

## CHAPTER N

# **PROCEDURE FOR THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS**

### **N1. Intent and Purpose**

*This bylaw is adopted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Acton Historical Commission (hereinafter the Commission) is empowered to advise the Building Commissioner with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.*

### **N2. Definitions**

**2.1 "Building"**. - any combination of materials forming a shelter for persons, animals, or property.

**2.2 "Demolition"** - any act of pulling down, destroying, removing, or razing a building or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

**2.3 "Significant Building"** - any building or portion thereof not within an Historic District but 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 for listing on said National Register; or
- b. is included in the Cultural Resources Inventory prepared by the Commission including those buildings listed for which complete surveys may be pending; 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 famous architect or builder provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.

**2.4 "Commission"** - the Acton Historical Commission.

### **N3. Procedure**

**3.1** *Within ten (10) days of receipt of an application for a demolition permit for a significant building the Building Commissioner shall forward a copy thereof to the Commission. The Building Commissioner shall also notify the Commission (by e-mail or similarly expedient means) when such a permit has been sent to the Commission for consideration. No demolition permit shall be issued at that time.*

**3.2** *Within sixty-five (65) days upon receipt of the application from the Building Commissioner the Commission shall conduct 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 before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant.*

**3.3** *If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within twenty one (21) days of such determination. Upon receipt of such notification, or after the expiration of twenty one (21) days from the date of the conduct of the hearing if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.*

**3.4** *If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.*

**3.5** *Upon determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Commissioner, within twenty one (21) days of said hearing, and no demolition permit may be issued until at least eighteen (18) months after the date of such determination by the Commission.*

**3.6** *Notwithstanding the preceding sentence, the Building Commissioner 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 either:*

*(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 six (6) 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 have been unsuccessful.*

#### **N4. Enforcement and Remedies**

*4.1 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.*

*4.2 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 four (4) years after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.*

*4.3 Upon a 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 Commissioner. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of Section 4.2.*

#### **N5. Municipal Buildings**

*No provision of this bylaw shall apply to buildings owned or operated by the Town of Acton or the Acton Water District.*

*(This section was inserted at the Special Town Meeting of 11/28/90)*

#### **N6. Local Historic Districts**

*This Bylaw shall not apply to any proposed demolition of a building which is located within a Local Historic District established under the Local Historic District Bylaw, Chapter P of the Town of Acton Bylaws. The Historic District Commission established under the Local Historic District Bylaw shall have sole jurisdiction over any demolition proposals within a Local Historic District pursuant to all procedures, standards and the COMMISSION shall limit its review powers established under this Bylaw to the public way from which the review of the BUILDING or STRUCTURE is, in the opinion of the COMMISSION, most relevant to the integrity of the DISTRICT.*

#### **N7. Severability**

*The sections, paragraphs, sentences, clauses and phrases of this bylaw are severable, and if any phrase, clause, sentence, paragraph or section of this bylaw shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this bylaw.*