

Article 1 - DEMOLITION DELAY FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE

SECTION - 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.

SECTION - PURPOSES

The purposes of this General Bylaw are to:

- 1.1 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;
- 1.2 Foster civic pride in the vestiges and accomplishments of the past;
- 1.3 Stabilize or improve the aesthetic and economic vitality and values of such structures and sites;
- 1.4 Protect and enhance the Town's attraction to residents, tourists and visitors;
- 1.5 Promote the use of historical or architectural structures and sites for the education and welfare of the people of the Town;
- 1.6 Promote good urban design including the perpetuation of related private open spaces;
- 1.7 Promote and encourage continued private ownership and utilization of such buildings and sites now so owned and used: and
- 1.8 Provide owners of significant structures with time to consider alternatives to demolition.

SECTION - DEFINITIONS

The provisions of this bylaw shall be liberally construed to affect the purposes expressed or implied.(motion to amend, to delete first sentence.(amendment passed) 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:

COMMISSION - The Longmeadow Historical Commission. (Motion to amend)

1. To remove the words “Longmeadow Historical Commission” and replace these words with the words “Longmeadow Building Demolition Committee” wherever the words “Longmeadow Historical Commission appear in the article.
2. The Longmeadow building Demolition Committee shall consist of 6 members, 2 members of the Longmeadow Historical Commission and 4 at large members, not currently members of the Longmeadow Historical Commission, appointed by the Select Board. (amendment passed with a vote of 87-86)

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.

DEMOLITION PERMIT- A permit issued by the Building Commissioner under the State Building Code for the demolition of a building or structure.

SIGNIFICANT STRUCTURE - A structure or site found by the Longmeadow Historical Commission to contribute to the historical or architectural heritage or resources of the Town pursuant to this Bylaw.

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.

SECTION - PROCEDURE (motion to amend-to delete 1.9, 1.10, 1.11-defeated)

1.9 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 Historical Commission.

1.10 Within thirty (30) days of the Historical Commission's receipt of a copy of the application for a demolition permit, the Historical Commission 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 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 may conduct a site visit prior to the hearing.

1.11 If, within thirty (30) days of the Historical Commission's receipt of a copy of an application for a demolition permit no public hearing has been held, or no finding by the Historical Commission 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.

1.12 If after holding a public hearing the Historical Commission 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 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 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.

1.13 If, after such hearing, the Historical Commission 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.

SECTION STANDARDS FOR DESIGNATION AS A SIGNIFICANT STRUCTURE

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

1.16 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.

1.17 The Historical Commission determines that the structure meets one or more of the following three criteria:

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

1. - 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.

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

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

1. - Embodies those distinguishing characteristics of an architectural type

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

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

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

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

2. - 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.

SECTION - DEMOLITION

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

1.21 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 in writing.

1.22 The Historical Commission 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.

1.23 The Historical Commission 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.

SECTION - EMERGENCY DEMOLITION (motion to amend-delete Section-
Emergency Demolition-motion withdrawn)

1.24 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.

1.25 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 Historical Commission.

1.26 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 Chair and two (2) other members of the Historical Commission selected by the Chair, or the designees of said officials.

1.27 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.

1.28 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.

1.29 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 describing the condition of the building or and 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.

SECTION - ENFORCEMENT AND REMEDIES

The following enforcement and remedies shall apply under this bylaw:

1.30 The Historical Commission is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.

1.31 The Historical Commission 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.

1.32 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.

SECTION - 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.

By Petition

By Petitioner: This proposal is based on an Amherst by-law and seeks to limit demolition of building built prior to 1901 for a period of nine months from the date of demolition permit application. This will ensure that all alternatives to demolition will be explored before a historical or architecturally important landmark could be lost forever. Over 109 municipalities in the state of Massachusetts have adopted similar by-laws.

This article passed as amended by majority according to moderator.