



**Office of the Town Clerk**

50 Billerica Road  
Chelmsford, MA 01824-3190  
978-250-5205  
FAX 978-250-5208

**Raymonde R. Legrand**  
Assistant Town Clerk

**Elizabeth L. Delaney**  
Town Clerk

**TOWN BULLETIN  
LEGAL NOTICE**

The following Zoning By-law (s) and or General By-law (s) were voted on at the Annual Fall Town Meeting. The action took place at the adjourned meeting of October 20, 2008

**ARTICLE 12**      **Amending 195-8B and C of the zoning by-laws for the purpose of transferring the special permit granting authority for non-conforming multi-family and non-residential uses and structures from the Board of Appeals to the Planning Board.**

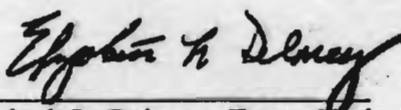
**ARTICLE 14**      **Amend Chapter 16 of the general by-laws Demolition of Buildings**

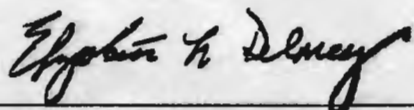
This by-law was approved by the Attorney General on February 18, 2009, posted by William E. Spence, Constable of Chelmsford on February 25, 2009.

As of this date February 25, 2009 the by-laws become law.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting.

Copies of such by-laws may be examined and obtained at the Town Clerk's Office.

Signed:   
Elizabeth L. Delaney, Town Clerk

A True Copy Attest:   
Elizabeth L. Delaney, Town Clerk



RECEIVED

09 FEB 24 AM 10: 04

TOWN OF CHELMSFORD  
ELIZABETH L. DELANEY  
TOWN CLERK

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**NOV 19 2008**

**To Whom It May Concern:**

The Annual Fall Meeting of October 20, 2008, was called to order at 7:35 PM at the Senior Center at 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 140 Town Meeting Representatives present. The following action took place:

**UNDER ARTICLE 14.** Town Manager Paul E. Cohen moved that the Town vote to amend Chapter 16, Buildings, Demolition of, of the Chelmsford Town Code as printed in the Warrant for this Annual Town Meeting.

Fred Merriam member of the Historical Commission explained that the Commission has had three years of experience since this by-law had been amended in 2005. The Commission has collaborated with Town Counsel to come up with three basic changes. They are in regards to Terminology, the words Chapter, Owner, Department, board or commission Expanded text in Section B (1), and Timing Changes Official receipt date of demolition application, Time allowed to prepare for Public Hearing, Time allowed to notify owner in writing of "Preferably Preserved" decision. He went over the changes. The term by-law was replaced in 11 locations with the word chapter. This is to put the Demolition Delay by-law text in line with other chapter in the Chelmsford Code Book. The word "applicant and /or property owner" were replaced in 7 locations by the word "Owner" Use of applicant leaves open the possibility that an owner can be represented by disinterested third parties. An agent working on a commission basis is inherently in conflict with preservation efforts. This is counter productive to the intent of the Demolition Delay process and creates an adversarial relationship with the owner. Town Agency was replaced with Town department, board or commission. This was done because the term "agency" does not apply in this context. Text was added under sections B (1). The official receipt date of the demolition application was not defined. It is now. It will be the date the application was received at a meeting of the Commission. Under Section C the Historical Commission shall hold a hearing with forty-five days.... This has been changed to 60 days due to limitation or access to records. And the timing change on the issuance or written decision. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee makes no recommendation on the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried.**



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For informational purposes the wording in the warrant article as mentioned above is as follows:

### **§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**

#### **A. Intent and purpose; definition.**

- (1) It is the intent and purpose of this *chapter is* 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 seventy-five (75) or more years prior to the year of the application, other than in conformity with the provisions of this Bylaw. 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 (1) 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



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the best-known estimate of age and the basis for such estimate.

### (2) Determination of Significance

A building or structure which was constructed seventy-five (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 one hundred and twenty (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 *sixty (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 Massachusetts General Laws (M.G.L.) Chapter 40A, § 11. The Historical Commission at the expense of the owner shall complete the newspaper publication and abutter notification. *Within thirty (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 *thirty (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.



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### **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 twelve (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 Section E.

### **E. Alternatives to Demolition**

If the Historical Commission imposes a demolition delay as set forth in Section 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 Section 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.

## **II. Enforcement and Remedies**

### **(1) Enforcement:**

The Inspector of Buildings shall have the authority to enforce this *chapter* in the manner



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described in Section 195-100 of the Chelmsford Zoning Bylaw.

**(2) Issuance of Building Permit.**

No building permit shall be issued or be valid for any parcel or premises upon which a 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 (3) 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 dollars 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 therefore, with fourteen (14) days of receipt of such request.

**K. Historic Districts Act.**

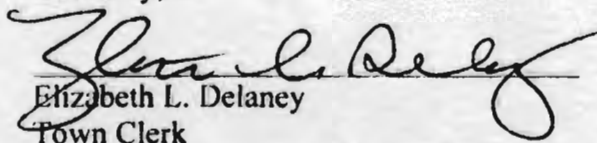
If any of the provisions of this *chapter* shall conflict with the Historic Districts Act. M GL c. 40C, the state statute shall prevail.

**L. Validity.**

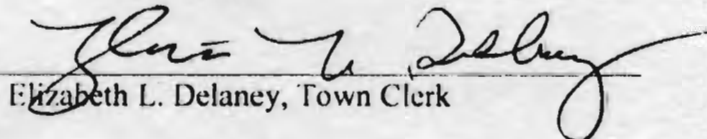
The invalidity of any section or provision of this *chapter* shall not render invalid any other section or provision of this *chapter*,

or act or relation thereto.

Sincerely,

  
Elizabeth L. Delaney  
Town Clerk

A True Copy Attest:

  
Elizabeth L. Delaney, Town Clerk