AN ACT CREATING THE HISTORIC BEACON HILL DISTRICT IN THE CITY OF BOSTON AND ESTABLISHING IN THE BUILDING DEPARTMENT OF SAID CITY THE BEACON HILL ARCHITECTURAL COMMISSION AND DEFINING ITS POWERS AND DUTIES. *Chap.* 616

Be it enacted, etc., as follows:

SECTION 1. *Creation of the District.* — There is hereby created in the city of Boston a district to be known as the Historic Beacon Hill District, bounded as follows: — southerly by the northerly side line of Beacon street; westerly by a line parallel with and one hundred and fifty feet distant westerly from, the westerly side line of Beaver street; northerly by Beaver place; easterly by Brimmer street; northerly again by Byron street; westerly again by a line parallel with, and eighty feet distant westerly from, the westerly side line of Charles street; northerly again by the southerly side line of Revere street; easterly again by the westerly side line of Myrtle street; northerly again by the southerly side line of Myrtle street; and easterly again by the westerly side line of Hancock street and said side line extended southerly to Beacon street; excluding, however, from said area land of the commonwealth and the estates numbered twenty-six to eighty-eight, inclusive, and ninety-eight to one hundred and thirty-six, inclusive, on Myrtle street.

SECTION 2. *Purpose.* — The purpose of this act is to promote the educational, cultural, economic and general welfare of the public through the preservation of the historic Beacon Hill district, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the commonwealth.

SECTION 3. *Definitions.* — As used in this act, the following words shall have the following meanings: —

"Building commissioner", the building commissioner of the city of Boston.

"City", city of Boston.

"Commission", the commission provided for by section four.

"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs, and other fixtures appurtenant to such portion.

"Structure", a structure as defined in the Boston building code.

SECTION 4. *Beacon Hill Architectural Commission.* — There shall be in the building department of the city a board, known as the Beacon Hill Architectural Commission, consisting of five commissioners appointed by the mayor of the city as follows: — one from two candidates nominated

by the Beacon Hill Civic Association, Inc., one from two candidates nominated by the Boston Real Estate Board, one from two candidates nominated by The Boston Society of Architects, one from two candidates nominated by the Society for the Preservation of New England Antiquities, and one member selected at large by the mayor. The commissioners initially appointed hereunder shall serve, in the case of the commissioner appointed upon nomination of the Beacon Hill Civic Association, Inc., for a term expiring one year, in the case of the commissioner appointed upon nomination of the Boston Real Estate Board, for a term expiring two years, in the case of the commissioner appointed upon nomination of The Boston Society of Architects, for a term expiring three years, in the case of the commissioner appointed upon nomination of the Society for the Preservation of New England Antiquities, for a term expiring four years, and, in the case of the commissioner selected at large by the mayor, for a term expiring five years, from the first day of May in the year nineteen hundred and fifty-five. As the term of any such commissioner, or of any subsequent commissioner, expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Vacancies in the commission shall be filled in the same manner for the unexpired term. Every commissioner shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any commissioner may be removed by the mayor as provided in section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine.

The commission shall annually on the first day of May, or as soon thereafter as conveniently may be, elect one of its members as chairman and another as vice chairman. The commission shall also elect a secretary outside of its membership who shall be exempt from the civil service laws and rules and shall receive from the city such compensation as the commission, with the approval of the mayor, shall from time to time fix. Whenever the secretary shall not be in attendance at a meeting of the commission, the commission shall elect a secretary pro tem for such meeting, who shall receive such compensation as the commission with the approval of the mayor shall fix. The members of the commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The records of the commission shall set forth every determination made by the commission and the vote of every member participating therein and the absence or failure to vote of every other member.

The commission shall not be subject to the supervision or control of the building commissioner; but unless otherwise ordered by the mayor, the commission shall not communicate with the mayor except through the building commissioner and shall not make any annual or other report except through the building commissioner.

SECTION 5. *Limitation on Issuance of Building Permit.* — No permit shall be issued by the building commissioner for the construction of any structure in the historic Beacon Hill district or the reconstruction, alteration or demolition of any structure now or hereafter in said district, except in cases excluded by section nine of this act, unless the application for such permit shall bear a certificate under section six of this act that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under section seven of this act or, in the case of the demolition of a structure, a certificate under section eight of this act that twenty days or such lesser period as the commission may have determined has expired after receipt by the commission of notice of demolition.

SECTION 6. *Certificate of Non-applicability of Statute.* — Except in cases excluded by section nine of this act, every person about to apply to the building commissioner for a permit to construct any structure in the historic Beacon Hill district or to reconstruct, alter or demolish any structure now or hereafter in said district shall deposit with the secretary of the commission his application for such permit together with all plans and specifications for the work involved. Within five days thereafter, Saturdays, Sundays and legal holidays excluded, the commission shall consider such application, plans and specifications and determine whether any exterior architectural feature is involved. If the commission determines that no exterior architectural feature is involved, it shall cause its secretary to endorse on the application forthwith a certificate of such determination and return the application, plans and specifications to the applicant.

SECTION 7. *Certificate of Appropriateness.* — No person shall construct any exterior architectural feature in the historic Beacon Hill district, or reconstruct or alter any such feature now or hereafter in said district, until such person shall have filed with the secretary of the commission an application for a certificate of appropriateness in such form and with such plans, specifications and other material as the commission may from time to time prescribe and a certificate of appropriateness shall have been issued as hereinafter provided in this section.

Within five days after the filing of an application for a certificate of appropriateness, Saturdays, Sundays and legal holidays excluded, the commission shall determine the estates deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then 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 a public hearing before the commission on such application.

As soon as conveniently may be after such public hearing or the waiver thereof, but in all events within twenty days, Saturdays, Sundays and legal holidays excluded, 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 or alteration of the exterior architectural feature involved will be appropriate to the preservation of the historic Beacon Hill district for the purposes of this act, and whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the historic Beacon Hill district generally, failure to issue a certificate of appropriateness will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this act. In passing upon appropriateness, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

If the commission determines that the proposed construction, reconstruction or alteration of the exterior architectural feature involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to issue a certificate of appropriateness will involve substantial hardship to the applicant and issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the commission fails to make a determination within the time hereinbefore prescribed, the secretary of the commission shall forthwith issue to the applicant a certificate of appropriateness. If the commission determines that a certificate of appropriateness should not issue, the commission shall forthwith spread upon its records the reasons for such determination and may include recommendations respecting the proposed construction, reconstruction or alteration. Thereupon the secretary of the commission shall forthwith notify the applicant of such determination, transmitting to him an attested copy of the reasons and recommendations, if any, spread upon the records of the commission.

SECTION 8. *Notice of Demolition.* — No person shall demolish any exterior architectural feature now or hereafter in the historic Beacon Hill district until he shall have filed with the secretary of the commission on such form as may be from time to time prescribed by the commission a written notice of his intent to demolish such feature and a period of twenty days, Saturdays, Sundays and legal holidays excluded, or such lesser period as the commission, because the feature is not historically or architecturally significant or otherwise worthy of preservation, may in a particular case

determine, shall have expired following the filing of such notice of demolition. Upon the expiration of such period the secretary of the commission shall forthwith issue to the person filing the notice of demolition a certificate of the expiration of such period.

SECTION 9. *Exclusions.* — Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature now or hereafter in the historic Beacon Hill district; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the building commissioner prior to the effective date of this act.

SECTION 10. *Appeals.* — Any applicant aggrieved by a determination of the commission may, within thirty days after the making of such determination, appeal to the superior court sitting in equity for the county of Suffolk. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given by the commission to be unwarranted by the evidence or to be insufficient in law to warrant the determination of the commission or make such other decree as justice and equity may require. The remedies provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

SECTION 11. *Enforcement.* — Whoever constructs, reconstructs, alters or demolishes any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

The superior court sitting as aforesaid may, upon application of the commission, restrain the construction, reconstruction, alteration or demolition of any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered in violation thereof.

SECTION 12. *Severability of Provisions.* — The provisions of this act shall be deemed to be severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved July 28, 1955.

CHAP. 315. AN ACT EXTENDING THE HISTORIC BEACON HILL DISTRICT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1955 is hereby amended by inserting after section 1 the following section: — *Section 1A.* The Historic Beacon Hill District created by section one is hereby enlarged and extended to include an area contiguous thereto, bounded as follows: — southerly by Byron street; westerly by Brimmer street; southerly again by Beaver place; westerly again by Embankment road; northerly by Pinckney street; and easterly by a line parallel with, and eighty feet distant westerly from, the westerly line of Charles street.

SECTION 2. Nothing in this act shall be construed to prevent or affect the construction, reconstruction, alteration or demolition of any structure within the area defined in section one under a permit issued prior to the effective date of this act by the building commissioner of the city of Boston whether or not an exterior architectural feature is involved.

Approved May 7, 1958.

CHAP. 316. AN ACT DESIGNATING THE TREATMENT CENTER OF THE FOXBOROUGH STATE HOSPITAL AS THE DR. RODERICK B. DEXTER TREATMENT CENTER.

Be it enacted, etc., as follows:

SECTION 1. The treatment center of the Foxborough state hospital shall be designated and known as the Dr. Roderick B. Dexter Treatment Center in lasting recognition of Dr. Dexter's great service to the public as a humanitarian and public-spirited citizen. The department of mental health is hereby authorized and directed to erect in an appropriate location a suitable plaque bearing said designation.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1958.

CHAP. 317. AN ACT EXTENDING THE TIME WITHIN WHICH BOSTON POLICE POST NO. 1018, VETERANS OF FOREIGN WARS OF THE UNITED STATES, INC., MAY CONSTRUCT A CERTAIN BUILDING ON LAND CONVEYED TO IT BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 416 of the acts of 1954 is hereby amended by striking out, in line 14, the word "fifty-nine" and inserting in place thereof the word: — sixty-four, — so as to read as follows: — *Section 1.* The commissioner of mental health, in the name and on behalf of the commonwealth, is hereby authorized, subject to the approval of the governor and council, to convey for a nominal consideration to Boston Police Post, No. 1018, Veterans of Foreign Wars of the United States, Inc. all the right, title and interest of the commonwealth in and to a triangular parcel of land at the Boston state hospital, bounded as follows: — Southerly by the American Legion Highway; westerly by Morton street; and northerly by Canterbury street. In the event that a structure, such as a club house to be used as a recreational or educa-

CHAP. 314. AN ACT ENLARGING THE POWERS AND DUTIES OF THE BEACON HILL ARCHITECTURAL COMMISSION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1955 is hereby amended by striking out section 5 and inserting in place thereof the following section: — *Section 5. Limitation on Issuance of Building Permit.* — No permit shall be issued by the building commissioner for the construction of any structure in the historic Beacon Hill district or the reconstruction, alteration or demolition of any structure now or hereafter in said district, except in cases excluded by section nine of this act, unless the application for such permit shall bear a certificate under section six of this act that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under section seven of this act.

SECTION 2. Section 7 of said chapter 616 is hereby amended by striking out, in line 3, the words "or alter" and inserting in place thereof the words: —, alter, change the exterior color of or demolish, — and by striking out, in lines 30, 49 and 62, the words "or alteration" and inserting in place thereof, in each instance, the words: —, alteration, change in exterior color or demolition.

SECTION 3. Said chapter 616 is hereby further amended by striking out section 8.

SECTION 4. Said chapter 616 is hereby further amended by striking out section 9 and inserting in place thereof the following section: — *Section 9. Exclusions.* — Nothing in this act shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature now or hereafter in the historic Beacon Hill district which involves no change in design, material, color or outward appearance thereof; nor shall anything in this act be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.

SECTION 5. Said chapter 616 is hereby further amended by striking out section 11 and inserting in place thereof the following section: — *Section 11. Enforcement.* — Whoever constructs, reconstructs, alters, changes the exterior color of or demolishes any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

The superior court sitting as aforesaid may, upon application of the commission, restrain the construction, reconstruction, alteration, change in exterior color or demolition of any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this act and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered or demolished in violation thereof or the exterior color of which is changed in violation thereof.

Approved May 7, 1958.

is hereby further amended by striking out, in line 7, the word "nine" and inserting in place thereof the word: — twelve, — so as to read as follows: — For the purpose of obtaining funds to acquire rapid transit cars or of restoring to its treasury funds expended for such acquisition, the authority, from time to time, subject to the approval of the department of public utilities, may issue bonds or notes to the district under and in accordance with the provisions of the first two paragraphs of this section and to a total principal amount of not exceeding twelve million dollars. The trustees of the district, at the request of the trustees of the authority, shall purchase such bonds or notes of the authority and procure the funds necessary for such purchases all under and in accordance with the provisions of the first two paragraphs of this section. The bonds or notes authorized by this paragraph are not to be included in the limitation on the amount of bonds or notes which may be issued under the first paragraph of this section.

SECTION 2. This act shall take effect upon its passage.

Approved August 7, 1963.

Chap. 621. AN ACT AUTHORIZING THE CITY OF NEWTON TO APPROPRIATE MONEY FOR, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, the following unpaid bills: — Edward J. Durling, Belmont, fifty dollars; Beverly Hospital, Beverly, eight hundred and fifty-six dollars and seventy-five cents; Saint Coletta School, Hanover, three hundred and twenty dollars; Sears Manor Nursing Home, Newton, seven hundred and forty-six dollars and sixty-five cents, and Cushing Hospital, Framingham, two hundred and thirty-six dollars and thirty-five cents, for services and materials rendered to said city in the year nineteen hundred and sixty-two, which bills are legally unenforceable against said city by reason of their being incurred in excess of available appropriations.

SECTION 2. This act shall take effect upon its passage.

Approved August 8, 1963.

Chap. 622. AN ACT EXTENDING THE HISTORIC BEACON HILL DISTRICT AND TO CLARIFY THE POWERS AND DUTIES OF THE BEACON HILL ARCHITECTURAL COMMISSION IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1955 is hereby amended by inserting after section 1A, inserted by section 1 of chapter 315 of the acts of 1958, the following two sections: —

Section 1B. The Historic Beacon Hill District, created by section one and enlarged and extended by section one A, is hereby further enlarged and extended to include an area contiguous thereto bounded as follows: — southerly by Myrtle street, including, however, the estates numbered twenty-six to eighty-eight, inclusive, and ninety-eight to one hundred and thirty-six, inclusive, on Myrtle street; westerly by Myrtle street;

southerly by Revere street; westerly by the alley located to the rear of the estates numbered one hundred and thirty to one hundred and forty Charles street; northerly by the northerly boundary line of the estate numbered one hundred and forty Charles street, and by said boundary line extended diagonally in an easterly direction across Charles street to Putnam avenue; northerly by Putnam avenue; westerly by West Cedar street; northerly by Phillips street; easterly by the rear property lines of the estates numbered seventy-nine to sixty-one West Cedar street; northerly and westerly by the northerly property lines of the estates located at the northerly ends of Bellingham place, Sentry Hill place and Goodwin place, and the northerly sideline of the estate numbered thirty-seven Grove street, easterly by Grove street; northerly by Revere street; easterly by Irving street; but including the estates located on Rollins place.

Section 1C. The Historic Beacon Hill District, created by section one and enlarged and extended by sections one A and one B, is hereby further enlarged and extended to include an area contiguous thereto bounded as follows: — northerly by a line parallel to and forty feet distant southerly from the southerly sideline of Cambridge street; easterly by Bowdoin street; southerly by Derne and Myrtle streets; westerly by Irving street; generally southerly by the northerly, easterly and westerly boundaries of the area defined in section one B; southerly by Revere street; westerly and northerly by Embankment road; and northerly by Charles street circle; and including the estates located at 131 and 141 Cambridge street and 2–16 Lynde street.

Nothing contained in this act shall apply to the construction, repair, alteration, demolition or reconstruction of any building by Suffolk University on Hancock, Derne or Temple streets.

SECTION 2. Nothing in this act shall be construed to prevent or affect the construction, reconstruction, alteration or demolition of any structure within the areas defined by section one of this act under a permit issued prior to the effective date of this act by the building commissioner of the city of Boston whether or not an exterior architectural feature is involved.

SECTION 3. Said chapter 616 of the acts of 1955 is hereby further amended by inserting after section 7 the following section: —

Section 7A. Signs. — No permit to erect a sign, marquee, awning, or other exterior architectural feature protruding from any structure in the Historic Beacon Hill District shall be issued by the public improvement commission of the city of Boston, or by any other agency now or hereafter authorized to issue such permits, unless the application for such permit shall be accompanied by a certificate of appropriateness issued under section seven.

SECTION 4. This act shall take effect upon its passage.

Approved August 8, 1963.

Chap. 623. AN ACT VALIDATING A CERTAIN VOTE OF THE TOWN OF ROCKLAND TO BORROW MONEY FOR A SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The proceedings taken by the town of Rockland under article fifty-one of the warrant for the annual town meeting held March

its license, the license shall revert to the licensing commission and shall only be reissued to qualified applicants doing business within the Assembly Square Mixed Use District. No other license granted pursuant to this act shall be sold or transferred by the licensee. If any such licensee terminates or fails to renew its license, that license shall revert to the licensing commission which may then reissue it according to the regulations of the licensing commission. The administrative fee charged by the city for such licenses shall be the same amount as the administrative fee charged by the city for existing licenses issued for the respective category for such licenses. Licenses granted under this act shall be subject to all applicable ordinances of the city.

Approved December 30, 2008.

Chapter 450. AN ACT RELATIVE TO VACANCIES ON THE BEACON HILL ARCHITECTURAL COMMISSION.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 616 of the acts of 1955, as appearing in section 4 of chapter 24 of the acts of 1982, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whenever there is a vacancy in the office of a commissioner, or whenever a commissioner is absent or unable for any cause to perform his duties, an alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner, but if neither a commissioner nor the alternate appointed in the same manner as such commissioner is present or able to perform such duties, any other alternate present shall exercise the powers and perform the duties of such commissioner; but an alternate shall not otherwise be deemed to be, or act as, a member of the board.

The foregoing was laid before the Governor on the twenty second day of December, 2008 and after ten days has the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 451. AN ACT MAKING CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make corrective changes in certain general and special laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Chap. 426. AN ACT DEFINING THE TERM "MOTEL" AS USED IN CERTAIN STATUTES.

Be it enacted, etc., as follows:

Section 32A of chapter 140 of the General Laws, as most recently amended by section 3 of chapter 592 of the acts of 1964, is hereby further amended by adding the following sentence: — The term "motel", as used in section twenty-seven, in this section, and in sections thirty-two B to thirty-two E, inclusive, shall be construed to mean any building or group of buildings which provide sleeping accommodations for transient motorists and which is not licensed as an inn.

Approved May 5, 1965.

Chap. 427. AN ACT AUTHORIZING THE BOARD OF REGISTRATION IN MEDICINE TO REGISTER AS A QUALIFIED PHYSICIAN CAPTAIN STEPHEN J. RYAN, UNITED STATES MEDICAL CORPS, RETIRED.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter one hundred and twelve of the General Laws, the board of registration in medicine may register as a physician, Captain Stephen J. Ryan, United States Medical Corps, Retired, provided that the said Stephen J. Ryan shall pass such qualifying examination as said board in its discretion deems proper, and that said Stephen J. Ryan shall meet all the requirements of section two of said chapter one hundred and twelve, and provided that said board shall determine, having in mind the service of said Stephen J. Ryan in the United States Medical Corps, that the said Stephen J. Ryan is qualified to practice medicine in the commonwealth.

Approved May 5, 1965.

Chap. 428. AN ACT FURTHER DEFINING THE PERSONS WHO MAY FILE SCHEDULES OF MINIMUM CONSUMER PRICES FOR ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 25C of chapter 138 of the General Laws is hereby amended by striking out paragraph (*c*), as appearing in chapter 385 of the acts of 1952, and inserting in place thereof the following paragraph: —

(*c*) Such schedule may be filed by (1) the manufacturer, importer or wholesaler who owns such brand if licensed by the commission, or (2) any wholesaler, importer or manufacturer licensed by the commission, with the approval of the commission.

Approved May 5, 1965.

Chap. 429. AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO THE HISTORIC BEACON HILL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 616 of the acts of 1955 is hereby amended by striking out the first paragraph and inserting in place

thereof the following paragraph: — There shall be in the building department of the city a board, known as the Beacon Hill Architectural Commission, consisting of five commissioners, and five alternates, appointed by the mayor of the city as follows: — one commissioner from two candidates, and one alternate from two other candidates, nominated by the Beacon Hill Civic Association, Inc., one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Real Estate Board, one commissioner from two candidates, and one alternate from two other candidates, nominated by The Boston Society of Architects, one commissioner from two candidates, and one alternate from two other candidates, nominated by the Society for the Preservation of New England Antiquities, and one commissioner, and one alternate, selected at large by the mayor. As the term of any commissioner expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Any vacancy in the office of a commissioner shall be filled in like manner for the unexpired term. As the term of any alternate expires, his successor shall be appointed in like manner as such alternate. Any vacancy in the office of an alternate shall be filled in like manner. Every person appointed an alternate shall be so appointed that his term will expire at the same time as the term of the incumbent commissioner appointed in the same manner as such alternate. Every commissioner and every alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any commissioner or alternate may be removed by the mayor as provided in section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. Whenever there is a vacancy in the office of a commissioner, or whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner; but an alternate shall not otherwise be deemed to be, or act as, a member of the board.

SECTION 2. Said section 4 of said chapter 616 is hereby further amended by inserting after the second paragraph the following paragraph: —

The commission may adopt, amend and repeal rules for the regulation of its affairs and the conduct of its business, and shall be deemed to be a department of the City for the purposes of section fifty-three A of chapter forty-four of the General Laws.

SECTION 3. Said chapter 616 is hereby further amended by striking out section 6 and inserting in place thereof the following section: — *Section 6. Certificate of Non-applicability of Statute.* — Except in cases excluded by section nine of this act, every person about to apply to the building commissioner for a permit to construct any structure in the Historic Beacon Hill District or to reconstruct, alter or demolish any structure now or hereafter in said district shall deposit with the secretary of the commission his application for such permit together with such plans, specifications and other material as the commission may from time to time prescribe. Within eight days thereafter, Saturdays, Sundays and legal holidays excluded, the commission or such commissioner or commissioners as the commission may from time to time designate so to do shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is in-

volved. If it is so determined that no exterior architectural feature is involved, the secretary of the commission shall endorse on the application forthwith a certificate of such determination and return the application, plans, specifications and other material to the applicant.

SECTION 4. The second paragraph of section 7 of said chapter 616 is hereby amended by striking out, in line 1, the word "five" and inserting in place thereof the word: — eight —, and by inserting after the word "commission", in line 3, the words: — or such commissioner or commissioners as the commission may from time to time designate so to do.

SECTION 5. The third paragraph of said section 7, as amended by section 2 of chapter 314 of the acts of 1958, is hereby further amended by striking out, in line 2, the word "twenty" and inserting in place thereof the word: — thirty.

SECTION 6. The fourth paragraph of said section 7, as so amended, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — Thereupon the secretary of the commission shall forthwith by mail, postage prepaid, give notice of such determination to the applicant and to every person filing written request for such notice, transmitting therewith an attested copy of the reasons and recommendations, if any, spread upon the records of the commission.

SECTION 7. Section 10 of said chapter 616 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any person aggrieved by a determination of the commission may, within thirty days after the making of such determination, appeal to the superior court sitting in equity for the county of Suffolk; provided that within eight days, exclusive of Saturdays, Sundays and legal holidays, after the secretary of the commission mails the notices provided for by the fourth paragraph of section seven, such person files with such secretary written notice of his intention to appeal.

SECTION 8. The first paragraph of section 11 of said chapter 616, as appearing in section 5 of chapter 314 of the acts of 1958, is hereby amended by adding at the end the following sentence: — Whoever, after notice from the secretary of the commission, maintains any exterior architectural feature now or hereafter in the Historic Beacon Hill District in violation of this act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day during any portion of which such violation is allowed to continue shall be considered a separate offense. *Approved May 5, 1965.*

Chap. 430. AN ACT RELATIVE TO THE CONVERSION OF CO-OPERATIVE BANKS INTO FEDERAL SAVINGS AND LOAN ASSOCIATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 49 of chapter 170 of the General Laws is hereby amended by striking out the first three paragraphs and inserting in place thereof the following two subsections: —

(A) 1. Any such corporation may convert itself into a federal savings and loan association, subject to the conditions hereinafter set forth. Such corporation, hereinafter referred to as the applicant, shall file in triplicate with the board of bank incorporation, hereinafter referred to