

HOUSE . . . . . No. 4104

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy Madden, Therese Murray

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the Falmouth Historic District Commission .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy Madden	Barnstable, Dukes and Nantucket
Therese Murray	Plymouth and Barnstable
Matthew C. Patrick	3rd Barnstable

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## 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 District  
2 Commission, as amended from time to time, by deleting section 9 and by adding the following:

3 Section 9:

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

7

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

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

15 B) In addition to the remedies provided in Section 11 herein, the Building Commissioner is hereby  
16 authorized to enforce the provisions of this chapter, subject to a vote of the Commission that determines  
17 the construction, alteration, demolition or moving of any building or structure would be in violation of  
18 this chapter. The provisions of the state building code notwithstanding, the Building Commissioner is  
19 authorized to withhold any permit for construction, alteration, demolition, or the moving, use or

20 occupancy of any building or structure until such time as the Commission issues a determination that  
21 compliance with its Certificate of Appropriateness has been accomplished or that the Commission has  
22 received surety for the completion of construction or other authorized site activities pursuant to sections  
23 9(A)(1) or 9(A)(2) above.

24

25

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