

OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT ACT

May 20, 2010 5:00 PM - Sandwich Workshop

James R. Wilson, Attorney

Review of Practice & Procedures

TOWN CLERK
TOWN OF SANDWICH

DEC 06 2010

1. Forms

- a. Certificate of Exemption
- b. Certificate for Demolition or Removal
- c. Certificate of Appropriateness
- d. Appeal Petitions

H M M
RECEIVED & RECORDED

2. Procedures - Chapter 28 of the Acts of 2009

- a. Conflict of Interest (Ch. 268A)
- b. Open Meeting law (Ch. 30A Sec. 18 - 25) Viewing & E-mails
- c. Review application and plans (Section 8)
- d. Public Hearing (Section 9)
- e. Minor Amendments & Changes

3. Deliberations - Factors for Committee to Consider

Certificate of Exemption - Public View, Activities & Features (CMR 972 3:00)

Certificate For Demolition or Removal (Section 10, Clause b)

- a.) "Architectural or historic value of building or structure"
- b.) "Public Interest"

Certificate of Appropriateness (Section 10)

- a.) "The historical value and significance of the building or structure"
- b.) "The general design, arrangement, texture, materials and color of the features . . . involved"
- c.) "The relationship of such factors to similar factors of buildings and structures in the immediate surroundings"
- d.) "Settings"
- e.) "Relative size of buildings and structures"

CAVEAT:

Committee should not consider "detailed designs, interior arrangements and features not subject to public view"

Denial- Need to consider "Hardship Issue"

Hardship Issue - "Exception to the Rule"

- i. Unique hardship affecting building and/or structure
- ii. Substantial hardship
- iii. Not detrimental to the public welfare or interest to grant the Certificate of Appropriateness

4. Appeals - (10 days) Regional Commission & (20 days) District Ct.

Chap. 220 Act 2007
pg 3
attorney's rule
Selection
pg 7 section 5
"like a dislike"
should never be used
print viewing ok
Continue Hearing
until data is given
ask permission of
site -> "proceed" see

judgment call
80 S. 1/2 miles
no hearing required

not visible public way

Special Municipal Employees
not
Required