



CANTON HISTORICAL COMMISSION

Demolition Delay Bylaw As Approved by Annual Town Meeting 2003

Section 1: Intent and Purpose. This by-law is adopted for the purpose of protecting and preserving significant buildings and structures, which constitute or reflect distinctive features of the history, architecture, and/or the character of the Town of Canton. Through this by-law the Town desires to encourage owners, and others, to preserve, rehabilitate, or restore such significant buildings and structures rather than demolishing, removing or relocating them. To achieve these purposes, the Canton Historical Commission is empowered to advise the Canton Building Commissioner concerning the issuance of permits for demolition, removal, or relocation of significant buildings and structures as provided in this by-law.

Section 2: Definitions. For the purpose of this Bylaw, the following words and phrases shall have the following meanings:

- a) Building: An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels or property of any kind.
- b) Commission: The Canton Historical Commission.
- c) Demolition: Any act of pulling down, destroying, razing, removing, or relocating 25% or more of a structure. Percentage shall be calculated by applicant.
- d) Demolition Permit: The permit issued by the Building Commissioner as required by the State Building Code for the demolition, or partial demolition or removal of a building or structure from its lot, or the moving of the building or structure on its lot.
- e) Historically Significant Building or Structure: Any building or structure which (1) is associated with one or more historic/prominent persons or events; (2) is associated with the architectural, cultural, economic, political or social history of the Town of Canton, the Commonwealth of Massachusetts and/or the United States of America; (3) embodies the distinctive characteristics of a type, period, style and method of building construction, or represents the work of a particular architect or building, either by itself or in the context of a group of buildings or structures.
- f) Building Commissioner: Canton Building Commissioner
- g) Removal: To transfer a structure from its existing location.
- h) Structure: Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground.

Section 3: Regulated Buildings and Structures. The provisions of this Bylaw shall apply only to the following buildings and structures:

- a) Any building or structure listed on, or which is the subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- b) Any building or structure which, in whole, or in part, was built prior to 1940. The age of the buildings and structures shall first be determined by Assessor's records.

Section 4: Procedure.

- a) Application: The Commissioner shall forward a copy of each demolition permit application for a building or structure identified in This Bylaw Section (3) to the Chairman of the Historical Commission within 7 business days of the filing of such applications and shall notify the applicant that their application falls under the regulations of the This Bylaw, Demolition of Historically Significant Buildings and Structures.
- b) Historically Significant Determination: Within 45 days of receipt of the demolition permit application by the Chairman of the Historical Commission, the Commission shall hold a public meeting to hear and collect information and evidence to determine whether the building or structure is historically significant. The applicant for the permit shall be notified in writing at least 7 days prior to the public meeting.

At least five (5) business days prior to the public meeting, the applicant shall provide to the Commission three (3) sets of photographs showing all sides of the building(s) or structure(s), and three (3) copies of a plot plan of the property.

The public meeting shall consist of a discussion of the proposed demolition of the building(s) and/or structure(s). A site visit with the Commission and landowner may also occur, if deemed appropriate by the Chairperson or Commission.

If the Commission determines that the building(s) or structure(s) is/are not historically significant, the Commission shall notify the Building Commissioner, Town Clerk, and applicant of its decision, including the reasons for such a determination, and the Building Commissioner may issue a demolition permit.

If the Commission fails to notify the Building Commissioner of its determination within 10 days after the public meeting, the building(s) or structure(s) shall be deemed not historically significant and the Building Commissioner may issue a demolition permit.

If the Commission determines that the building(s) or structure(s) is/are historically significant, the Commission shall notify the Building Commissioner, Town Clerk, and applicant in writing of its determination and the reason therefore.

- c) Historically Significant Building or Structure Demolition/Removal Plan Review:

1) After the Commission's determination that a building(s) or structure(s) is/are historically significant, the applicant for the demolition permit shall submit to the Commission 10 copies of a demolition/removal plan that includes the following information.

a) A plot plan sufficient to show the location of the building(s) or structure(s) to be demolished/removed in relation to its property lines, and other buildings on the property;

· Photographs of all sides of the building(s) or structure(s);

· A brief description identifying the reasons for the proposed demolition/removal.

· Public Hearing

Within 60 days from its receipt of the demolition/removal plan, the Commission shall hold a public hearing with respect to the demolition/removal application and plan.

If a demolition/removal plan is not submitted the Commission shall hold a public hearing with respect to the available information within 90 days of the determination of the building(s) or structure(s) Historical Significance.

The public hearing shall be advertised in a newspaper of local circulation at least 7 days but no more than 30 days prior to the date of the public hearing. The advertisement shall be paid for by the Petitioner. The Petitioner shall provide the public hearing notice to all parties of interest (abutters) of the property where the building(s) or structure(s) is/are to be demolished, removed, or relocated at least 7 days, but no more than 30 days prior to the date of the public hearing. The public notice shall include the date, time and location of the public hearing. (Parties of Interest (Abutters) as defined in Chapter 40A, MGL)

d) Decision.

· Within 10 days of the close of the Commission's public hearing the Commission shall make a written decision, including the reasons for the determination, as to whether or not the building(s) or structure(s) is/are worthy of preserving. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the permit granting authority.

· If the building or structure is determined by the Commission not to be worthy of preservation, or if the Commission fails to file its written decision with the Building Commissioner and Town Clerk within 10 days of the close of the public hearing, the Building Commissioner may issue a demolition permit.

· If the building(s) or structure(s) is/are determined to be worthy of preservation, then the Building Commissioner shall not issue a demolition permit for a period of six (6) months from the date of the Commission's decision is filed with the Building Commissioner. During this period, the applicant shall make an effort to locate a purchaser for the

building(s) or structures(s), who is willing to preserve, rehabilitate or restore the building(s) or structure(s). The Commission may instruct the Building Commissioner to issue a demolition permit prior to the expiration of the six (6) month period if:

- a) 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(s) or structure(s) who is willing to preserve, rehabilitate or restore the building(s) or structure(s); or
- b) The applicant for the demolition permit has agreed to accept a demolition permit according to certain conditions approved by the Commission.

Section 5: Emergency Demolition. Nothing in This Bylaw, Section (4) shall be inconsistent with the procedures for the emergency demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6 - 10.

Section 6: Non-Compliance. Anyone who demolishes, removes, or relocates a building or structure identified in Section (3) without complying fully with the provisions of This Bylaw, shall be subject to a fine of not more than \$300 as limited by Chapter 40A, MGL.

In addition, unless a demolition permit was obtained for such demolition, removal, or relocation and unless such permit was fully complied with, the Building Commissioner shall not issue a building permit to any property on which a building or structure identified in Section (3) has been demolished for a period of two (2) years from the date of demolition, even if an assessed fine is paid.

Section 7: 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.

Section 8: Severability. In case any section, paragraph, or part of This Bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of such ordinance shall continue in full force and effect.