

972 CMR: OLD KING'S HIGHWAY REGIONAL
HISTORIC DISTRICT COMMISSION

972 CMR 2.00: EXEMPT AREAS

Section

2.01: Establishment Procedures

2.02: Certificates of Exemption in Exempt Areas:

2.03: Amendment Procedures

2.01: Establishment Procedures

The procedure for establishing exempt areas, pursuant to St. 1973, c. 470, § 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 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 50% 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 14 days before the day of hearing and by posting such notice in a conspicuous place in the town not less than 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 $\frac{2}{3}$ 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 St. 1973, c. 470. 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 St. 1973, c. 470, § 11.

2.02: Certificates of Exemption in Exempt Areas

Upon establishment of an exempt area, set forth in 972 CMR 2.01, 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 St. 1973, c. 470, § 6.

2.03: Amendment Procedures

The procedure for amending the boundaries of an exempt area, pursuant to St. 1973, c. 470, § 7.

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2.03: continued

(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 50% 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 14 days before the day of hearing and by posting such notice in a conspicuous place in the town not less than 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 $\frac{2}{3}$ 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 St. 1973, c. 470. 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 St. 1973, c. 470, § 11.

REGULATORY AUTHORITY

972 CMR 2.00: St. 1973, c. 470, § 4.