

**TOWN OF NORWELL**

**3400. Building Demolition (Voted ATM 5/24/1999)**

Text of the Bylaw regulating Demolition of Historically Significant Buildings, Structures or Properties

- a) Intent and Purpose. This Bylaw is adopted for the purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of the Town.
- b) Definitions. For the purpose of this section, the following words and phrases have the following meanings.

**Commission:** the Norwell Historical Commission

**Inspector:** the Norwell Building Inspector/Zoning Officer

**Demolition Permit:** the permit issued by the Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure

**Historically Significant Building, Structure or Property:** any building, structure or property which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or (3) vista, bridge, stone wall, tree, road marker or sign, or any other property identified as of aesthetic, architectural, cultural, political or historical significance, by the Commission.

- c) Regulated Buildings, Structures and Properties. The provisions of this Section 3400 of Article III shall apply only to the following buildings, structures or properties: (1) a building, structure or property listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or (2) a building, structure or property located within two hundred (200) feet of the boundary line of any federal, state or local historic district; or (3) a building, structure or property included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the Commission for inclusion in said Inventory.

Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building, structure or property located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

- d) Procedure

- 1) The Inspector shall forward a copy of each demolition permit application for a building, structure or property identified in paragraph c) of this section to the Commission within seven (7) business days after the filing of such application. *(Revised ATM 5/5/2014)*

- 2) Within thirty (30) days after its receipt of such application, the Commission shall determine whether the building, structure or property is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she makes a timely request in writing to the Commission. There shall be required a separate demolition permit application for each building, structure or historically significant feature on the parcel. (*Revised ATM 5/5/2014*)
- 3) If the Commission determines that the building, structure or property is not historically significant, it shall so notify the Inspector and the applicant in writing and the Inspector may issue a demolition permit. If the Commission determines that the building, structure or property is historically significant, it shall notify the Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the Commission fails to notify the Inspector and the applicant of its determination within thirty (30) days after its receipt of the application, then the building, structure or property shall be deemed not historically significant and the Inspector may issue a demolition permit.
- 4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building, structure or property is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information: a) a map showing the location of the building, structure or property to be demolished with reference to lot lines and to neighboring buildings and structures; b) photographs of all street façade elevations; c) a description of the building, structure or property, or part thereof, to be demolished; d) the reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition; and e) a brief description of the proposed reuse of the parcel on which the building, structure or property to be demolished is located.
- 5) The Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such a manner as it may determine, and by mailing, postage prepaid a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan, the Commission shall file a written report with the Inspector on the demolition plan which shall include the following: a) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; b) a determination as to whether or not the building, structure or property should preferably be preserved. The Commission shall determine that a building, structure or property should preferably be preserved only if it finds that the building, structure or property is a historically significant building, structure or property which, because of the important contribution made by such building, structure or property to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.
- 6) If, following the demolition plan review, the Commission does not determine that the building, structure or property should preferably be preserved, or if the Commission fails to file a report with the Inspector within the time limit set out in subparagraph (5) next above, then the Inspector may issue a demolition permit.

- 7) If, following the demolition plan review, the Commission determines that the building, structure or property should preferably be preserved, then the Inspector shall not issue a demolition permit for a period of one (1) year from the date of the filing of the Commission's report unless the Commission informs the Inspector prior to the expiration of such one (1) year period that it 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, structure or property who is willing to preserve, rehabilitate or restore the building, structure or property, or has agreed to accept a demolition permit on specified conditions approved by the Commission. *(Revised ATM 5/13/2008)*
  - 8) The Inspector shall not issue any permit, including permits for foundation and septic systems, with respect to any parcel wherein a demolition permit has been applied for, unless and until the terms of such permit have been fully complied with or otherwise waived by the Commission. *(Revised ATM 5/5/2014)*
  - 9) Anything to the contrary notwithstanding, any demolition permit application which has not been completed in accord with the provisions of this bylaw within ninety (90) days of its filing shall expire, unless an extension is granted by the Commission. *(Revised ATM 5/5/2014)*
- e) Emergency Demolition. If the condition of a building, structure or property poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building, structure or property may request the issuance of an emergency demolition permit from the Inspector. As soon as practicable after the receipt of such a request, the Inspector shall arrange to have the property inspected by a Board consisting of the Inspector, the Chairman of the Commission and the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building, structure or property and consultation with this Board, the Inspector shall determine whether the condition of the building, structure or property represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building, structure, or property which would protect the public health or safety. If the Inspector finds that the condition of the building, structure or property poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this paragraph e), the Inspector shall prepare a written report describing the condition of the building, structure or property and the basis for the decision to issue an emergency demolition permit with the Commission. Nothing in this paragraph e) shall be inconsistent with the procedures for the demolition and/or securing of the building and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building, structure or property identified in paragraph c) of this section, the Inspector shall request the Chairman of the Commission or the Chairman's designee to accompany the Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.
- f) Non-Compliance. Anyone who demolishes a building, structure or property identified in paragraph c) of this section without first obtaining and complying fully with the provisions of a demolition permit shall be subject to a fine of not less than one thousand (\$1,000) dollars nor more than twenty-five thousand (\$25,000) dollars and the Inspector shall not issue a building permit pertaining to any parcel on which a building, structure or property identified in paragraph c) of this section has been demolished for a period three (3) years after the date of demolition. *(Revised ATM 5/5/2014)*

The Commission shall have the authorization to waive or modify the three (3) year restriction on the issuance of a Building Permit. (*Revised ATM 5/5/2014*)

- g) Appeals to Superior Court. Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Inspector, appeal to the Superior Court for Plymouth County. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.
- h) 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 this Bylaw shall continue in full force and effect.
- i) Notification. The Commission shall be required to present a written Annual Report by January 1<sup>st</sup> (First) of each calendar year to the Inspector, the Planning Board and the Highway Department. This report shall include but is not limited to the following: (1) an inventory of any and all buildings, structures and properties that have been designated and registered as being covered by this Bylaw; (2) a list of any and all buildings, structures and properties covered by this Bylaw that are under consideration and study by the Commission or the Massachusetts Historical Commission; (3) a copy of this report shall be made available to the Selectmen, Town Public Library and the Massachusetts Historical Commission.