

Chapter 65, BUILDING DEMOLITION

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Historically Significant Buildings and Structures [Adopted 5-8-2000 ATM, Art. 32; [Amendments proposed for 5-7-2018 ATM](#)]

§ 65-1. Intent and purpose.

This article is adopted for the purpose of protecting the historic and aesthetic qualities of the town by encouraging owners to preserve, rehabilitate or restore, whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural or historic resources of the town. Such preservation will thereby promote the public welfare and preserve the cultural heritage, economic heritage and social history of the town.

§ 65-2. Definitions.

For the purposes of this article, the following words and phrases have the following meanings:

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 or STRUCTURE is situated, the owner must indicate on the application his/her consent to the filing of the application.

BUILDING or STRUCTURE -- Any combination of materials capable of being used for shelter of persons, animals or property.

COMMISSION -- The Littleton Historical Commission.

COMMISSIONER -- The Littleton Building Commissioner.

DEMOLITION PERMIT -- The permit issued by the Commissioner as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

WEATHER-PROOFING – The BUILDING or STRUCTURE’s resistance to the effects of bad weather such as the presence of a roof, windows, and doors.

SECURITY – Resistance against unauthorized entry. Measures taken to protect a BUILDING or STRUCTURE from harm.

HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE -- Any building or structure that is:

- A. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the town, the Commonwealth of Massachusetts or the United States of America; or

- B. Historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

§ 65-3. Regulated buildings and structures.

- A. The provisions of this article shall apply only to the following buildings or structures:
 - (1) A building or structure listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listings on either of said registers; or
 - (2) A building or structure located within 200 feet of the boundary line of any federal, state or local historic district; or
 - (3) A building or structure included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the Historical Commission for inclusion in said Inventory; or
 - (4) A building which age is in whole or in part fifty years or older. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this bylaw-
- B. Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building or structure located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

§ 65-4. Procedure for obtaining demolition permit.

- A. The Building Commissioner shall forward a copy of each demolition permit application for a building or structure identified in § 65-3 of this article to the Historical Commission within five days after the filing of such application. No demolition permit shall be issued at that time. The application shall include photographs of all street façade elevations and should include a general description of the property's security and weather-proofing.
- B. Within 20 days after its receipt of such application, the Historical Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Historical Commission if he or she makes a timely request, in writing, to the Historical Commission.
- C. If the Historical Commission determines that the building or structure is not historically significant, it shall so notify the Building Commissioner and the applicant, in writing, and the Building Commissioner may issue a demolition permit. If the Historical Commission determines that the building or structure is historically significant, it shall notify the Building Commissioner and the applicant, in writing, that a demolition plan review must be made prior to the issuance of a demolition permit. If the Historical Commission fails to notify the Building Commissioner and the applicant of its determination within 25 days after its receipt

of the application, then the building or structure shall be deemed not historically significant and the Building Commissioner may issue a demolition permit.

- D. Within 60 days after the applicant is notified that the Historical Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the Historical Commission 10 copies of a demolition plan that shall include the following information:
- (1) A map showing the location of the building or structure to be demolished, with reference to lot lines and to neighboring buildings and structures.
 - (2) Photographs of internal spaces and additional all views of street facade elevations.
 - (3) A description of the building or structure, or part thereof, to be demolished.
 - (4) The reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition.
 - (5) A ~~brief~~ description of the proposed reuse of the parcel on which the building or structure to be demolished is located.
- E. The Historical Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place and purposes thereof at least 14 days before said hearing, in such manner as it may 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 Historical 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 written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Historical Commission shall deem entitled to notice. Within 60 days after its receipt of the demolition plan, the Historical Commission shall file a written report with the Building Commissioner on the demolition plan, which shall include the following: a description of the age, architectural style, historic association and importance of the building or structure to be demolished; and a determination as to whether or not the building or structure should preferably be preserved. The Historical Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or structure which, because of the importance made by such building or structure to the town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.
- F. If, following the demolition plan review, the Historical Commission does not determine that the building or structure should preferably be preserved, or if the Historical Commission fails to file a report with the Building Commissioner within the time limit set out in Subsection E next above, then the Building Commissioner may issue a demolition permit.
- G. If, following the demolition plan review, the Historical Commission determines that the building or structure should preferably be preserved, then the Building Commissioner shall not issue a demolition permit for a period of six-eighteen (18) months from the date of the filing of the Historical

Commission's report unless the Historical Commission informs the Building Commissioner prior to the expiration of such ~~six~~eighteen (18)-month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure, or ~~has~~is agreed to accept a demolition permit on specified conditions approved by the Historical Commission.

§ 65-5. Emergency demolition.

If the condition of a building or structure poses a serious and imminent threat to the public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Commissioner. As soon as practicable after the receipt of such a request, the Commissioner shall arrange to have the property inspected by a board consisting of himself, the Chairman of the Commission, the Board of Health and the Chief of the Fire Department, or their respective designees. After the inspection of the building or structure and consulting with this board, the Commissioner shall determine whether the condition of the building or structure represents a serious or imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health and safety. If the Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition thereof, he may issue an emergency demolition permit to the owner of the building or structure. Whenever the Commissioner issues an emergency demolition permit under the provisions of § 65-5, he shall prepare a written report describing the condition of the building or structure and the basis for his decision to issue an emergency demolition permit with the Commission. Nothing in § 65-5 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in § 65-3 of this article, the Commissioner shall request the Chairman of the Commission or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

§ 65-6. Noncompliance.

Anyone who demolishes a building or structure identified in § 65-3 of this article without first obtaining and complying fully with the provisions of a demolition permit, voluntary demolition, shall be subject to a fine of not less than \$100 nor more than \$300. In addition, unless a demolition permit was obtained for such demolition, and unless such permit was fully ~~compiled~~complied with, the Commissioner shall not issue a building permit pertaining to any parcel on which a building or structure identified in § 65-3 of this article has been demolished for a period of three years after the date of demolition.

Upon ~~date of application for demolition determination by the Commission that a building is a preferably preserved significant building~~, the owner shall be responsible for properly securing and waterproofing the building, ~~if vacant~~, to the satisfaction of the Building

Commissioner. Should the owner fail to secure the building, the loss or partial deconstruction of such building through ~~fire or~~ other cause, including fire, shall be considered "voluntary demolition."

Upon determination by the Commission that a building is a preferably-preserved significant building, if vacant, the Building Commission shall have the right to perform unannounced external inspections to verify the condition and security of the building. Should the owner remove parts, weatherproofing, or fail to secure the building, they shall be subject to a fine of not less than \$100 nor more than \$300 for each occurrence of a violation.

§ 65-7. Appeals to Superior Court.

Any person aggrieved by a determination of the Commission may, within 20 days after the filing of the notice of such determination with the Commissioner, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and shall annul the determination of the

Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.