

Framingham Historic District Commission

Rules and Regulations

Adopted September 23, 2019

PART I — GENERAL PROVISIONS

Rule 1. Scope

The following Rules are adopted by the Framingham Historic District Commission in accordance with the provisions of the General Laws of the Commonwealth of Massachusetts, Chapter 40C, and Article VII, Section 5 of the By-Laws of the City of Framingham.

Rule 2. Severability

If any provision of these Rules is declared invalid because it is in conflict with the General Laws of Massachusetts or the By-Laws of the City of Framingham, such invalidity shall have no effect on the validity of the remaining provisions of these Rules not so in conflict.

Rule 3. Commission Officers

The Commission shall annually elect, at a meeting in June, a Chair, Vice-Chair and Clerk.

PART II — PROCEDURE FOR FILING APPLICATIONS

Rule 4. Filing of Applications

A proceeding shall be commenced by filing, with the City Clerk, a written Application for Historic District Commission Review, provided by the Commission. The City Clerk shall, forthwith, transmit copies of all documents in the proceeding to the Chair of the Commission and to the Building Commissioner. A filing fee of \$50.00 shall accompany the application.

Rule 5. Application Form

The application filed with the City Clerk shall contain the name and address of the Applicant and the property involved. The application should be accompanied by a description of the proposed work, plans and drawings, and such other pertinent information as the Commission may require.

Rule 6. Determination of Applicability

The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an Application for Historic District Commission Review, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features, the Commission shall notify the applicant that the Commission shall hold a public hearing on such application.

PART III – HEARINGS

Rule 7. Hearings

Hearings of the Commission shall be held at the call of the Chairman or at the request of two members of the Commission.

Rule 8. Notice of Hearing

In all cases, within fourteen (14 days), notice by regular mail shall be sent to the Applicant and to those persons who are owners of all buildings within the applicable District. Such persons are hereby deemed by the Commonwealth to be affected by the application. Notice shall also be given to the Planning Board and shall be posted following standard notice procedures for meetings.

Rule 9. Procedure at the Public Hearing

The Applicant shall first present all evidence in support of the application. The Commission shall then hear from persons in support of the application or persons who have questions regarding the application. Persons opposed to the application shall then be heard. The Applicant shall then be allowed to summarize their proposal. The Commission may then, at its option, either continue the hearing until a date certain or deliberate and vote on the application.

Rule 10. Standards for Decision

The Commission shall be guided by the provisions of M.G.L. Chapter 40C and Article VII, Section 5 of the By-Laws of the City of Framingham.

Rule 11. Filing of the Decision

All decisions of the Framingham Historic District Commission shall be filed in the office of the City Clerk, within forty five (45) days after filling of the application, or such further time as the applicant agrees to.

Rule 12. Appeals

Any appeal from a decision of the Framingham Historic District Commission shall be taken in accordance with, and shall be governed by, the provisions of M.G.L. Chapter 40C, Section 12A.

PART IV – ENFORCEMENT AND PENALTIES

Rule 13. Determining Violations

The Commission shall determine whether a particular activity not authorized by any certificate is in violation of the terms of the Historic Districts By-law. Upon a written complaint of any City resident or property owner, or upon its own initiative, the Commission may initiate any appropriate action or proceedings in the name of the City to prevent, correct, restrain, or abate violation of the By-law.

Rule 14. Correcting Violations

If an owner of a property in an historic district either: i) fails to obtain a Certificate for alterations, construction, or demolition under the Commission's purview, or ii) fails to observe the conditions of a Certificate, the Commission shall first notify the owner in writing via mail with return receipt that the requirements of the By-law and/or Certificate are not being met. The owner will be given one week to respond to this notification. The owner will be requested to present a proposed plan to correct the situation at the next Commission meeting. If there is no satisfactory response from the owner within that time period or if the proposed plan (as it may be modified during the discussion at the Commission meeting) is found inadequate, the Commission may declare the situation on the site to be illegal under M.G.L. Chapter 40C, Section 6 and request that the City apply the available remedies under M.G.L. Chapter 40C, Section 13. The Commission may also refer the matter to the Building Commissioner for enforcement of the conditions of the building permit or to remedy the absence of a permit if that is the case.

Rule 15. Penalties

As provided by M.G.L. Chapter 40C, Section 13, as may be amended from time to time, whoever violates any of the provisions of M.G.L. Chapter 40C, may be punished by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500). Each day any violation continues shall be deemed a separate offense.



Stephen Greeley, Chair

Framingham Historic District Commission

October 2, 2019

Date