

HISTORIC DISTRICT

SECTION 1. The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the inhabitants and property owners of the Town of Dartmouth through the preservation and protection of the distinctive characteristics of buildings and places of historical significance to the Town, or the architecture of such buildings and places, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 2. There is hereby established in the Town of Dartmouth an historic district pursuant to the provisions of Massachusetts General Laws Chapter 40C, set forth as shown on a map filed with the Town Clerk entitled "Russells Mills Local Historic District, 1998".

SECTION 3. There is hereby established an historic district commission for the historic district, consisting of seven (7) members appointed by the Board of Selectmen, members of the historic district commission shall be residents of the Town of Dartmouth, and the historic district commission shall at all times, have at least one member who is a resident of, or owner of property in the historic district to be administered by the commission. Prior to making any appointment to the original membership of the historic district commission, the Board of Selectmen shall submit a written request for two nominees from each of the following organizations: The Bristol County Historical Society, or, if it no longer exists, the then existing local historical society; the chapter of the American Institute of Architects covering the Town of Dartmouth; and the then existing Board of Realtors covering the Town of Dartmouth. The Board of Selectmen shall appoint to the original membership of the historic district commission one of the two nominees selected by each of said organizations. Thereafter, it shall, to the extent possible, appoint successors to the historic district commission in the same manner as was used for the original appointment of the position that the new appointee will fill. However, if within sixty (60) days after submission of its written request for nominees to any of said organizations no such nominees have been made, the Board of Selectmen may proceed to appoint the members of the historic district commission without nominations by any such organization. The Board of Selectmen shall appoint three alternate members to the historic district commission, each of which shall be residents of the Town, and need not be selected from nominees of an organization entitled to nominate members. In making appointments of members to the historic district commission, the Board of Selectmen shall attempt to insure that a registered architect, a realtor and a lawyer are members thereof at all times; and, in making appointments of members and alternate members, the Board of Selectmen shall appoint individuals, who by virtue of their training, occupation or experience, are particularly qualified to further the intent and purposes of this by-law.

Each member of the historic district commission shall be appointed for a term of three years, except that when the historic district commission is first established, two of its members shall be appointed for a term of one year, two of its members shall be appointed for a term of two years, and three of its members shall be appointed for a term of three years. Similarly, each alternate member shall be appointed for a term of three years, except that of the first group of alternate members, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and the third member shall be appointed for a term of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired terms.

HISTORIC DISTRICT (Cont'd)

In case of the absence, inability to act or unwillingness to act because of self interest on the part of a member of the historic district commission, his or her place shall be taken by an alternate member designated by the Chairperson of the historic district commission. Each member and alternate member of the historic district commission shall continue in office after the expiration of his or her term until his or her successor is duly appointed and qualified. All members and alternate members shall serve without compensation. The historic district commission shall annually elect a Chairperson and Vice-Chairperson from its members, and a Secretary from within or without its membership.

SECTION 4. For purposes of this by-law, the words listed below shall have the following meaning:

the word "altered" shall include the words "rebuilt", "reconstructed", "restored", "removed" and "demolished"

the word "building" shall mean a combination of materials forming a shelter for persons, animals or property;

the words "certificate of appropriateness", "nonapplicability" and "hardship"

the word "commission" shall mean the commission acting as the historic district commission;

the word "constructed" shall include the words "built", "erected", "installed", "enlarged" and "moved";

the word "structure" shall mean a combination of materials other than a building, including a sign, fence, stone wall, terrace, walk or driveway; and

the word "exterior architectural feature" shall mean such portion of the exterior of a building or structure as is open to view: from a public street, public way, public park or public body of water, without reference to fences, hedges or other artificial or natural screening which shall not be considered sufficient to obscure a building or structure from the public view; including, but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, or other materials applied to exterior surfaces and the type and style of windows, lights, signs and other appurtenant exterior features.

SECTION 5. Except as this by-law may otherwise provide in accordance with Section 8 or Section 9, no building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of nonapplicability, or a certificate of hardship with respect to such construction or alteration.

HISTORIC DISTRICT (Cont'd)

Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the historic district and no demolition permit for demolition or removal of a building or structure within the historic district shall be issued by the Town of Dartmouth Building Department or any department or official thereof until the certificate required by this Section has been issued by the commission.

SECTION 6. In passing upon matters before it, the commission shall strive to advance the purposes of this by-law, and shall consider, among other things the historic and architectural value and significance of the site, building or structure, the general design, arrangement, proportions, texture and material of the features involved, the relation of such features to similar features of buildings and structures in the surrounding area, and the position of such buildings or structures in relation to the public streets public ways, public parks or public bodies of water in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness or the site and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity.

SECTION 7. The commission shall not, in passing upon matters before it, consider interior arrangements or architectural features not subject to public view. In determining whether an exterior architectural feature is subject to public view from a public street, public way, public park or public body of water, fences, hedges, and other artificial or natural screening shall not be considered sufficient to obscure the feature from the public view. Further, the commission shall not make any recommendation or requirement with respect to any matter before it, except for the purpose of preventing developments incongruous with the historic aspects or the architectural characteristics of the surroundings and of the historic district. While the commission shall encourage owners of buildings and structures in the historic district to use historically authentic materials wherever feasible for any construction or alteration, the use of any particular material shall not be prohibited based upon its composition alone.

This by-law does not regulate color, since colors are a matter of personal taste and can easily be changed. However, the use of proper contrasts and historic colors is strongly encouraged.

It is not the intent of this by-law to require that buildings and structures in the historic district be maintained as historic artifacts. Rather, the commission is required to apply the standards set forth herein, particularly those contained in this Section and Section 6, in order to protect and preserve the general flavor, and the distinctive characteristics and architecture of the historic district.

HISTORIC DISTRICT (Cont'd)

SECTION 8.

(a) The authority of the commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the historic district and the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:

(1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.

(2) Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.

(3) Storm doors and storm windows, screens, lighting fixtures, and antenna (except satellite dishes).

(4) Signs of not more than two square feet in area in connection with the use of a residence for a customary home occupation or for professional purposes, provided that only one such sign is displayed in connection with each residence.

(5) The reconstruction, substantially similar in exterior design and materials, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and is carried forward with due diligence.

(b) The commission may determine from time to time after public hearing that certain categories of exterior architectural features, structures or signs, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purposes of this by-law and of the Historic District Acts, Massachusetts General Laws Chapter 40C, as amended.

(c) The commission may further determine from time to time after public hearing that the authority of the commission shall be limited to only those exterior architectural features within the historic district subject to view from one or more specifically designated public streets, public ways, public parks or public bodies of water, as opposed to all exterior architectural features within the historic district subject to view from a public street, public way, public park or public body of water, without substantial derogation from the intent and purposes of this bylaw and of the Historic District Act, Massachusetts General Laws Chapter 40C as amended.

(d) Upon request, the commission shall issue a certificate of nonapplicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraphs (a), (b) or (c) of this Section.

HISTORIC DISTRICT (Cont'd)

SECTION 9. Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the historic district which does not involve a change in design, material, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this bylaw.

SECTION 10. The commission shall have the following additional powers, functions and duties:

(a) If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for and compatible with the preservation or protection of the historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness, the commission shall place upon its records the reasons for such determination, and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in its records, to be issued to the applicant and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal, which, if made, would make the application acceptable to the commission. If within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.

(b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate for nonapplicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of Section 8, the commission shall cause a certificate of nonapplicability to be issued to the applicant.

(c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant, and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended. If the commission determines that owing to such condition: failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, or, in the event of a failure by the commission to make a determination on an application within the time specified in Section 12 hereof, the commission shall cause a certificate of hardship to be issued to the applicant.

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(d) Each certificate issued by the commission shall be dated and signed by its Chairperson, Vice-Chairperson, Secretary, or such other person designated by the commission to sign such certificates on its behalf.

(e) The commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and shall adopt and amend such rules and regulations not inconsistent with the provisions of this by-law and the provisions of The Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a copy of any such rules and regulations with the Town Clerk.

(f) The commission shall file with the Town Clerk, and with any department or official of the Town having authority to issue building permits, a copy or notice of all certificates and determinations of disapproval issued by it.

(g) The commission may, subject to appropriation, employ personnel and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes.

(h) The commission shall have, in addition to the powers, authority and duties granted to it by this bylaw, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Town Meeting.

SECTION 11. Meetings of the commission shall be held at the call of the Chairperson and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of the commission shall constitute a quorum. The concurring vote of the majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship.

SECTION 12. The commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If the commission determines that such application involves any such features which are subject to approval by the commission, the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application subject to approval and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it *may* reasonably 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 a 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.

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As soon as convenient after such public hearing, but in any event, within (60) days after the filing of the application, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within, such period of time, the commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that if the commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby, as above provided, and ten (10) days shall elapse after the mailing of such notice before the commission may act upon such application.

SECTION 13. Any applicant aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the Town Clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the town is a member. If the town is not a member of a regional planning agency, the Department of Community Affairs shall select the appropriate regional planning agency,

The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five days after the request and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court sitting in equity for the County of Bristol pursuant to the provisions of Massachusetts General Laws Chapter 40C, Section 12A, as amended.

SECTION 14. The superior court sitting in equity for the County of Bristol shall have jurisdiction to enforce the provisions of this bylaw and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the commission, restrain by injunction violations thereof, and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered in violation thereof, and may issue such other orders for relief as may be equitable. Whoever violates any of the provisions of this bylaw shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

SECTION 15. An historic district may be enlarged or reduced or an additional historic district in the Town may be created in accordance with the provisions of Massachusetts General Laws Chapter 40C, Section 3.

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SECTION 16. This bylaw may, from time to time, be amended in any manner not inconsistent with the provisions of Massachusetts General Laws Chapter 40C, by a two-thirds vote of a Town meeting, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty (60) days have elapsed without such recommendation.

SECTION 17. In the event that any provision of this bylaw shall be held to be invalid or unconstitutional by any court of competent jurisdiction the remaining provisions shall continue in full force and effect.

6-9-98 8-30-98 9-3-98

HISTORICAL COMMISSION DEMOLITION REVIEW BYLAW

Section 1: Title of Bylaw

Demolition Review Bylaw

Section 2: Intent and Purpose

This bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town of Dartmouth outside Local Historic Districts 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. Significant buildings within Local Historic Districts are subject to the section (s) of the Town of Dartmouth General Bylaws entitled "Historic District" pursuant to the provisions of the Massachusetts General Laws Chapter 40C.

This bylaw provides:

- a) an opportunity to develop preservation solutions for significant buildings threatened with demolition;
- b) a reasonable time period for public notice and discussion by interested groups and individuals of means by which to preserve such buildings;
- c) an opportunity to inform residents of the town to impending demolitions of significant buildings; and
- d) An opportunity to create an historical record, including photographs, of significant buildings prior to demolition.

Owners of significant buildings will be encouraged to:

- a) seek out alternative options that will preserve, rehabilitate or restore such buildings; or
- b) Seek out persons who might be willing to purchase such buildings in order to preserve, rehabilitate, or restore such buildings rather than demolish them.

To achieve these purposes, the Dartmouth Historical Commission is authorized to advise the Town of Dartmouth Building Commissioner or Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.

Section 3. 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 a (building) permit that involves the demolition of a building.

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

BUILDING COMMISSIONER OR INSPECTOR -- The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

BUSINESS DAY-- A day which is not a legal municipal holiday, Saturday or Sunday.

HISTORICAL COMMISSION DEMOLITION REVIEW BYLAW (CONT.)

COMMISSION -- The Dartmouth Historical Commission or its designee.

DEMOLITION -- Any act of pulling down, destroying, removing, dismantling or razing a building or any substantial portion thereof or commencing the work of total or substantial destruction with the intent of completing the same, or removal of the building from its site with the intent to relocate it to another site.

A substantial portion or substantial destruction of a building is defined as either half the volume of the building or half its value, as determined by the Building Commissioner.

A building shall be considered to be demolished if more than twenty-five percent (25%) of the front, back or side elevations are removed or covered so as to substantially obliterate the original design. Each elevation shall be calculated separately.

PREFERABLY PRESERVED -- Any significant building that the Commission determines, following a public hearing, is in the public interest to be preserved or rehabilitated rather than demolished. A preferably preserved building is subject to a demolition review period as stated in this bylaw of up to six (6) months.

SIGNIFICANT BUILDING -- Any building within the Town of Dartmouth that is in whole or in part seventy-five (75) years or more old, or is of an unknown age, and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- a) The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- b) The Building has been found eligible for the National Register of Historic Places; or
- c) 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 Dartmouth or the Commonwealth; or
- d) 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 4. Procedure

No demolition permit for a building which is in whole or in part seventy-five (75) years or more old, or is of an unknown age, and which has been determined by the Commission or its designee to be significant shall be issued without following the provisions of this bylaw.

If a building is of unknown age, there shall be a rebuttable presumption that the building is over 75 years or more old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- a) The address of the building to be demolished.
- b) The owner's name, address and telephone number.
- c) A description of the building with photograph(s).
- d) The reason for requesting a demolition permit.
- e) A brief description of the proposed reuse, reconstruction or replacement.

HISTORICAL COMMISSION DEMOLITION REVIEW BYLAW (CONT.)

The Building Commissioner shall within ten (10) business days forward a copy of the application to the Commission. The Commission shall, within fifteen (15) business days after receipt of the application, make a written 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 Commissioner and applicant of the decision in writing within fifteen (15) business days after receipt of the application. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing within fifteen (15) business days after receipt of the application. No demolition permit may be issued at this time.

If the Commission does not notify the Building Commissioner in writing on the close of business on the 15th business day after receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within twenty (20) business days of the written notification to the Building Commissioner. 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) days prior to the date of said hearing and the Building Commissioner and the applicant shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within ten (10) business 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 Commissioner and applicant of the decision in writing within ten (10) business days after the public hearing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing within ten (10) business days after the public hearing. No demolition permit may then be issued for a period of up to six (6) months from the date of that determination unless a shorter period is agreed to by a majority vote of the Commission.

If the Commission does not so notify the Building Commissioner in writing on the close of business on the 10th business day following the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of up to six (6) months from the date of that determination unless a shorter period is agreed to by a majority vote of the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building

HISTORICAL COMMISSION DEMOLITION REVIEW BYLAW (CONT.)

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 Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the six (6) month review period if the Commission notifies the Building Commissioner 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 six (6) month review period, the Building Commissioner may issue the demolition permit.

Section 5. Administration

- a) The Commission may adopt such rules and regulations and may impose reasonable fees as are necessary to administer the terms of this bylaw.
- b) The Commission may delegate authority to make determinations of significance to a sub-committee of the Commission. Any determination made by the sub-committee shall be subject to a review by the full Commission upon written request by an aggrieved party. The written request must be received by the Commission within ten (10) business days of the sub-committee's report to the Building Commissioner.
- c) The Commission may develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for a significant building list will be added following a public hearing. Such a list, if adopted, shall not prevent the Commission from finding any other eligible building to be significant.

Section 6: Emergency Demolition

If after an inspection, the Building Commissioner or the Board of Health finds that a building subject to this bylaw is found to pose an immediate threat to public health and safety or the health and safety of the occupants due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an emergency demolition permit to the owner of the building after making every reasonable effort to notify the Commission (preferably within forty-eight hours) of making this determination. The Building Commissioner or the Board of Health shall then prepare a report explaining the condition of the building and the basis for the decision that shall be forwarded to the Commission.

The Building Commissioner shall require the property owner of the building to be demolished to provide photograph(s) and other documentation about the property as outlined in Section 4 of this bylaw. Or, the Building Commissioner shall make every reasonable effort to provide the Commission reasonable time to document such property or building prior to demolition provided such activity poses no threat to public health or safety or appropriate precautions are taken to protect public health and safety.

HISTORICAL COMMISSION DEMOLITION REVIEW BYLAW (CONT.)

Section 7: Enforcement and Remedies

The Commission and/or the Building Commissioner 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.

A building is considered to be demolished if it is destroyed due to the owner’s failure to maintain a weather tight and secure structure or if it is destroyed willfully or by neglect during the demolition review period. Any owner of a building subject to this bylaw who demolishes a building willfully or by neglect and 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).

Each day the violation exists shall constitute a separate offense until the demolished building is created as directed by the Commission, or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two 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.

Nothing in this bylaw shall be deemed to exempt applicants from any requirements of the state Building Code or other local bylaws and other rules and regulations.

Section 8: Historic District Act

Following a determination that the 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. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. 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 be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

SO VOTED. Yes 114 No 72 2:13 P.M.

05/27/03 09/04/03 09/09/03

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