

# HOUSE . . . . . No. 4104

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act Relative to the Falmouth Historic District Commission ..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           to amend Chapter 654 of the Acts of 1975, which establishes the Falmouth Historic  
2   District Commission, as amended from time to time, by deleting section 9 and by adding the  
3   following:

4           Section 9:

5           A)   As part of its decision the Commission may require that construction or other  
6   authorized site activities be secured by one of the following methods, which method may be  
7   selected and from time to time varied by the applicant upon receiving written approval from the  
8   Commission:

9  
10          1)   By a proper bond or deposit of money sufficient in the opinion of the Commission  
11   to secure performance of the conditions of its decision as noted in the certificate of  
12   appropriateness or accompanying plans; or

13           2) By a covenant executed and duly recorded by the owner of record, running with the  
14 land, whereby said the conditions of its decision as noted in the certificate of appropriateness or  
15 accompanying plans shall be accomplished prior to the issuance of occupancy permits or any  
16 conveyance sale, rental or similar disposition of the property.

17           B) In addition to the remedies provided in Section 11 herein, the Building  
18 Commissioner is hereby authorized to enforce the provisions of this chapter, subject to a vote of  
19 the Commission that determines the construction, alteration, demolition or moving of any  
20 building or structure would be in violation of this chapter. The provisions of the state building  
21 code not-with-standing, the Building Commissioner is authorized to withhold any permit for  
22 construction, alteration, demolition, or the moving, use or occupancy of any building or structure  
23 until such time as the Commission issues a determination that compliance with its Certificate of  
24 Appropriateness has been accomplished or that the Commission has received surety for the  
25 completion of construction or other authorized site activities pursuant to sections 9(A)(1) or  
26 9(A)(2) above.

27           C) Any person violating any of the provisions of this Act shall be guilty of a  
28 misdemeanor and upon conviction fined not more than \$500 for each offense. Each day that such  
29 violation continues shall constitute a separate offense.