

TOWN OF EASTON  
BUILDING DEMOLITION REVIEW REGULATIONS

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**EASTON HISTORICAL COMMISSION**

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TOWN OF EASTON

Building Demolition Permit Review Regulations

The Easton Historical Commission, in accordance with Chapter 114 Building Demolition Permit Review of the Code of the Town of Easton, hereby adopts the following Regulations, governing review and action on applications for Building Demolition Review.

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## § 1. AUTHORITY, PURPOSE, EFFECTIVE DATE

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### A. AUTHORITY

The Easton Historical Commission, promulgates these regulations under the authority granted to it under the Town of Easton Building Permit Demolition Review, Chapter 114 of the Easton Town Code (hereinafter the “Bylaw”). These regulations complement the Bylaw and shall have the force of law upon their effective date, as such may be amended from time to time.

### B. PURPOSE

The Bylaw sets forth a public review and decision making process by which the Commission determines whether a building considered significant is then preferably preserved. The purpose of these regulations is to define and clarify the Bylaw process by establishing definitions, uniform procedures and clear standards by which the Easton Historical Commission shall carry out its responsibilities under the Bylaw.

### C. EFFECTIVE DATE

1. These regulations, as such, may be amended from time to time, take effect when voted by the Easton Historical Commission and filed with the Town Clerk as provided in Chapter 114 of the Easton Town Code.
2. The effective date of these regulations shall be (date) and the provisions of these regulations shall apply to all applications for Building Permit Demolition. The effective dates of substantive amendments made after (date) shall be noted and those added or changed provisions shall apply to all applications for Building Permit Demolition filed after the applicable amendment date.

## § 2. JURISDICTION

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### A. JURISDICTION.

#### 1. BUILDINGS SUBJECT TO REVIEW UNDER THE BYLAW

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Any building that is in whole or in part 75 or more years old and is determined to be a Significant Building as defined by the Bylaw.

#### 2. ACTIVITIES SUBJECT TO REGULATION UNDER THE BYLAW:

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Demolition of a building whose age is determined to be 75 years or older; or whose age is unknown and therefore presumed to be 75 years or older.

### §3. COMPUTATION OF TIME PERIODS

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All time periods of ten (10) days or less specified in the Bylaw and these regulations shall be computed using business days only. Where the time is ten days or less, the period shall commence starting the first day after the date of the event, such as the issuance of a document and ending at the close of business on the last business day. All other time periods specified in the Bylaw and these regulations shall be computed on the basis of calendar days with the period commencing on the first day after the date of the event and ending at the close of business on the last calendar day, unless the last day falls on a Saturday, Sunday, or legal holiday, in which case the last day shall be the next business day following.

### §4. DETERMINATION OF A BUILDING AS SIGNIFICANT

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#### A. APPLICATION FOR DEMOLITION REVIEW

##### 1. APPLICATION CONTENTS

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Where the Building Inspector has determined, upon receipt of an application for demolition permit, that a building is subject to the Demolition Permit Review By-law, the applicant shall file an Application for Demolition Review with the Easton Historical Commission. Any application for a Demolition Review of a Jurisdictional Building as defined by the by-law, shall contain **eight (8) collated copies** of the following materials and be submitted to the Easton Historical Commission, c/o the Department of Planning and Community Development:

- The address of the building proposed to be demolished
- The owner's name, mailing addresses, email address (if applicable), and telephone number
- A description of the building that includes dimensions, number of stories, current use, any additions or other identifying features
- The reasons for requesting a demolition permit
- Photographs of the building and photographs of neighboring buildings providing context
- Site plan indicating location of the building and the extent of demolition proposed
- In the case of partial demolition involving alteration(s) or addition(s) to a building or structure,
  - proposed plans and elevation drawings for the affected portion of the building or structure

- a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s); and
- If the site of the building to be demolished is to be redeveloped, plans showing the use or development of the site after demolition, including architectural plans and elevations, together with a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development.
- Any and all additional information that will assist the Commission in determining the significance of the building

## 2. APPLICATION FEE

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A non-refundable application fee of \$100.00 shall be submitted with the above materials.

## 3. ACCESSIBILITY

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Throughout the building demolition review process, the applicant shall:

- make all reasonable efforts to make the building accessible to the Commission in order to assist in their assessment and determination
- properly and adequately secure the building to protect it from the damages of weather, vandalism or trespassers.

## B. COMMISSION ACTION ON APPLICATION FOR DEMOLITION PERMIT REVIEW

Within fifteen (15) days of receiving the application in good order, the Historical Commission will determine whether the building is significant.

- (1) The Commission shall notify the Building Inspector, in writing, of their finding.
- (2) If it is determined the building is not significant, the Building Inspector may issue the Building Permit Demolition.
- (3) Where the Commission finds a building is significant, the Historical Commission will hold a public hearing to determine whether the building is preferably preserved

## §5. DETERMINATION OF A BUILDING AS PREFERABLY PREFERRED

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### A. PUBLIC HEARING

#### 1. SCHEDULING PUBLIC HEARING AND PUBLICATION OF NOTICE.

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- (1) Within thirty (30) days of written notification to the Building Inspector and the applicant that the building is determined to be significant, the Historical Commission shall hold a public hearing
- (2) Notice of the time and place of the public hearing shall be given by the Historical Commission, at the expense of the applicant, not less than five (5) business days prior to such hearing by publishing a notice, in accordance with the requirements of the Open Meeting Law, M.G.L. c. 39, §23B, in a newspaper of general circulation in Easton and by mailing or hand-delivering a notice to the person making the request, the Board of Selectman and the Building Inspector.
- (3) The person making the request shall also give written notice thereof, by certified mail (return receipt requested) or hand-delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private way, and abutters to the abutters within 300 feet of the property line of the site. Proof of notification to abutters shall be provided prior to opening the public hearing.

#### 2. CONTINUING PUBLIC HEARING.

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The Commission, at its sole discretion, may continue any public hearing in accordance with the Open Meeting Law, M.G.L. c. 39, §23B; provided, however, that the applicant may require the Commission to close the hearing.

### B. REVIEW FEE

The Historical Commission may engage, at the applicant's expense, technical experts or appropriate professionals who can assist the Commission in determining whether a building is preferably preserved. If the Commission elects to engage a consultant to provide expert opinion, the Commission shall notify the applicant of its designation of an outside consultant and the estimated cost of the review services.

Funds received by the Commission pursuant to this section shall be deposited with the Treasurer who shall establish a special account for this purpose in accordance with M.G.L. c.44, §53G. Expenditures from this account shall be made at the direction of the Commission without further appropriation and shall be made only in connection with the review of a specific project for which a review fee has been or will be collected from the applicant.

The applicant may appeal the selection of the outside consultant to the Board of Selectman within 14 days of notification of consultant designation from the Historical Commission. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications, as specified in M.G.L. c. 44, §53G. During the appeal period the timeframes within which the Commission must act, shall be stayed. Review fees may only be spent on services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Commission's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be refunded to the applicant, or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest.

### C. DECISION OF COMMISSION AFTER CLOSE OF THE PUBLIC HEARING

1. No later than fourteen (14) days after the public hearing has closed, the Commission shall render a decision as to whether the building should be preferably preserved.
2. If the Commission determines that the building **is not** preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the Building Permit Demolition.
3. If the Commission determines the building **is** preferably preserved, no Building Permit for Demolition shall be issued until:
  - a. It is demonstrated through substantial evidence provided by the applicant in the form of a report from a credible, qualified structural engineer and agreed by the Commission and Building Inspector that the structural integrity of the building is such that restoration or re-use of the building is unfeasible. The Commission may seek the opinion of a qualified structural engineer of their choosing to provide relevant information that will assist them in their determination; or
  - b. The Commission is satisfied the application for the demolition permit and the owner of the building, if different from the applicant, has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or building who is willing to preserve, rehabilitate or restore the building and the replacement structure, either by way of its architectural suitability or its appropriateness to the context of the neighborhood is acceptable to the Commission; or
  - c. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building and the replacement structure, either by way of its architectural suitability or its appropriateness to the context of the neighborhood is acceptable to the Commission or

- d. A period of twelve (12) months shall have elapsed since the date of the Commission's determination that the significant building, which is the subject of the application for a Building Permit Demolition is preferably preserved.

## §6. CHANGE IN OWNERSHIP

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If, at any point, during the Building Demolition Review process, including the period of Demolition Delay, ownership of the building changes and it is also the intent of the new owner to demolish the building, the current application for Building Permit Demolition becomes void and a new application must be made to the Building Inspector. At that point, the process set forth by these regulations begins anew.

## §7. ENFORCEMENT

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Bristol Superior Court sitting in equity shall have jurisdiction to enforce the provisions of these regulations and chapter 114 of the Code of the Town of Easton and any regulations enacted hereunder and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, building, or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, , exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

- A. Whoever violates any of the provisions of this chapter and Chapter 114 of the Code of the Town of Easton, shall be punished by a fine of three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed, or unless otherwise agreed to by the Commission. This penalty may be enforced pursuant to Chapter 50 of the Code of the Town of Easton, Noncriminal Disposition of Violations.
- B. If a building is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two and one half years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.