

Chapter 16: BUILDINGS, DEMOLITION OF

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 5-21-1979 by Art. 53. Amendments noted where applicable.]

§ 16-1 Permit required.

No building shall be demolished in whole or in part in the Town of Chelmsford without a permit from the Building Inspector.

§ 16-2 Procedure; delay; alternatives; emergencies; violations and penalties.

[Amended 10-20-2008 ATM by Art. 14]

A. Intent and purpose; definition.

(1) It is the intent and purpose of this chapter to preserve and protect from demolition historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

(2) For purposes of the chapter, the term "demolition" shall mean any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, including destruction through willful neglect or arson.

B. Procedure.

(1) Notice of intent to demolish:

No demolition permit shall be issued for any building or structure that was constructed 75 or more years prior to the year of the application, other than in conformity with the provisions of this chapter. The property owner shall first file an application for a demolition permit with the Inspector of Buildings, and the Inspector of Buildings shall forward a copy of such application within one week to the Historical Commission, the Board of Selectmen, and the Planning Board. The application shall be reviewed by the Historical Commission at its next regular meeting. Such application shall be in the form provided and established by the Inspector of Buildings in consultation with the Historical Commission and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property, including a written description or concept plan describing the proposed

reuse. If the property owner is unable to specify the exact age of the building or structure, the application shall so state, and shall set forth the best-known estimate of age and the basis for such estimate.

(2) Determination of significance:

A building or structure which was constructed 75 or more years prior to the year of the application may be deemed to be significant if the Historical Commission, at a public meeting, finds that the building or structure is significant to the architectural, cultural, political, economic or social history of the Town.

(3) Non-applicability:

Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of 120 days from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

C. Public hearing.

Unless the Historical Commission has determined that the building or structure is not historically significant, the Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within 60 days from the date of submission of the demolition application to the Commission. The date of submission shall be the date the application is received at a meeting of the Commission. Notice of the public hearing shall be provided as described in MGL c. 40A, § 11. The Historical Commission, at the expense of the owner, shall complete the newspaper publication and abutter notification. Within 30 days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably preserved:

If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not preferably preserved:

If the Commission finds that the building or structure is not preferably preserved, or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within 30 days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of demolition.

If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to 12 months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the property owner, and a copy thereof shall be furnished to the Inspector of Buildings, who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the property owner: (i) has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or (ii) has agreed to alternatives to demolition set forth in Subsection E.

E. Alternatives to demolition.

If the Historical Commission imposes a demolition delay as set forth in Subsection D and/or if alternatives to demolition are developed in or after the public hearing which are acceptable to the owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town department, board or commission and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of demolition delay.

At the end of any period of demolition delay as set forth in this chapter, including any alternatives agreed upon pursuant to Subsection E, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired, and the property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the demolition permit, and pursuant to applicable law.

G. Emergency demolition.

Nothing in this chapter shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure that is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and remedies.

(1) Enforcement:

The Inspector of Buildings shall have the authority to enforce this chapter in the manner described in § 195-100 of the Chelmsford Zoning Bylaw.

(2) Issuance of building permits:

No building permit shall be issued or be valid for any parcel or premises upon which an historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this chapter, for a period of up to three years after a completion of such demolition.

(3) Multiple remedies:

The remedies and enforcement procedures set forth in this section may be applied separately or in conjunction with one another.

I. Penalty.

Any person violating any of the provisions of this chapter shall be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for enforcement.

If the Inspector of Buildings is requested in writing to enforce this chapter against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within 14 days of receipt of such request.

K. Historic Districts Act.

If any of the provisions of this chapter shall conflict with the Historic Districts Act, MGL c. 40C, the state statute shall prevail.

L. Validity.

The invalidity of any section or provision of this chapter shall not render invalid any other section or provision of this chapter.

§ 16-3 (Reserved)

Editor's Note: Former § 16-3, Violations and penalties, was repealed 4-25-2005 ATM by Art. 21. See now § 16-2I.

{END OF CHAPTER}