

Town of Holliston General By-Laws

Section 10. Demolition Delay

Purpose

This bylaw is adopted to protect and preserve buildings and structures within Holliston which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town. The intent of the by-law is not to permanently prevent demolition but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

To achieve these purposes, the Holliston Historical Commission is empowered to advise the Holliston Building Inspector with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings and structures is regulated as provided in this By-law.

Definitions

"Building or Structure" - Any combination of building materials *giving support or* forming a permanent shelter for persons, animals, or property.

"Business Day" - A day which is not a legal municipal holiday, Saturday or Sunday.

"Commission" - The Holliston Historical Commission.

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

"Historically Significant Building or Structure" - Any building or structure within the Town which is in whole or in part seventy-five (75) or more years old and

(a) Which is within any local, state or national historic district; or

(b) Which is listed on or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on said National Register; or

(c) Which is or has been designated by the Commission to be a significant building or structure either:

(i) Is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the Town or the Commonwealth, or

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

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Procedure

The building inspector shall forward a copy of each demolition permit application for a building or structure to the Commission within five (5) business days of the filing of such application.

Within thirty (30) days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she so chooses. If the Commission determines that the building or structure is not historically significant the Commission shall so notify the Building Inspector in writing and the Building Inspector may issue a demolition permit.

If the Commission determines that the building or structure is historically significant, the Commission shall notify the Building Inspector in writing that a demolition review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Inspector of its determination within thirty (30) days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

Demolition Plan Review.

Not less than sixty (60) days after the Commission's determination that a building or structure is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information:

- (i) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;
- (ii) Photographs of all street facade elevations;
- (iii) A description of the building or structure, or part thereof, to be demolished;
- (iv) The reason for the proposed demolition and data supporting said reason, including where applicable data sufficient to establish any economic justification for demolition;
- (v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

Upon receipt of the plan referenced above, the Commission shall fix a reasonable time for a public hearing on the application 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 before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant and abutters.

After said public hearing, and within sixty (60) days from receipt of the demolition plan, the commission shall file a written report with the Building Inspector on the demolition plan which shall include the following:

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- (i) A description of the age, architectural style, historical associations and importance of the building or structure to be demolished;
- (ii) A determination as to whether or not the building or structure should be preferably preserved.

If the building or structure is not determined to be preferably preserved or if the Commission fails to file its report with the Building Inspector within the time period set forth above, then the Building Inspector may issue a demolition permit.

If the building or structure is determined to be preferably preserved following the demolition plan review, then the Building Inspector shall not issue a demolition plan permit for a period of thirty (30) days from the day the Commission's report is filed with the Building Inspector unless the Commission informs the Building Inspector prior to the expiration of such thirty (30) period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

Responsibilities of the Owner.

Once a building or structure has been determined to be a preferably preserved 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 the building, a subsequent destruction of the building at any time during the thirty (30) day demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a violation of this by-law.

Emergency Demolition.

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Inspector. As soon as practicable after receipt of such request, the Building Inspector shall arrange to have the property inspected. After inspection of the building or structure and consultation with the other members of the board, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health and safety 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.

Whenever the Building Inspector issues an emergency demolition permit, he shall prepare a written report describing the condition of the building or structure and the basis of his decision to issue an emergency demolition permit. A copy of this written report shall be filed with the Commission.

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Enforcement and Remedies.

The Commission and/or Building Inspector are each specifically authorized to institute all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this By-law or to prevent a threatened violation thereof.

No building permit shall be issued with respect to any premises upon which a building or structure seventy-five years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this By-law for a period of two years after the date of the completion of such demolition. As used herein "premises" refers to the parcel of land upon which the demolished building or structure was located and all adjoining parcels of land under which the demolished building or structure was located and all adjoining parcels of land under common ownership or control.

Severability.

In case any section, paragraph, or part of this By-law is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect. (replaced previous Sec.11 in its entirety- passed ATM 5/9/01. AG approval 9/20/01)