

## THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS

### **Section 1: Intent and Purpose**

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town and to limit the detrimental effect of demolition of such buildings on the character of the Town. Through this Bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, this Bylaw promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Bylaw.

### **Section 2: Definitions**

**APPLICANT** - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the subject building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

**APPLICATION** - An application for the demolition of a building.

**BUILDING** - Any structure assembled in a fixed location, having a roof supported by columns or walls, to form a shelter for persons, animals or property.

**BUILDING INSPECTOR** - The person occupying the office of Building Inspector or the person otherwise authorized to issue demolition permits in the Town of Boxborough.

**COMMISSION** – The Boxborough Historical Commission.

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

**DEMOLITION PERMIT** - The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

**PREFERABLY PRESERVED** - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve (12) month demolition delay period of this Bylaw unless an earlier demolition permit is allowed under provisions of paragraph 3.12 of this Bylaw.

**SIGNIFICANT BUILDING** – Any building or portion thereof which appears on the list of historically significant buildings generated by the Historical Commission. This list is maintained by the Commission, is supplied to the Building Inspector for purposes of this Bylaw and is part of the public record. Included on this list shall be any building or portion thereof which:

- a. is listed on, or is within an area listed on, the National Register of Historic Places; or is the subject of a pending application on said National Register; or
- b. is included in the Historical Resources Inventory prepared by the Commission including those buildings listed for which complete surveys may be pending and which is voted onto said historically significant list by the Commission; or

- c. has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction or association with a recognized architect or builder or by reason of its association with a person or event of importance to the Town's history provided that the owner of such building and the Building Inspector have been notified, in hand or by certified mail, within ten (10) days prior to such a vote.

### **Section 3: Procedure**

3.1 No demolition of a significant building or any portion thereof a significant building shall be permitted except in conformance with the provisions of this Bylaw.

3.2 Upon receipt of an application for a demolition permit for a significant building the Building Inspector shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.

3.3 An applicant proposing to demolish a building subject to this Bylaw shall file with the Building Inspector an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

3.4 The Building Inspector shall within seven (7) days forward a copy of the application to the Commission. The Commission shall, within fifteen (15) days after receipt of the application, make a written confirmation of whether the building is still considered significant.

3.5 Upon determination by the Commission that the building is no longer considered significant, due to its present condition or status, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit. The subject building shall be removed from the historically significant list and no further action taken under provisions of this bylaw.

3.6 Upon determination by the Commission that the building remains significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within fifteen (15) days of receipt of the application, the Building Inspector may proceed to issue the demolition permit.

3.7 If the Commission confirms that the building is significant, it shall hold a public hearing within thirty (30) days of the written notification to the Building Inspector. The Commission shall hold a public hearing and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days prior to said hearing. Also the Commission shall, within seven (7) days prior to the date of said hearing, mail a copy of the notice to the applicant and to the Building Inspector.

3.8 The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

3.9 If the Commission determines that the building is not preferably preserved, the Commission shall

so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

3.10 If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

3.11 Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission.

3.12 Notwithstanding the preceding sections, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that:

- i. 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
- ii. the Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building and that such efforts were unsuccessful, or
- iii. the Commission is satisfied that the owner's actions do not detract from the historical character of the property.

3.13 Following the twelve month delay period, the Building Inspector may issue the demolition permit.

#### **Section 4: Emergency Demolition**

4.1 Notwithstanding the foregoing provisions if after an inspection, the Building Inspector finds that a building subject to this Bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. In addition, if the Building Inspector finds that the building is structurally unsound or unfit for human habitation a demolition permit may be issued. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision, which shall be forwarded to the Commission.

4.2 No provision of this Bylaw is intended to conflict with any obligations or rights under G.L. c. 143 regarding removal or demolition of dangerous or abandoned structures.

#### **Section 5: Enforcement and Remedies**

5.1 The Commission and/or the Building Inspector may enforce the requirements of this Bylaw.

5.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this Bylaw for a period of two (2) years from the date of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

5.3 Upon the determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure said building, the loss of such building through fire of other cause shall be considered voluntary demolition for the purposes of paragraph 5.2.

**Section 6: Severability**

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

Adopted: May 15, 2003  
Approved by the Attorney General: September 15, 2003.