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Minutes of the **By-Law Review Committee** meeting held
April 18, 2012
7:30 PM

Board of Registrars Conference Room, Town Hall, 455 Concord Avenue

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares,
Robert Gallant, Ellen O'Brien Cushman

Agenda:

Annual Town Meeting Warrant Articles

Article 17 – Electronic Voting - the Committee is informed that this article will be referred to committee to develop a recommendation to Town Meeting. The Bylaw Review Committee will therefore not review the substitute motion.

Article 18 - Demolition Delay – the Committee approved unanimously the language as written in the warrant with one exception:
34.2 (b) should be application, not Application.

Article 18 - Demolition Delay Adam Dash proposed amendment.
The Committee approved unanimously as to form and placement

Article 18 - Demolition Delay Planning Board proposed amendment
The Committee approved unanimously as to form and placement

Special Town Meeting Warrant Article

Article 8 - Change date of Annual Town Election
The Committee approved unanimously as to form and placement

Article 9 - Solar Energy Systems – Zoning By-Law
In response to a request by a resident, the Committee respectfully declined to formally review and comment.

The Committee voted unanimously that Charles Hamann remain as Chair.

Minutes of April 25, 2011 and November 28, 2011 were approved unanimously

Meeting adjourned at 9:15 PM.

Respectfully submitted,

Ellen O'Brien Cushman

ARTICLE 18: General By-Law Change: Demolition By-Law (Last Revised 2/27/12)

To see if the Town will vote to amend the General By-Laws by adding a new Article 34 as follows:

“ ARTICLE 34

Demolition Delay

34.1 Intent and Purpose.

This Article is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont that 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 on the character of the Town. Through this Article, owners of Preferably Preserved Buildings are encouraged to seek out and consider 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 Article 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 Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Article.

34.2 Definitions.

For the purposes of this Article, the following terms shall have the following definitions:

- (a) **APPLICANT** - Any person or entity that files an Application for a demolition permit. If the Applicant is not the owner of the premises upon which the Building is situated, the owner must indicate on or with the Application his/her assent to the filing of the Application.
- (b) **APPLICATION** - An Application for a Demolition Permit, including the information required in Section 34.3.2.
- (c) **BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.
- (d) **COMMISSION** - The Belmont Historic District Commission.
- (e) **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.

- (f) **DEMOLITION PERMIT** - The permit required by the Inspector of Buildings for Demolition or substantial Demolition of a Building, excluding a permit required solely for the Demolition of the interior of a Building.
- (g) **DESIGNEE** – A member of the Commission who is assigned thereby to exercise authority pursuant to this Article, on such terms and conditions as the Commission may set.
- (h) **INSPECTOR OF BUILDINGS** - The person authorized by law to issue Demolition Permits within the Town of Belmont.
- (i) **PREFERABLY PRESERVED BUILDING** – Any Significant Building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such Building to be preserved rather than demolished.
- (j) **SIGNIFICANT BUILDING** - A Building within Belmont that is, in whole or in part, fifty (50) or more years old and that has been determined by the Commission or its Designee to be significant based on any of the following criteria:
 - The Building is listed on the National Register of Historic Places; or
 - The Building has been found eligible for the National Register of Historic Places; or
 - The Building 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 of Belmont or the Commonwealth of Massachusetts or the nation; or
 - The Building is historically or architecturally important (in terms of period, style, method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of Buildings.

34.3 Procedure

- 34.3.1 No Demolition Permit for a Building that is, in whole or in part, fifty (50) or more years old shall be issued without following the provisions of this Article. If a Building is of unknown age, it shall be assumed that the Building is fifty (50) or more years old for the purposes of this Article.
- 34.3.2 An Applicant proposing to demolish a Building that is fifty (50) or more years old shall file with the Inspector of Buildings 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 and photographs of neighboring Buildings.

34.3.3 The Inspector of Buildings shall, within seven (7) calendar days of receipt of such Application, forward a copy thereof to the Commission. The Commission or its Designee shall thereafter make a determination of whether or not the Building is a Significant Building. If notice of such determination is not provided to the Inspector of Buildings within thirty (30) calendar days after the Commission's receipt of the Application, the Inspector of Buildings may proceed to issue the Demolition Permit.

34.3.4 Upon determination by the Commission or its Designee that the Building is not a Significant Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.

34.3.5 Upon determination by the Commission or its Designee that the Building is a Significant Building, the Commission shall so notify the Inspector of Buildings and the Applicant in writing, and the Inspector of Buildings shall thereafter defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.3.6 If the Commission or its Designee finds that the Building is a Significant Building, it shall hold a public hearing within thirty (30) calendar days of its written notification to the Inspector of Buildings, or such later date to which the Applicant consents. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting notices posted in Belmont under the Open Meeting Law, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) calendar days prior to the date of said hearing, and the Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place no less than fourteen (14) days in advance.

34.3.7 The Commission shall determine, within forty-five (45) calendar days after the written notification to the Inspector of Buildings that the Building is a Significant Building pursuant to Section 34.3.5 whether the Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a later date. If the Commission does not notify the Inspector of Buildings of its determination in writing within forty-five (45) calendar days of the date of the notice pursuant to Section 34.3.5, or such later date as agreed by the Applicant, the Inspector of Buildings may issue the Demolition Permit.

34.3.8 If the Commission determines that the Building is not a Preferably Preserved Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.

34.3.9 If the Commission determines that the Building is a Preferably Preserved Building, the Commission shall notify the Inspector of Buildings and Applicant in writing. A Demolition Permit may thereafter be issued no sooner than twelve (12) months after the date of the notification that the Building is a Preferably Preserved Building, unless a shorter time is otherwise authorized by the Commission, based on its finding that the intent and purpose of this Article, as provided in Section 1 hereof, will be adequately served.

34.4 Administration

34.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article.

34.4.2 Subject to the specific approval of the Board of Selectmen, the Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this Article.

34.4.3 The Commission may develop a list of Significant Buildings that will be subject to this Article. Buildings proposed for the Significant Building list shall be added only at a public meeting of the Commission. Owners of record of Buildings proposed for such listing shall receive written notice of the time and place of such public meeting no less than fourteen (14) days in advance thereof. Upon receipt of an Application forwarded from the Inspector of Buildings for such a listed Significant Building, the Commission shall proceed with procedures for determination whether such Significant Building is a Preferably Preserved Building and, notwithstanding the provisions of section 34.3.3, the Inspector of Buildings shall defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.5 Responsibility of Owners

34.5.1 The owner of a Significant Building who has applied for a Demolition Permit shall:

- provide such information as is reasonably requested by the Commission in connection with its consideration of whether the Building is a Preferably Preserved Building;
- allow access to the property as reasonably requested by the Commission;
- secure the premises, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;

- participate in the investigation of preservation options for a Preferably Preserved Building; and
- cooperate with the Commission and any interested parties in seeking alternatives to the demolition of a Preferably Preserved Building.

34.5.2 If the owner of a Preferably Preserved Building fails to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of such Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this Article.

34.6 Emergency Demolition

34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate Demolition in accordance with applicable law of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a Building that is fifty (50) or more years old is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its Designee shall be allowed to accompany the Inspector of Buildings during the inspection of such Building.

34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a Building that is fifty (50) or more years old, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

34.7 Enforcement and Remedies

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

34.7.2 Any owner of a Building that is fifty (50) or more years old, which is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such violation exists shall constitute a separate offense until a faithful restoration of the demolished Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.

34.7.3 If a Building that is fifty (50) or more years old is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, no building permit authorizing construction on the lot on which the Building was

located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition, unless agreed to by the Commission.

34.8 Historic District Act

Following a determination that a Building is a Preferably Preserved Building, the Commission may recommend to Town Meeting that the Building be protected pursuant to the provisions of Chapter 40C of the Massachusetts General Laws for Town Meeting approval of the inclusion of Buildings or Sites within an Historic District.

34.9 Severability

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the intent and purpose of this Article, as provided in Section 1 hereof.”

, or in any way act thereon.

TOWN OF BELMONT
2012 ANNUAL TOWN MEETING

AMENDMENT TO ARTICLE 18

GENERAL BY-LAW – DEMOLITION DELAY BY-LAW

MOVED: That Article 18 be amended:

1. In subsection 34.2 (j) replace the phrase “a Building within Belmont that is, in whole or in part, fifty (50) or more years old” with the phrase “a Building within Belmont that was constructed before 1921”;
2. In subsection 34.3.1 replace the phrase “a Building that is, in whole or in part, fifty (50) or more years old” with the phrase “a Building that was constructed before 1921”; and,
3. In subsections 34.3.2, 34.6.1, 34.6.2, 34.7.2, and 34.7.3 replace the phrase “a Building that is fifty (50) or more years old” with the phrase “a Building that was constructed before 1921”.

so that the subsections read as follows:

- 34.2 (j) ~~A Building within Belmont that is, in whole or in part, fifty (50) or more years old~~ A Building within in Belmont that was constructed before 1921 and that has been determined by the Commission or its Designee to be significant based on any of the following criteria:
- 34.3.1 ~~No Demolition Permit for a Building that is, in whole or in part, fifty (50) or more years old~~ a Building that was constructed before 1921 shall be issued without following the provisions of this Article. If a Building is of unknown age, it shall be assumed that ~~the Building is fifty (50) or more years old~~ the Building that was constructed before 1921 for the purposes of this Article.
- 34.3.2 An Applicant proposing to demolish ~~a Building that is fifty (50) or more years old~~ a Building that was constructed before 1921 shall file with the Inspector of Buildings an Application containing the following stated twice within the section
- 34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate Demolition in accordance with applicable law of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that ~~a Building that is fifty (50) or more years old~~ a Building that was constructed before 1921 is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its Designee shall be allowed to accompany the Inspector of Buildings during the inspection of such Building.

- 34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a ~~Building that is fifty (50) or more years old~~ a Building that was constructed before 1921, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.
- 34.7.2 Any owner of a ~~Building that is fifty (50) or more years old~~ a Building that was constructed before 1921, which is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such violation exists shall constitute a separate offense until a faithful restoration of the demolished Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.
- 34.7.3 If a ~~Building that is fifty (50) or more years old~~ a Building that was constructed before 1921 is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, no building permit authorizing construction on the lot on which the Building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition, unless agreed to by the Commission.

Rational for Proposed Amendment:

1. The Planning Board expressed concern that setting the threshold at 50 years old would capture too many structures within Town. The PB also expressed concerned that this threshold could negatively impact the permitting process and questioned whether the value of properties in Town would decrease as a result of the number of structures subject to the Demolition Delay By-Law. Underscoring the PB's concerns, according to the 2010 US Census data, 84% of the structures in Belmont are more than 50 years old.
2. The Planning Board also saw that the proposed By-Law is a sliding scale and in time would capture all structures within Town – clearly, not the intent of a By-Law that is supposed to only cover historic structures.
3. The Planning Board chose 1921 to tie the Demolition Delay By-Law with the Historic Accessory Building Preservation Zoning By-Law. 1921 was chosen because it was seen as the time in the Town's development when the trolley system expanded throughout Town causing a significant residential building boom.

**PROPOSED AMENDMENT TO
WARRANT ARTICLE 18**

Demolition Delay Bylaw

ARTICLE 34

(Draft February 27 April 17, 2012)

Submitted by Adam Dash

34.1 Intent and Purpose.

This Article is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont that 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 on the character of the Town. Through this Article, owners of Preferably Preserved Buildings are encouraged to seek out and consider 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 Article 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 Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this Article.

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- (d) **COMMISSION** - The Belmont Historic District Commission.
- (e) **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.

**PROPOSED AMENDMENT TO
WARRANT ARTICLE 18
Demolition Delay Bylaw
Article 34
(Draft February 27 April 17, 2012)**

- (f) **DEMOLITION PERMIT** - The permit required by the Inspector of Buildings for Demolition or substantial Demolition of a Building, excluding a permit required solely for the Demolition of the interior of a Building.
- (g) **DESIGNEE** – A member of the Commission who is assigned thereby to exercise authority pursuant to this Article, on such terms and conditions as the Commission may set.
- (h) **INSPECTOR OF BUILDINGS** - The person authorized by law to issue Demolition Permits within the Town of Belmont.
- (i) **PREFERABLY PRESERVED BUILDING** – Any Significant Building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such Building to be preserved rather than demolished.

(j) **SIGNIFICANT BUILDING** - A Building within Belmont that is, in whole or in part, ~~fifty (50) or more years old listed on the National Register of Historic Places, the Inventory of Historic Assets of the Commonwealth of Massachusetts, the Massachusetts Register of Historic Places, or any list of Buildings determined pursuant to 34.4.3 below, or which is located in a designated Historic District.~~

The following are categorically excluded from action under this Bylaw:

~~—Buildings which are owned by the Town of Belmont, or by any department, board, commission, committee, division or other body of said Town of Belmont, and that has been determined by the Commission or its Designee to be significant based on any of the following criteria;~~

- ~~—~~
- ~~• The Building is listed on the National Register of Historic Places; or~~
 - ~~—~~
 - ~~• The Building has been found eligible for the National Register of Historic Places; or~~
 - ~~—~~
 - ~~• The Building 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 of Belmont or the Commonwealth of Massachusetts or the nation; or~~
 - ~~—~~
 - ~~• The Building is historically or architecturally important (in terms of period, style, method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of Buildings;~~

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**PROPOSED AMENDMENT TO
WARRANT ARTICLE 18
Demolition Delay Bylaw
Article 34
(Draft February 27/April 17, 2012)**

34.3 Procedure

- 34.3.1 No Demolition Permit for a Building that is, in whole or in part, ~~fifty (50) or more years old~~ subject to this Bylaw shall be issued without following the provisions of this Article. ~~If a Building is of unknown age, it shall be assumed that the Building is fifty (50) or more years old for the purposes of this Article.~~
- 34.3.2 An Applicant proposing to demolish a Building that is ~~fifty (50) or more years old~~ subject to this Bylaw shall file with the Inspector of Buildings 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 and photographs of neighboring Buildings.
- 34.3.3 The Inspector of Buildings shall, within seven (7) calendar days of receipt of such Application, forward a copy thereof to the Commission. The Commission or its Designee shall thereafter make a determination of whether or not the Building is a Significant Building. If notice of such determination is not provided to the Inspector of Buildings within thirty (30) calendar days after the Commission's receipt of the Application, the Inspector of Buildings may proceed to issue the Demolition Permit.
- 34.3.4 Upon determination by the Commission or its Designee that the Building is not a Significant Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.
- 34.3.5 Upon determination by the Commission or its Designee that the Building is a Significant Building, the Commission shall so notify the Inspector of Buildings and the Applicant in writing, and the Inspector of Buildings shall thereafter defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.
- 34.3.6 If the Commission or its Designee finds that the Building is a Significant Building, it shall hold a public hearing within thirty (30) calendar days of its written notification to the Inspector of Buildings, or such later date to which the

**PROPOSED AMENDMENT TO
WARRANT ARTICLE 18
Demolition Delay Bylaw
Article 34
(Draft February 27 April 17, 2012)**

Applicant consents. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the same manner as meeting notices posted in Belmont under the Open Meeting Law, Chapter 30A, Section 20, of the General Laws, for a period of not less than seven (7) calendar days prior to the date of said hearing, and the Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place no less than fourteen (14) days in advance.

- 34.3.7 The Commission shall determine, within forty-five (45) calendar days after the written notification to the Inspector of Buildings that the Building is a Significant Building pursuant to Section 34.3.5 whether the Building is a Preferably Preserved Building. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a later date. If the Commission does not notify the Inspector of Buildings of its determination in writing within forty-five (45) calendar days of the date of the notice pursuant to Section 34.3.5, or such later date as agreed by the Applicant, the Inspector of Buildings may issue the Demolition Permit.
- 34.3.8 If the Commission determines that the Building is not a Preferably Preserved Building, the Commission shall so notify the Inspector of Buildings and Applicant in writing. The Inspector of Buildings may then issue the Demolition Permit.
- 34.3.9 If the Commission determines that the Building is a Preferably Preserved Building, the Commission shall notify the Inspector of Buildings and Applicant in writing. A Demolition Permit may thereafter be issued no sooner than ~~twelve~~ ⁽¹²⁾ ~~six~~ (6) months after the date of the notification that the Building is a Preferably Preserved Building, unless a shorter time is otherwise authorized by the Commission, based on its finding that the intent and purpose of this Article, as provided in Section 1 hereof, will be adequately served.

34.4 Administration

- 34.4.1 The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Article.
- 34.4.2 Subject to the specific approval of the Board of Selectmen, the Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this Article.
- 34.4.3 The Commission may develop a list of Significant Buildings that will be subject to this Article. Buildings proposed for the Significant Building list shall be added only at a public meeting of the Commission. Owners of record of Buildings proposed for such listing shall receive written notice of the time and place of such

**PROPOSED AMENDMENT TO
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public meeting no less than fourteen (14) days in advance thereof. Upon receipt of an Application forwarded from the Inspector of Buildings for such a listed Significant Building, the Commission shall proceed with procedures for determination whether such Significant Building is a Preferably Preserved Building and, notwithstanding the provisions of section 34.3.3, the Inspector of Buildings shall defer issuance of the Demolition Permit until after further review by the Commission pursuant to Section 34.3.6.

34.5 Responsibility of Owners

34.5.1 The owner of a Significant Building who has applied for a Demolition Permit shall:

- provide such information as is reasonably requested by the Commission in connection with its consideration of whether the Building is a Preferably Preserved Building;
- allow access to the property as reasonably requested by the Commission;
- secure the premises, if vacant, to the satisfaction of the Inspector of Buildings until a Demolition Permit is issued;
- participate in the investigation of preservation options for a Preferably Preserved Building; and
- cooperate with the Commission and any interested parties in seeking alternatives to the demolition of a Preferably Preserved Building.

34.5.2 If the owner of a Preferably Preserved Building fails to secure the Building to the satisfaction of the Inspector of Buildings, the subsequent destruction of such Building through any cause, which destruction could have been prevented by the required security measures, shall be considered a Demolition in violation of this Article.

34.6 Emergency Demolition

34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate Demolition in accordance with applicable law of any Building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a Building that is ~~fifty (50) or more years old~~ subject to this Bylaw is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its Designee shall be allowed to accompany the Inspector of Buildings during the inspection of such Building.

**PROPOSED AMENDMENT TO
WARRANT ARTICLE 18
Demolition Delay Bylaw
Article 34
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34.6.2 As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a Building that is subject to this Bylaw ~~fifty (50) or more years old~~, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

34.7 Enforcement and Remedies

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

34.7.2 Any owner of a Building that is subject to this Bylaw ~~fifty (50) or more years old~~, which is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, shall be subject to a penalty of Three Hundred Dollars (\$300.00). Each day that such violation exists shall constitute a separate offense until a faithful restoration of the demolished Building or other remediation or remediation plan has been approved by the Commission. This subsection may be enforced by the Inspector of Buildings by non-criminal disposition as provided in Ch. 40, Section 21D of the General Laws.

34.7.3 If a Building that is subject to this Bylaw ~~fifty (50) or more years old~~ is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Article, no building permit authorizing construction on the lot on which the Building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition, unless agreed to by the Commission.

34.8 Historic District Act

Following a determination that a Building is a Preferably Preserved Building, the Commission may recommend to Town Meeting that the Building be protected pursuant to the provisions of Chapter 40C of the Massachusetts General Laws for Town Meeting approval of the inclusion of Buildings or Sites within an Historic District.

34.9 Severability

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the intent and purpose of this Article, as provided in Section 1 hereof.

Special
Town
Mtg

**ARTICLE 8: AMEND GENERAL BY-LAW: DATE OF ANNUAL TOWN
ELECTION**

To see if the Town will vote that Article 2.2 of the General By-Laws be amended by substituting the word, "Tuesday" for the word "Monday" in the first sentence regarding the date of the annual town election, so that the resultant sentence reads as follows:

2.2 The annual town election shall be held on the first Tuesday of April in each year and the annual town meeting shall be held on the fifth Monday of April, if any, or otherwise the first Monday of May in each year. The annual town election and the annual town meeting may be called pursuant to a single warrant of separate warrants may be used, at the discretion of the Selectmen.

or to take any other action in relation thereto.

The change will amend the General By-Laws by changing the date of the Annual Town Election from the first Monday of April to the first Tuesday of April. This will allow staff the flexibility to avoid the routine weekend work necessary to prepare for an election, limiting overtime, etc. and to reduce any confusion between the more standard voting schedule that most Massachusetts voters are used to elections on Tuesdays.

Majority vote required for passage

Yes _____ No _____

The By-Law Review Committee will report orally.