



Old King's Highway Regional Historic District Commission

P.O. Box #140
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OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT Practice, Procedure & Resources

I. Regional Commission Certificates & Forms

- A. Certificate of Exemption
- B. Certificate for Demolition or Removal
- C. Certificate of Appropriateness
- D. Appeal Petition

II. Procedures – Learning & complying with the applicable Massachusetts Laws

A. General Laws (M.G.L.) - Participate in Town & State Training Programs

1. Conflict of Interest Law (M.G.L. 268A) – Obtain Training Certificate & you must renew your certification every 2 years!

- a. Visit State Ethics Commission Website: <http://www.muniprogram.eth.state.ma.us/>.
- b. Obtain copy of "Summary of Conflict of Interest"
- c. Take on-line training course/test and print Certificate that is filed after completion. File copy with the Committee Secretary and/or Town Clerk.

2. Open Meeting law - Certification within 2 wks. of election or appointment

- a. Visit Attorney General's Website: <http://www.mass.gov/ago/openmeeting>
- b. Obtain copy of "Open Meeting Law Guide"
- c. Review Guide (M.G.L. Ch. 30A Sec. 18-25), & Atty. Gen. Regulations and sign Certification to be filed with Committee Secretary and/or Town Clerk.

3. Public Records law - Submissions, E-mails, etc.

- a. Visit Secretary of State Website: <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>
- b. Obtain copy of "A Guide to the Massachusetts Public records Law"
- c. Review Guide, Identify Public Records Custodian and designated Records Management Officer or Records Liaison Officer (Form RMU-4)
- d. Check on Town's Public Records Management Policy & Retention procedure

B. O.K.H.R.H.D.C. Special Act – (Chapter 470 of the Acts of 1973, as amended)

- 1. Review *Bulletin Oct. 2008* - Historic District Act, CMRs & Guidelines
- 2. Map & Structure of Regional District Commission & 6 Town Committees
- 3. Review of application, specifications, plans, site, etc. (Section 8 of Act & 972 CMR Section A. Clauses 7a-g)

4. Public Hearing (Section 9 of Act), Open Meeting Law & Bulletin's Guidelines
5. Amendments & Minor Changes (972 CMR Section 2a. & 2b.) Non-appealable

III. Factors that a Town Committee should consider in acting on an Application.

A. Certificate of Exemption – Location, Public View, Activities, Features, etc. (972 CMR Section 3)

B. Certificate for Demolition or Removal (Section 10, Clause b of the Act)

1. "Architectural or historic value of building or structure"
2. "Public Interest"

C. Certificate of Appropriateness (Section 10 of Act) – Public Visibility & Congruity

1. "The historical value and significance of the building or structure"
2. "The general design, arrangement, texture, materials and color of the features . . . involved"
3. "The relationship of such factors to similar factors of buildings and structures in the immediate surroundings"
4. "Settings"
5. "Relative size of buildings and structures"
6. "Energy advantage of a proposed solar or wind device"

D. General Recommendations:

1. Study *O.K.H.R.H.D.C. Bulletin Oct. 2008's* copy of Historic District Act, Rules & Regulations, and Guidelines.
2. Before the public hearings, review applications, plans and specifications.
3. Use Google & visit the site before the public hearing to perform a 360° observation of the setting and neighborhood.
4. Play a judicial role by being objective and not subjective in conducting your review process.
5. Focus consideration on the above factors/features (III. A. thru C.) listed from Section 10 of the Historic District Act and avoid expressing personal tastes, feelings, likes or dislikes or factors not set forth in the Historic District Act.
6. Do not discuss the merit of an application outside the public meeting process.
7. Seek to avoid being drawn into negotiating the redesign of a building or structure.
8. Require new plans with adequate time for proper review by the public, abutters, and the Town Committee's membership.
9. When reviewing a compliance application for a Certificate of Appropriateness, ignore the fact that an Applicant has previously been in violation of the Historic District Act.
10. Applications are about a building or structure, not about the owner, applicant, or their personal needs or wishes and remember that Applicants & Owners will come and go, but their buildings and structures will remain in the historic district.

IV. Determination: 45 days to act on application or obtain signed written extension

A. Grant the Certificate

1. Sign Plans & Certificate
2. File Notice with Town Clerk
3. Keep copies of submitted documents for an appeal and to comply with Public Records Law

B. Deny the Application

1. Need to prepare a written Decision with specific reasons for the denial.
2. Need to consider “Hardship” – M.G.L. Ch. 40A Zoning standard for variance - exceedingly difficult and hard to qualify
 - a. Unique hardship affecting only building and/or structure - Not personal to the owner
 - b. Substantial hardship
 - c. Not detrimental to the public welfare or interest to grant the Certificate.
 - d. Issuance of Certificate may be done without substantial derogation from the intent and purposes of the Act.
3. Keep copies of submitted documents for an appeal and to comply with the Public Records Law.

V. Appeals – (10 days) Regional Commission & (20 days) District Court (Section 11 of Act)

A. Standing: “...any person aggrieved”

B. Standard of Review by the Regional Commission:

1. Did Town Committee exceed its authority?
2. Did Town Committee exercise poor judgment?
3. Was Town Committee arbitrary in its action?
4. Was Town Committee capricious in its action?
5. Was Town Committee erroneous in its action?

C. Court Rulings & Decisions: See Town websites and printed copy available in all libraries located within Old King's Highway Regional Historic District and each Member Town Committee’s local OKHRHDC Office.

Old King's Highway Regional Historic District Commission Membership

(April 1, 2021)

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