

5-704. Change of Fees.

The Select Board has authority to change the license fees.

Chapter 800

Demolition Delay For Structures Of Historical Or Architectural Significance

5-801. Declaration of Policy

Finding that the economic, cultural and aesthetic standing of the Town of Longmeadow can best be maintained and enhanced by due regard for the historical and architectural heritage of the Town and by striving to discourage the destruction of such cultural assets, it is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures of historical and architectural significance, located within the Town of Longmeadow, is a public necessity, and is required in the interest of the prosperity, civic pride and general welfare of the people.

5-802. Purposes

The purposes of this general bylaw are to:

- (a) Designate, preserve, protect, enhance and perpetuate those structures and sites within the Town that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage;
- (b) Foster civic pride in the vestiges and accomplishments of the past;
- (c) Stabilize or improve the aesthetic and economic vitality and values of such structures and sites;
- (d) Protect and enhance the Town's attraction to residents, tourists and visitors;
- (e) Promote the use of historical or architectural structures and sites for the education and welfare of the people of the Town;
- (f) Promote good urban design including the perpetuation of related private open spaces;
- (g) Promote and encourage continued private ownership and utilization of such buildings and sites now so owned and used, and
- (h) Provide owners of significant structures with time to consider alternatives to demolition.

5-803. Definitions

Definitions of the following words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated:

(a) **Commission** – **The Longmeadow Building Demolition Committee shall consist of six (6) members, two (2) who are members of and appointed by the Longmeadow Historical Commission for a two (2) year appointment and four (4) who are at large members, not currently members of the Longmeadow Historical Commission, appointed by the Select Board. The terms of members of the Longmeadow Building Demolition Committee who are appointed by the Select Board after enactment of this bylaw amendment shall be as follows: two (2) members for a three (3) year term and thereafter for a term of three (3) years if reappointed; one (1) member for a two (2) year term and thereafter for a term of three (3) years if reappointed; and one (1) member for a one (1) year term and thereafter for a term of three (3) years if reappointed. The Longmeadow Building Demolition Committee shall meet at least once in each calendar year.**

(b) Demolition - Any act of pulling down, destroying, removing, dismantling, or razing a structure or building or commencing the work of total or substantial destruction with the intent of completing the same. Substantial portion is defined as 25% of the volume of the structure or building, or 25% of the roof structure.

(c) Demolition Permit- A permit issued by the Building Commissioner under the State Building Code for the demolition of a building or structure.

(d) Significant Structure - A structure or site found by the Longmeadow Building Demolition Committee to contribute to the historical or architectural heritage or resources of the Town pursuant to this Bylaw.

(e) Structure - Any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location on the ground or attachment to an object with permanent location on the ground, not including wheels.

5-804. Procedure

(a) Upon receipt of any application for a demolition permit for a structure built prior to 1901, as designated by the Historical Commission, the Building Commissioner shall within five (5) days transmit a copy thereof to the Longmeadow Building Demolition Committee.

(b) Within thirty (30) days of the ~~Historical Commission's~~ Longmeadow Building Demolition Committee's receipt of a copy of the application for a demolition permit, the ~~Historical Commission~~ Longmeadow Building Demolition Committee

shall hold a public hearing on such application, and shall make a determination as to whether the structure is a significant structure under one or more of the criteria set forth in the by-laws. The ~~Historical Commission~~ Longmeadow Building Demolition Committee shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the owner by certified mail, and by posting and by publication once in a local newspaper, and notification of abutters within 300 feet of the property lines. The ~~Historical Commission~~ Longmeadow Building Demolition Committee may conduct a site visit prior to the hearing.

(c) If, within thirty (30) days of the ~~Historical Commission's~~ Longmeadow Building Demolition Committee receipt of a copy of an application for a demolition permit no public hearing has been held, or no finding by the ~~Historical Commission~~ Longmeadow Building Demolition Committee has been filed with the Building Commissioner the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

(d) If after holding a public hearing the ~~Historical Commission~~ Longmeadow Building Demolition Committee shall determine that the structure is not a significant structure because it fails to meet one or more of the criteria set forth here, or if the ~~Historical Commission~~ Longmeadow Building Demolition Committee shall determine that the structure is a significant structure meeting one or more of the criteria set forth, but that the proposed would not be detrimental to the historical or architectural heritage or resources of the Town, then the ~~Historical Commission~~ Longmeadow Building Demolition Committee shall notify the Building Commissioner in writing of its findings within fourteen (14) days of said determination. Upon receipt of such notification, or upon expiration of said fourteen (14) days without such notice, the Building Commissioner may issue a demolition permit subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.

(e) If, after such hearing, the ~~Historical Commission~~ Longmeadow Building Demolition Committee determines that the structure is a significant structure and that the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town, then it shall file written notice with findings, of its determination to the applicant and the Building Commissioner, and no demolition permit shall be issued until nine (9) months after the date of such determination by the ~~Historical Commission~~ Longmeadow Building Demolition Committee.

5-805. Standards For Designation as a Significant Structure

The ~~Historical Commission~~ Longmeadow Building Demolition Committee shall determine that a structure be designated as a significant structure if it meets one or more of the following criteria:

(a) It is listed on, or is within an area listed on, the National Register of Historic Places, is eligible to be listed on the National Register of Historic Places or is the subject of a pending application for listing on said National Register.

(b) The ~~Historical Commission~~ Longmeadow Building Demolition Committee determines that the structure meets one or more of the following three criteria:

1. Historical Importance. The structure meets the criteria of historical importance if it:

A. Has character, interest or value as part of the development, heritage or cultural characteristics of the Town of Longmeadow, the Commonwealth of Massachusetts or the nation.

B. Exemplifies the cultural, political, economic, social or historic heritage of the community.

2. Architectural Importance. The structure meets the criteria of architectural importance if it:

A. Embodies those distinguishing characteristics of an architectural type.

B. Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town.

C. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

3. Geographic Importance. The structure meets the criteria of geographic importance if:

A. The site is part of, or related to, a square, park, or other distinctive area.

B. The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.

5-806. Demolition

Notwithstanding the above provisions, the Building Commissioner may issue a demolition permit for a significant structure under any of the following circumstances:

(a) If at any time, after inspection, the Building Commissioner shall determine that the structure poses an imminent threat to the public health or safety of the community, and so advises the ~~Historical Commission~~ Longmeadow Building Demolition Committee in writing.

(b) The ~~Historical Commission~~ Longmeadow Building Demolition Committee is satisfied that there is no reasonable likelihood that either the owner or some other person or group is or will be willing to purchase, preserve, rehabilitate or restore such, and so advises the Building Commissioner in writing.

(c) The ~~Historical Commission~~ Longmeadow Building Demolition Committee is satisfied that the owner has made continuing bona fide and reasonable efforts to locate a purchaser who would be willing to preserve, rehabilitate and restore the subject building but that such efforts have been and will continue to be unsuccessful, and so advises the Building Commissioner in writing.

5-807. Emergency Demolition

(a) If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Commissioner.

(b) Upon receipt of any application for an emergency demolition permit, the Building Commissioner shall within ten (10) days transmit a copy thereof to the Longmeadow Building Demolition Committee.

(c) As soon as is practicable, but within fourteen (14) days after receipt of such an application, the Building Commissioner shall inspect the building or structure with a team consisting of the Commissioner, Town Engineer, Fire Chief, ~~Historical Commission~~ Longmeadow Building Demolition Committee Chair and two (2) other members of the ~~Historical Commission~~ Longmeadow Building Demolition Committee selected by the Chair, or the designees of said officials.

(d) Within ten (10) days after inspection of the building or structure, and after consultation with other members of the inspection team, the Building Commissioner shall determine:

1. Whether the condition of the building or structure represents a serious and imminent threat to public health and safety.
2. Whether there is any reasonable alternative to the immediate demolition of the building, or structure which would protect public health and safety.

(e) If the Building Commissioner finds:

1. That the condition of the building or structure poses a serious and imminent threat to public health and safety.

2. That there is no reasonable alternative to the immediate demolition of the building or structure, then the Commissioner may issue an emergency demolition permit to the owner of the building or structure.

OR

3. That the condition of the building or structure does not pose a serious and imminent threat to public health and safety.
4. That there are reasonable alternatives to the immediate demolition of the building or structure which would protect public health and safety, then the Commissioner(s) may refuse to issue an emergency demolition permit to the owner of the building.

(f) Upon issuing an emergency demolition permit under the provisions of this section, the Building Commissioner shall submit a brief written report to the ~~Historical Commission~~ Longmeadow Building Demolition Committee describing the condition of the building and/or the basis for his/her decision to issue an emergency demolition permit. Nothing in this section shall be inconsistent with the procedure for the demolition and/or securing of buildings and structures established by M.G.L. Chapter 143, Sections 6-10.

5-808. Enforcement and Remedies.

The following enforcement and remedies shall apply under this bylaw:

(a) The ~~Historical Commission~~ Longmeadow Building Demolition Committee is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.

(b) The ~~Historical Commission~~ Longmeadow Building Demolition Committee and the Building Commissioner are each authorized to institute any and all proceedings in law or equity they shall deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

(c) No building permit shall be issued with respect to any premises upon which a significant structure has been demolished in violation of this bylaw for a period of two (2) years from the date of the completion of such demolition. Any owner of a building subject to this bylaw that demolishes a building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of \$100. Each day the violation exists shall constitute a separate offense.

5-809. Severability

If 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 to the extent that the overall purposes of this article can still be met.

REGISTRATION AND MAINTENANCE OF FORECLOSED PROPERTIES

CHAPTER 900

5-901. Purpose; Enforcement Authority.

(1) Unsecured and un-maintained foreclosed properties present a danger to the safety and health of the public, occupants, abutters, neighbors, and public safety officers. It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, and to minimize hazards to public safety personnel inspecting or entering such properties by:

- a. requiring all residential, commercial, and industrial property owners, including lenders, trustees and service companies, to register and maintain foreclosed properties with the town; and by
- b. regulating the maintenance and security of foreclosed properties to help prevent blighted and unsecured properties.

(2) The Building Commissioner of the Town of Longmeadow is empowered to enforce this bylaw.

5-902. Definitions.

When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

- (1) "Vacant" means a residential, commercial or industrial property which has not been actively used or occupied within the preceding sixty days. This definition does not include property that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty, or to residential property that is temporarily vacant due to seasonal absences.
- (2) "Town" means the Town of Longmeadow
- (3) "Commissioner" means the Building Commissioner of the Town of Longmeadow or his/her designee.
- (4) "Days" means consecutive calendar days.
- (5) "Foreclosed" means a residential, commercial or industrial property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.
- (6) "Foreclosing" means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.
- (7) "Local" means within twenty miles of the property in question.
- (8) "Mortgagee" means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.