

3/9/09
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ARTICLE __ AMEND TOWN BYLAWS – PROCEDURE FOR THE DEMOLITION
OF HISTORICALLY OR ARCHITECTURALLY
SIGNIFICANT BUILDINGS

(Majority vote)

To see if the Town will vote to amend Chapter N of the General Bylaws of the Town, Procedure for the Demolition of Historically or Architecturally Significant Buildings, as set forth below, or take any other action relative thereto:

Section N3, SubSection 3.1:

Delete the word “Upon” at the beginning of the first sentence and replace with the words “Within seven (7) days of”;

Add a new sentence between the first sentence and the second sentence as follows:

“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.”

Section N3, SubSection 3.1:

Delete the words “seven (7)” in the first sentence and replace with the words “fourteen (14)”.

Section N3, SubSection 3.3:

Delete the words “fifteen (15)” in the second sentence and replace with the words “ten (10)”.

Section N3, SubSection 3.5:

Delete the words “twenty one (21)” in the first sentence and replace with the words “ten (10)”;

Delete the words “at least six (6)” in the first sentence and replace with the words “eighteen (18)”;

Before the period at the end of the paragraph, add the words: “for any significant building that falls into one of the categories identified in Section 2.3.a. of this bylaw, or until twelve (12) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Sections 2.3.b. or 2.3.c. of this bylaw”.

Section N4, SubSection 4.2:

Delete the words “two (2)” in the first sentence and replace with the words “three (3)”;

Before the period at the end of the first sentence, add the words: “, unless authorized by the Commission pursuant to Section 4.4”.

Section N4, (new) SubSection 4.4.

Add a new SubSection 4.4 as follows:

4.4 At any time, the owner of property on which a significant building has been voluntarily demolished in violation of Sections 4.2 or 4.3 of this bylaw can apply in writing to the Commission for an exemption to the provisions of Sections 4.2 or 4.3, such application to state with particularity the facts and circumstances to prove to the Commission that an exemption is warranted due to (i) exigent circumstances or disasters beyond the owner’s (and, if different than the owner, the permit applicant’s) control, or (ii) documentation evidencing the owner’s intent to complete a faithful restoration of the demolished building. The Commission may in its discretion determine that the written request states sufficient grounds for exemption from the provisions of Sections 4.2 or 4.3 and authorize an exemption from this bylaw. Any exemption granted pursuant to this Section 4.4 shall apply only to the voluntary demolition for which the owner submitted a written exemption request, and not for any subsequent voluntary demolition to which this bylaw would otherwise apply.

Section N7:

Add a new Section N7, as follows:

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.

Summary:

This Article seeks to amend existing Chapter N of the Town Bylaws in order to (1) make time frames in the Bylaw clear and consistent, (2) extend the possible demolition delay period to ensure adequate time for the permit applicant and the Historical Commission to evaluate alternatives to the demolition of buildings of historical and cultural significance, and (3) extend the delay period for voluntary demolitions in violation of the Bylaw, but also afford landowners the opportunity for a release from such delay if the violation has been redressed or was caused by forces outside the owner's control. The changes balance the interest of landowners and developers who require predictable deadlines and timetables and the ability to avoid undue delays, with the Town's interest in preserving its valuable cultural and historical resources.

Direct Inquiries To: Peter Grover, Chair, Acton Historical Commission
e-mail: HC@acton-ma.gov

Selectman Assigned: _____

Board of Selectmen

Finance Committee

Recommendations: