

## **Section 609**

# **DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS**

### **609.1 Purpose**

This Bylaw is adopted to protect and preserve buildings and structures within the Town, which reflect or constitute distinctive features of the architectural, cultural, economic, political, or social history of the Town and to encourage the preservation and restoration rather than demolition of such buildings and structures. By furthering these purposes, the public welfare shall be promoted, making the Town a more attractive and desirable place in which to live, learn and work.

### **609.2 Definitions**

#### **Demolition**

The intentional act of pulling down, destroying, removing, or razing a building or structure or commencing the work of total or substantial destruction with intent of completing same.

#### **Regulated Buildings or Structures**

The provisions of this Bylaw shall apply only to buildings or structures which in whole or in part were built seventy-five (75) years or more prior to the date of the application for a demolition permit and are:

- a) Listed or eligible to be listed on the National Register of Historic Places, or on the State Register of Historic Places; or
- b) Associated with one or more historic persons or events, or with broad architectural, cultural, economic, political or social history of the Town; or
- c) Historically or architecturally significant in terms of period style, method of building construction or association with a significant architect or builder either by itself or as part of a group of buildings.

### **609.3 Procedures**

No permit for the demolition of any building or structure shall be issued other than in conformity with this Bylaw. Upon receipt of an application for a demolition permit, the Zoning Enforcement Officer shall forward a copy to the Historical Commission and to the Planning Director.

Within thirty (30) business days of receipt of the application from the Zoning Enforcement Officer to the Commission, the Commission shall make a determination whether or not the building or structure is a "regulated building or structure." If the Commission determines that the building or structure is not regulated by this Bylaw, it shall sign the permit immediately and forward it to the Zoning Enforcement Officer who shall issue the permit.

If the Commission determines that the building or structure is regulated by this Bylaw, it shall review the application for demolition at a public hearing to be held within twenty (20) business days of determining that the building or structure is a regulated building or structure. The Commission shall publish a notice of the hearing in a newspaper of local circulation during each of the two weeks preceding the date of the public hearing, noting the date, location and subject of the hearing. Such notice shall be paid for by the applicant for a demolition permit. The Commission shall also mail, certified return receipt, a copy of said notice to the applicant, and, by regular mail, to the owners of all properties within three hundred

(300') feet of the regulated building's or structure's property as they appear on the most recent real estate tax list of the Board of Assessors; and the Planning Board.

No more than ten (10) business days after the public hearing on the demolition permit, the Commission shall make its determination and notify the applicant in writing stating its reasons with a copy to the Zoning Enforcement Officer and Planning Director.

If a determination is made that the building or structure is historically significant meeting one of the three criteria of a "regulated building or structure," the Zoning Enforcement Officer shall not issue a demolition permit for a period of twelve (12) months from the date of determination.

Once the Commission determines the building or structure is historically significant and demolition should be delayed, within forty five (45) days, the Commission shall invite the owner of record of the building, the Zoning Enforcement Officer, the Planning Director, and a representative of the Design Review Board to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building or structure; utilization of financial incentives to rehabilitate the building or structure; seeking new owners willing to purchase and preserve, restore or rehabilitate the building or structure, or moving the building or structure.

The Zoning Enforcement Officer may issue a demolition permit prior to the expiration of the twelve (12) month period after receiving written notice from the Commission that:

- a) The Commission is satisfied that there is no reasonable likelihood that either the owner of some other person or group is willing to purchase, preserve, rehabilitate, restore or relocate such building or structure; or
- b) The Commission is satisfied that the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore or relocate the subject building or structure, and that such efforts have been unsuccessful. These efforts could include, but not be limited to, listing the building with a realtor or realtors, advertising in local general circulation newspapers; and advertising in one Boston general circulation newspaper; or
- c) The applicant has agreed to accept specific conditions approved by the Commission.

A decision by the Commission is transferable to another party; however, it expires two years from the date of the determination. If demolition has not occurred prior to the expiration of the determination, a new application for a demolition permit must be filed prior to any subsequent demolition.

In an emergency, nothing in this Bylaw shall prohibit the Zoning Enforcement Officer from exercising the authority of G. L. c. 143, but the Zoning Enforcement Officer shall make every reasonable effort to inform the Commission of his actions in such an emergency