

**AMENDED RULES AND REGULATIONS OF THE TOWN OF CHATHAM
HISTORIC BUSINESS DISTRICT COMMISSION, DATED JUNE 04, 2003,
(AS APPROVED AND RECOMMENDED BY CHATHAM TOWN MEETING
OF MAY 13, 2003 TO THE HISTORIC BUSINESS DISTRICT COMMISSION)**

GENERAL STATEMENT OF PURPOSE

The purpose of these regulations is to promote the cultural, economic and general welfare of the inhabitants of the Town of Chatham through the appropriate development of commercial and business districts (including any residential properties therein) by: (1) protecting and preserving the distinctive characteristics of buildings and places significant in the history and development of Chatham; (2) maintaining and improving the settings of these buildings and places; and (3) encouraging designs which are compatible with buildings existing in the area, so as to continue to maintain the rural, fishing and residential character and other qualities which distinguish the town as a desirable community for permanent and summer residence.

SECTION I

Districts

There is hereby established in the Town of Chatham a historic business district (the "District"), which shall include all the land within the following commercially-zoned districts in effect on September ninth, nineteen hundred eighty-five; General Business (GB-1), General Business-2 (GB-2), General Business-3 (GB-3), Limited Business-1 (LB-1) and Residential Business (RB). Any land, including town-owned and operated property, within the areas encompassed by said districts in effect on September 9, 1985, is included within the district without exception. For reference purposes only, there is attached hereto a composite map of the District as of the above date as prepared from the Revised Zoning Map of May, 1986 (*in preparation*).

SECTION II

HBDC Considerations When Reviewing Applications

- A. No building or structure within the District shall be erected, reconstructed, altered, or restored whenever its exterior architectural features are subject to public view from a way, public or private [or public park]* or moved or demolished, unless and until an Application for a Certificate of Appropriateness ("COA") has been approved by the Historic Business District Commission ("HBDC").

* **Material in brackets to become effective only upon enactment of amendments to Ch. 641, Sec. 2, of the Acts of 1985.**

B. The HBDC, in passing judgment upon the appropriateness of exterior architectural features, shall keep in mind the provisions of Chapter 641, Acts and Resolutions of 1985, as amended from time-to-time (the "Act"), and the purposes set forth in these regulations. The HBDC shall consider, among other things, the general design, scale, color, location on the lot, arrangement, texture, material of the building or structure, setting, topography, landscaping, hardscaping and lighting, and the comparison of such features to similar features of buildings and structures in the surrounding area, and the position of such buildings or structures in relation to the streets or ways and to other buildings or structures.

C. No sign shall be erected, placed or replaced within the District (excepting those signs set forth in Section V, paragraph 7) unless and until a COA has been approved by the HBDC.

In considering Application for Certificates of Appropriateness for alterations, additions, new construction, demolition, removal and relocation, the Commission shall be guided by:

1. Whether the denial of the Certificate of Appropriateness would, in the opinion of the Commission result in financial hardship to the applicant, and/or
2. What would, in the opinion of the Commission, deprive the property owner of the beneficial use of his property.

D. The HBDC shall not consider building interior features, or exterior architectural features not subject to public view from either a public or private way, [or public park]*, or interior retail arrangements.

SECTION III

Definitions

Altered: the process that changes the exterior architectural feature of a building or structure including, but not limited to, color changes, construction, reconstruction, restoration, demolition or removal of any building or structure.

Building: any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

Certificate of Appropriateness (or "COA"): a certificate issued by the HBDC approving the erection, reconstruction, alteration, restoration, demolition or movement of a building or structure, or the erection, placement or replacement of a sign, located within the District.

* **Material in brackets to become effective only upon enactment of amendments to Chapter 641, Sec. 2, of the Acts of 1985.**

Compatible: being the same or similar to in scale an design, or to be in harmony with.

Construction: the act of adding to or changing an existing structure or building or the erection of a new structure or building on a property.

Demolition: any act or process that destroys in part or in whole any building or structure.

Exposure: that portion of an exterior surface material, i.e., shingles or clapboard, which is visible or open to weather.

Exterior Architectural Feature: such portion of the exterior of a building or structure as is open to public view from a public street, public or private way [or public park]* 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 features.

Green Space: an open area of grass, trees, shrubs or other plantings.

Hardscaping: any structural landscape feature including, but not limited to, walls, fences, driveways, paving and walkways, except parking areas which are subject to Site Plan Review of the Planning Board.

Landscaping: plant materials including trees, shrubs, gardens, lawns and other green space areas.

Razed: includes the words destroyed, demolished and removed.

Removal: a relocation of a building or structure on its site or to another site.

Signs: (See SECTION XII for definition and types of signs.)

Structure: means any combination of materials assembled or maintained at a location on or in the ground or attached to something located on the ground, including but not limited to, buildings, tennis courts, swimming pools and retaining walls.

Way: a street or way (i) owned, or normally maintained, normally repaired by any federal, state, county or municipal entity; (ii) shown on a plan approved by the Planning Board; (iii) established by a subdivision plan approved under the provisions of the Subdivision Control Law; (iv) in existence when the Subdivision Control Law became effective in the town; or (v) a street or way shown on a land court plan.

* **Material in brackets to become effective only upon enactment of amendments to Ch. 641, Sec. 2, of the Acts of 1985.**

SECTION IV

Pre-Application Conference

Prior to the formal submission of plans or application, the HBDC recommends that each potential application schedule an informal conference at which time the applicant should be prepared to discuss concepts concerning the proposed alteration or construction project. Such a conference can lead to increased understanding on the part of both applicant and HBDC as to what are the applicant's needs and how, through shared understanding of the concept of the project, the goals of the applicant, as well as the HBDC may most easily and expeditiously be achieved. No binding commitments shall be made between the applicant and the HBDC at this conference. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what may be acceptable.

SECTION V

Work Not Requiring a Certificate of Appropriateness

1. Alteration or construction of building interiors, interior retail arrangements, or exterior architectural features not subject to public view from either a public or private way [or public park]*.
2. Routine maintenance, repair or repainting that does not change the exterior appearance or color, to include the recovering of roofs or sidewalls, provided the same materials, exposure and colors are used, and provided further, that any building or structure or portion thereof may be painted or repainted white.
3. Temporary structure for official celebrations or charitable drives, or directly connected with permitted construction, which shall be removed promptly when they are no longer necessary.
4. The installation of storm doors without ornamentation, storm windows, screens, gutters and downspouts, provide they are the same color as the trim or are white.
5. Play equipment not used for commercial purposes.
6. The removal of any sign.
7. The erection of the following signs:
 - a. Any one sign less than two feet by six inches (one square foot in size).
 - b. Temporary signs as defined and allowed by the Sign Code.
 - c. No more than two directional signs each under one square foot in size.
 - d. Minor changes that do not alter the colors, dimensions or lettering style of an existing sign, i.e., personal name changes from professional offices, or changes in hours of operation.
8. Landscaping only, if not including Hardscaping (See Section XIII).

SECTION VI

Work Requiring a Certificate of Appropriateness

Except as otherwise set forth in Section V, any new building or work or changes to the exterior architectural features of an existing building, structure, or site which is publicly visible from a public or private way, [or public park]*, including any addition, alteration, reconstruction or restoration, or any demolition, razing or moving of a building or structure, including but not limited to:

1. Exterior color (except to the color white or where otherwise permitted in these regulations.)
2. Roof color or material.
3. Siding material, color (other than white) or texture.
4. Window, exterior door or door frame.
5. Chimney.
6. Foundation.
7. Garages, sheds, other dependent buildings.
8. Fences.
9. Stone walls.
10. Driveways.
11. Walks or curbs.
12. Exterior light fixtures.
13. Swimming pools, specialty pools (fish ponds, fountains, etc.) or tennis courts.
14. Solar panels.
15. Permanently installed air conditioners.
16. Except as otherwise provided in Section V, Paragraph 7, any sign, banner, or similar item (including any flag which is not governmental, civic or religious) exceeding two (2) feet in length and six (6) inches in height (one square foot in size) or the display or erection of more than one such sign irrespective of size on any lot, building or structure.

* **Material in brackets to become effective only upon enactment of amendments to Ch. 641, Sec. 2, of the Acts of 1985.**

17. An awning or similar item, irrespective of the material from which it is constructed, made or fabricated, and the lettering thereon.
18. Landscaping which includes Hardscaping (as provided in Section XIII).
19. All exterior menu displays.
20. Satellite Dishes.
21. Vending Machines.

SECTION VII

Items to be Included with Applications for Alterations, Additions, or New Construction

1. Changes to existing buildings require:
 - a. Photographs of the existing building showing location of changes and adjacent areas.
 - b. Drawings showing exterior elevations, outline plans and schedule of colors and exterior materials.
 - c. Actual color swatches (See Section XI).
 - d. Landscaping /Hardscaping plan of the affected area including proposed lighting fixtures, fences and other structures.
 - e. The HBDC may require, at its own discretion, samples, models and/or accurate perspective drawings.
2. New construction requires:
 - a. Site plan showing existing and proposed elevations.
 - b. Complete exterior elevations.
 - c. Schedule of all exterior colors and materials, including samples and color swatches (See Section XI).
 - d. Landscaping/Hardscaping plan (see paragraph 7 below).
 - e. The Commission may require, at its own discretion, samples, models and/or accurate perspective drawings.
3. Exterior Color Changes
 - a. Photograph of existing structure.
 - b. Proposed color paint samples or swatches of main and trim colors (See Section XI).
 - c. Indication on the photograph of drawing as to which area will receive what color(s).
4. Plans, Drawings and Photographs
 - a. Nine copies of all drawings, 8 ½" x 11" or 11" x 17", photographs and of all other required information must be attached to each application.
 - b. All drawings and plans must be signed by the applicant or his/her authorized agent, and all attachments must be signed or initialed by the applicant.

5. Drawings must:
 - a. Be accurate in scale.
 - b. Show all exterior features completely and accurately.
 - c. Show finish grade at the foundation wall and ground level.
 - d. Indicate all colors, materials and unusual details.
6. Photographs must:
 - a. Show current views.
 - b. Include several different views.
7. Landscaping/Hardscaping Plans (See Section XIII) must show:
 - a. Existing and proposed plantings with types, number and sizes of new plantings.
 - b. Fences, trees, walls, walks, lights, drives, flagpoles, swimming pools, parking areas and existing and proposed changes in grade (except parking areas which require Site Plan approval by the Planning Board).

SECTION VIII

Guidelines for Alterations and Additions

1. When appropriate every effort shall be made to use the building, structure or site in a way that requires minimal alteration to the existing building, structure or site to its environment, this last to include topography, natural growths, trees, shrubs and indigenous plants.
2. Distinctive stylistic features or examples of craftsmanship that characterize a building shall be treated with sensitivity. Every effort shall be made to maintain the intrinsic distinguishing qualities and characteristics of such building, structure and site. Architectural details shall be retained and restored wherever possible. In the event that replacement is necessary, the new material shall match the former in design, color, texture and other visual qualities. Repair or replacement shall be based on accurate duplications, substantiated by historical, physical or pictorial evidence rather than on conjecture or available elements from other structures.
3. Changes that have taken place in the course of time are evidence of history and the development of a people and a chronology of their interests, needs and lifestyles, and this significance shall be recognized and respected.
4. Additions to existing buildings shall express in scale, color, texture and material, a suitable compatibility with the original structure.
5. Buildings on the National Register of Historic Places or otherwise judged by the HBDC to be of historic significance shall not be subjected to sandblasting unless specifically approved by the HBDC.
6. Outbuildings, walks, drives, fences, lighting fixtures and other appurtenances of construction detail and landscaping shall be in keeping with the central structure and generally compatible with the types of architecture in the surrounding area.

7. Exterior lighting will be compatible with the surrounding area. Exterior lighting fixtures should be kept low, be shielded and directed as closely as possible to the object to be illuminated. Generally, a greater number of short poles with lower intensity are preferable to fewer tall, bright fixtures; provided, however, that sufficient lighting is allowed for safety.
8. It is recommended that all electrical and telephone lines be placed underground or approach the building from the rear. Meters, mechanical apparatus (that is, generators, air conditioning/heating compressors and similar items) and vents must be placed where inconspicuous or properly screened.
9. Vending machines should be placed in an enclosed area.
10. Handicapped Access Ramps are to be incorporated into the overall design. In cases where a ramp cannot be designed to be compatible with the architectural features of the building, the HBDC may choose to support a waiver application to the appropriate authorities.

SECTION XI

Guidelines for New Structures

New structures should not be considered as isolated objects. New buildings should be compatible with the land and adjacent surroundings.

1. All the dimensions of a new structure shall be in proportion to each other and/or be visually compatible with other structures in the area.
2. The relationship of the building to open space shall be compatible with its lot and adjacent surroundings.
3. The relationship of materials, textures, colors and trim of the building or structure and the parts of the building or structure publicly visible from any private or public way [or public park]* shall be compatible with other buildings in the surrounding area.
4. The articulation of roofs and facades, or projections and dependencies, of solids and voids, and of general door and window patterns shall be compatible with other structures in the surrounding area.
5. Details of fences, flagpoles, walks, drives, outbuildings, etc., shall be in keeping with the majority of similar details within the surrounding area.
6. Exterior lighting will be compatible with the surrounding area. Exterior lighting fixtures should be kept low be shielded and directed as closely as possible to the object to be illuminated. Generally, a greater number of short poles with lower intensity are preferable to fewer tall bright fixtures; provided, however, that sufficient lighting is allowed for safety.
 - **Material in brackets to be come effective only upon enactment of amendments to Ch. 641, Sec. 2, of the Acts of 1985.**

7. Whenever possible, it is recommended that all electrical and telephone lines be placed underground or approach the building from the rear. Meters, mechanical apparatus (that is, generators, air conditioning/heating compressors and similar items) and vents must be placed where inconspicuous or properly screened.
8. Handicapped Access Ramps are to be incorporated into the overall design. In cases where a ramp cannot be designed to be compatible with the architectural features of the building, the HBDC may choose to support a waiver application to the appropriate authorities.

SECTION X

Guidelines for Demolition, Removal, and Relocation

1. No building or structure within the District can be demolished, moved or relocated without first obtaining a permit from the HBDC. A property owner who wishes to take such an action shall file a written application for a permit which sets forth the following information:
 - a. The reason for demolishing, moving, or relocating the particular building or structure, including its age and history.
 - b. What would be put in its place and when would that occur.
 - c. If the building/structure is to be moved, where it would be relocated and can it be done without significant damage to the existing site or surrounding areas or to the building/structure itself.
 - d. Alternatives to demolition, moving, or re-locating the building or structure.
 - e. The effect on the District and surrounding properties of the proposed action.
 - f. Such other information that the HBDC may reasonably require.
2. In making its determination, the BHDC may refuse to grant a permit to demolish or remove a building/structure, which, in the judgment of the HBDC, is of such architectural or historic interest that to do so would be detrimental to the public interest. With respect to all other buildings/structures, the HBDC will determine whether the proposed demolition or move is in accord with the purposes of the Act.
3. The HBDC can request individuals and organizations for help and assistance in seeking alternatives to demolition.

SECTION XI

Guidelines for Color

When choosing colors, it is important to consider not only the building or sign in question, but also any adjoining or adjacent building or sign since each color has an effect on the general character or appearance of the street or area.

1. The color white is always acceptable without the need to obtain a COA.
2. Best colors would include whites, dark and light grays, olives, and earth colors in general.

3. Avoid the use of too many colors. A color achieves its greatest effect when used against a neutral background.
4. Bright colors should be employed sparingly and then only to emphasize important architectural details and focal points such as doors, windows, sash, shutters, or special architectural details.

SECTION XII

Signs

Introduction

The primary function of a sign is to identify a property or business and direct the public clearly and easily to the desired location. A sign is one of the most influential elements in the make-up of the overall streetscape. Well coordinated signage can have a unifying effect by presenting an organized pattern of information.

Signs are regulated both by the Town of Chatham Sign Code, Section 65, and by the HBDC . The Town Sign Agent is responsible for determining that a proposed sign meets the requirement of the Code and for the issuance of a sign permit, which must be obtained first. The HBDC then must approve the appropriateness of the sign's appearance and the appropriateness of its placement in relation to its surroundings. Certain types of signs, i.e., free-standing, A-Frames and sandwich boards, are not permitted by the Sign Code within the District. However, other signs are exempt from approval by both the Town and the HBDC, and others, such as non-governmental flags and banners, may require approval from the HBDC. (See "Signs and Changes to Signs Requiring and Not Requiring a Certificate of Appropriateness.") Preliminary advice may be sought from the HBDC on an informal basis before seeking a permit from the Sign Agent.

Definitions (from the Town of Chatham Sign Code)

Sign: A sign shall mean any material or any structure or part thereof or device attached thereto on which is painted, represented, displayed or included a letter, word or figure which attracts attention to itself. Signs herein shall also mean all advertising devices or insignia, whether lettered or not, designed to promote a business, the sale of a product or of a service. The word sign shall also include any lettered or worded advertisement not outdoors which is visible and is intended to be read from the outdoors. The term shall not include any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic or fraternal organization. Sign face shall mean the side of a sign intended to be read.

Banner: A piece of cloth, plastic or similar material attached by one or more points to a pole, staff or other support.

Directional Signs: Signs indicating "Entrance," "Exit," "Parking," or the like erected on a premise for the direction of persons or vehicles.

Ground Sign: A sign, single or double-faced, supported from ground level by posts or similar vertical supports.

Hanging Sign: A sign suspended by a bracket, perpendicular to the vertical wall of a building or structure.

Ladder Sign: A multi-paneled sign, either single or double-face, supported by a common bracket or stanchion.

Roof Sign: A sign attached to a roof of a building not extending higher than the roof line.

Temporary Sign: A sign intended to be displayed for a limited period for the purpose of advertising a special sale or promotion or announcing a bona fide charitable, religious, educational or civic event, or promoting the election of a political candidate.

Wall Sign: A sign attached parallel to, or painted on, the vertical wall of a building exterior.

Window Sign: A sign displayed on or within the window of a building visible from outside the building.

Signs Requiring a Certificate of Appropriateness

1. A Certificate of Appropriateness (“COA”) is required for all signs exceeding two feet by six inches (one square foot in size), except for temporary signs as permitted below.
2. More than one sign under two feet by six inches (one square foot in size) on any lot, building or structure requires HBDC approval.
3. Free standing displays, such as sandwich boards and A-frames, are not permitted within the District.
4. Banners or flags that are not governmental, civic or religious.

Signs and Changes to Signs Not Requiring a Certificate of Appropriateness

1. The removal of any sign.
2. The erection of any one sign less than two feet by six inches (one square foot in size).
3. The erection of temporary signs as defined and allowed by the Sign Code.
4. No more than two directional signs each under one square foot in size.
5. Minor changes that do not alter the colors, dimensions or lettering style of an existing sign, i.e., personal name changes for professional offices, or changes in hours of operation.

Guidelines

Appropriateness of signs and their supporting structures and their compatibility with the building site and surrounding signs will be reviewed by the HBDC. The following guidelines are offered to assist the applicant in designing a sign that is compatible with the District.

Scale, Shape and Placement

The sign shall complement the architectural character of the building, site and surrounding signs. Signs shall not obstruct any significant architectural feature or detail of a building.

Roof mounted signs are discouraged because they often obstruct or diminish the significant architectural features or details of a building. Roof signs will be considered only when the applicant demonstrates that all the alternatives for placement are determined to be less desirable.

Thoughtful landscaping around the base of a ground sign can enhance the sign and the image of the business.

Colors

Colors should be selected to contribute to legibility and design integrity. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read. Light letters on a dark background or dark letters on a light background are most legible. Sign colors should complement the colors used in the sign's surroundings.

Legibility

A brief message should be used whenever possible. The fewer the words the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive.

Style of Lettering

Letters and words should be spaced carefully. Crowding of letters, words or lines will make any sign more difficult to read. Conversely, over-spacing these elements causes the viewer to read each item individually, again obscuring the message. As a general rule, letters should not occupy more than 75% of sign panel area. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

Lighting

Sign lighting fixtures should be unobtrusive and placed inconspicuously. Lighting is preferred which is directed downward toward the sign itself. No exposed neon or similar tube type of illumination, including open light bulbs, or flashing, blinking or rotating lights (temporary or permanent), or internally lighted signs, are permitted. All sign or advertising lights shall be shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness so as not to (i) adversely affect neighboring premises or the safe vision of

operators of vehicles moving on public roads or (ii) reflect or shine on or into residential structures to an extent that would adversely affect them.

Backlighting of an awning or similar device in order to increase its visibility will generally not be permitted. (See Sections VIII Paragraph 7, and IX Paragraph 6, for further guidelines on lighting generally.)

Materials

The use of wood or dura-ply (medium density overlay, a specially faced plywood product) as the basic sign material is strongly encouraged and is preferable to plastic or metal signs.

Ladder Signs

In a ladder sign, all of the individual panels should utilize the same colors and be consistent with each other.

Holding Devices/Supporting Structures

The design of a sign's holding device or supporting structure should enhance, but not dominate the sign.

Checklist for Sign Applications

Items to be included in the application for signs:

1. A permit or temporary approval from the Sign Agent.
2. For new signs, a good quality scale drawing showing dimensions, size and style of lettering, details of sign support structures (such as post and brackets), and details of molding, finials and other appropriate trim.
3. For new signs, samples of colors(s) to be used.
4. For existing signs and supporting structure(s), a photograph may be included in lieu of a drawing and color samples.
5. A photograph of the area where the sign is to be located.
6. A plot plan showing where the sign will be located relative to streets, parking lots, buildings, and any other relevant feature. If the sign is to be wall mounted, a building elevation drawing showing sign placement will be required.
7. If sign is to be lit or illuminated, provide details such as style of fixture and placement of conduit.
8. A check for the filing fee.

SECTION XIII

Landscaping and Hardscaping

Preamble

Landscaping and Hardscaping often contribute to the distinctive character of structures and their settings within the District. The following guidelines and regulations are intended to enhance the appearance of the District. Their purpose is to maintain and extend the appropriate architectural character of the Town.

The HBDC's goal in its review of Landscaping and Hardscaping is to reach a consensus with the applicant as to the overall green-space area of the proposed project. The HBDC may recommend specific plant materials in connection to screening inappropriate architectural features or maintaining pre-existing landscape features.

If the applicant is not making any exterior changes to a building or structure or not doing any Hardscaping then landscape review by the HBDC is not required. The HBDC may consider landscape review when an applicant proposes work including Hardscaping, any alterations, additions, construction, demolition, removal or re-location of any building or structure. A pre-application consultation with the HBDC is recommended to determine the extent, if any, of a landscape review.

For some projects joint review with the Town Planning Board may be required (See Section "Coordination with the Planning Board" below).

Work Not Requiring a Certificate of Appropriateness ("COA")

There is no review by the HBDC:

1. When there is only planting, maintaining, moving or removing a garden, shrubs, lawn or trees (other than landscaping that has previously been made a condition of a COA).
2. When there are no exterior changes to a building or structure or any Hardscaping.

Landscaping Requiring a Certificate of Appropriateness ("COA")

The HBDC reviews Landscaping only when it is part of an application for a COA involving exterior changes (alterations, additions, construction, demolition, removal or relocation) to a building or structure, and only as it relates to the proposed exterior changes. (See Coordination with the Planning Board below.)

Hardscaping Requiring a Certificate of Appropriateness (“COA”)

The HBDC reviews all Hardscaping because it constitutes a structure and/or structural changes, which require filing an application for a COA. Parking areas which are subject to Site Plan review under Section VI of the Zoning Bylaw are exempt from the requirement for a Certificate of Appropriateness.

Coordination with the Planning Board

1. The Planning Board also reviews landscaping when it makes a Site Plan Review of a project under Section VI of the Zoning Bylaw. If an application within the Historic Business District has been filed with the Planning Board, the Planning Board will ask the HBDC to review the plan and furnish a written recommendation regarding the landscaping. The HBDC may also be present at any hearings and the Planning Board may request further review or approval of the HBDC as part of this process. When the Planning Board issues its final written decision, a copy will be furnished to the HBDC. The HBDC will incorporate any such conditions in its decision if a COA is required.
2. Where the Planning Board has not made any review of landscaping, then the applicant is required to file and obtain approval from the HBDC for any landscaping being done:
 - a. in connection with proposed exterior changes to a building or structure;
 - b. together with any proposed Hardscaping.

Items to be Included with Application

When a commercial building or structure is involved, a professional landscaping/hardscaping plan is desirable and will normally be expected by the HBDC. When only a single family, residential dwelling is involved, a non-professional plan may be offered initially, detailing any trees or shrubs being removed or relocated, areas of plantings and grass, types of fencing and driveway materials, and areas being left natural.

Guidelines for Landscaping and Hardscaping

1. Plantings may be used to screen or soften the effect of certain building or structural elements that would otherwise be undesirable.
2. Landscaping/Hardscaping shall be in scale and keeping with the building or structure and with the surrounding area.
3. The applicant shall consider whether any new Landscaping/Hardscaping will alter the setting of a property or make unnecessary changes in a well-recognized or special location.
4. Where possible, it is desirable to avoid altering the natural topography of the lot.

5. The cutting of existing trees and native vegetation shall be limited.
6. Large exposed areas of poured concrete on buildings or structures may be screened with plantings (i.e., foundations or retaining walls).
7. Disturbed surfaces shall be covered with mulch, grass or other plantings.
8. The use of natural crushed stone or shells for driveways instead of asphalt or concrete should be considered.
9. The applicant should consider, (a) whether evergreen or deciduous plantings are most appropriate on a year-round basis; and (b) how the property will look when trees and shrubs being planted reach their full growth and height.
10. The Commission encourages the use of Landscaping features and Hardscaping as unifying elements to create a sense of harmony from parcel to parcel within the District.

SECTION XIV

Approval

Upon approval of the plans by a majority of the HBDC, the HBDC shall cause a Certificate of Appropriateness or Permit for Removal or Demolition dated and signed by the requisite majority of the HBDC to be issued to the applicant.

SECTION XV

Constructive Approval

If the HBC fails to take a final vote on any application within sixty (60) days after the receipt of an application for a Certificate of Appropriateness or a Permit for Removal or demolition, the application shall be deemed to be approved except where the applicant has assented to an extension of time and the same is agreed to by a formal vote of the HBDC.

SECTION XVI

Disapproval

In the case of disapproval, the HBDC shall state its reasons therefore in writing. The HBDC may make recommendations to the applicant with respect to appropriateness of design, scale, location on lot, arrangement, color, texture and material of the building or structure involved, and other features referred to in Section II.

SECTION XVII

Violations

1. Late Filing. The failure to make a timely filing or to file for approval as required hereunder shall constitute a violation of these Regulations. In addition to those penalties set forth under Paragraph 2 below, applicants shall be required to pay a late filing fee of fifty dollars (\$50.00) for the purpose of processing the application. The HBDC may waive such fee, in whole or in part, upon a showing of good cause by the applicant.
2. Violations. Any person who violates any of the provisions of these Regulations shall be subject to a fine not to exceed Three Hundred (\$300.00) Dollars, which fine shall enure to the Town. Each day that a violation continues shall constitute a separate offense. Alternatively, such violations shall be subject to the provisions of MGL ch. 40, Section 21D providing for non-criminal disposition. Each day that a violation continues shall constitute a separate offense.

SECTION XVIII

Appeals to Board of Selectmen

Any person aggrieved by the ruling of the HBDC may take an appeal to the board of Selectmen within fourteen (14) calendar days of the date appearing on the HBDC's written decision on appropriateness. The Board of Selectmen shall hear and act upon such appeals promptly and the decision of the Board shall be determined by a majority vote of the members of the Board.

SECTION XIX

Appeals to the Superior Court

Any person, or the HBDC, aggrieved by the decision of the Board of Selectmen, may appeal to the Superior Court, sitting in equity for Barnstable County, provided that such appeal is filed in said Court within twenty days after such decision has been mailed to all parties concerned. The Court shall hear all pertinent evidence and determine the facts, and upon the facts so determined, annul such decision if found to exceed the authority of such Board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all the rights of appeal and exception as in other equity cases.

SECTION XX

Appeal Against HBDC

Costs shall not be allowed against the HBDC or the Board of Selectmen unless it shall appear to the Court that the HBDC or the Board, in making the appealed decision, acted with bad faith or with malice.

SECTION XXI

Appeal Against Appellant

Costs shall not be allowed against the party appealing the decision of the HBDC or the Board of Selectmen unless it shall appear that said appellant or appellants acted in bad faith or with malice in making the appeal to the Court.

SECTION XXII

Superior Court Jurisdiction

The Superior Court shall have jurisdiction in equity to enforce the provisions of the Act, these Regulations, and the rulings issued hereunder any may restrain by injunction, violations thereof.

SECTION XXIII

Application Fees

The HBDC is empowered to charge reasonable application fees to defray its expenses. Any changes in the amount of said fees voted by the HBDC shall be effective thirty (30) days after publication and posting as provided for notices of meetings.

SECTION XXIV

Invalidity of a Section

In case any section, paragraph, or part of these regulations is, for any reason, declared invalid or held unconstitutional by any Court of Last Resort, every other section, paragraph or part shall continue in full force and effect.

SECTION XXV

Amendments to Regulations

The Regulations of the HBDC may be amended at any time and from time to time in accordance with the following procedures:

1. The HBDC, at a regular or special meeting called for that purpose and by majority vote of the members, shall approve in writing the proposed amendment(s) of one or more of the existing Regulations.
2. A copy of the proposed amendment(s) shall be forwarded to the Board of Selectmen and to the Historic Business District Review Committee (if such Committee is then outstanding)

and to the applicable staff personnel of the Town for their review and comments to be held at a public meeting or meetings at which due notice has been given.

3. Upon receipt of such review and comments, the HBDC shall then formally schedule a public hearing to consider the proposed amendment(s). Notice of the time and place of the hearing shall be posed by the HBDC and given by publication in a newspaper of general circulation in the Town once each week for two successive weeks, so as to allow not less than fourteen (14) days from the date of the first publication to the date of the hearing.
4. At the conclusion of such public meeting or meetings, the HBDC may then vote upon the proposed amendment(s) or schedule additional public meetings if necessary, and if such amendments are so approved by a majority of the HBDC, then they shall go into effect at the next meeting of the HBDC or at such other date as the HBDC shall determine, following filing of such amendments with the Town Clerk.

SECTION XXVI

HBDC Procedures

1. Meetings. Regular meetings of the HBDC are normally held on the 1st and 3rd Wednesdays of each month at the Town Hall Annex, unless otherwise voted on by the HBDC and posted on the Town Hall bulletin board; provided, however, that the HBDC shall meet within twenty-one (21) days after notification by the Secretary/Clerk of the receipt of an Application for a COA or Permit for Removal or demolition. Special or emergency meetings may be called by the Chairperson or any two members upon notice to all other members of the purpose of the meeting and upon proper posting.
2. Notice of Meetings and Agenda. The Notice and Agenda of each Meeting shall be prepared by the Chairperson (unless otherwise designated by the HBDC) and published in a local newspaper prior to the meeting.
3. Members. The HBDC shall consist of five (5) members and two (2) alternate members whose qualifications, terms, and appointments shall be as set forth in the Act.
4. Officers. The HBDC shall elect a Chairperson, Vice-Chairperson and Secretary/Clerk for a term of one year to commence on July 1st. Vacancies shall be voted upon by the HBDC to fill the unexpired term(s) of such officer(s). The Chairperson shall preside over each meeting, but in case of his/her absence, the Vice-Chairperson shall act as presiding officer.
5. Quorum and Voting. In order to conduct business of any kind, there shall be a quorum consisting of three or more voting members. All decisions taken must be voted on by a majority of the HBDC.
6. Alternate Members. Alternate members may take part in the business of the meeting, but shall not vote unless one or more regular members is absent or is recused from voting. In such case, their place or places shall be filled, without further action and by rotation, by the alternate members present at the meeting, each of whom shall become a voting member or

members for such meeting only. The Secretary/Clerk shall keep a record of the order of rotation of the alternate members and the dates of the meeting at which they voted.

7. Minutes. The Secretary/Clerk shall keep the minutes of each meeting. In the absence of the Secretary/Clerk, the Chairman shall designate a voting or alternate member to keep the minutes for such meeting. A copy of the minutes shall be presented to and formally voted on for acceptance and/or amendment by the HBDC at a following meeting, and forwarded to the Town Clerk for safekeeping, with an additional copy forwarded to the office of the Board of Selectmen.
8. Issuance of Certificate of Appropriateness or Permit for Removal or Demolition. The HBDC shall adopt appropriate applications forms for a Certificate of Appropriateness (for the placement of a sign and for exterior work) and for a Permit for Removal or Demolition. A Certificate of Permit, when issued, and a copy of the approved plan along with standard and special conditions, if any, shall be signed and dated by the requisite majority of the HBDC and delivered to the applicant in person or sent by certified mail to the applicant at the address shown on the Application. A copy of the COA or Permit, along with the above documents and the minutes of the meeting(s) at which the COA or Permit were reviewed, shall be retained in the files.
9. Disapproval of Applications. Disapproval of an Application shall be entered in writing and signed and dated by the requisite majority of the HBDC, setting forth the reasons therefore and in accordance with Section XVI above. A copy of such Disapproval shall be sent by certified mail to the applicant at the address shown on the Application.
10. Town of Chatham Appointed Committees Rules and Regulations Handbook. Unless otherwise set forth above, the organization and procedures of the HBDC shall be as stated in the Town of Chatham Appointed Committees Rules and Regulations Handbook (July 1, 1998), as amended from time to time, or take any other action in relation thereto.