

Demolition Delay Bylaw

The following article was acted on May 5, 1997:

ARTICLE 11:

Motion to AMEND Article 11 by deleting 1.17.5.2 in its entirety and renumbering 1.17.5 to be consecutive, and delete "also" from 1.17.5.4 and delete "in addition" in 1.17.5.3.

AMENDMENT PASSED: VOTE: Majority in favor

VOTE to move the question PASSED: Unanimous in favor

ARTICLE 11: The town voted as amended to amend the Administrative Bylaws of the Town of Bolton by adding a new Section "1.17 Demolition Delay Bylaw" to read as follows:

"1.17: Demolition Delay Bylaw

1.17.1 Intent and Purposes

The purpose of this bylaw is to establish a procedure for reviewing requests to demolish significant buildings in order to preserve, when possible, the historical, cultural and architectural heritage of Bolton.

1.17.2: Definitions

1.17.2.1 Building - a structure capable of being used to shelter persons, animals, materials or equipment.

1.17.2.2 Commission - The Bolton Historical Commission

1.17.2.3 Demolition - any voluntary act of pulling down, destroying, burning, removing, or razing of a building in whole or in part; commencing the work of destruction; or allowing the same to be done by others

1.17.2.4 Applicant - person or persons filing an application for review under this bylaw. If the person submitting the application is not the owner, the owner will be required to indicate his/her assent to the filing of the notice or application.

1.17.2.5 Significant building - any building which is historical by reason of its age (in whole or in part seventy-five (75) or more years) and is determined by the Commission to be either (1) associated with a person or event contributing to the cultural, political, economic, social or architectural history of the town, commonwealth or the United States of America; or (2) historically or architecturally important (in terms of period, style, construction, or association with an architect or builder), either by itself or in the context of a group of buildings.

1.17.2.6 Preferably preserved significant building - any significant building for which it is determined after hearing to be in the public's interest to preserve or rehabilitate rather than demolish under this bylaw.

1.17.2.7 Demolition permit - any permit (demolition, alteration, building) issued by the Building Inspector, as required by the State Building Code, which authorizes the demolition of a building (excluding interior demolition).

1.17.2.8 Building Inspector - Bolton Inspector of buildings or person(s) otherwise to issue demolition permits.

1.17.2.9 Day - any calendar day, including Saturdays, Sundays and holidays.

1.17.3: Procedure

1.17.3.1 No demolition permit shall be issued for a significant building without first fully complying with the provisions of this bylaw.

1.17.3.2 The building inspector shall forward a copy of each demolition permit application for a building to the Commission upon receipt.

1.17.3.3 If the demolition permit application is for a building which is seventy-five (75) or more years old, the building's historical significance will be determined by the Commission within fourteen (14) days of the Commission's receipt of the application. If the building is not determined to be significant, the Building Inspector may issue a permit to demolish in accordance with all applicable procedures.

1.17.3.4 If the building is determined to be significant, the Commission shall hold a public hearing within thirty (30) days of this initial determination to further determine whether the demolition of the building will be detrimental to the historical, cultural or architectural heritage of the town. Notice of the time, place and purpose of the hearing shall be given twice in a local newspaper, the first notice at least fourteen (14) days before and the second notice at least seven (7) days before such hearing and by posting a notice in the Town Hall for a period of at least fourteen (14) days before such hearing and by mailing a notice of hearing to the applicant.

1.17.3.5 A determination shall be made by the Commission within seven (7) days of the close of the public hearing. The applicant, Building Inspector and the Town Clerk shall be provided with a copy of the determination.

1.17.3.6 If the Commission determines the demolition of the building in question is not detrimental to the historical, cultural or architectural heritage of the town, the applicant may apply for the necessary permits to begin work.

1.17.3.7 If the Commission determines the demolition of the building in question is detrimental to the historical, cultural or architectural heritage of the town, the building shall be deemed a preferably preserved significant building and no further demolition permits may be applied for or issued for a period of six (6) months from the date of such determination.

1.17.3.8 During the six (6) month period, the Commission will invite the applicant (and owner of record, if different from applicant) to participate in an investigation of alternatives to demolition. If acceptable alternatives are agreed upon by the Commission and the applicant, the Commission will file a copy of said agreement with the Building Inspector and Town Clerk and the applicant may apply for necessary permits to begin work. Work shall only be done in accordance with the terms of the agreement unless and until new permit application are filed and processed hereunder.

1.17.3.9 If the Commission is satisfied that there is no feasible alternative to demolition, the Commission may so advise the applicant, Building Inspector and Town Clerk in writing, at any time during this six (6) month period, and the Building Inspector may issue a permit to demolish in accordance with all applicable procedures.

1.17.4: Emergency Demolition

1.17.4.1 Nothing in this bylaw restricts the demolition of a significant determined by the Building Inspector to present a danger to public safety which only demolition can prevent. Such a determination shall be made in accordance with the applicable provisions of the State Building Code and after consultation with the Commission Chairperson or designee. Whenever an emergency demolition permit is issued under the provisions of this section, a written report must be filed with the Commission describing the condition of the building and the basis for the determination.

1.17.5: Enforcement and Remedies

1.17.5.1 The Commission and the Building Inspector are each authorized to enforce the provisions of this bylaw.

1.17.5.2 The Building Inspector shall not issue a permit pertaining to any property on which a significant building has been demolished voluntarily in whole or in part without first fully complying with the provisions of this bylaw for a period of period of two (2) years from the date of demolition.

1.17.5.3 The provisions of this bylaw may be enforced by a non-criminal disposition pursuant to Section 1.1.5 of the Administrative Bylaws of the Town of Bolton.

1.17.6: Administration

1.17.6.1 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

1.17.6.2 The Commission is authorized to adopt a schedule of fees to cover the costs associated with the administration and review of any application which is filed under this bylaw.

1.17.7: Severability

1.17.7.1 If any provision of this bylaw is determined to be invalid or unconstitutional by any court, every other section shall continue in full force and effect." or do or act relating thereto.

Sponsor: Bolton Historical Commission

Advisory Committee recommendation: Disapproved

VOTE to move the question PASSES: Unanimous in favor

Article 11: PASSED as AMENDED Vote: YES: 119 No: 43

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