



TOWN OF WEBSTER

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This is to certify that the following article was acted on at the Annual Town Meeting held on October 16, 2023 and resumed on October 30, 2023 The meeting started at 7:00 p.m. and there was a quorum of present..

ARTICLE 10: AMEND GENERAL BY-LAWS – CHAPTER 329, SECTION 2

To see if the Town will vote to amend Chapter 329 Building Construction and Demolition of the Town of Webster General Bylaws by adding to Chapter 329-2 the following text:

Town of Webster
The Preservation of Historically Significant Buildings and Structures

Section 1 - Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings, structures and neighborhoods within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings or structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings or structures and residents of the town are alerted to impending demolitions of significant buildings or structures. By preserving and protecting significant buildings, structures and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Webster Historical Commission is authorized to advise the Webster Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

Section 2 – Definitions

For purposes of this Bylaw, the following words and phrases shall have the following meaning.

2.1 APPLICANT - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

2.2 APPLICATION - An application for the demolition of a building.

2.3 BUILDING - Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animal or goods.

2.4 BUILDING COMMISSIONER - The person occupying the office of Webster Building Commissioner or otherwise authorized to issue demolition permits.

2.5 COMMISSION - The Webster Historical Commission or its designee.

2.6 DEMOLITION - Any act of pulling down, destroying, removing, dismantling or razing a structure or commencing the work of total or substantial destruction with the intent of completing the same. Substantial destruction shall constitute any alteration of a Significant Historic Building or structure that (a) Requires a building permit for demolition of 50% or more of the building or (b) Materially compromises the historic or architectural significance of the Building. Percentage shall be calculated by applicant.

2.7 DEMOLITION/ALTERATION PERMIT - The permit issued by the Building Inspector as required by the State Building Code for a demolition, or partial demolition or removal of a building or structure from its lot, or the moving of the building or structure on its lot.

2.8 PREFERABLY PRESERVED - Any significant building or structure for which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than to be demolished. A preferably preserved building or structure is subject to the eighteen-month demolition delay period of this bylaw.

2.9 HISTORICALLY SIGNIFICANT BUILDING or STRUCTURE - Any building or structure within the town which is in whole or in part at least fifty years old (or less than 50 if judged significant) and which has been determined by the Commission or its designee to be significant

based on any of the following criteria:

2.9.1 The building or structure is the subject of a pending application for the National Register of Historic Places.

2.9.2 The building or structure is importantly associated with one or more historic/prominent persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

2.9.3 The building or structure is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Section 3 - Procedure

3.1 No demolition permit for a building or structure which is in whole or in part fifty years or more old shall be issued without following the provisions of this bylaw. If a building or structure is of unknown age, it shall be assumed that the building or structure is over 50 years old for the purposes of this bylaw. The Town of Webster Assessor's records are to be the determinant of the building's or structure's age. An applicant proposing to demolish a building/structure subject to this bylaw shall file with the Building Commissioner an application containing the following information:

(a) The address of the building or structure to be demolished.

(b) The owner's name, address and telephone number.

(c) A description of the building or structure.

(d) The reason for requesting a demolition permit.

(e) A brief description of the proposed reuse, reconstruction or replacement. (f) A photograph or photograph(s) of the building or structure.

3.2 The Building Commissioner shall within seven days forward a copy of the application to the Commission. The Commission shall within thirty days after receipt of the application, make a written determination of whether the building or structure is significant.

3.3 Upon determination by the Commission that the building or structure is not significant, the Commission shall so advise the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

3.4 Upon determination by the Commission that the building or structure is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within forty-five days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

3.5 If the Commission finds that the building or structure is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be properly posted according to local and state law by the municipality and shall be for a period of not less than seven days prior to the date of said hearing. The applicant, the owners of all adjoining property, the building inspector and the planning board shall be sent a copy of the notice.

The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building or structure should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

3.6 If the Commission determines that the building or structure is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building or structure is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of eighteen (18) months from the date of the determination unless otherwise agreed to by the Commission.

If the Commission does not so notify the Building Commissioner in writing within thirty days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that a building or structure is preferably preserved, no building permit for new construction or

alterations to the subject building or structure shall be issued for a period of eighteen months from the date of the determination unless otherwise agreed to by the Commission.

During this period, the applicant shall make an effort to locate a purchaser for the Building(s) or Structures(s) who is willing to preserve, rehabilitate or restore the Building(s) or Structure(s).

No permit for demolition of a building or structure determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been 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 building permit or certificate of occupancy including, without limitation, any necessary zoning variances or special permits, 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 section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the delay period if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit. Following the delay period, the Building Commissioner may issue the demolition permit.

Section 4 - Administration

4.1 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

4.2 The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

4.3 The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

4.4 The Commission may proactively develop a list of significant buildings or structures that will be subject to this bylaw.

4.5 Buildings proposed for the significant building list shall be added following a public hearing.

Section 5 - Emergency Demolition

If after an inspection, the Building Commissioner finds that a building or structure subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building or structure and the basis for his decision which shall be forwarded to the Commission.

Section 6 - Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

Any owner of a building or structure subject to this bylaw that demolished the building or structure without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) as limited by Chapter 40A, MGL. Each day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building or structure is completed or unless otherwise agreed to by the Commission.

If a building or structure subject to this bylaw is demolished without first obtaining a demolition permit in accordance with the provisions of this bylaw, no building permit shall be issued for a period of two 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 the building permit is for the faithful recreation referred to above or unless otherwise agreed to by the Commission.

Section 7 - Historic District Act

Following a determination that the building or structure is significant and preferably preserved, the Commission may recommend to town meeting that the building or structure be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local

historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail. Apart from any provisions of this bylaw which may so conflict, all remaining provisions of this bylaw shall stay in full force and effect. Buildings or structures included within the boundaries of a local historic district established under M.G.L Chapter 40C shall not be subject to this bylaw so long as the proposed demolition is regulated by the local historic district bylaw.

Section 8 - Severability

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Sponsored by the Webster Historical Commission

DECISION: A motion was made that the Town vote to approve the article as presented. This article required a 2/3rds vote. The vote was YES 59 and NO 27 and the article as presented was approved.

A motion was made to dissolve the meeting at 8:04 p.m.. The vote was a UNANIMOUS YES vote and the meeting was dissolved.

Article 10 as amended

trshrwsjhy329-2. Demolition or removal of structure.

Before a building or structure can be demolished or removed, the owner or agent shall notify all utilities such as water, sewer, electric, gas and other connectors. A permit to demolish or remove a building or structure shall not be issued until a release in writing is obtained from the utilities stating that their respective service connection has been disconnected.

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