

DEMOLITION DELAY INFORMATION AND INSTRUCTIONS

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Bylaw General Information

Applications may be filed in person, by messenger, or by mail addressed to:

The Canton Historical Commission
Memorial Hall
801 Washington Street
Canton, Massachusetts 02021

1. Applicant:

It is the responsibility of the applicant to submit a complete signed application, including fee, and to factor the review and potential delay period into the project schedule. As per 2009 ATM amendment to Article XIX, Section 2 of the Town of Canton General Bylaws, the *applicant* for purposes of a demolition determination must be the owner of record of such property at the time of application

2. Dates and Deadlines:

The Canton Historical Commission holds regular public meetings. Applications must be submitted, in full, fourteen (14) days prior to a hearing date in order to be scheduled for the upcoming agenda. Note: Meetings are subject to change due to holidays or cancellations. Please check with the Commission to confirm correct dates.

3. Canton Historical Commission:

To contact the Commission Chairman please go to the Town of Canton website. On the left sidebar of the homepage click the list of Board and Committees and then click on Historical Commission. At the bottom of the page click the link to the Commission's website. See "contact us" to send an email for applicant inquiries.

4. Fees: Application for determination of historic or architectural significance: fee \$15.00 (Demo-01 phase). A separate application and fee is required for each building/structure.

Application for demolition of historic or architectural building: fee \$175.00 (Demo-02 phase). A separate application and fee is required for each building/structure.

5. Applications:

There are two relevant applications for Demolition Delay. The short form (Demo-01 PHASE) is used for historical or architectural determination and in many cases will allow for a prompt determination as to whether the applicant will be required to proceed through the full Demolition Delay Hearing Process. If it is determined by the Canton Historical Commission that a full Demolition Delay Application is necessary, a second more detailed form (Demo-02 PHASE) is used.

6. The Process:

In determining whether a building and/or structure qualifies for consideration under the bylaw, an applicant first files with the Historical Commission the short form Demo-01 Phase, the Application for Determination of Historic or Architectural Significance. Once received, the Canton Historical Commission reviews the "Short Form Application", (Demo-01 PHASE). 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 meets minimal criteria for a determination of historical significance. The applicant for the permit shall be notified in writing at least 7 days prior to the public meeting. If the property is determined not to be significant, no further review will be required. The Commission staff will issue a written determination advising the Building Commissioner, the Town Clerk, and the applicant of the decision and the Building Commissioner may then issue a demolition permit.

If after a public hearing on the applicant's Demo-01 PHASE application the property is determined to be "significant" as described by the Bylaw, the Canton Historical Commission will issue written notification to the Building Commissioner, the Town Clerk and the applicant of their decision. The applicant must then complete and submit a Demo-02 PHASE application to the Commission along with a demolition/removal plan comprised of the items listed on Page 8 of

this packet. Where a Demo-02 PHASE application and demolition/removal plan documentation as itemized on Page 8 are submitted in a timely fashion, the Commission shall hold a formal public hearing with respect to the demolition/removal application and plan within sixty (60) days. The Commission will notify the applicant of the hearing date following receipt of a Demo-2 Phase application. If a demolition/removal plan is not submitted along with the applicant's Demo-02 PHASE application the Commission shall hold a public hearing based on the available information submitted by the applicant within ninety (90) days and make a determination as to the building(s) or structure(s) Historical Significance under the Bylaw.

Bylaw Intent And Overview

Demolition Delay

Demolition Delay provides a predictable process for reviewing requests to demolish buildings or structures by:

- 1) establishing an appropriate waiting period during which the Town and the Applicant can propose and consider alternatives to the demolition of a building of historical and/or architectural value to the Town of Canton;
- 2) providing an opportunity for the public to comment on the issues regarding the demolition of a particular building.

Demolition Delay Review pertains to applications involving the total or partial demolition of buildings located within the Town of Canton.

Regulated Buildings and Structures

The provisions of this Bylaw shall apply only to the following buildings and structures:

- 1) 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
- 2) Any building or structure that in whole, or in part, was built prior to 1940. Assessor's records shall first determine the age of the buildings and structures. If the building date is not available from the Assessors records, the applicant will be required to obtain necessary documentation from the Norfolk County Registry of Deeds.

Criteria for Determination of Significance

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.

Evaluation of Alternatives to Demolition

In evaluating alternatives to demolition, the Historical Commission may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

If, based on its evaluation of alternatives, the Historical Commission is satisfied that there is no feasible alternative to demolition; the Commission may issue a determination prior to the expiration of the delay period advising the Building Commissioner to issue a demolition permit.

Highlights Of 2009 Annual Town Meeting (ATM) Amendments To The Bylaw

- 1) The 2009 ATM added the requirement that an applicant under the demolition delay bylaw **must** be the owner of record of the property at the time of the application. The purpose of this change is intended to allow better information to be available to the Historical Commission in the form of the current owner who is most likely to be able to provide up to date historic and architectural information as to the structures/buildings which are the subject of the demolition request.
- 2) The 2009 ATM amendments to the bylaw added the requirement that no demolition permit can be issued by the Building Commissioner on a building/structure found by the Historical Commission to be historically or architecturally significant until all permits and approvals for use and development of the property have been obtained and issued from all other town boards and departments for use of the property after the proposed demolition is to occur.
- 3) The 2009 ATM amendments added a provision consistent with state law that a demolition permit issued by the Building Commissioner is valid for a period of six months and that if the building/structure found earlier to have been subject to the demolition delay provisions of the bylaw is not demolished within six months and an extension is then sought from the Building Commissioner for the originally issued demolition permit, the applicant must then apply to the Historical Commission for a new determination of historical or architectural significance if it is evident that there has been a change either in the nature of the project or the ownership interest.

CANTON HISTORICAL COMMISSION
Demo-01 Phase
APPLICATION FOR DETERMINATION OF
HISTORIC OR ARCHITECTURAL SIGNIFICANCE
Pursuant to the Demolition Delay Bylaw

Date of Application: _____

Name of Applicant: _____
(property owner)

Address: _____

Tel: _____

Cell Phone: _____

Email: _____

Location of Building for which determination is sought:
(one application per building/structure)

_____ Canton, MA

Year built _____

Demolition of house barn garage commercial building other

Demolition of entire building partial building

If partial demolition, please attach a detailed description of the scope of demolition to this application.

Please see Demolition Delay Instructional packet for required documentation that must accompany this form.

For Historical Commission Use only, please do not write below this line

Date of Preliminary Determination: _____

Building is not Historically or Architecturally Significant as determined by the Demolition Delay Bylaw. A Demolition Permit may be issued.

Portions of the building described **in** this application are not Historically or Architecturally Significant as determined by the Demolition Delay Bylaw. A Demolition Permit may **be issued ONLY for portion of building/structure described in this application.**

Building has been determined to be Historically Significant. Demolition Permit may **NOT** be issued until further investigation is carried out, a formal public hearing is held, and a final recommendation is issued. To initiate these actions, Applicant must submit a Demo-02 Demolition Delay Application.

Applicant must be property owner of record.
(per 2009 ATM Bylaw amendment)

FOR OFFICE USE ONLY
Date Received: _____
Initials: _____
Copy Sent to Building Commissioner on: _____
Fee: \$15.00 Received
Make check payable to:

Signed: _____ for the Canton Historical Commission. Date: _____

List Of Required Documentation To Accompany Demo-01 Form

The purpose of this initial application is to determine whether the building/structures proposed for demolition meet minimal requirements under the demolition delay bylaw by reason of their age and/or historical/architectural significance. Following a hearing at which the applicant shall appear and answer any questions posed by the Commission members a decision will be made by the Commission as to whether further review will be necessary to determine if the provisions of the demolition delay bylaw will be applied to the buildings and/or structures sought to be razed so as to preserve the buildings/structures for a period of six months before demolition can occur.

The following is a list of materials/documents that **MUST** be submitted with this initial application. Failure to provide accurate documentation will cause a delay in the review process and will result in a rejected application. All applications **MUST** be signed by the owner of record, and must include verification of property ownership (copy of deed or tax bill).

- **PHOTOGRAPHS** – Seven sets of 3x5 or larger photographs of the property and surrounding areas and properties affected by the proposed demolition must be labeled with addresses and dates and included with this application. Major elevations of the building and any deterioration or reason for demolition should be documented. All photographs must be keyed to a plot plan (see below) to provide a thorough location description. Slides and/or a PowerPoint presentation may be added (but not substituted for the required photographs) at the Commission hearing.
- **MAP** – A locus map containing the location of the property affected by the proposed demolition must be submitted with this application. An 8-½”x11” portion of an assessors street map showing the property may be sufficient.
- **PLOT PLAN** – A plot plan showing (1) the building/structure footprint, (2) the structure or portion thereof sought to be demolished, and (3) the dimensions of the building/structure must be submitted with this application.
- **SIGNATURES and/or PROOF OF OWNERSHIP** – All applications for demolition delay review must be submitted and signed by the owner of record of the property as the applicant. Proof of ownership must also be submitted with the application evidenced by a copy of the current deed to the property showing the applicant’s name and/or ownership interest.

NOTE: A copy of all documentation submitted with this application (photographs, maps, plot plans, etc.) should be retained by the applicant in the event additional copies are necessary for further commission hearings.

CANTON HISTORICAL COMMISSION
Demo-02 Phase
APPLICATION FOR DEMOLITION OF
HISTORIC OR ARCHITECTURAL BUILDING
Pursuant to the Demolition Delay Bylaw

Date of Application: _____

Name of Applicant: _____
(property owner)

Address: _____

Tel: _____

Cell Phone: _____

Email: _____

Location of Building for which determination is sought:
(one application per building/structure)

_____ Canton, MA

Year built _____

Demolition of house barn garage commercial building other

Demolition of entire building partial building

If partial demolition, please attach a detailed description of the scope of demolition to this application.

Please see Demolition Delay Instructional packet for required documentation that must accompany this form.

For Historical Commission Use only, please do not write below this line

Date of Final Determination: _____ Date Demolition Delay period expires: _____

Building is not Historically or Architecturally Significant as determined by the Demolition Delay Bylaw. A Demolition Permit may be issued.

Portions of the building described **in** this application are not Historically or Architecturally Significant as determined by the Demolition Delay Bylaw. A Demolition Permit may **be issued ONLY for portion of building/structure described in this application.**

Building has been determined to be Historically Significant and a 6 month delay has been imposed. A Demolition Permit may be issued **ONLY** after the 6 month delay period has expired and **ONLY** after all other permits and approvals required by the project described in this application have been granted by all other town boards and commissions.

Applicant must be property owner of record.
(per 2009 ATM Bylaw amendment)

FOR OFFICE USE ONLY
Date Received: _____
Initials: _____
Copy Sent to Building Commissioner on: _____
Fee: \$175.00 Received
Make check payable to: _____

Signed: _____ for the Canton Historical Commission. Date: _____

List Of Required Documentation To Accompany Demo-02 Form

This subsequent application is required where the Historical Commission has found at an earlier hearing pursuant to an initial application for determination submitted by the applicant that the buildings/structures sought to be razed are of significant historical and/or architectural value and require a formal public hearing for which all interested parties and legal abutters must be notified with an opportunity to be heard. The following items comprise the demolition/removal plan as required under the demolition delay bylaw and are required to be submitted together with the Demo-02 Application. **Failure to provide accurate documentation will cause a delay in the review process and may result in a rejected application.** All applications MUST be signed by the owner of record, and must include verification of property ownership (copy of deed or tax bill).

STATEMENT OF REASONS - A detailed description and statement of reasons for the proposed demolition/removal must accompany any submittal at this stage of the proceedings. Major elevations of the building detailing the width, height, depth and setbacks as described in this application and any deterioration of the building/structure should be documented. The existing uses and proposed uses of the property must be documented along with all improvements (including but not limited to walkways, driveways, fences, swimming pools, etc.) to be completed by the proposed project for the site.

PHOTOGRAPHS – Seven sets of 3x5 or larger photographs of the property and surrounding areas and properties affected by the proposed demolition must be submitted with the Demo-02 application. Each photograph must be labeled with the address of the property and the date the photograph was taken. All photographs must be keyed to a plot plan (see below) to provide a thorough location description. Slides and/or a PowerPoint presentation may be added (but not substituted for the required photographs) at the Commission hearing.

MAP – A locus map containing the location of the property affected by the proposed demolition must be submitted with this application. An 8-½”x11” portion of an assessors street map showing the property may be sufficient.

PLOT PLAN – A plot plan showing (1) the building/structure footprint, (2) the structure or portion thereof sought to be demolished, and (3) the dimensions of the building/structure must be submitted with this application.

SIGNATURES and/or PROOF OF OWNERSHIP – All applications for demolition delay review must be submitted and signed by the owner of record of the property as the applicant. Proof of ownership must also be submitted with the application evidenced by a copy of the current deed to the property showing the applicant’s name and/or ownership interest.

PUBLIC HEARING - Applicant is responsible for obtaining a certified abutters list from the Board of Assessors and shall be required to notify abutters of the public hearing date and time by certified mail. Return cards must be presented at the public hearing to prove compliance. Notice shall also be printed in the Canton Citizen at the applicant’s expense. Both the notice to abutters

and notice printed in the newspaper advertisement shall take place within at least 7 days, but no more than 30 days of the public hearing.

NOTE: A copy of all documentation submitted with this application (photographs, maps, plot plans, etc.) should be retained by the applicant in the event additional copies are required.

Sample Public Hearing Notice for Demo-02 PHASE

Below is a sample Public Notice to be prepared and published in a timely manner by the Applicant for all hearings under the Demolition Delay Phase – 02 Applications under the Bylaw.

Legal Notice of Public Hearing
Town of Canton
Historical Commission

The Canton Historical Commission will hold a public hearing on **Day, Month, Date, 20__** at **7:30 PM** at Pequitside Farm, 79 Pleasant Street, Canton, in accordance with the provisions of the Demolition Delay Bylaw of the Town of Canton Bylaws, pursuant to a Notice of Intent to Demolish filed by **OWNER APPLICANT**, to demolish a building located at **ADDRESS** in order to determine (i) if building/structure is historically or architecturally significant so as to impose a six month demolition delay; (ii) whether the work to be done will materially diminish such historical or architectural significance; and (iii) alternatives to such work.

NAME

Chairman, Canton Historical Commission