

**Westport Historical Commission By Law
As Amended Town Meeting May 6, 2008**

1. There is hereby established under the Historic Districts Act, General Laws Chapter 40C, with all the powers and duties of an historic commission, a Westport Historical Commission, consisting of seven members to be appointed by the Board of Selectmen, and including one member from two nominees submitted by the local historical society, one member from two nominees submitted by the Chapter of the American Institute of Architects covering the area, and one member from two nominees from the board of realtors, if any, covering the area. If within 30 days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made by the appointing body, the Board of Selectmen may proceed to appoint the Commission without nominations by such organization. The members of the Westport Historical Commission shall include one or more residents or owners of property in a historic district to be administered by the Commission. Alternates need not be from nominees of organizations entitled to nominate members. Each member and alternate shall continue in office after the expiration of his term until his/her successor is duly appointed and qualified. All members and alternates shall serve without compensation.

2. There is hereby established under provisions of the Historic Districts Act, one historic district to be known as the “Westport Point Historic District” attached to and made a part of the By Law.

3. The Commission shall have in addition to the powers and duties of an historic district commission the further powers and duties, subject to appropriation or receipt of money gifts, and may in exercise of any of its powers or duties accept and expand such gifts and employ clerical and technical assistants, or consultants,

a. to conduct a survey of Westport buildings and sites for the purpose of determining those of historic significance architecturally or otherwise. Copies of this continuing survey shall be placed in the hands of the Westport Planning Board, the Conservation Board, the Board of Selectmen and the Westport Public Library and periodically updated by the Commission;

b. to propose from time to time as they deem appropriate the establishment, in accordance with the Historic Districts Act, of additional historic districts and changes in historic districts;

c. to determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for care of historic markers.

d. to arrange for preparation and publication of maps and brochures and descriptive material about Westport historic sites and buildings’

e. to cooperate with and advise the Board of Selectmen, the Planning Board and other town agencies in matters involving historic sites and buildings’

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f. to cooperate with and enlist assistance for Westport from the Massachusetts Historical Commission, the National Park Service, the National Trust for Historic Preservation, the Society for the Preservation of New England Antiquities, and other agencies public and private from time to time concerned with historic sites and buildings;

g. to advise owners of historic buildings in Westport in problems of preservation.

4. The Commission may recommend to the Board of Selectmen from time to time as needed the appointment of advisory committee of historians and persons experienced in architecture or other arts or in historic preservation or restoration to assist in manner comparable to the National park Service Advisory board or Consulting Committee.

5. The Commission may formulate and publish guidelines for construction or alteration of buildings or structures or appurtenant fixtures in the areas as defined in Section 5 of Chapter 40C of the General Laws.

6. When taking action under the provisions of the second paragraph of Section 7 of the Historic Districts Act, the Commission shall make its determination within forty-five (45) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.

7. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act or this ordinance.

8. In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

9. The establishment of the Historic Districts under Section 2 shall not be effective until the first day of third month after this ordinance is ordained.

10. The Commission should have the powers and duties of an historical Commission as provided in Section 8D of Chapter 40 of the General laws.

11. Limitations on authority of Commission: Except to the extent specifically prohibited by General Laws, Chapter 40C the authority of the commission shall be limited in that:

a. it shall not have the power to review the following:

1. Terraces, walks, driveways, sidewalks, and like structures, provided that any such structures are substantially at grade level:

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2. Walls and fences;
3. Trees, plants, shrubs, hedges, and the like;
4. Storm doors and windows, screens, window air conditioners, and antennae for radio and/or television reception;
5. The color of paint on doors and shutters;
6. The color or nature of materials used on roofs;
7. Additions, alterations, or appurtenant structures (including but not limited to swimming pools and the like) which are not visible from public streets in the district.

b. the public authorities responsible for the maintenance, alteration, demolition, or construction of public school facilities in the district shall not be required to obtain any certificate from the Commission.