

Easton Local Historic District Rules & Regulations

Section 1: Purpose

The purpose of these Rules and Regulations is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Easton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture in the district, all pursuant to Chapter 152 of the Bylaws of the Town of Easton.

Section 2: General Provisions

1. The following rules are hereby adopted by the Easton Historic District Commission as provided in Chapter 40C of the Massachusetts General Laws, for the purpose of establishing uniform procedures for the granting of Certificates of Appropriateness, Non-Applicability, and Hardship. For the purposes of these certificates, the Easton Historic Commission, serving as the Easton Historic District Commission, is the Certificate Granting Authority.
2. These rules and regulations may be amended by majority vote of the Easton Historic District Commission members present and voting, according to Chapter 152 of the Bylaws of the Town of Easton.
3. These rules and regulations are effective when filed with the office of the Town Clerk, with appropriate endorsement, including:

- Date of Adoption
- Date filed with Town Clerk

Section 3: Definitions

The following definitions are adopted from Chapter 152, the Local Historic District By-Law. These terms retain the same definition for the purposes of these rules and regulations.

ALTERATION, TO ALTER — The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING — A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE — A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in Chapter 152 and these Rules and Regulations.

COMMISSION — The Local Historic District Commission as established in Chapter 152.

CONSTRUCTION, TO CONSTRUCT — The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA — The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the sign. The display area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the display area shall be defined as the area of one face of the sign.

DISTRICT — The Local Historic District as established in this chapter consisting of one or more District areas.

EXTERIOR ARCHITECTURAL FEATURE — Such portion of the exterior of a building or structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED — The applicant; an owner of adjoining property; an owner of property within the same District area; an owner of property within 100 feet of said District area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts.

SIGNS — Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE — A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk or driveway.

TEMPORARY BUILDING—A building not to be in existence for a period of more than two years. The Commission may further limit the time periods set forth herein as it deems appropriate.

TEMPORARY STRUCTURE or BUILDING — A structure not to be in existence for a period of more than one year. The Commission may further limit the time periods set forth herein as it deems appropriate.

Section 4: The Easton Historic District Commission

1. The seven regular members of the Easton Historic Commission shall function as the Easton Historic District Commission with all the powers set forth in General Laws C. 40, Section 8D.

2. The Board of Selectmen shall appoint four alternate members to the Easton Historic District Commission. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote.

3. In the absence of one or more permanent members, as aforesaid, alternate members shall be appointed by the Chairman to vote at the meeting. Alternate members who are present and who are not appointed to vote in place of an absent permanent member shall be entitled to otherwise participate in all meetings and hearings.

4. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District.

Section 5: Powers and Duties

1. The Commission shall exercise its powers in administering and regulating the construction and alteration of any structures or buildings within the District as set forth under the procedures and criteria established in Chapter 152. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each building, Structure and District area.

2. The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and, from time to time, amend guidelines which set forth the designs for certain exterior architectural features which are, in general, suitable for the issuance of a Certificate. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.

A. While the guidelines shall establish norms and parameters for the decisions of the Commission during design reviews, exceptions due to specific characteristics of a particular property or its context shall be recognized and allowed at the Commission's discretion. Such discretionary latitude is not to be confused with any consideration related to Certificates of Hardship.

B. The fact that the guidelines may be silent on a specific issue shall not preclude the Commission from ruling with respect to that issue within the limits allowed by the Bylaw and MGL c. 40C.

Section 6: Actions Prohibited Without A Certificate

1. Except for the exclusions listed below, no building or structure within a District shall be constructed or altered in any way that affects the exterior architectural features as

visible from a public way or ways, unless the Commission has first issued a Certificate authorizing such construction.

2. Except in the case of an applicable exclusion, no building permit for construction of a building or structure or for alteration of an exterior architectural feature within a District and no demolition permit for demolition or removal of a building or structure within a District shall be issued by the Town or any department thereof until an appropriate Certificate as required under this chapter has been issued by the Commission.

Section 7: Exclusions

1. The Commission shall EXCLUDE from its purview the following items A-J. Regarding these exclusions, a request may be made for a Certificate of Non-Applicability. Within 14 days of said application, the Commission shall issue said Certificate. (Note: The primary reason for requesting a Certificate of Non-Applicability for an excluded change is for presentation to another board or commission.)

A. The ordinary maintenance, repair or replacement of any exterior architectural feature within a District which does not involve a change in design, material or the outward appearance thereof and for which a building permit is not required.

B. The color of exterior paint.

C. Interior changes, or architectural features not subject to public view from a public way.

D. Temporary buildings, structures or signs subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify in an administrative proceeding (non-hearing).

E. Landscaping with plants, trees or shrubs.

F. Signs of not more than two (2) square feet in a display area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure which is not more than six (6)

square feet in a display area, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

G. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence. The Commission may grant one extension of up to 12 months upon demonstration of good cause as to why the extension is needed.

H. The meeting of requirements certified by the Easton Building Commissioner to be necessary for protection of public safety due to an unsafe or dangerous condition.

I. Any construction or alteration under a permit duly issued prior to the effective date of the Local Historic District.

J. Flagpoles 25 feet or under painted or fabricated in white or black with gold or silver finials.

2. The Commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Offices and in a newspaper of general circulation in Easton, that certain additional categories of Exterior Architectural Features, Structures or Buildings under certain conditions may be Constructed or Altered without review by the Commission. Such a waiver may only be granted where the Commission finds that said waiver will not cause substantial derogation from the intent and purpose of Chapter 152.

Section 8: Criteria for Determination of a Certificate

1. In deliberating on applications for Certifications the Commission shall consider, among other things:

A. The historic and architectural value and significance of the site, building, or structure.

B. The general design, proportions, detailing, mass, arrangement, texture, and material of the exterior architectural features involved.

- C. The relationship of such exterior architectural features to similar features of buildings and structures in the surrounding area.
 - D. The impact of changes and alterations to visual character of the streetscape.
 - E. Any design guidelines for Easton Local Historic Districts as may be adopted and amended from time to time by the Commission.
2. In the case of new construction or additions to existing buildings or structures, the Commission shall consider, among other things:
- A. The appropriateness of the materials, scale, shape and proportions of the building or structure in relation to the land area upon which the building or structure is situated.
 - B. The appropriateness of the materials, scale, shape and proportions of the building or structure in relation to buildings and structures in the vicinity.
 - C. The Historical Commission shall reference design guidelines for Easton Local Historic Districts as may be adopted and amended from time to time in its consideration of applications.
3. When ruling on applications for Certificates on solar energy systems as defined in Section 1A of Chapter 40A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

Section 9: Applications for Certificates

1. Application for a Certificate of Appropriateness, Non-Applicability, or Hardship shall be made on an official form, which shall be obtained from the office of the Planning Department.
2. A property owner or their agent may request an application. A prospective purchaser of a property within the Historic District may request an application upon submission of both the assent of the owner and evidence of impending ownership such as an executed purchase and sales agreement, or property interest and authority to file.
3. Applicants who believe that their project falls into one of the exclusions of this bylaw or believe that the bylaw is in some other way non-applicable may submit a request for a Certificate of Non-Applicability to the Planning Department. Applications for Certificates of Non-Applicability shall include a statement of reasons why the proposed

alteration is not subject to review by the Commission together with evidence such as photographs, plans, or title documents that may be necessary to support the application.

4. The completed application form for a Certificate of Appropriateness or Hardship shall be submitted to the Planning Department. The applicant shall furnish the following information:

- A. Photographs of existing conditions, and scaled drawings or renderings of the proposed work with specifications must be provided at an appropriate scale.
- B. The scale, date and north arrow shall be shown on plans.
- C. The location of existing or proposed buildings/additions on the lot shall be shown with the dimensions, total square footage, and building elevations necessary to clearly communicate the proposed changes, and including a small scale locus plan.
- D. A list of materials to be used must be submitted. The Commission may require samples of materials.
- E. Any additional information the applicant believes will help the Commission reach a determination may be submitted.
- F. The Commission reserves the right to request additional information they may reasonably deem necessary to make a determination on an application.
- G. In the event a hearing is scheduled, a record of mailings to abutters and any parties of interest must be submitted at the hearing.

5. In the case of demolition or removal, in addition to the above, the application for a Certificate of Appropriateness or Hardship must include a statement of the proposed condition and appearance of the property after the demolition or removal. The Commission strongly recommends applicants for demolition or removal to submit the following additional information:

- A. Dimensioned site plan of existing conditions and of the proposed replacement project. The site plan should indicate the relationship to the surrounding structures and properties.
- B. Schematic elevation drawings of the proposed replacement project. Elevations that demonstrate the relationship to neighboring structures are preferred.
- C. A professional registered architect or an engineer's report on the condition of the property with a list of specific deficiencies identified.
- D. Any other technical or expert report demonstrating why demolition is necessary.

6. An applicant may withdraw an application without prejudice by notice in writing to the Commission, which notice the applicant shall also deliver to the Planning Department.

7. The Commission may charge reasonable fees for applications based on a posted fee schedule.

Section 10: Procedures for Review of Applications

1. The Commission shall determine within fourteen (14) days of the filing of an application whether the application involves any exterior architectural features which are within the jurisdiction of the Commission.

A. If the Commission determines that an application for a Certificate does not involve any exterior architectural features, or involves an exterior architectural feature which is excluded from review by the Commission, the Commission shall forthwith issue a Certificate of Non-Applicability.

B. The Commission may consider and vote upon an application for a Certificate of Non-Applicability at any regular or special meeting.

C. The Commission or any member(s) or designated subcommittee thereof may request a site visit in order to assist the Commission in reaching a determination.

2. If the Commission determines that such application involves any exterior architectural feature subject to review under Chapter 152, the Commission shall hold a public hearing on the application, except as may otherwise be provided in said chapter.

A. The hearing must be commenced within a reasonable time from the date of filing of the application.

B. Upon establishment of the public hearing date, notice of its time, place, and purpose shall be provided to the applicant.

C. At least fourteen (14) days before the public hearing, the Commission shall give public notice by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Easton. Such notice shall identify the time, place and purpose of the public hearing. The Commission shall also notify any other town board or person that it deems entitled to notice.

D. The applicant will provide a certified abutters list, both adjacent to the property and across the street from it, all as they appear on the most recent applicable property tax list. Notification shall be in writing, sent by mail, and will include the time, place and purpose of the hearing.

E. The applicant must also reimburse the Commission for required advertising of the hearing in the newspaper of general circulation in Easton. A check for the reimbursement must be in hand by the Commission in order for the hearing to proceed.

F. Any other person may file a written request for notice of any or all hearings, with said request to be renewed yearly in December.

3. A public hearing on an application for a Certificate need not be held if such hearing is waived in writing by all persons entitled to notice thereof including the Commission or other relevant town boards.

4. A public hearing on an application for a Certificate may be waived by the Commission if the Commission determines that the exterior architectural feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing.

A. If the Commission dispenses with a public hearing on an application for a Certificate, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

5. Within sixty (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.

6. If the Commission determines that the construction or alteration for which an application for a Certificate of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the District, the Commission shall issue a Certificate of Appropriateness.

A. In issuing a Certificate of Appropriateness, the Commission may impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this chapter.

B. In the case of new construction or additions to existing buildings or structures, the Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

7. The Commission may, by majority vote, approve a portion, or portions, of an application on one date, and issue a certificate specifically indicating which portions are applicable. The remainder of the application must be voted on within sixty (60) days of the original application date, unless further extended by applicant in writing.

8. If the construction or alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine:

A. Whether, owing to conditions especially affecting the building or structure involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant.

B. Whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter.

C. If a claim of financial hardship is made, the applicant may be required to submit such personal financial records and detailed cost estimates as the Commission deems necessary to make a determination.

D. The Commission may determine that an asserted hardship is specific to the circumstances of an individual applicant, i.e. the addition of a handicapped ramp, and the mitigation allowed by the Certificate may reasonably be limited in durations to the tenure of occupancy or ownership of the property by that individual. In that case, the Commission's decision may include a requirement that the changes it allows shall be reversed at the end of such tenure, with such requirement to be reflected in a duly recorded instrument.

If the Commission determines that owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

9. Each certificate issued by the Commission shall be dated and signed by its Chairman or other person designated by the Commission to sign such Certificates on its behalf.

A. Each Certificate is valid for a period of one year from the date of issuance.

B. 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, provided that the request for an extension is made prior to the underlying Certificate's expiration.

C. If a property changes ownership during the time a 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. Said application should include the name of the new owner and a copy of a deed or purchase and sale agreement with a copy of the original application, the Certificate of Appropriateness and any conditions and limitations imposed by the Commission and including any plan modifications required by said conditions and limitations.

10. An applicant wishing to make design changes after a Certificate has been issued must file a new application for the changes.

11. In the case of a disapproval of an application for any Certificate, the Commission shall set forth in its letter to the applicant the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the Commission in a subsequent application, may make the application acceptable to the Commission.

12. A majority vote of the members of the Commission is required to issue a Certificate or a disapproval.

13. The Commission shall send a copy of its Certificates and disapprovals to the applicant and shall file a copy of its Certificates and disapprovals with the office of the Town Clerk, the Building Inspector, and any other town agency it deems necessary. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk. Each Certificate or disapproval issued by the Commission shall be dated and signed by its chairman or such other person designated by the Commission to sign such Certificates or disapprovals on its behalf.

14. If the Commission should fail to issue any Certificate or a disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall, upon written request of the applicant, issue a Certificate of Hardship Due to Failure to Act.

15. The applicant shall notify the Commission, in writing, of the completion of all work specified in the Certificate. The Chairman will then arrange for an on-site review by the Chairman, a designee, or a subcommittee who will report on the completion of the work at the next Commission meeting. A Certificate of Completion will be issued to the applicant, and a copy attached to the original application. If the Commission finds that the required work has not been completed, as approved, it shall refuse to issue a Certificate of Completion and shall inform the applicant, in writing, of any deficiencies.

Section 11: Appeal

1. A person aggrieved by a determination of the Commission may, within twenty (20) days of the issuance of a Certificate or a 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 Regional Planning Agency.

A. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

B. The individual making the appeal shall incur any costs associated with the arbitration.

2. Alternatively, a person aggrieved by a determination of the Commission may, within twenty (20) days of the issuance of a Certificate or a disapproval, appeal such determination directly to the Superior Court in accordance with Chapter 40C, Section 12A.

Section 12: Enforcement and Penalties

1. If an owner of a property in a designated local Historic District either:

A. Fails to obtain a Certificate for alterations, construction or demolition under the Commission's purview, or

B. Fails to observe the conditions of an issued Certificate, the Commission shall first notify the owner in writing that the requirements of the Bylaw and/or Certificate are not being met. The owner will be given one week, or such other time as the Commission deems appropriate, to respond to this notification with a plan to correct the situation. The owner will be requested to present the proposed plan to the next Commission meeting. If there is no response from the owner within that time period or the proposed plan (as it may be modified during the discussion at the Commission meeting) is found inadequate, the Commission may declare the situation on the site to be in violation of Chapter 152 and apply the any and all available remedies under Chapter 152 or G.L. c. 40C §13. A majority vote of the members present shall determine whether a particular activity is in violation of this bylaw or any Certificate issued thereunder.

2. A Commission member or members may be designated to ensure compliance or to assist the Building Inspector in ensuring compliance with the terms of any issued Certificate. The duties of these members shall include:

A. Observing on a regular basis if the project is in compliance with the terms of the certificate, and

B. Providing a channel of communication between the applicant and the Commission, and

C. Reporting the status of the project to the Commission on a regular basis.

D. These members do not have any decision-making authority on their own and must report immediately to the Chair all requests from the property owner as well as possible violations. A special meeting may be called to address such issues or the Chair may place the issue on the agenda for the next regular meeting, as appropriate.

3. If the Commission determines that an activity is in violation of the bylaw or any Certificate issued thereunder, it may designate the Building Inspector to pursue non-criminal disposition under General Laws Chapter 40, Section 21D and pursuant to Chapter 50 of the Code of the Town of Easton, under the direction of the Commission.

4. Upon a written complaint of a violation within the District from any resident of Easton or owner of property within Easton, the Commission shall investigate and may institute any appropriate action to prevent, correct, restrain or abate violation of this chapter. After conducting an investigation of a written complaint, the Commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

5. Whoever violates any of the provisions of Chapter 152 shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

6. The Commission shall accept the “grandfathered” condition of any building at the time of the creation of a Local Historic District even if said building may incorporate work inconsistent with these rules and regulations for which no Building Permit can be documented.

A. In the event that an allegation is made that work requiring a Certificate of Appropriateness has been done at an unknown time without such Certificate, the Commission shall endeavor to document by whatever means may be available whether the work existed at the date the Local Historic District came into existence.

B. If the Commission determines that said work post-dates the creation of the Local Historic District, it may require an application for a retroactive Certificate of Applicability which will follow the same hearing procedure as a regular application and be subject to the same outcomes.

C. If a previous owner did work that post-dates the creation of the Local Historic District, the transfer of ownership or of control of a property since the date when such work was completed shall not constitute “grandfathering” of said work. The current owner is subject to the same provisions expressed in section B above.

7. If an existing violation or violations that post-dates the creation of the Local Historic District are present on a property that is the subject of an application for a new Certificate of Appropriateness, the Commission may deny the application on that basis, if the property owner fails to modify the application to include acceptable curative action, or the Commission may approve the application subject to a condition requiring the property owner to cure any existing violations. Such conditional approval may:

A. Require the property owner to cure any such violations before a Certificate is issued for the work requested in the application, or;

B. Allow the curing work to proceed contemporaneously with the application work, or;

C. Provide for some combination of A and B.

As used herein, "existing violation" means a previous change to the exterior architectural features of a structure that was effected without a Certificate of Appropriateness from the Commission under circumstances that required such a Certificate to be issued, as determined by the Commission.

Section 13: Waiver of Full Compliance

Full compliance with the rules and regulations may be waived by majority vote of the Easton Historic District Commission, provided such waivers are deemed to serve the public interest and do not conflict with G.L. c. 40C. Requested waivers shall be submitted in writing at the time of the application.

Section 14: Severability of Provisions

The rules and regulations are severable. If any provision of these rules and regulations is held invalid, the other provisions shall not be affected thereby. If the application of these rules and regulations, or any of its provisions to any person or circumstances is held invalid, the application of these rules and regulations and their provisions to other persons and circumstances shall not be affected thereby.