

ARTICLE V

DEMOLITION REVIEW BY-LAW

PROCEDURES FOR THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS

DEFINITIONS

Building: Any combination or part thereof of materials forming a shelter for persons, animals or property.

Commission: The Billerica Historical Commission or Historic Districts Commission depending on the location of the building in question. If the building is in one of Billerica's Historic Districts then the Historic Districts Commission shall act on the application. All other applications shall be acted upon by the (Billerica) Historical Commission.

Demolish or Demolition: The pulling down, destroying, burning by arson, removing or razing, of a building or structure or any portion thereof, or allowing it to be done by others; or the act of total or substantial destruction of a building or structure with the intent of completing the same.

Permit to Demolish: A permit issued by the Inspector of Buildings as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

Inventory of Historic Properties: The official inventory on file with the Massachusetts Historical Commission and the Billerica Historical Commission, or any property within the Historic Districts.

Inspector: The Billerica Inspector of Buildings.

Preferably-Preserved Building: Any significant building or structure which the Commission determines is of historical or architectural significance and it would be in the public interest to be preserved or rehabilitated rather than demolished.

Significant Building or Structure: Any building or structure, or portion thereof which:

- A. Is listed on the National Register of Historic Places, either as an individual site or as part of a district, or is the subject of a pending application for listing on said National Register; or
- B. Is located within one of Billerica's Historic Districts; or
- C. Is listed on the State Register of Historic Places; or
- D. Is included in the most recent Inventory of Historical Properties prepared by the Commission, including those buildings listed for which complete surveys may be pending; or
- E. Has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, builder, owner or event, provided that the owner of such a building and the Inspector of Buildings has been notified within 15 days after such a vote.

Property: The entire parcel of land upon which the demolished significant building was located.

Structure: The combination of materials or part thereof other than a building including but not limited to a sign, fence, wall, statue, mechanical device, bridge, walk, driveway or road.

1. INTENT and PURPOSE

This By-Law is enacted for the purpose of preserving and protecting significant buildings or structures within the Town. These buildings or structures should constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the Town. The owners of such buildings or structures shall be encouraged to seek out persons who will purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them. To achieve these purposes the Billerica Historical Commission and the Billerica Historic Districts Commission are empowered to pre-approve all permits for the demolition of part or all of a significant building or structure. The issuance of demolition permits for significant buildings or structures is regulated as provided in this By-Law.

2. PROCEDURE

2.1 Receipt of Application

Upon receipt of an application for a demolition permit for any building or structure, the Inspector of Buildings shall forward a copy to the Commission within seven (7) days of the filing of such application. An application for the demolition of a building or structure shall be made only by the owner(s) of record.

2.2 All applications for a permit to demolish will be accepted and the building or structure's significance will be determined at the next regularly scheduled meeting after receipt thereof.

- A. The Commission will in writing notify the Inspector of Buildings within fifteen (15) days after the determination of their finding. If no meeting is scheduled within forty-five (45) days of the receipt of the application by the Commission, a special meeting must be held within forty-five (45) days.
- B. If the building or structure is determined non-significant, the Inspector of Buildings may issue a permit to demolish.
- C. If the Inspector of Buildings determines that in the interest of public safety a building or structure must be demolished, a permit may be issued after notifying the chairman of the Commission.

2.3 Determination of Preferably-Preserved

- A. Within 30 days after determination of significance, the Commission shall hold a public hearing to determine if the building or structure is preferably-preserved. The Commission shall give public notice of the hearing following the procedures established in M.G.L., Chapter 40(A), Section 11.
- B. The Commission shall also mail notification of the hearing to the direct abutters, the Historic Districts Commission, the Historical Commission, the Inspector of Buildings, the applicant and to such other persons as the Commission shall deem to be entitled to such notice.
- C. If, after the hearing, the Commission determines that the significant building is not a preferably preserved building, the Commission shall so notify the Inspector of Buildings, and applicant in writing, within ten (10) days after the date of such determination.
- D. If the demolition permit application is not acted upon within thirty (30) days after receipt by the Commission, the Inspector of Buildings may issue a permit to demolish.
- E. Upon determination by the Commission that the significant building or structure is preferably-preserved, the Commission shall so advise the applicant and the Inspector of Buildings in writing within ten (10) days of the date of determination.
- F. No demolition permit may be issued within six months after notification that a significant building or structure is determined to be preferably preserved by the commission.
- G. During the six (6) month waiting period, the owner shall make continuing, bona fide attempts to find a buyer or alternative use for the building or structure that will result in its preservation.
- H. The Inspector of Buildings may issue a demolition permit for a preferably-preserved building at any time after receipt of written notice from the Commission which states that the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person is willing to purchase, preserve, rehabilitate or restore such building or structure.
- I. No building permit may be issued for the property on which a significant building or structure is located prior to the granting of approval for and the issuance of a permit for demolition of such significant building.
- J. No building or demolition permit shall be granted for the property on which a building or structure determined to be preferably-preserved (except as in 2.3H) until:
 - (1) the plans for the use or development of the site after the demolition have been filed with the Building Department and

- (2) they have been found to comply with all the laws pertaining to the issuance of a building permit: and
- (3) all the approvals necessary for the issuance of such a building permit, including any necessary zoning variances or special permits, must be granted; and
- (4) all appeals from the granting of such approvals must be concluded prior to the issuance of a building or demolition permit.

K. No part of this By-Law is meant to supersede the Historic Districts By-Law. (M.G.L. Chapter 40C)

3. ENFORCEMENT and REMEDIES

3.1 Enforcement

The Commission and the Inspector of Buildings are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this By-Law, or to prevent a violation thereof. This By-Law may also be enforced by a non-criminal procedure. The Building Inspector shall be the enforcing agent of the Town. Fines shall be as follows:

All offenses - Three hundred dollars (\$300.00)

3.2 Remedies

No building permit of any type shall be issued for any property upon which a significant building or structure has been intentionally demolished in violation of this By-Law for a period of two (2) years after the date of such violation.