Old King's Highway Regional Historic District Commission

Bulletin

October 2008

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For information on a local level contact your local town hall.

For information on appeals and regional matters contact attorney James R. Wilson at the Commission's address: P.O. Box 140, Barnstable, Massachusetts 02630 (Phone: 508—775—1766).

OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT ACT

(As established by Chapter 470 of Acts of 1973 and amended by Chapters 298 and 845 of the Acts of 1975; Chapter 273 of Acts of 1976; Chapters 38 and 503 of Acts of 1977; Chapter 436 of Acts of 1978; Chapter 631 of the Acts of 1979; Chapter 338 of Acts of 1982; Chapter 90 of the Acts of 1994 and Chapter 220 of the Acts of 2007.)

Chap. 470. AN ACT ESTABLISHING THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT AND THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMISSION IN BARNSTABLE COUNTY.

To be enacted etc., as follows:

SECTION 1 - Purpose

The purpose of this Act is to promote the general welfare of the inhabitants of the applicable regional member towns so included, through the promotion of the educational, cultural, economic, aesthetic and literary significance through the preservation and protection of buildings, settings and places within the boundaries of the regional district and through the development and maintenance of appropriate settings and the exterior appearance of such buildings and places, so as to preserve and maintain such regional district as a contemporary landmark compatible with the historic, cultural, literary and aesthetic tradition of Barnstable County, as it existed in the early days of Cape Cod, and through the promotion of its heritage.

SECTION 2 — Establishment of the Old King's Highway Regional Historic District.

There is hereby established in Barnstable County a regional historic district, to be known as the Old King's Highway Regional Historic District, hereinafter called the District, founded and described as follows:

Beginning at a point on the foreshores of Cape Cod Bay at the mean low water line, and on the boundary line between the Town of Bourne and the Town of Sandwich, both in Barnstable County; thence southwesterly by said boundary line between the towns of Bourne and Sandwich to a point where said boundary line intersects with the center line of the layout of the state highway known as Route 6 -Mid-Cape Highway; thence continuing by the center line of said state highway layout of Route 6 - Mid-Cape Highway, in a southerly, southeasterly, easterly, and northeasterly direction, traversing the towns of Sandwich, Barnstable, Yarmouth, and Dennis to the boundary line between the Town of Dennis and the Town of Harwich; thence northwesterly by said boundary

line between the Towns of Dennis and Harwich to the boundary line of the Town of Brewster, thence northeasterly, northerly and easterly by the boundary line between the Town of Brewster and the Town of Harwich to the said center line of said Route 6 - Mid-Cape Highway; thence continuing by the said center line of said Route 6 - Mid-Cape Highway, in a northeasterly and northerly direction, traversing the Towns of Brewster and Orleans, crossing above or below and intersecting, various public ways, ancient ways, rivers, streams, lakes, inlets, bays and various appurtenances, to a point lying at the center of the state highway rotary layout at Eastham, Barnstable County, Massachusetts where said Route 6 intersects with Route 6A; thence in a northwesterly and southwesterly direction along the boundary line between the towns of Eastham and Orleans to a point on the foreshores of Cape Cod Bay where the Eastham, Orleans town boundary intersects the mean low water line; thence in a southwesterly, westerly, northwesterly, northerly, northeasterly, easterly and southeasterly direction along the mean low water line of Cape Cod Bay traversing all inlets, streams, rivers at their entrance to Cape Cod Bay to the point of beginning, meaning and intending to include all islands along the foreshores of Cape Cod Bay to a distance of three nautical miles from the shores thereof, and every bank, flat, marsh, meadow, swamp and island within the Great Marshes so called, lying within the Town of Barnstable.

SECTION 3 — Definitions

As used in this Act the following words and terms, unless the text otherwise requires, shall have the following meanings:

"Architect", shall include a graduate of an architectural school who need not be registered as an architect under the provisions of Chapter One Hundred and Twelve of the General Laws, such architect may serve on a committee as its architect member.

"Building" - a combination of structural materials having a roof, forming a shelter for persons, animals or property.

"Building inspector" - the building inspector for the individual regional town.

"Erected" – shall include the words "built", "constructed", "reconstructed", "restored", altered", "enlarged" and "moved".

"Exterior architectural feature" – the architectural style and general arrangement of such portions of the exterior of a building or structure so designed to be subject to view from a way or public place; including kind, color and texture of the building materials of such portion or type of all windows, doors, lights and signs and other fixtures to such portion.

"Heritage" — value in the cultural life of the past, because of their importance to the community life of Cape Cod, which have come down through the generations to make up our way of life. This has been achieved by means of old buildings, industry,

furniture, utensils, old happenings and expressions. They have made the unique salty flavor of Cape Cod that will never be forgotten but will be preserved for future generations, as a means of insuring the integration of those qualities into a contemporary way of living.

"Person"— an individual, a corporation, federal, state, county, or municipal agency, or unincorporated organization or association.

"Structure" — a combination of materials other than a building, sign or billboard, but including stone walls, flagpoles, hedges, gates and fences.

"Town" — the individual regional towns of Sandwich, Barnstable, Yarmouth, Dennis, Brewster or Orleans.

"Public place" - any place on land that a governmental entity maintains for the use of the public; or any place on land that is visited by many persons and is usually accessible to the public including commercial, religious, or charitable properties open to the public by admission fee, donation, membership or otherwise.

"Way" - a way owned, or normally maintained, or normally repaired by any federal, state, county or municipal entity; a way shown on a plan approved or signed by a Board of Survey, Planning Board or Board having similar duties and responsibilities; or an improved way shown on a plan recorded at the Registry of Deeds in the County of Barnstable.

SECTION 4 - Establishment and Organization of the Old King's Highway Regional Historic District Commission.

There is hereby established the Old King's Highway Regional Historic District Commission, hereinafter called the Commission, consisting of six members, each of whom shall be a chairman of a member town historic district committee of the following towns: Sandwich, Barnstable, Yarmouth, Dennis, Brewster and Orleans.

The Commission shall elect a Chairman and a Vice—Chairman from its membership. The Chairman shall preside at all meetings and in his absence the Vice—Chairman shall preside. In the absence of the Chairman or Vice—Chairman from any meeting the membership present may elect a Temporary Chairman.

The Barnstable County Treasurer shall serve as Treasurer for the Commission. He shall maintain a cash book of the Commission's receipts and disbursements and render monthly accountings to the Commission. Funds shall be paid upon warrants signed by the Chairman or in his absence, signed by the Vice-Chairman. All original vouchers shall be retained by the County Treasurer for a period of four (4) years. The County Treasurer shall not receive any additional compensation for his services to the Commission but may, subject to approval by the Commission, retain clerical assistance.

Four members of the Commission shall constitute a quorum.

The Commission meetings shall be at the call of the Chairman and shall be held at least monthly, and notice of such meetings shall be published at least seven (7) days in advance of the date of such meeting in a newspaper published within Barnstable County and distributed in each member town, and additionally published at the discretion of the Chairman in other newspapers of appropriate distribution.

The Commission shall hear and make findings on the initial appeal by aggrieved parties as provided in Section Eleven.

The Commission shall establish rules and regulations from time to time for the administration of the Regional District which shall be followed by the local town committees and may recommend changes in this Act which shall be submitted to the registered voters on referendum ballot during the annual election held in each member town. If the vote is in the affirmative, submission of such recommended changes shall be submitted to the general court for approval.

SECTION 5 - Establishment and organization of Town Historic District Committees.

There is hereby established within each of the member towns of the District a town historic district committee, hereinafter called the Committee, consisting of five unpaid members, within the Town of Orleans, where at least three shall be residents of the District. At least one member on each committee shall be an architect, who need not be a resident of the District. In the event no architect is available for service on the committee, a building contractor with not less than five years' experience in the building trades may be appointed a member of the committee in lieu of the architect.

The initial members of the committee shall be appointed by the selectmen of each town for terms expiring, in the case of the architect or building contractor, whichever the case may be, at the end of one year, and in the case of the remaining members, at the end of one, two, three and four years, respectively, from the First day of January following such appointments. Thereafter, the architect or building contractor shall be appointed annually by said selectmen.

Upon expiration, the term of any of the members, other than that of the architect, shall be filled by the election of a successor at a meeting of registered voters residing in the District held annually at the call of the selectmen one to two months prior to such expiration. Said election shall be held in accordance with such rules and regulations as the selectmen may prescribe. The term of members so elected shall be four years.

Notwithstanding the provisions of this section, the members of the historic district committee for the town of Brewster shall be elected at said town's annual election and shall serve for four year terms commencing on June first and ending on May thirty—first.

The Committee shall elect a Chairman and a Secretary from its membership. In the case of the absence of the Chairman from any meeting, the members present shall elect a temporary chairman.

Three members of the Committee shall constitute a quorum.

Any member may be removed for cause by the selectmen of any member town after a public hearing upon written charges.

Vacancies occurring in the committee other than by expiration of term of office, shall be filled by appointment by the selectmen. Such appointment shall be only for the unexpired portion of the term of the member replaced. The Committee may expend such funds as may be appropriated annually.

The selectmen or town council of any member town may, upon the nomination and approval of the committee, annually appoint two persons residing in the district to serve as alternate members of the committee. The committee chairman may designate an alternate member to sit on the committee for the purpose of acting upon any application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the committee or in the event of a vacancy on the committee.

SECTION 6 - Limitations

No building, structure or part thereof, except as hereinafter provided, shall be erected within the District unless and until an application for a certificate of appropriateness as to the exterior architectural features shall have been filed with the Committee. Either a certificate of appropriateness or a certificate of exemption shall be issued by the Committee before erection.

No building, structure or any part thereof within the District, except as hereinafter provided, shall be demolished or removed unless and until an application for a permit to demolish or remove the same shall have been filed with the Committee and a certificate for demolition has been filed with the town.

No occupational, commercial or other sign, except as hereinafter provided, and no billboard shall be erected or displayed on any lot or on the exterior of any building or structure within the District, unless and until a certificate of exemption or certificate of appropriateness has been filed with the town clerk. In the case of any sign or billboard erected or displayed prior to the effective date of this Act, there shall be allowed a period of three years subsequent to said effective date in which to obtain such certificate.

Except in cases excluded by Section Seven, no permit shall *be* issued by the building inspector for any building or structure to be erected within the district, unless the application for said permit shall be accompanied either by a certificate of appropriateness or a certificate of exemption which has been filed with the town clerk.

All certificates issued pursuant to this Act shall expire one year from the date of issue, or upon the date of expiration of any building permit issued as to the work authorized by said certificate, whichever expiration date shall be later. The Committee may renew any certificate for an additional term or terms of not over one year provided application for such renewal is received prior to the expiration of said certificate.

SECTION 7 - Exclusions

Nothing in this Act shall be construed to prevent the ordinary maintenance and such repairs as do not change any exterior architectural feature of any building or structure within the District; nor shall anything in this Act be construed to prevent the erection, construction, reconstruction, restoration, alteration or demolition of any such existing feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this Act be construed to prevent the erection, construction, reconstruction, restoration, alteration or demolition of any such feature under a permit issued by the building inspector prior to the effective date of this Act.

The following structures and signs may be erected or displayed within the District without the filing of an application for, or the issuance of a certificate of appropriateness:

1. Temporary structures or signs for use in connection with any official celebration or parade or any charitable drive in a member town; provided that any such structure or sign shall be removed within three days following the termination of the celebration, parade or charitable drive for which said structure or sign shall have been erected or displayed. Any other temporary structures or signs which the Committee shall determine do not substantially derogate from the intent and purpose of this Act may from time to time be excluded from the provisions of Section Six.

2. Real estate signs of not more than three square feet in area advertising the sale or rental of the premises on which they are erected or displayed.

3. Occupational signs of not more than one square foot in area and not more than one such sign, irrespective of size bearing the name, occupation or address of the occupant of the premises on which such sign is erected or displayed where such premises are located within a residential area, as defined in the zoning by-laws of the member town.

The exterior color of any building structure within the District may be changed to white without the filing of an application for, or the issuance of, a certificate of appropriateness or to any color or any combination of colors which the Committee shall determine from time to time may be used without substantial derogation from the intent and purposes of this Act.

The Commission may establish from time to time, upon a two-thirds vote of the membership after a public hearing thereon, certain categories of exterior architectural features that may be constructed, removed or altered without causing substantial derogation from the intent and purpose of the Act, and such activities may be allowed without a hearing upon the issuance by the local committee of a certificate of exemption.

The Commission may also establish, from time to time, defined geographical areas within the several town historic districts, hereafter called "exempt areas", within which the activities otherwise limited by Section Six may be allowed without a hearing upon the issuance of a certificate of exemption by the appropriate committee, if the Commission shall determine, by the vote of two-thirds of its membership, that such areas lack historical significance and that their establishment as exempt areas would not cause substantial derogation from the intent and purpose of this Act.

SECTION 8 - Application to be Filed with Committee

Excepting cases excluded by Section Seven, any person, including the member town, state, county and federal governmental bodies, who desires to erect, move or demolish or remove or change the exterior architectural features of any building or structure within the District, or to erect or display within the District any sign or billboard for which a certificate of appropriateness is required under Section Six, shall file with the Committee an application for a certificate of appropriateness or certificate for demolition, as the case may be, together with such plans, elevations, specification, material and other information as shall be deemed necessary by the Committee to enable it to make a determination on the Application. All applications shall be accompanied by such filing fee, if any, as the Commission shall from time to time determine.

SECTION 9 - Meetings, Hearings, Time for Making Determinations

Meetings of the Committee shall be held at the call of the Chairman and also when called in such other manner as the Committee shall determine by its rules.

The Committee shall determine promptly after the filing of an application for a certificate of appropriateness, certificate for demolition, or certificate of exemption, whether or not a formal public hearing is required. If the Committee determines that a certificate of exemption should be issued, it may issue such a certificate without a public hearing thereon. If the Committee determines that a hearing on the issuance of the certificate of exemption should be held, it may schedule a hearing in accordance with the

provisions of this Section. If the Committee determines that a certificate of appropriateness or certificate for demolition is required, it shall schedule a public hearing thereon in accordance with the provisions of this Section.

The Committee shall fix a reasonable time for the hearing on all applications and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least seven (7) days before said hearing and also, not less than seven (7) days prior to said hearing, mail a copy of said notice to the applicant, to owners of property abutting the premises to be affected as they appear on the most recent local tax list, and to such other persons as the Committee shall deem entitled to notice.

As soon as convenient after such public hearing; but in any event within forty-five (45) days after the filing of application, or within such further time as the applicant shall allow in writing, the Committee shall make a determination on the application. If the Committee shall fail to make a determination within said forty—five (45) days, or within such further time allowed by the applicant, the Committee shall be deemed to have approved the application.

SECTION 10 - Powers, Functions and Duties of Committee

The Committee shall pass upon:

(a) The appropriateness of exterior architectural features of buildings and structures to be erected within the District.

(b) The demolition or removal of any building or structure or any part thereof within the District. The Committee may refuse a permit for the demolition or removal of any building or structure of architectural or historic interest, the removal of which in the opinion of the Committee would be detrimental to the public interest.

(c) The appropriateness of the erection or display of occupational, commercial or other signs and billboards within the District wherever a certificate of appropriateness for any such sign or billboard is required under Section Six.

In passing upon appropriateness, demolition or removal, the Committee shall determine whether the size, features, demolition or removal, sign or billboard involved will be appropriate for the purposes of this Act, and, if it shall be determined to be inappropriate, shall determine whether, owing to conditions especially affecting the building, structure, sign or billboard involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Act. If the Committee determines that the features, demolition or removal, sign or billboard involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to approve an application will involve substantial hardship to the applicant and

approval thereof may be made without substantial detriment or derogation as aforesaid, the Committee shall approve the application; but if the Committee does not so determine, the application shall be disapproved.

In passing upon appropriateness, the Committee shall consider, among other things, the historical value and significance of the building or structure, the general design., arrangement, texture, material and color of the features, sign or billboard involved and the relation of such factors to similar factors of buildings and structures in the immediate surroundings. The Committee shall consider settings, relative size of buildings and structures, but shall not consider detailed designs, interior arrangement and other building features not subject to public view. The Committee shall not make any recommendations or requirements except for the purposes of preventing changes in exterior architectural features obviously incongruous to the purposes set forth in this Act. The Committee shall consider the energy advantage of any proposed solar or wind device.

The concurring vote of a majority of the members of the Committee acting upon an application shall be necessary to make a determination in favor of the applicant on any matter upon which the Committee is required to pass under this Act. In the event of a tie vote, the certificate shall be considered denied unless the Committee votes to defer action until the next Committee meeting.

Three members of the Committee shall constitute a quorum.

The Committee may approve exterior architectural features which do not comply with the technical and dimensional requirements and specifications of the state building code, provided the Committee finds that the approval of the features will not pose a serious hazard to the health and safety of persons using the structure or building.

SECTION 11 - Appeals

Any person aggrieved by the determination of the Committee or by an approval of an application through failure of the Committee to make a determination within the time allowed under Section Nine, whether or not previously a party to the proceeding, may, within ten (10) days after the filing of a notice of such determination with the town clerk, or within ten days after approval by failure to make a determination within said time limit, appeal to the Commission. The Commission shall within thirty (30) days after receipt of such appeal in writing from the aggrieved, hear all pertinent evidence and determine the facts, and if, upon the facts so determined, the Commission finds that the Committee exceeded its authority or exercised poor judgment, was arbitrary, capricious, or erroneous in its action, the Commission shall annul the Committee determination of approval and remand the case to said Committee for further action, or revise the determination of the Committee and issue the appropriate certificate or deny it.

Any person aggrieved by the action of the commission may, within twenty (20) days after notice of said decision has been filed with the town clerk of the affected town, appeal to the district Court having jurisdiction over the affected town and notice of such appeal shall be given to the town clerk so as to be received within such twenty (20) days. Said District Court may hear all pertinent evidence and determine the facts and if, upon the facts so determined, such determination or approval is found to exceed the authority of the Commission said District Court may modify either by way of amendment, substitution, or revocation, the decision of the Commission and may issue such superseding approval or denial of the application with such condition as said District Court in its discretion deems appropriate, and shall have all of the powers to act in the matter that are available to a court of general equity jurisdiction.

The findings of fact by said District Court shall be final and conclusive upon the parties.

The remedies provided by this section shall be exclusive, but the parties shall have a right of appeal to the Appellate Division of the District Courts on issues of law.

Cost shall not be allowed against the Commission or the Committee unless it shall appear to said District Court that they either acted in bad faith or with malice in the matter from which the appeal was taken.

Costs shall not be allowed against the party appealing from such determination or approval of the Commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

SECTION 12 - Enforcement

Any person who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00). Each day of violation of this Act shall constitute a separate violation.

The building inspector in the affected town shall have the power and duty to enforce the provisions of this Act.

The District Court having jurisdiction over the effected town shall have jurisdiction to enforce the provisions of this Act and the determination, rulings and regulations issued thereunder, and may restrain by injunction violations thereof and issue such other orders for relief of violations as may be required.

SECTION 13 - Severability of Provisions

The provisions of this Act shall be deemed to be severable, and in case any part of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the validity of any other part.

SECTION 14 - Apportionment of Expenses

The Commission may determine the expenses of the District and apportion the same equally among the member towns comprising such District, and shall promptly thereafter notify the treasurers of such towns of such apportionment. Every town treasurer so notified shall annually certify the amount of such apportionment to the Boards of Assessors of his municipality, who shall include such amount in the tax levy of the following year. Upon order of the Commission the town treasurer of each of the towns of the District shall from time to time pay to the District treasurer a sum or sums not exceeding, in the aggregate, the amount certified by the Commission as its respective share of the costs and expenses of the District.

SECTION 15 - Prior Historic Districts

Upon the establishment of the District, any historic district theretofore established in any member town within the District shall cease to exist.

SECTION 16 - Acceptance of Act

The following question shall be printed on the ballots of the member towns as listed in Section Four to be used in the biennial state election in November, Nineteen Hundred and Seventy—four:—

"Shall an act passed by the general court in the year Nineteen Hundred and Seventy-Three, entitled 'An Act Establishing the Old King's Highway Regional Historic District and the Old King's Highway Regional Historic District Commission in Barnstable County' be accepted?" If a majority of the voters present and voting in the regional district towns shall vote in the affirmative, this Act shall become fully effective and the said District shall be deemed to be established forthwith, but not otherwise. If a majority of the voters present and voting in the member towns in the said election fail to vote in the affirmative, the said question shall be printed on the ballot to be used in the biennial state election in November, Nineteen Hundred and Seventy—Six. If a majority of the voters present and voting in the member towns shall vote in the affirmative at said election, this Act shall become fully effective and the said District shall be deemed to be established forthwith, but not otherwise. If a majority of the voters present and voting in the member towns fail to vote in the affirmative in the said election, the said question shall be printed on the ballots to be used in the biennial state election in November,

Nineteen Hundred and Seventy-Eight. If a majority of the voters present and voting in the member towns shall vote in the affirmative at said election, this Act shall become fully effective and the said District shall be deemed to be established forthwith, but riot otherwise. If this Act is not accepted in the November, Nineteen Hundred and Seventy-Eight election, the question of acceptance may be placed upon the ballot of any subsequent state biennial election, provided that, prior to September First of the year it is to be voted upon, a petition signed by not less than fifteen (15%) percent of the registered voters in each of the towns listed in Section Four has been filed with the selectmen of the respective towns. The selectmen shall refer the petitions to the registrars of voters for certification and the registrars of each town shall notify the state secretary of the percentage of valid signatures. The state secretary shall in turn notify the selectmen of each town whether or not sufficient signatures have been certified to place the question on the ballot. If a majority of the voters present and voting in the regional district towns in such subsequent state election shall vote in the affirmative, this Act shall become fully effective and the said District shall be deemed to be established forthwith, but not otherwise.

OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMISSION

972 CMR RULES AND REGULATIONS

Sections

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1.00: Rules of Procedure

1.01: Authorization and Purpose

(1.) Authorization: In accordance with Section 4 of the Old King's Highway Regional Historic District Act, Chapter 470 of the Acts of 1973, as amended, the Rules and Regulations of the Old King's Highway Regional Historic District Commission are herein established.

(2.) Purpose: The purpose of these Rules and Regulations is to delineate the Old King's Highway Regional Historic District Commission's procedures and to furnish other information which said Commission considers useful for those appearing before it.

1.02: Definitions

(1.) Commission: As used in these Rules and Regulations, "Commission" shall mean the Old King's Highway Regional Historic District Commission.

(2.) Committee: As used in these Rules and Regulations, "Committee" shall mean a member town's historic district Committee as created under Section 5 of the Old King's Highway Regional Historic District Act, Chapter 470 of the Acts of 1973, as amended.

(3.) Appellant: As used in these Rules and Regulations, "appellant" shall mean the person or party who is appealing the decision of a town's historic district committee.

(4.) Applicant: As used in these Rules and Regulations, "applicant" shall mean the person or party whose application to a town's committee is the subject of the appeal.

(5.) Date of Receipt: As used in these Rules and Regulations the date of receipt as it applies to appeals shall be the date upon which a written appeal is received by Commission counsel or properly postmarked, whichever is earlier.

(6.) Certificate: As used in these Rules and Regulations, "certificate" shall mean a Certificate of Appropriateness, Certificate for Demolition or Removal, or Certificate of Exemption; whichever is applicable to the issue of appeal.

(7) Historic District Act: As used in these Rules and Regulations, "Historic District Act" shall mean the Old King's Highway Regional Historic District Act, Chapter 470 of the Acts of 1973, as amended.

(8) District: As used in these Rules and Regulations, "District" shall mean the Old King's Highway Regional Historic District.

1.03: General Procedures

(1.) Committee Hearings: All hearings shall be conducted under the supervision of the Chairman with a minimal amount of formality. The applicant or his agent is encouraged to present to the Committee a complete explanation of the project with a minimum amount of repetition and emotion. All interested persons will be given an opportunity to speak at the hearing. Formal procedures will be used only to the extent that it is necessary to protect the rights of all interested persons.

(2.) Revisions To Approved Plans:

(a.) Only minor changes may be approved by the Committee without the filing of a new application and a new hearing. Minor changes include alterations that can be done without a detrimental impact on the overall appearance of the project such as altering a single window or door change or a minor change of colors. All minor changes by amendment will require the local Committee's or its designee's approval.

(b.) Upon failure of a Committee to approve a proposed amendment, the applicant's only remedy is to file a new application for a Certificate of Appropriateness specifically addressing the proposed change. A new public hearing in accordance with the requirements of the Act shall then be held by the Committee.

(3.) Commission Procedures:

(a.) Correspondence: All communications to the Commission shall be addressed to Old Kings Highway Regional Historic District, P.O. Box 140, Barnstable, MA 02630-0140, Telephone (508) 775-1776.

(b.) Official Commission Business: Official Commission Business shall be conducted at an open public meeting presided over by the Chairman. Four members shall constitute a quorum unless the number required for a quorum shall be changed by legislative action.

(c.) Commission Meetings: Commission meetings shall be held on the first Tuesday of each month or as otherwise designated by the Chairman. Notice of all meetings including date, time and place shall be published at least seven days in advance of the date of such meeting in a newspaper published within Barnstable County and distributed within each of the Towns of the District. In addition, the notice for all Commission meetings shall be posted at the County Commissioners' Office at least forty-eight hours prior to the meeting.

(d.) Commission Membership: The Commission membership shall be comprised of the Chairperson of each town's historic district committee. In the event that the town committee's Chairperson is unable to attend Commission meetings, another member of the Committee may be designated as Chairperson Pro Tem to sit on the Commission and have full powers pro tem.

(e.) Computation of Time Periods: For the purposes of the Historic District Act the computation of time periods shall be as follows:

(1.) Whenever an action is required, by law or these Rules and Regulations, to be performed within a specific number of days after or not less than a specified number of days before, the day of such action shall not be counted as one of such specified number of days.

(2.) Whenever the final day of taking any action, including the filing of appeals or rendering of decisions pursuant to the Historic District Act falls on a Saturday, Sunday or legal holiday, the time for taking such action shall be extended to the next following business day.

(3.) All appeal petitions shall be deemed filed on the date of receipt except for mailed appeal petitions, which shall be deemed filed as of the postmark date.

(4.) Appeal Petitions:

(a.) Appeal petitions submitted to the Commission shall be in written form and contain the following: the signature and address of the aggrieved person or his designated representative, the grounds for appeal, the relationship of the Appellant to the subject of the appeal (i.e. applicant, abutter, or other aggrieved party) and the remedy being sought.

(b.) Appeal petition forms provided by the Commission shall be used.

(c.) A certified copy of the town committee's decision must be obtained by the Appellant from the Town Clerk and submitted with the appeal petition.

(d.) The appeal petition must be postmarked not more than 10 days after the date on which the Committee's decision is filed with the Town Clerk. If the case is one where the approval of an application resulted from a Committee's failure to act within the period prescribed by the Historic District Act, the appeal must be filed not more than 10 days after the expiration of said period. Appeals may not be filed by the use of facsimile machines or electronic mail systems.

(e.) Prior to the expiration of time within which an appeal may be submitted, the Appellant shall also mail or deliver a copy of the appeal petition to the:

1. Town Clerk,
2. Town Committee, and
3. Applicant (if different from appellant).

(f.) A $100.00 filing fee must be paid to the Commission at the time of filing the appeal.

(5.) Notification after Receipt of an Appeal Petition:

(a.) A public hearing upon the appeal shall be held by the Commission not more than 30 days after the date of receipt of the appeal petition. The Commission shall mail a written notice of the date, time and place of such hearing not less than seven days before such date to:

1. Appellant,
2. Applicant (if different from the Appellant),
3. Town Clerk (of the affected town) and
4. Commission members.

(b.) Not less than seven (7) days before the hearing the notice shall be printed in a newspaper which is published within Barnstable County and distributed within each of the towns in the District.

(6.) Committee Records: Upon notification of an appeal, a town Committee shall assemble the file pertaining to the subject of the appeal. This information shall include plans, specifications, elevations, minutes of the committee's hearing and any other relevant data. The Committee Chairperson or Chairperson Pro Tem shall bring the file to the Commission hearing for review. Upon completion of the Commission hearing the said file shall be returned to the Committee.

(7.) Appeal Withdrawal: An appeal may be withdrawn at any time prior to the opening of the public hearing by the Commission by filing a letter requesting the same with Commission Counsel. The Commission will take no further action without a new review by the respective Town Committee.

1.04: Conduct of Appeals

(1.) General:

(a.) The appeal hearings shall be conducted during a public meeting of the Commission presided over by the Chairman.

(b.) The voting members of the Commission shall be those present, including pro tem members, but excluding the member whose town committee originally decided the issue being appealed. A present but non-voting member shall be included for purposes of determining a quorum.

(c.) The Commission shall not be bound by the strict rules of evidence applicable to the courts of law.

(2.) Order of Presentation:

(a.) A clear, concise statement setting forth a description of the proposed project and identifying specific reasons and/or factors supporting the granting of a Certificate shall be made by or on behalf of the Applicant (if different from the Appellant).

(b.) A clear, concise statement of the appellant's objections to the Town Committee's decision shall be made by or on behalf of the Appellant. Such statement shall include the grounds for the appeal.

(c.) The Chairman of the respective town committee or his designee shall make a clear, concise statement of the basis for the decision of the Committee.

(d.) Other persons may be heard by the Commission and may present testimony and evidence relevant to the appeal. The Commission may impose reasonable time limits to all debate or discussion.

(3.) Decorum: All parties, counsel, witnesses and any other persons present at an appeal shall conduct themselves in a manner consistent with the standards of decorum commonly observed in a court of law. In situations when such decorum is not observed, the Commission may take such action, as it deems necessary to ensure the just and orderly conduct of the appeal hearing.

(4.) Non Appearance: If no representative appears for one or more of the involved parties in an appeal, the Commission may still carry out the appeal hearing in accordance, as nearly as possible, with the guidelines set forth in 972 CMR1.04.

(5.) Continuance of a Hearing:

(a.) The Commission may, for good cause shown, postpone or continue an appeal hearing to a time within the review period designated in the Historic District Act.

(b.) The Commission may extend its review period for an appeal beyond 30 days if written consent is obtained from the Appellant and Applicant (if different from the Appellant).

(6.) Public Record: A copy of all appeal petitions and written decisions shall be maintained as the official public record of the Commission's actions.

(7.) Appeal Decision: The Commission shall render its decision in writing, stating the grounds thereof, within 30 days after the date upon which the appeal hearing was conducted. A copy of the decision shall be mailed or delivered to the Appellant, Applicant (if different from the Appellant), the Town Committee Chairperson, and the Town Clerk.

1.05: Amendment of Rules and Regulations:

It is hereby provided that the Rules and Regulations of the Commission may be amended or supplemented from time to time by a vote of not less than two-thirds of the members of the Commission.

2.00: Exempt Areas

2.01: Establishment Procedures:

The procedure for establishing exempt areas, pursuant to Section 7 of the Historic District Act, shall be as follows:

(1.) Any area in a town historic district proposed to be established as an exempt area shall have an area of not less than One Hundred (100) Acres. Parcels in separate ownership within said area may be combined for the purpose of computing the required minimum area if they are contiguous or are separated only by a public or private street or

way. The boundaries of said area shall be shown on a map sufficient for identification. Assessors' maps or property plans may be used as the basis for any such maps.

(2.) If a Town Committee, by a vote of a majority of all its members, declares it advisable to consider establishment of such area as an exempt area, or if said committee shall receive a petition signed by sufficient qualified petitioners, as herein set forth, requesting it to consider the establishment of such an exempt area, the Committee shall hold a public hearing in said town at which establishment of such an exempt area shall be presented for consideration and discussion. Any such petition shall be signed by the owners of not less than fifty (50%) percent of the separate lots in said area as they shall appear on the most recent tax list of said town. Notice of the time and place of such public hearing, of the subject matter sufficient for identification, and of the place where relevant texts and maps may be inspected shall be published in a newspaper of general circulation in said town in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of hearing and by posting such notice in a conspicuous place in the town not less than fourteen (14) days before said day of hearing.

(3.) After such public hearing and the consideration of such matters as the Committee deems relevant, the Committee shall file with the Commission its report approved by a majority of all its members stating whether or not it recommends the establishment of such exempt area, as defined in said report, and setting forth all the facts and conclusions upon which such recommendation is based.

(4.) After considering the report of the Committee and such matters as shall be deemed relevant, the Commission, by the affirmative vote of not less than two-thirds of all its members, may declare such area, subject to such boundary modifications as it considers advisable, to be an exempt area if it finds that it lacks historic significance and that its establishment as an exempt area would not cause substantial derogation from the intent and purpose of said Act. The Commission's decision shall be filed with the Clerk of said Town, whereupon the exempt area shall be deemed established.

(5.) Any person aggrieved by said decision shall have the right to appeal to the appropriate District Court in accordance with Section 11 of said Act.

2.02: Certificates of Exemption in Exempt Areas:

Upon establishment of an exempt area, above set forth, the Committee, or its designee, may issue Certificates of Exemption, without a hearing, with respect to any activity within such area, which would otherwise be limited by Section 6 of the Historic District Act.

2.03: Amendment Procedures:

The procedure for amending the boundaries of an exempt area, pursuant to Section 7 of the Historic District Act, shall be as follows:

(1.) The boundaries of any exempt area in a member town proposed to be re-established as a non-exempt area shall be shown on a map sufficient for identification. Assessors' maps or property plans may be used as the basis for any such maps.

(2.) If a Town Committee, by the vote of the majority of all its members, declares it advisable to consider the amendment of the boundaries of such area to be reestablished as a non-exempt area or, if said committee shall receive a petition signed by sufficient qualified petitioners, as herein set forth, requesting it to consider the amendment of the boundaries of such area, the Committee shall hold a public hearing in said town at which reestablishment shall be presented for consideration and discussion. Any such petition shall be signed by the owners of not less than fifty (50%) percent of the separate lots in said area as they shall appear on the most recent tax list of said town. Notice of the time and place of such public hearing, of the subject matter sufficient for identification, and of the place where relevant texts and maps may be inspected shall be published in a newspaper of general circulation in said town in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of hearing and by posting such notice in a conspicuous place in the town not less than fourteen (14) days before said day of hearing.

(3.) After such public hearing and the consideration of such matters as the Committee deems relevant, the Committee shall file with the Commission its report approved by a majority of all its members stating whether or not it recommends amendment of the boundaries of such area, as defined in said report, and setting forth all the facts and conclusions upon which such recommendation is based.

(4.) After considering the report of the Committee and such matters as shall be deemed relevant, the Commission, by the affirmative vote of not less than two-thirds of all its members, may declare such area, subject to such boundary modifications as it considers advisable, to be reestablished as a non-exempt area if it finds that reestablishment as a non-exempt area would be in keeping with the intent and purpose of the Historic District Act. The Commission's decision shall be filed with the Clerk of said town, whereupon the area in question will cease to be included as an exempt area.

(5.) Any person aggrieved by said decision shall have the right to appeal to the appropriate District Court in accordance with Section 11 of the Historic District Act.

3.00: Excluded and Exempt Features and Activities:

3.01: General:

There are a number of activities and features, which have been excluded or exempted under the Historic District Act. Excluded features or activities do not require Certificate of Appropriateness from the Town Committee. Exempted features and activities require a Certificate of Exemption, which may be obtained from the Town Committee or its designee without a hearing.

3:02: Unsafe or Dangerous Conditions: Whenever any portion of a structure within the District is to be demolished or removed, whether it is visible from a way or public place or not, a certificate from the Town Committee is required. The only exception to this requirement applies to unsafe and dangerous conditions, which require immediate emergency action in order to protect the safety of individuals. If the local building inspector determines that a structure is unsafe and requires emergency action to protect the safety of individuals, the Inspector may issue a written certificate than an emergency condition exists and is authorized to remove the hazard with without a certificate from the committee. After the hazard is removed an appropriate certificate shall be obtained from the Committee. In many situations both a Certificate for Demolition or Removal and a Certificate of Appropriateness will be necessary if the project involves the replacement or relocation of a building or structure.

3:03: Exclusions: The following features and activities are allowed by the Historic District Act with no requirement for any certificate or action by the Town Committee.

(a.) Ordinary maintenance and repairs that do not change exterior architectural features: This provision has been construed to include the replacement of shingles and clapboards with the same existing material, but shall not include changes from wood to vinyl, aluminum or fiber; or painting which changes the color of a building except for those changes specifically eligible for a Certificate of Exemption.

(b.) Change of color: Any building or structure may be painted white without Committee approval.

(c.) Signs: Real estate signs of not more than three square feet, occupational signs of not more than one square foot, and temporary signs in connection with official celebrations and charitable drives may be displayed within the District without any action by the Town Committee. Signs for builders and contractors are allowed, but only during the time of the building project.

(d) Temporary structures: Temporary structures for official celebrations (parades) or charitable drives.

3:04: Exemptions: An exemption can apply in three situations. The first is when property is located within an exempt area and no documentation is required from the applicant except for the application for a Certificate of Exemption. The second is when the feature is not within view from a way or public place and only a site plan is required along with the application for a Certificate of Exemption. The third is when a feature has been specifically exempted by the Commission. When one of these three situations applies the Town Committee may issue a Certificate of Exemption without a public hearing. The applicant must apply for the Certificate of Exemption using the appropriate form and supplying the documents specified in this section.

The Commission has established the following list of features as eligible for a Certificate of Exemption:

(a.) Fences: Wooden fences, not higher than 4 feet, may be allowed, as an exempt item, if appropriate for the site and associated structure, provided the finished side of the fence faces out from the fenced area, in the following styles:

1. Split, half round or round post & rail in natural (unpainted) finish.
2. Square rail in white or natural (unpainted) finish.
3. Vertical picket in white finish or natural (unpainted) finish.
4. Vertical flat board with cap rail 4-6 inches wide in natural or white Finish.

(Site plan must be submitted)

(b.) Hedges: Natural, not to exceed four feet in height.

(Site plan must be submitted)

(c.) Flag Poles: A freestanding flag pole on a residential property may be allowed, as an exempt item, provided it is not over 25 feet in height, not less than 20 feet from a way, constructed of wood in natural finish or white or constructed of aluminum or fiberglass in a white finish.

(Site plan must be submitted)

(d.) Arbors and Trellises: A single arbor or trellis of lightweight, wooden construction may be allowed if not over nine feet high.

(Site plan must be submitted)

(e.) Roofs: Architectural wood-style asphalt roof shingles (black, gray or weatherwood) and natural wooden cedar only may be allowed, as an exempt item, if consistent with the style and color of the building, and not over 5-inch exposure to the weather.

(Sample must be submitted)

(f.) Stone Walls: Construction of natural fieldstone and not exceeding 30 inches in height.

(Site plan must be submitted)

(g.) Sheds: A single wooden shed may be allowed, as an exempt item for residential use, if appropriate for site and associated structures, and if meeting the following criteria:

a. SIZE – No more than 120 square feet in floor area and no more than 12 feet in height to ridgeline.
b. ROOF PITCH – The roof must have at least a 7/12 pitch. The roof must rise at least 7 inches for every 12 inches of run or match the roof pitch of the existing house.
c. ROOF MATERIAL – Asphalt or wood shingles. If asphalt shingles are used, they should match the roof color of the house.
d. SIDING – Clapboards and/or cedar shingles are preferred; Barn board is acceptable; Texture 1-11 is not acceptable.
e. DOORS and WINDOWS – At least one door and one proportional window.
f. COLOR - Natural (unpainted), white, light gray or a color matching the existing house.
g. FOUNDATION – No more than 12 inches of foundation exposed.
h. LOCATION – at least the minimum distance required by the town from the side lot line and at least the same minimum distance from the rear lot line. The front of the shed shall not be extended farther forward on the lot than the rear wall of the existing house.

(A site plan and 3 sets of shed elevations must be submitted)

(h.) Freshwater Seasonal Docks & Piers: Freshwater seasonal docks and piers with their floats and pilings properly licensed and permitted by all other State and local authorities.

(Site plan and all licenses and permits must be submitted)

(i.) Commemorative plaques: Issued to signify the inclusion of a structure on the National Register of Historic Places. Such plaques shall be no larger than one square foot and shall be affixed to the structure.

4:00 Violations and Court Jurisdictions:

4:01 General:

While violations of the Historic District Act are usually minor in nature and few in number, the law provides the fullest opportunity for complete judicial redress against any violator. Violations should be prosecuted in the local District Court and may be brought either by civil action or criminal complaint. Often times the violation of the Historic District law will also include violations of other statutes and by-laws which may provide for more severe penalties.

4:02: Enforcement:

(a.) The Town Building Inspector is responsible for enforcing the Historic District Act. The law states that "no permit shall be issued by the local building inspector for any building or structure to be erected, removed or demolished within the District unless the application for said permit shall be accompanied by a Certificate of Appropriateness, Certificate for Removal or Demolition, or Certificate of Exemption." (See Section 6 of the Act). The law further states that the building inspector of the affected town shall have the "power and duty" to enforce the provisions of this law. For these reasons all violations should be promptly reported to the local building inspector's office for proper enforcement action. While the local building inspectors are specifically charged with the responsibility for enforcing the Act, any person who observes a violation may seek a criminal complaint against the violator(s). Any person who violates any provision of the Historic District Act is guilty of a misdemeanor and in 1974 the Massachusetts Supreme Judicial Court ruled that even though the Legislature may have imposed the duty to prosecute violations on a particular public official--in that case a health agent--anyone who is competent to give oath may seek a criminal complaint in the local District Court. (See: Commonwealth v. Haddad, 364 Mass. 795, 308 NE2d 899 (1974)). Therefore, if a citizen feels strongly about a violation, he may seek direct action against the violator(s) by going to the Magistrate's office of the local District Court. The Commission recommends that all violations be brought to the local building inspector's office for enforcement. If criminal action is to be initiated, the complainant should obtain competent legal advice and discuss the matter with members of the local District Attorney's office.

4:04: Proof of Violations:

Any person suspecting a violation of the Historic District Act should take steps to properly document the violation and be prepared to testify as a witness. The following information and material will be helpful in supporting any enforcement action:

(a.) Statement of Facts. A brief written statement outlining the alleged violation should be submitted to the local building inspector's office and a copy retained by the complainant. The statement should include the following information:

(i.) Location of the violation including street address and assessors' map number.

(ii.) Type of violation—describing the specific section of the Historic District Act that is being violated and indicating whether the violation involves construction or demolition.

(iii.) The name(s) and address(es) of the violators. This should include the owner, builder, machinery operators and other persons participating in the work.

(iv.) Name and address of the person reporting the violation.

(v.) List of possible witnesses and names and addresses of any persons observing the violation.

(b.) Photographs: Photographs of the work in progress with sufficient detail so as to identify the extent of the violation and the person doing the work. The date, time and location of the photograph should be written on the back of each photograph along with the name(s) and address(es) of the photographers.

404: Court Jurisdiction and Penalties:

(a.) The local District Court has jurisdiction over civil actions, criminal complaints and appeals. Matters involving the Towns of Sandwich, Barnstable and Yarmouth should be brought to the Barnstable District Court located off Route 6A in Barnstable Village. Matters involving Dennis, Brewster and Orleans should be brought to the Orleans District Court located just of f Route 6 at the Orleans/Eastham rotary circle.

(b.) Violators of the Historic District Act are guilty of a misdemeanor and may be fined from a minimum of $100 to a maximum of $500, with each day constituting a separate violation. The penalty of contempt is available for any violation of a judicial order issued by the local District Court.

OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT

GUIDELINES

INTRODUCTION

These guidelines are adopted by the Commission in an effort to aid applicants in appearing before the local Committees of the Old King's Highway Regional Historic District.

The more information provided to the Committee with an application the easier it will be for the Committee to render a prompt decision.

All plans submitted for approval should be prepared to scale and clearly drawn so the Committee can know from looking at such plans exactly what the applicant intends to do.

Preliminary informal discussions with the Committee regarding a proposed project are encouraged prior to the filing of a formal application.

A. AREAS OF GENERAL RESPONSIBILITY.

1. It shall be the duty and responsibility of the local building inspector to enforce the provisions of the Historic District Act.

2. It shall be the duty and responsibility of the local historic district committee to locally administer the Act.

3. It shall be the duty and responsibility of the Regional Commission to interpret the Act, to hear appeals, and to coordinate the overall efficient operation of the District.

4. It shall be the duty and responsibility of the applicant to file a fully completed application (see Paragraph 7 below) including an accurate list of all abutters with their permanent mailing addresses. Applications shall include exterior plans and details as well as any related information and material that will assist the Committee in determining, the appropriateness of the project. Incomplete filings may be a basis for denial of the application. Any application approved without all abutters being notified may be legally void even if work has started.

5. All applications shall be filed on Commission approved forms available in the local town hall. An incomplete application can be the basis for the rejection of a filing.

6. All plans submitted for approval should be prepared to scale and clearly drawn so as to indicate the exact nature and extent of the proposed project.

7. All applications should be accompanied with the following information:

a. A plot plan showing the exact location of a proposed building or structure and identifying existing buildings and structures. Indicate what landscaping or planting, if any, is to be done.

b. Complete preliminary exterior plans with four elevations of the proposed building or structure and sufficient to show topographical features if appropriate.

c. A specification sheet describing materials and colors to be used in the proposed project. (See Sample For A-i).

i. Materials: detailed description of the size, type and composition must be specified.

ii. Colors: Submit color chips if any color other than white is intended to be used. There are no pre-approved colors other than white.

d. Photographs of the site and related buildings and structures may be used to assist the applicant in describing the project. When an application calls for renovations, additions, alterations, or demolition, photographs of the site and structure are mandatory.

e. For commercial properties a professional landscaping plan must be submitted. For single-family homes please indicate the proposed tree-cutting, clearing and landscaping.

f. In the Committee's discretion, all lots may need to be staked or flagged to show the footprint of the proposed structure.

g. All existing structures should have a visible house/street number and should be marked to show the activity which is the subject of the application.

8. Committee members shall familiarize themselves with each application and site prior to any determination.

9. Committee members shall be required to fully understand the Act and conduct themselves in a professionally responsible manner. In making determinations, the members shall base their decisions on sound judgment free of any personal prejudice.

10. If the Committee shall make a determination against the Applicant, it shall state in writing the specific reasons for denial.

B. RECOMMENDATIONS TO APPLICANTS.

1. Preparations: All plans and related materials should be filed with the Committee at the time the application is submitted. The Commission recommends that discussions with abutters be made prior to the public hearing so as to avoid unnecessary misunderstandings at the public hearing.

2. Design: Each application shall be judged on the criteria set forth in the Act under Section 10 including therein, but not limited to, historic value and significance, general design, arrangement, texture, material, color, relative size and settings.

3. Style: While traditional styles are encouraged, the Act does not require that design be limited to repetition of existing or previous architectural styles. Contemporary designs and features may be considered provided they are in harmony and compatible with the existing features of the building and neighborhood.

4. Materials and Methods: Applicants are encouraged to use building materials and forms indigenous to the area. While the use of vinyl and other similar types of synthetic siding is not recommended, the Committee may allow its use subject to the following conditions:

a. That the applicant be made aware -- by the installer -- of the hazards posed by its use.

b. That proper steps be taken to insure that all rotting or decaying clapboards be removed prior to installation.

c. That all termite, carpenter ant, or other insect infestation be eliminated prior to installation.

d. Flaking and peeling dry rot be removed and features to be restored.

e. That appropriate steps be taken to insure that the particular synthetic siding being installed has adequate ventilating holes to allow for proper breathing.

f. That the original wood detail and ornamentation of the building be preserved and the edge of the synthetic siding be sculptured so as to properly fit the existing wood molding.

g. That the synthetic siding be of sufficient quality and design to protect and preserve the future appearance and historic integrity of the building in a manner that will not negatively distinguish it from the other buildings in the neighborhood.

h. Synthetic sidings such as Texture 1-11 will not be approved without extensive explanations for the necessity of its use.

5. Energy Conscious Design: Applicants may consider alternative energy resources when submitting proposals. Skylights, solar panels and wind generators may be approved provided the system will function in a practical manner and adhere to the following:

a. Minimum visual impact on the surrounding neighborhood.

b. No change to the appearance of the buildings except for the addition of the panels.

c. The installation of the system does not permanently destroy significant historic features of the building.

d. The applicant uses ground level solar panel mountings where possible.

e. Roof mountings positioned so as to match existing roof slopes.

f. Extensive use of vegetation and landscaping so as to minimize the visual impact of the system.

g. Devices should be designed and constructed in such manner as to blend with existing features in the immediate area.

h. Wind generator towers should be located as far as possible from the street line so as to minimize the visual impact of the device.

i. Skylights should be of low profile with a flat pane.

6. Other Specific Features:

a. Roof pitch, 7 over 12 minimum.

b. Dormers must have setbacks and/or false jets.

c. Large, exposed concrete foundations require covering with vegetation or appropriate siding material. There should be not more than 12 inches of exposed concrete.

d. Large buildings or structures: Buildings of 50 feet or more in length may require breaks through set—back or roof line alternatives to reduce the massiveness of the building or structure.

e. Excessive repetition of style, color, or design can be inappropriate.

g. All flues, vents, or metal chimneys are to be enclosed or screened.

7. Signs: The visual impact of advertising and business identification signs has an enormous effect on the character of our villages. Signs can attract business by good design that compliment the beauty of their surroundings, or they can destroy it by being blatant, loud, and irritating. The District's business economy is built and dependent upon the unique natural beauty of the villages. Preserving this environment is the essence of good business. The following guidelines are to establish a framework for good design that will help protect our businesses and encourage their successful growth and development. Circa signs ("C. 1800") are permissible but should be placed so as not to be confused with the property's address.

a. Size.

Desirable

Signs which do not exceed the size of other signs in the neighborhood and which will not stimulate a growth in sign size within the neighborhood will generally be approved. Local sign codes and the zoning by—laws establish maximum size limitations. Frequently these maximum size limitations are excessive for specific neighborhoods and should not be relied upon for determination or appropriateness. Temporary real estate signs should not exceed three (3) square feet in area.

Undesirable

Bigger is not better and signs whose *size will stimulate* competing business to enlarge their sign to match or exceed the one seeking approval will generally not be approved. Signs in excess of twelve (12) square feet in area.

b. Number of Signs Desirable

One well designed sign per premises combining and reducing the number of signs on a premise will reduce confusion and insure that the broadest attention is given to the message contained therein.

Undesirable

Disjointed multiple signs conveying multiple messages and each promoting a single product, service or business create confusion.

c. Message

Desirable

A simple sign identifying the type of business or services available on the premises and expressing the character and quality of the products and services available are to be encouraged.

Undesirable

Multiple signs promoting and advertising specific products, prices or name brands which tend to compete with one another for the attention of the observer should be avoided.

c. Design character

Desirable

Signs that blend well with the Cape Cod type of architecture.

Undesirable

Overly ornate design
Grotesque block forms and colors.
Glittering urban "chrome-plastic-neon" designs.
Commercial window or exterior signs (gas, beer, soda, daily specials, etc.)

e. Materials

Desirable

Backgrounds of wood (redwood, cedar, etc.) Planking or exterior grade plywood. Letters cut out, or painted on, or incised with contrasting color. Quarter board carved. Separate raised letters of wood or black iron can also be effective applied to building walls. Anchorage of signs should be as simple and inconspicuous as possible, compatible with necessary strength. Structural supports for free-standing signs are preferably of wood timbers. Rigid-steel framework, if used, should be painted dark brown, matte finish. Natural stone planters can be used to provide greater protection for the sign and give opportunity for landscaping.

Undesirable

Bright chrome or stainless steel or lettering.
Shiny metal or plastic backgrounds.

Unpainted or brightly painted steel supports, pipes, brackets, etc.
Amateur hand lettering.

e. Colors

Desirable

Any of a wide range of warm colors, from matte black to ivory.
For signs mounted on the building the background color should be similar to the wall color.

Undesirable

Gloss black or stark white, vermilion, hot orange, lemon or lime yellow, emerald green, aqua blues, violet lavender, purple.

g. Placement

Desirable

When located on buildings or roofs, preferably within the silhouette of the building, just above the eave line, suspended below the eave line, against a parapet well, or immediately over the entrance or display window are the best. Free-standing signs should be kept as low as possible without blocking visibility at intersections. Two or three feet above ground level is preferable, except at intersections where four or five feet is sufficient. Six feet high to the cross arm is the maximum height.

Undesirable

Signs on high poles. Off premises signs. Signs projecting above roof ridge lines or excessive horizontal projections.

h. Lighting

Desirable

If lighting is necessary, small spot lights from adjacent roofs or in the planting area, or from a continuous light strip with baffle at sign top.

Undesirable

Flashing or moving forms of illumination, internal illumination, except where demanded by established insignia of a nationwide company and then only with minimum intensity.

i. Costs.

The signs suggested above will average much less in cost than the steel frame, plastic and chrome, commonplace elsewhere. Maintenance costs are also less and the need for changes less frequent.

j. Additional Statutes and Regulations.

Any person wishing to erect a sign within the District must also comply with the requirements of the local zoning by-laws, sign code, and other provisions of the Massachusetts General Laws Annotated regulating the placement of signs. A few of the statutes which should be checked for compliance are listed below:

c.112, Sec. 31	Pharmacists
c.112, Sec.52A	Dentists
c.112, Sec.60K	Architects
c.112, Sec.87RRR	Television Technicians (requiring license number on business sign)
c.140, Sec.18	Innholder
c.140, Sec.126	Gunsmiths
c.266, Sec.94	Prohibiting malicious defacing of signs.
c.266, Sec.126	Prohibiting posting of signs on certain buildings.
c.87, Sec.9	Prohibiting the affixing of a sign to a public shade tree.
c.85, Sec. 8	Requirement of a local permit for signs and other devices within the layout of a public way.
c.93, Sec. 29-33	Outdoor advertising generally.
c.143. Sec. 1—61	
c.23B, Sec. 16—41	State Building Code.

k. Designers and Builders.

There are many well qualified and creative sign designers and builders who are familiar with these guidelines. Preparation of sketches and cost estimates are generally part of their services.

PETITION FOR APPEAL (FORM-D)

For Appeal filing procedure see:
972 CMR Section 1:02 & 1:03
RULES AND REGULATIONS

Docket No._____
Date Filed _____
(*The above for Official use only*)

(*PLEASE TYPE OR PRINT*)

Old King's Highway Regional Historic District Commission

P. O. Box 140, Barnstable, MA 02630 Telephone: 508-775-1766

_____
Appellant

VS.

Town of _____
Old King's Highway Regional Historic District Committee

1. This is an appeal from the above listed town Committee's decision (a copy is attached) on_____'s application for _____
(Applicant's name) (Project)
located at_____
and (approved / disapproved) by the local town's historic district Committee on
_____ and filed with the Town Clerk on_____ .
(Dated) (Date)

2. The reason for this appeal is:

_____
_____
_____
_____
_____
(If further remarks are needed, attach additional 8 1/2 x 11 sheet)

3. The relationship of the appellant to the subject of appeal is that of
_____
(Applicant/Abutter/Other aggrieved party)

4. The remedy sought by the appellant is_____
_____
(Annulment of town committee's decision/ Reversal to town committee's decision/ Remand application to town committee)

5. I hereby certify that I have given notice of this appeal to the Town Clerk, Town Committee & Applicant, if different. I have enclosed the required filing fee.

6. In the event that scheduling does not permit the hearing to take place within 30 days, I hereby grant an extension of time until the next regular scheduled Commission meeting.

_____ _____
(Date) Signature of appellant or designated representative

Appellant's Mailing Address:
_____
_____ Tel. No. _____

Name, address & telephone of agent and/or attorney:
_____

The appeal must be filed within 10 days of the filing of the decision with Town Clerk