

HISTORIC DISTRICTS COMMISSION RULES

Part I: General Provisions

Rule 1. Scope

The following Rules are adopted by the Framingham Historic District Commission in accordance with the provisions of the General Laws of the Commonwealth of Massachusetts, Chapter 40C, and article VII, Section 5 of the By-Laws of the Town of Framingham.

Rule 2. Severability

If any provision of these Rules is declared invalid because it is in conflict with the General Laws of Massachusetts or the By-Laws of the Town of Framingham, such invalidity shall have no effect on the validity of the remaining provisions of these Rules not so in conflict.

Rule 3. Commission Officers

The Commission shall annually elect, at a meeting in June, a Chair, Vice-Chair and Clerk.

Part II: Procedure for Filing Applications

Rule 4. Filing of Applications

A proceeding shall be commenced by filing, with the Town Clerk, a written application for a Certificate of Appropriateness, a Certificate of Non-Applicability or a Certificate of Hardship, as the case may be, in the form provided by the Commission. The Town Clerk shall, forthwith, transmit copies of all documents in the proceeding to the Chairman of the Commission and to the Building Commissioner. A filing fee of \$50.00 shall accompany the application.

Rule 5. Application Form

The application filed with the Town Clerk shall contain the name and address of the Applicant and the property involved. When any exterior reconstruction or new construction is proposed, a description of the proposed work shall be accompanied by plans and drawings and such other pertinent information as the Commission may require.

Rule 6. Determination of Applicability

The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a Certificate of Appropriateness, a Certificate of Non-Applicability or a Certificate of Hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features, the Commission shall notify the applicant that the Commission shall hold a public hearing on such application.

Part III: Hearings

Rule 7. Hearings

Hearings of the Commission shall be held at the call of the Chairman or at the request of two members of the Commission.

Rule 8. Notice of Hearing

In all cases, within fourteen (14 days), notice by regular mail shall be sent to the Applicant and to those persons who are resident owners or non-resident owners within the applicable District. Such persons are hereby deemed by the Commonwealth to be affected by the application. Notice shall also be given to the Planning Board and shall be posted in the Town Clerk's Office.

Rule 9. Procedure at the Public Hearing

The Applicant shall first present all evidence in support of the application. The Commission shall then hear from persons in support of the application or persons who have questions regarding the application. Persons opposed to the application shall then be heard. The Applicant shall then be allowed to summarize their proposal. The Commission may then, at its option, either continue the hearing until a date certain or deliberate and vote on the application.

Rule 10. Standards for Decision

The Commission shall be guided by the provisions of M.G.L. Chapter 40C and Article VII, Section 5 of the By-Laws of the Town of Framingham.

Rule 11. Filing of the Decision

All decisions of the Framingham Historic District Commission shall be filed in the office of the Town Clerk, within fourteen (14) days of the close of the public hearing. Notice of the decision shall be mailed to the Applicant and to any person requesting such notification.

Rule 12. Appeals

Any appeal from a decision of the Framingham Historic District Commission shall be taken in accordance with, and shall be governed by, the provisions of M.G.L. Chapter 40C, Section 12A.