

Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 370 of the Acts of 1960, entitled "An Act Relative to Annual Allowances to Organizations and Units of the Armed Forces of the Commonwealth" and the enactment of which received my approval on May 9, 1960, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Postponement of the operation of this act for ninety days would defeat its purpose in that it will unnecessarily delay its application for the current fiscal year.

Very truly yours,

FOSTER FURCOLO,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, MAY 10, 1960.

I, Joseph D. Ward, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and forty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter three hundred and seventy of the acts of nineteen hundred and sixty.

JOSEPH D. WARD,  
*Secretary of the Commonwealth.*

**Chap. 371.** AN ACT RELATIVE TO THE TRANSPORTATION OF CERTAIN BOVINE ANIMALS WITHIN THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Section 36D of chapter 129 of the General Laws, as most recently amended by section 3 of chapter 527 of the acts of 1956, is hereby further amended by inserting after the word "age", in line 10, the following:—, provided, however, that any person owning cattle which have been tested, certified or vaccinated in compliance with the provisions of this chapter, may transport such cattle from any parcel of land owned or leased by such person within the commonwealth to any other parcel of land so owned or leased within the commonwealth.

*Approved May 9, 1960.*

**Chap. 372.** AN ACT TO AUTHORIZE THE ESTABLISHMENT OF HISTORIC DISTRICTS IN THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

The General Laws are hereby amended by inserting after chapter 40B the following chapter:—

## CHAPTER 40C.

## HISTORIC DISTRICTS.

*Section 1.* This chapter shall be known and may be cited as the Historic Districts Act.

*Section 2.* The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings, sites and districts of historic interest, through the maintenance of such as landmarks in the history of architecture, of the commonwealth and of the nation, and through the development of appropriate settings for such buildings, places and districts.

*Section 3.* A city or town may, by ordinance or by-law adopted by a two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:—Prior to such establishment, an historic district study committee, established as provided in section four, shall make an investigation and report on the historic significance of the buildings, structures, features, sites or surroundings included in any such proposed historic district and shall transmit copies of its report to the planning board, if any, to the art commission for the commonwealth, to the commissioner of commerce and to the commissioner of natural resources for their consideration and recommendations. Sixty days after such transmittal the committee shall hold a public hearing thereon after due notice, which shall include a written notice, postage prepaid, to the owners of all properties to be included in such districts. The committee shall submit a final report with its recommendations and a draft of a proposed ordinance or by-law, to the city council or town meeting.

Any such ordinance or by-law may, from time to time, be amended in the same manner except that the historic district commission established as provided in section four shall study such proposed amendments and report thereon as required hereunder.

*Section 4.* An historic districts study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of a proposed historic district. Whenever an historic district is established as provided in section three, an historic district commission shall be established. Said committee and commission shall consist of not less than three nor more than seven members appointed by the mayor, subject to confirmation by the city council, or by the selectmen and including one member where possible from two nominees submitted by the local historical society or in the absence thereof by the Society for the Preservation of New England Antiquities, one member where possible from two candidates, one of whom shall be nominated by the Massachusetts State Chapter of the American Institute of Architects and one of whom shall be nominated by the Boston Society of Landscape Architects, one member, where possible, from two nominees of the board of realtors covering the area, and one or more of the foregoing shall be, where possible, a resident of the area included or under consideration for inclusion in an historic district within said city or

town. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in like manner for terms of three years. Vacancies shall be filled in like manner for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment in like manner of alternate members not exceeding in number the principal members. In case of the absence, inability to act, or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number. The commission may adopt rules and regulations not inconsistent with the provisions of this chapter, and may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend the same for such purposes.

*Section 5.* No building or structure including stone walls, fences, steps and paving, shall be erected, reconstructed, altered, restored, moved or demolished within an historic district, and no sign, light, fence, wall or other appurtenant fixture, hereafter called appurtenant fixtures, shall be erected or displayed on any lot, building or structure located within said district unless an application for a certificate of appropriateness shall have been approved by the historic district commission; and no building or other permit shall be granted for any such purpose in an historic district until such certificate of appropriateness has been issued.

*Section 6.* The historic district commission in considering applications for certificates of appropriateness for any of the purposes specified in section five shall consider the appropriateness of proposed exterior features of buildings, structures, and appurtenant fixtures, location on the lot, and the removal or demolition of any building or structure in said district, wherever such exterior features, buildings, structures and appurtenant fixtures are subject to public view from a public street or way. All plans, elevations and other information deemed necessary by the commission to determine the appropriateness of the exterior features or buildings in question shall be made available to it by the applicant.

The historic district commission, in considering the appropriateness of exterior features, shall keep in mind the purposes of this chapter as set forth in section two, and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material and color of the building or structure and appurtenant fixtures in question, the relation of such features to similar features of buildings in the immediate surroundings, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The commission shall not make any recommendations or requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings and the historic district.

*Section 7.* Within seven days after the filing with the historic district commission of an application for a certificate of appropriateness,

said commission shall determine the estates to be materially affected by such application and forthwith send by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of the public hearing to be held by the commission on said application.

As soon as conveniently may be after such public hearing but in all events within a period of thirty to sixty days, as the ordinance or by-law may provide, after the filing of the application for the certificate of appropriateness, or within such further time as the applicant may in writing allow, the commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving or demolition of the buildings, structures or appurtenant fixtures involved will be appropriate to the preservation of the historic district for the purposes of this chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the historic district generally, failure to issue a certificate of appropriateness will involve a substantial hardship, financial or otherwise, to the applicant, and such certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter.

If the commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, or is not appropriate, owing to conditions as aforesaid but that failure to issue a certificate of appropriateness would involve substantial hardship to the applicant and that issuance thereof may be made without substantial detriment or derogation as aforesaid, or if said commission fails to make a determination within the time hereinbefore prescribed, the commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness. If the commission determines that a certificate of appropriateness should not issue, it shall place upon its records the reasons for such determination, and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition. The commission shall forthwith notify the applicant of such determination and shall furnish him an attested copy of its reasons therefor and its recommendations, if any, as appearing in the records of said commission.

*Section 8.* Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector or similar agent shall certify is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of said district.

*Section 9.* Any applicant aggrieved by a determination of the commission may, within twenty days after the making of such deci-

sion, appeal to a superior court sitting in equity for the county in which the land concerned is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given for such determination to be unsupported by the evidence or to be insufficient in law and may make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against the historic district commission unless it appears to the court that the commission acted with gross negligence, in bad faith or with malice.

Costs shall not be allowed against the party appealing from the decision of the historic district commission unless it appears to the court that said appellant acted in bad faith or with malice in making the appeal to the court.

*Section 10.* The superior court shall have jurisdiction in equity to enforce the provisions of this chapter and the rulings issued thereunder and may restrain by injunction violations thereof.

*Section 11.* Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than five hundred dollars. Each day that a violation continues to exist shall constitute a separate offence.

*Section 12.* In case any section, paragraph or part of this chapter be 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 13.* The provisions of this chapter shall in no way impair the validity of an historic district, established under any special act.

*Approved May 9, 1960.*

**Chap. 373.** AN ACT PLACING THE OFFICE OF SUPERINTENDENT OF MAINTENANCE OF THE CHELSEA HOUSING AUTHORITY UNDER THE CIVIL SERVICE LAWS.

*Be it enacted, etc., as follows:*

SECTION 1. The office of superintendent of maintenance of the Chelsea Housing Authority shall, upon the effective date of this act, become subject to the civil service laws and rules, and the tenure of any incumbent thereof shall be unlimited, subject, however, to said laws and rules. The incumbent of said office on said effective date shall be subjected by the division of civil service to a qualifying examination for said office. If said incumbent passes said examination, he shall be certified for said office and shall be deemed to be permanently appointed thereto, without being required to serve any probationary period, and his tenure of office shall be unlimited, subject however to the provisions of said laws.

SECTION 2. This act shall take effect upon its acceptance by vote of the board of aldermen of the city of Chelsea, subject to the provisions of its charter, but not otherwise.

*Approved May 9, 1960.*