applications for compliance with the rules and regulations of the Commission, keeping minutes of the Commission's proceedings, compiling all required records and maintaining necessary files and indexes, filing annual reports and maintaining the roster of the membership with the Massachusetts Historical Commission. The Commission may hire a clerical Secretary to carry out some of the aforementioned duties.

**Section 6 – Quorum.** Four members of the Commission shall constitute a quorum. Less than a quorum may adjourn any meeting from time to time, and the meeting as so adjourned may be held without further notice.

**Section 7 – Meetings.** Meetings shall be called by the Chairman or in his absence the Vice-Chairman, or at the request of two members. Notices of meetings shall be given to each member at least 48 hours before the time set for the meeting and shall be posted publicly as required by law.

## **ARTICLE II – APPLICATION TO THE COMMISSION**

**Section 1 – Filing.** Application to the Commission for Certificates of Appropriateness, Non-Applicability, or Hardship must be made in triplicate on the form or forms provided by the Commission, a copy or copies of which are attached to these Rules and Regulations. The form shall be completely filled out and filed with the Commission in care of the Office of the Town Clerk. The Commission may return an application to the applicant if the information supplied is insufficient. In such cases, the official date of the filing shall be that of receipt of an application conforming with these rules. No application will be accepted if the proposed work conflicts with existing statutes and/or Town By-laws.

**Section 2 – Withdrawal.** An application may be withdrawn by notice in writing to the Commission at any time prior to the Commission's making of a determination.

**Section 3 – Design Changes.** An applicant wishing to make design changes after a Certificate has been issued must provide in writing to the commission a request to withdraw the existing Certificate and file a new application for the proposed changes.

## **ARTICLE III – DETERMINATIONS AND HEARINGS**

**Section 1 – Determination as to Control of the Work.** Within 14 days after the filing of an application for a Certificate of Appropriateness, Non-Applicability, or Hardship, the Commission shall meet to determine if the application involves changes or alterations of exterior architectural features which are subject to control by the Commission.

**Section 2 – Certificate of Non-Applicability.** If the Commission determines that the application involves changes or alterations which are not subject to its control, a Certificate of Non-Applicability shall be issued.

**Section 3 – Other Certificates.** If the Commission determines that the application does involve changes or alterations subject to its control, it shall then determine whether or not to waive public hearing on that application.

- (a) **Waiver by the Commission.** If the Chairman determines that the changes or alterations involved in the application are so insubstantial in their effects on the Historic District that no public hearing is required, the Commission may waive the requirement of a public hearing. Notice of the application and the decision to waive the public hearing shall be mailed to the owners of the adjoining property and of other property deemed by the Commission to be materially affected thereby, and ten days from the date of such notice must elapse before work is commenced.
- (b) **Scheduling of public hearing.** If the Commission determines that a public hearing should be held, it shall schedule that meeting for a date that provides at least 14 days advance public notice. Notice, indicating the owner(s), applicant, if different, and property involved, and the time and place of the hearing shall be published in a newspaper of general circulation in the Town and the following parties shall be notified by mail: the applicant, owners of adjoining property, Town Planning Board, any person who has filed a written request for such notices (such as requests to be renewed

yearly in December), owners of property deemed to be materially affected, and any other persons the Commission deems entitled to written notice. If all persons entitled to receive notice of the public hearing waive the hearing in writing, the hearing need not be held. All hearings of the Commission shall be open to the public.

(c) Order of Business (General Outline).

1. The Secretary or his designee shall present the public notice, the application, and any other documents submitted to the Commission in connection with the application.
2. The applicant or his designee may make a presentation in order to explain or supplement the application.
3. General comments and questions from persons either in favor of or opposed to the application, if any, shall be entertained by the Commission.
4. The applicant may be asked to answer questions raised by persons in attendance or asked questions by members of the Commission.

**Section 4 – Final Determination.**

- (a) Recording of the proceedings. The Commission shall keep a detailed record of its proceedings including the reasons for its decisions and the votes of its members.
- (b) Time Limitation. Within 60 days of the date of filing of an applicant, the commission shall make a determination. This time limitation may be extended if the applicant gives his written assent. If the Commission fails to act within said 60 day period, the Commission shall be deemed to have approved the application.
- (c) Voting requirement. The concurring vote of at least four members of the Commission shall be necessary to issue Certificates of Appropriateness, Nonapplicability, or Hardship.
- (b) Disapproval. A notice of the determination and the reasons as set forth in the records shall be issued to the applicant. The Commission may make recommendations to the applicant either before or after its determination of disapproval. If such recommendations for changes in design, arrangement, texture, material and similar features are adopted by the applicant, the applicant files written modifications of his application in conformity with the recommended changes of the Commission within 14 days after receipt of such notice, the Commission shall issue a Certificate of Appropriateness.
- (b) Hardship. If an application for Certificate of Hardship is received, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the Historic District generally, failure to approve will involve substantial hardship, financial or otherwise, to the applicant, and whether the application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of the by-law establishing the Historic District. If the commission determines that failure to approve the application will involve such substantial hardship to the applicant, and that

approval may be made without substantial detriment and such derogation, a Certificate of Hardship will be issued.

**Section 5 – Amendment and Design Guidelines.**

These rules and regulations may be amended by the Commission by majority vote of the members at a public meeting, provided notice is given in accordance with the Historic By-law. The Commission may, from time to time, adopt design guidelines to aid property owners and residents in making changes and alterations to building and structures within the Historic District.