

**6-26 PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS****Section A. Intent and Purpose**

This by-law is adopted for the purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic, or historic resources of the Town.

**Section B. Definitions**

Abutter - Any owner of a property that is contiguous to another, or for the interpretation of this by-law is directly opposite to the property in question.

Building - Any combination of materials forming a shelter for person, animals, or property.

Commission - The Hanover Historical Commission

Demolition - Any act of commencing to pull down or destroy or raze a building

Inspector - Hanover Building Inspector

Significant Building - A building determined by the Commission or its designee to be significant based on any of the following criteria:

The Building is listed on the National Register of Historic Places or is eligible for listing.

The Building 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 Commonwealth.

The Building 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.

Preferably Preserved - Any significant building which the Commission determines, following a public hearing, is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to not more than a twelve (12) month demolition delay period by this by-law.

**Section C. Procedure**

No demolition permit for a building, which is in whole or in part, seventy five (75) years or more old, shall be issued without following the provision of this by-law. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purposes of this by-law.

An applicant proposing to demolish a building subject to this by-law shall file with the Building Inspector an application, provided by his office.

If the application for demolition is for a structure subject to this bylaw, the Building Inspector shall within seven (7) days forward a copy of the application to the Commission.

The Commission, shall within thirty (30) days after the receipt of the application, make determination of whether the building is significant.

Upon the determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and applicant in writing. No demolition permit may be issued at this time.

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

If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) days of the written notification to the Building Inspector. Public notice of the time, place, and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven (7) days prior to the date of said hearing. Abutters shall be notified in writing at least five (5) business days before a proposed hearing.

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

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may be issued within twelve months of the day of notification unless otherwise agreed by the Commission. During this delay the Commission will meet with the applicant to explore alternatives to demolition.

If no alternative to demolition is reached during the delay period, and/or the Commission finds it is in the public interest to do so, it may notify the Building Inspector in writing that the demolition permit may be issued.

At the conclusion of the delay period, absent action by the Commission, the Building Inspector may issue the demolition permit.

#### **Section D. Administration**

The Commission may adopt such rules and regulations as are necessary to administer the terms of this by-law.

The Commission is authorized to adopt a schedule of any fees to cover the costs that may be associated with the administration of this by-law.

The Commission may delegate authority to one or more members of the Commission.

The Commission may delegate authority to municipal staff under this by-law.

#### **Section E. Emergency Demolition**

If after a site inspection, the Building Inspector, the Fire Chief, or the Board of Health Agent determine that a building poses an immediate threat to public health or safety due to its deteriorated condition, the Building Inspector may issue an emergency demolition permit, and report to the Commission the conditions of the action.

**Section F. Enforcement and Remedies**

The Commission and/or Building Inspector are each specifically empowered 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 the by-law or to prevent a threatened violation thereof. Any owner of a building demolished without first obtaining a demolition permit in accordance with the provisions of this by-law shall be subject to a fine of not more than Three Hundred Dollars (\$300.000). Each day the violation exists shall constitute a separate offense unless a faithful restoration of the demolished building is completed. If the building is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of three (3) years from the date of the demolition on the subject parcel of land unless a building permit is issued for a faithful restoration or unless otherwise agreed to by the commission.

**Section G. Severability**

In case 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.

*(Accepted May, 2003), (Approved by the Attorney General, August 20, 2003)*