

**Rules and Regulations Of The
Longmeadow Historic District
Commission**

- Revision 2021.1 -

Longmeadow, Massachusetts

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I. LEGISLATION AND HISTORY

A. In 1960 the Commonwealth of Massachusetts enacted legislation enabling the creation and protection of Historic Districts. The Historic Districts Act, Chapter 40C of the General Laws made it possible for cities and towns in the state to establish Commissions for the preservation of areas of historic interest.

B. In 1973 the Town of Longmeadow voted to enact the Historic District by-laws under the provisions above. The full text of the by-laws are available from the Town Clerk or the Chair of the Historic District Commission.

C. In 1982 the Longmeadow Historic District was accepted for listing by the National Park Service in the National Register of Historic Places. The National Register provides honor and recognition for historically, culturally, architecturally, and/or archaeologically significant property. Recognition grants an owner of income producing properties certain federal tax incentives for renovation and disincentives for demolition. It also provides a measure of protection for the property against any adverse effect caused by federally licensed, funded, or assisted projects.

II. LOCATION OF THE HISTORIC DISTRICT

The Historic District was established in 1973 and includes the Longmeadow Green and surrounding areas. The exact location may be seen on the “Plan Showing Longmeadow Historic District, Longmeadow, Massachusetts” dated June 2012. The plan is on record at the office of the Town Clerk and on the Town website.

III. PURPOSE

The purpose of the Commission is to preserve the unique tapestry of the Historic District, so as to assure the preservation of its historic value to the community.

IV. THE HISTORIC DISTRICT COMMISSION

A. The Commission shall consist of not less than three, nor more than ten members: seven shall be Regular Members, and three shall be Alternates.

B. The Commission members shall be appointed by the Longmeadow Board of Selectmen, and their names shall be available at the Selectmen’s Office.

C. Appointments shall be made for a period of three years, and so arranged that the terms of at least one Member expires each year; if a Member resigns before the completion of his/her appointment, one of the Alternates or a new Member shall be appointed to fill out the resigning Member’s term.

D. Membership of the Commission shall include at least two residents or owners of property in the Historic District administered by the Commission.

E. Members shall be residents of Longmeadow and shall include where possible at least one member recommended by the Longmeadow Historical Society, a member of the Longmeadow Historical Commission, a member of the American Institute of Architects covering Longmeadow, a member of the Board of Realtors, and a member of the Bar Association covering Longmeadow.

F. The first regularly scheduled meeting after June 30th shall be utilized for an election of Commission Chair, Vice-Chair and Secretary for a term of one year.

G. It shall be the responsibility of the chair to maintain an abutters database. The database will contain each property within the historic district and their abutters. The purpose of this database shall be to ensure that all abutters are notified when an application has been filed. The chair shall update the database annually in January.

H. It shall be the responsibility of a Realtor on the Commission to contact the listing agent for sellers within the district and have them add language explaining the historic district and providing a link to the HDC website in the firm notes section of the listing.

V. CHANGES REQUIRING COMMISSION APPROVAL

A. Architectural Alterations: All changes in the appearance of a building or a building site located within the Historic District and visible from a public way* shall comply with Town by-laws and require Commission approval**. The following list of examples is provided only as a guide. It does not limit the scope of changes requiring approval. (See Section VI. For exclusions.)

1. Construction of a new structure.
2. Demolition of an existing structure.
3. Construction or removal of an addition.
4. Construction or installation of any temporary structure.
5. Re-roofing, re-siding, or repainting of a structure or parts thereof, except as noted in Section VI.
6. Installation of storm windows, storm doors, air conditioners, light fixtures, solar panels, antennas, or satellite dishes..
7. Construction or alteration of driveways, gates, fences, walkways, terraces, steps, walls, barns, garages, swimming pools, parking areas, or gazebos.

8. Addition, alteration or removal of windows, shutters, doors, porches, chimneys, including chimney repointing/painting.

9. Landscaping plan changes that include water features, statuary, children's play equipment or other structures.

B. Signs: The placement of permanent signs on or about any building or building site must be approved by the Commission, excluding house address signs. Note that all provisions of the Longmeadow Zoning by-law relating to signs must first be followed.

* - Public Way includes public street, public way, public park or public body of water as noted in MGL Chapter 40C Section 5. Definitions

** - Visibility from a public way can only be blocked by a structure or nonliving landscape feature(s). If visibility from a public way is inhibited by a living landscape feature such as a tree or shrub, the change would be considered, visible from a public way for the purpose of these rules and regulations.

VI. CHANGES NOT REQUIRING COMMISSION APPROVAL

A. Approval is not required for the following:

- Exterior changes that cannot be seen from a public way.
- Interior arrangements.
- Re-painting the same color.
- Routine repairs not changing the exterior design appearance.
- Removing existing signs.
- House street address signs meeting Longmeadow Zoning by-laws.

VII. APPLICATION FOR APPROVAL

A. Applications for approval of proposed changes may be obtained from the Town Clerk's office at the Town Hall on Williams Street, or the town website www.longmeadow.org.

B. Applications must be signed by the owner, trustee, or representative of the property concerned. Applications made out by a lessee will be accepted only when accompanied by an authorization signed by the property owner.

C. Completed applications must be received by the Town Clerk or Board of Selectmen's Office 15 days prior to the next scheduled Historic District Commission meeting.

D. The Commission shall have the responsibility of notifying 10 days prior to the meeting all Historic District property owners that are within 100 feet of the applicant's

property or two houses down on either side, whichever is greater. Also, notice must be given to any adjoining property owner. Notice to abutters must include the Commission's standard cover letter and copy of page 1 of the application submitted to the Commission.

E. If a prospective applicant wishes to discuss proposed alterations with the Commission before making a formal application, a place on the agenda may be reserved by writing or telephoning the Chair.

F. The agenda for each meeting shall be posted on the at the Town's designated posting place(s) 14 days prior to the meeting.

G. Describe the work as fully as possible, attaching separate sheets as necessary.

H. Each application must be accompanied by the following information in duplicate; drawings, diagrams, photos, product samples, and specifications requested by the Commission as follows:

➤ New Construction

a. Plans, drawn to scale, showing any existing building, and proposed addition or new building or structure dimensions, distance from the street and property lines b. Elevations of all four sides of addition, or new construction, and any existing buildings, drawn to scale, and drawing or photo of the existing building c. One set of paint chips indicating the colors to be used d. Roof material sample e. Photo of the building and site before proposed alteration

➤ Minor Alterations (For example; doors, windows, railings, walkways, lighting fixtures, gutters) a. Sketch illustrating the proposed alteration b. Manufacturer's information page, if available c. Samples of materials and color chips, where applicable d. Photo of the building and site before proposed alteration

➤ Signs

a. Scale drawing showing shape, size, color, style of sign and lettering showing words to be painted on the sign, style, color and placement of lettering, background color, and support of sign if freestanding b. Samples of all colors to be used, if other than black and white c. Scale drawing, or photos, showing location of sign on wall or building. Photo encouraged d. If free standing sign, show relationship of sign to structures and its distance from street and property lines e. Illustration of proposed lighting.

➤ Fences

- a. Accurate plot plans showing proposed location of the fence and its relationship to other structures on the property
 - b. Sketches, or if possible, photos of the site where the fence will go
 - c. Photo or brochure illustration of the fence indicating height and type of materials
 - d. One set of paint color chips
 - I. Date, sign, and fill in all requested information on the application form.
 - J. Mail or deliver application to the Town Clerk at Town Hall, 20 Williams Street, 15 days prior to the next scheduled meeting.
 - K. Although not required, the applicant's presence will usually expedite the review process, and may result in the acceptance of an application that might otherwise have been denied for lack of complete information.
 - L. If an application does not contain enough information for the Commission to determine the appropriateness of the proposal, the Commission may choose to do the following:
 1. Hold a discussion with the applicant, if present, in order to obtain the missing information
 2. Return application to the applicant, if present, for withdrawal with understanding that reapplication may be made at a later time.
 3. Deny application. In this case, all supporting material shall be returned to the applicant with understanding that reapplication may be made when missing information is provided.
 - M. Where appropriate, a Certificate of Hardship or Non-Applicability may be issued if the applicant meets the criteria as stated in the MGL Chapter 40C, Section 10(b) and 10(c) of the state laws governing Historic Districts.
 - N. The Commission shall keep all approved applications on file in Town Hall.
- Examples of complete and successful applications shall be available at the office of the Building Inspector for the benefit of prospective applicants.

VIII. COMMISSION'S REGULAR MEETINGS

- A. The Commission shall hold regular, open Public Meetings starting at 7:00 p.m. on the second Tuesday of every month unless otherwise posted at the Town's designated posting place(s).
- B. Notice of the date, time and location of these Public Meetings shall be posted at

the Town's designated posting place(s) 14 days in advance of said Meetings.

C. No meeting shall be held unless a quorum of four Commission members is present.

D. The next order of business shall be the review and acceptance of the prior meeting's minutes, followed by the disposition of matters pending.

E. The Commission shall review applications as scheduled on the agenda.

Exceptional applications may be rescheduled for review at a Special Hearing.

F. Copies of the minutes shall be delivered in timely fashion to all Commission members, the Board of Selectmen and the Building Inspector.

IX. COMMISSION'S SPECIAL HEARING

A. A Special Hearing may be called by the Chair, by two or more members of the Commission, or upon the request of an applicant or aggrieved party.

B. A Special Hearing may be called for one or more of the following reasons:

➤ Application is being made for an important new construction or alteration likely to be of general interest to the townspeople.

➤ The application being made is controversial and may require extended discussion.

➤ The applicant wishes to receive a determination before the date of the next Regular Meeting.

➤ Any other reasons which may cause the Chair or two or more members to call a Special Hearing.

C. The time, place, and purpose of a Special Hearing shall be posted at the Town's designated posting place(s) at least 14 days before the Hearing.

D. Copies of the agenda shall be sent to the applicant, the abutters, the Board of Selectmen, the Planning Board, and to such other persons as the Commission shall decide.

X. RULING ON APPLICATION

A. In reviewing each application the Commission shall consider the historic and architectural value and significance of the site, building, or structure involved, the general design, arrangement, texture, material, and color of the features involved, and

the relation of such features to similar features of buildings and structures in the surrounding area.

B. 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, in relation to the land area upon which it is situated and to neighboring buildings and structures. The Commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable ordinance or by-law.

C. In the event of the inability to act or unwillingness to act because of self-interest or conflict of interest on the part of a member of the Commission, his place shall be taken by an alternate member designated by the Chair. A Member must abstain from voting for the following reasons:

- A member is making an application.
- A member is a relative, business associate, or employee of the applicant.
- A member has a financial interest in the outcome of the application.

D. If the Commission finds that part of an application is inappropriate, it may suggest ways in which the application can be amended. Discussion among members and with the applicant, if present, shall focus on arriving at a solution satisfying all concerned.

E. After adequate discussion, or by the end of the time allotted to the application on the agenda, the Commission shall either vote on the application in its entirety or request it's withdrawal whereupon a revised application may be made at a future time. An applicant may withdraw portions of his application prior to a vote.

F. Only seven votes are counted: Alternate members shall vote only if the number of Regular members voting is less than seven. If all Alternates are present and only one Alternate vote is required, the Alternates shall vote alternately.

G. The concurring vote of a majority of the Members of the Commission shall be necessary to issue a Certificate of Appropriateness, a Certificate of Non- Applicability or a Certificate of Hardship per MGL Chapter 40C, Section 11.

H. Member(s) will be assigned to observe work in progress at the time the application is approved. The member(s) assigned will monitor the work as it progresses to ensure compliance with the approved application.

I. The Secretary shall record each member's vote in the minutes along with the

Member(s) assigned per H. above.

XI. CERTIFICATE OF APPROPRIATENESS

A. After approving an application for a Certificate of Appropriateness, the Commission shall issue a Certificate of Appropriateness for the work proposed. Certificate shall be sent to the applicant with a copy to the Building Inspector.

B. Each Certificate issued by the Commission shall be dated and signed by the Chair or Secretary.

C. Certificates of Appropriateness are valid for the original applicant through the end of the calendar year. If the work has not been completed by the end of that year, an automatic extension will be granted for a period of 12 months from the date the Certificate of Appropriateness was originally issued.

D. If the property changes ownership while a project is in progress, the new owner(s) must identify himself to the Commission and receive a new Certificate of Appropriateness in his name.

E. An applicant wishing to make any design changes after a Certificate of Appropriateness has been issued must file a new application for those changes.

F. If an application has been denied, the Commission shall record the reasons for such determination and shall send a notice of these reasons to the applicant. Copies of this document shall be sent to the Building Inspector as well.

G. Any applicant or abutter wishing to contest the approval or denial of an application for a Certificate of Appropriateness may have recourse to the remedies noted in Section 12A of Chapter 40C of the Massachusetts General Laws.

XII. ENFORCEMENT

If work not conforming with statute is carried out in the Historic District, the owner of the property involved shall be held responsible. When a concern that a violation of MGL Chapter 40C, Longmeadow Historic District Commission rules and regulations or LHDC design guidelines is reported in writing to the chair of the commission, the Commission will take the following steps.

1. When the chair receives a notice in writing of a potential violation, the chair shall assign a concern number based on the date that the concern was received. This concern will be added to the agenda for the next HDC meeting.
2. Within 15 days of receipt of the notice of concern by the chair, the chair and another member of the HDC shall attempt to make contact in person with the

owner of the property of concern and investigate the alleged violation. If the HDC Chair and member are unable to contact the property owner and cannot investigate the alleged violation, the chair shall send an invitation to property owner to discuss the alleged violation at the next meeting.

3. At the next HDC meeting, the chair and the member who investigated the alleged violation will notify the commission if they believe a violation has occurred. If they report back that they believe no violation occurred, the matter will be considered closed. If the chair and the member determines that a violation has occurred, the commission will need to determine if the violation was committed by the previous owner or the current owner, if the violation is easily visible from a public way and if the violation significantly damages the historic value of the house or the historic essence of the Historic District. The chair shall then send a letter of warning to the owner of the property where the violation occurred and send copies to the building inspector and Select Board.
4. The following factors will determine how long the property owner has to respond to the letter warning either by filing an application for a certificate of appropriateness, filing for an application for a certificate of hardship, or providing the chair with photographic evidence and a notarized letter stating that the violation has been undone.
 - a. If the violator is the current property owner, the property owner has 30 days from the date on the letter from the HDC to respond.
 - b. If the violator is not the current property owner but it is judged that the violation is easily visible from the street and/or considered significantly damaging to the historic essence of the property or district, the property owner will have 60 days from the date on the letter to respond.
 - c. If the nonconformity was not caused by the current property owner and is neither considered highly visible from a public way nor is it considered highly damaging to the historic essence of the district or property, the property owner will have 90 days to respond.
5. If the property owner responds within their given timeframe and their application is approved or their notarized letter and photographs credibly demonstrate that the violation has been removed, the concern shall be notated as closed at the HDC meeting following the receipt of the notarized letter or at the meeting where the application is approved.
6. If the property owner fails to respond appropriately to the warning letter within the aforementioned timeframe, the HDC chair shall send a letter to the Select Board the following day asking the Select Board to exercise the town's right under Section 13 of MGL Chapter 40C to petition the Hampden County Superior Court to issue fines and/or injunctions against the property owner.

XIII. AFTER COMPLETION OF THE WORK

- A. When the work for which a Certificate of Appropriateness is granted has been completed, the applicant shall notify the Commission.
- B. Before the next regular meeting, one or more members of the Commission shall review the work on site to verify it has been carried out as originally approved.
- C. If the completed work complies with the approved application, the Commission shall send a signed report to that effect to the applicant, the Board of Selectmen, and the Building Inspector. The issuance of this notice closes the file on the application.
- D. If the completed work does not match the approved application, the Commission shall notify the Building Inspector and applicant.
- E. In the event the applicant fails to correct the work in a timely fashion, the Commission shall have recourse to the provisions of enforcement authorized in Section 13, Chapter 40C, of the Massachusetts General Laws.

XIV. SPIRIT OF COMPLIANCE

The members of the Historic District Commission trust that property owners within the District will comply with the rules outlined above. The spirit of compliance is imperative for the process of preservation to be successful. If you have any questions or suggestions please feel free to contact any member of the Commission.

XV. Revision History

Date Approved

Page 9 Description Revision #

5/7/2002 Major review and revision of rules 2002.1 1/1/2005 House Street Address signs eased, V.B. Signs; VI.A. 2005.1 1/8/2008 Commissions election meeting date change;

Website added as source for appropriateness applications;
2008.1

Application deadline change from 14-15 days prior mtg

04/09/19

Major Revision of 2008.1 Section II added 2012 map and its location on the Town website, Section III modified to remove language specifically about the green as the district has expanded, Section IV A 10 total members instead of 9 with 3 alternates instead of 2, Section IV E Corrected Longmeadow Historical Society to a person recommended by the Longmeadow Historical Society and added language mentioning

a member of the Longmeadow Historical Commission, Section V A Added language to state that changes made to properties must comply with Town zoning by-laws in addition to Historic District Commission Rules and Regulations Section VII F replaced Town Hall with Town designated posting place(s) to reflect change to the website as the current designated posting place and to account for future changes, Section VII H New Construction added structure to add clarity. Section VII H Signs a. Corrected small spelling error, Section VIII A. updated meeting time to second Tuesday of the month at 7:00 PM and added language referencing the Town website, D. Removed Section D which read “Every meeting shall start with the distribution of the agenda for the meeting.” since draft meeting minutes are available on the Town’s designated posting place(s) Section VIII B replaced Town Hall with Town designated posting place(s), Section IX C. replaced Town Hall with Town designated posting place(s) Section X F corrected small spelling mistake and updated language to reflect 3 alternates instead of 2.

11/12/2019

Amended Section XII to include new escalation procedure

7/14/2020

Amended Section IV to spell out the unique responsibilities that both the chair and the Realtor on the commission have.

6/8/21

Amended Section V to clarify that any changes whose visibility is blocked from a public way solely by living landscape feature(s), will be considered subject to these rules and regulations.