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**By-Law Review Committee Meeting Minutes  
November 15, 2011**

Board of Registrars Conference Room, Town Clerk Office, Belmont Town Hall  
Members Attending: Chair Charles Hamann, Ray Miyares, Mark Thurber, Bob Gallant, Town  
Clerk Ellen O'Brien Cushman (ex-officio)

The meeting convened at 7:30 pm.

The Committee reviewed the proposed warrant articles for the Special Town Meeting January 18, 2012, focusing attention only to General By-Law changes, shown as proposed Articles VI and VII.

Proposed Article 7, Changing the date the Annual Town Meeting begins: The reference to "Patriots Day" is not specific enough; in the Mass General Laws, there is a question about the actual date, April 19 or the observance date. The committee re-wrote the language of the amendment to be more specific:

2.2 The annual town election shall be held on the first Monday of April in each year and the annual town meeting shall be held on the fifth Monday in April, if any, or otherwise the first Monday in May each year. Except upon approval by a majority vote of Town Meeting, no annual town meeting vote on the annual budget shall occur sooner than two weeks after the date on which that budget is distributed to Town Meeting Members. The annual town election and the annual town meeting may be called pursuant to a single warrant or separate warrants may be used, at the discretion of the Selectmen.

, or in any way act thereon.

Notes Proposed Article 6, Demolition Delay: The committee spent considerable time editing the draft provided, making specific edits and numbering to conform to the General By-Laws. Several overall questions remain to be answered by the sponsors, in addition to the attached document (redline of Demolition Delay) showing the By-Law Review Committee edits.

34.1 - the word "town" when referring to the Town of Belmont is capitalized in our General By-Laws

34.2.3 – Do you really want "or its designee ?

34.3.3 – The 30 calendar days after receipt of the application is the same 30 days to notify the Inspector of Buildings.

34.3.10 – Is this really what you mean or want to do? Notwithstanding 34.3.9 - Plans first, then demo? Plan fulfillment is not required.

34.4 – The By-Law Review Committee ("The Committee") suggests that the Historic District Commission ("HDC") may wish to reconsider the inclusion of "or its designee" in the definition of Commission (34.2(d)) and instead indicate a designee may act for it in various circumstances. For example, does the HDC intend for a single member to decide whether a building is a "Preferably Preserved Building"? The committee eliminated from section 4 (as proposed by the HDC) the sentence: "The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission" on grounds of redundancy. That sentence might be restored if delegation to a designee were to apply to some but not all actions of the Commission.

34.5 – As to the responsibility of owners the Committee was of the view that the criteria for owner co-operation were vague and also noted that no consequences for failure to co-operate were indicated.

34.6 – One designee or the full Commission can come to the site. "The Inspector of Buildings shall pursue..." seems to be in conflict with the first sentence of the paragraph that begins "Nothing in this article shall restrict the Inspector of Buildings" that we've moved to the beginning of the section. What should really happen in an emergent situation ? What do you expect the Inspector of Buildings to do immediately?

We will ask Town Counsel whether this paragraph "The Inspector of Buildings shall pursue..." can lawfully be added to the duties and requirements of the Inspector of Buildings.

34.7 - the Committee suggests that there be substituted for the enforcement provisions set forth in sections 34.7.1 and 34.7.2 non-criminal enforcement under MGL xc 40, sec 21D. That would require that there be a modest fine (e.g. \$300) and an enforcing person, e.g. the Inspector of Buildings. For a model from the Town's General By-Laws, see Article 20, sec. 20.15  
Need to specify the fine amount as exactly \$300, not up to \$300 (to conform with General By-Law 20.15) and state that it's non-criminal then need to name specifically the Inspector of Buildings as the enforcement agent of the non-criminal violation.

Ellen O'Brien Cushman will prepare the new redline draft of the two proposed By-Law amendments and forward to the By-Law Review Committee for verification. Once agreement is obtained or corrections to these minutes made, she will circulate back to the Historic District Commission, Town Administrator's office, Town Counsel and Ad Hoc Committee on Town Meeting Communications for review, consideration and edit. The Board of Selectmen will vote on the final warrant for the January 18 Special Town Meeting December 5<sup>th</sup> so time is short.

Codification of By-Laws Project: The committee discussed the current project to codify the General and Zoning By-Laws, our current contract with General Code. The first milestone is to respond and determine the Table of Contents for Belmont's General By-Laws. The committee members have committed to review and specifically recommend the topics and order for the By-Laws, considering accessibility and usability. The Committee will review this in depth at the next meeting.

The By-Law Review committee will meet again November 28<sup>th</sup> at 7:30 p.m.

The committee adjourned at 11:10 p.m.

Respectfully submitted,  
Ellen O'Brien Cushman

**Town of Belmont  
Special Town Meeting  
January 18, 2012**

**List of Proposed Warrant Articles**

(Last Updated on November 11, 2011)

- ARTICLE I:** Town Reports  
Submitted by: TBD
- ARTICLE II:** Municipal Light Substation Capital Expenditure  
Submitted by: Municipal Light Department
- ARTICLE III:** Zoning By-Law Change: Solar Energy System  
Submitted by: Planning Board/Board of Selectmen
- ARTICLE IV:** Home Rule Petition  
Submitted by: Town Clerk
- ARTICLE V:** Royal Road (Relocation of the Thomas Clark House)  
Submitted by: (Resident Erik Rodene, Historic District Commission? Board of Selectmen?)
- ARTICLE VI:** Bylaw Change: Demolition Bylaw  
Submitted by: Historic District Commission
- ARTICLE VII:** Bylaw Change: Change Date of Town Meeting  
Submitted by: Ad Hoc Communications Committee
- ARTICLE VIII:** Resolution on Town Meeting Communication  
Submitted by: Ad Hoc Communications Committee

*The  
Text of  
these two  
Articles  
only*

members of the time and place at which representative town meetings are to be held, the notices to be sent at least seven days before the meeting by mail or by such other method of delivery as the town may specify in a by-law duly enacted by the town meeting.

SECTION 2. This act shall take effect upon its passage.

**ARTICLE V:           Royal Road – Relocation of the Thomas Clark House**  
**Submitted by: \_\_\_\_\_**

To see if the Town will vote to approve the sale, and conversion to residential use, of all or a part of the park land on Royal Road shown as Belmont Assessors Parcel #31-42, and which is further described in the deed to the Town recorded at Book 5572, Page 454 at the Middlesex County Registry of Deeds, on the condition that the property become the site of the relocated Thomas Clark House, and on such other terms and conditions as the Board of Selectmen may deem to be in the best interests of the Town, and to petition the General Court under Article 97 of the Massachusetts Constitution for an Act approving said sale and conversion, or take any other action relative thereto.

*Drafted by Attorney George Hall 11/03/11 – Note that at the BOS Meeting on 11/7/11 limited change to a portion of the parcel that the Clark House would sit on with no other development potential for the remainder of the parcel.*

**ARTICLE VI:           Bylaw Change: Demolition Bylaw**  
**Submitted by: Historic District Commission**

Belmont Historic District Commission - Town of Belmont  
Demolition Delay Bylaw

Preservation of Historically Significant Buildings

**Section 1. Intent and Purpose**

This bylaw is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont which 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 bylaw, 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 bylaw 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 Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.



## Section 2. Definitions

**APPLICANT** - Any person or entity who 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.

**APPLICATION** - An application for the demolition of a building.

**BUILDING** - Any combination of materials forming a shelter for persons, animals, or property.

**BUILDING INSPECTOR** - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

**COMMISSION** - The Belmont Historic District Commission or its designee.

**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.

**DEMOLITION PERMIT** - The permit issued by the Building Inspector for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

**PREFERABLY PRESERVED** – Any significant building which the Commission determines, following a public hearing, that is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve (12) month demolition delay period of the by law.

**SIGNIFICANT BUILDING** - A building within Belmont which is in whole or in part fifty (50) years or older and which 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.

### **Section 3. Procedure**

No demolition permit for a building which is in whole or in part fifty (50) or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector 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.

The Building Inspector shall within seven (7) calendar days forward a copy of the application to the Commission. The Commission shall, within thirty (30) calendar days after receipt of the application, make a determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within thirty (30) calendar days after receipt of the application, the Building Inspector may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) calendar days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in Town Hall for a period of not less than seven (7) calendar days prior to the date of said hearing, and the applicant and Building Inspector shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen (14) calendar days after the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector can then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may be issued for a period of twelve (12) months from the date of the notification that the building is preferably preserved unless otherwise agreed to by the Commission. If the Commission does not notify the Building Inspector in writing within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

No permit for demolition of a building determined to be preferably preserved shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit, or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Inspector may issue a demolition permit or building permit for a preferably preserved building within twelve (12) months from the date of the notification that the building is preferably preserved if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve-month delay period, the Building Inspector may issue the demolition permit.

#### **Section 4. Administration**

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

The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission.

The Commission may pro-actively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing.

#### **Section 5. Responsibility of Owners**

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property, and securing the premises; to participate in the investigation of preservation options; and to actively cooperate in seeking alternatives with the Commission and any interested parties.

Upon determination by the Commission that a building or structure is preferably preserved, 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 to the satisfaction of the Building Inspector, 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 bylaw.

## **Section 6. Emergency Demolition**

In the event that the Building Inspector determines or is asked to consider the condition of a building fifty (50) years or older, a designee of the Historic District Commission or designee shall be notified to accompany the Building Inspector during his inspection. The Building Inspector shall pursue all reasonable courses of action to prevent emergency demolition of such a building which the Commission or its designee determined is or may be a significant building, including but not limited to requiring the owner to secure it against further danger to the public. Nothing in this bylaw shall restrict the Building Inspector from immediately ordering the demolition of unsafe structures in accordance with the provisions of Massachusetts General Laws Chapter 143.

Whenever the Building Inspector issues an emergency demolition permit under this Section he/she shall prepare a written report with attached photographic evidence describing the condition of said building or structure and the basis of the decision to issue an emergency demolition permit and provide a copy thereof to the Commission.

## **Section 7. Enforcement and Remedies**

The Commission and/or the Building Inspector 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 bylaw or to prevent a threatened violation thereof.

Any owner of a building demolished without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed, or unless otherwise agreed to by the Commission.

If a building is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject



parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

### **Section 8. Historic District Act**

Following a determination that a building is significant and preferably preserved, the Commission may recommend to Town Meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act.

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

### **Section 9. Severability**

In case any section, paragraph, or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

## **ARTICLE VII: Bylaw Change: Date of Town Meeting Submitted by: Ad Hoc Communications Committee**

*This article seeks to modify the date of the Annual Town Meeting so that it will be on the second Monday after Patriot's Day each year thus ensuring that it does not fall on the first Monday after school vacation week. The article also ensures that Town Meeting Members will have the budget delivered to them at least two weeks prior to being asked to vote on it.*

To see if the Town will vote to amend the Town of Belmont General By-laws by modifying Section 2.2 as follows:

2.2 The annual town election shall be held on the first Monday of April in each year and the annual town meeting shall be held on the ~~fourth~~ second Monday of ~~April~~ after the Patriot's Day holiday in each year. Except upon approval by a majority vote of Town Meeting, no annual town meeting vote on the annual budget shall occur prior to two weeks elapsing from the day on which that budget is delivered to Town Meeting Members. The annual town election and the annual town meeting may be called pursuant to a single warrant or separate warrants may be used, at the discretion of the Selectmen.

, or in any way act thereon.

## **ARTICLE VIII: Resolution on Town Meeting Communication Submitted by: Ad Hoc Communications Committee**

*The resolution endorses the expansion of time within which both the warrant articles for both budget and non-budget items, and the specific motions for non-budget articles, are available to Town Meeting Members before each Annual Town Meeting.*

*To see if the Town will vote to adopt the following resolution, or take any action thereon:*

WHEREAS, the 2010 Annual Town Meeting authorized the creation of the Ad Hoc Committee on Town Meeting Communication; and

WHEREAS, the Town Moderator appointed an Ad Hoc Committee on Town Meeting Communication, with representatives from each Belmont precinct, an at-large member, and representatives of the Warrant Committee and Planning Board; and

WHEREAS, the Ad Hoc Committee on Town Meeting Communication was charged with becoming thoroughly familiar with the existing processes by which information is presented to Town Meeting Members; soliciting input from Town Meeting Members regarding their perceptions of the strengths and weaknesses of the existing processes affecting the amount, quality and timing of information provided to Town Meeting; soliciting input from Town Meeting Members regarding their perceptions of the strengths and weaknesses of the existing processes for capturing or developing issue-specific information, during the time that Town Meeting is not in session, that may educate Town Meeting Members with respect to matters reasonably expected to be the subject of future Town Meeting deliberation; and consulting with Town Meeting Members, elected and appointed Town officials, and Town staff on how to enhance the strengths and on how to mitigate the weaknesses identified above; and

WHEREAS, the Ad Hoc Committee on Town Meeting Communications was further charged with recommending policies, procedures, and processes, where appropriate, that will enhance the strengths and mitigate the weaknesses identified above; and

WHEREAS, in due exercise of this charge, the Ad Hoc Committee on Town Meeting Communication finds that expanding the time within which non-budget warrant articles are made available to Town Meeting Members prior to the annual Town Meeting will enhance certain strengths and mitigate certain weaknesses with respect to these issues of communications;

Therefore be it RESOLVED, that Town Meeting:

ACKNOWLEDGES the community benefits that would arise from improving the amount, quality and timing of information provided to Town Meeting Members;

FURTHER ACKNOWLEDGES the community benefits that would arise from enhancing processes for capturing, developing and disseminating issue-specific information during the time that Town meeting is not in session that may educate Town Meeting Members with respect to matters reasonably expected to be the subject of future Town Meeting deliberation;

ENDORSES the following procedural schedule for non-budget warrant articles that are to be presented to Annual Town Meeting:

- 1) the warrant shall be closed no later than the second Monday of February of each year;
- 2) the warrant shall be signed and distributed in writing to all Town Meeting Members no later than the fourth Friday of February of each year;
- 3) the warrant shall contain the text of each warrant article along with a concise explanation of each warrant article contained therein;
- 4) the warrant shall contain a notice of the dates for public hearings, if any, by the sponsoring department, board or committee for each warrant article contained therein;
- 5) each warrant article shall be posted on a Town Meeting page of the Town's website, along with explanatory and/or supporting materials, if any, provided and updated by the sponsoring department, board or committee;
- 6) the motions for each non-budget warrant article shall be circulated in writing to Town meeting members no later than fourteen days prior to the first session of Town Meeting;
- 7) separate pre-Town Meeting briefings shall be held for budget and for non-budget warrant articles;

} Disagree

FURTHER ENDORSES a process under which Town Meeting Members in each of Belmont's eight individual precinct are encouraged, at their discretion, to schedule and hold precinct caucuses in public meeting spaces assigned by the Town Clerk's office to discuss the warrant articles so presented; and

REQUESTS that the Board of Selectmen adopt the procedural schedule set forth above for the 2012 Annual Town Meeting, with a Town Meeting vote at the 2012 Annual Town Meeting on whether to endorse continuing such an expanded procedural schedule.

*Draft Special Town Meeting Warrant Articles last updated 11/11/11 kah*

ARTICLE VI:

By-Law Change: Demolition By-Law  
Submitted by: Historic District Commission

~~Belmont Historic District Commission - Town of Belmont~~

~~Demolition Delay Bylaw~~

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

Article 34XXX ~~Preservation of Historically Significant Buildings~~ Demolition Delay

~~Section 34.1. Intent and Purpose~~

This ~~bylaw~~ Article is enacted for the purpose of preserving and protecting Significant Buildings within the Town of Belmont ~~which 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 ~~bylaw~~ 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 ~~s~~Significant ~~b~~Buildings. By preserving and protecting ~~s~~Significant ~~b~~Buildings, this ~~bylaw~~ 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 ~~Building Inspector~~ Inspector of Buildings with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this ~~bylaw~~ Article.

~~Section 34.2. Definitions~~

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

(a) APPLICANT - Any person or entity ~~that who~~ 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 the ~~a~~ Demolition of a building ~~Permit~~.

(c) BUILDING - Any combination of materials forming a shelter for persons, animals, or property.

~~BUILDING INSPECTOR~~~~INSPECTOR OF BUILDINGS~~ - The person occupying the office of Building Inspector or otherwise authorized by law to issue demolition permits within the Town of Belmont.

(d) COMMISSION - The Belmont Historic District Commission or its designee.

(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 issued by the ~~Building Inspector~~Inspector of Buildings for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

(g) ~~INSPECTOR OF BUILDINGS~~ - The person authorized by law to issue demolition permits within the Town of Belmont.

(h) ~~PREFERABLY PRESERVED BUILDING~~ – Any ~~S~~significant ~~B~~building with respect to which the Commission determines, following a public hearing, that it is in the public interest for such bBuilding to be preserved rather than demolished. ~~A preferably preserved building is subject to the twelve (12)-month demolition delay period of the by law~~this Article.

(i) SIGNIFICANT BUILDING - A ~~bBuilding~~ within Belmont ~~which that is~~, in whole or in part, fifty (50) ~~years or more years~~ older and ~~which 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.

### **Section 34.3. Procedure**

34.3.1 No demolition permit for a ~~B~~building ~~which that is~~, in whole or in part, fifty (50) or more years old shall be issued without following the provisions of this ~~bylaw~~Article. If a ~~B~~building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this ~~bylaw~~Article.



34.3.2 An Applicant proposing to demolish a Building subject to this bylaw that is fifty (50) or more years old shall file with the ~~Building Inspector~~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 ~~Building Inspector~~Inspector of Buildings shall, within seven (7) calendar days of receipt of such a Application forward a copy thereof ~~the application to the~~ Commission. The Commission shall, within thirty (30) calendar days after its receipt of the application, make a determination of whether or not the Building is a Significant Building. If the Commission does not notify the Inspector of Buildings of its determination within thirty (30) calendar days after its receipt of the Application, the Inspector of Buildings may proceed to issue the Demolition Permit.

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

34.3.5 Upon determination by the Commission that the building is a Significant Building, the Commission shall so notify the ~~Building Inspector~~Inspector of Buildings and ~~applicant~~the Applicant in writing. No Demolition Permit may be issued at this time. ~~If the Commission does not notify the Building Inspector within thirty (30) calendar days after receipt of the application, the Building Inspector may proceed to issue the demolition permit.~~

34.3.6 If the Commission finds that the Building is a Significant Building, it shall hold a public hearing within thirty (30) calendar days of ~~the its~~ written notification to the ~~Building Inspector~~Inspector of Buildings. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in accordance with the Open Meeting Law, Ch. 30A, Section 20, of the General Laws, Town Hall for a period of not less than seven (7) calendar days prior to the date of said hearing, and the ~~applicant and Building Inspector~~Inspector of Buildings and the Applicant shall be notified in writing of the meeting time and place.

34.3.7 The Commission shall ~~determine, eide at the public hearing or~~ within fourteen (14) calendar days after the close of the public hearing, whether the Building ~~should be~~ is a Preferably Preserved Building. If agreed to in writing by the Applicant, the

determination of the Commission may be postponed. If the Commission does not notify the Inspector of Buildings of its determination in writing within twenty-one (21) days of the close of the public hearing, the Inspector of Buildings may issue the demolition permit.

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

34.3.9 If the Commission determines that the Bbuilding is a Ppreferably Preserved Building, the Commission shall notify the ~~Building Inspector~~Inspector of Buildings and Applicant in writing. ~~A D~~No demolition Permit may ~~thereafter be issued for a period of twelve (12) months from after~~ thereafter be issued for a period of twelve (12) months ~~from after~~ the date of the notification that the Bbuilding is a Ppreferably Preserved Building unless otherwise agreed ~~to by~~ by the Commission, based on a finding that the intent and purpose of this Article, as provided in Section 1 hereof, will be adequately served. ~~If the Commission does not notify the Building Inspector in writing within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.~~

34.3.10 Notwithstanding 34.3.9, ~~N~~o Demolition Permit for demolition of a building determined to be Ppreferably Preserved Building shall be granted until all plans for future use and development of the site have been filed with the ~~Building Inspector~~Inspector of Buildings and have been found to comply with all laws pertaining to the issuance of a building permit, or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a Demolition Permit under this section.

~~The Building Inspector may issue a demolition permit or building permit for a preferably preserved building within twelve (12) months from the date of the notification that the building is preferably preserved if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.~~

~~Following the twelve-month delay period, the Building Inspector may issue the demolition permit.~~

#### **Section 34.4. Administration**

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

~~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 bylawArticle.~~

~~The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission.~~

~~The Commission may pro-actively develop a list of sSignificant bBuildings that will be subject to this bylawArticle. Buildings proposed for the sSignificant bBuilding list shall be added following a public hearing.~~

### **Section 34.5. Responsibility of Owners**

~~34.5.1 It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property, and securing the premises; to participate in the investigation of preservation options; and to actively cooperate in seeking alternatives with the Commission and any interested parties.~~

~~34.5.2 Upon determination by the Commission that a bBuilding or structure is a Ppreferably Ppreserved Building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building InspectorInspector of Buildings. Should the owner fail to secure the bBuilding to the satisfaction of the Building InspectorInspector 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 Ddemolition in violation of this bylawArticle.~~

### **Section 34.6. Emergency Demolition**

~~34.6.1 Nothing in this Article shall restrict the Inspector of Buildings from ordering the immediate demolition of any building in the event of imminent danger to the safety of the public. In the event that the Building InspectorInspector of Buildings determines or is asked to consider the conditionordering the imceedate demolition of a building that is fifty (50) or more years or older, a designee of the Historic District Commission or designee shall be notified and allowed to accompany the Building InspectorInspector of Buildings during thehis inspection of such bBuilding. The Building InspectorInspector of Buildings shall pursue all reasonable courses of action to prevent emergency demolition of such a building which the Commission or its designee determined is or may be a significant building, including but not limited to requiring the owner to secure it against further danger to the public.~~

~~Nothing in this bylaw shall restrict the Building Inspector from immediately ordering the demolition of unsafe structures in accordance with the provisions of Massachusetts General Laws Chapter 143.~~

~~34.6.2 Whenever the Building InspectorInspector of Buildings issues an emergency demolition permitorder under this Section he/she shall prepare a written report with~~

attached photographic evidence describing the condition of ~~said the~~ Building or structure and the basis of the decision to issue an emergency demolition ~~permit~~order and provide a copy thereof to the Commission.

#### **Section 34.7. Enforcement and Remedies**

34.7.1 The Commission and/or the ~~Building Inspector~~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 ~~bylaw~~Article or to prevent a threatened violation thereof.

34.7.2 Any owner of a ~~B~~Building ~~that is fifty (50) or more years old, which is~~ demolished without first obtaining a ~~D~~demolition P~~ermit~~ in accordance with the provisions of this ~~bylaw~~Article, shall be subject to a fine of not more than Three Hundred Dollars (\$300.00). Each day ~~the~~that such violation exists shall constitute a separate offense until a faithful restoration of the demolished building ~~is completed, or unless otherwise~~or other remediation or remediation plan has been approved~~agreed to~~ by the Commission.

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

#### **Section 34.8. Historic District Act**

34.8.1 Following a determination that a ~~B~~Building is a ~~significant and P~~preserved Building, the Commission may recommend to Town Meeting that the ~~B~~Building be protected ~~through~~pursuant to the provisions of Massachusetts General Law, Chapter 40C ~~of the Massachusetts General Laws, the Historic Districts Act.~~

~~Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. — If any of the provisions of this bylaw do so conflict, that act shall prevail.~~

#### **Section 34.9. Severability**

34.9.1 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.~~In case any section, paragraph, or part of this bylaw is for any reason declared invalid or~~

~~unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.—~~

~~, or in any way act thereon.~~