

City of Framingham



The City Council of Framingham



2021 JUN -3 AM 9:30

ORDER NO. 2020-017-001 REQUEST OF THE MAYOR AND HISTORICAL COMMISSION

UPON THE REQUEST OF THE MAYOR AND HISTORICAL COMMISSION, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after diligent review by the Ordinance & Rules Subcommittee and its recommendation, the City Council votes to amend the General Bylaws Article V: Health and Safety, Section 21. *Demolition Delay Bylaw for Historically or Architecturally Significant Buildings in the City of Framingham, MA* with modifications to the Application Process and Inspectional Services, Mandated Timelines and Length of Delay.

It is noted that some of the changes were recommended in the 2016 Historic Preservation Plan.

The complete text of the amended section follows this Order.

FIRST READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: OCTOBER 20, 2020

SECOND READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: NOVEMBER 5, 2020

City of Framingham



The City Council of Framingham



A True Record, Attest:

1/5/2021

Date Approved

Lisa A. Ferguson

Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

1/14/2021

Date Approved

Yvonne M. Spicer

Yvonne M. Spicer, Mayor

Section 21. Demolition Delay Bylaw for Historically or Architecturally Significant Buildings in the City of Framingham, MA.

21.1 Intent and Purpose

This bylaw is enacted for the purpose of protecting and preserving significant buildings within the City outside local historic districts designated under General By-laws Article VII, Section 5. Historic Districts which constitute or reflect distinctive features of the architectural or historical resources of the City, and to encourage owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the City. To achieve these purposes the Framingham Historical Commission is authorized 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 by this bylaw.

21.2 Definitions

- 21.2.1** "Building" - Any combination of materials forming a shelter for persons, animals, or property.
- 21.2.2** "Demolition" - Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
- 21.2.3** "Building Commissioner" - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.
- 21.2.4** "Commission" - The Framingham Historical Commission.
- 21.2.5** "Demolition Permit" - The permit issued by the Building Commissioner as required by the State Building Code for a demolition, substantial demolition or removal of a building.
- 21.2.6** "Historically or Architecturally Significant Building" - Any building, in whole or in part, which is at least seventy-five (75) years old and:
- (a) which is listed on, or is a contributing building within an area listed on the National Register of Historic places, or which is the subject of a pending application for such listing, or is eligible for such listing; or
 - (b) is included in the Cultural Resources Inventory prepared by the Commission; or
 - (c) has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:
 - (i) is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City, or the Commonwealth, or
 - (ii) is historically or architecturally significant (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.
- 21.2.7** "Preferentially Preserved" - Any historically or architecturally significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

21.3 Procedure

- 21.3.1** No permit for the demolition of a building which is in whole or in part seventy five (75) years or more old shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits generally.
- 21.3.2** Application contents: Every application for a demolition permit for a building at least seventy-five (75) years old shall be filled with the Historical Commission and shall contain the following information:
- (i) the address of the building to be demolished
 - (ii) the owner's name, address and telephone number
 - (iii) a brief description of the type of building and the condition requiring issuance of the permit
 - (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction and
 - (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.
- 21.3.3** Within thirty (30) calendar days after receipt of the application for demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance. Upon determination by the Commission that the building is not an Historically or Architecturally Significant Building, the Commission shall so notify the Building Commissioner in writing. Upon receipt of such notification, or after the expiration of thirty (30) calendar days from the date of submission to the Commission, if the Building Commissioner has not received notification from the Commission, the Building Commissioner may issue the demolition permit.
- 21.3.4** Upon determination by the Commission that the building is an Historically or Architecturally Significant Building, the Building Commissioner and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within thirty (30) calendar days of the Determination of Significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the City not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the City Hall for a period of not less than seven (7) days before the day of said hearing. The applicant, owners of all adjoining property, the City Councilor for the district in which the building is situated, the Building Commission and the Planning Board shall be sent a copy of the notice,.
- 21.3.5** If after a public hearing the Commission determines that the Historically or Architecturally Significant Building should not be preferentially preserved, the Commission shall notify the Building Commissioner, in writing within five (5) working days of the hearing and the Building Commissioner may issue a demolition permit upon receipt of the written decision.
- 21.3.6** If after a public hearing the Commission determines that the Historically or Architecturally Significant Building should be preferentially preserved, the Commission shall so notify the Building Commissioner in writing within five (5) working days of the hearing, and no demolition permit may be issued until six (6) months after the date of the determination by the Commission.

- (a) For any building on the Cultural Resources Inventory that the Commission has determined should be preferentially preserved, no demolition permit may be issued until twelve (12) months after the date of determination by the Commission.
- (b) Provided however, until a building has been listed on the Cultural Resources Inventory for a period of twelve (12) months, a demolition delay may not exceed six (6) months.

21.3.7 Notwithstanding anything contained in paragraph 3.7, the Building Commissioner may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:

- (i) 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
- (ii) the Commission is satisfied that during the demolition delay period the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

21.4 Responsibility of Owners

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

21.5 Administration

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

21.5.2 the Commission may pro-actively develop a list of Historically or Architecturally significant buildings that will be subject to this bylaw, Buildings proposed for the Historically or Architecturally significant building list shall be added following a public hearing.

21.6 Emergency Demolition

Nothing in this bylaw shall restrict the Building Commissioner from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public.

21.7 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 bylaw or to prevent a threatened violation thereof. No building permit shall be issued with respect to any premises upon which a Historically or Architecturally Significant Building has been voluntarily demolished in violation of this bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished Historically or Architecturally Significant Building was located and all adjoining parcels of land under common ownership or control.

21.8 Historic District Act

Nothing in this bylaw 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 bylaw do so conflict, that act shall prevail.