

CHAPTER VI PRESERVING HISTORIC PROPERTIES

Section 1 PURPOSE

- 6-1-1 This Bylaw is enacted for the purpose of preserving and protecting significant buildings, structures and sites within the Town of Truro. The intent is to promote the public welfare and to safeguard the Town's heritage. This Bylaw aims to encourage owners of historic properties to seek alternatives to demolition.
- 6-1-2 To this end, procedures are established herein for the Town, together with the owner of a historically significant property, to explore alternatives to demolition prior to, and as a condition of, the issuance of a demolition permit.

Section 2 DEFINITIONS

6-2-1 **Significant Building.**

- 6-2-1-1 Any building or structure listed on the National or State Register of Historic Places, or the subject of a pending application for such a listing.
- 6-2-1-2 Any building constructed in whole or in part 75 years or more prior to the date of application for a demolition permit; or (4/07)
- 6-2-1-3 Any building determined jointly by the Historical Review Board and the Truro Historical Commission to be a significant building either because: (4/07)
- (a) It is historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect; or
- (b) It is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

6-2-2 **Demolition.**

- 6-2-2-1 The act of pulling down, destroying, removing, or razing a building or a significant portion thereof as determined by the Building Commissioner. The term "demolition" shall not include ordinary maintenance or repair of any building. (4/07)

Section 3 HISTORICAL REVIEW BOARD COMPOSITION AND APPOINTMENTS

6-3-1 The Historical Review Board is charged with implementing the procedure for Preserving Historic Properties Bylaw and empowered to advise the Truro Building Commissioner with respect to the issuance of demolition permits for historically significant buildings and structures. The Historical Review Board shall be appointed by the Board of Selectmen in consultation with the Truro Historical Commission. It shall consist of five (5) people, two (2) people chosen from the Truro Historical Commission and three (3) people chosen at large for their interest in and knowledge of historic buildings and structures. The term of office shall initially be for one, two, and three years respectively, and for three years thereafter. (4/07)

Section 4 HISTORICAL REVIEW BOARD POWERS AND DUTIES

6-4-1 The Historical Review Board shall:

- 6-4-1-1 Develop policies, guidelines and criteria before compiling a list or register of historically, culturally, or architecturally significant buildings and structures located within the Town of Truro.
- 6-4-1-2 Notify current owners of such buildings and structures in writing and provide them with an official plaque to display if they so wish. At this time, the Historical Review Board shall hold a hearing for any current owners objecting to the Board's determination that their property is of historical, cultural, or architectural significance.
- 6-4-1-3 Prepare guidelines for alternatives to demolition such as preservation, renovation, rehabilitation, restoration, or relocation.
- 6-4-1-4 Provide copies of the list and guidelines to the Town Clerk, Building Commissioner, appropriate officials and Boards, and local Realtors.
- 6-4-1-5 Review applications for demolition permits forwarded to it by the Building Commissioner in order to determine if the building or structure involved is subject to the hearing process.
- 6-4-1-6 Hold public hearings on demolition permit applications to determine if the intended demolition would be detrimental to the historical, cultural or architectural heritage of the Town; whether the work proposed will materially diminish the building or structure's significance to the Town's heritage; and to explore alternatives to demolition.

- 6-4-1-7 Impose demolition delays of up to twelve (12) months on demolition permit applications that it has determined would destroy or substantially diminish the building or structure's significance to the Town's heritage. (4/07)

Section 5 PROCEDURES FOR REVIEW OF APPLICATIONS

- 6-5-1 The Building Commissioner shall, within ten (10) working days of receipt of proposed building plans an application for a demolition permit, forward a copy of the proposed building plans and demolition permit application to the Historical Review Board. (4/07)
- 6-5-2 The Historical Review Board shall within fifteen (15) working days inform the Building Commissioner if the building or structure in question is subject to the hearing process. (4/07)
- 6-5-3 If the building or structure in question is deemed subject to the hearing process, then within thirty (30) working days of such determination, the Historical Review Board shall hold a public hearing to review plans submitted by the applicant to determine if the intended demolition or any alternative construction would be detrimental to the historical, cultural, or architectural heritage of the Town; if less than a complete demolition is proposed, whether the work will materially diminish the building or structure's significance to the Town's heritage; and to explore the alternatives to demolition. The Owner's failure to maintain or repair a building or structure so as to compromise its structural integrity or usability shall not constitute grounds for a finding of no feasible alternative to demolition. (4/07)
- 6-5-4 Notice of the time, place, and subject matter of the Historical Review Board hearings shall be provided by publication in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks, the first notice to appear at least fourteen (14) days before the day of the hearing (including the day of publication and excluding the day of the hearing); and by certified mail to the owner or applicant, all abutters to the subject property, the Truro Historical Commission, the Board of Selectmen, the Planning Board, and such other persons as the Historical Review Board may determine.
- 6-5-5 Within fifteen (15) working days of the close of the public hearing, the Historical Review Board shall notify the owner or applicant and the Building Commissioner of its decision. If the Historical Review Board has determined that the proposed demolition would destroy or substantially diminish the building or structure's significance to the Town's heritage, it is empowered to impose a demolition delay of up to twelve (12) months from the close of the public hearing to afford the applicant and the Historical Review Board time to develop alternatives to demolition. (4/07)
- 6-5-6 To expedite the review process, the Historical Review Board encourages applicants to submit revised plans and to request a review meeting with the Historical Review Board at any time during the mandated review delay period. The Building

Commissioner may issue a demolition permit prior to the end of the mandated delay only upon receipt of written notice from the Historical Review Board that it is satisfied that the applicant has made a serious but unsuccessful effort to develop an alternative to demolition and that there is no reasonable likelihood that the applicant or potential purchasers will be willing or able to rehabilitate, restore, relocate, or otherwise preserve the building or structure. (4/07)

- 6-5-7 If, at the end of the mandated delay, the owner or applicant has failed to develop an alternative to demolition, the Historical Review Board shall within ten (10) working days notify the Building Commissioner who may then issue the demolition permit. (4/07)

Section 6 EMERGENCY DEMOLITION

- 6-6-1 Nothing in this Bylaw shall restrict or prevent the Building Commissioner from ordering the immediate demolition of any building or structure determined by the Building Commissioner to present a clear and present danger to the safety of the public which only demolition can remedy. The Building Commissioner shall provide the Historical Review Board written notice of the circumstances of the permit issuance.

Section 7 ENFORCEMENT

- 6-7-1 The Building Commissioner shall be authorized to enforce the provisions of this Bylaw and to institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance, including injunctive relief to enjoin and restrain any violations or threatened Special violations thereof.

Section 8 NON-COMPLIANCE

- 6.8.1 Anyone who undertakes demolition of any historically significant building or structure, in whole or in part, without complying with the provisions of this Bylaw, shall be subject to a fine established in Appendix A. Each day such demolition continues shall constitute a separate offense.
- 6.8.2 No building permit shall be issued or be valid for a period of two (2) years from the date of notification of the offense for any parcel or premises upon which a historically significant building or structure has been demolished in violation of the Bylaw.