

Town of Hingham
Historic Districts Commission
210 Central Street ~ Hingham Massachusetts 02043-2759

RULES AND REGULATIONS

I. JURISDICTION

The Hingham Historic Districts Commission (hereinafter “the Commission”) shall be governed by the Hingham Historic Districts Bylaw, Article 28 of the General Bylaw of the Town of Hingham Bylaws, and by Chapter 40C of the General Laws of Massachusetts, as amended. The Commission’s geographic jurisdiction shall be delineated on the official Maps of the Historic Districts of the Town of Hingham on file in the Hingham Historical Commission’s office in Town Hall, at the Plymouth County Registry of Deeds, and at the Massachusetts Historical Commission. In any discrepancy in the aforementioned Maps, the records of the Hingham Historical Commission’s office shall govern.

II. GENERAL RULES AND ORGANIZATION

- A. The Commission shall consist of five (5) voting members and (5) alternate members as set forth in the Hingham Historic Districts Bylaw. Members and alternates are appointed by the Board of Selectmen and may serve two (2) three-year terms. At the end of any member’s term of service, said members may serve until a replacement is appointed.
- B. The Commission shall annually elect a Chair and Vice-Chair from within its own members.
- C. The Chair shall vote and be recorded on all matters coming before the Commission, and shall decide all points of order. The Chair shall direct the work of the Commission, appoint committees where necessary, and transact the official business of the Commission.
- D. The Vice-Chair shall act in the absence or inability of the Chair to perform the duties required in Section II-C, above.
- E. A majority of all voting members of the Commission (3 of 5) must be present to constitute a quorum, and the acts of the quorum shall be the acts of the Commission.
- F. The Chair may appoint an alternate member to vote in place of a voting member in the absence, recusal or inability of a voting member to perform the duties

required. When such an appointment is made, the Chair shall identify the members
voting and the application(s) under consideration.

G. The Commission shall perform the duties required of it under Chapter 40C,
the Town of Hingham Bylaws and the Hingham Historic Districts Commission
Bylaw in order to preserve and protect buildings and places within the
historic districts and to encourage design compatible with the historic aspects
and architectural characteristics and character distinct to Hingham's individual historic
districts.

III. MEETINGS OF THE COMMISSION

- A. Regular meetings will generally be held on the third Thursday of each month commencing at 6:30 PM, or at other dates and times necessary for the fair and timely administration of the Commission's duties.
- B. Notice of the date, time, and location of all meetings shall be posted in the Town Hall and on the Town website at least fourteen (14) days prior to their scheduled time.
- C. Special Meetings of the Commission may be called by the Chairman or at the request of two voting members in order to conduct business related to the duties of the Commission. Notice of Special Meetings shall be posted at least 48 hours prior to their scheduled time.
- D. Cancellation of Meetings. If there is no Commission business to conduct for an upcoming regularly scheduled meeting, or if it is determined that a quorum is not likely to be present for any applicant, the Chairman may dispense with a meeting. In such circumstance, notice shall be given to members, alternate members and applicants. Notice of the cancellation shall be posted in the Town Hall 48 hours prior to the scheduled time, whenever possible.

IV. CHANGES REQUIRING COMMISSION APPROVAL

Except as excluded by Statute or Bylaws, all changes in the exterior appearance of a building or site located within a Local Historic District shall require Commission approval, in the form of a Certificate of Appropriateness issued by the Commission. For work involving any of the categories listed below, a Certificate of Appropriateness is required before a Building Permit can be issued.

A. In general, the following items require approval from the Commission:

- 1. Any and all alterations or additions to the exterior of a building or structure, including, but not limited to, the following:

- a. Any changes that might affect architectural details, such as doors and windows and the trim that surrounds them, porch elements, stair and balcony railings, cornice sections, belt and water courses, patterned wall and roof surfaces, decorative panels, chimney ornaments, cupolas, finials and roof cresting, etc;
 - b. The addition or insertion of decks, storm doors and windows, porch screens, window air conditioners, solar panels, antennae and similar appurtenances; and
 - c. Changes in the color or paint to any exterior surface, and the design and material of gutters and downspouts.
2. Any construction of a new building or structure.
 3. Any demolition of a structure or building or a section thereof.
 4. Any reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster.
 5. Any change in a man-made landscaping element, including but not limited to the following:
 - a. Terraces, surfaced walks and pathways, driveways, and street sidewalks;
 - b. Walls and/or fences;
 - c. Gazebos, pergolas and other garden structure;
 - d. Lighting - attached, free-standing or otherwise, and lamps;
 - e. Signs, which will be reviewed according to purpose, size, design, location and lighting.
- B. In general, if an application is received involving work that does not fall into one of the above categories, then the Commission may issue a Certificate of Non-Applicability, obtained from the Administrator in the Historical Commission office in Town Hall.

The Commission has no jurisdiction over:

1. Interior arrangements;
2. Architectural features not visible from a public way;
3. Normal maintenance of a building, including repainting, reroofing, or the repair or replacement of an exterior feature, so long as the paint color, the style and color of

the roofing materials, or the shape and material of the repaired or replaced feature all remain the same;

4. New landscaping involving only natural elements such as trees, shrubs and smaller plants.

V. APPLICATION PROCEDURES

Applications for Certificates and application instructions for exterior work in an Historic District may be obtained from the Historical Commission Office or from the Historic Districts Commission webpage. http://www.hingham-ma.com/historical/HDC_documents.html

VI. PROCEDURES FOR COMMISSION'S REVIEW OF APPLICATIONS

A. Preliminary Procedures

CERTIFICATE OF NON-APPLICABILITY. The Administrator shall determine within five (5) days of receiving an application for a Certificate of Non-Applicability, whether the work proposed involves any architectural features or manmade landscape elements which are within its jurisdiction. If the Administrator determines that the application does not involve any features which are subject to its review under the terms of the Historic Districts Bylaw, a Certificate of Non-Applicability shall issue.

CERTIFICATE OF APPROPRIATENESS. If the Administrator determines that an application requires a public hearing under the provisions of the Historic Districts Bylaw, the Commission shall hold such a hearing at the next scheduled meeting, providing that an adequate amount of time is available on the agenda. The Commission will make its decision within 60 days from the date of the filing of the application. At least fourteen (14) days before the hearing, the Commission shall give public notice of the time, place, and purpose of the hearing by posting a public notice in Town Hall and on the Town website. Concurrently, a copy of the public notice shall be mailed to the applicant and to the owners of all adjoining properties and of all other properties deemed by the Commission to be materially affected thereby. Copies of the public notice shall be distributed to the Town Clerk, Selectmen's Office, Planning Board, Conservation Commission, Zoning Board of Appeals and the Building Department.

B. Review and Hearing Procedures

An applicant may appear in person or by agent at the Commission meeting. Review of an application at a public hearing will generally be conducted according to the following procedure:

1. The Chair shall give a preliminary statement concerning the application.

2. The applicant may present his or her application.
3. Commission members may ask an applicant clarifying questions after the presentation.
4. Abutters, and anyone else with an interest in an application, may comment or ask additional clarifying questions, directing all such questions or comments to the Chair.
5. The applicant may respond to questions or comments, addressing all such responses to the Chair.
6. The Chair shall summarize the information, giving all parties a chance to make additional corrections or clarifying comments.
7. The Commission shall deliberate the application.
8. After discussion, or by the end of the time allotted to the application on the meeting agenda, the Commission shall either vote on the application; continue the application for further consideration, which may include recommendations for changes to the plan and/or submission of additional details; or request the application's revision or withdrawal.

C. Site Visits and Additional Information

By submitting an application for a Certificate, an applicant authorizes inspection of the premises; thereby making it possible for individual Commissioners to view the project site prior to the scheduled hearing.

The Commission as a body may wish to view the premises and obtain additional information concerning any application before arriving at a decision. Arrangements to visit the site will be made with the applicant. Site visits are public meetings and will be posted as such no less than 48 hours before the scheduled visit to the premises.

D. Commission Decisions

In all its decisions on applications the Commission shall state its reasons for the decision, supported by appropriate findings of fact. Any decision on an application may be accompanied by conditions. The Commission may make recommendations for changes in the proposal which, if made, would make the application acceptable to the Commission.

If the Commission finds that some aspects of the proposed changes described in an application are inappropriate, it will make every effort to suggest ways in which the application may be amended so that approval may be granted. Such discussion among Commission members and the applicant, or the applicant's agent, shall focus, to the

extent reasonably feasible, on arriving at a solution satisfying all concerned, while still abiding by the terms and spirit of the Historic Districts Bylaw.

Within 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 approve or disapprove the application. The Commission shall send a copy of its Certificates and its disapprovals within 45 days of the decision date to the applicant and to the Building Department, and shall file a copy of all Certificates and disapprovals with the Town Clerk. If the commission should fail to approve or disapprove an application within 60 days of its filing, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship Due to Failure to Act.

E. Review Criteria

In reviewing applications for Certificates, the Commission shall take into account the historic and architectural significance of the building or structure and the distinguishing characteristics of the historic district within which it is located. The Commission shall not consider interior arrangements, nor architectural features not subject to view from the public way, nor make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the property, its surroundings and the district.

The Commission shall base its review, in part, upon The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings published by the U.S. Department of the Interior. The guidelines may be obtained from the Historical Commission Office in Town Hall, or by visiting the website:
<http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

The Commission shall also consider the Hingham Historic Districts Commission's Guidelines for Work in Historic Districts and "New Construction and Additions" both of which are derived from the aforementioned Secretary of the Interior's Standards. Both documents are available in the Historical Commission office or on the Town's Historic Districts Commission webpage:
http://www.hingham-ma.com/historical/HDC_documents.html

The Commission may also be guided, in part, by various technical publications issued from time-to-time by Federal and State entities and others, including but not limited to the *Preservation Briefs* and *Preservation Tech Notes* published by the Technical Preservation Services arm of the National Park Service.

VII. THE CERTIFICATE OF APPROPRIATENESS

After approving an application, the Commission shall issue a Certificate of Appropriateness for the work proposed in the application. A Certificate is valid for work commenced within six months from the date on which the Certificate issues and shall remain in effect until such work is

completed. If, by the end of six months the authorized work has not been commenced or pursued with due diligence, or if such work is suspended in significant part for a period of one year after the time the work is begun the Certificate shall expire and be of no further effect. Before the date of the expiration, however, the applicant may file a request for an extension of the Certificate. At its discretion, the Commission may grant, in writing, one or more extensions of the Certificate for periods not exceeding six months each.

A Certificate of Appropriateness is issued to a specific property. If a property changes ownership during the time the Certificate of Appropriateness is in force, a new owner who wishes to continue the authorized work may do so. If the new owner desires to change the plans in the Certificate, he/she must submit an application for a new Certificate and the changes will be reviewed through the public hearing process.

VIII. THE CERTIFICATE OF HARDSHIP

In the case of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions affecting the building or structure, but not affecting the District, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant. It shall also determine whether the application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of the Historic Districts Bylaw. If it finds that both these conditions can be met, the Commission shall, on a concurring vote of three of five voting members, issue a Certificate of Hardship.

IX. APPEAL AND AGGRIEVEMENT PROCEDURES

An applicant may appeal any action of the Commission by filing an appeal in the Superior Court as provided in Chapter 40C, Section 12A.

X. AFTER COMPLETION OF THE WORK

If the work does not match the approved application, the Commission will require that it be corrected before signing the final notice of approval/Certificate of Occupancy.

XI. AMENDMENTS

The Rules and Regulations of the Historic Districts Commission may be amended by an affirmative vote of a majority of voting members of the Commission, provided that such amendment shall have first been presented in writing at a prior meeting.