



## HISTORIC DISTRICT COMMISSION

272 Main Street

Townsend, MA 01469

**Application for:**

(Please check one)

See page 2 for  
descriptions

- ☐ Certificate of Appropriateness  
☐ Certificate of Hardship  
☐ Certificate of non Applicability

Name and address of owner

Address of property ( if same write same)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (     ) \_\_\_\_\_

email \_\_\_\_\_

**NOTE: Owner must be applicant or legal representative of owner**

Describe the object of your application. Use and include any additional pages for pictures, drawings, measurements, materials to be used etc. as necessary.

**OWNERS SIGNATURE:** \_\_\_\_\_

Commission use below this line

Dates:	Panel Membership:	Decision/Reason(s)
Meeting _____	Chair _____	_____
Notices _____	Member _____	_____
Hearing _____	Member _____	_____
Decision _____	Member _____	_____
TC filing _____	Member _____	_____
	Member _____	_____
	Member _____	_____
	Alternate _____	_____

**Local Historic District Commissions are governed by Massachusetts General Law 40C inclusive, the following is a reprint of sections 5, 6 and 9, to help you with some definitions and to fill out the form appropriately.**

**MGL40C section 5; Definitions**

As used in this chapter, the word "altered" includes the words "rebuilt", "reconstructed", "restored", "removed" and "demolished" and the phrase "changed" in exterior color"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built", "erected", "installed", "enlarged", and, "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures. and the word structure means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

**MGL40C section 6; Certificates of appropriateness, not-applicability or hardship; necessity; applications and plans, etc.; building and demolition permits restricted.**

Except as the ordinance or by-law may otherwise provide in accordance with section eight or said section eight or nine, no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

**MGL40C section 9; Maintenance and repair, etc.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within an historic district which does not involve a change in design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the applicable historic district ordinances or by-law.

An excerpt from the Guideline for Administering Local Historic Districts indicates the following criteria for a certificate of Hardship:

"Hardship" applies only when four, cumulative and inclusive criteria are met, all these conditions must be met or there is no "hardship":

1. The proposed construction or alteration involves conditions unique to the specific building in question, but not to the historic district in general;
2. Failure to approve the certificate of hardship will bring substantial hardship (financial or otherwise) to the applicant; **\*\*This does not apply to "self imposed" hardship – as when the applicant has already started the project and its interruption will cause additional expense.\*\***
3. The certificate of hardship can be granted without substantially detracting from the intent and purpose of the Local Historic District;
4. The certificate of hardship can be granted without substantial detriment to the public welfare.