

ARTICLE XX – AMEND ZONING BY-LAWS - ARTICLE 600 - DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS - 609.3 PROCEDURES

To see if the Town will amend the Duxbury Zoning Bylaws (the Protective Bylaw of the Town of Duxbury) Section 609.3 entitled “Procedures,” to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

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 ~~six (6)~~ twelve (12) months from the date of ~~notification to the Zoning Enforcement Officer~~ the date of the 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 ~~six (6)~~ 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.

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.

; or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: As of November 2018 according to the Massachusetts State Historic Commission, 152 towns have demolition delays bylaws. The delays range from about 43% at 6 months, 29% at 12 months, 10 (6%) to 18 months, and 1 town as long as 24 months. 18 communities are shorter, from 1 as short as 21 days with the majority of these in the range of 3 to 9 months. Locally, the Duxbury Historical Commission, who enforces the delay, has requested that Town Meeting consider increasing the delay from 6 to 12 months at the last three town meetings, in order to provide adequate time to review possible options for seeking funds or alternatives to demolition in the event that the Historical Commission feels that such action is deemed important. Each time the Historical Commission has withdrawn the article prior to Town Meeting action on the request.

A two thirds vote of Town Meeting will be required to approve this article.

Recommendations: *Board of Selectmen Voted* ____ *to Recommend*
Finance Committee Voted ____ *to Recommend*