

Provincetown Historic District Commission Rules and Regulations

Meetings

1. There shall be two regular hearings per month held on the first and third Wednesday of each month commencing at 4:00 P.M. Additional meetings shall be held at the call of the Chairman or at the request of two permanent members.
2. Notice of all hearings shall be duly posted with the Town Clerk in compliance with the Open Meeting Law (MGL Chapter 39, Section 23A, et. seq.). Whenever possible, notices will be posted at least fourteen days before the meeting. Notice shall include the date, time, and location of the public hearing. Notices and agendas shall be posted in a local newspaper and at Town Hall. Application fees will be set by the Commission and revised from time to time as appropriate.
3. A quorum of three voting members, which may include alternate members, is necessary to hold a hearing.
4. At the beginning of each hearing, the voting members shall be named by the Chairman. In the absence of one or more permanent members, alternate members shall be appointed by the Chairman to vote at the hearing. Alternate members who are present and who are not appointed to vote in place of an absent permanent member shall be entitled to otherwise participate in all meetings and hearings.
5. All hearings shall be recorded and minutes and records of votes shall be filed with the Town Clerk.
6. There shall be one organizational meeting per year in at which a Chairman, Vice-Chairman and Clerk shall be elected from the permanent members. The Town Clerk shall be notified of the elections.

Work Sessions

1. A work session may be scheduled at any time at the discretion of the Chair or at the request of any member or Town Hall staff. Notice of a work session must be posted in Town Hall at least 48 hours prior to said session.

Chairman

1. The Chair shall conduct monthly properly noticed hearings and work sessions in accordance with the Open Meeting Law (MGL Chapter 39, Section 23A, et. seq.). In the absence of the Chairman, the vice-Chairman or an Acting Chairman elected by a

quorum of those members present (and alternates if a quorum of members is not present) shall preside.

2. The Chair or the Chairs designee shall publish the agenda for meetings and hearings at least fourteen days prior to the scheduled meeting or hearing time.

Paid Secretary

1. A Paid Secretary, appointed by the Town, shall take minutes at all regular meetings and hearing. The assistance of a tape recorder is permitted.
2. The Secretary shall publish minutes including decisions made by the Commission and shall distribute copies of the minutes to all-permanent and alternate members as well as the Town Clerk and other officials requesting minutes.
3. In the event that a Town Hall appointed Secretary cannot attend a meeting or hearing, the Commission Clerk shall take minutes of the meeting and publish the minutes.

Certificates

1. Certificates of Compliance, Certificates of Non Applicability, and Certificates of Hardship are issued by the District Commission following the approval of an application.
2. Each certificate shall be dated and signed by the Commission Chairman or Secretary or by another person specifically authorized by the Commission to do so.
3. Each certificate shall be issued to the applicant and a copy shall be filed with the Office of Community Development and the Town Clerk.
4. Each certificate is valid for a period of one year.
5. An applicant wishing to make design changes after a certificate has been issued must contact the Commission, which will determine if a new application must be filed.
6. If an application for a certificate has been disapproved, the Commission shall record the reasons for such determination and shall issue a notice of these reasons to the applicant, the Office of Community Development and the Town Clerk,
7. No application for a Certificate of Compliance, Non Applicability, or Hardship under Provincetown General By-laws, Chapter 15, which has been unfavorably and finally acted upon by the District Commission shall be acted favorably upon within one (1) year after the date of final unfavorable action unless the said District Commission

finds, by a vote of two-thirds (2/3) of those members present, specific and material changes in the condition upon which the previous unfavorable action was based, and the Commission accordingly describes such changes in the written record of its proceedings, but only after due notice is given to parties in interest of the time and place of the proceedings when the question of the existence of such specific and material changes will be considered.

Hearings and Rulings on Applications for Certificates of Compliance and Hardship

1. Notice of a hearing on an application for a Certificate of Compliance and a Certificate of Hardship shall be posted at least fourteen days prior to the meeting and shall include the date, time, location, and address of the property for which the hearing shall be held. Notice of a hearing shall be filed with the Town Clerk who posts all Town meetings and on the Town web site. Notice of a hearing shall be sent to all abutters, and to any other Town officials and persons who have requested notification.
2. In reviewing each application, the Commission shall consider the historic and architectural value and significance of the site, building, or structure involved. Also to be considered is the general design, arrangement, texture, and material of the features involved and the relation of such features to similar features of buildings and structures in the district.
3. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size, shape, and design of the building or structure, both in relation to the land area upon which it is situated and to buildings and structures in the district.
4. Members of the Commission shall abstain from discussion and voting on an application when there is a conflict of interest. If the member is (a) the applicant, (b) a relative, close friend or business associate of the applicant, (c) a direct abutter to the applicant, or (d) one with a financial interest in the application, the member will remove himself/herself from the process.
5. The Commission will make every effort to suggest ways in which an application can be amended so that an approval can be assured. Discussion among members and the applicant shall focus on arriving at a solution satisfying all concerned. Time permitting, the Commission will make itself available after each of its meetings for informal review with interested persons who may be considering alterations or other action which might require issuance of a certificate by the Commission.
6. At the end of the discussion and within forty-five days of the filing or a completed application, unless the applicant and the Commission agree to a longer time, the Commission shall vote on an application.

7. A majority vote (at least three votes in favor of the action) is required for any decision of the Commission.
8. Each member's vote shall be recorded in the minutes.

Applications for Certificate of Non Applicability

1. Applications for Certificates of Non Applicability shall include a statement of reasons why the proposed alteration is not subject to review by the Commission together with evidence such as photographs, plans, or title documents that may be necessary to support the application.
2. The Commission may consider and vote upon an application for a Certificate of Non Applicability at any regular or special meeting.
3. The Chairman, Vice-Chairman, Secretary or staff of the Commission may, without vote of the Commission, issue a Certificate of Non Applicability with respect to alterations falling within the exclusions set forth in subsection 9 (Exclusions) of Chapter 15 of the Town of Provincetown General By-laws.