



FOXBOROUGH HISTORICAL COMMISSION

Reference: Demolition Delay By-Law

Dear Builder/Contractor/Owner

The Town of Foxborough has a Demolition Delay By-Law to assist the Commission with its responsibility to preserve and protect the historic assets of the community. It is not intended as an obstacle to those wanting new construction, but to help form a partnership and understanding of the options and alternatives to demolition.

All properties in Foxborough over 50 years old require a Demolition Permit from the Building Commissioner which must be signed by the Commission prior to demolition. If the property in question has no historic significance, the application will be approved as quickly as possible. However, if the property is deemed "historically significant", the demolition delay process comes into effect and the demolition may be delayed in accordance with the attached by-law. However, even in this situation the Commission will work with all parties to try to reach a solution acceptable to all in the minimum time possible.

We also request that if a building is to be demolished that has no historical significance that it still be looked at by the Builder/Contractor/Owner for opportunities to help other community members. This could include the opportunity to sell to someone at minimal cost (e.g., \$1) and allow that person to move the structure to another lot for use as a home or another useful purpose. This can often be done quickly and in the end saves the cost of the demolition.

Sincerely,

Foxborough Historical Commission

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Section 10 Demolition By-Law¹

A. Purpose

This by-law is proposed for the purpose of preserving and protecting significant buildings within the Town of Foxborough and to encourage owners of such buildings to seek out persons who might be willing to preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Foxborough Historical Commission (the "commission") is empowered to advise the building commissioner 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 in this by-law.

B. Definitions

1. Building: any combination of materials forming a shelter for persons, animals, or property.
2. Commission: the Foxborough Historical Commission.
3. Demolition: any act of pulling down, destroying, removing or razing a building or any portion thereof, or commencing the work of total or substantial destruction with the intent of completion.
4. Demolition Permit: the permit issued by the building commissioner as required by State Building Code for the demolition or removal of a building or structure. This permit must also indicate the location of the facility at which the debris is to be disposed, in accordance with Chapter 40, Section 54 as amended in 1987.
5. Significant Building: any building or portion thereof which is fifty (50) years old or over and is not included in a historic district but which:
 - a. is listed on, or is the subject of a pending application or listing on the National Register of Historic Places; or
 - b. is included on the Cultural Resources Inventory prepared by the commission including buildings for which complete surveys may be pending.

¹ STM November 27, 1989, Article #14. Outline format re-structured, November, 1991.

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6. Preferably-Preserved Significant Building: any significant building which the commission determines is in the public interest to be preserved or rehabilitated rather than demolished.

C. Procedure

1. Upon receipt of an application for a demolition permit for a building over fifty (50) years old, as determined by the building commissioner in reliance upon assessors' records and other pertinent documents, the building commissioner shall forward a copy thereof to the commission. No demolition permit shall be issued at that time.

2. After the commission has received a copy of the demolition application, it shall within thirty (30) days submit a preliminary recommendation regarding the granting of a demolition permit. If the commission issues a recommendation in favor of the granting of such permit, a demolition permit will be issued by the building commissioner. If the commission issues a recommendation in opposition to the granting of such a permit for demolition, no permit shall be issued until a more thorough investigation and a public hearing is undertaken and a final recommendation is provided by the commission. Such investigation, public hearing and recommendation shall be completed within ninety (90) days of the original submission to the historical commission.

3. After the commission issues a preliminary recommendation in opposition to the granting of such permit for demolition, the commission shall fix a reasonable time for the public hearing on the application in question. The commission shall publish notice of time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed to be affected thereby as they appear on the most recent tax list, to the Foxborough Historical Commission, and to such other persons as the commission shall deem entitled to notice.

4. 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 building commissioner of such determination. Upon receipt of such notification, or after the expiration of ninety (90) days from the date the commission received a copy of the demolition application, the building commissioner may, subject to

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requirements of the state building code and any other applicable laws, by-laws, rules and regulations, issue the demolition permit.

5. If 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".

6. Upon determination by the commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the commission shall so advise the applicant and the building commissioner, and no demolition permit may be issued at least six (6) months after the date of such determination by the commission.

7. Notwithstanding Section C, paragraph 6 herein, the building commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advise from the commission to the effect that either:

a. 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 such building; or

b. the commission is satisfied that for a least six (6) months with monthly reviews, the owner has made a continuing and reasonable effort by advertising in local, regional, state and national publications to find a buyer, tenant or restorer to preserve, rehabilitate and restore the subject building and that such efforts have been unsuccessful; or

c. six (6) months have passed since a determination under Section C, paragraph 6 had been made by the commission.

D. Enforcement and Remedies

1. The commission and the building commissioner 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 a violation thereof.

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2. 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.

E. Severability

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