

## 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 which has been found eligible for such a listing. (4/2017 [eff 10/20/2017])

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: )

(a) that is historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect; or

(b) that 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. (4/07) (4/2017 [eff 10/20/2017])

#### 6-2-2 Demolition.

6-2-2-1 The act of pulling down, destroying, removing, dismantling, or razing a building or a substantial portion thereof or commencing the work of total or substantial destruction with the intent of completing the same, all as determined by the Building Commissioner. The term "demolition" shall not include ordinary maintenance or repair of any building. In addition, the term "Demolition" shall include the act of enclosing or encapsulating an existing building within new exterior walls or roofed areas. (4/07) (4/2017 [eff 10/20/2017])

#### 6-2-3 Preferably Preserved.

6-2-3-1 Any significant building which the Truro Historical Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to demolition delay period under this bylaw.

(4/2017 [eff 10/20/2017])

### **Section 3 TRURO HISTORICAL COMMISSION**

#### **COMPOSITION AND APPOINTMENTS (4/2017 [eff 10/20/2017])**

6-3-1 The Truro Historical Commission is charged with implementing the 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 Truro Historical Commission shall be appointed by the Board of Selectmen. It shall consist of seven (7) 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) (4/2017 [eff 10/20/2017])

6-3-2 Four (4) affirmative votes shall be required to adopt a motion. 4/2017 [eff 10/20/2017])

### **Section 4 TRURO HISTORICAL COMMISSION**

#### **POWERS AND DUTIES (4/2017 [eff 10/20/2017])**

6-4-1 The Truro Historical Commission shall: (4/2017 [eff 10/20/2017])

6-4-1-1 -Utilizing the *Truro Community-wide Historic Survey (2011)*, as updated from time to time, maintain a list or register of historically, culturally, or architecturally significant buildings and structures located within the Town of Truro. (4/2017 [eff 10/20/2017])

6-4-1-2 Make the above referenced list available to the Town Clerk, Building Commissioner, the Truro Public Library, and the Truro Historical Society, and post a list on the town website. (4/2017 [eff 10/20/2017])

6-4-1-3 Inform applicants of guidelines for alternatives to demolition such as preservation, renovation, rehabilitation, restoration, or relocation such as the U. S. Secretary of Interior's *Standards for the Treatment of Historic Properties* and the Cape Cod Commission's *Technical Bulletin 96-001 Designing the Future to Honor the Past: Design Guidelines for Cape Cod*. 4/2017 [eff 10/20/2017])

6-4-1-4 Provide links to the above referenced guidelines on the town website. (4/2017 [eff 10/20/2017])

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 as described in Section 6-5-5 below. (4/07) (4/2017 [eff 10/20/2017])

## **Section 5 PROCEDURES FOR REVIEW OF APPLICATIONS**

6-5-1 Application for Demolition (4/2017 [eff 10/20/2017])

- 6-5-1-1 An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:
  - The address of the building to be demolished.
  - The owner's name, address and telephone number.
  - A description of the building or portions proposed to be demolished including the age of existing materials to be removed.
  - A photograph or photograph(s) of the building.
  - The reason for requesting a demolition permit.
  - A brief description of the proposed reuse and plans for the reconstruction or replacement. (4/2017 [eff 10/20/2017])

6-5-1-2 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 Truro Historical Commission. (4/07) (4/2017 [eff 10/20/2017])

6-5-2 The Chair or, if the Chair is not available, the Vice Chair of the Truro Historical Commission shall within fifteen (15) working days inform the Building Commissioner if the building or structure in question is significant and therefore subject to the hearing process. (4/07) (4/2017 [eff 10/20/2017])

6-5-3 If the building or structure in question is deemed significant and subject to the hearing process, then within thirty (30) working days of such determination, the Truro Historical Commission 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) (4/2017 [eff 10/20/2017])

6-5-4 Notice of the time, place, and subject matter of the Truro Historical Commission 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 the applicant is responsible for obtaining the list of certified abutters (which includes direct abutters and abutters to abutters within 300 feet ), mailing public hearing notice by certified mail, return receipt to the owner or applicant, to all abutters to the subject property, and to the Truro Historical Commission, the Building Commissioner, the Board of Selectmen, the Planning Board, and such other persons as the Truro Historical Commission may determine and demonstrate that they have done so. (4/16) (4/2017 [eff 10/20/2017])

6-5-5 Within fifteen (15) working days of the close of the public hearing, the Chair or Vice Chair of the Truro Historical Commission shall notify the owner or applicant and the Building Commissioner of the Commission's decision. If Truro Historical Commission has determined that the building is "preferably preserved" and 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 Truro Historical Commission time to develop alternatives to demolition. (4/07) (4/2017 [eff 10/20/2017])

6-5-6 To expedite the review process, the Truro Historical Commission encourages applicants to submit revised plans and to request a review meeting with the Truro Historical Commission 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 Chair or Vice Chair of the Truro Historical Commission 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) (4/2017 [eff 10/20/2017])

6-5-7 If, at the end of the mandated delay, the owner or applicant has failed to develop an alternative to demolition, the Chair or Vice Chair of the Truro Historical Commission shall within ten (10) working days notify the Building Commissioner who may then issue the demolition permit. (4/07) (4/2017 [eff 10/20/2017])

## **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 Truro Historical Commission written notice of the circumstances of the permit issuance. (4/2017 [eff 10/20/2017])

## **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.

## **Section 9                      SEVERABILITY      (4/2017 [eff 10/20/2017])**

6-9-1 If any provision of this Bylaw is determined to be invalid or unconstitutional by any court of competent jurisdiction, said determination shall not affect the validity of any other section hereof. (4/2017 [eff 10/20/2017])