

HISTORIC DISTRICT COMMISSION

March 5, 2007

Judge Welsh Hearing Room

Members Present: Polly Burnell, Nathan Butera, John Dowd and Carol Neal.

Members Absent: Marcene Marcoux and Clo Tepper

Staff: Matt Mulvey and Maxine Notaro

Others: Eric Dray

The meeting was called to order at 12:08 p.m.

Discussion on Proposed Town Meeting Warrant Article

- A. **Adding the following new section 2.5A Demolition**
- B. **Amending 10.3 Fines and,**
- C. **Adding the following new section 10.3A Special Provisions Regarding Demolition**

Demolition: Clear definition requested by the Local Contractor's Group

Increase in fines: Requested by the public as a result of the demolition at 531 Commercial Street.

The Commission members discussed how to define 25% demolition of a building.

Eric Dray said 25% demolition defines the threshold. What is someone is only demolishing 24%? What fines are triggered for reconstruction?

The Historic District Commission can see fit to remedy work without a Certificate of Compliance. The fine is a punishment. People must comply with what is required. The HDC should impose a fine in addition to reconstruction.

Justification is required if more that 25% of a dwelling is to be demolished. If 24% of the dwelling were to be demolished, it would still require review.

A. The HDC proposes adding the following new section 2.5A Demolition.

Demolition is defined as the act of pulling down, destroying, removing or razing more than 25% of a building or commencing the work of total or substantial destruction with the intent of completing the same.

Motion: Carol Neal moved to submit the approved language as amended.

Seconded: Polly Burnell

Vote: 4-0-0.

15-10-3 fines. Increase the fines from \$250.00 to \$300.00

The maximum fine that can be imposed is \$300.00 per offense per day under the non-criminal disposition as per M.G.L. Ch40C Section 21.

B. Amending 10.3 Fines

Whoever violates any provision of this bylaw shall be subject to a fine of ~~\$250.00~~ **\$300.00** each day during which any portion of such violation continues to exist shall constitute a separate offense.

Motion: Polly Burnell moved to submit the approved language as amended

Seconded: Nathan Butera.

Vote: 4-0-0.

Special condition – The Commission members discussed automatic revocation

The Historic District Commission must hold a public hearing before they can revoke a certificate.

Reconstruction shall be to the original existing size, footprint and height before demolition existed.

There is no zoning protection if a building is voluntary demolished without proper permitting.

Eric Dray said usually a building would not lose all the non-conformances because it would be in time and a cease and desist order would be posted.

Matt Mulvey said if a building were damaged by natural cause then a demo permit could be issued.

John Dowd said he was concerned about the 25% demolition of a building. Perhaps it should be 25% more than the massing of a house.

c. Adding the following new section 10.3A as follows:

10.3A Special Provisions Regarding Demolition. In addition to the other penalties set forth in this Bylaw, whoever shall violate guideline 14 of this bylaw by demolition of a building or structure without approval therefore shall:

- a. Be subject to revocation, ***after notice and hearing*** of any Certificate of Compliance issued by the Commission with respect to said building or structure; and
- b. Not be issued a Certificate of Compliance, for the property on which said building or structure was located, for a period determined by the Commission, not to exceed two years from the date of said demolition.
- c. Be required to reconstruct the said building or structure to the footprint, height, dimensions and character-defining features, as they existed before demolition commenced.

Motion: Carol Neal moved to submit the language as amended.

Seconded: Polly Burnell.

Vote: 4-0-0.

Adjournment

Motion: Nathan Butera moved to adjourn the meeting at 2:19 p.m.

Seconded: Polly Burnell.

Vote: 4-0-0.

Respectfully submitted,
Maxine Notaro, Permit Coordinator

Approved by _____ **on** _____, 2007.
John Dowd, Chair