

## **Rules and Regulations of the Carlisle Historical Commission**

### **1.0 Background, Authority, and Purpose**

- 1.1 Background/Authority.** The Historic District of Carlisle (the “Historic District”) is a historic district under Chapter 40C of the Massachusetts General Laws. The Historic District was established at the March, 1969 Town Meeting, at which the required two-thirds vote approved the adoption of Article IX of the Town of Carlisle General Bylaws (the “Bylaws”), entitled “Historic District.” The area that comprises the Historic District is depicted in the map that is attached as Exhibit A to these Rules and Regulations. Sections 9.2 through 9.5 of the Bylaws established and describe the Historical Commission (the “Historical Commission” or “Commission”), with Section 9.3 granting the Commission the powers of a historic district commission under Ch. 40C. As such, the Historical Commission is charged with, among other things, regulating the construction, demolition, and alteration of all buildings and structures within the Historic District. Additionally, at the 1976 Town Meeting the citizens voted to enlarge the role of the then Historical District Commission to that of a full Historical Commission with advisory responsibilities for the historical resources of the entire Town.
- 1.2 Rulemaking Authority.** Section 9.4 of the Bylaws provides that the Historical Commission shall adopt rules and regulations for the conduct of its business. These Rules and Regulations have been adopted by the Historical Commission pursuant to Section 9.4 of the Carlisle General Bylaws.
- 1.3 Scope of Commission Jurisdiction.** The Historic District was created to preserve and protect the distinctive characteristics and architecture of buildings and places that are significant in the history of the Commonwealth and the Town; to maintain and improve the settings for such buildings and places; and to encourage designs compatible therewith. The activities within the jurisdiction of the Commission include without limitation the alteration (such as rebuilding, reconstruction, restoration, removal, or demolition) or construction (such as building, erection, installation, enlargement, or moving) of any building or structure within the Historic District which in any way affects an exterior architectural feature of the building or structure. Exterior architectural features are such portions of the building or structure that are open to view from a public street, public way, or public park. These include a building or structure’s architectural style and general arrangement and setting; the kind, color, and texture of exterior building materials; the color of paint or other material applied to exterior surfaces; and the type and style of windows, doors, lights, signs, mailboxes, air conditioning units, solar panels, and other appurtenant exterior fixtures. Structures are any combination of materials other than a building, including without limitation signs, fences, walls, terraces, walks, and driveways.

Interior fixtures and features that are visible from a public way are within Historical Commission jurisdiction.

- 1.4 Additional Authority.** These Rules and Regulations are in addition to laws and Bylaws already in effect.

## **2.0 Application Requirement, Instructions, and Contents**

- 2.1 Application Requirement.** A party proposing to engage in any activity within the jurisdiction of the Commission (as defined above) must file, with the Historical Commission Assistant or with the office of the Secretary of the Selectmen, an Application for Certificate in the form attached hereto as Exhibit B. To expedite the review of such applications, the following instructions are provided. These instructions are not intended to create hardship or to require the otherwise unnecessary involvement of professional architects or engineers; however, submissions should be presented with sufficient clarity, accuracy and detail to permit the Commission to judge the effect that the proposed activity would have on the building or structure at issue and on the Historic District as a whole.

Applicants are encouraged to schedule an informal discussion with the Commission at a regular meeting to provide an introduction to the intent and scope of the project and receive informational feedback. Such discussions assist the process of submission of a complete set of documentation and may give the applicant insight into the areas that may cause concern or need some modification for approval. Any preliminary site plans or drawings, along with photographs of existing conditions should be brought to such a meeting. A place on the agenda may be scheduled through the Historical Commission Assistant or by contacting the Chair of the Commission directly.

- 2.2 Phased Application Process for a Complex Project.** Based on the scope and scale of a project, the Commission may decide to allow selected supporting materials to be provided in predetermined phases, each being submitted under a separate linked application and each requiring a full filing fee. Such a process might allow the start of work on an early phase while the details of later phases are still being worked out, or provide the applicant with confidence that an overall plan is satisfactory before effort has been expended on finalizing design details or the selection of specific materials or fixtures. Any such decision for a phased approach must be made prior to an actual application being submitted, and will be made at an informal informational meeting with the Commission (see 2.1). It should not be expected that a large project can be fully evaluated at one or two sessions of a public hearing.
- 2.3 Effect of Failure to Follow Instructions.** Failure to comply with these instructions may lead to a delay in Commission consideration, a denial of approval, or a requirement that the applicant re-apply. An application shall not be considered filed until the requisite number of copies of the application and all required supporting materials (see below) have been submitted and the filing fee

paid. Upon the submission of the requisite number of copies of the application and all required supporting materials, and the payment of the filing fee, an application shall be date-stamped by the Commission, whereupon all time periods described below shall begin to run. Upon receipt by the Commission of an application that does not conform with the requirements of these rules, the Commission shall notify the applicant of the deficiencies in the application.

**2.4 Number of Copies to be Filed/Filing Fee.** An applicant shall file his or her Application for Certificate in triplicate and shall file therewith three copies of the documents submitted in support of the application. A \$50 filing fee, payable to The Town of Carlisle, shall accompany the application for a residential alteration. A \$250.00 filing fee shall accompany the application for a commercial installation or alteration. No filing fee shall be required with any application relating to activity that involves materials the value of which does not exceed \$250.

**2.5 Indication of Certificate Sought.** An applicant shall indicate, on the Application for Certificate, which of the three types of certificates the applicant seeks. (For descriptions of the three types of certificates, see MA. General Laws Ch. 40C, sec. 10.) An applicant's indication shall not preclude consideration of the issuance of an alternative type of certificate.

**2.6 Activities Not Requiring Application.**

**2.6.1 Routine Maintenance.** No application need be made for routine maintenance that does not involve a change in design, color, or material.

Parties intending to conduct such maintenance are advised to file an application if in doubt concerning the need to seek Commission approval. Inquiries concerning whether an activity is within the Commission's jurisdiction should be directed to the Chair of the Commission, who may be reached through the Secretary of the Selectmen.

**2.6.2 Temporary Modifications.** Modifications that will not be permanent, such as a sign giving notice of a special event, or the flying of a flag during a holiday celebration, are exempt from Commission jurisdiction. In this context, a modification in place for more than thirty days is defined as permanent and is subject to prior approval.

**2.6.3 Changes.** No application need be made for the following specific changes.

- a. Change of paint color to white
- b. Replacement of an existing mailbox in the same location with a USPS standard mailbox, unpainted or painted black and supported on an unpainted wooden post

## 2.7 Contents of Applications for Specific Projects

**2.7.1 New Buildings, Additions, and Alterations.** All new buildings, additions, and alterations, including, but not limited to, new structures and additions and changes to existing structures, require Historical Commission approval. With respect to such proposed activities, the applicant shall include with the application, at a minimum, the following:

- a. **Plan.** A plan drawn to scale of the footprint of the building, with overall dimensions indicating its relationship to the street and showing the location of the proposed changes.
- b. **Exterior View(s).** Elevation drawings to scale with dimensions showing the intended changes and their relationship, if applicable, to the existing building. (Details of exterior elements, such as trim, entrances, chimneys, etc., shall be included in the drawings or otherwise provided.)
- c. **Photographs.** Photographs or sketches of existing conditions in the area of the changes.
- d. **Specifications.** Technical or manufacturer's literature for special elements, such as windows, doors, hardware, and lighting fixtures, indicating material, size, color, mountings, and, in the case of lighting, the lighting manufacturer.

**2.7.2 Site Alterations.** All site alterations involving the installation or modification of fences, pavements, patios, walls, and exterior lighting require Historical Commission approval. With respect to such proposed activities, the applicant shall include with the application, at a minimum, the following:

- a. **Site Plan.** A site plan drawn to scale with basic dimensions (and cross sections where appropriate) and showing existing buildings and site features, as well as proposed changes, such as driveways, sidewalks, patios, grading, etc., and the relationship of the changes to the street or public way.
- b. **Specifications.** Technical or manufacturer's literature for special elements, such as light fixtures or special devices, including light distribution and angle of cut-off.

**2.7.3 Minor Alterations and Modifications.** Minor alterations and modifications that are done separately and not in combination with other modifications and activities within the jurisdiction of the Historical Commission require Historical Commission approval. Examples of such

activities, and the materials that should accompany an application for approval of such activities, are:

- a. **Sign Installation.** A site plan drawn to scale showing the location of the sign, along with a drawing to scale showing the location of a sign to be mounted on a building; or a drawing of the sign, with dimensions, showing letter type, materials, and colors or posts for free standing signs; color swatches.
- b. **Storm Doors and Storm Windows Installation (If Color Change or Window Change Involved).** Technical literature and color swatches.
- c. **Painting (If Color Change Involved).** Color swatches.
- d. **Lighting Fixture Installation.** Sketch showing the location of the fixture on the building or property and manufacturer's literature on the fixture.
- e. **Roofing.** Manufacturer's literature describing the roofing material to be used, and) where a color change is involved, a sample or other information showing the proposed color.
- f. **Installation of Antenna, Satellite Dish, Air Conditioner, Mailbox/Post, and other External Equipment.** A sketch showing the location and manufacturer's literature.
- g. **Installation of Shutters.** Manufacturer's literature and color swatches.
- h. **Installation of Gutters and Downspouts.** A sketch showing the location on the building and Manufacturer's Literature.

### 3.0 Procedure, Standards, and Possible Actions

**3.1 Initial Determination as to Jurisdiction and Requirement for Hearing.** Within fourteen days after an application is date-stamped (see above), the Commission shall determine whether the proposed activity described in the application is within the Commission's jurisdiction. In the event the Commission determines that the proposed activity is not within its jurisdiction, the applicant shall be so notified in writing, no further action shall be taken on the application, and the applicant shall not be required to obtain Commission approval for the activity. Any filing fee shall be returned. In the event the Commission determines that the proposed activity is within its jurisdiction, the Commission shall hold a public hearing on the application.

**3.2 Requirement of Notice.** Applicants are advised that the Commission is required by MGL Ch. 40C to provide abutters and the public with notice of public hearings

on all applications at least 14 days prior to the hearing. One legal notice shall be published in the *Carlisle Mosquito*, at least 14 days prior to the hearing. The publication cost of the legal notice is the responsibility of the applicant, who will be invoiced directly by the *Mosquito*. Due to publication deadlines of the newspaper by which public notice is given, the need to determine an abutters list, and the meeting schedule of the Commission (generally held on the third Tuesday of each month), applicants are required to file complete applications at least twenty-eight days in advance of a Commission meeting to ensure that the notice requirements are satisfied.

- 3.3 Provision of Notice.** The Commission shall provide the requisite notice of the public hearing on an application to the *Mosquito* and the applicant, and shall make notification of the date, time and place of the public hearing to the applicant, all legal abutters and owners of other property deemed by the Commission to be materially affected, to the Planning Board and to any person filing written request for notice of hearings. The Commission shall be responsible for mailing of the legal notice to these parties.
- 3.4 Procedure at Hearing.** An applicant is expected to attend the public hearing on his or her application. At the hearing, the applicant or his or her agents shall have an opportunity to make a presentation on the application, and the Commission may question the applicant. Members of the public may seek recognition by the Chair to address questions to the Commission or to present opinions.
- 3.5 Standard of Review.** In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building, or structure; the general design, arrangement, texture, material, and color of the features involved; and the relations of such features to similar features of buildings and structures in the surrounding area. Since the features that make an individual building or property significant vary greatly depending on age, style and many other factors, an applicant should not assume that a specific change that has been approved in one instance will necessarily be considered appropriate in another situation. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure, both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable Carlisle Bylaw.

When ruling on all applications the Commission shall take into consideration The Secretary of the Interior's Standards for Rehabilitation, attached here for information as Exhibit C. It should be noted that these guidelines are not mandatory requirements but should be considered carefully by all applicants preparing to present plans to the Commission. When ruling on applications for certificates of appropriateness for solar energy systems, as defined in Sec. 1A of MGL Ch. 40A, the Commission shall also consider the policy of the

Commonwealth to encourage the use of solar energy systems and to protect solar access. When ruling on applications relating to satellite receivers or antennas or every other type of freestanding antennas, the Commission shall comply with federal law (47 C.F.R. 25.104) prohibiting unreasonable restrictions on, and the prevention of, the use or reception of satellite delivered signals and/or other antenna. The Commission shall not consider interior arrangements or architectural features not subject to public view.

### **3.6 Commission Actions Following the Public Hearing**

**3.6.1 Certificates of Appropriateness.** The Commission may approve or disapprove a request for a Certificate of Appropriateness. In the event of an approval, the certificate will be issued to the applicant, with copies sent to appropriate Boards. In the event of a disapproval (and assuming a Certificate of Hardship is not warranted (see below), the Commission shall advise the applicant of its decision and may advise the applicant of its recommendations with respect to the proposed activity. The Commission also may, prior to a disapproval, notify the applicant of its proposed action and of its recommendations for changes to the applicant's proposed activity, which, if made, would make the application acceptable to the Commission. In such event, if, within 14 days of the receipt of the Commission's notice, the applicant files a written modification of his or her application that conforms with the recommended changes, the Commission shall issue a Certificate of Appropriateness.

**3.6.2 Certificate of Non-Applicability.** In the event the Commission determines that a proposed activity does not fall within its jurisdiction, it will issue a Certificate of Non-applicability.

**3.6.3 Certificate of Hardship.** Where an applicant has sought a Certificate of Hardship or the Commission has determined not to issue a Certificate of Appropriateness, the Commission may issue a Certificate of Appropriateness, provided the criteria set forth in MGL Ch. 40C Sec. 10(c) are met. Generally, a Certificate of Hardship will be issued only where an applicant has shown that a disapproval will result in a substantial hardship, financial or otherwise, and where the issuance of a Certificate of Hardship will not result in substantial detriment to the public welfare or substantial derogation from the intent and purposes of Ch. 40C.

**3.7 Review Period.** Although the Commission typically will rule on an application at the public hearing on the application, it may and need not do so. The Commission is required to rule on an application by the sooner of 60 days from the date of filing and 45 days from the date of the public hearing.

**3.8 Continuation of a Public Hearing.** At the discretion of the Commission and with the written agreement of the applicant, a public hearing may be continued for a

specified period to allow for the presentation of additional information. No public hearing may be continued longer than six months from the date of filing.

- 3.9 Completion Notification.** All work for which a Certificate has been issued must be completed within one year from the date of approval. The applicant must notify the Commission in writing of such completion.

#### **4.0 Appeal, Enforcement**

- 4.1 Appeal.** Any person aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination, appeal to the Middlesex County Superior Court.

- 4.2 Enforcement.** The Middlesex County Superior Court has jurisdiction to enforce these provisions and decisions of the Commission, upon petition by the Board of Selectmen or the Historical Commission. In addition, violations are punishable by a fine of from \$10 to \$500 per day, each day of violation being a separate offense. As an alternative to initiating criminal proceedings, violations of the Historical Commission's Rules and Regulations may be penalized by a non-criminal disposition pursuant to MGL Ch. 40, Sec. 21D and Section 1.4.2 of the Carlisle General Bylaws, with the penalty for a violation being \$50, and each day of violation deemed a separate offense.

#### **5.0 Miscellaneous**

- 5.1** Inquiries concerning these Rules and Regulations or concerning any other matter relating to the Historical Commission may be directed to the Commission Chair, who may be reached through the Secretary of the Selectmen.