

**Historical Commission
Meeting Minutes
Sept. 18, 2008**

Members Present: Beverly Goodale, Barbara Deschenes, Neil Norum , Gregory Zakarian, Nancy Barakian, and Kim D. Hopewell

Citizens: David Mercurio, Brenda Bowman

**Public Hearing-
Demolition Delay Bylaw**

Meeting declared open at 4:10 p.m.

Chairwoman Beverly Goodale opened the meeting by reading the public hearing notice.

Upon a motion of Kim Hopewell and second by Barbara Deschenes, it was unanimously voted to Amend Sections 3.1, and 3.8 (b) as follows;

Section 3.1

No permit for the demolition of a building that is, in whole or in part, at least fifty (50) years old, **inserting "and meet specified criteria as listed in Section 2.6"**, shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and bylaws applicable to the demolition of buildings and issuance of permits generally.

And by amending Section 3.8 b as follows;

Section 3.8(b)

(b) the Commission is satisfied that, for **strike "at least" and insert "up to"** twelve (12) months, the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building and that such efforts have been unsuccessful.

Commissioner Barbara Deschenes made a motion to accept the Demolition Delay Bylaws as amended, second by Neil Norum, unanimously voted. The amended bylaw will be submitted to the Board of Selection via a Ten-taxpayer Petition for inclusion in the Oct. 20th Semi-Annual Town Meeting Warrant.

**TOWN OF WEST BOYLSTON
DEMOLITION DELAY BYLAW**

Section 1. Purpose

This Bylaw is adopted for the purpose of protecting and preserving significant buildings within the Town that constitute or reflect distinctive features of the architectural or historical resources of the Town, and

to encourage owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. To achieve these purposes, the West Boylston Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this Bylaw.

Section 2. Definitions

2.1 Building

Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animals or goods.

2.2 Commission

The Town of West Boylston Historical Commission.

2.3 Demolition

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

2.4 Demolition Permit

The permit issued by the Building Inspector as required by the State Building Code for a demolition substantial demolition or removal of a building.

2.5 Preferably Preserved Building

Any historically or architecturally significant building that the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.

2.6 Significant Building

Any building that, in whole or in part, is at least fifty (50) years old, and

2.6.1

is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

2.6.2

Is included in any cultural or historic inventory prepared by the Commission; or

2.6.3

has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:

A is importantly associated with one or more historic persons or events, or with broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

B is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

If a building is of unknown age, it shall be presumed to be at least fifty (50) years old.

Section 3. Procedure

3.1

No permit for the demolition of a building that is, in whole or in part, at least fifty (50) years old, and meet specified criteria as listed in Section 2.6, shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and bylaws applicable to the demolition of buildings and issuance of permits generally.

3.2 Application Contents

Every application for a demolition permit for a building that is, in whole or in part, at least fifty (50) years old shall be filed with the Building Inspector and shall contain the following information:

- a) the address of the building to be demolished;
- b) the owner's name, address and telephone number;
- c) a brief description of the type of building and the condition requiring issuance of the permit;
- d) the date of the building, established by the Board of Assessors, deed or documentation verifying the year of construction; and
- e) A brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

3.3

Within seven (7) business days from the receipt of an application for a demolition permit of a building that is, in whole or in part, at least fifty (50) years old, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued at this time.

3.4

Within ten (10) business days after receipt by the Commission of the application for a demolition permit, the Commission shall make a Determination of Architectural or Historical Significance.

Upon determination by the Commission that the building is not architecturally or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.

3.5

Upon determination by the Commission that the building is historically or architecturally significant, the Building Inspector and the applicant shall be so notified in writing and a demolition permit shall not be issued. The commission shall hold a public hearing within twenty (20) business days of the Determination of Significance to determine whether the building should be preferentially preserved.

A public notice of time, place and purpose of the hearing shall be published by the Building Inspector at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7)

days before the date of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before said hearing.

3.6

If, after a public hearing, the Commission determines that the significant building should not be preferentially preserved, the commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.

3.7

If, after a public hearing, the Commission determines that the building should be preferentially preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and no demolition permit shall be issued until twelve (12) months after the date of determination by the Commission.

3.8

Notwithstanding anything contained in Paragraph 3.7, the Building inspector may issue a demolition permit for a preferentially preserved building at any time after receipt of written advice from the Commission to the effect that either:

(a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or

(b) the Commission is satisfied that, for up to twelve (12) months, the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building and that such efforts have been unsuccessful.

Section 4. Responsibility of Owners

It shall be the responsibility of the owner of record, or any designee thereof, to assist in the facilitation of the implementation of the requirements of this Bylaw:

- (1) by providing information, allowing access to the property and securing the premises;
- (2) by participating in the investigation of preservation options; and
- (3) by actively cooperating in seeking alternatives with the Commission and any interested Parties.

Section 5. Non-compliance

Anyone who demolishes, removes, or relocates a building or structure identified in Section 2-6 through Section 2.6.3 without complying fully with the provisions of this Bylaw, shall be subject to a fine of not more than \$300.00 as limited by Chapter 40A MGL.

Section 6. Emergency Demolition

Nothing in this Bylaw shall restrict the Building Inspector from ordering the immediate demolition of any building in the event of imminent danger to the safety of the public.

Next Meeting Oct. 16th at 4 p.m., Town Clerk's Office.

Meeting Adjourned at 5:30 p.m.

Kim D. Hopewell
Historical Commissioner
Secretary

ADDENDUM

The Demolition Delay Bylaw will be "Petitioned Article 20" on the Oct. 20th Warrant.

Town Council has reviewed the bylaw submission and has recommended several changes. Changes are underlined and marked with a line in the beginning of the paragraph.

Note Well; I did not make any of the changes requested by town council. If the commission would like to take town council's opinion under advisement we can incorporate any or all of the changes at town meeting as an amendment to the article.

Petitioned Article- Town Council Amended Version

Article 20 - Petitioned Article To Amend The General Bylaws Of The Town Of West Boylston To Include Article XXXVI - Demolition Delay Bylaw

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preserving the cultural heritage of the Town. To achieve these purposes, the West Boylston Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this Bylaw.

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2.4 Demolition Permit

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2.5 Preferably Preserved Building

Any historically or architecturally significant building that the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.

2.6 Significant Building

Any building that, in whole or in part, is at least fifty (50) years old;
and

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is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

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Is included in any cultural or historic inventory prepared by the Commission; or

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has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:

A- is importantly associated with one or more historic persons or events, or with broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

B- is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

If a building is of unknown age, it shall be presumed to be at least fifty (50) years old. **The Commission shall provide a list of potentially Significant Building.**

Section 3. Procedure

3.1

No permit for the demolition of a building that is, in whole or in part, ~~at least fifty (50) years old~~ potentially Significant Building shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and bylaws applicable to the demolition of buildings and issuance of permits generally.

3.2 Application Contents

Every application for a demolition permit for a building that is, in whole or in part, at least fifty (50) years old or a potentially Significant Building shall be filed with the Building Inspector and shall contain the following information:

- a) the address of the building to be demolished;
- b) the owner's name, address and telephone number, and the written assent of the owner to the filing of the application if the applicant is not the owner;
- c) a brief description of the type of building and the condition requiring issuance of the permit;
- d) the date of the building, established by the Board of Assessors, deed or documentation verifying the year of construction; and
- e) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

3.3

Within seven (7) business days from the receipt of an application for a demolition permit of a building that is, in whole or in part, at least fifty (50) years old or is a potentially Significant Building, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued at this time.

3.4

Within ten (10) business days after receipt by the Commission of the application for a demolition permit, the Commission shall make a Determination of Architectural or Historical Significance. Upon determination by the Commission that the building is not ~~a~~Architecturally or ~~h~~Historically ~~s~~Significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.

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3.6

If, after a public hearing, the Commission determines that the ~~s~~Significant ~~b~~Building should not be ~~p~~Preferentially ~~p~~Preserved, the ~~e~~Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.

3.7

If, after a public hearing, the Commission determines that the building should be ~~p~~Preferentially ~~p~~Preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and no demolition permit shall be issued until twelve (12) months after the date of determination by the Commission.

3.8

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- a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- b) the Commission is satisfied that, for at least twelve (12) months, the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building and that such efforts have been unsuccessful.

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