

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

972 CMR 3.00: EXCLUDED AND EXEMPT FEATURES AND ACTIVITIES

Section

3.01: General

3.02: Unsafe or Dangerous Conditions

3.03: Exclusions

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3.01: General

There are a number of activities and features, which have been excluded or exempted under St. 1973, c. 470, 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 that an emergency condition exists and is authorized to remove the hazard 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 St. 1973, c. 470 with no requirement for any certificate or action by the Town Committee.

- (1) Ordinary Maintenance and Repairs That Do Not Change Exterior Architectural Features. 972 CMR 3.03(1) 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.
- (2) Change of Color. Any building or structure may be painted white without Committee approval.
- (3) 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.
- (4) Temporary Structures. Temporary structures for official celebrations (parades) or charitable drives.

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3.04: Exemptions

(1) 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 972 CMR 3.04.

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

(a) Fences: Wooden fences, not higher than four 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 and 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 four to six 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, 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 five-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:

1. SIZE – No more than 120 square feet in floor area and no more than 12 feet in height to ridge line.
2. ROOF PITCH – The roof must have at least a 7/12 pitch. The roof must rise at least seven inches for every 12 inches of run or match the roof pitch of the existing house.
3. ROOF MATERIAL – Asphalt or wood shingles. If asphalt shingles are used, they should match the roof color of the house.
4. SIDING – Clapboards and/or cedar shingles are preferred; Barn board is acceptable; Texture 1-11 is not acceptable.
5. DOORS and WINDOWS – At least one door and one proportional window.
6. COLOR - Natural (unpainted), white, light gray or a color matching the existing house.
7. FOUNDATION – No more than 12 inches of foundation exposed.
8. 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 three sets of shed elevations must be submitted)

(h) Freshwater Seasonal Docks and 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)

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3.04: continued

(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.

REGULATORY AUTHORITY

972 CMR 3.00: St. 1973, c. 470, § 4.

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