

Case Number:	
Date Submitted:	
Hearing Date:	

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## EASTHAM HISTORICAL COMMISSION NOTICE OF INTENT TO DEMOLISH A SIGNIFICANT BUILDING

Any person who intends to file an application for a permit to demolish a “significant” building shall first file a “Notice of Intent to Demolish a Significant Building” with the Building Inspector in accordance with the Town of Eastham Zoning By-laws Section 11: Procedure for the Demolition of Historically or Architecturally Significant Buildings.

Property Address: \_\_\_\_\_

Year house &/or structures were constructed \_\_\_\_\_ Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

OWNER:	APPLICANT
Owner Address:	Applicant Address:
City, State, ZIP:	City, State, ZIP:
Phone:	Phone:
Email:	Email:
Owner Signature:	Applicant Signature:
CONTACT/REPRESENTATIVE:	
Name:	Phone:
Mailing Address:	Email:

It is the responsibility of the owner of the structure(s) intended for demolition to prove to the Eastham Historical Commission the necessity of the proposed demolition.

A tour of the structure(s) by the members of the Historical Commission is required. **Be advised that by making this application, you are authorizing the members of the Eastham Historic Commission and their agents to make site inspection of your property.**

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **HISTORICAL COMMISSION APPLICATION CHECKLIST**

Please submit **7** copies of the following required documents, including one copy with original signature

<b>REQUIRED APPLICATION DOCUMENTS</b>	
<input type="checkbox"/>	Zoning Determination Letter from Eastham Building Commissioner.
<input type="checkbox"/>	A map showing location of the building or structure to be demolished on the property with reference to neighboring properties.
<input type="checkbox"/>	A description of the building or structure, or part thereof, to be demolished.
<input type="checkbox"/>	Photographs of the interior and exterior of the structure(s) including attic, cellar and crawl spaces.
<input type="checkbox"/>	A statement of the reason for the proposed demolition and data supporting said reason, including where applicable, data sufficient to establish any economic justification for demolition.
<b>RECOMMENDED SUPPORTING DOCUMENTS</b>	
<input type="checkbox"/>	Report from a licensed structural engineer concerning the status of the structure(s) involved.
<input type="checkbox"/>	Report from a licensed exterminator indicating the presence or absence of termites, carpenter ants, post beetles or other insect damage to the structure(s).

**I acknowledge that the above information is included in the application or I have indicated items that require waivers (Initial: \_\_\_\_\_ )**

# **EASTHAM ZONING BYLAW SECTION 11 PROCEDURE FOR THE DEMOLITION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDINGS**

## **11.1 INTENT AND PURPOSE**

This By-Law is enacted for the purpose of preserving and protecting significant buildings within the Town of Eastham which reflect distinctive features of the architectural, historical, and cultural heritage of the Town and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Eastham Historical Commission (the “Commission”) is empowered to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided for in this By-Law.

### **11.1.1 HISTORIC DISTRICT ACT**

If any provisions of this By-Law conflict with Massachusetts General Laws, Chapter 40C, the Historic District Act, that Act shall prevail.

## **11.2 PROCEDURES**

11.2.1 No permit for the demolition of a “significant” building as defined in Section 2.3 herein shall be issued other than in conformity with the provisions of this By-Law as well as in conformity with provisions of other laws applicable to the demolition of buildings and the issuance of permits generally.

11.2.1.1 Any person who intends to file an application for a permit to demolish a “significant” building shall first file a “Notice of Intent to Demolish a Significant Building” with the Building Inspector. In addition, the applicant shall complete the review process set forth in this Section.

11.2.1.2 The Notice of Intent shall include the following:

1. Name of applicant with address, telephone number and stated interest in the property.
2. Owner name, address and telephone number if different.
3. A map showing location of the building or structure to be demolished on the property and with reference to neighboring properties:
4. A description of the building or structure, or part thereof, to be demolished including photographs;
5. A statement of the reason for the proposed demolition and data supporting said reason, including where applicable, data sufficient to establish any economic justification for demolition.

11.2.2 The Commission shall hold a public hearing on each such Notice of Intent within 45 days after the date it is filed with the Inspector of Buildings. The Commission shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper twice with the first notice being at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owners of all abutting property as they appear on the most recent tax list, to the Inspector of Buildings, Planning Board, Conservation

Commission and to such other persons as the Commission shall deem entitled to notice. Commission meeting shall be posted and held in accordance with applicable state law, known as the “open meeting law”. The required forty-eight (48) hour notice of a public meeting shall be filed with the Town Clerk and posted in Town Hall.

- 11.2.3 If, after such hearing, the Commission determines that the demolition of the “significant” building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant and the Building Inspector within ten (10) days of such determination. Upon receipt of such notification, or upon failure by the Commission to make any determination within forty-five (45) days of the day the “Notice of Intent” was filed with the Inspector of Buildings, the Inspector of Buildings may, subject to the requirements of the State Building Code and any other applicable laws, rules and regulations, issue the demolition permit.
- 11.2.4 If after such a hearing, the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a “preferably preserved significant building”.
- 11.2.5 Upon determination by the Commission that the “significant building” which is the subject of the Notice of Intent To Demolish is a “preferably preserved significant building”, the Commission shall so advise the Applicant and the Inspector of Buildings, and no demolition permit may be issued until 12 months<sup>1</sup> after the date of the Commission’s determination. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a “preferably preserved significant building” at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that bona fide and reasonable efforts have been made to locate a purchaser willing to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.
- 11.2.6 No permit for erection of a new structure on the site of an existing “significant building” as defined in Section 21.0 may be issued prior to issuance of a permit for demolition of such existing building.
- 11.2.7 No permit for demolition of a building determined to be a “preferably preserved significant building” under Section 11.2.4 shall be granted until plans for use or development of the site after demolition have been filed with the Inspector of Buildings and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permit, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this subsection.

### 11.3 EMERGENCY DEMOLITION

- 11.3.1 Nothing in this By-Law shall restrict the Inspector of Buildings from ordering the demolition of any “significant building” in the event it is determined that the condition of the building or structure poses a serious and imminent threat to public health and safety and there is no reasonable alternative to immediate demolition.
- 11.3.2 Whenever the Inspector of Buildings issues an emergency demolition permit under this Section he shall prepare a written report with attached photographic evidence describing the condition of said building or structure and the basis of the decision to issue an emergency demolition permit and provide a copy thereof to the Commission.

## 11.4 ENFORCEMENT AND REMEDIES

- 11.4.1 Any person(s) who demolishes a building or structure identified in Section 2.3 without first obtaining, and complying fully with, the provisions of a demolition permit shall be subject to a fine of five hundred dollars (\$500.00), each day of non-compliance a separate offense, as provided in Section 19.4 of the Town of Eastham Zoning By-Laws.
- 11.4.2 The Commission and the Inspector of Buildings are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this By-Law, or to prevent violation thereof.
- 11.4.3 No building permit shall be issued with respect to any premises upon which a “significant building” has been voluntarily demolished in violation of this By-Law for a period of two (2) years after the date of the completion of such demolition. As used herein “premises” includes the parcel of land upon which the demolished “significant building” was located.
- 11.4.4 Upon a determination by the Commission that a building is a “preferably preserved significant building”, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Inspector of Buildings. Should the owner fail to secure said building, the loss of it through fire or other causes shall be considered voluntary demolition for the purposes of Section 11.4.3.

## DEFINITIONS:

**SIGNIFICANT BUILDING:** Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical survey of the Town of Eastham and on file with the Massachusetts Historical Commission, or

- a. Is in whole or part seventy-five or more years old, and
- b. Is listed in, or is within an area listed in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, or
- c. Has been previously determined by vote of the Commission to be:
  1. Historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or
  2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Inspector have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

**PREFERABLY-PRESERVED SIGNIFICANT BUILDING:** Any significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.